



# Federal Register

---

**Monday,  
December 9, 2002**

---

**Part XI**

**Department of  
Justice**

---

**Semiannual Regulatory Agenda**

**DEPARTMENT OF JUSTICE (DOJ)**

**DEPARTMENT OF JUSTICE**

**8 CFR Ch. I**

**21 CFR Ch. I**

**28 CFR Ch. I**

**Regulatory Agenda**

**AGENCY:** Department of Justice.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Department of Justice is publishing its October 2002 regulatory agenda pursuant to Executive Order 12866 “Regulatory Planning and Review,” 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. sections 601-612 (1988).

**FOR FURTHER INFORMATION CONTACT:** Robert Hinchman, Senior Counsel, Office of Legal Policy, Department of

Justice, Room 7236, 950 Pennsylvania Avenue NW., Washington, DC 20530, (202) 514-8059.

**SUPPLEMENTARY INFORMATION:** For this edition of the Department of Justice’s regulatory agenda, the most important significant regulatory actions are included in The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. The Regulatory Plan entries are listed in the table of contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

The Regulatory Flexibility Act (RFA) requires that, each year, the Department publish a list of those regulations that have a significant economic impact upon a substantial number of small entities and are to be reviewed under section 610 of the Act during the

succeeding 12 months. This edition of the Department’s unified agenda includes three regulations requiring such a review: “Reduction of the Number of Acceptable Documents and Other Changes to Employment Verification Requirements” (RIN 1115-AB73); “Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities” (RIN 1190-AA44); and “Nondiscrimination on the Basis of Disability in State and Local Government Services” (RIN 1190-AA46). In accordance with the RFA, comments are specifically invited on this regulation. Those comments should be addressed to the contact persons listed in the entries for these items.

**Dated:** September 30, 2002.

**Viet D. Dinh**

*Assistant Attorney General, Office of Legal Policy*

**Bureau of Prisons—Proposed Rule Stage**

Sequence Number	Title	Regulation Identification Number
1524	Release of Information .....	1120-AA96
1525	Drug Abuse Treatment Program: Subpart Revision and Clarification .....	1120-AB07
1526	Inmate Fees for Health Care Services .....	1120-AB11
1527	Good Conduct Time: Aliens With Confirmed Orders of Deportation, Exclusion, or Removal .....	1120-AB12
1528	Civil Contempt of Court Commitments: Revision To Accommodate Commitments Under the DC Code .....	1120-AB13
1529	Inmate Discipline—Subpart Revision .....	1120-AB18
1530	Administrative Safeguards for Psychiatric Treatment and Medication .....	1120-AB20

**Bureau of Prisons—Final Rule Stage**

Sequence Number	Title	Regulation Identification Number
1531	Volunteer Community Service Projects .....	1120-AA03
1532	Intensive Confinement Centers .....	1120-AA11
1533	Incoming Publications .....	1120-AA15
1534	Postsecondary Education Programs .....	1120-AA25
1535	Literacy Program .....	1120-AA33
1536	Telephone Regulations and Inmate Financial Responsibility .....	1120-AA39
1537	Telephone Regulations and Inmate Financial Responsibility .....	1120-AA49
1538	Incoming Publications: Nudity and Sexually Explicit Material or Information .....	1120-AA59
1539	Good Conduct Time .....	1120-AA62
1540	Visiting Regulations: Prior Relationship .....	1120-AA77
1541	Over-the-Counter (OTC) Medications .....	1120-AA81
1542	Designation of Offenses Subject to Sex Offender Release Notification .....	1120-AA85
1543	Inmate Commissary Account Deposit Procedures .....	1120-AA86
1544	Drug Abuse Treatment Programs: Disincentives and Enhanced Incentives .....	1120-AA88
1545	Searches of Housing Units, Inmates, Inmate Work Areas, and Persons Other Than Inmates: Electronic Devices ....	1120-AA90
1546	Occupational Educational Programs .....	1120-AA92
1547	Drug Testing Program .....	1120-AA95
1548	Correspondence: Inspection of Outgoing General Correspondence .....	1120-AA98
1549	Release Gratuities, Transportation, and Clothing: Aliens .....	1120-AA99
1550	Religious Beliefs and Practices: Nomenclature Change .....	1120-AB04

## DOJ

## Bureau of Prisons—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
1551	Suicide Prevention Program .....	1120-AB06
1552	National Security; Prevention of Acts of Violence and Terrorism .....	1120-AB08
1553	District of Columbia Youth Rehabilitation Act (DCYRA) Sentences: No Further Benefit Determinations .....	1120-AB09
1554	Central Inmate Monitoring (CIM) System: Streamlining Rules .....	1120-AB14
1555	Admission and Orientation Program: Removal From Rules .....	1120-AB16
1556	Bureau of Prisons Emergencies .....	1120-AB17
1557	Clarifying of Release Gratuities—Release Transportation Regulations To More Closely Conform to Statutory Provisions .....	1120-AB21

## Bureau of Prisons—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1558	Infectious Disease Management .....	1120-AB03
1559	District of Columbia Educational Good Time Credit .....	1120-AB05

## Bureau of Prisons—Completed Actions

Sequence Number	Title	Regulation Identification Number
1560	Administrative Remedy Program: Excluded Matters .....	1120-AA72

## Bureau of Prisons—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
1120-AA23	Infectious Diseases	07/25/2002	Merged With RIN 1120-AB03

## Civil Rights Division—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1561	Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities <b>(Section 610 Review) (Reg Plan Seq No. 78)</b> .....	1190-AA44
1562	Nondiscrimination on the Basis of Disability in State and Local Government Services <b>(Section 610 Review) (Reg Plan Seq No. 79)</b> .....	1190-AA46
1563	Nondiscrimination on the Basis of Disability in State and Local Government Services; Public Accommodations and Commercial Facilities; Accessibility Standards; Recreation Facilities .....	1190-AA47
1564	American Competitiveness and Workforce Improvement Act of 1998 Complaint Process .....	1190-AA48
1565	Nondiscrimination on the Basis of Disability in State or Local Government Facilities; Public Accommodations and Commercial Facilities; Accessibility Standards; Play Areas .....	1190-AA50
1566	Amendments to Procedures Advising States and Political Subdivisions Specially Covered Under the Voting Rights Act How To Seek Preclearance From the Attorney General of Proposed Voting Changes .....	1190-AA51
1567	Amendments to Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act 1973 .....	1190-AA52
1568	Procedures To Review Police Departments for a Pattern or Practice of Conduct That Deprives Persons of Rights, Privileges, or Immunities Secured or Protected by the Constitution or Laws of the U.S. ....	1190-AA53

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

## DOJ

## Civil Rights Division—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1569	Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, and Age in Programs and Activities Receiving Federal Financial Assistance .....	1190-AA49

## Drug Enforcement Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
1570	Chemical Mixtures Containing Listed Forms of Phosphorus .....	1117-AA66

## Drug Enforcement Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1571	Guidelines for Providing Controlled Substances to Ocean Vessels .....	1117-AA40
1572	Sale by Federal Departments or Agencies of Chemicals Usable To Manufacture a Controlled Substance .....	1117-AA47
1573	Exemption From Import/Export Requirements for Personal Medical Use .....	1117-AA56
1574	Electronic Orders for Schedule I and II Controlled Substances .....	1117-AA60
1575	Electronic Prescriptions for Controlled Substances .....	1117-AA61
1576	Security Requirements for Handlers of Pseudoephedrine, Ephedrine, and Phenylpropanolamine .....	1117-AA62
1577	Reorganization and Clarification of DEA Regulations .....	1117-AA63
1578	Chemical Mixtures Containing Gamma-Butyrolactone .....	1117-AA64
1579	Chemical Registration Waivers; Exemption From Chemical Registration Fees for Certain Persons .....	1117-AA67
1580	Authority for Practitioners To Dispense or Prescribe Approved Narcotic (Opioid) Substances for Maintenance or Detoxification Treatment .....	1117-AA68
1581	Controlled Substances Registration and Reregistration Application Fees .....	1117-AA70
1582	Recordkeeping and Reporting Requirements for Drug Products Containing Hydroxybutyric Acid (GHB) .....	1117-AA71
1583	Chemical Registration and Reregistration Fees .....	1117-AA72

## Drug Enforcement Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1584	Definition and Registration of Reverse Distributors .....	1117-AA19
1585	Exemption of Chemical Mixtures .....	1117-AA31
1586	Chemical Registration and Reregistration Fees .....	1117-AA50
1587	Placement of Gamma-Butyrolactone in List I of the Controlled Substances Act (21 U.S.C. 802) .....	1117-AA52
1588	Industrial Use of Products and Materials Derived From Cannabis Plants .....	1117-AA55
1589	Control of Red Phosphorus, White Phosphorus, and Hypophosphorous Acid (and Its Salts) as List I Chemicals .....	1117-AA57
1590	Allowing Central Fill Pharmacies To Fill Prescriptions for Controlled Substances on Behalf of Retail Pharmacies .....	1117-AA58
1591	Implementation of the Methamphetamine Anti-Proliferation Act: Thresholds for Retailers and for Distributors Required To Submit Reports Under 21 U.S.C. 830(b)(3); Changes to Mail Order Reporting .....	1117-AA69

## Drug Enforcement Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
1592	Registration and Reregistration Application Fees .....	1117-AA34
1593	Change of Address for Filing Chemical Import/Export Declarations (DEA Form 486), Reports for the Importation or Exportation of Tableting and Encapsulating Machines, and Other Related Reports .....	1117-AA65

## DOJ

## Executive Office for Immigration Review—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1594	Authority of Immigration Judges To Issue Civil Money Penalties .....	1125-AA18
1595	Suspension of Deportation and Cancellation of Removal for Certain Battered Spouses and Children; Motions To Reopen for Certain Battered Spouses and Children .....	1125-AA35

## Executive Office for Immigration Review—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1596	Suspension of Deportation and Cancellation of Removal .....	1125-AA25
1597	Authorities Delegated to the Director of the Executive Office for Immigration Review .....	1125-AA27
1598	Motions To Reopen for Suspension of Deportation and Special Rule Cancellation of Removal Pursuant to Section 1505(c) of the LIFE Act Amendments .....	1125-AA31
1599	Section 212(c) Relief for Aliens With Certain Criminal Convictions Before April 1, 1997 .....	1125-AA33
1600	Protective Orders in Immigration Administration Proceedings .....	1125-AA38

## Executive Office for Immigration Review—Completed Actions

Sequence Number	Title	Regulation Identification Number
1601	Board of Immigration Appeals; Procedural Reforms To Improve Case Management .....	1125-AA36

## Federal Bureau of Investigation—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1602	Claims of Exemptions From Provisions of the Privacy Act as to FBI Records .....	1110-AA08

## Federal Bureau of Investigation—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1603	Implementation of Sections 104 and 109 of the Communications Assistance for Law Enforcement Act .....	1110-AA00
1604	Implementation of the National Stolen Passenger Motor Vehicle Information System (NSPMVIS) .....	1110-AA01
1605	Regulations Under the Pam Lychner Sexual Offender Tracking and Identification Act .....	1110-AA04
1606	National Instant Criminal Background Check System .....	1110-AA07

## Federal Bureau of Investigation—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
1110-AA09	Federal Bureau of Investigation Criminal Justice Information Services Division Systems and Procedures	08/25/2002	Withdrawn

## DOJ

## Immigration and Naturalization Service—Prerule Stage

Sequence Number	Title	Regulation Identification Number
1607	Restricting Citizens of Bangladesh, India, Pakistan, and Sri Lanka From Participation in the International-to-International (ITI) Program .....	1115-AG30

## Immigration and Naturalization Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1608	Revised Grounds of Inadmissibility, Exceptions, and Waivers for Immigrants and Nonimmigrants, and Exceptions ..	1115-AB45
1609	Fees for Participation in Dedicated Commuter Lanes at Selected Ports of Entry; Collection of Fees Under the Dedicated Commuter Lane Program .....	1115-AD82
1610	Inspection of Persons Applying for Admission; International-to-International User Fee .....	1115-AE37
1611	Filing Factual Statements About Alien Prostitutes .....	1115-AE60
1612	Employment Verification by Employers That Are Members of a Multi-Employer Association .....	1115-AE67
1613	Use of Parole for Humanitarian Reasons or Significant Public Benefit .....	1115-AE68
1614	Certification of Certain Health Care Workers .....	1115-AE73
1615	Special Immigrant Juvenile Petitions .....	1115-AF11
1616	Immigrant and Nonimmigrant; Religious Workers .....	1115-AF12
1617	Documentary Requirements for Returning Residents .....	1115-AF26
1618	Dismissal of Asylum Application for Unexcused Failure To Appear and Effect on Eligibility for Employment Authorization .....	1115-AF38
1619	Special Immigrant Status for Certain NATO Civilian Employees .....	1115-AF44
1620	Contracts With Transportation Lines .....	1115-AF46
1621	Adjustment of Status Under the 1966 Cuban Adjustment Act .....	1115-AF48
1622	Inadmissibility To Enter the United States for Former U.S. Citizens Who Renounced Citizenship To Avoid Taxation .....	1115-AF69
1623	Establishment of Fee for Processing Genealogical Research Requests for INS Records .....	1115-AF88
1624	Intercountry Adoptions .....	1115-AF96
1625	Waiver of Fees .....	1115-AG02
1626	Adoption of Siblings, Adopted Alien Children Less Than 18 Years of Age Considered a "Child" .....	1115-AG04
1627	Adjustment to Lawful Resident Status of Certain Class Action Participants Who Entered Before January 1, 1982, Under the Legal Immigration and Family Equity Act (LIFE Act) .....	1115-AG06
1628	Procedures for Checking Juvenile Criminal Records and Submitting Fingerprints of That Additional Class of Aliens Ineligible for Family Unity .....	1115-AG07
1629	Adjustment of Status Under Section 245(k) .....	1115-AG10
1630	Implementation of the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA), the American Competitiveness in the Twenty-First Century Act of 2000 (AC21), and Other Related Bills .....	1115-AG11
1631	Construction Work and the B Nonimmigrant Visa Classification .....	1115-AG15
1632	Adjustment of Fees for Dedicated Commuter Lanes and Secure Electronic Network for Travelers' Rapid Inspection (SENTRI) Programs at Land Border Ports of Entry .....	1115-AG18
1633	Removal and Adjustment Procedures for Victims of Trafficking and Certain Criminal Activities .....	1115-AG21
1634	Definitions of Notice To Appear and Arrest Warrant .....	1115-AG24
1635	Visa Waiver Program: Guam Visa Waiver Program .....	1115-AG25
1636	Procedures for Detainee Hunger Strikes .....	1115-AG26
1637	Consent To Reapply for Admission After Removal .....	1115-AG28
1638	Waivers of the 2-Year Foreign Residence Requirement for Certain Exchange Visitors .....	1115-AG31
1639	Extension of the Validity Period for Employment Authorization Documents for Aliens Seeking Adjustment of Status .....	1115-AG32
1640	Illegal Entries, Unlawful Presence, and Automatic Voiding of Nonimmigrant Visas .....	1115-AG36
1641	Medical Examination Requirements and Designation of Civil Surgeons .....	1115-AG37
1642	Medical Grounds of Inadmissibility and Waivers .....	1115-AG38
1643	New Classification for Victims of Certain Criminal Activity; Eligibility for the U Nonimmigrant Status .....	1115-AG39
1644	Judicial Review of the Decisions of the Immigration and Naturalization Service .....	1115-AG49
1645	Carrier Arrival and Departure Electronic Manifest Requirements ( <b>Reg Plan Seq No. 80</b> ) .....	1115-AG57
1646	Limiting the Number of Transit Without Visa (TWOV) Stops in the United States to One .....	1115-AG59
1647	Termination of Lawful Permanent Resident Status Through Abandonment .....	1115-AG64
1648	Strengthening Control Over Immigration Surety Bonds .....	1115-AG65
1649	Limiting the Use of Duration of Status for Certain F, J, and I Nonimmigrants .....	1115-AG76
1650	Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H-2B) .....	1115-AG78

## DOJ

## Immigration and Naturalization Service—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
1651	Adjustment of the Immigration Benefit Application Fee Schedule To Recover Costs Associated With Additional Security Checks .....	1115-AG82

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

## Immigration and Naturalization Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1652	Reduction of the Number of Acceptable Documents and Other Changes to Employment Verification Requirements <b>(Section 610 Review)</b> .....	1115-AB73
1653	Adjustment of Status to That of Person Admitted for Permanent Residence: Conditional Residents and Fiance(e)s .....	1115-AC70
1654	Nonimmigrant Classes; S Classification; Law Enforcement Initiatives; Alien Witnesses .....	1115-AD86
1655	Establishing Criteria for Determining Countries Whose Citizens Are Ineligible for the Transit Without Visa (TWOV) Program .....	1115-AD96
1656	Petition To Classify Alien as Immediate Relative of a U.S. Citizen or as a Preference Immigrant; Self-Petitioning for Certain Battered or Abused Alien Spouses and Children .....	1115-AE04
1657	Conditions on Nonimmigrant Status; Disclosure of Information .....	1115-AE17
1658	Regulations Relating to Temporary Protected Status .....	1115-AE26
1659	Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings .....	1115-AE47
1660	Agreement Promising Non-Deportation or Other Immigration Benefits .....	1115-AE50
1661	Definition of the Term "Lawfully Present" for Purposes of Eligibility for Public Benefits .....	1115-AE51
1662	Affidavit of Support on Behalf of Immigrants .....	1115-AE58
1663	Suspension of Privilege To Transport Aliens to the United States .....	1115-AE59
1664	Limiting Liability for Certain Technical and Procedural Violations of Paperwork Requirements .....	1115-AE70
1665	Implementation of Hernandez v. Reno Settlement Agreement; Certain Aliens Eligible for Family Unity Benefits After Sponsoring Family Member's Naturalization .....	1115-AE72
1666	Regulations Pertaining to Battered Aliens and to Mail Order Bride Businesses, as Mandated by IIRIRA .....	1115-AE77
1667	Establishment of Preinspected Automated Lane (PAL) Program at Immigration and Naturalization Service .....	1115-AE80
1668	Requiring Aliens Ordered Removed From the United States To Surrender to the Immigration and Naturalization Service for Removal .....	1115-AE82
1669	Early Release for Removal of Criminal Aliens in State Custody for Nonviolent Offenses .....	1115-AE83
1670	Amendment of the Regulatory Definition of Arriving Alien .....	1115-AE87
1671	Adjustment of Status, Continued Validity of Nonimmigrant Status, and Unexpired Employment Authorization for Applicants Maintaining Nonimmigrant H or L Status .....	1115-AE96
1672	Verification of Eligibility for Public Benefits .....	1115-AE99
1673	Fingerprinting Applicants and Petitioners for Immigration Benefits; Establishing a Fee for Fingerprinting by the Service .....	1115-AF03
1674	Processing, Detention, and Release of Juveniles .....	1115-AF05
1675	Suspension of Deportation and Special Rule Cancellation of Removal for Certain Nationals of Guatemala, El Salvador, and Former Soviet Bloc Countries .....	1115-AF14
1676	Elimination of Immigration and Naturalization Service-Issued Mexican and Canadian Border Crossing Cards .....	1115-AF24
1677	Filing of Proposals for Designation as a Regional Center Approved To Participate in the Immigrant Investor Pilot Program .....	1115-AF27
1678	Nonimmigrant Visa Exemption for Nationals of the British Virgin Islands Entering the United States Through St. Thomas, United States Virgin Islands .....	1115-AF28
1679	Regulations Concerning the Convention Against Torture .....	1115-AF39
1680	Application for Refugee Status; Acceptable Sponsorship Agreement Guaranty of Transportation .....	1115-AF49
1681	Nonimmigrant Classes: Q-2 Irish Peace Process Cultural and Training Program Visitor .....	1115-AF51
1682	Clarification of Parole Authority .....	1115-AF53
1683	Authorizing Collection of Fee Levied on F, J, and M Nonimmigrant Classifications Under Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) .....	1115-AF56
1684	Battered and Abused Conditional Residents; Termination of Marriage by Conditional Residents .....	1115-AF59
1685	Extension of 25-Mile Limit at Select Arizona Ports-of-Entry .....	1115-AF60
1686	Revoking Grants of Naturalization .....	1115-AF63
1687	Entry Requirements for Citizens of the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau .....	1115-AF65
1688	Registration and Fingerprinting of Aliens in the United States: Control of Employment of Aliens .....	1115-AF71

## DOJ

## Immigration and Naturalization Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
1689	National Interest Waivers for Second Preference Employment-Based Immigrant Physicians Serving in Medically Underserved Areas or at Department of Veterans Affairs Facilities .....	1115-AF75
1690	Petitioning Requirements for the H-1C Nonimmigrant Classification Under Public Law 106-95 .....	1115-AF76
1691	Expansion of Dedicated Commuter Lanes; Clarification of Driver's License Requirement for Applicants to Dedicated Commuter Lanes and Automated Permit Port Programs .....	1115-AF77
1692	Waiving the Fingerprinting Requirement for Certain Disabled Naturalization Applicants .....	1115-AF80
1693	Update of List of Countries Whose Citizens or Nationals Are Ineligible for Transit Without Visa (TWOV) Privileges to the United States Under the TWOV Program .....	1115-AF81
1694	Implementation of the Numerical Limit on Asylum Grants and Refugee Admissions Based on Resistance to Coercive Population Control Measures .....	1115-AF84
1695	Adding Actuaries and Plant Pathologists to the North American Free Trade Agreement .....	1115-AF85
1696	Power of Attorney General To Terminate Deportation Proceedings and Initiate Removal Proceedings .....	1115-AF87
1697	Employment Authorization for Certificate of Citizenship Applicants .....	1115-AF90
1698	Adjustment of Status to That of Person Admitted for Permanent Residence; Temporary Removal of Certain Restrictions of Eligibility .....	1115-AF91
1699	Asylum and Withholding Definitions .....	1115-AF92
1700	Academic Honorarium for B Nonimmigrant Aliens .....	1115-AF97
1701	Children Born Outside the United States; Applications for Certificate of Citizenship .....	1115-AF98
1702	Allowing for the Filing of Form I-140 Visa Petition Concurrently With a Form I-485 Application in Certain Circumstances .....	1115-AG00
1703	Special Immigrant Visa for Fourth Preference Employment-Based Broadcasters .....	1115-AG01
1704	Establishing Premium Processing Service for Employment-Based Petitions and Applications .....	1115-AG03
1705	Adjustment of Status for Certain Nationals of Nicaragua, Cuba, and Haiti .....	1115-AG05
1706	Nonimmigrant Classes; Spouses and Children of Lawful Permanent Residents; V Classification .....	1115-AG08
1707	K Nonimmigrant Classification, Legal Immigration Family Equity Act (LIFE) .....	1115-AG12
1708	Adjustment of Status for Certain Syrian Nationals Granted Asylum in the United States .....	1115-AG13
1709	Adjustment of Status of Certain Aliens From Vietnam, Cambodia, and Laos in the United States .....	1115-AG14
1710	Adding Colombia to the List of Countries Whose Citizens or Nationals Are Ineligible for Transit Without Visa (TWOV) Privileges to the United States Under the TWOV Program .....	1115-AG16
1711	New Classification for Victims of Severe Forms of Trafficking in Persons Eligible for the T Nonimmigrant Status .....	1115-AG19
1712	Protection and Assistance for Victims of Trafficking .....	1115-AG20
1713	Removing Russia From the List of Countries Whose Citizens or Nationals Are Ineligible for Transit Without Visa (TWOV) Privileges to the United States Under the TWOV Program .....	1115-AG27
1714	Detention of Aliens Subject to Final Orders of Removal .....	1115-AG29
1715	Allowing Citizens and Nationals of the People's Republic of China Limited Transit Without Visa (TWOV) Privileges at TWOV-Designated Alaska International Airports .....	1115-AG33
1716	Custody Procedures .....	1115-AG40
1717	Limiting the Period of Admission for B Nonimmigrant Aliens .....	1115-AG43
1718	Documentary Requirements for Certain Temporary Residents .....	1115-AG44
1719	Establishment of a \$3 Immigration User Fee for Certain Commercial Vessel Passengers Previously Exempt .....	1115-AG47
1720	Change in Business Practices; Acceptance of Payments of Fees By Credit Card and Other Electronic Means Where Possible .....	1115-AG48
1721	Adding and Removing Institutions To and From the List of Recognized American Institutions of Research .....	1115-AG52
1722	Revision of the Regulations Concerning F, J, and M Nonimmigrant Classifications ( <b>Reg Plan Seq No. 81</b> ) .....	1115-AG55
1723	Requiring Change of Status From B to F-1 or M-1 Nonimmigrant Prior To Pursuing a Course of Study .....	1115-AG60
1724	Address Notification To Be Filed With Designated Applications .....	1115-AG61
1725	Reengineering of Part 214, Nonimmigrant Classes To Clarify and Restate Admission Requirements .....	1115-AG62
1726	Waivers for Nonimmigrants Under Section 212(d)(3)(A) of the Immigration and Nationality Act .....	1115-AG63
1727	Establishing San Bernardino, Santa Ana, and Ventura Suboffices Under the Jurisdiction of the Los Angeles District Office .....	1115-AG66
1728	Release of Information Regarding Immigration and Naturalization Service Detainees in Non-Federal Facilities .....	1115-AG67
1729	Removal of Visa and Passport Waiver for Certain Permanent Residents of Canada and Bermuda .....	1115-AG68
1730	Requiring Recertification of All Service-Approved Schools for Enrollment in the Student and Exchange Visitor Information System (SEVIS) .....	1115-AG71
1731	Posting of Security Guard at Gangway of Vessel for Detaining Alien Crewman .....	1115-AG72
1732	Electronic Arrival-Departure Manifest for Visa Waiver Program .....	1115-AG73
1733	Registration Requirements and Work Authorization Eligibility for Aliens in the United States .....	1115-AG74
1734	Reduced Course Load for Certain F and M Nonimmigrant Students at Border Communities .....	1115-AG75



## DOJ

## Immigration and Naturalization Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
1735	Procedures for Conducting Examinations and Waiving the Oath of Allegiance for Naturalization Applicants With Disabilities .....	1115-AG77
1736	Electronic Signature on Applications and Petitions for Immigration and Naturalization Benefits .....	1115-AG79

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

## Immigration and Naturalization Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1737	Visa Waiver Program .....	1115-AB93
1738	Employer Sanctions Modifications .....	1115-AE21
1739	Authorizing Suspension of Employment Authorization Requirements on the Basis of Severe Economic Hardship for F-1 Students and Emergent Circumstances .....	1115-AF15
1740	Availability of Material Under Freedom of Information Act and Privacy Act .....	1115-AF32
1741	Interim Designation of Acceptable Receipts for Employment Eligibility Verification .....	1115-AF42
1742	Inadmissibility and Deportability on Public Charge Grounds .....	1115-AF45
1743	Expansion of Expedited Removal of Certain Criminal Aliens Held in Federal, State, and Local Jails .....	1115-AF50
1744	Extending the Period of Duration of Status for Certain F and J Nonimmigrant Aliens .....	1115-AF54
1745	Imposition of Fines for Violations of the Immigration and Nationality Act .....	1115-AF70
1746	Petition To Classify Alien as Immediate Relative of a U.S. Citizen or Preference Immigrant; Adjustment of Status to That of a Person Admitted for Permanent Residence .....	1115-AF94
1747	Increasing the Number of Officers Authorized To Issue Notices To Appear and Arrest Warrants for Immigration Violations .....	1115-AG22

## Immigration and Naturalization Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
1748	Powers of the Attorney General To Authorize State or Local Law Enforcement Officers To Carry Out Immigration Enforcement .....	1115-AF20
1749	Delegation of the Adjudication of Certain H-2A Petitions to the Department of Labor .....	1115-AF29
1750	Delegation of Authorities for Various Detention and Removal Authorities .....	1115-AG69
1751	Registration and Monitoring of Certain Nonimmigrants .....	1115-AG70

## Immigration and Naturalization Service—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
1115-AF55	Adjustment of Fees for Services at Land Border Ports of Entry	08/01/2002	Withdrawn
1115-AF99	Time Limit for Appeal From Denial of Relative Visa Petition	09/30/2002	Withdrawn
1115-AG42	Control of Aliens Departing From the United States	08/02/2002	Withdrawn

## Legal Activities—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1752	Certification and Decertification in Connection With Certain Suits Based Upon Acts or Omissions of Federal Employees and Other Persons .....	1105-AA62
1753	Designation of Agencies To Receive and Investigate Reports Required Under the Protection of Children From Sexual Predators Act .....	1105-AA65
1754	Motor Vehicle Salvage Regulations .....	1105-AA71

## DOJ

## Legal Activities—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
1755	Enhanced Notice and Release Procedures for Owners of Seized Property Pursuant to the CAFRA of 2000; Disposition of Seized Property Too Costly To Maintain; Consolidation of Department Regulations .....	1105-AA74
1756	DNA Sampling of Federal Offenders Under the USA Patriot Act of 2001 .....	1105-AA78

## Legal Activities—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1757	Foreign Agents Registration Act; Regulations Revised and Clarified To Reflect Changes in the Law .....	1105-AA45
1758	Ethical Standards for Attorneys for the Government .....	1105-AA67
1759	Claims Under the Radiation Exposure Compensation Act Amendments of 2000: Technical Amendments; Expansion of Coverage to Uranium Millers and Ore Transporters; Expansion of Coverage for Uranium Miners .....	1105-AA75
1760	Establishment of Minimum Safety and Security Standards for Private Companies That Transport Violent Prisoners	1105-AA77
1761	Screening of Aliens and Other Designated Individuals Seeking Flight Training .....	1105-AA80
1762	Guidelines for the Campus Sex Crimes Prevention Act Amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act .....	1105-AA81

## Legal Activities—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1763	Waiver for Firearm Prohibition on Nonimmigrant Visa Holders .....	1105-AA66

## Office of Justice Programs—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1764	Correctional Facilities on Tribal Lands Grant Program .....	1121-AA41
1765	Public Safety Officers' Benefits Program .....	1121-AA56
1766	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants) .....	1121-AA57
1767	Criminal Intelligence Systems Operating Policies .....	1121-AA59
1768	Victims of Crime Act (VOCA) Program Regulations for the Victim Compensation Grant Program and Victim Assistance Program .....	1121-AA61
1769	International Terrorism Victim Compensation Program .....	1121-AA63
1770	Violence Against Women Grant Programs .....	1121-AA64

## Office of Justice Programs—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1771	Bulletproof Vest Partnership Grant Acts of 1998 and 2000 .....	1121-AA48
1772	Environmental Impact Review Procedures for the VOI/TIS Grant Program .....	1121-AA52

**Department of Justice (DOJ)**  
**Bureau of Prisons (BOP)**

**Proposed Rule Stage**

**1524. RELEASE OF INFORMATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552; 5 USC 552a; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510; 31 USC 3711(f)

**CFR Citation:** 28 CFR 513

**Legal Deadline:** None

**Abstract:** This document revises Bureau regulations implementing the Freedom of Information Act and the Privacy Act in order to simplify the procedures and to eliminate unnecessary regulatory text.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/03	
NPRM Comment Period End	08/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
 Phone: 202 307-2105  
 Fax: 202 305-4577  
 Email: squreshi@bop.gov

**RIN:** 1120-AA96

**1525. DRUG ABUSE TREATMENT PROGRAM: SUBPART REVISION AND CLARIFICATION**

**Priority:** Info./Admin./Other

**Legal Authority:** 18 USC 3521 to 3528, 4042, 4046, 4081, 4082, 5006 to 5024, 5039; 28 USC 848, 509, 510; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; ...

**CFR Citation:** 28 CFR 550

**Legal Deadline:** None

**Abstract:** In this document, the Bureau of Prisons proposes to amend its regulations on the drug abuse treatment program. We intend this amendment to streamline and clarify these regulations, eliminating unnecessary text and obsolete language, and removing internal agency procedures that need not be in rules text.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
 Phone: 202 307-2105  
 Fax: 202 305-4577  
 Email: squreshi@bop.gov

**RIN:** 1120-AB07

**1526. • INMATE FEES FOR HEALTH CARE SERVICES**

**Priority:** Other Significant

**Legal Authority:** 5 USC 301; 18 USC 3621 to 3622, 4001, 4005, 4014, 4042, 4045, 4081 to 4082; 18 USC 4161 to 4166, 4241 to 4247, 5006 to 5024, 5039; 28 USC 509 to 510

**CFR Citation:** 28 CFR 549

**Legal Deadline:** None

**Abstract:** In this document, the Bureau of Prisons (Bureau) proposes rules describing procedures we will follow for charging inmates fees for certain kinds of health services, as required under the Federal Prisoner Health Care Copayment Act of 2000 (Pub. L. 106-294, October 12, 2000, 114 Stat. 1038).

**Timetable:**

Action	Date	FR Cite
NPRM	10/10/02	67 FR 63059
NPRM Comment Period End	12/09/02	
Final Action	06/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
 Phone: 202 307-2105  
 Fax: 202 305-4577  
 Email: squreshi@bop.gov

**RIN:** 1120-AB11

**1527. • GOOD CONDUCT TIME: ALIENS WITH CONFIRMED ORDERS OF DEPORTATION, EXCLUSION, OR REMOVAL**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 28 USC 509 to 510; 5 USC 301; 18 USC 3621 to 3622, 3568, 4001, 4042, 4081 to 4082; 18 USC 4161 to 4166, 5006 to 5024, 5039

**CFR Citation:** 28 CFR 523.20

**Legal Deadline:** None

**Abstract:** In this document, the Bureau of Prisons (Bureau) proposes to amend its rules in 28 CFR part 523 on Good Conduct Time (GCT). When considering GCT, we propose to allow 54 days GCT for each year served if the inmate is an alien with a confirmed order of deportation, exclusion, or removal from the Immigration and Naturalization Service (INS).

This proposed rule will exempt such inmate aliens from the "satisfactory progress in a literacy program" provision of the Violent Crime Control and Law Enforcement Act of 1994 (VCCLEA) and/or the Prison Litigation Reform Act of 1995 (PLRA). The Bureau's Literacy Program, described in 28 CFR part 544, subpart H, currently comprises only GED attainment.

This means that inmate aliens who have confirmed orders of deportation, exclusion, or removal, but do not have a high school diploma or GED, will not need to demonstrate satisfactory progress toward earning a GED credential to be considered for the full benefits of GCT.

In this document, we also propose to reorganize the rule for clarity and accuracy. Other than the substantive change regarding sentenced deportable aliens, we make no further substantive changes.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
 Phone: 202 307-2105  
 Fax: 202 305-4577

DOJ—BOP

Proposed Rule Stage

Email: sureshi@bop.gov

RIN: 1120-AB12

**1528. • CIVIL CONTEMPT OF COURT COMMITMENTS: REVISION TO ACCOMMODATE COMMITMENTS UNDER THE DC CODE****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 18 USC 3621 to 3622, 3568, 3585, 4001, 4042, 4081 to 4082; 18 USC 4161 to 4166, 5006 to 5024, 5039; 28 USC 509 to 510; DC Code 24-101(a) and (b)**CFR Citation:** 28 CFR 522**Legal Deadline:** None

**Abstract:** In this document, the Bureau of Prisons (Bureau) revises its rules on Civil Contempt of Court Commitments to include references to relevant DC Code provisions regarding civil contempt commitments. We make this revision to accommodate DC Code offenders in Bureau institutions or Bureau contract facilities under the National Capital Revitalization and Self-Government Improvement Act of 1997 (DC Revitalization Act), DC Code section 24-101(a) and (b). We also revise this rule to clarify existing provisions by using simpler organization and language. For further simplification, we remove language relating solely to internal agency practices and procedures. We do not, however, make any substantive changes to the current rules.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
Phone: 202 307-2105  
Fax: 202 305-4577  
Email: sureshi@bop.gov

RIN: 1120-AB13

**1529. • INMATE DISCIPLINE—SUBPART REVISION****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 18 USC 3621 to 3622, 4001, 4042, 4081 to 4082; 18 USC 4161 to 4166, 5006 to 5024, 5039; 28 USC 509 to 510**CFR Citation:** 28 CFR 541**Legal Deadline:** None

**Abstract:** In this document, the Bureau of Prisons (Bureau) proposes to amend its Inmate Discipline and Special Housing Unit (SHU) regulations. We intend this amendment to streamline and clarify these regulations, eliminating unnecessary text and obsolete language and removing internal agency procedures (guidance to staff on how to implement disciplinary processes) that need not be in rules text. The changes involve extensive reorganization and updates to obsolete and unnecessary disciplinary codes and processes.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
Phone: 202 307-2105  
Fax: 202 305-4577  
Email: sureshi@bop.gov

RIN: 1120-AB18

**1530. • ADMINISTRATIVE SAFEGUARDS FOR PSYCHIATRIC TREATMENT AND MEDICATION****Priority:** Other Significant**Legal Authority:** 5 USC 301; 10 USC 876b; 18 USC 3621, 3622, 3524, 4001, 4005, 4042, 4045, 4081, 4082; 18 USC 4241 to 4247, 5006 to 5024, 5039; 28 USC 509, 510**CFR Citation:** 28 CFR 549**Legal Deadline:** None

**Abstract:** In this document, the Bureau of Prisons (Bureau) amends its regulations on Psychiatric Treatment and Medication. We make several minor word changes to conform more closely with the language of 18 U.S.C. sections 4241 to 4247 on psychiatric hospitalization. We remove from the rule one element of the standard for determining whether treatment or psychotropic medication is necessary because this element is inconsistent with community standards and case law. We also change the rules to conform with statutory authority regarding military prisoners and District of Columbia (DC) Code violators in Bureau custody. Previously, our procedures for involuntary psychiatric treatment and medication did not apply to military prisoners or DC Code violators. Under new statutory authority, military prisoners who are incompetent to stand trial, or who have been found not guilty by reason of lack of mental responsibility may now be committed to the Bureau's custody. Sentenced DC Code offenders may now be involuntarily committed to a Bureau psychiatric hospital. Such military prisoners and DC Code violators are subject to our regulations. We revise the applicability statement accordingly.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
Phone: 202 307-2105  
Fax: 202 305-4577  
Email: sureshi@bop.gov

RIN: 1120-AB20

**Department of Justice (DOJ)**  
**Bureau of Prisons (BOP)**

**Final Rule Stage**

**1531. VOLUNTEER COMMUNITY SERVICE PROJECTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 1512; 18 USC 5039; 28 USC 509 to 510; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4005; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 4161 to 4166; 18 USC 5006 to 5024

**CFR Citation:** 28 CFR 551.60

**Legal Deadline:** None

**Abstract:** This document finalizes provisions for Volunteer Community Service Projects. A volunteer community service project is a project designed to provide for the public good, which has been developed by local government or by a nonprofit charitable organization for approval by the Bureau.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/19/93	58 FR 5210
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
 Phone: 202 307-2105  
 Fax: 202 305-4577  
 Email: sqareshi@bop.gov

**RIN:** 1120-AA03

**1532. INTENSIVE CONFINEMENT CENTERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4046; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

**CFR Citation:** 28 CFR 524.31 to 524.34

**Legal Deadline:** None

**Abstract:** This document finalizes procedures for the operation of a specialized program combining features of a military boot camp with the traditional correctional values of the Bureau of Prisons. Inmates who successfully complete this program may be placed in community-based programs for longer periods of time than ordinarily permitted.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/26/96	61 FR 18658
Interim Final Rule Effective	05/28/96	
Interim Final Rule Comment Period End	06/25/96	
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
 Phone: 202 307-2105  
 Fax: 202 305-4577  
 Email: sqareshi@bop.gov

**RIN:** 1120-AA11

**1533. INCOMING PUBLICATIONS**

**Priority:** Other Significant

**Legal Authority:** 5 USC 551; 18 USC 5039; 28 USC 509 to 510; 28 USC 1346(b); 28 USC 2671 to 2680; 5 USC 552a; 18 USC 1791; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024

**CFR Citation:** 28 CFR 540.71

**Legal Deadline:** None

**Abstract:** This document amends Bureau regulations on Incoming Publications to require that inmates in medium security, high security, and administrative institutions may receive softcover publications only from the publisher, book club, or bookstore.

**Timetable:**

Action	Date	FR Cite
NPRM	01/18/94	59 FR 2668
NPRM Comment Period End	03/21/94	
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
 Phone: 202 307-2105

Fax: 202 305-4577

Email: sqareshi@bop.gov

**RIN:** 1120-AA15

**1534. POSTSECONDARY EDUCATION PROGRAMS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

**CFR Citation:** 28 CFR 544

**Legal Deadline:** None

**Abstract:** This document revises the Bureau's regulations on postsecondary education to exclude courses which are offered as part of an occupational education program. Courses which are offered as part of an occupational education program are to be covered by the Bureau's regulations on occupational education. The inmate is consequently responsible for paying postsecondary education tuition costs either through personal funds, community resources, or scholarships available to the inmate. This revision is intended to simplify the organization of the Bureau's regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	07/17/00	65 FR 44400
NPRM Comment Period End	09/15/00	
Final Action	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
 Phone: 202 307-2105  
 Fax: 202 305-4577  
 Email: sqareshi@bop.gov

**RIN:** 1120-AA25

**1535. LITERACY PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

## DOJ—BOP

## Final Rule Stage

**CFR Citation:** 28 CFR 544.70 to 544.76

**Legal Deadline:** None

**Abstract:** This document makes changes to the Bureau's literacy program regulations for the sake of clarification or simplification.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/26/97	62 FR 50791
Interim Final Rule Effective	11/03/97	
Interim Final Rule Comment Period End	11/25/99	
Final Action	09/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
Phone: 202 307-2105  
Fax: 202 305-4577  
Email: squreshi@bop.gov

**RIN:** 1120-AA33

**1536. TELEPHONE REGULATIONS AND INMATE FINANCIAL RESPONSIBILITY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039

**CFR Citation:** 28 CFR 540

**Legal Deadline:** None

**Abstract:** The Bureau of Prisons (Bureau) is withdrawing certain provisions in its rules on telephone regulations and on the inmate financial responsibility program (IFRP) which were published in the Federal Register on April 4, 1994 (59 FR 15812).

In the April 4, 1994, revision of its rules on telephone regulations and on the IFRP, the Bureau delayed the effective date for provisions in sections 540.105(c) and 545.11(d)(10) which imposed limitations on the telephone privileges of inmates refusing to participate in the IFRP. These provisions were to become effective January 3, 1995. Due to ongoing litigation in *Washington v. Reno*, the effective date for these provisions was

further delayed until January 4, 1996 (60 FR 240).

In accordance with the Court-approved settlement in *Washington v. Reno*, through this rule, the Bureau withdrew these provisions and the reference to the IFRP telephone restrictions in 28 CFR § 540.100(a) and published at 61 FR 92 a new proposed rule to impose a different restriction on the telephone privileges of inmates who refuse to participate in the IFRP. This rule was finalized on December 28, 1999 (64 FR 72798, see RIN 1120-AA49).

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/02/96	61 FR 90
Interim Final Rule Comment Period End	03/04/96	
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
Phone: 202 307-2105  
Fax: 202 305-4577  
Email: squreshi@bop.gov

**RIN:** 1120-AA39

**1537. TELEPHONE REGULATIONS AND INMATE FINANCIAL RESPONSIBILITY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 551; 18 USC 3663; 18 USC 4001; 18 USC 4042; 18 USC 4081; 18 USC 4082; 18 USC 5006 to 5024; 5 USC 552a; 18 USC 1791; 18 USC 3013; 18 USC 3571; 18 USC 3572; 18 USC 3621; 18 USC 3622; 18 USC 3624

**CFR Citation:** 28 CFR 540.105; 28 CFR 545.11

**Legal Deadline:** None

**Abstract:** On January 2, 1996, BOP published an NPRM proposing limitations on telephone privileges and commissary privileges for inmates who refuse to participate in the inmate financial responsibility program (BOP 1050). On December 28, 1999, BOP finalized that portion of the NPRM pertaining to limitations on commissary privileges. BOP is continuing to work

on addressing issues raised by its proposed limitations on telephone privileges for inmates who are inmate financial responsibility program refusees. BOP will finalize that portion of its January 1996 NPRM in a separate document (BOP 1102).

**Timetable:**

**BOP 1050**  
NPRM 01/02/96 (61 FR 92)  
NPRM Comment Period End 03/04/96  
Final Action 12/28/99 (64 FR 72798)  
Final Action Effective 01/27/00

**BOP 1102**

Final Action 11/00/02  
Final Action Effective 01/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
Phone: 202 307-2105  
Fax: 202 305-4577  
Email: squreshi@bop.gov

**RIN:** 1120-AA49

**1538. INCOMING PUBLICATIONS: NUDITY AND SEXUALLY EXPLICIT MATERIAL OR INFORMATION**

**Priority:** Other Significant

**Legal Authority:** 5 USC 551; 18 USC 5039; 28 USC 509 to 510; PL 104-208; 5 USC 552a; 18 USC 1791; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024

**CFR Citation:** 28 CFR 540.70 to 540.72

**Legal Deadline:** None

**Abstract:** This rule modifies the Bureau of Prisons rule on Incoming Publications in order to implement the provisions of the Fiscal Year 1997 Omnibus Budget Act (Public Law 104-208) prohibiting use of appropriated funds for distributing or making available to an inmate any commercially published information or material when such information or material is sexually explicit or features nudity.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/06/96	61 FR 57568
Interim Final Rule Effective	12/01/96	

## DOJ—BOP

## Final Rule Stage

Action	Date	FR Cite
Interim Final Rule Comment Period End	01/06/97	
Final Action	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534

Phone: 202 307-2105

Fax: 202 305-4577

Email: sqaureshi@bop.gov

RIN: 1120-AA59

**1539. GOOD CONDUCT TIME****Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 3568; 28 USC 509 to 510; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 4161 to 4166; 18 USC 5006 to 5024; 18 USC 5039

**CFR Citation:** 28 CFR 523**Legal Deadline:** None

**Abstract:** This document notes the statutory requirements for the awarding of good conduct time, including the Bureau's consideration in instances where the inmate does not have a high school diploma or GED and is not making satisfactory progress toward earning a high school diploma or GED.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/26/97	62 FR 50786
Interim Final Rule Effective	11/03/97	
Interim Final Rule Comment Period End	11/25/97	
Final Action	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534

Phone: 202 307-2105

Fax: 202 305-4577

Email: sqaureshi@bop.gov

RIN: 1120-AA62

**1540. VISITING REGULATIONS: PRIOR RELATIONSHIP****Priority:** Other Significant

**Legal Authority:** 5 USC 551; 28 USC 509 to 510; 5 USC 552a; 18 USC 1791; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039

**CFR Citation:** 28 CFR 540.44**Legal Deadline:** None

**Abstract:** This document revises regulations on visiting to require that visiting privileges at all institutions ordinarily shall be extended to friends and associates only when the relationship had been established prior to confinement. Previously this requirement was applicable only at Medium Security Level, High Security Level, and Administrative Institutions.

**Timetable:**

Action	Date	FR Cite
NPRM	05/18/99	64 FR 27166
NPRM Comment Period End	07/19/99	
Final Action	11/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534

Phone: 202 307-2105

Fax: 202 305-4577

Email: sqaureshi@bop.gov

RIN: 1120-AA77

**1541. OVER-THE-COUNTER (OTC) MEDICATIONS****Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 3621 to 3622; 28 USC 509 to 510; 18 USC 3624; 18 USC 4001; 18 USC 4005; 18 USC 4045; 18 USC 4081 to 4082; 18 USC 4241 to 4247; 18 USC 5006 to 5024; 18 USC 5039

**CFR Citation:** 28 CFR 549.30 to 549.31**Legal Deadline:** None

**Abstract:** This document establishes procedures governing inmate access to

over-the-counter (OTC) medications. Selected OTC medications are currently available to the inmate population through commissary purchase. The Bureau will continue to dispense OTC medications at sick call only if the inmate does not already have the OTC medications and health services staff determine the inmate has an immediate medical need that needs to be addressed before the inmate's regularly scheduled commissary visit or that the inmate is without funds.

**Timetable:**

Action	Date	FR Cite
NPRM	03/01/99	64 FR 10094
NPRM Comment Period End	04/30/99	
Final Action	11/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534

Phone: 202 307-2105

Fax: 202 305-4577

Email: sqaureshi@bop.gov

RIN: 1120-AA81

**1542. DESIGNATION OF OFFENSES SUBJECT TO SEX OFFENDER RELEASE NOTIFICATION****Priority:** Other Significant

**Legal Authority:** 18 USC 3565; 18 USC 5006 to 5024; 18 USC 5031 to 5042; 28 USC 509 to 510; 18 USC 2568 to 3569; 18 USC 3582; 18 USC 3621 to 3622; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 4161 to 4166; 18 USC 4201 to 4218

**CFR Citation:** 28 CFR 571**Legal Deadline:** None

**Abstract:** This document designates various offenses as sexual offenses for purposes of 18 U.S.C. 4042(c). The designations ensure that notifications can be made for military offenders, for District of Columbia Code offenders, and for these and other Federal inmates with a sex offense in their criminal history.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/16/98	63 FR 69386

## DOJ—BOP

## Final Rule Stage

Action	Date	FR Cite
Interim Final Rule Comment Period End	02/16/99	
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534

Phone: 202 307-2105

Fax: 202 305-4577

Email: sqaureshi@bop.gov

RIN: 1120-AA85

**1543. INMATE COMMISSARY ACCOUNT DEPOSIT PROCEDURES**

Priority: Substantive, Nonsignificant

**Legal Authority:** 18 USC 3621 to 3622; 18 USC 509 to 510; 31 USC 725; 18 USC 3624; 18 USC 4001; 18 USC 4005; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 4161 to 4166; 18 USC 5006 to 5024; 18 USC 5039

**CFR Citation:** 28 CFR 506; 28 CFR 540.23; 28 CFR 540.51

Legal Deadline: None

**Abstract:** This document specifies how an inmate may receive funds from family, friends, and other sources. Any funds sent from family or friends will be sent directly to a centralized inmate commissary account for receipt and posting. Funds received from other sources such as tax refunds, dividends from stocks, or State benefits will be forwarded for deposit to the centralized inmate commissary account.

**Timetable:**

Action	Date	FR Cite
NPRM	04/23/99	64 FR 20126
NPRM Comment Period End	06/22/99	
Final Action	02/00/03	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534

Phone: 202 307-2105  
Fax: 202 305-4577  
Email: sqaureshi@bop.gov  
RIN: 1120-AA86

**1544. DRUG ABUSE TREATMENT PROGRAMS: DISINCENTIVES AND ENHANCED INCENTIVES**

Priority: Substantive, Nonsignificant

**Legal Authority:** 18 USC 3521 to 3528; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510; 18 USC 3621; 18 USC 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4046; 18 USC 4081; 18 USC 4082

CFR Citation: 28 CFR 550

Legal Deadline: None

**Abstract:** This document broadens the eligibility criteria for the drug abuse education program. In addition, this document establishes disincentives which may be imposed for the purpose of encouraging inmates to participate in the residential drug treatment program.

**Timetable:**

Action	Date	FR Cite
NPRM	09/20/00	65 FR 56840
NPRM Comment Period End	11/20/00	
Final Action	04/00/03	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534

Phone: 202 307-2105

Fax: 202 305-4577

Email: sqaureshi@bop.gov

RIN: 1120-AA88

**1545. SEARCHES OF HOUSING UNITS, INMATES, INMATE WORK AREAS, AND PERSONS OTHER THAN INMATES: ELECTRONIC DEVICES**

Priority: Other Significant

**Legal Authority:** 18 USC 751 to 752; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510; 18 USC 1791 to 1793; 18 USC 3050; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4012; 18 USC 4042; 18 USC 4081 to 4082

CFR Citation: 28 CFR 511; 28 CFR 552

Legal Deadline: None

**Abstract:** This document clarifies provisions in the Bureau's regulations which pertain to the use of electronic devices in searches of inmates and persons other than inmates.

**Timetable:**

Action	Date	FR Cite
NPRM	02/25/99	64 FR 9431
NPRM Comment Period End	04/26/99	
Final Action	03/00/03	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534

Phone: 202 307-2105

Fax: 202 305-4577

Email: sqaureshi@bop.gov

RIN: 1120-AA90

**1546. OCCUPATIONAL EDUCATIONAL PROGRAMS**

Priority: Substantive, Nonsignificant

**Legal Authority:** 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 544

Legal Deadline: None

**Abstract:** This rule revises the Bureau's regulations on occupational educational programs to remove obsolete or redundant provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	07/17/00	65 FR 44401
NPRM Comment Period End	09/15/00	
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534

Phone: 202 307-2105

Fax: 202 305-4577



## DOJ—BOP

## Final Rule Stage

Email: sqareshi@bop.gov

RIN: 1120-AA92

**1547. DRUG TESTING PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 4251 to 4255; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

**CFR Citation:** 28 CFR 550

**Legal Deadline:** None

**Abstract:** This document consolidates into a single drug testing program separately stated regulations on alcohol testing and urine surveillance. The consolidated regulations provide for more flexibility in the use of testing methods.

**Timetable:**

Action	Date	FR Cite
NPRM	09/21/00	65 FR 57126
NPRM Comment Period End	11/20/00	
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
Phone: 202 307-2105  
Fax: 202 305-4577  
Email: sqareshi@bop.gov

RIN: 1120-AA95

**1548. CORRESPONDENCE: INSPECTION OF OUTGOING GENERAL CORRESPONDENCE**

**Priority:** Other Significant

**Legal Authority:** 5 USC 551; 5 USC 552a; 18 USC 1791; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

**CFR Citation:** 28 CFR 540.14

**Legal Deadline:** None

**Abstract:** This document amends the Bureau's regulations on correspondence to require that outgoing inmate general correspondence at all institutions may not be sealed and may be read and

inspected by staff. This amendment is intended to provide for the continued efficient and secure operation of the institution and to protect the public. The requirement does not apply to special mail.

**Timetable:**

Action	Date	FR Cite
NPRM	07/27/99	64 FR 40718
NPRM Comment Period End	09/27/99	
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
Phone: 202 307-2105  
Fax: 202 305-4577  
Email: sqareshi@bop.gov

RIN: 1120-AA98

**1549. RELEASE GRATUITIES, TRANSPORTATION, AND CLOTHING: ALIENS**

**Priority:** Other Significant

**Legal Authority:** 18 USC 3565; 18 USC 3568 to 3569; 18 USC 3582; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 4161 to 4166; 18 USC 4201 to 4218; 18 USC 5006 to 5024; 18 USC 5031 to 5042; 28 USC 509 to 510

**CFR Citation:** 28 CFR 571.21

**Legal Deadline:** None

**Abstract:** This document amends the Bureau's regulations on release gratuities, transportation, and clothing to require that aliens being released to immigration authorities for the purpose of release, transfer to a community corrections center, or another processing center, be provided a \$10 gratuity. Aliens being released with an order of deportation, exclusion, or removal, or aliens detained or serving 60 days or less in contract facilities would not receive the gratuity.

**Timetable:**

Action	Date	FR Cite
NPRM	10/04/99	64 FR 53872

Action	Date	FR Cite
NPRM Comment Period End	12/03/99	
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
Phone: 202 307-2105  
Fax: 202 305-4577  
Email: sqareshi@bop.gov

RIN: 1120-AA99

**1550. RELIGIOUS BELIEFS AND PRACTICES: NOMENCLATURE CHANGE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 3621; 18 USC 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081; 18 USC 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510; 42 USC 1996; ...

**CFR Citation:** 28 CFR 548

**Legal Deadline:** None

**Abstract:** This regulation renames the special diet that accommodates inmates' religious dietary practices. The old name was "common fare" and the new name will be "the religious diet menu."

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/02	
Interim Final Rule Comment Period End	01/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
Phone: 202 307-2105  
Fax: 202 305-4577  
Email: sqareshi@bop.gov

RIN: 1120-AB04

DOJ—BOP

Final Rule Stage

**1551. SUICIDE PREVENTION PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 3621, 3622, 3624, 4001, 4042, 4081, 4082, 5006 to 5024, 5039; 28 USC 509 to 510**CFR Citation:** 28 CFR 552**Legal Deadline:** None

**Abstract:** This document revises Bureau regulations on the suicide prevention program for the sake of clarity and in order to remove Agency management procedures which do not need to be stated in regulations. The revised regulations more clearly delineate for the inmate the procedures used to identify and protect inmates deemed to be at risk for suicide.

**Timetable:**

Action	Date	FR Cite
NPRM	11/13/00	65 FR 67670
NPRM Comment Period End	01/12/01	
Final Action	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
Phone: 202 307-2105  
Fax: 202 305-4577  
Email: squreshi@bop.gov

**RIN:** 1120-AB06**1552. • NATIONAL SECURITY; PREVENTION OF ACTS OF VIOLENCE AND TERRORISM****Priority:** Other Significant**Legal Authority:** 5 USC 301; 18 USC 3621, 3622, 3624, 4001, 4042, 4081, 4082, 4161 to 4166, 5006 to 5024; 18 USC 5039; 28 USC 509, 510**CFR Citation:** 28 CFR 500, 501**Legal Deadline:** None

**Abstract:** Current Bureau of Prisons regulations on institutional management authorize the Bureau to impose special administrative measures with respect to specified inmates, based on information provided by senior intelligence or law enforcement officials, where it has been determined to be necessary to prevent the

dissemination either of classified information that could endanger the national security or of other information that could lead to acts of violence and terrorism.

This rule extends the period of time for which such special administrative measures may be imposed from 120 days to up to 1 year and modifies the standards for approving extensions of such special administrative measures for further increments of time. In addition, in those cases where the Attorney General has certified that reasonable suspicion exists to believe that an inmate may use communications with attorneys or their agents to further or facilitate acts of violence or terrorism, this rule amends the existing regulations to provide that the Bureau is authorized to monitor mail or communications with attorneys in order to deter such acts, subject to specific procedural safeguards, to the extent permitted under the Constitution and laws of the United States. Finally, this rule provides that the head of each component of the Department of Justice that has custody of persons for whom special administrative measures are determined to be necessary may exercise the same authority to impose such measures as the Director of the Bureau of Prisons.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/30/01	66 FR 55062
Interim Final Rule Effective	10/31/01	
Interim Final Rule Comment Period End	12/31/01	
Final Action	03/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
Phone: 202 307-2105  
Fax: 202 305-4577  
Email: squreshi@bop.gov

**RIN:** 1120-AB08**1553. • DISTRICT OF COLUMBIA YOUTH REHABILITATION ACT (DCYRA) SENTENCES: NO FURTHER BENEFIT DETERMINATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 18 USC 223, 3521 to 3528, 3621 to 3622, 4001, 4042, 4081 to 4082; 18 USC 4046, 4161 to 4166, 5006 to 5024, 5039; 21 USC 848; 28 USC 509 to 510**CFR Citation:** 28 CFR 524**Legal Deadline:** None

**Abstract:** In this document, the Bureau of Prisons (Bureau) proposes rules describing how the Director of the Bureau will make "no further benefit" (NFB) determinations for inmates convicted of violating the District of Columbia (DC) criminal code and sentenced to a term of imprisonment under the DC Youth Rehabilitation Act (YRA), DC Code sections 24-901 through 24-907. The Director of the Bureau is authorized to make NFB determinations pursuant to DC Code sections 24-10(a), (b), and 24-905.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
Phone: 202 307-2105  
Fax: 202 305-4577  
Email: squreshi@bop.gov

**RIN:** 1120-AB09**1554. • CENTRAL INMATE MONITORING (CIM) SYSTEM: STREAMLINING RULES****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 18 USC 3621 to 3622, 3624, 4001, 4042, 4081 to 4082; 18 USC 223; 18 USC 5006 to 5024, 5039; 28 USC 509 to 510; ...**CFR Citation:** 28 CFR 524**Legal Deadline:** None

**Abstract:** In this document, the Bureau of Prisons (Bureau) proposes to streamline its rules on the Central Inmate Monitoring system (CIM). We

## DOJ—BOP

## Final Rule Stage

intend this amendment to streamline our regulations by removing internal agency management procedures that need not be stated in regulation. Bureau policy is a more appropriate vehicle through which to provide instruction and guidance to staff. All the provisions we removed consist of our instruction and guidance to Bureau staff. These provisions relate solely to internal agency management and practice and do not impose obligations or confer any benefits upon our regulated entities (the inmates) or the public. The procedures that were in these regulations will continue to exist, unchanged, in our policy statement on the Admission and Orientation Program. Any requirement imposed on our staff in these rules will remain a Bureau-wide requirement in our policy. It is important to note that we have not changed the substance of the CIM rules.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
Phone: 202 307-2105  
Fax: 202 305-4577  
Email: squreshi@bop.gov

**RIN:** 1120-AB14**1555. • ADMISSION AND ORIENTATION PROGRAM: REMOVAL FROM RULES****Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 18 USC 3621 to 3622, 4001, 4042, 4081 to 4082; 18 USC 4161 to 4166, 5006 to 5024, 5039; 28 USC 509 to 510

**CFR Citation:** 28 CFR 522**Legal Deadline:** None

**Abstract:** In this document, the Bureau of Prisons (Bureau) proposes to remove its rules on the Admission and Orientation Program from the CFR. We intend this amendment to streamline our regulations by removing internal agency management procedures that need not be stated in regulation.

The three rules in 28 CFR subpart E, sections 522.40, 522.41, and 522.43, contained descriptions of the Bureau's Admission and Orientation Program. Although we are removing these rules from the CFR, we retain the language of these rules in our Admission and Orientation policy, which is an instructional document for Bureau employees and institutional staff.

Section 522.40 required institutions and staff to "offer each newly committed inmate an orientation to the institution," which includes information on inmate rights, responsibilities, obligations, and the institution's programs and disciplinary system.

Section 522.41 delineated Warden and staff responsibility for conducting the Admission and Orientation (A&O) program. This section required staff involved in the A&O program to develop an outline of information to present during A&O and develop written orientation materials. This section also instructed staff to monitor inmates with significant emotional stress during A&O, so that the institution could provide them with appropriate assistance.

Section 522.42 contained guidelines for institution A&O programs, including such details as location, activities, and length of the program.

All of these rules consist of our instruction and guidance to Bureau staff. These rules relate solely to internal agency management and practice and do not impose obligations or confer any benefits upon our regulated entities (the inmates) or the public.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
Phone: 202 307-2105  
Fax: 202 305-4577  
Email: squreshi@bop.gov

**RIN:** 1120-AB16**1556. • BUREAU OF PRISONS EMERGENCIES****Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 18 USC 3621 to 3622, 3624, 4001, 4042, 4081 to 4082; 18 USC 4161 to 4166, 5006 to 5024, 5039; 28 USC 509 to 510

**CFR Citation:** 28 CFR 501.1**Legal Deadline:** None

**Abstract:** The Bureau of Prisons (Bureau) makes this interim final rule to clarify that, when there is an institutional or system-wide Bureau emergency which the Director or designee, such as a Warden, considers a threat to human life or safety, the Director or designee may suspend the operation of the rules in this chapter as necessary to handle the emergency. This rule clarifies that the Director may suspend Bureau rules as needed in light of any emergency affecting the Bureau, and the Warden may do so to deal with emergencies at the institution level. This rule change clarifying the Director's authority to modify Bureau rules to handle emergencies is especially necessary in light of the recent terrorist attacks, threats to national security, threats of anthrax surrounding mail processing, and other events occurring on and after September 11, 2001.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
Phone: 202 307-2105  
Fax: 202 305-4577  
Email: squreshi@bop.gov

**RIN:** 1120-AB17**1557. • CLARIFYING OF RELEASE GRATUITIES—RELEASE TRANSPORTATION REGULATIONS TO MORE CLOSELY CONFORM TO STATUTORY PROVISIONS****Priority:** Other Significant

**Legal Authority:** 5 USC 301; 18 USC 3565, 3568 to 3569, 3582, 3621 to 3622,

## DOJ—BOP

## Final Rule Stage

3624, 4001, 4042, 4081 to 4082; 18 USC 4161-4166, 4201 to 4218, 5006 to 5024, 5031 to 5042; 28 USC 509, 510; US Cost, Art II, sec 2

**CFR Citation:** 28 CFR 571.22

**Legal Deadline:** None

**Abstract:** This document makes a minor clarifying change to the Bureau of Prisons (Bureau) regulations on release gratuities, transportation, and clothing. The amendment will clarify that the Bureau is authorized, upon an inmate's release, to provide

transportation to an inmate's place of conviction or his legal residence only within the United States, under 18 U.S.C. 3624(d)(3). We intend this clarification to remove the misapprehension that the Bureau is authorized to provide transportation outside the United States.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
Phone: 202 307-2105  
Fax: 202 305-4577  
Email: squreshi@bop.gov

**RIN:** 1120-AB21

## Department of Justice (DOJ)

## Long-Term Actions

## Bureau of Prisons (BOP)

**1558. INFECTIOUS DISEASE MANAGEMENT**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 28 CFR 549

**Timetable:**

Action	Date	FR Cite
NPRM	07/12/02	67 FR 46136
NPRM Comment Period End	09/10/02	

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi  
Phone: 202 307-2105  
Fax: 202 305-4577  
Email: squreshi@bop.gov

**RIN:** 1120-AB03

**1559. DISTRICT OF COLUMBIA EDUCATIONAL GOOD TIME CREDIT**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 28 CFR 523

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/24/02	67 FR 48385

Action	Date	FR Cite
Interim Final Rule Comment Period End	09/23/02	
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi  
Phone: 202 307-2105  
Fax: 202 305-4577  
Email: squreshi@bop.gov

**RIN:** 1120-AB05

## Department of Justice (DOJ)

## Completed Actions

## Bureau of Prisons (BOP)

**1560. ADMINISTRATIVE REMEDY PROGRAM: EXCLUDED MATTERS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 28 CFR 542

**Completed:**

Reason	Date	FR Cite
Final Action	08/06/02	67 FR 50804
Final Action Effective	08/06/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi  
Phone: 202 307-2105  
Fax: 202 305-4577  
Email: squreshi@bop.gov

**RIN:** 1120-AA72

Department of Justice (DOJ)  
Civil Rights Division (CRT)

## Proposed Rule Stage

**1561. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES (SECTION 610 REVIEW)**

**Regulatory Plan:** This entry is Seq. No. 78 in part II of this issue of the **Federal Register**.

**RIN:** 1190-AA44

**1562. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES (SECTION 610 REVIEW)**

**Regulatory Plan:** This entry is Seq. No. 79 in part II of this issue of the **Federal Register**.

**RIN:** 1190-AA46

**1563. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES; PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES; ACCESSIBILITY STANDARDS; RECREATION FACILITIES**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 5 USC 301; 28 USC 509 to 510; 42 USC 12134; 42 USC 12186; PL 101-336

**CFR Citation:** 28 CFR 35; 28 CFR 36

**Legal Deadline:** None

**Abstract:** On July 9, 1999, the U.S. Architectural and Transportation Barriers Compliance Board (Access Board) published a Notice of Proposed Rulemaking to amend the ADA Accessibility Guidelines (ADAAG), which form the basis of the Department's ADA Standards for Accessible Design. After receiving public comments, the Access Board published a summary of proposed changes to the guidelines for public comment on July 21, 2000. This Notice of Proposed Rulemaking would, for the first time, establish accessibility guidelines for the design of recreation facilities, such as health clubs, golf courses, and amusement parks. The ADA (sections 204(c) and 306(c)) requires the Department's accessibility standards to be consistent with the Access Board's guidelines. Therefore, the Department expects to publish a Notice of Proposed Rulemaking proposing to adopt the revisions proposed by the Access Board and proposing related changes to the

Department's regulations with respect to the operation of recreation facilities.

Individuals with disabilities cannot participate in the social and economic realms of the Nation without being able to access public entities and public accommodations throughout the country. Promulgating this amendment to the Department's ADA regulations will ensure that the regulations are consistent with the ADAAG, thereby preventing the confusion that could develop if the Department's regulations were inconsistent with the Access Board guidelines. In addition, amending the Department's ADA regulations will improve the Department's overarching goal of improving access for persons with disabilities. The proposed rule will ensure that new recreation facilities are readily accessible to and usable by individuals with disabilities. As new recreation facilities are designed and constructed to be accessible, individuals with disabilities will enjoy the benefits of these facilities. Operators of recreation facilities will experience increased usage and patronage by individuals with disabilities. Designers and manufacturers will have a clear and consistent set of standards with which to work. Establishing uniform standards for accessibility has resulted in innovation and new designs that are cost effective and beneficial to everyone.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	
NPRM Comment Period End	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** State, Local

**Agency Contact:** John L. Wodatch, Chief, Disability Rights Section, Department of Justice, Civil Rights Division, P.O. Box 66738, Washington, DC 20035-6738  
Phone: 800 514-0301  
TDD Phone: 800 514-0383  
Fax: 202 307-1198

**RIN:** 1190-AA47

**1564. AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT OF 1998 COMPLAINT PROCESS**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1182(n)(5)

**CFR Citation:** 28 CFR 44.500

**Legal Deadline:** None

**Abstract:** The American Competitiveness and Workforce Improvement Act (ACWIA)—enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1998—made various changes to the Immigration and Nationality Act (the INA) relating to temporary nonimmigrant professionals. In this rule (RIN 1190-AA48), the Department's Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) will implement the ACWIA "failure to select" protections—codified in the INA at section 212(n)(5)—by establishing a process under which U.S. workers may file complaints against employers for denying them employment opportunities by improperly hiring temporary foreign professionals on H-1B visas. Under this process, OSC may receive and review these complaints, and then—if there is reasonable cause to believe the allegations—initiate binding arbitration proceedings through the Federal Mediation and Conciliation Service (FMCS). A companion to this rule will include changes to the regulations of the Office of the Chief Administrative Hearing Officer of the Executive Office for Immigration Review to provide for the review of arbitrators' decisions and, where appropriate, the award of administrative relief. These rules are being coordinated with the Immigration and Naturalization Service (INS), the Department of Labor (DOL), and the FMCS.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	01/00/03	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** Through RIN 1115-AF40 (INS No. 1974-99), INS will implement the ACWIA "whistleblower" protection provisions—codified in the INA at section 212(n)(2)(C)(iv) and (v)—

## DOJ—CRT

## Proposed Rule Stage

prohibiting retaliation against H-1B workers who disclose information which they believe indicates their employer has violated the law or regulations pertaining to labor condition applications for nonimmigrants. That rule will also enable an H-1B worker who files a complaint alleging retaliation to remain in the United States and seek authorization to work in the United States for a temporary period while his or her complaint is under review.

Through RIN 1115-AF41 (INS No. 1975-99), INS will implement portions of ACWIA pertaining to new penalties for employers misrepresenting material facts in an H-1B application. That rule complements regulations issued by the Department of Labor (DOL). It also defines the term "United States employer" and implements other provisions of ACWIA.

**Agency Contact:** Juan Carlos Benitez, Special Counsel, Department of Justice, Civil Rights Division, Office of Special Counsel for Immigration Related Unfair Employment Practices, 950 Pennsylvania Avenue NW, Washington, DC 20530  
Phone: 202 616-5594  
Fax: 202 616-5509

Larry P. Cote, Department of Justice, Executive Office for Immigration Review

Phone: 703 305-0470

**RIN:** 1190-AA48

**1565. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE OR LOCAL GOVERNMENT FACILITIES; PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES; ACCESSIBILITY STANDARDS; PLAY AREAS**

**Priority:** Other Significant

**Legal Authority:** 5 USC 301; 28 USC 509 to 510; 42 USC 12134; 42 USC 12186; PL 101-336

**CFR Citation:** 28 CFR 35; 28 CFR 36

**Legal Deadline:** None

**Abstract:** On October 18, 2000, the U.S. Architectural and Transportation Barriers Compliance Board (Access Board) published a final rule to supplement the ADA Accessibility Guidelines (ADAAG), which form the basis of the Department's ADA Standards for Accessible Design. These guidelines establish for the first time

accessibility guidelines for the design of play areas. The ADA (sections 204(c) and 306(c)) requires the Department's accessibility standards to be consistent with the Access Board's guidelines. Therefore, the Department expects to publish a Notice of Proposed Rulemaking proposing to adopt the revisions of the Access Board and proposing related changes to the Department's regulations with respect to the operation of play areas.

Persons with disabilities cannot participate in the social and economic realms of the Nation without being able to access public entities and public accommodations throughout the country. Promulgating this amendment to the Department's ADA regulations will ensure that the regulations are consistent with the ADAAG, thereby preventing the confusion that could develop if the Department's regulations were inconsistent with the Access Board Guidelines. In addition, amending the Department's ADA regulations will improve the Department's overarching goal of improving access for persons with disabilities. This rule is designed to ensure that new play areas are readily accessible to and usable by persons with disabilities. As new play areas are designed and constructed to be accessible, persons with disabilities will enjoy the benefits of these areas. Operators of play areas will experience increased usage and patronage by persons with disabilities. Designers and manufacturers will have a clear and consistent set of standards with which to work. Establishing uniform standards for accessibility has resulted in innovation and new designs that are cost effective and beneficial to everyone.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	
NPRM Comment	03/00/03	
Period End		

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** State, Local

**Agency Contact:** John L. Wodatch, Chief, Disability Rights Section, Department of Justice, Civil Rights

Division, P.O. Box 66738, Washington, DC 20035-6738  
Phone: 800 514-0301  
TDD Phone: 800 514-0383  
Fax: 202 307-1198

**RIN:** 1190-AA50

**1566. AMENDMENTS TO PROCEDURES ADVISING STATES AND POLITICAL SUBDIVISIONS SPECIALLY COVERED UNDER THE VOTING RIGHTS ACT HOW TO SEEK PRECLEARANCE FROM THE ATTORNEY GENERAL OF PROPOSED VOTING CHANGES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 28 USC 509 to 510; 42 USC 1973a(c); 42 USC 1973c

**CFR Citation:** 28 CFR 51

**Legal Deadline:** None

**Abstract:** Section 5 of the Voting Rights Act of 1965 requires that certain States and their political subdivisions (covered jurisdictions) obtain "preclearance" from the Federal Government of proposed changes in voting practices and procedures prior to their implementation. Preclearance may be obtained either through litigation in the United States District Court for the District of Columbia or administratively from the Attorney General. In 1971 the Department first issued procedures for the administration of section 5 to inform covered jurisdictions concerning the manner in which they could comply with section 5 in the administrative proceeding before the Attorney General. In subsequent years, the Department has amended these procedures to reflect changes in section 5 law, in the Attorney General's internal practices, and to make the procedures clearer and easier to follow. In the 14 years since the last major amendment to the procedures, there have been significant changes in section 5 law and in the practices employed by the Department in processing submissions, which are not reflected in the existing Procedures.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/03	
NPRM Comment	07/00/03	
Period End		

**Regulatory Flexibility Analysis Required:** No

## DOJ—CRT

## Proposed Rule Stage

**Government Levels Affected:** State, Local

**Agency Contact:** Joseph D. Rich, Chief, Voting Section, Department of Justice, Civil Rights Division, Room 7254, 1800 G Street NW, Washington, DC 20006  
Phone: 202 307-2870

**RIN:** 1190-AA51

**1567. AMENDMENTS TO COORDINATION OF ENFORCEMENT OF NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS—IMPLEMENTATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND SECTION 504 OF THE REHABILITATION ACT 1973**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 2000d et seq; 29 USC 706; 29 USC 794; EO 12250

**CFR Citation:** 28 CFR 42.401 to 42.415; 28 CFR 41.1 to 41.58

**Legal Deadline:** None

**Abstract:** In 1988, the Civil Rights Restoration Act (CRRA) added definitions of “program or activity” and “program” to title VI and added a definition of “program or activity” to section 504. The added definitions were designed to clarify the broad scope of coverage of recipients’ programs or activities under these statutes. In a joint rulemaking described at RIN 1190-AA49, the Department and other Federal agencies are conforming their implementation regulations to the CRRA and to several other statutes.

In the rulemaking described under this RIN (1190-AA52) the Department of Justice proposes to make amendments to its coordination regulations concerning agency enforcement of title VI of the Civil Rights Act of 1964, 28 CFR 42.401 to 42.415, and agency enforcement of section 504 of the Rehabilitation Act of 1972, 28 CFR 41.1

to 41.58. The proposed amendments explicitly incorporate the CRRA’s definition of “program or activity” and “program” into the Department’s title VI and section 504 coordination regulations.

Further, this joint rule will include similar amendments to the regulations of the Department of Defense and the Department of Housing and Urban Development implementing title VI, section 504, and/or the Age Discrimination Act, which are not participating in the joint rule at 1190-AA49.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	
NPRM Comment Period End	05/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State, Local, Federal

**Agency Contact:** Merrily A. Friedlander, Chief, Coordination and Review Section, Department of Justice, Civil Rights Division, P.O. Box 66560, Washington, DC 20035-6560  
Phone: 202 307-2222  
TDD Phone: 202 307-2678  
Fax: 202 307-0595  
Email: merrily.a.friedlander@usdoj.gov

**RIN:** 1190-AA52

**1568. PROCEDURES TO REVIEW POLICE DEPARTMENTS FOR A PATTERN OR PRACTICE OF CONDUCT THAT DEPRIVES PERSONS OF RIGHTS, PRIVILEGES, OR IMMUNITIES SECURED OR PROTECTED BY THE CONSTITUTION OR LAWS OF THE U.S.**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 28 USC 509

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** Pursuant to the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. section 14141 (“section 14141”), the Attorney General is authorized to file lawsuits seeking court orders to reform police departments engaging in a pattern or practice of conduct that deprives persons of rights, privileges, or immunities secured by the Constitution or laws of the United States. To date, the Department of Justice has conducted reviews of police departments pursuant to section 14141 using informal procedures. The purpose of this rule is to formalize the procedures by which the Department reviews police departments for a pattern or practice of unlawful conduct.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** Robert Driscoll, Deputy Assistant Attorney General, Department of Justice, Civil Rights Division, Room 5541, 950 Pennsylvania Avenue NW, Washington, DC 20530  
Phone: 202 353-0742

**RIN:** 1190-AA53

**Department of Justice (DOJ)**  
**Civil Rights Division (CRT)**

Final Rule Stage

**1569. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, HANDICAP, AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 794; 42 USC 2000d to 2000d-7; 42 USC 6101 to 6107; EO 12250

**CFR Citation:** 28 CFR 42.101 to 42.112; 28 CFR 42.501 to 42.540; 28 CFR 42.700 to 42.736

**Legal Deadline:** None

**Abstract:** The Department of Justice is amending its regulations implementing title VI of the Civil Rights Act of 1964 (title VI), section 504 of the Rehabilitation Act of 1972 (section 504), and the Age Discrimination Act of 1975 (Age Discrimination Act). Together, these statutes prohibit discrimination on the basis of race,

color, national origin, disability, and age in programs or activities that receive Federal financial assistance. In 1988, the Civil Rights Restoration Act (CRRRA) added definitions of "program or activity" and "program" to title VI and added a definition of "program or activity" to section 504 and the Age Discrimination Act. The added definitions were designed to clarify the broad scope of coverage of recipients' programs or activities under these statutes. The promulgation of this regulation explicitly incorporates the CRRRA's definition of "program or activity" and "program" into the Department's title VI, section 504, and Age Discrimination Act regulations. The Department's regulation will be published as part of a joint final rule involving up to 24 Federal agencies.

**Timetable:**

Action	Date	FR Cite
NPRM	12/06/00	65 FR 76460
NPRM Comment Period End	01/05/01	
Final Action	12/00/02	
Final Action Effective	01/00/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local, Federal

**Agency Contact:** Merrily A. Friedlander, Chief, Coordination and Review Section, Department of Justice, Civil Rights Division, P.O. Box 66560, Washington, DC 20035-6560  
 Phone: 202 307-2222  
 TDD Phone: 202 307-2678  
 Fax: 202 307-0595  
 Email: merrily.a.friedlander@usdoj.gov

**RIN:** 1190-AA49

**Department of Justice (DOJ)**  
**Drug Enforcement Administration (DEA)**

Prerule Stage

**1570. CHEMICAL MIXTURES CONTAINING LISTED FORMS OF PHOSPHORUS**

**Priority:** Other Significant

**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b)

**CFR Citation:** 21 CFR 1310

**Legal Deadline:** None

**Abstract:** In a previous rulemaking, (RIN 1117-AA57) DEA made red phosphorus, white phosphorus, and hypophosphorous acid (and its salts) List I chemicals. Although 1117-AA57 was effective as of November 16, 2001, (and it remains in effect) DEA asked for and received comments at the final rule stage on an exemption. DEA is still considering these comments and will publish a second final rule under the RIN 1117-AA57 finalizing that rulemaking.

By this rulemaking (1117-AA66) DEA is requesting information from

interested parties to propose regulations governing chemical mixtures containing the List I chemicals red phosphorus, white phosphorus, and hypophosphorous acid (and its salts). Currently, all chemical mixtures containing red phosphorus, white phosphorus, and hypophosphorous acid (and its salts) are exempt from regulation. These mixtures will remain exempt until publication of rulemakings regarding chemical mixtures (see RIN 1117-AA31). These three List I chemicals are used industrially and have multiple commercial purposes. They are also used in the illicit production of methamphetamine and amphetamine. Information sought will help determine whether there are chemical mixtures containing red phosphorus, white phosphorus, and hypophosphorous acid (and its salts) which should be exempt from the regulations governing listed chemicals.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/00/03	
ANPRM Comment Period End	03/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-228

**Agency Contact:** Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537  
 Phone: 202 307-7183

**Related RIN:** Related To 1117-AA57, Related To 1117-AA31

**RIN:** 1117-AA66



Department of Justice (DOJ)  
Drug Enforcement Administration (DEA)

## Proposed Rule Stage

**1571. GUIDELINES FOR PROVIDING CONTROLLED SUBSTANCES TO OCEAN VESSELS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 21 USC 871(b)

**CFR Citation:** 21 CFR 1301

**Legal Deadline:** None

**Abstract:** DEA is considering whether to propose amending its regulations regarding the supply of controlled substances to ocean vessels to provide a means of supply more consistent with current industry practices for other materials. The decision on whether to propose amendments will be based on the information and comments submitted in response to this notice of proposed rulemaking and DEA's experience with the existing procedures and practices for supplying controlled substances to ocean vessels.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/18/96	61 FR 49086
ANPRM Comment Period End	11/18/96	
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-142

**Agency Contact:** Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

**RIN:** 1117-AA40

**1572. SALE BY FEDERAL DEPARTMENTS OR AGENCIES OF CHEMICALS USABLE TO MANUFACTURE A CONTROLLED SUBSTANCE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b); 21 USC 880; 21 USC 958(f); 21 USC 965; 21 USC 890

**CFR Citation:** 21 CFR 1310; 21 CFR 1316

**Legal Deadline:** None

**Abstract:** DEA is proposing to amend its regulations to provide that a Federal

department or agency may not sell from the stocks of the department or agency any chemical which could be used in the manufacture of a controlled substance unless the Administrator of DEA certifies in writing to the head of the department or agency that there is no reasonable cause to believe that the sale of the chemical would result in the illegal manufacture of a controlled substance. The proposed rulemaking provides regulatory guidelines and establishes a procedure for prospective bidder and/or broker to appeal if they are aggrieved by DEA's failure to provide such certification.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	01/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** DEA-176

**Agency Contact:** Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

**RIN:** 1117-AA47

**1573. EXEMPTION FROM IMPORT/EXPORT REQUIREMENTS FOR PERSONAL MEDICAL USE**

**Priority:** Other Significant

**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 871(b); 21 USC 875; 21 USC 877; 21 USC 956

**CFR Citation:** 21 CFR 1301

**Legal Deadline:** None

**Abstract:** DEA is proposing to amend its regulations to restrict to 50 dosage units the total quantity of Schedule II, III, IV, and V controlled substances that may be imported for personal medical use by United States (U.S.) residents entering the U.S. A dosage unit is considered by DEA to be the basic unit used to quantify the amount to be taken in normal usage. The proposed 50 dosage unit limit would not apply to a U.S. resident who has a valid U.S. practitioner's prescription. This proposed rulemaking implements and

extends the provisions of the Controlled Substances Trafficking Prohibition Act of 1998.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/03	
NPRM Comment Period End	07/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-192

**Agency Contact:** Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

**RIN:** 1117-AA56

**1574. ELECTRONIC ORDERS FOR SCHEDULE I AND II CONTROLLED SUBSTANCES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 21 USC 821; 21 USC 827; 21 USC 828; 21 USC 871(b); 21 USC 958(e); 21 USC 965

**CFR Citation:** 21 CFR 1304; 21 CFR 1305

**Legal Deadline:** None

**Abstract:** DEA is proposing to revise its regulations to provide the option of ordering Schedule I and II controlled substances electronically in a manner consistent with the requirements of the Controlled Substances Act (CSA) (21 U.S.C. 801 et seq.). The regulations will propose that this electronic system may also be used for controlled substances in Schedules III, IV, and V. These proposed regulations would be in addition to, not a replacement of, the existing rules. These regulations are needed to give manufacturers, distributors, importers, exporters, pharmacies, and hospitals the option to use modern technology for controlled substance transactions. The proposed regulations would reduce paperwork and transaction times for DEA registrants who distribute, purchase, or handle controlled substances. These proposed regulations are consistent with paperwork reduction mandates. These proposed regulations also respond to the requirements of Public Law 106-229, the "Electronic

DOJ—DEA

Proposed Rule Stage

Signatures in Global and National Commerce Act," while maintaining a closed system of distribution of controlled substances and ensuring security and authentication. In addition, DEA is proposing to revise its regulations to permit DEA-registered prescribers to electronically write, sign, and transmit prescriptions.

**Timetable:****Electronic Orders for Schedule I and II Controlled Substances**

ANPRM 03/05/01 (66 FR 13274)

NPRM 02/00/03

NPRM Comment Period End 04/00/03

**Notice of Intent To Conduct Performance Verification Testing of Public Key Infrastructure Enabled Controlled Substance Orders**

Notice 01/11/02 (67 FR 1507)

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** ANPRM: DEA-214

Notice: DEA-224

**Agency Contact:** Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

**Related RIN:** Related To 1117-AA61**RIN:** 1117-AA60**1575. ELECTRONIC PRESCRIPTIONS FOR CONTROLLED SUBSTANCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 821; 21 USC 829; 21 USC 871(b)**CFR Citation:** 21 CFR 1306**Legal Deadline:** None

**Abstract:** DEA is proposing to revise its regulations to permit DEA-registered prescribers to electronically write, sign, and transmit prescriptions. These proposed regulations would be an addition to, not a replacement of, the existing rules. These regulations are needed to give pharmacies, hospitals, and practitioners the ability to use modern technology for controlled substance prescriptions, while maintaining the closed system of distribution of controlled substances dispensing. The proposed regulations would reduce paperwork and

transaction times for DEA registrants who dispense or prescribe controlled substances. The proposed regulations would also reduce the number of prescription errors caused by illegible handwriting and misunderstood oral prescriptions. They would allow pharmacies and hospitals to integrate prescription records into other medical records more directly, increasing efficiency, and would reduce the time patients spend waiting to have prescriptions filled. These proposed regulations are consistent with paperwork reduction mandates. These proposed regulations also respond to the requirements of Public Law 106-229, the "Electronic Signatures in Global and National Commerce Act," while ensuring security and authentication. In addition, DEA is proposing to revise its regulations to provide the option of ordering Schedule I and II controlled substances electronically in a manner consistent with the requirements of the Controlled Substances Act (CSA)(21 USC 801 et seq.)

**Timetable:**

Action	Date	FR Cite
ANPRM	03/05/01	66 FR 13274
NPRM	05/00/03	
NPRM Comment Period End	07/00/03	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** DEA-214

**Agency Contact:** Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

**Related RIN:** Related To 1117-AA60**RIN:** 1117-AA61**1576. SECURITY REQUIREMENTS FOR HANDLERS OF PSEUDOEPHEDRINE, EPHEDRINE, AND PHENYLPROPANOLAMINE****Priority:** Other Significant**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 830**CFR Citation:** 21 CFR 1309**Legal Deadline:** None

**Abstract:** DEA is proposing to require that manufacturers, distributors, importers and exporters of pseudoephedrine, ephedrine and phenylpropanolamine implement security procedures similar to those of Schedules III-V controlled substances to prevent the theft and diversion of these List I chemicals. Pseudoephedrine and ephedrine are used in the illegal manufacture of methamphetamine, and phenylpropanolamine is used in the illegal manufacture of amphetamine.

The vast majority of these clandestine laboratories were producing methamphetamine using over-the-counter regulated drug products. Some of the product found at these clandestine laboratories came from thefts at manufacturers, distributors, importers and exporters. Almost all of the reports of List I chemical thefts reported to DEA in the past few years have involved pseudoephedrine, ephedrine, or phenylpropanolamine.

Therefore, to address the problem of diversion of pseudoephedrine, ephedrine and phenylpropanolamine through theft, DEA is proposing that manufacturers, distributors, importers and exporters of these three chemicals implement security procedures similar to those now used by registrants handling Schedules III through V controlled substances. These procedures include the storage of substances in a secure safe or steel cabinet, cage, or room and installation of a monitored alarm system linked to a central location. DEA will also be seeking input regarding alternative means to effectively prevent the theft and diversion of these products. Keeping pseudoephedrine, ephedrine, and phenylpropanolamine products in such secure areas will limit the opportunity for theft.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/03	
NPRM Comment Period End	08/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-211

**Agency Contact:** Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of

## DOJ—DEA

## Proposed Rule Stage

Diversion Control, Washington, DC  
20537

Phone: 202 307-7297

RIN: 1117-AA62

### 1577. REORGANIZATION AND CLARIFICATION OF DEA REGULATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 21 USC 871(b)

**CFR Citation:** 21 CFR 1300; 21 CFR 1301; 21 CFR 1302; 21 CFR 1303; 21 CFR 1304; 21 CFR 1305; 21 CFR 1306; 21 CFR 1307; 21 CFR 1308; 21 CFR 1309; 21 CFR 1310; 21 CFR 1312; 21 CFR 1313; ...

**Legal Deadline:** None

**Abstract:** DEA is proposing a revision and reorganization of Title 21, Code of Federal Regulations, Chapter II. These regulations relate to the manufacture, distribution, dispensing, importation, and exportation of controlled substances and the manufacture, distribution, importation, and exportation of listed chemicals. This action is being taken to further clarify and reorganize the current regulations. The regulations will be drafted in plain language to make them easier to understand.

#### Timetable:

Action	Date	FR Cite
NPRM	01/00/03	
NPRM Comment Period End	03/00/03	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-221

**Agency Contact:** Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

RIN: 1117-AA63

### 1578. CHEMICAL MIXTURES CONTAINING GAMMA-BUTYROLACTONE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b)

**CFR Citation:** 21 CFR 1310

**Legal Deadline:** None

**Abstract:** In previous rulemakings, DEA made gamma-butyrolactone (GBL) a List I chemical and established thresholds for transactions involving this chemical. DEA is requesting information from interested persons in order to propose regulations governing chemical mixtures containing gamma-butyrolactone (GBL), a List I chemical. Currently, all chemical mixtures containing GBL are exempt from regulation. These mixtures will remain exempt until publication of rulemakings regarding chemical mixtures (see RIN 1117-AA31). GBL is used in the illicit manufacture of GHB, a Schedule I controlled substance. Specifically, DEA is seeking information on the types of products containing GBL; the concentration levels of GBL in the product formulations; and the packaging, distribution, use, and commercial availability of these products. This information will help to determine whether there are chemical mixtures containing GBL which should be exempt from the regulations governing listed chemicals.

#### Timetable:

Action	Date	FR Cite
ANPRM	07/19/02	67 FR 47493
Correction	08/19/02	67 FR 53842
Correction	09/05/02	67 FR 56776
ANPRM Comment Period End	09/17/02	
NPRM	04/00/03	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-222

**Agency Contact:** Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7183

**Related RIN:** Related To 1117-AA52, Related To 1117-AA31

RIN: 1117-AA64

### 1579. CHEMICAL REGISTRATION WAIVERS; EXEMPTION FROM CHEMICAL REGISTRATION FEES FOR CERTAIN PERSONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 830; 21 USC 871(b); 21 USC 875; 21 USC 877; 21 USC 958

**CFR Citation:** 21 CFR 1309; 21 CFR 1310

**Legal Deadline:** None

**Abstract:** DEA is proposing amending its regulations to waive the requirement of registration for contract processors, medical/first aid kit providers, distributors of sample packages of drug products, distributors of research/reference standards, and rural wholesale distributors. These actions are being taken in response to industry comments and suggestions. DEA has determined that requiring registration for these activities is not necessary for effective enforcement under the Controlled Substances Act (CSA), and waiving the requirement of registration will ease regulatory burdens for the affected industries. DEA is also proposing exempting charitable organizations and governmental entities from initial and renewal registration fees. These fee exemptions will bring the chemical regulations into conformance with the controlled substances regulations.

#### Timetable:

Action	Date	FR Cite
NPRM	04/00/03	
NPRM Comment Period End	06/00/03	

#### Regulatory Flexibility Analysis

**Required:** Undetermined

**Government Levels Affected:** State, Local, Federal

**Additional Information:** DEA-189

**Agency Contact:** Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

RIN: 1117-AA67

DOJ—DEA

Proposed Rule Stage

**1580. • AUTHORITY FOR PRACTITIONERS TO DISPENSE OR PRESCRIBE APPROVED NARCOTIC (OPIOID) SUBSTANCES FOR MAINTENANCE OR DETOXIFICATION TREATMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 829; 21 USC 871(b); 21 USC 875; 21 USC 877; 21 USC 956; ...**CFR Citation:** 21 CFR 1301; 21 CFR 1306**Legal Deadline:** None

**Abstract:** DEA is proposing amendments to its regulations to implement the Drug Addiction Treatment Act of 2000 (DATA). These amendments would allow qualified practitioners to dispense and prescribe narcotic (opiod) controlled substances approved by the Food and Drug Administration (FDA) specifically for use in maintenance or detoxification treatment.

The Controlled Substances Act (CSA) and current regulations require that practitioners who want to conduct maintenance or detoxification treatment using narcotic (opiod) controlled substances to be registered with DEA as narcotic treatment programs (NTPS) in addition to the practitioners' personal registrations. The separate NTP registrations authorize the practitioners to dispense or administer, but not prescribe, narcotic (opiod) controlled substances.

These regulations establish an exemption from the separate registration requirement for qualified practitioners dispensing or prescribing Schedule III, IV, and V narcotic (opiod) controlled substances approved by the FDA specifically for use in maintenance or detoxification treatment. This NPRM would allow "qualifying physicians," whether they are already registered as NTPs or not, to dispense and prescribe Schedule III, IV, and V narcotic (opiod) controlled substances or combinations of controlled substances approved by FDA specifically for use in maintenance or detoxification treatment.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/03	
NPRM Comment Period End	04/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-202**Agency Contact:** Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

**RIN:** 1117-AA68**1581. • CONTROLLED SUBSTANCES REGISTRATION AND REREGISTRATION APPLICATION FEES****Priority:** Other Significant**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 871(b); 21 USC 875; 21 USC 877; ...**CFR Citation:** 21 CFR 1301**Legal Deadline:** None

**Abstract:** DEA is proposing to adjust the current fee schedule for DEA controlled substances registration to adequately recover necessary costs associated with the Diversion Control Program (DCP) as mandated by the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1993, section 111(b), Public Law 102-395. DEA published its last fee revision in 1993. Since that time, fees have remained unchanged. This NPRM proposes the fee structure under the existing registration system to fully support the operations of the DCP for fiscal years 2003 through 2005. DEA is required by law to collect the full costs of the DCP.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-232**Agency Contact:** Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of

Diversion Control, Washington, DC 20537

Phone: 202 307-7297

**RIN:** 1117-AA70**1582. • RECORDKEEPING AND REPORTING REQUIREMENTS FOR DRUG PRODUCTS CONTAINING HYDROXYBUTYRIC ACID (GHB)****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 802; 21 USC 821; 21 USC 827; 21 USC 829; 21 USC 830; 21 USC 871(b); 21 USC 958; 21 USC 965; ...**CFR Citation:** 21 CFR 1304; 21 CFR 1306; 21 CFR 1310**Legal Deadline:** None

**Abstract:** The Drug Enforcement Administration (DEA) is publishing a Notice of Proposed Rulemaking (NPRM) to amend its regulations to require additional recordkeeping and reporting requirements for drug products containing gamma-hydroxybutyric acid (GHB) for which an application has been approved under the Federal Food, Drug, and Cosmetic Act. The Hillary J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 2000 establishes specific reporting and recordkeeping requirements with respect to the distribution and dispensing of drug products containing GHB.

This NPRM proposes recordkeeping requirements for practitioners dispensing Schedule III GHB drug products and reporting requirements for manufacturers and distributors of Schedule III GHB drug products. Specifically, this NPRM would require pharmacies and practitioners dispensing GHB to maintain and make available for inspection the name of the prescribing practitioner, the prescribing practitioner's Federal and State registration numbers with expiration dates, verification that the prescribing practitioner possesses appropriate registration, the patient's insurance provider, if available, as well as the patient's medical need for the drug. This NPRM also proposes to include Schedule III GHB drug products as controlled substances that must be reported under the Automation of Reports and Consolidated Orders System (ARCOS).

## DOJ—DEA

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	
NPRM Comment Period End	05/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-234

**Agency Contact:** Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

**RIN:** 1117-AA71**1583. ● CHEMICAL REGISTRATION AND REREGISTRATION FEES****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 821; 21 USC 830; 21 USC 871(b); 21 USC 958**CFR Citation:** 21 CFR 1309**Legal Deadline:** None

**Abstract:** On December 1, 1999, DEA published a Notice of Proposed Rulemaking (see RIN 1117-AA50) regarding its chemical registration and reregistration fees. Subsequent to publication of this rule, DEA's investigative activities increased. As has been previously noted elsewhere, costs for investigative activities including, but not limited to, extensive investigation and collection of documentation of violative practices by registrants, attorney review and preparation by DEA's Office of Chief Counsel, staff and attorney time to prepare for proceedings to deny or revoke a registration, and Administrative Law Judge and staff to conduct registration denial hearings were not included in previous fee calculations. Due to the increased costs associated with these investigative activities, DEA is re-evaluating the costs of the chemical control program

and calculating new fees to incorporate these increased costs.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/03	
NPRM Comment Period End	08/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-235

**Agency Contact:** Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

**Related RIN:** Related To 1117-AA50**RIN:** 1117-AA72

## Department of Justice (DOJ)

## Final Rule Stage

## Drug Enforcement Administration (DEA)

**1584. DEFINITION AND REGISTRATION OF REVERSE DISTRIBUTORS****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 871(b); 21 USC 875; 21 USC 877**CFR Citation:** 21 CFR 1301**Legal Deadline:** None

**Abstract:** In years past, most pharmaceutical manufacturers and wholesalers, as a service to their customers, accepted returns of outdated/damaged merchandise. Also, agencies such as DEA and State Boards of Pharmacy accepted surrendered drugs or witnessed their disposal by controlled substance registrants. Over the past several years, environmental concerns and regulations have eliminated many of the disposal options which had been available. As a result, drug producers and government agencies alike are increasingly reluctant to be involved in the disposal process. Due to these factors and the time and resources expended by DEA and manufacturers, DEA is proposing the establishment of

this essential link in the legitimate distribution chain.

**Timetable:**

Action	Date	FR Cite
NPRM	08/23/95	60 FR 43732
NPRM Comment Period End	10/23/95	
Interim Final Rule	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** DEA-108

**Agency Contact:** Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

**RIN:** 1117-AA19**1585. EXEMPTION OF CHEMICAL MIXTURES****Priority:** Other Significant**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b)**CFR Citation:** 21 CFR 1310**Legal Deadline:** None

**Abstract:** The Domestic Chemical Diversion Control Act of 1993 removed the exemption from regulation for chemical mixtures. Chemical mixtures are now regulated, unless specifically exempted by the Administrator. In the proposed rule regarding the implementation of the Domestic Chemical Diversion Control Act of 1993, DEA proposed regulations regarding exemption of chemical mixtures. Based on industry comments, the proposed regulations were subsequently withdrawn for reassessment and consultation with industry. Based on extensive consultations with industry, DEA has published proposed regulations intended to establish the least possible burden on industry while remaining consistent with the requirements of the law. Comments received on the proposed regulations are currently being reviewed.

**Timetable:**

Action	Date	FR Cite
NPRM	09/16/98	63 FR 49506

DOJ—DEA

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period Extended to 04/16/99	02/12/99	64 FR 7144
NPRM Comment Period End	04/16/99	
Final Rule	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** DEA-137

**Agency Contact:** Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7183

RIN: 1117-AA31

**1586. CHEMICAL REGISTRATION AND REREGISTRATION FEES****Priority:** Other Significant

**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 830; 21 USC 871 (b); 21 USC 875; 21 USC 877; 21 USC 958

**CFR Citation:** 21 CFR 1309**Legal Deadline:** None

**Abstract:** In December 1999, the Drug Enforcement Administration (DEA) proposed to amend its application fees for registration and reregistration of manufacturers, distributors, importers, and exporters of List I chemicals, as authorized by section 3(a) of the Domestic Chemical Diversion Control Act of 1993 (DCDCA), reducing the fees from \$595.00 to \$326.00 for initial registration, and the reregistration fees from \$477.00 to \$171.00. Fees for retail registrants were proposed to increase from \$255.00 to \$326.00 for registration, and from \$116.00 to \$171.00 for reregistration. Office of Management and Budget Circular A-25 requires a periodic review of user charges for agency programs. Subsequent to publication, concerns were raised about costs included in this user fee.

As DEA has noted in previous rulemakings on this subject, certain costs for investigative activities have not been included in previous fees. Specifically, costs for investigative activities including, but not limited to, extensive investigation and collection of documentation of violative practices

by registrants, attorney review and preparation by DEA's Office of Chief Counsel, staff and attorney time to prepare for proceedings to deny or revoke a registration, and Administrative Law Judge and staff to conduct registration denial hearings were not included in previous fee calculations. Costs for these investigative activities have risen as DEA activities have increased necessitating the re-evaluation of this user fee. Based on these concerns, DEA will be publishing a notice to formally withdraw the rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	12/01/99	64 FR 67216
NPRM Comment Period End	01/31/00	
Notice: Withdrawing Rulemaking	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** DEA-185

**Agency Contact:** Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

**Related RIN:** Related To 1117-AA72

RIN: 1117-AA50

**1587. PLACEMENT OF GAMMA-BUTYROLACTONE IN LIST I OF THE CONTROLLED SUBSTANCES ACT (21 U.S.C. 802)****Priority:** Substantive, Nonsignificant

**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b)

**CFR Citation:** 21 CFR 1310**Legal Deadline:** None

**Abstract:** Public Law 106-172, signed into law on February 18, 2000, and known as the "Hillary J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 2000" amends section 102(34) of the Controlled Substances Act as amended (CSA) by designating gamma-butyrolactone (GBL), the precursor to gamma-hydroxybutyric acid (GHB), as a List I chemical. Reflecting this change in statute, on April 24, 2000, the Drug Enforcement Administration (DEA) amended its regulations to reflect the

status of GBL as a List I chemical subject to the requirements of the CSA and its regulations. Establishment of a threshold for GBL is the subject of a separate rulemaking, proposed on October 24, 2001. Therefore, unless and until a threshold is established, any distribution of GBL is a regulated transaction as described by 21 CFR 1300.02(b)(28). All handlers of GBL must comply with the CSA regulatory requirements pertaining to List I chemicals as described in the body of this document. Further, DEA is considering regulations regarding exemption of chemical mixtures containing GBL (RIN 1117-AA64).

**Timetable:****Placement of Gamma-Butyrolactone in List I of the Controlled Substance Act ( 21 U.S.C. 802)**

Final Rule 04/24/00 (65 FR 21645)

**Threshold for Gamma-Butyrolactone**

NPRM 10/24/01 (66 FR 53746)

Correction 12/12/01 (66 FR 64173)

NPRM Comment Period End 12/24/01

Final Action 04/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-199, DEA-203

**Agency Contact:** Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7183

**Related RIN:** Related To 1117-AA64

RIN: 1117-AA52

**1588. INDUSTRIAL USE OF PRODUCTS AND MATERIALS DERIVED FROM CANNABIS PLANTS****Priority:** Other Significant

**Legal Authority:** 21 USC 802; 21 USC 811; 21 USC 812; 21 USC 871(b)

**CFR Citation:** 21 CFR 1308**Legal Deadline:** None

**Abstract:** DEA published three rules simultaneously in the Federal Register regarding the status of products manufactured from the cannabis plant. The three rules were as follows.

The first rule was an interpretive rule, which provided DEA's interpretation of existing law with respect to the listing

## DOJ—DEA

## Final Rule Stage

of tetrahydrocannabinols (THC) in Schedule I of the Controlled Substances Act (CSA) and DEA regulations. (Please see “Additional Information” for further details.)

The second rule was a proposed rule to revise the wording of the DEA regulations to more clearly reflect DEA’s interpretation of the law as set forth in the interpretive rule. The proposed rule made clear that the listing of THC in Schedule I included both natural and synthetic THC and that any substance containing any amount of THC is a Schedule I controlled substance—even if such substance was made from “hemp.”

The third rule was an interim rule, which exempted from application of the CSA and DEA regulations certain industrial “hemp” products. DEA issued this rule to allow the continuation of what have historically been considered legitimate industrial uses of “hemp.” Under this rule, industrial “hemp” products such as paper, rope, and clothing may continue to be marketed in the United States without being subject to the CSA. At the same time, in order to protect the public health and safety, the interim rule did not allow “hemp” products that result in THC entering the human body. In this manner, it remained clear that the only lawful way THC may enter the human body is when a person is using a federally approved drug or when the person is the subject of federally approved research.

**Timetable:****Clarification of Listing of****Tetrahydrocannabinols**

NPRM 10/09/01 (66 FR 51535)

NPRM Comment Period End 12/10/01

Final Action 03/00/03

**Exemption From Control of Certain Industrial Products and Material Derived From the Cannabis Plant**

Interim Final Rule 10/09/01 (66 FR 51539)

Interim Final Rule Comment Period End 12/10/01

Interim Final Rule Extending Grace Period 02/15/02 (67 FR 7073)

Final Action 03/00/03

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None

**Additional Information:** While agencies are not required to include information regarding interpretive rules in the Unified Agenda, DEA is providing a description of this interpretive rule for

informational purposes. The interpretive rule provided DEA’s interpretation of existing law with respect to the listing of tetrahydrocannabinols (THC) in Schedule I of the Controlled Substances Act (CSA) and DEA regulations. The rule further provided DEA’s interpretation of the current legal status of products containing THC. In recent months, DEA received numerous inquiries from members of the public about the legal status of products made from “hemp” (portions of the cannabis plant excluded from the CSA definition of marijuana). As stated in this rule, DEA interprets the CSA such that any substance containing any amount of THC is a Schedule I controlled substance—even if such substance is made from “hemp.”

**Agency Contact:** Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7183

**RIN:** 1117-AA55**1589. CONTROL OF RED PHOSPHORUS, WHITE PHOSPHORUS, AND HYPOPHOSPHOROUS ACID (AND ITS SALTS) AS LIST I CHEMICALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b)**CFR Citation:** 21 CFR 1310**Legal Deadline:** None

**Abstract:** Because of their use and importance in the illicit manufacture of methamphetamine, a Schedule II controlled substance, DEA is proposing the addition of red phosphorus, white phosphorus (also known as yellow phosphorus), and hypophosphorous acid (and its salts) as List I chemicals. These phosphorus chemicals have been identified as being important chemicals for the illicit production of methamphetamine. As List I chemicals, handlers of these materials will be subject to Controlled Substances Act (CSA) chemical regulatory controls including registration, recordkeeping, reporting, and import/export requirements. DEA has determined that these controls are necessary to prevent

the diversion of these chemicals to clandestine drug laboratories.

DEA has conducted an extensive review of the phosphorus industry, publishing an Advanced Notice of Proposed Rulemaking. DEA’s review indicated that there are only two domestic producers of white phosphorus and three producers of red phosphorus, or hypophosphorous acid (and its salts). While producers of white phosphorus will be required to register with DEA and maintain records of each regulated transaction (i.e., all transactions of these chemicals), over 98 percent of the phosphorus produced is converted to a form not impacted by this regulation. The remaining 2 percent of the phosphorus (used domestically) is utilized in its elemental form (i.e., as red phosphorus or white phosphorus) or used to produce all other phosphorus chemicals. Therefore, this regulation will only affect the distribution of less than 2 percent of the industry at the end user level. Further, DEA is considering regulations regarding the exemption of chemical mixtures containing red phosphorus, white phosphorus, and hypophosphorous acid (and its salts).

**Timetable:**

Action	Date	FR Cite
ANPRM	02/02/00	65 FR 4913
ANPRM Comment Period End	04/03/00	
NPRM	09/25/00	65 FR 57577
NPRM Comment Period End	11/24/00	
Final Rule	10/17/01	66 FR 52670
Comment Period End	11/16/01	
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-198

**Agency Contact:** Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7183

**Related RIN:** Related To 1117-AA66**RIN:** 1117-AA57

## DOJ—DEA

## Final Rule Stage

**1590. ALLOWING CENTRAL FILL PHARMACIES TO FILL PRESCRIPTIONS FOR CONTROLLED SUBSTANCES ON BEHALF OF RETAIL PHARMACIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 802; 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 871 (b); 21 USC 875; 21 USC 877**CFR Citation:** 21 CFR 1300; 21 CFR 1301; 21 CFR 1304; 21 CFR 1305; 21 CFR 1306; 21 CFR 1307**Legal Deadline:** None

**Abstract:** DEA is amending its regulations to provide for the use of central fill pharmacies, also known as refill pharmacies, fulfillment centers, or call centers. Unlike retail pharmacies which dispense controlled substances directly to the patient, central fill pharmacies provide a service to retail pharmacies by preparing and packaging prescriptions for retail pharmacies to dispense to the patient. Prescription information is transmitted from a retail pharmacy to a central fill pharmacy where the prescription is filled or refilled. The filled prescription is delivered to the retail pharmacy for pickup by the patient. Industry has expressed interest in utilizing central fill pharmacy operations to allow for more efficient delivery of prescriptions to patients.

**Timetable:**

Action	Date	FR Cite
NPRM	09/06/01	66 FR 46567

Action	Date	FR Cite
NPRM Comment Period End	11/05/01	
Final Action	04/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-208**Agency Contact:** Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

**RIN:** 1117-AA58**1591. • IMPLEMENTATION OF THE METHAMPHETAMINE ANTI-PROLIFERATION ACT: THRESHOLDS FOR RETAILERS AND FOR DISTRIBUTORS REQUIRED TO SUBMIT REPORTS UNDER 21 U.S.C. 830(B)(3); CHANGES TO MAIL ORDER REPORTING****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 802; 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 830; 21 USC 871(b); 21 USC 875; 21 USC 977; 21 USC 951; 21 USC 958; ...**CFR Citation:** 21 CFR 1300; 21 CFR 1309; 21 CFR 1310**Legal Deadline:** None**Abstract:** This final rule is a conforming regulation that implements

the provisions of the Methamphetamine Anti-Proliferation Act of 2000 (MAPA). For retailers and for distributors required to submit monthly mail order reports under 21 U.S.C. 830(b)(3), MAPA reduced the transaction thresholds for pseudoephedrine and phenylpropanolamine drug products to 9 grams per single transaction and added a package size restriction of 3 grams. MAPA added the requirement that distributors who are subject to submitting mail order reports must report certain export transactions. To reduce the burden on the regulated industry, MAPA established certain exemptions to the mail order reporting requirement and gave DEA authority to grant additional exemptions as warranted.

**Timetable:**

Action	Date	FR Cite
Final Rule	01/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-210**Agency Contact:** Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

**RIN:** 1117-AA69

## Department of Justice (DOJ)

## Completed Actions

## Drug Enforcement Administration (DEA)

**1592. REGISTRATION AND REREGISTRATION APPLICATION FEES****Priority:** Other Significant**CFR Citation:** 21 CFR 1301**Completed:**

Reason	Date	FR Cite
Final Action	08/09/02	67 FR 51987

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Patricia M. Good

Phone: 202 307-7297

**RIN:** 1117-AA34**1593. CHANGE OF ADDRESS FOR FILING CHEMICAL IMPORT/EXPORT DECLARATIONS (DEA FORM 486), REPORTS FOR THE IMPORTATION OR EXPORTATION OF TABLETING AND ENCAPSULATING MACHINES, AND OTHER RELATED REPORTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 21 CFR 1310; 21 CFR 1313**Completed:**

Reason	Date	FR Cite
Final Action	07/31/02	67 FR 49568

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Patricia M. Good  
Phone: 202 307-7297**RIN:** 1117-AA65



**Department of Justice (DOJ)**  
**Executive Office for Immigration Review (EOIR)**

**Proposed Rule Stage**

**1594. AUTHORITY OF IMMIGRATION JUDGES TO ISSUE CIVIL MONEY PENALTIES**

**Priority:** Other Significant

**Legal Authority:** 5 USC 301; 3 CFR, 1949 to 1953 Comp, p 1002; 8 USC 1103; 8 USC 1252 note; 8 USC 1101 note; 8 USC 1362; 28 USC 509; 8 USC 1324b; 28 USC 510; 28 USC 1746; Reorg Plan No 2 of 1950, sec 2

**CFR Citation:** 8 CFR 1; 8 CFR 3

**Legal Deadline:** None

**Abstract:** This rule proposes to amend the regulations by implementing the statutory authority given to Immigration Judges to sanction by civil money penalty any action or inaction in contempt of the Judge's proper exercise of authority. This statutory authority is derived from section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104-208 (IIRIRA), September 30, 1996. This rule sets forth the types of conduct for which civil money penalty sanctions may be imposed, the procedures for imposing these sanctions, the affirmative defenses which may excuse the imposition of a civil money penalty sanction, and the procedures for appealing such sanctions. The rule also adds an additional ground for disciplinary sanctions under 8 CFR section 3.102 for engaging in a pattern and practice of conduct which has been found to be in contempt of the Immigration Judge's proper exercise of authority.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/03	
NPRM Comment Period End	08/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041  
 Phone: 703 305-0470

**RIN:** 1125-AA18

**1595. SUSPENSION OF DEPORTATION AND CANCELLATION OF REMOVAL FOR CERTAIN BATTERED SPOUSES AND CHILDREN; MOTIONS TO REOPEN FOR CERTAIN BATTERED SPOUSES AND CHILDREN**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 8 USC 1101 note; 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1224 to 1227; 8 USC 1251; 8 USC 1252 note; 8 USC 1251a; 8 USC 1252b; 8 USC 1324b; 8 USC 1362; 28 USC 509 to 510; 28 USC 1746; Reorg Plan No 2 of 1950; 3 CFR 1949 to 1953 Comp, sec 2; PL 105-100, sec 202-203; PL 105-277, sec 902; PL 106-386, sec 1506; PL 106-554, sec 1505; PL 106-554, sec 1510; 8 CFR 2; 8 CFR 3; 8 CFR 240

**CFR Citation:** 8 CFR 3; 8 CFR 240

**Legal Deadline:** None

**Abstract:** This rule amends Department regulations by establishing procedures incorporating the amended requirements of cancellation of removal for battered spouses and children under 240A(b)(2) of the Immigration and Nationality Act (Act), and suspension of deportation under former section

244(a)(3) of the Act (as it existed before April 1, 1997), which were amended by section 1504 of the Battered Immigrant Women Protection Act of 2000.

This rule also amends Department regulations by establishing procedures for certain battered spouses and children to reopen their removal or deportation proceedings to apply for the relief of cancellation of removal or suspension of deportation under 240(c)(6)(C)(iv) of the Act (as amended by section 1506 of the Battered Immigrant Women Protection Act of 2000).

Additionally, this rule establishes procedures which must be followed by EOIR when an alien applies for a domestic violence victim waiver under section 237(a)(7) of the Act (as amended by section 1505(b) of the Battered Immigrant Women Protection Act of 2000).

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/03	
NPRM Comment Period End	09/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041  
 Phone: 703 305-0470

**RIN:** 1125-AA35

**Department of Justice (DOJ)**  
**Executive Office for Immigration Review (EOIR)**

**Final Rule Stage**

**1596. SUSPENSION OF DEPORTATION AND CANCELLATION OF REMOVAL**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1224 to 1227; 8 USC 1251 to 1252; 8 USC 1362; PL 105-100, sec 202

**CFR Citation:** 8 CFR 240

**Legal Deadline:** None

**Abstract:** This rule amends the regulations of the Executive Office for Immigration Review and the Immigration and Naturalization Service by eliminating the conditional grant process at 8 CFR 240.21 and establishing a permanent procedure for processing suspension of deportation and cancellation of removal cases. This rule is necessary to implement the numerical limitation on suspension of deportation and cancellation of removal and adjustment of status imposed by

the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and the Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA).

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/30/98	63 FR 52134
Interim Final Rule Comment Period End	11/30/98	
Final Action	08/00/03	

DOJ—EOIR

Final Rule Stage

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041  
Phone: 703 305-0470

**RIN:** 1125-AA25**1597. AUTHORITIES DELEGATED TO THE DIRECTOR OF THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW****Priority:** Info./Admin./Other

**Legal Authority:** 5 USC 301; 8 USC 1103; 8 USC 1252 note; 8 USC 1252b; 8 USC 1362; 28 USC 509 to 510; 28 USC 1746

**CFR Citation:** 8 CFR 3; 8 CFR 240; 28 CFR

**Legal Deadline:** None

**Abstract:** This rule outlines the authorities and powers (and limitations thereto) delegated by the Attorney General to the Director of the Executive Office for Immigration Review (EOIR), the Chairman of the Board of Immigration Appeals (BIA), and the Chief Immigration Judge. These authorities include such managerial responsibilities as: Issuing operational instructions, setting policies, providing for the training of staff, and ensuring the efficient disposition of cases. One of the limitations on the powers of the Director of EOIR, the Chairman of the BIA, and the Chief Immigration Judge is that they cannot direct the result of a case adjudication assigned to someone else. Further, the Director of EOIR cannot adjudicate cases.

Additionally, this rule makes technical amendments to better describe EOIR's components: The Board of Immigration Appeals (BIA), the Office of the Chief Immigration Judge (OCIJ), and the Office of the Chief Administrative Hearing Officer (OCAHO).

**Timetable:**

Action	Date	FR Cite
NPRM	12/26/00	65 FR 81434
NPRM Comment Period End	02/26/01	
Final Action	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041  
Phone: 703 305-0470

**RIN:** 1125-AA27**1598. MOTIONS TO REOPEN FOR SUSPENSION OF DEPORTATION AND SPECIAL RULE CANCELLATION OF REMOVAL PURSUANT TO SECTION 1505(C) OF THE LIFE ACT AMENDMENTS****Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 8 USC 1103, 1252 note, 1252b, 1324b, 1362; 28 USC 509 to 510; 28 USC 1746; sec 203 of PL 105-100; secs 1506 and 1510 of PL 106-386; sec 1505 of PL 106-554

**CFR Citation:** 8 CFR 3**Legal Deadline:** None

**Abstract:** The rule amends the regulations of the Executive Office for Immigration Review (EOIR) by establishing a special procedure for the filing and adjudication of motions to reopen to apply for suspension of deportation and cancellation of removal pursuant to section 1505(c) of the Legal Immigration Family Equity Act Amendments of 2000 (LIFE Act Amendments). Motions to reopen under this rule must have been filed on or before October 16, 2001.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/17/01	66 FR 37119
Interim Final Rule Comment Period End	09/17/01	
Final Action	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041  
Phone: 703 305-0470

**RIN:** 1125-AA31**1599. SECTION 212(C) RELIEF FOR ALIENS WITH CERTAIN CRIMINAL CONVICTIONS BEFORE APRIL 1, 1997****Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1224-1227; 8 USC 1251; 8 USC 1252 note; 8 USC 1252a; 8 USC 1252b; PL 105-110, sec 202-203; PL 105-277, sec 902; 8 CFR 2

**CFR Citation:** 8 CFR 3**Legal Deadline:** None

**Abstract:** The rule amends the regulations of the EOIR and the INS by establishing procedures for certain lawful permanent residents (LPRs) with certain criminal convictions to apply for a waiver of inadmissibility pursuant to former section 212(c) of the INA. It is only applicable to certain LPRs whose convictions were prior to April 1, 1997. It applies to certain LPRs who have cases pending before EOIR or are under final administrative orders. This rule will broaden eligibility for INA section 212(c) relief in light of the recent Supreme Court decision in *INS v. St. Cyr*, 121 (S. Ct. 2271 (2001)).

**Timetable:**

Action	Date	FR Cite
NPRM	08/13/02	67 FR 52627
Correction	08/22/02	67 FR 54360
NPRM Comment Period End	10/15/02	
Final Action	01/00/03	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041  
Phone: 703 305-0470

**RIN:** 1125-AA33**1600. • PROTECTIVE ORDERS IN IMMIGRATION ADMINISTRATION PROCEEDINGS****Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 8 USC 1101 note, 1103, 1231, 1252 note, 1252b, 1324b, 1253, 1362; 28 USC 509, 510, 1746; sec 2, Reorg Plan No 2 of 1950; 3 CFR 1949-1953 Comp, p 1002; section 203 of PL 105-100, 111 Stat 2196-200; sections 1506 and 1510 of PL 106-386, 114 Stat 1527-29, 1531-32;

## DOJ—EOIR

## Final Rule Stage

section 1505 of PL 106-554, 114 Stat 2763A-326 to 2763A-328

**CFR Citation:** 8 CFR 3

**Legal Deadline:** None

**Abstract:** This rule amends regulations governing the Executive Office for Immigration Review (EOIR) by authorizing immigration judges to issue protective orders to limit public disclosure of sensitive law enforcement or national defense information during immigration proceedings. The rule is

applicable in all proceedings before immigration judges, but involves only a small number of cases.

**Timetable:**

Action	Date	FR Cite
NPRM	05/28/02	67 FR 36799
NPRM Comment Period End	07/29/02	
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041  
Phone: 703 305-0470

**RIN:** 1125-AA38

## Department of Justice (DOJ)

## Completed Actions

## Executive Office for Immigration Review (EOIR)

**1601. BOARD OF IMMIGRATION APPEALS; PROCEDURAL REFORMS TO IMPROVE CASE MANAGEMENT**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 8 CFR 3; 8 CFR 280

**Completed:**

Reason	Date	FR Cite
Final Rule	08/26/02	67 FR 54878
Final Rule Effective	09/25/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Charles Adkins-Blanch  
Phone: 703 305-0470

**RIN:** 1125-AA36

## Department of Justice (DOJ)

## Proposed Rule Stage

## Federal Bureau of Investigation (FBI)

**1602. CLAIMS OF EXEMPTIONS FROM PROVISIONS OF THE PRIVACY ACT AS TO FBI RECORDS**

**Priority:** Info./Admin./Other

**Legal Authority:** 5 USC 552a

**CFR Citation:** 28 CFR 16.96

**Legal Deadline:** None

**Abstract:** This rule clarifies the meaning of 28 CFR 16.96 "Exemption of Federal Bureau of Investigation Systems—Limited Access" by reorganizing the material and amplifying the reasons for exempting various FBI record systems from some

provisions of the Privacy Act. The benefits will be greater ease of use by the public and more understandable, targeted claims of exemptions.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Beth Haley, Assistant General Counsel, Department of Justice,

Federal Bureau of Investigation, Room 7338, J. Edgar Hoover Building, 935 Pennsylvania Avenue NW, Washington, DC 20535-0001  
Phone: 202 324-4523

David M. Hardy, Supervisory Attorney-Advisor, Department of Justice, Federal Bureau of Investigation, 6296, J. Edgar Hoover Bldg., 935 Pennsylvania Avenue NW, Washington, DC 20535-0001

Phone: 202 324-3000

**RIN:** 1110-AA08

## Department of Justice (DOJ)

## Final Rule Stage

## Federal Bureau of Investigation (FBI)

**1603. IMPLEMENTATION OF SECTIONS 104 AND 109 OF THE COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT**

**Priority:** Other Significant

**Legal Authority:** PL 103-414 Communications Assistance for Law Enforcement Act; PL 104-208 Omnibus Consolidated Appropriations Act of 1997

**CFR Citation:** 28 CFR 100

**Legal Deadline:** Other, Statutory, October 25, 1998, While CALEA required telecommunications carriers to be in compliance with section 103 by October 25, 1998, the FCC exercised (continued in Additional Information).

**Abstract:** As required by section 109 of the Communications Assistance for Law Enforcement Act (CALEA), the FBI

promulgated Cost Recovery Regulations allowing telecommunications carriers to recover certain costs associated with implementing CALEA. The final rule was published on March 20, 1997 (62 FR 13307), and became effective on April 21, 1997. In response to public comment received during this rulemaking, the FBI published an ANPRM on November 19, 1996 (61 FR 58799), which solicited input on the

DOJ—FBI

Final Rule Stage

definition of the term “significant upgrade or major modification” as used by CALEA. The “significant upgrade or major modification” NPRM was published on April 28, 1998 (63 FR 23231). The FBI is currently preparing a supplemental notice of proposed rulemaking, which will define the terms “replaced” and “significantly upgraded or otherwise undergone major modification,” which when codified will amend the Cost Recovery Regulations.

Additionally, CALEA section 104 requires the Attorney General to publish a Notice of Actual and Maximum Capacity in order to provide telecommunications carriers with the information they will need to meet law enforcement’s future simultaneous electronic surveillance requirements. For local exchange, cellular, and broadband PCS, the FBI published an Initial Notice of Capacity on October 16, 1995 (60 FR 53643), and a Second Notice of Capacity on January 14, 1997 (62 FR 1902). The FBI published the Final Notice of Capacity for local exchange, cellular, and broadband PCS on March 12, 1998 (63 FR 12218). Additionally, the FBI published a Notice of Inquiry (NOI) in the Federal Register on December 18, 1998 (63 FR 70160), which solicited information on and suggestions for developing reasonable methodologies for characterizing capacity requirements for telecommunications services and technologies other than local exchange, cellular, and broadband PCS. Comments were due on February 16, 1999. Information gathered in response to the NOI was used in publishing the Further Notice of Inquiry (FNOI) on June 30, 2000 (65 FR 40694). Comments were due August 29, 2000. Information gathered in response to the FNOI will be used in the publication of an Initial Notice of Capacity for developing reasonable capacity methodologies for the paging, mobile satellite, specialized mobile radio, and enhanced specialized mobile radio services.

**Timetable:****“Significant upgrade or major modification”**

ANPRM 11/19/96 (61 FR 58799)  
 ANPRM Comment Period End 12/19/96  
 NPRM 04/28/98 (63 FR 23231)  
 NPRM Comment Period End 06/29/98  
 Supplemental NPRM Proposing  
 Definitions 10/05/01 (66 FR 50931)  
 Supplemental NPRM Comment Period  
 End 12/04/01  
 Final Action 03/00/03

**Cost Recovery Rule (Telecom. Carriers)**

NPRM 05/10/96 (61 FR 21396)  
 NPRM Comment Period End 07/09/96  
 Final Rule 03/20/97 (62 FR 13307)  
 Final Rule Effective 04/21/97

**Notice of Actual and Max. Cap.-local exch, cellular, broadband PCS**

Initial Notice 10/16/95 (60 FR 53643)  
 Second Notice 01/14/97 (62 FR 1902)  
 Final Notice 03/12/98 (63 FR 12217)

**Notice of Actual and Max. Cap.-paging, MSS, SMR, ESMR**

Notice of Inquiry (Cap Methodology)  
 12/18/98 (63 FR 70160)  
 Further Notice of Inquiry (Cap  
 Methodology) 06/30/00 (65 FR 40694)  
 Initial Notice of Capacity 05/00/03

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Additional Information:** STATUTORY DEADLINE CONT: its authority under section 107 of CALEA to grant carriers extensions of this compliance date. As a result of the FCC’s order, carriers must now be in compliance with section 103 by June 30, 2000. If compliance is not reasonably achievable through application of available technology, the carrier may petition the FCC for a section 107 extension of up to 2 years. By subsequent FCC orders, the assistance capability compliance date for packet mode communication is November 19, 2001, and for the additional capabilities/“punchlist” capabilities is June 30, 2002. Carriers may again petition the FCC for a section 107 extension. Lastly, as a result of the publication of the Final Notice of Capacity for local exchange, cellular, and broadband PCS carriers, these carriers must be in compliance with section 104 by March 12, 2001.

Transferred from RIN 1105-AA39.

**Agency Contact:** Walter V. Meslar, Unit Chief, Telecommunications Contracts and Audit Unit, Department of Justice, Federal Bureau of Investigation, Suite 300, 14800 Conference Center Drive, Chantilly, VA 20151  
 Phone: 703 814-4900

Leslie M. Szwajkowski, Unit Chief, Department of Justice, Federal Bureau of Investigation, Suite 300, 14800 Conference Center Drive, Chantilly, VA 20151  
 Phone: 703 814-4800  
 Fax: 703 814-4720

**RIN:** 1110-AA00**1604. IMPLEMENTATION OF THE NATIONAL STOLEN PASSENGER MOTOR VEHICLE INFORMATION SYSTEM (NSPMVIS)****Priority:** Other Significant**Legal Authority:** 49 USC 33109 to 33111**CFR Citation:** 28 CFR 89**Legal Deadline:** None

**Abstract:** The Attorney General is required to establish a National Stolen Passenger Motor Vehicle Information System (NSPMVIS) pursuant to the Anti Car Theft Act of 1992 (49 U.S.C. 33109 to 33111). The FBI is coordinating efforts in this matter and, under delegated authority from the Attorney General, the FBI is issuing this rule to establish a national system to verify the theft status of major motor vehicle component parts and junk or salvage vehicles. The system will include certain information about each passenger motor vehicle reported to a law enforcement agency as stolen and not recovered. The rule provides how an individual or entity may obtain information from the system on whether a vehicle or part is listed as stolen. The rule also provides verification procedures to be followed by insurance carriers and certain motor vehicle part businesses. In order to verify the theft status of a part or junk or salvage vehicle, an identification number will have to be obtained from the part or vehicle.

**Timetable:**

Action	Date	FR Cite
NPRM	04/09/02	67 FR 17027
NPRM Comment Period End	06/10/02	
Final Action	11/00/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Additional Information:** (RIN 1110-AA01 has been transferred from RIN 1105-AA44.)

The Criminal Division will issue a related regulation to implement the National Motor Vehicle Title Information System (NMVTIS). As required by statute, 49 U.S.C. section 30504(a), the regulation will direct junk yard and salvage yard operators and insurance carriers to file monthly reports with the operator of the NMVTIS concerning vehicles in their possession. (See RIN 1105-AA71.)

DOJ—FBI

Final Rule Stage

**Agency Contact:** Buffy M. Bonafield, Criminal Info Coordination, Department of Justice, Federal Bureau of Investigation, CJIS Division Module C-3, Clarksburg, WV 26306  
Phone: 304 625-2000  
Fax: 304 625-3875

**RIN:** 1110-AA01

### 1605. REGULATIONS UNDER THE PAM LYCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** PL 104-236, sec 9

**CFR Citation:** Not Yet Determined

**Legal Deadline:** Other, Statutory, October 3, 1999, The Act does not distinguish between NPRM and final regulations.

**Abstract:** The FBI is issuing regulations to carry out the Pam Lychner Sexual Offender Tracking and Identification Act of 1996. These regulations include guidelines as to the operation and use of the national sex offender registry established by the FBI and the notice to be provided to the FBI in the event a registered sex offender moves interstate. The Bureau published its proposed rule on February 16, 1999, at 64 Fed Register 7562.

**Timetable:**

Action	Date	FR Cite
NPRM	02/16/99	64 FR 7562

Action	Date	FR Cite
NPRM Comment	04/19/99	
Period End		
Final Action	03/00/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local, Tribal

**Additional Information:** Transferred from RIN 1105-AA56.

**Agency Contact:** Susan R. Davis, Management Analyst, Department of Justice, Federal Bureau of Investigation, CJIS Division MOD C3, 1000 Custer Hollow Road, Clarksburg, WV 26306  
Phone: 304 625-2000

**RIN:** 1110-AA04

### 1606. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

**Priority:** Other Significant

**Legal Authority:** 18 USC 922 to 925; 5 USC 605(b); EO 12866; EO 13132; 5 USC 804; ...

**CFR Citation:** 28 CFR 25(b)(1); 28 CFR 25(b)(2); 28 CFR 25(b)(3); 28 CFR 25.9(b)(4); 28 CFR 25.2; ...

**Legal Deadline:** Other, Judicial, October 22, 2001, Written comments regarding proposed rule must be submitted on or before.

**Abstract:** The Department promulgated regulations to govern the National Instant Criminal Background Check System (NICS) in 1998 when the NICS became operational, and adopted

amendments which became effective on July 3, 2001.

In this proposed rule, the Department published for public comment and further consideration, five proposals to make additional changes in the NICS regulations. The proposed changes balance the legitimate privacy interests of law-abiding firearms purchasers and the Department's obligation to enforce the Brady Act and the Gun Control Act to prevent prohibited persons from purchasing firearms.

**Timetable:**

Action	Date	FR Cite
NPRM	07/06/01	66 FR 35567
NPRM Comment	09/04/01	
Period End		
NPRM Comment	09/20/01	66 FR 48390
Period Reopened		
NPRM Reopened	10/22/01	
Comment Period		
End		
Final Action	06/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State, Tribal

**Agency Contact:** Fanny L. Haslebacher, Attorney Advisor, Access Integrity Unit, Department of Justice, Federal Bureau of Investigation, CJIS Division, 1000 Custer Hollow Road, Clarksburg, WV 26306-0147  
Phone: 304 625-2000

**RIN:** 1110-AA07

### Department of Justice (DOJ) Immigration and Naturalization Service (INS)

Prerule Stage

### 1607. RESTRICTING CITIZENS OF BANGLADESH, INDIA, PAKISTAN, AND SRI LANKA FROM PARTICIPATION IN THE INTERNATIONAL-TO-INTERNATIONAL (ITI) PROGRAM

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 8 CFR 212.1(f)(2)

**Legal Deadline:** None

**Abstract:** This regulatory action advises the public that the Immigration and Naturalization Service (Service) is amending its policy that allowed citizens from Bangladesh, India,

Pakistan, and Sri Lanka the privilege to participate in the International-to-International (ITI) program despite Service regulations at title 8, section 212, part 1(f) (2) barring the citizens of these countries from participation in the Transit Without Visa (TWOV) and ITI programs. This notice proposes to correct this conflict between policy and regulations.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/00/02	
ANPRM Comment	02/00/03	
Period End		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2157-01

**Agency Contact:** Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7499  
Email: robert.f.hutnick@usdoj.gov

**RIN:** 1115-AG30

Department of Justice (DOJ)  
Immigration and Naturalization Service (INS)

Proposed Rule Stage

**1608. REVISED GROUNDS OF INADMISSIBILITY, EXCEPTIONS, AND WAIVERS FOR IMMIGRANTS AND NONIMMIGRANTS, AND EXCEPTIONS**

**Priority:** Other Significant. Major under 5 USC 801.

**Legal Authority:** 5 USC 552; 8 USC 1158; 8 USC 1159; 8 USC 1160; 8 USC 1182; 8 USC 1183; 8 USC 1184; 5 USC 552a; 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1157

**CFR Citation:** 8 CFR 103; 8 CFR 207; 8 CFR 208; 8 CFR 210; 8 CFR 212; ; 8 CFR 240; 8 CFR 241; 8 CFR 245; 8 CFR 245a; 8 CFR 249; 8 CFR 274a; 8 CFR 299; ...

**Legal Deadline:** None

**Abstract:** This rulemaking covers several grounds of inadmissibility applicable to those aliens seeking admission to the United States temporarily or permanently—criminal, security, labor certification, licensure requirements for foreign medical graduates and health care workers, failure to attend a removal proceeding, fraud, improperly issued immigrant visa, permanent ineligibility for U.S. citizenship and miscellaneous grounds. It implements several pieces of legislation. The most significant is the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), signed on September 30, 1996, which substantially revised most grounds of inadmissibility under section 212 of the Act and the waivers available to both immigrants and nonimmigrants.

Separately, INS will also publish the following regulations which focus on specific issues and include the following proposed rules: “Medical Examination Requirements and Designation of Civil Surgeons” RIN 1115-AG37, INS No. 2165-01; “Consent to Reapply for Admission After Removal” RIN 1115-AG28, INS No. 2147-01; “Waivers of the 2-Year Foreign Residence Requirement for Certain Exchange Visitors” RIN 1115-AG35, INS No. 2158-01; “Illegal Entries, Unlawful Presence, and Automatic Voidance of Nonimmigrant Visas” RIN 1115-AG36, INS No. 2166-01 and “Medical Grounds of Inadmissibility and Waivers” RIN 1115-AG38, INS No.2167-01.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	
NPRM Comment	03/00/03	
Period End		

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1413-92

Consolidated INS Rules 1304, RIN 1115-AC01; 1235, RIN 1115-AB39; 1232, RIN 1115-AB45; and 1648, RIN 1115-AD62.

**Agency Contact:** Sophia Cox, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-4754

**Related RIN:** Merged With 1115-AB39

**RIN:** 1115-AB45

**1609. FEES FOR PARTICIPATION IN DEDICATED COMMUTER LANES AT SELECTED PORTS OF ENTRY; COLLECTION OF FEES UNDER THE DEDICATED COMMUTER LANE PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228; 8 USC 1252; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1252b; 8 USC 1304; 8 USC 1356; 8 USC 1182; 8 USC 1183

**CFR Citation:** 8 CFR 103; 8 CFR 235; 8 CFR 286; 8 CFR 299

**Legal Deadline:** None

**Abstract:** These rules provide for the collection of a fee at the time of application for participation in a Dedicated Commuter Lane (DCL), instead of at the time of approval of the application. The DCL program is a pilot project established at selected land border ports of entry to expedite the transborder movement of eligible, pre-screened, low-risk groups through designated traffic lanes. The first interim rule clarifies the requirements for the use of the DCL (INS No. 1675). The second interim rule will set forth the fee required of participants in order to cover the technological costs (INS No. 1794).

INS No. 2058-00 will propose to remove restrictions currently in place

that limit the locations where the INS can establish commuter lanes. In addition, the proposed rule will incorporate other projects designed to enhance border security and effective traffic management at port of entry. Finally, the rule may adjust the fee structure in order to administer these projects.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule-INS No. 1675 Eff.	09/29/95	60 FR 50386
9/29/95; Comment		
Period End	11/28/95	
Interim Final Rule	11/28/95	
Comment Period		
End		
Interim Final Rule (INS 1794-96)	10/11/96	61 FR 53303
Final Action (INS 1675-94)--Effective	10/16/96	61 FR 53830
10/16/1996		
NPRM (INS 2058-00)	03/00/03	
Final Action (INS 1794-96)	06/00/03	
NPRM Comment	08/00/03	
Period End (INS 2058-00)		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Organizations

**Government Levels Affected:** Federal

**Additional Information:** INS Nos. 1675 and 1794-96

**Agency Contact:** Thomas C. Campbell, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4214, 425 I Street NW, Washington, DC 20536  
Phone: 202 305-9246

**RIN:** 1115-AD82

**1610. INSPECTION OF PERSONS APPLYING FOR ADMISSION; INTERNATIONAL-TO-INTERNATIONAL USER FEE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1103; 8 USC 1356

**CFR Citation:** 8 CFR 286

**Legal Deadline:** None

**Abstract:** This rule proposes to amend the Immigration and Naturalization Service (Service) regulations to require air carriers to charge and collect a user fee from every International-to-International (ITI) passenger arriving in the United States, except those

## DOJ—INS

## Proposed Rule Stage

individuals exempted under section 286(e)(1) of the Immigration and Nationality Act (Act). This action is necessary since the Service is required to inspect all aliens who are applicants for admission or otherwise seeking admission or readmission to or transit through the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1757

**Agency Contact:** Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7499  
Email: robert.f.hutnick@usdoj.gov

**RIN:** 1115-AE37

**1611. FILING FACTUAL STATEMENTS ABOUT ALIEN PROSTITUTES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 2424; PL 104-208

**CFR Citation:** 28 CFR 94

**Legal Deadline:** None

**Abstract:** On September 30, 1996, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) was enacted. This law not only amended significant portions of title 8 of the United States Code, but also changed the provisions of title 18 United States Code (Crimes and Criminal Procedures). Because section 325 amends 18 U.S.C., the Immigration and Naturalization Service will publish an implementing regulation dealing with the filing of statements by individuals who keep, maintain, control, support, or harbor alien prostitutes.

**Timetable:**

Action	Date	FR Cite
NPRM-INS No. 1810-96	12/00/02	
NPRM Comment Period End	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1810-96

**Agency Contact:** Elizabeth Goyer, Senior Special Agent, Investigations, Office of Field Operations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-3722

**RIN:** 1115-AE60

**1612. EMPLOYMENT VERIFICATION BY EMPLOYERS THAT ARE MEMBERS OF A MULTI-EMPLOYER ASSOCIATION**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1324a; PL 104-208

**CFR Citation:** 8 CFR 274a

**Legal Deadline:** None

**Abstract:** This proposed action clarifies when an employer, that is a member of a multi-employer association employing an individual under a collective bargaining agreement entered into between one or more employee organizations and the multi-employer association, may rely upon an Employment Eligibility Verification Form (Form I-9) completed for the individual by a previous employer that is a member of the same multi-employer association.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	
NPRM Comment Period End	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Re INS No. 1817-96; PL 104-208, title 4

**Agency Contact:** Marguerite Przbylski Kleczek, Attorney, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-2895

**RIN:** 1115-AE67

**1613. USE OF PAROLE FOR HUMANITARIAN REASONS OR SIGNIFICANT PUBLIC BENEFIT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1182

**CFR Citation:** 8 CFR 212

**Legal Deadline:** NPRM, Statutory, September 11, 1997.

**Abstract:** Changes to the current regulations are necessitated by section 602 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. This section has reworded certain parole authority by stipulating parole on a case-by-case basis for urgent humanitarian reasons or significant public benefit.

**Timetable:**

Action	Date	FR Cite
NPRM-INS No. 1840-97	03/00/03	
NPRM Comment Period End	05/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State, Local, Tribal, Federal

**Additional Information:** INS No. 1840-97

See also RIN 1115-AF53 (INS No. 2004-99): This interim final rule published on December 28, 2000, amended the regulations concerning the authority to grant the parole of aliens from Service custody by specifically identifying the scope of that authority to include the Commissioner, the Deputy Commissioner, the Executive Associate Commissioner for Field Operations, and Regional Directors. This action was taken to clarify which individuals are authorized by the Attorney General, acting through the Commissioner, to grant parole from Service custody.

**Agency Contact:** Kenneth Leutbecker, Director, Parole and Humanitarian Assistance Branch, Office of International Affairs, Department of Justice, Immigration and Naturalization Service, Attn: ULLICO Bldg, Third Floor, 111 Massachusetts Avenue NW, Washington, DC 20001  
Phone: 202 305-2670

**Related RIN:** Related To 1115-AF53

**RIN:** 1115-AE68

## DOJ—INS

## Proposed Rule Stage

**1614. CERTIFICATION OF CERTAIN HEALTH CARE WORKERS****Priority:** Other Significant**Legal Authority:** 8 USC 1182(a)(5); PL 104-208**CFR Citation:** 8 CFR 204; 8 CFR 212; 8 CFR 214.2; 8 CFR 245; 8 CFR 248**Legal Deadline:** Other, Statutory, January 19, 2001, *Abraham v. Reno* (D.D.C.).

**Abstract:** On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Section 343 prohibits the entry of any alien who seeks to enter the U.S. for the purpose of performing labor as a health care worker (other than a physician) without a certificate as to the alien's qualifications and English ability from the Commission on Graduates of Foreign Nursing Schools (CGFNS) or an equivalent independent organization approved by the Attorney General.

The Service published an interim rule (INS 1879-97) to address shortages in the occupations of nursing and occupational therapy on October 14, 1998. In addition, the Service issued a second interim rule on April 30, 1999, to grant CGFNS authorization to issue certificates to foreign health care workers in the occupations of occupational therapy and physical therapy. This rule also granted the Foreign Credentialing Commission on Physical Therapy the authority to issue certificates to foreign-trained physical therapists. The second interim rule (INS 1979-99) was published under RIN 1115-AF43 and now is consolidated with this Unified Agenda of Federal Regulations entry. A third interim rule (INS 2089-00) was published on January 16, 2001, to address certification requirements for Speech Language Pathologists, Audiologists, Medical Technologists, and Physician Assistants.

The Service will be publishing a proposed rule (INS 2089-02) to fully implement section 343, including solicitation of public comments on the requirements relating to the designation of covered health care occupations, the procedures and requirements for certifying organizations, the content of the certificates, and the process for presentation of the certificates.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule-INS 1879	10/14/98	63 FR 55007
Interim Final Rule Effective-INS 1879	12/14/98	
Interim Final Rule Comment Period End-INS 1879	02/11/99	
Interim Final Rule-INS 1979-99	04/30/99	64 FR 23174
Interim Final Rule Comment Period End-INS 1979-99	06/29/99	
Interim Final Rule Effective-INS 1979-99	06/29/99	
Interim Final Rule-INS 2089-00	01/16/01	66 FR 3440
Interim Final Rule Comment Period End	03/19/01	
Interim Final Rule Effective-INS 2089-00	03/19/01	
NPRM-INS No. 2080-02	12/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Molly Johnson, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7435

**RIN:** 1115-AE73**1615. SPECIAL IMMIGRANT JUVENILE PETITIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1103; 8 CFR 2**CFR Citation:** 8 CFR 204**Legal Deadline:** None

**Abstract:** The Service proposes to amend its regulations to add eligibility and consent requirements for approvals of special immigrant juvenile petitions (Form I-360). The proposed rule would require petitioners for special immigrant juvenile classification to demonstrate that a dependency order relating to the juvenile beneficiary (juvenile) was granted on account of abuse, neglect, or abandonment and establish that a court has determined that the juvenile should not be returned to the home country. The proposed rule

would also provide that a dependency order may not serve as a precondition to the approval of the petition unless the Attorney General gives his express consent. These changes are necessary to conform the regulations to the statutory eligibility changes made by the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1998 (the Appropriations Act of 1998).

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1948-98

**Agency Contact:** Emily C. Frazelle, Program Analyst, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-0717  
Email: emily.frazelle@usdoj.gov

Pearl Chang, Branch Chief, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7440

**RIN:** 1115-AF11**1616. IMMIGRANT AND NONIMMIGRANT; RELIGIOUS WORKERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 CFR 2**CFR Citation:** 8 CFR 204**Legal Deadline:** None

**Abstract:** On June 8, 1995, at 60 FR 29751, INS published a final rule that provided that all persons, other than ministers, immigrating to the U.S. as religious workers must immigrate or adjust status to permanent residence before October 1, 1997. By statute this special immigrant category for religious workers expired on October 1, 2000. Congress has extended the category



## DOJ—INS

## Proposed Rule Stage

again for an additional 3 years, until October 1, 2003. This regulation will implement the extension of this category and modify qualifying employment experience requirements for those persons affected by this provision of immigration regulations. In order to maintain consistency in the adjudication of nonimmigrant and special immigrant religious worker classifications, the nonimmigrant religious workers classification will, where appropriate, reflect the special immigration religious worker changes.

**Timetable:**

Action	Date	FR Cite
NPRM-INS No. 1436-94	12/00/02	
NPRM Comment Period End	02/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1436-94

**Agency Contact:** Irene Hoffman, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7435

**RIN:** 1115-AF12**1617. DOCUMENTARY REQUIREMENTS FOR RETURNING RESIDENTS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1203; 8 USC 1225; 8 USC 1257**CFR Citation:** 8 CFR 211**Legal Deadline:** None

**Abstract:** This rule proposes to amend INS regulations to specify how an alien admitted for permanent residence, on returning to the United States, may prove that he or she is not to be considered an applicant for admission. This rule is necessary to implement section 101(a)(13)(C) of the Act and to clarify the responsibility for carriers who transport to the United States aliens who claim to be returning residents. This rule will ensure that aliens who present themselves as lawful permanent residents are properly documented as such.

**Timetable:**

Action	Date	FR Cite
NPRM-INS No. 1932-98	12/00/02	
NPRM Comment Period End	02/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1932-98.

**Agency Contact:** Michael D. Jones, Acting Director, National Fines Office of Inspections, Department of Justice, Immigration and Naturalization Service, Suite 425, 1525 Wilson Boulevard, Arlington, VA 22209  
Phone: 202 305-7018

**RIN:** 1115-AF26**1618. DISMISSAL OF ASYLUM APPLICATION FOR UNEXCUSED FAILURE TO APPEAR AND EFFECT ON ELIGIBILITY FOR EMPLOYMENT AUTHORIZATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; 8 CFR 2; 8 USC 1101; 8 USC 1329a**CFR Citation:** 8 CFR 208; 8 CFR 274a**Legal Deadline:** None

**Abstract:** On December 6, 2000, the Service published a final rule to implement the asylum provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). This rule proposes to amend the current rule to clarify that dismissal of an asylum application will result in ineligibility for asylum-based employment authorization.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	
NPRM Comment Period End	03/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2011-99

**Agency Contact:** Joanna Ruppel, Supervisor for Asylum Operations,

International Affairs, Department of Justice, Immigration and Naturalization Service, 3rd Floor, 111 Massachusetts Avenue NW, Washington, DC 20536  
Phone: 202 305-2663

**RIN:** 1115-AF38**1619. SPECIAL IMMIGRANT STATUS FOR CERTAIN NATO CIVILIAN EMPLOYEES****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154**CFR Citation:** 8 CFR 204; 8 CFR 214; 8 CFR 245; 8 CFR 274**Legal Deadline:** None

**Abstract:** This rule amends the Immigration and Naturalization Service regulations by establishing procedures for certain North Atlantic Treaty Organization (NATO) civilian employees and their family members to receive special immigrant status in the U.S. and become lawful permanent residents of this country. This rule also offers nonimmigrant status to any parent or child of a NATO civilian employee who has been granted special immigrant status. This rule is intended to ensure the qualifying NATO employees and their family members are aware of their opportunity to acquire special immigrant status and adjustment of status or otherwise obtain corresponding nonimmigrant status.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1984-99

**Agency Contact:** Donna Crump, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 353-8177

**RIN:** 1115-AF44

DOJ—INS

Proposed Rule Stage

**1620. CONTRACTS WITH TRANSPORTATION LINES****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1103; 8 USC 1228**CFR Citation:** 8 CFR 233**Legal Deadline:** None

**Abstract:** This rule proposes to amend INS regulations by providing signature authority for forms I-420, Agreement Between Transportation Line and the U.S., I-425, Agreement (Pre-Inspection) Between Transportation Line and the U.S. (At Places Outside U.S.), and I-426, Immediate and Continuous Transit Agreement Between a Transport Line & U.S., to the Commissioner or his delegated representative. This change is required by section 308 of IIRIRA which amended section 233 (a) of the I&NA by requiring carriers transporting aliens to the U.S. from all "foreign territory and adjacent islands" to enter into a contract with the U.S. prior to transportation of such aliens. Another change is to remove the signature authority of the Associate Commissioner for Examinations for the aforementioned Agreements because the position was abolished.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/03	
NPRM Comment	04/00/03	
Period End		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No.1994-99

**Agency Contact:** Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7499  
Email: robert.f.hutnick@usdoj.gov

**RIN:** 1115-AF46**1621. ADJUSTMENT OF STATUS UNDER THE 1966 CUBAN ADJUSTMENT ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1255; PL 105-100, sec 202; ...**CFR Citation:** 8 CFR 245**Legal Deadline:** None

**Abstract:** This interim rule specifies what effect an alien's arrival in the United States at a place other than an open port of entry will have on the alien's ability to obtain permanent residence under section 1 of the Cuban Adjustment Act of 1966, as amended. This rule is necessary to establish uniform rules relating to both the alien's eligibility for this relief and to the proper exercise of the discretion to grant or deny this relief.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment	02/00/03	
Period End		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Suzy Nguyen, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-4754

**RIN:** 1115-AF48**1622. INADMISSIBILITY TO ENTER THE UNITED STATES FOR FORMER U.S. CITIZENS WHO RENOUNCED CITIZENSHIP TO AVOID TAXATION****Priority:** Other Significant**Legal Authority:** 8 USC 1182(a)(10); PL 104-208**CFR Citation:** 8 CFR 212**Legal Deadline:** None

**Abstract:** This rule amends the Immigration and Naturalization Service regulations by establishing procedures to be followed by Service personnel and Department of State personnel in determining whether or not an expatriate alien is inadmissible to the United States under section 212(a)(10)(E) of the Immigration and Nationality Act. This ground of inadmissibility relates to former U.S. citizens who renounced U.S. citizenship on or after September 30, 1996, and the Attorney General has determined that such renunciation was done for the purpose of avoiding taxation by the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/03	
NPRM Comment	04/00/03	
Period End		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2039-99

**Agency Contact:** Sophia Cox, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-4754

**RIN:** 1115-AF69**1623. ESTABLISHMENT OF FEE FOR PROCESSING GENEALOGICAL RESEARCH REQUESTS FOR INS RECORDS****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1103; 8 USC 1201; 8 USC 1252; 8 USC 1252b**CFR Citation:** 8 CFR 103; 8 CFR 299**Legal Deadline:** None

**Abstract:** Under the Freedom of Information Act and Privacy Act the Immigration and Naturalization Service (Service) processes all requests for Service records including historical and genealogical records. This rule proposes to amend the Service's regulations by establishing the Historical Records Services (HRS) Program to process requests for the Service's historical records. The Service will charge a fee to recover the cost of searching, locating, retrieving, copying, reviewing, and mailing these records to the requester. The HRS program is necessary to provide a more timely response to requests for genealogical and historical records.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment	02/00/03	
Period End		

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

## DOJ—INS

## Proposed Rule Stage

**Additional Information:** INS No. 2074-00

**Agency Contact:** Marian L. Smith, Historian, Office of Files and Forms Management, Department of Justice, Immigration and Naturalization Service, Room 1100, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-2837  
Fax: 202 305-8251

**RIN:** 1115–AF88

#### 1624. INTERCOUNTRY ADOPTIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641; 8 CFR 2

**CFR Citation:** 8 CFR 204

**Legal Deadline:** None

**Abstract:** The Immigration and Naturalization Service (Service) proposes to amend its regulations regarding the immigration of children of foreign states adopted by United States citizens. The proposed rule would establish a new definition of child to include children adopted from countries which have implemented the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Convention). The proposed rule would also change evidentiary requirements for the immigration of adopted children to state that a certificate of adoption or custody issued by the Secretary of State of the United States is conclusive evidence of the relationship between an adoptive parent and the adoptive child. These changes are necessary to conform the regulations to the Intercountry Adoption Act of 2000(IAA) (Pub. L. 106-279).

The proposed rule would also make other technical changes.

#### Timetable:

Action	Date	FR Cite
NPRM	01/00/03	
NPRM Comment Period End	03/00/03	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2098-00: The legal deadline for this

rulemaking is 1 year from implementation of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

**Agency Contact:** Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 307-2353  
Email: elizabeth.n.lee@usdoj.gov

**RIN:** 1115–AF96

#### 1625. WAIVER OF FEES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252; 8 USC 1252(b); 8 USC 1252(note); 8 USC 1304; 8 USC 1356

**CFR Citation:** 8 CFR 103; 8 CFR 244

**Legal Deadline:** None

**Abstract:** This rule proposes to amend the INS regulations concerning the adjudication of requests for fee waivers filed by applicants for Service benefits pursuant to 8 CFR 103.7(c). This applies to a waiver of fees by an immigration judge for benefit applications, petitions, appeals, motions, or requests in any case when an alien substantiates that they cannot pay the fee. When implemented, this rule will facilitate the adjudication of these requests. This rule also proposes to amend 8 CFR 244.20, which is a waiver of fees for Temporary Protected Status (TPS) applicants, for the same reasons as stated in 8 CFR 103.7(c). The rule will also be implemented in conjunction with the new Form I-912, Request for Fee Waiver Form.

#### Timetable:

Action	Date	FR Cite
NPRM	03/00/03	
NPRM Comment Period End	05/00/03	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2091-00

**Agency Contact:** Irene Hoffman, Adjudications Officer, Adjudications

Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7435

**RIN:** 1115–AG02

#### 1626. ADOPTION OF SIBLINGS, ADOPTED ALIEN CHILDREN LESS THAN 18 YEARS OF AGE CONSIDERED A "CHILD"

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 106-139; 8 USC 1103; 8 CFR 2

**CFR Citation:** 8 CFR 204

**Legal Deadline:** None

**Abstract:** This proposed rule changes the definition of an adopted "child" or "orphan" from 16 years old to 18 years old in cases where the alien has a younger sibling, under the age of 16, who is also the subject of an orphan petition held by the same U.S. citizen or lawful permanent resident. The change is necessary to conform the regulations to the statutory eligibility changes made by Public Law 106-139. This change allows natural siblings, who might otherwise be separated, to be adopted together into the family of a citizen or lawful permanent resident of the United States.

#### Timetable:

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2110-01

**Agency Contact:** Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 307-2353  
Email: elizabeth.n.lee@usdoj.gov

**RIN:** 1115–AG04

DOJ—INS

Proposed Rule Stage

**1627. ADJUSTMENT TO LAWFUL RESIDENT STATUS OF CERTAIN CLASS ACTION PARTICIPANTS WHO ENTERED BEFORE JANUARY 1, 1982, UNDER THE LEGAL IMMIGRATION AND FAMILY EQUITY ACT (LIFE ACT)**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1255a; 8 USC 1225a note

**CFR Citation:** 8 CFR 245a

**Legal Deadline:** None

**Abstract:** This interim rule (INS No. 2115-01) implements section 1104 of the Legal Immigration Family Equity Act (LIFE Act) and LIFE Act Amendments pertaining to adjustment of status of certain class action participants (specifically, Catholic Social Services v. Meese (CSS), 509 U.S. 43 (1993), League of United Latin American Citizens v. INS (LULAC), 509 U.S. 43 (1993), and Zambrano v. INS, 509 U.S. 918 (1993) class applicants) who entered before January 1, 1982, to that of person admitted for lawful residence. This rule establishes procedures for a 1-year application period to allow CSS, LULAC, and Zambrano class applicants to apply for adjustment of status to that of lawful permanent residence.

INS No. 2145-01 proposes to amend the Service's regulations by establishing procedures to apply for Family Unity benefits for certain spouses and unmarried children of aliens who adjusted to lawful permanent resident (LPR) status pursuant to section 1104 of the Legal Immigration Family Equity (LIFE) Act — known as the LIFE Legalization provision. It applies to those persons who are no longer present in the United States to allow them to apply for Family Unity benefits pursuant to section 1504 of the LIFE Act Amendments. This rule also establishes procedures for certain spouses and unmarried children who previously were granted Family Unity benefits pursuant to section 1504 of the LIFE Act Amendments to apply for an extension of their Family Unity benefits. This rule is necessary to ensure that those aliens eligible to apply for, and extend, Family Unity benefits under the provisions of the LIFE Act Amendments are able to do so in a timely manner.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule-INS No. 2115 Life Legalization	06/01/01	66 FR 29661
Interim Final Rule Comment Period End	07/31/01	
Notice	08/29/01	66 FR 45694
Final Action-INS No. 2115-01	06/04/02	67 FR 38341
Final Action Effective	06/04/02	
NPRM-INS 2145 Family Unity Benefits	12/00/02	
NPRM Comment Period End	02/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2115-01

INS No. 2145-01

**Agency Contact:** Suzy Nguyen, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-4754

**RIN:** 1115-AG06

**1628. PROCEDURES FOR CHECKING JUVENILE CRIMINAL RECORDS AND SUBMITTING FINGERPRINTS OF THAT ADDITIONAL CLASS OF ALIENS INELIGIBLE FOR FAMILY UNITY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 5031

**CFR Citation:** 8 CFR 236

**Legal Deadline:** None

**Abstract:** This rule describes procedures necessary for INS Service Centers, District Offices, and Application Support Centers to follow when checking juvenile criminal records and fingerprints of aliens who committed a specific act of juvenile delinquency that, if committed by an adult, would be classified as a felony "crime of violence against another individual." Section 383 of Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) provides that aliens who committed a specific act of juvenile delinquency, as defined in 18 U.S.C. 5031, are ineligible for benefits under the Family Unity Program.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/03	
NPRM Comment Period End	08/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** INS No. 2116-01

**Agency Contact:** Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536

Phone: 202 307-2353

Email: elizabeth.n.lee@usdoj.gov

**RIN:** 1115-AG07

**1629. ADJUSTMENT OF STATUS UNDER SECTION 245(K)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 105-119

**CFR Citation:** 9 CFR 245

**Legal Deadline:** None

**Abstract:** This rule proposes amending Service regulations for persons using section 245(k) of the Immigration and Nationality Act to adjust status to that of lawful permanent resident (LPR). Section 245(k) of the Act allows an alien with an approved employment-based petition to adjust status to LPR despite violations of status if those violations have lasted no longer than 180 days since the alien's last entry. This rule proposes eligibility criteria and adjustment procedures for persons wishing to use this section of the Act to become an LPR without leaving the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	
NPRM Comment Period End	03/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2120-01

**Agency Contact:** Michael Valverde, Adjudications Officer, Adjudications

## DOJ—INS

## Proposed Rule Stage

Division, Department of Justice,  
Immigration and Naturalization Service,  
Room 3214, 425 I Street NW,  
Washington, DC 20536  
Phone: 202 514-2763  
Email: michael.valverde@usdoj.gov  
RIN: 1115–AG10

**1630. IMPLEMENTATION OF THE AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT OF 1998 (ACWIA), THE AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000 (AC21), AND OTHER RELATED BILLS**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1255; ...

**CFR Citation:** 8 CFR 103; 8 CFR 202; 8 CFR 212; 8 CFR 214; 8 CFR 245; ...

**Legal Deadline:** None

**Abstract:** The American Competitiveness in the 21st Century Act, Public Law 106-313, was enacted on October 17, 2000, along with two bills, the Visa Waiver Permanent Program Act, Public Law 106-311, and a bill to increase the fee for certain H-1B petitions. An earlier piece of legislation, the American Competitiveness and Workforce Improvement Act (ACWIA), Public Law 105-277, was enacted to place certain conditions on the employment of H-1B workers. Together, these bills make significant changes to the H-1B classification. Public Law 106-313 increases the numerical H-1B cap to 195,000 for FY 2000-2002 and the percentage of the fees that INS receives to 4 percent. It exempts certain aliens from the numerical cap, provides for the “portability” of employment authorization, and in certain circumstances extensions of stay for certain aliens who have permanent residence applications pending. Public Law 105-277 imposes penalties for employers violating certain representations and prohibits retaliation against H-1B workers who disclose these violations. This regulation clarifies several interpretive questions raised by the bills and ensures INS practice is consistent with these laws.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

Action	Date	FR Cite
NPRM Comment Period End	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS rule (RIN 1115-AF40) that implemented the American Competitiveness and Workforce Improvement Act (ACWIA) was merged into the INS rule (RIN 1115-AG11) because three additional pieces of legislation relating to H-1B classification became law while rule AF40 was being reviewed by the Department of Justice. ACWIA increased the numerical cap on H-1B nonimmigrant aliens; required certain dependent employers to make additional attestations to the Department of Labor (DOL); increased the penalties for employers who have been found to be in violation of DOL’s rules; and created a “whistleblower” clause to protect H-1B workers who filed complaints against their employer.

In 1190-AA48, the Civil Rights Division, in cooperation with DOL, will implement in the Justice Department’s regulations the ACWIA “failure to select” protections — codified in the Immigration and Nationality Act at section 212(n)(5) — by establishing a process under which United States workers may file complaints against employers for denying them employment opportunities by improperly hiring temporary foreign professionals on H-1B visas. Under that process, the Attorney General is to receive and review these complaints and then — where there is reasonable cause to believe a complainant’s allegations — initiate binding arbitration proceedings through Federal Mediation and Conciliation Service.

**Agency Contact:** Irene Hoffman, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7435

Deborah Misir, Attorney, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536  
Phone: 202 307-6596

RIN: 1115–AG11

**1631. CONSTRUCTION WORK AND THE B NONIMMIGRANT VISA CLASSIFICATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 8 CFR 214

**Legal Deadline:** None

**Abstract:** The INS has solicited comments from the public on the issue of aliens admitted to the U.S. as B nonimmigrant visitors whose intent is to engage in construction work during the alien’s stay. In particular the Service is exploring the feasibility of defining the term construction as it relates to B nonimmigrant visitors. A standard definition of construction may assist both the public and the Service in determining if an alien admitted as a B nonimmigrant visitor may engage in construction during his or her period of authorized stay. The Immigration and Naturalization Service is considering a rulemaking on this subject.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/19/01	66 FR 48223
ANPRM Comment Period End	11/19/01	
NPRM	01/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2126-01

**Agency Contact:** Craig S. Howie, Senior Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7867  
Fax: 202 514-0198  
Email: craig.s.howie@usdoj.gov

RIN: 1115–AG15

**1632. ADJUSTMENT OF FEES FOR DEDICATED COMMUTER LANES AND SECURE ELECTRONIC NETWORK FOR TRAVELERS’ RAPID INSPECTION (SENTRI) PROGRAMS AT LAND BORDER PORTS OF ENTRY**

**Priority:** Other Significant

**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; ...

## DOJ—INS

## Proposed Rule Stage

**CFR Citation:** 8 CFR 103

**Legal Deadline:** None

**Abstract:** This rule proposes to adjust the fees for the Land Border Inspection Fee Account (LBIFA) for the Form I-823, Application for Alternative Inspection Services at land border ports of entry and related systems cost fees for participants in the Dedicated Commuter Lane (DCL) program. Form I-823 is used by applicants to the Port Passenger Accelerated Service System (PORTPASS) that includes the DCL program and several other land border programs. The Secure Electronic Network for Travelers' Rapid Inspection (SENTRI) Program at certain assigned POEs is part of the overall DCL program.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/03	
NPRM Comment Period End	11/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2031-99

**Agency Contact:** Penny Pastiva, Budget Analyst, Department of Justice, Immigration and Naturalization Service, Room 5236, 425 I Street NW, Washington, DC 6254  
Phone: 202 514-6254  
Email: penny.pastiva@usdoj.gov

**RIN:** 1115-AG18

**1633. REMOVAL AND ADJUSTMENT PROCEDURES FOR VICTIMS OF TRAFFICKING AND CERTAIN CRIMINAL ACTIVITIES**

**Priority:** Other Significant

**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1104; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1201; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1252; 8 USC 1252a; 8 USC 1255; 22 USC 7101; 22 USC 7105; ...

**CFR Citation:** 8 CFR 204; 8 CFR 214; 8 CFR 245

**Legal Deadline:** None

**Abstract:** This rule sets forth measures by which certain victims of severe forms of trafficking and victims of certain crimes who have been granted

T or U nonimmigrant status may apply for adjustment to permanent resident status in accordance with Public Law 106-386, the Victims of Trafficking and Violence Protection Act of 2000.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	
NPRM Comment Period End	05/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No 2134-01

**Agency Contact:** Pearl Chang, Branch Chief, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7440

**RIN:** 1115-AG21

**1634. DEFINITIONS OF NOTICE TO APPEAR AND ARREST WARRANT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 CFR 2

**CFR Citation:** 8 CFR 1

**Legal Deadline:** None

**Abstract:** This proposed rule adds definitions for the terms Notice to Appear and Arrest Warrant. This proposed revision clarifies what is meant by those terms as they relate to the administration of immigration law. The action is necessary to improve the efficiency of the INS and to clarify how a Notice to Appear and an Arrest Warrant issued pursuant to the Immigration and Nationality Act differ from such documents issued under another statute.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	
NPRM Comment Period End	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2140-01

**Agency Contact:** Donna Kay Barnes, Acting Special Assistant, Office of Field Operations, Department of Justice, Immigration and Naturalization Service, Room 7114, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7488

**Related RIN:** Related To 1115-AG22

**RIN:** 1115-AG24

**1635. VISA WAIVER PROGRAM: GUAM VISA WAIVER PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1184; 8 USC 1187; ...

**CFR Citation:** 8 CFR 103; 8 CFR 208; 8 CFR 212; 8 CFR 217; 8 CFR 233; ...

**Legal Deadline:** None

**Abstract:** On October 30, 2000, the Visa Waiver Permanent Program Act, Public Law 106-396 made the Visa Waiver Pilot Program (VWPP) permanent with some modifications. The VWPP permits nationals from participating countries to apply for admission to the U.S. for 90 days or less as nonimmigrant visitors for business or pleasure without first obtaining a nonimmigrant visa. The proposed rule will clarify and explain the new VWP requirements as well as ensure that the VWP removal provisions apply fairly and equally to all inadmissible nonimmigrants regardless of nationality.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	
NPRM Comment Period End	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Merges actions pending for INS Nos. 1447-91, 1622-94, 1685-95, 1777-96, 1782, 17686, 2002-99, and 2188-02 into INS No. 1799.

See also INS No. 2099-00, RIN 1115-AF95

**Agency Contact:** Marty Newingham, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536

## DOJ—INS

## Proposed Rule Stage

Phone: 202 616-7992

RIN: 1115-AG25

### 1636. PROCEDURES FOR DETAINEE HUNGER STRIKES

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1251; 8 USC 1253; ...

**CFR Citation:** 8 CFR 241.19

**Legal Deadline:** None

**Abstract:** This rule proposes standards and procedures for responding to hunger strikes by individuals detained by the Service. All proposed medical treatments in this regulation conform to accepted medical practice. Also, this rule would supersede the INS Detention Standard on Hunger Strikes.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment	01/00/03	
Period End		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2142-01

**Agency Contact:** Nik Maravich, Detention and Deportation Officer, Department of Justice, Immigration and Naturalization Service, Room 800, Detention and Removal Operations, Office of Programs, 801 I Street NW, Washington, DC 20536  
Phone: 202 514-1999

RIN: 1115-AG26

### 1637. CONSENT TO REAPPLY FOR ADMISSION AFTER REMOVAL

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228; 8 USC 1252

**CFR Citation:** 8 CFR 212; 8 CFR 299

**Legal Deadline:** None

**Abstract:** This rule proposes to amend the provisions regarding consent to reapply after removal to conform with the requirements of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA).

This rulemaking intends to remove the provisions contained in 8 CFR 212.2(i) relating to a request for consent to reapply in conjunction with an application for admission at a port-of-entry or with an application for adjustment of status. The proposed removal of section 212.2(i) reflects the overall scope of the changes made by IIRIRA and congressional intent to impose severe penalties on aliens who enter illegally or otherwise violate the U.S. immigration laws, by restricting the relief available to them in the U.S.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment	02/00/03	
Period End		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2147-01

**Agency Contact:** Kevin J. Cummings, Assistant Director, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-4754

Pearl Chang, Branch Chief, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7440

RIN: 1115-AG28

### 1638. WAIVERS OF THE 2-YEAR FOREIGN RESIDENCE REQUIREMENT FOR CERTAIN EXCHANGE VISITORS

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; ...

**CFR Citation:** 8 CFR 212 and 299

**Legal Deadline:** None

**Abstract:** This rule proposes to amend the Immigration and Naturalization Service (Service) regulations relating to the 2-year foreign residence requirement under section 212(e) of the Immigration and Nationality Act (Act). The proposed changes would conform to the requirements of the Illegal Immigration Reform and Immigrant

Responsibility Act of 1996 (IIRIRA), and the Department of Justice Appropriations Act, 2000. The proposed rulemaking would affect aliens who enter the United States as J-1 or J-2 nonimmigrant exchange visitors and who are subject to the requirement of section 212(e) of the Act, which stipulates that they must return to their home country for a period of 2 years before they are eligible to change to a different nonimmigrant classification or apply for lawful permanent residence in the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment	02/00/03	
Period End		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No 2158-01

**Agency Contact:** Kevin J. Cummings, Assistant Director, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-4754

Pearl Chang, Branch Chief, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7440

RIN: 1115-AG31

### 1639. EXTENSION OF THE VALIDITY PERIOD FOR EMPLOYMENT AUTHORIZATION DOCUMENTS FOR ALIENS SEEKING ADJUSTMENT OF STATUS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; ...

**CFR Citation:** 8 CFR 247.a12(c)(9)

**Legal Deadline:** None

**Abstract:** This rule proposes to amend the Immigration and Naturalization Service (Service) regulations by enabling the INS to issue Employment Authorization Documents (EADs) for those applying for work authorization

## DOJ—INS

## Proposed Rule Stage

under 8 CFR 274a.12(c) (9) for a validity period of up to 2 years. This category is reserved for those applying for adjustment of status, having filed Form I-485, Application to Register Permanent Residence or Adjust Status with the Service. The rule change would give INS the flexibility to issue EADs for the length of time it anticipates that adjudication of a given case will take.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No 2152-01

**Agency Contact:** Michael Hardin, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-3048

**RIN:** 1115-AG32**1640. ILLEGAL ENTRIES, UNLAWFUL PRESENCE, AND AUTOMATIC VOIDING OF NONIMMIGRANT VISAS****Priority:** Other Significant**Legal Authority:** 5 USC 552; 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; ...**CFR Citation:** 8 CFR 103; 8 CFR 212; ; 8 CFR 299**Legal Deadline:** None

**Abstract:** This proposed rule defines the categories of aliens who are not eligible to be issued a visa or be admitted if: they are in the U.S. illegally because they entered without proper inspection at a port-of-entry (section 212(a)(6)(A) of the Act); they accumulated certain periods of unlawful presence because they entered the U.S. illegally or stayed in the U.S. longer than authorized (section 212(a)(9)(B) of the Act); or they entered the U.S. illegally (or attempted an illegal entry) after they accumulated unlawful presence or after they were removed (section 212(a)(9)(C) of the Act). This proposed rule also describes how a nonimmigrant visa becomes

automatically void, as provided under section 222(g) of the Act. This proposed rule also explains when the provisions for unlawful presence (sections 212(a)(9)(B) and (C) of the Act) do not apply, and the legal and documentary requirements for a waiver. Promulgation of this rule ensures that the admission to the U.S. of any ineligible alien would not adversely affect the national welfare, safety, or security of the U.S.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** Split out of INS No. 1413 to move forward as a stand-alone rule.

Related RIN 1115-AB45, "Revised Grounds of Inadmissibility, Waivers for Immigrants and Nonimmigrants, and Exceptions."

**Agency Contact:** Sophia Cox, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-4754

Kevin J. Cummings, Assistant Director, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-4754

**Related RIN:** Related To 1115-AB45**RIN:** 1115-AG36**1641. MEDICAL EXAMINATION REQUIREMENTS AND DESIGNATION OF CIVIL SURGEONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552; 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1222; ...**CFR Citation:** 8 CFR 103, 232, and 299**Legal Deadline:** None

**Abstract:** This proposed rule defines the medical examination requirements for arriving aliens. It also overhauls the civil surgeon program to create

standards for designation, procedures for periodic review of the civil surgeon designation, and specific provisions for revocation, when necessary.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** Split out of INS No. 1413 to move forward as a stand-alone rule.

Related RIN 1115-AB45, "Revised Grounds of Inadmissibility, Waivers for Immigrants and Nonimmigrants, and Exceptions."

**Agency Contact:** Sophia Cox, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-4754

Kevin J. Cummings, Assistant Director, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-4754

**Related RIN:** Related To 1115-AB45**RIN:** 1115-AG37**1642. MEDICAL GROUNDS OF INADMISSIBILITY AND WAIVERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552; 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1157; ...**CFR Citation:** 8 CFR 103, 212, and 299**Legal Deadline:** None

**Abstract:** This proposed rule describes the medical grounds of inadmissibility under section 212(a)(1) of the Immigration and Nationality Act (Act). It also describes which medical grounds of inadmissibility can be waived and the requirements for those waivers (including conditions for compliance).

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	



## DOJ—INS

## Proposed Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	02/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** Split out of INS No. 1413 to move forward as a stand-alone rule.**Agency Contact:** Sophia Cox, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-4754Kevin J. Cummings, Assistant Director, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-4754**RIN:** 1115-AG38**1643. NEW CLASSIFICATION FOR VICTIMS OF CERTAIN CRIMINAL ACTIVITY; ELIGIBILITY FOR THE U NONIMMIGRANT STATUS****Priority:** Other Significant**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1101 note; 8 USC 1102; ...**CFR Citation:** 8 CFR 103; 8 CFR 204; 8 CFR 212; 8 CFR 214; 8 CFR 299**Legal Deadline:** None**Abstract:** This rule sets forth application requirements for a new nonimmigrant status. The U classification is for non-United States Citizen/Lawful Permanent Resident victims of certain crimes who cooperate with an investigation or prosecution of those crimes. There is a limit of 10,000 principals per year.

This rule establishes the procedures to be followed in order to petition for the U nonimmigrant classifications. Specifically, the rule addresses: the essential elements that must be demonstrated to receive the nonimmigrant classification; procedures that must be followed to make an application; and evidentiary guidance to assist in the petitioning process. Eligible victims will be allowed to remain in the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/03	
NPRM Comment Period End	06/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local**Agency Contact:** Laura M. Dawkins, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536  
Phone: 202 307-4754  
Email: laura.dawkins@usdoj.gov**RIN:** 1115-AG39**1644. JUDICIAL REVIEW OF THE DECISIONS OF THE IMMIGRATION AND NATURALIZATION SERVICE****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552; 5 USC 552(a); 5 USC 704; 8 USC 1101; 8 USC 1103; ...**CFR Citation:** 8 CFR 103**Legal Deadline:** None**Abstract:** This rule clarifies that, if the Administrative Procedure Act (APA) provides the authority for judicial review, a person must exhaust all administrative appeals available as a matter of right before the person may seek judicial review of a Service decision under the Immigration and Nationality Act (Act) that is within the appellate jurisdiction of the Board of Immigration Appeals or of the Associate Commissioner for Examinations. This amendment is necessary to prevent the filing of premature lawsuits, by ensuring that the proper administrative appellate authority has the opportunity to review and correct any errors in the original decision before the party may seek judicial review.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/03	
NPRM Comment Period End	06/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1785-96.

1115-AE46 was the old RIN assigned to this rule when it was final; it then changed to a proposed rule.

**Agency Contact:** Janice B. Podolny, Associate General, Chief Examinations Division, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-2895**Related RIN:** Previously reported as 1115-AE46**RIN:** 1115-AG49**1645. CARRIER ARRIVAL AND DEPARTURE ELECTRONIC MANIFEST REQUIREMENTS****Regulatory Plan:** This entry is Seq. No. 80 in part II of this issue of the **Federal Register**.**RIN:** 1115-AG57**1646. LIMITING THE NUMBER OF TRANSIT WITHOUT VISA (TWOV) STOPS IN THE UNITED STATES TO ONE****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101, 1103, 1182, 1184, 1186a, 1187, 1221, 1281, 1282**CFR Citation:** 8 CFR 214.2 (c)**Legal Deadline:** None**Abstract:** The Office of Inspector General (OIG) recently completed a follow-up review of the Immigration and Naturalization Service's (Service) efforts to improve security of the Transit Without Visa (TWOV) program. The OIG report found that several security concerns described in the original 1993 report continue to exist, specifically the 1) continued allowance for TWOV passengers to make two stops in the United States, with the second stop being a domestic arrival; and 2) lack of carrier standards and accountability for supervising TWOV passengers waiting for their connecting flights in public, domestic areas. This proposed rule informs the public that the Service intends to amend its regulations by limiting the number of transit stops in the United States for TWOV passengers to one stop. These TWOV program modifications will enhance U.S. national security while

## DOJ—INS

## Proposed Rule Stage

still providing the traveling public TWOV privileges.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	
NPRM Comment Period End	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7499  
Email: robert.f.hutnick@usdoj.gov

**RIN:** 1115-AG59

**1647. • TERMINATION OF LAWFUL PERMANENT RESIDENT STATUS THROUGH ABANDONMENT**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 CFR 211; 22 CFR 42

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This rule establishes procedures to terminate on notice the lawful permanent resident status of an alien who has remained outside the country for a continuous period of over 1 year since his or her departure from the United States, if it is determined that such alien has abandoned his or her permanent residency and is no longer eligible for admission as a returning resident. This process will allow the Service to terminate the status of a permanent resident due to abandonment when it becomes aware of that fact rather than, as is current practice, having to wait for such alien to present himself or herself for inspection at a port-of-entry.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/03	
NPRM Comment Period End	04/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Suzy Nguyen, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-4754

**RIN:** 1115-AG64

**1648. • STRENGTHENING CONTROL OVER IMMIGRATION SURETY BONDS**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103, 1356; 31 USC 9701, 9305, 9308; PL 104-208

**CFR Citation:** 8 CFR 103

**Legal Deadline:** None

**Abstract:** During the past several years the Immigration and Naturalization Service (Service) has experienced problems collecting funds relating to breached surety bonds. Several surety companies and/or their bonding agents have circumvented administrative remedies to address immigration surety bond claims sent out by the Service and furthermore have evaded the judicial review process.

This rule proposes to strengthen the Service's control over the collection of immigration surety bonds by tightening current Service procedures relating to the collection of surety bonds and by providing the Service with more powerful enforcement measures. Specifically, this rule will require surety companies and bonding agents to exhaust administrative remedies by using Service appeal procedures as a prerequisite to challenging the Service's actions under the Administrative Procedures Act (5 U.S.C. 701 et seq.) before seeking judicial review of Service actions. In addition, this rule limits the exposure of the Service in the case of bonding agents who have acted improperly or whose authorities have been denied by their corporate principals; encourages surety companies and bonding agents to respond early if there are any issues or disputes with the Service's claim and formalizes the Service's reporting requirements to the Department of Treasury (Treasury); provides for notification to the Treasury of high dollar volume of unpaid debt over 90 days; and lastly, adds an enforcement tool to suspend acceptance of surety bonds from bonding agents and/or surety companies that have large unpaid balances or who do not

otherwise respond to Service invoices. This rule is necessary to ensure that the Service receives funds owed by surety companies.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	01/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2193-02

**Agency Contact:** Jim Landolt, Branch Chief, Policy, Office of Financial Management, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536  
Phone: 202 353-0229

**RIN:** 1115-AG65

**1649. • LIMITING THE USE OF DURATION OF STATUS FOR CERTAIN F, J, AND I NONIMMIGRANTS**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1101 note; 8 USC 1103; 8 USC 1182; 8 USC 1184; ...

**CFR Citation:** 8 CFR 214

**Legal Deadline:** None

**Abstract:** This rule concerns the duration of status for nonimmigrants in the F (student), J (exchange visitor), and I (media representative) categories. This rule will set forth standards and procedures for the admission of certain nonimmigrants in these categories for a fixed period (subject to extension) rather than for the duration of their course of study, exchange program, or approved employment. This action will allow the INS to more effectively ensure that affected nonimmigrants are engaging in activities consistent with their classification and to take necessary action. By ensuring more effective control over nonimmigrants in the U.S., this rule will enhance the integrity of the immigration process.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	
NPRM Comment Period End	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

DOJ—INS

Proposed Rule Stage

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2222-02

**Agency Contact:** Maura Deadrick, Assistant Director, Adjudication Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-3228

**RIN:** 1115-AG76

### 1650. • PETITIONS FOR ALIENS TO PERFORM TEMPORARY NONAGRICULTURAL SERVICES OR LABOR (H-2B)

**Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1281; 8 USC 1282**CFR Citation:** 8 CFR 2**Legal Deadline:** None

**Abstract:** The Immigration and Naturalization Service, after consulting with the Departments of Labor and the Department of State, is proposing significant changes to its regulations that are designed to increase the effectiveness of the H-2B nonimmigrant classification. These proposals will increase the usefulness of the program for United States employers by eliminating certain regulatory barriers, by adding protections for foreign workers, and increasing Government efficiency and coordination.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment	02/00/03	
Period End		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** INS No.2228-02

**Agency Contact:** Molly Johnson, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7435

**RIN:** 1115-AG78

### 1651. • ADJUSTMENT OF THE IMMIGRATION BENEFIT APPLICATION FEE SCHEDULE TO RECOVER COSTS ASSOCIATED WITH ADDITIONAL SECURITY CHECKS

**Priority:** Other Significant**Legal Authority:** 5 USC 552; 5 USC 552(a); 8 USC 1101; 8 USC 1103; 8 USC 1304; ...**CFR Citation:** 8 CFR 103**Legal Deadline:** None

**Abstract:** The rule proposes to adjust the immigration benefit application fee by \$5 to recover costs associated with performing additional security checks on all immigration benefit applications. Fees collected from persons filing

immigration benefit applications are deposited into the Immigration Examinations Fee Account and used to fund the full cost of processing immigration benefit applications and associated support benefits; the full cost of providing similar benefits to asylum and refugee applicants; and the full cost of similar benefits provided to other immigrants, as specified in the regulation, at no charge. Federal guidelines require the Immigration and Naturalization Service to establish and collect fees to recover the full cost of processing benefit applications. These security checks are necessary to try to protect the United States from future terrorist attacks.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment	02/00/03	
Period End		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2233-02

**Agency Contact:** Paul Schlesinger, Chief, Immigration Services Branch, Office of Budget, Department of Justice, Immigration and Naturalization Service, Room 5307, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-0563  
Email: paul.l.schlesinger@usdoj.gov

**RIN:** 1115-AG82

Department of Justice (DOJ)

Final Rule Stage

Immigration and Naturalization Service (INS)

### 1652. REDUCTION OF THE NUMBER OF ACCEPTABLE DOCUMENTS AND OTHER CHANGES TO EMPLOYMENT VERIFICATION REQUIREMENTS (SECTION 610 REVIEW)

**Priority:** Other Significant. Major under 5 USC 801.**Legal Authority:** 8 USC 1324a; PL 104-208**CFR Citation:** 8 CFR 274a

**Legal Deadline:** Final, Statutory, March 31, 1998, An interim rule, published September 30, 1997, makes the minimal changes required by statute. The

provisions will remain in effect until completion of this rulemaking.

**Abstract:** On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). Section 412(a) of IIRIRA requires a reduction in the number of documents that may be accepted in the employment verification process. Section 412(d) clarifies the applicability of section 274A to the Federal Government. Section 610 of the Regulatory Flexibility Act requires agencies to review rules that have a significant economic impact on a substantial

number of small entities every 10 years. The Service is conducting this review in conjunction with IIRIRA implementation. The proposed rulemaking published 2/12/98 implements sections 212(a) and (d) of IIRIRA and proposes other changes to the employment verification process identified through that review. A revised Form I-9 was included with the proposed rulemaking.

The comment period closed on 4/3/98. The Service is analyzing the comments and taking into consideration issues raised by the Alien Registration Form (I-551) program. It should be noted that

## DOJ—INS

## Final Rule Stage

this action supersedes the previously published regulatory action titled "Reduction in the Number of Documents Accepted for Employment Verification." In order to avoid confusion, this regulatory action is being referenced under the current RIN, which captures all prior actions related to employment verification.

INS No. 1947-98, Interim Rule published 2/9/99 (64 FR 6187). The "Receipt Rule" permits employees to present their employer certain types of "receipts" in lieu of a document listed on the Form I-9. (Previously under RIN 1115-AE94, which was withdrawn and placed under AB73 due to the relationship of the regulations.)

**Timetable:**

Action	Date	FR Cite
NPRM-INS No. 1399 Comment Period End 12/23/93	11/23/93	58 FR 61846
NPRM-INS No. 1339S Comment Period End 07/24/95	06/22/95	60 FR 32472
Notice-INS No. 1713 INS No. 1713 Applications Due 01/29/96	11/30/95	60 FR 61630
Appl. Extension Through 3/8/96 Notice Pilot Demonstration Program-INS No. 1713	02/06/96	61 FR 4378
Final Rule-INS No. 1399E	09/04/96	61 FR 46534
Interim Final Rule INS No. 1818	09/30/97	62 FR 51001
NPRM-INS No. 1890- 97 Comment Period End 04/03/98	02/02/98	63 FR 5287
Final Rule INS No. 1890-97	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** State, Local, Tribal, Federal

**Additional Information:** The deadline for implementing section 412(a) of IIRIRA was extended to March 31, 1998, by Public Law 105-54. This rulemaking has been delayed by the need to coordinate implementation with other provisions of IIRIRA, by several complex policy and regulatory issues that have taken time to resolve, and by the review required by section 610 of the Regulatory Flexibility Act,

and by the need to coordinate policy issues with the Border Security Act of 2002 and, more generally, the post-September 11th environment in which document security is of a paramount concern.

INS No. 1890-97; PL 104-208, title 4.

INS Nos. 1399 and 1399S-94, Control of Employment of Aliens, Supplemental Rule; Action for INS Nos. 1399 and 1399S is canceled as a result of IIRIRA requirements.

INS No. 1399E is an extracted portion of INS No. 1399, published separately to allow for the production of a new, more secure Employment Authorization Document.

INS No. 1713-95, Demonstration Project for Electronic I-9.

Interim Rule INS No. 1818 was published on 9/30/97 at 62 FR 51001 to maintain the status quo as much as possible until the Service completes the more comprehensive document reduction initiative designated by INS No. 1890-97.

**Agency Contact:** Michael Hardin, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-3048

**RIN:** 1115-AB73

**1653. ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE: CONDITIONAL RESIDENTS AND FIANCÉ(E)S**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1257; 8 CFR 2

**CFR Citation:** 8 CFR 245

**Legal Deadline:** None

**Abstract:** This final rule amends the Immigration and Naturalization Service (Service) regulations by clarifying that an alien remains ineligible for adjustment of status after termination of conditional permanent resident status. The clarification is necessary in view of the determination by the Board of Immigration Appeals (Board) that the current regulations do not prohibit the adjustment of status of an alien whose conditional resident status has been

terminated. This final rule would also modify provisions regulating the adjustment of status of nonimmigrant fiancé(e)s to reflect the current statute and to eliminate hardships on certain persons who are unable, despite their good faith intentions, to marry until after the expiration of the alien spouse's period of admission as a nonimmigrant fiancé(e).

**Timetable:**

Action	Date	FR Cite
NPRM	08/20/96	61 FR 43028
NPRM Comment Period End	10/21/96	
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1353-91

**Agency Contact:** Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 307-2353  
Email: elizabeth.n.lee@usdoj.gov

**RIN:** 1115-AC70

**1654. NONIMMIGRANT CLASSES; S CLASSIFICATION; LAW ENFORCEMENT INITIATIVES; ALIEN WITNESSES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1324a; 8 CFR 2; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252

**CFR Citation:** 8 CFR 212; 8 CFR 214; 8 CFR 274a; 8 CFR 299; 8 CFR 103

**Legal Deadline:** None

**Abstract:** Two regulatory initiatives dealing with the processing of alien witnesses have been prepared by the INS. INS No. 1683-94 provides the application and approval process for the admission of aliens in S nonimmigrant classification. It provides guidance to the various law enforcement agencies needing alien witnesses and informants to complete critical law enforcement initiatives in the United States. INS No. 1728-95 establishes a fee for the processing of Form I-854, Inter-Agency Alien Witness

## DOJ—INS

## Final Rule Stage

and Informant Record, for Law Enforcement Agency (LEA) requests for S nonimmigrant classification for eligible alien witnesses and informants. The fee recovers the costs of the processing of requests for immigration benefits and is needed to comply with specific Federal immigration laws and Federal user fee statute and regulations.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule-INS No. 1683 Eff. 8/25/95; Comment Period End 12/4/95	08/25/95	60 FR 44260
Interim Final Rule-INS No. 1683 Correction	10/05/95	60 FR 52068
Interim Final Rule-INS No. 1683 Correction	10/05/95	60 FR 52248
Final Action-INS No.1683	11/00/02	
NPRM-INS No. 1728	12/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local, Tribal, Federal**Additional Information:** INS No. 1683-94; and INS No. 1728-95.

**Agency Contact:** Lydia St. John-Mellado, Investigator, Department of Justice, Immigration and Naturalization Service, Room 1000, Investigations Division, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-5097

**RIN:** 1115-AD86**1655. ESTABLISHING CRITERIA FOR DETERMINING COUNTRIES WHOSE CITIZENS ARE INELIGIBLE FOR THE TRANSIT WITHOUT VISA (TWOV) PROGRAM****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 CFR 2; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 USC 1221; 8 USC 1229**CFR Citation:** 8 CFR 212; 8 CFR 234.2**Legal Deadline:** None

**Abstract:** This rule proposes to amend Service regulations by removing the list of those countries that are ineligible to participate in the TWOV program from the regulation. In its place, the Service proposes to publish and update the list of countries that are ineligible to participate in the TWOV program by

Federal Register notice. This rule also sets forth a non-exhaustive list of factors that may be considered in determining those countries whose citizens or nationals are ineligible countries and provides for a regular review of all countries to determine their eligibility for participation in the TWOV program. The TWOV program allows the Service, acting jointly with the Department of State, to waive the passport and visa requirement for aliens from certain countries who request immediate and continuous transit privileges through the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	01/05/01	66 FR 1053
NPRM Comment Period End	03/05/01	
Final Action	04/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** INS No. 1696-95

**Agency Contact:** Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7499  
Email: robert.f.hutnick@usdoj.gov

**RIN:** 1115-AD96**1656. PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A U.S. CITIZEN OR AS A PREFERENCE IMMIGRANT; SELF-PETITIONING FOR CERTAIN BATTERED OR ABUSED ALIEN SPOUSES AND CHILDREN****Priority:** Other Significant**Legal Authority:** 8 USC 1101; PL 103-322; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255**CFR Citation:** 8 CFR 204**Legal Deadline:** None

**Abstract:** The INS published an interim rule on this subject in 1996. This final rule allows battered and abused spouses and children of United States citizens and lawful permanent residents to petition for immigrant classification. The consent of the abuser would not be required. The final rule uses the

term abused to mean either battered or subjected to extreme cruelty.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/26/96	61 FR 13061
Interim Final Rule Effective	03/26/96	
Interim Final Rule Comment Period End	05/28/96	
Final Rule	12/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** INS No. 1705-95.

**Agency Contact:** Laura M. Dawkins, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536  
Phone: 202 307-4754  
Email: laura.dawkins@usdoj.gov

**RIN:** 1115-AE04**1657. CONDITIONS ON NONIMMIGRANT STATUS; DISCLOSURE OF INFORMATION****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186A; 8 USC 1187; 8 USC 1221; 8 USC 1281; 8 USC 1282**CFR Citation:** 8 CFR 214**Legal Deadline:** None

**Abstract:** This rule removes the current regulatory language conditioning an alien's nonimmigrant status on his or her providing full and truthful information requested by the INS, regardless of the requested information's materiality. This rule would clarify that the nonimmigrant's stay is conditioned on, among other things, the provision of all information deemed necessary to ensure that the alien has acquired, and is maintaining, lawful nonimmigrant status during the entire period of his or her stay, or is eligible to receive any other benefit under the INA.

**Timetable:**

Action	Date	FR Cite
NPRM	06/14/96	61 FR 30188

## DOJ—INS

## Final Rule Stage

Action	Date	FR Cite	Timetable:		
			Action	Date	FR Cite
NPRM Comment Period End	08/13/96				
Final Action	12/00/02		TPS Final Rule (INS No. 1612) Removal of Obsolete Sections Covering TPS for Salvadorans	09/10/96	61 FR 47667
<b>Regulatory Flexibility Analysis Required:</b> No			TPS Notice (INS No. 1832-97) Extension and Redesignation of Liberia	04/07/97	62 FR 16608
<b>Small Entities Affected:</b> No			TPS Notice (INS No. 1853-97) Extension and Termination of Rwanda Eff. 06/07/97	06/19/97	62 FR 33442
<b>Government Levels Affected:</b> None			TPS Notice (INS No. 1862-97) Extension of Bosnia-Herzegovina	08/01/97	62 FR 41420
<b>Additional Information:</b> INS No. 1732-95			TPS Notice (INS No. 1863-97) Extension of Somalia	08/01/97	62 FR 41421
<b>Agency Contact:</b> Michael Hardin, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536 Phone: 202 514-3048			TPS Notice (INS No. 1878-97) TPS Designation of Montserrat	08/28/97	62 FR 45685
<b>RIN:</b> 1115-AE17			TPS Notice (INS No. 1775-96) TPS Designation of Burundi	11/04/97	62 FR 59735
<b>1658. REGULATIONS RELATING TO TEMPORARY PROTECTED STATUS</b>			TPS Notice (INS No. 1877-97) TPS Designation of Sierra Leone	11/04/97	62 FR 59736
<b>Priority:</b> Other Significant			TPS Notice (INS No. 1780-97) TPS Designation of Sudan	11/04/97	62 FR 59737
<b>Legal Authority:</b> 8 USC 1103; 5 USC 552; 5 USC 552a; 8 USC 1201; 28 USC 509; 31 USC 9701; 8 USC 1254a; 8 USC 1254a note; 8 USC 1362; 8 USC 1324a; 8 USC 1101; 8 USC 1303; 8 CFR 2; 5 USC 301			TPS Notice (INS No. 1910-98) Termination of Designation of Liberia	03/31/98	63 FR 15437
<b>CFR Citation:</b> 8 CFR 103; 8 CFR 244; 8 CFR 299			TPS Notice (INS No. 1929-98) TPS Designation of Province	06/09/98	63 FR 31527
<b>Legal Deadline:</b> None			TPS Notice (INS No. 1945-98) Extension of Designation of Somalia	09/28/98	63 FR 51602
<b>Abstract:</b> Regulations published under this RIN implement provisions of the Immigration and Nationality Act as established by section 302 of the Immigration Act of 1990, Pub. L. 101-649, which allow for the establishment and implementation of Temporary Protected Status (TPS). Currently, nationals of countries have been accorded TPS Status through the publication of separate Federal Register Notices as listed in this RIN.			TPS Notice (INS No. 1953-98) Redesignation of Liberia	09/29/98	63 FR 51958
Previously published TPS regulations were cited by RIN 1115-AC30.			TPS Notice (INS No. 1957-98) TPS Extension of Designation of Burundi	11/03/98	63 FR 59334
Current regulatory actions:			TPS Notice (INS No. 1958-98) TPS Extension of Designation of Sierra Leone	11/03/98	63 FR 59336
INS No. 1608 provides for exceptions to deadlines for registering for TPS and updates the application process.					
INS No. 1612 provides for the removal of obsolete TPS language.					
INS No. 2229 terminates TPS for Sierra Leone					
			TPS Notice (INS No. 1959-98) Extension of Designation of Sudan	11/03/98	63 FR 59337
			Final Action, Temporary Protected Status, Exception to Registration Deadlines	11/16/98	63 FR 63593
			TPS Notice (INS No. 1964-98) TPS Designation of Honduras	01/05/99	64 FR 524
			TPS Notice (INS No. 1965-98) TPS Designation of Nicaragua	01/05/99	64 FR 526
			TPS Notice (INS No. 1960-98) TPS Designation of Guinea-Bissau	03/11/99	64 FR 12181
			TPS Notice (INS No. 1986-99) TPS Extension and Redesignation of the Province of Kosovo	06/08/99	64 FR 30542
			TPS Notice (INS No. 1953-99) Termination of TPS Designation of Liberia	07/30/99	64 FR 41463
			TPS Notice (INS No. 2009-99) Extension of the TPS Registration Period for Hondurans and Nicaraguans	08/06/99	64 FR 42991
			TPS Notice (INS No. 2006-99) Extension of TPS Designation of Bosnia-Herzegovina	08/11/99	64 FR 43720
			TPS Notice (INS No. 2010-99) Extension of TPS Designation of Montserrat	09/02/99	64 FR 48190
			TPS Notice (INS No. 2015-99) Extension of TPS Designation of Somalia	09/13/99	64 FR 49511
			TPS Notice (INS No. 2022-99) Extension and Redesignation of Burundi Under Temporary Protected Status	11/09/99	64 FR 61123
			TPS Notice (INS No. 2024-99) Extension and Redesignation of Sierra Leone Under Temporary Protected S	11/09/99	64 FR 61125
			TPS Notice (INS No. 2023-99) Extension and Redesignation of Sudan Under the Temporary Protected Stat	11/09/99	64 FR 61128

## DOJ—INS

## Final Rule Stage

TPS Notice (INS No. 2043-00) Extension and Termination of Designation of Guinea-Bissau Under TPS	03/20/00	65 FR 15016	TPS Notice (INS 2135-01) Extension of Designation of Honduras under TPS	05/08/01	66 FR 23269
TPS Notice (INS No. 2044-00) Designation of Angola Under TPS	03/29/00	65 FR 16634	TPS Notice (INS 2136-01) Extension of Designation of Nicaragua under TPS	05/08/01	66 FR 23271
TPS Notice (INS No. 2065-00) Extension of Designation Hondurans	05/11/00	65 FR 30438	TPS Notice (INS 2148-01) Automatic Ext. of Work Authorization for Hondurans & Nicaraguans Under TPS	07/03/01	66 FR 35270
TPS Notice (INS No. 2064-00) Extension of Nicaragua Designation	05/11/00	65 FR 30440	TPS Notice (INS 2146-01) Extension of the Designation of Montserrat under TPS	08/03/01	66 FR 40834
TPS Notice (INS No. 2066-00) Termination of the Kosovo...	05/23/00	65 FR 33356	TPS Notice (INS 2162-01) Extension of Designation of Burundi under TPS	08/31/01	66 FR 46027
TPS Notice (INS No. 2065R-00) Extension of Re-Registration for Hondurans	06/09/00	65 FR 36719	TPS Notice (INS 2163-01) Extension of the Designation of Sierra Leone under TPS	08/31/01	66 FR 46029
TPS Notice (INS No. 2064R-00) Extension of Re-Registration for Nicaraguans	06/09/00	65 FR 36729	TPS Notice (INS 2164-01) Extension of the Designation of Sudan under TPS	08/31/01	66 FR 46031
TPS Notice (INS No. 2079-00) Termination of Bosnia-Herzegovina	08/30/00	65 FR 52789	TPS Notice (INS 2151-01) Extension of Redesignation of Somalia under TPS	09/04/01	66 FR 46288
TPS Notice (INS No. 2087-00) Extension of Designation of Montserrat Under Temporary Protected Status	10/02/00	65 FR 58806	TPS Notice (INS 2114-01) Extension of the Designation of Angola under TPS	02/01/02	67 FR 4997
TPS Notice (INS No. 2096-00) Extension of Designation of Burundi	11/09/00	65 FR 67404	TPS Notice (INS No. 2212-02) Extension of Designation of El Salvador	07/11/02	67 FR 46000
TPS Notice (INS No. 2095-00) Extension of Designation of Sierra Leone	11/09/00	65 FR 67405	TPS Notice (INS No. 2209-02) Extension of Designation of Montserrat	07/17/02	67 FR 47002
TPS Notice (INS No. 2094-00) Extension of Designation of Sudan	11/09/00	65 FR 67407	TPS Notice (INS 2225-02) Extension of Designation of Burundi under TPS	08/30/02	67 FR 55875
Correction TPS Notice (INS No.2090-00) Extension of Designation of Somalia	12/08/00	65 FR 69789	TPS Notice (INS 2226-02) Extension of the Designation of Sudan under TPS	08/30/02	67 FR 55877
TPS Notice (INS 2125-01) Designation of El Salvador	03/09/01	66 FR 14214	TPS Notice (INS 2235-02) Designation of Liberia under TPS	10/01/02	67 FR 61664
TPS Notice (INS 2114-01) Extension and Redesignation of Angola	04/05/01	66 FR 18111	TPS Notice (INS 2237-02) Extension of TPS for Sierra Leone	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** The Attorney General may designate other countries for TPS.

INS Nos. 1608, 1612, 1832-97, 1853-97 and 1877-97

INS No. 1608 issued as an interim rule on 11/5/93 at 58 FR 58935

**Agency Contact:** Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 307-2353  
Email: elizabeth.n.lee@usdoj.gov

Charles Adkins-Blanch, General Counsel, Executive Office for Immigration Review, Department of Justice, Immigration and Naturalization Service, Suite 2400, 2600 Skyline Tower, 5106 Leesburg Pike, Falls Church, VA 22041  
Phone: 703 305-0470

**RIN:** 1115-AE26

**1659. INSPECTION AND EXPEDITED REMOVAL OF ALIENS; DETENTION AND REMOVAL OF ALIENS; CONDUCT OF REMOVAL PROCEEDINGS**

**Priority:** Other Significant

**Legal Authority:** 5 USC 301; 8 USC 1182; 8 USC 1183; 8 USC 1184; 8 USC 1185; 8 USC 1186a; 8 USC 1187; 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1154; 8 USC 1181

**CFR Citation:** 8 CFR 1; 8 CFR 213; 8 CFR 214; 8 CFR 216; 8 CFR 217; 8 CFR 221; 8 CFR 223; 8 CFR 3; 8 CFR 103; 8 CFR 204; 8 CFR 207; 8 CFR 209; 8 CFR 211; 8 CFR 212; ...

**Legal Deadline:** Other, Statutory, March 1, 1997, The statute requires the Attorney General to promulgate implementing regulations by March 1, 1997.

**Abstract:** Many of the provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) became effective April 1, 1997. Some provisions of the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) that were not superseded by IIRIRA became effective November 1, 1996. On March 6, 1997, INS and Executive Office of Immigration Review

## DOJ—INS

## Final Rule Stage

(EOIR) published an interim rule revising the asylum process; providing a mechanism for the determination and review of certain applicants who demonstrate a credible fear of persecution if returned to their own country; defining the inspection and admission process including new expedited removal procedures for aliens attempting to enter the United States through fraud or misrepresentation by apprehension, detention, and removal of aliens; addressing conduct of removal proceedings; and revising many other sections of the regulations to conform with the new laws. On December 6, 2000, INS published the rule "Asylum Procedures" (INS No. 1865-97; RIN 1115-AE93) which finalized the asylum portions of this interim rule. INS still intends to publish a final rule under RIN 1115-AE47 to finalize the portions of this rulemaking relating to inspection and expedited removal of aliens, detention and deportation and removal of aliens, and the conduct of removal proceedings.

**Timetable:**

Action	Date	FR Cite
Final Action-INS No. 1669-94	03/22/96	61 FR 11717
NPRM-INS No. 1788-96 Comment Period End 2/3/97	01/03/97	62 FR 444
Interim Final Rule-INS No. 1788-96 Comment Period End 7/15/97	03/06/97	62 FR 10312
Interim Final Rule Correction (Effective 04/01/97)	04/01/97	62 FR 15362
Interim Final Rule-INS No. 1788-96 Correction	04/09/97	62 FR 17048
Final Rule-INS No. 1920-98	07/22/98	63 FR 39217
Final Action INS No. 1788-96	04/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1788-96 (Final Action)

CFR CITATIONS CONT: 8 CFR 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 248, 251, 252, 253, 274a, 286, 287, 292, 299, 316, 318, and 329.

LEGAL AUTHORITY CONT: 8 USC 1186b, 1187, 1201, 1203, 1221, 1222,

1223, 1224, 1225, 1226, 1227, 1251, 1252, 1252 note, 1252a, 1252b, 1253, 1254, 1254a note, 1255, 1256, 1258, 1259, 1281, 1282, 1304, 1324a, 1330, 1356, 1357, 1362, 1429, 1440, 1443, 1447; 28 USC 509, 510, 1746; 31 USC 9701; 3 CFR, 1982 Comp, p 166; 8 CFR part 2.

INS Rule No. 1920-98 makes a correction to the services regulations that govern the documentary requirements for immigrants and corresponding waivers. This rule relates to changes promulgated by INS 1169-94 and INS No. 1788-96.

INS Rule No. 1865-97, AG Order No. 2340-2000, Final Rule, Asylum Procedures published on December 6, 2000, at 65 FR 76121, amended portions of the title III IIRIRA governing cases in which an applicant has established past persecution or in which an applicant may be able to avoid persecution in a particular country by relocating to another area of that country.

**Agency Contact:** Linda Loveless, Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7489

Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041  
Phone: 703 305-0470

**RIN:** 1115-AE47

**1660. AGREEMENT PROMISING NON-DEPORTATION OR OTHER IMMIGRATION BENEFITS****Priority:** Other Significant

**Legal Authority:** 5 USC 301; 28 USC 509; 28 USC 510; 28 USC 515; 28 USC 516; 28 USC 517; 28 USC 518; 28 USC 519

**CFR Citation:** 28 CFR 0.197

**Legal Deadline:** None

**Abstract:** This rule will finalize a 1996 interim rule that requires Federal prosecutors, law enforcement agencies, and other officials to obtain written consent from the Immigration and Naturalization Service when entering into a plea agreement, cooperation agreement, or similar agreement promising an alien favorable treatment by the Service. This rule ensures that

favorable treatment under the immigration laws is extended only after a full consideration of its effect on overall immigration enforcement, alleviates confusion over the authority to enforce the immigration laws, and prevents the Service from being bound by agreements undertaken without its knowledge and approval. The interim rule codified a long-standing position of the Department of Justice.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/13/96	61 FR 48405
Interim Final Rule Comment Period End	11/12/96	
Final Action	04/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** INS No. 1791-96

**Agency Contact:** Joan S. Lieberman, Attorney, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-2895

**RIN:** 1115-AE50

**1661. DEFINITION OF THE TERM "LAWFULLY PRESENT" FOR PURPOSES OF ELIGIBILITY FOR PUBLIC BENEFITS**

**Priority:** Other Significant

**Legal Authority:** 5 USC 552; 31 USC 9701; EO 12356; 47 FR 14874 to 15557; 3 CFR 1982 comp; 8 CFR 2; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1252B; 8 USC 1304; 8 USC 1356

**CFR Citation:** 8 CFR 103

**Legal Deadline:** None

**Abstract:** Section 401(a) of the Personal Responsibility and Work Reconciliation Act of 1996 (PRWORA) provides that, with limited exceptions, only qualified aliens, as defined under section 431, may receive certain Federal public benefits. Section 401(b)(2) provides an exception which allows aliens who are "lawfully present in the United States" as determined by the Attorney General to receive social security benefits under title II of the Social Security Act. PRWORA, and other laws, use the term



## DOJ—INS

## Final Rule Stage

“lawfully present” in other benefit-related contexts as well.

The interim final rule published September 6, 1996, amended the Immigration and Naturalization Service (Service) regulations to define the term “an alien who is lawfully present in the United States” so that the Social Security Administration may determine which aliens are eligible for benefits under title II of the Social Security Act.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/06/96	61 FR 47039
Interim Final Rule	11/05/96	
Comment Period End		
Final Action	04/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Federal

**Additional Information:** INS No. 1792-96

**Agency Contact:** Michael Hardin, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-3048

**RIN:** 1115-AE51

**1662. AFFIDAVIT OF SUPPORT ON BEHALF OF IMMIGRANTS**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1183a; PL 104-208; PL 104-193; 8 CFR 2

**CFR Citation:** 8 CFR 213a; 8 CFR 299

**Legal Deadline:** None

**Abstract:** This rule amends the INS regulations by establishing that an individual (the sponsor) who files an affidavit of support under section 213A of the Immigration and Nationality Act (INA) on behalf of an intending immigrant incurs an obligation that may be enforced by a civil action. This rule also specifies the requirements that Federal, State, or local agencies or private entities must meet to request reimbursement from the sponsor for provision of means-tested public benefits and provides procedures for imposing the civil penalty provided for under section 213A of the INA, if the sponsor fails to give notice of any

change of address. This rule is necessary to ensure that sponsors of aliens meet their obligations under section 213A of the INA.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule-INS	10/20/97	62 FR 52346
No. 1807-96;		
Interim Final Rule	02/07/98	
Comment Period End		
Final Action	04/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1807-96; PL 104-208, title IV; and PL 104-193, title IV

**Agency Contact:** Lisa Roney, Policy Analyst, Office of Policy and Planning, Department of Justice, Immigration and Naturalization Service, Room 6052, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-3242

Michael Hardin, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-3048

**RIN:** 1115-AE58

**1663. SUSPENSION OF PRIVILEGE TO TRANSPORT ALIENS TO THE UNITED STATES**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1252; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1227

**CFR Citation:** 8 CFR 103; 8 CFR 273

**Legal Deadline:** None

**Abstract:** The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) added a provision to the Immigration and Nationality Act that allows INS to suspend a commercial airline's privilege to transport aliens to the United States if the carrier has a record of bringing in aliens who have fraudulent documents. After consultation with other interested Government agencies, INS is proposing to implement appropriate standards and procedures governing the use of this power to suspend a carrier's

privilege to transport aliens to the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	10/23/98	63 FR 56869
NPRM Comment	12/22/98	
Period End		
Final Rule	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** This rule required coordination with several other Government agencies. INS No. 1809-96.

**Agency Contact:** Michael D. Jones, Acting Director, National Fines Office of Inspections, Department of Justice, Immigration and Naturalization Service, Suite 425, 1525 Wilson Boulevard, Arlington, VA 22209  
Phone: 202 305-7018

**RIN:** 1115-AE59

**1664. LIMITING LIABILITY FOR CERTAIN TECHNICAL AND PROCEDURAL VIOLATIONS OF PAPERWORK REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1324a; PL 104-208

**CFR Citation:** 8 CFR 274a

**Legal Deadline:** None

**Abstract:** This rule will implement section 411 of IIRIRA which allows employers that have made a good faith attempt to comply with a particular employment verification requirement to correct technical or procedural failures to meet the requirement before such failures are deemed to be violations of the Act. This rule will explain the good faith rule, define the term technical or procedural failure to meet such requirement, and explain how an employer can correct technical or procedural failures.

**Timetable:**

Action	Date	FR Cite
NPRM	04/07/98	63 FR 16909
NPRM Comment	06/08/98	
Period End		
Final Rule	01/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

DOJ—INS

Final Rule Stage

**Additional Information:** INS No. 1819-96 and Public Law 104-208, title IV.

**Agency Contact:** Marguerite Przybyski Kleczek, Attorney, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-2895

**Related RIN:** Related To 1115-AE21

**RIN:** 1115-AE70

**1665. IMPLEMENTATION OF HERNANDEZ V. RENO SETTLEMENT AGREEMENT; CERTAIN ALIENS ELIGIBLE FOR FAMILY UNITY BENEFITS AFTER SPONSORING FAMILY MEMBER'S NATURALIZATION**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1225a note; PL 104-208

**CFR Citation:** 8 CFR 236.23

**Legal Deadline:** None

**Abstract:** On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The INS will publish a regulation implementing a new basis of ineligibility for Family Unity benefits for certain juvenile offenders.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule-INS No. 1823-96	07/14/00	65 FR 43677
Interim Final Rule Comment Period End	09/12/00	
Final Rule	06/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1823-96; PL 104-208, title III, section 38; and this regulation will affect 8 CFR 242.5 that will be renumbered 8 CFR 236.25.

**Agency Contact:** Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 307-2353  
Email: elizabeth.n.lee@usdoj.gov

**RIN:** 1115-AE72

**1666. REGULATIONS PERTAINING TO BATTERED ALIENS AND TO MAIL ORDER BRIDE BUSINESSES, AS MANDATED BY IIRIRA**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1641(c); PL 104-208

**CFR Citation:** 8 CFR 204

**Legal Deadline:** None

**Abstract:** The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) included a number of provisions relating to battered aliens and to mail order bride businesses. The INS anticipates rulemaking in the following areas:

INS document No. 1845-97 is necessitated by section 501 of IIRIRA, which provides certain types of public benefits for those aliens who have made a prima facie case for eligibility pursuant to the INS interim rule on self-petitions by battered aliens, published at 61 FR 13061 (March 26, 1995; INS No. 1705-95). This new rule will define what constitutes a prima facie case.

INS document No. 1838-97, an advance notice of proposed rulemaking, is to solicit public input into the regulation of certain functions of the international matchmaking industry (also referred to as "mail order bride businesses"), as required by section 652 of IIRIRA, was published on 7/16/97 (62 FR 38041).

The INS plans to publish a proposed rule to require international matchmaking organizations doing business in the United States to provide certain information to any person recruited for introductions to clients.

**Timetable:**

Action	Date	FR Cite
ANPRM-INS No. 1838-97 Comments Due	07/16/97	62 FR 38041
Interim Final Rule-INS No. 1845-97	11/13/97	62 FR 60769
Interim Final Rule Comment Period End-INS 1845-97	01/12/98	
Final Action-INS No. 1845	12/00/02	
NPRM-INS No. 1838	01/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1838-97. The Service submitted its report on international matchmaking organizations which can be found on the INS web site. The Service is currently preparing the informational brochures which the organizations will be required to provide to women recruits.

**Agency Contact:** Laura M. Dawkins, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536  
Phone: 202 307-4754  
Email: laura.dawkins@usdoj.gov

**RIN:** 1115-AE77

**1667. ESTABLISHMENT OF PREINSPECTED AUTOMATED LANE (PAL) PROGRAM AT IMMIGRATION AND NATURALIZATION SERVICE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 CFR 2

**CFR Citation:** 8 CFR 287; 8 CFR 299

**Legal Deadline:** None

**Abstract:** This rule amends the Immigration and Naturalization Service regulations by establishing a Preinspected Automated Lane (PAL) Program for the use of eligible persons and vehicles at immigration checkpoints within the United States. This rule will facilitate the passage of people and vehicles through INS checkpoints while safeguarding the integrity of law enforcement objectives at the checkpoints.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/18/97	62 FR 19024
Interim Final Rule Comment Period End	06/17/97	
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1830-97

**Agency Contact:** Rudolph J. Miranda, Chief Patrol Agent, Department of Justice, Immigration and Naturalization

DOJ—INS

Final Rule Stage

Service, Room 4226, 425 I Street NW,  
Washington, DC 20536  
Phone: 202 514-3072

RIN: 1115-AE80

**1668. REQUIRING ALIENS ORDERED  
REMOVED FROM THE UNITED  
STATES TO SURRENDER TO THE  
IMMIGRATION AND NATURALIZATION  
SERVICE FOR REMOVAL**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC  
1231; 8 USC 1253

**CFR Citation:** 8 CFR 240.13; 8 CFR  
240.14; 8 CFR 240.15; 8 CFR 240.16;  
8 CFR 240.17; 8 CFR 240.18; 8 CFR  
240.19

**Legal Deadline:** None

**Abstract:** This rule requires aliens  
subject to a final order of removal to  
surrender to the INS. This rule also  
establishes procedures for surrender  
and bars persons violating these  
procedures from obtaining discretionary  
immigration benefits.

**Timetable:**

Action	Date	FR Cite
NPRM	09/04/98	63 FR 47205
NPRM Comment Period End	11/03/98	
Supplemental NPRM	05/09/02	67 FR 31157
Supplemental NPRM Comment Period End	06/10/02	
Final Rule	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Lisa Batey, Associate  
General Counsel, Department of Justice,  
Immigration and Naturalization Service,  
Room 6100, 425 I Street NW,  
Washington, DC 20536  
Phone: 503 353-1825

RIN: 1115-AE82

**1669. EARLY RELEASE FOR  
REMOVAL OF CRIMINAL ALIENS IN  
STATE CUSTODY FOR NONVIOLENT  
OFFENSES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1103; 8 USC  
1223; 8 USC 1227; 8 USC 1251; 8 USC  
1253; 8 USC 1255; 8 USC 1330; 8 CFR  
2

**CFR Citation:** 8 CFR 241

**Legal Deadline:** None

**Abstract:** The final rule will establish  
an administrative process whereby  
criminal aliens in State custody  
convicted of nonviolent offenses may  
be removed prior to completion of their  
sentence of imprisonment. The rule  
will implement the authority  
contemplated by Congress to enhance  
the ability of the United States to  
remove criminal aliens.

**Timetable:**

Action	Date	FR Cite
NPRM-INS No. 1848- 97	07/12/99	64 FR 37461
NPRM Comment Period End	09/10/99	
Final Action-INS No. 1848-97	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State,  
Federal

**Additional Information:** INS No.1848-  
97

**Agency Contact:** Joan S. Lieberman,  
Attorney, Office of General Counsel,  
Department of Justice, Immigration and  
Naturalization Service, Room 6100, 425  
I Street NW, Washington, DC 20536  
Phone: 202 514-2895

Ron Dodson, Supervisory Special  
Agent, Headquarters Investigations,  
Department of Justice, Immigration and  
Naturalization Service, Room 1000, 425  
I Street NW, Washington, DC 20536  
Phone: 202 616-7310

RIN: 1115-AE83

**1670. AMENDMENT OF THE  
REGULATORY DEFINITION OF  
ARRIVING ALIEN**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 CFR  
2

**CFR Citation:** 8 CFR 1

**Legal Deadline:** None

**Abstract:** This rule amends the INS  
regulations by changing the regulatory  
definition of an arriving alien. Under  
section 235(b)(1)(A)(i) of the  
Immigration and Nationality Act (Act),  
which was effective on April 1, 1997,  
certain arriving aliens are subject to  
expedited removal procedures. The  
existing regulatory definition of arriving  
aliens includes parolees. As a matter  
of policy, the Department has decided

that it is appropriate to exempt from  
the new expedited removal procedures  
aliens who were paroled into the  
United States before April 1997. This  
rule clarifies that these aliens as well  
as certain other aliens who were  
paroled into the United States pursuant  
to advance parole, will not be subjected  
to expedited removal upon termination  
at parole. The rule also makes several  
changes in the ordering of 1.1(q) to use  
language that is clearer and more  
consistent with the wording of the  
statute.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/20/98	63 FR 19382
Interim Final Rule Comment Period End	06/19/98	
Final Rule	04/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Re: INS No.  
1868-97

**Agency Contact:** Jerry Liu, Assistant  
Chief Inspector, Inspections Division,  
Department of Justice, Immigration and  
Naturalization Service, Room 4064, 425  
I Street NW, Washington, DC 20536  
Phone: 202 514-3410

RIN: 1115-AE87

**1671. ADJUSTMENT OF STATUS,  
CONTINUED VALIDITY OF  
NONIMMIGRANT STATUS, AND  
UNEXPIRED EMPLOYMENT  
AUTHORIZATION FOR APPLICANTS  
MAINTAINING NONIMMIGRANT H OR  
L STATUS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC  
1282; 8 CFR 2; 8 USC 1103; 8 USC  
1182; 8 USC 1184; 8 USC 1186a; 8 USC  
1187; 8 USC 1221; 8 USC 1255; 8 USC  
1281

**CFR Citation:** 8 CFR 214; 8 CFR 245

**Legal Deadline:** None

**Abstract:** Over the last several years,  
the Service has issued numerous policy  
statements regarding its position on  
employment authorization, advance  
parole, and extension of nonimmigrant  
status for certain skilled nonimmigrant  
workers who have filed for adjustment  
to permanent resident status. This  
interim final rule: (1) Codified existing

## DOJ—INS

## Final Rule Stage

Service policy statements by incorporating them into the Service's regulations and (2) eliminated the requirement for service permission for overseas travel for adjustment applicants who are maintaining H-1 or L nonimmigrant status. The Service will be publishing a final rule in response to public comments.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/01/99	64 FR 29208
Interim Final Rule Comment Period End	08/02/99	
Final Rule	01/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1881-97

**Agency Contact:** Michael Valverde, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536

Phone: 202 514-2763

Email: michael.valverde@usdoj.gov

**RIN:** 1115-AE96

**1672. VERIFICATION OF ELIGIBILITY FOR PUBLIC BENEFITS**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1642

**CFR Citation:** 8 CFR 104

**Legal Deadline:** NPRM, Statutory, November 3, 1997.

Final, Statutory, February 22, 1998, Statutory deadline to promulgate regulations for State and local public benefits was previously 11/03/98. Deadline for regulations for Federal public benefits was 02/22/98.

**Abstract:** This regulatory action requires entities (other than nonprofit charitable organizations) providing Federal public benefits (with certain exceptions) to verify by examining documents and using an INS automated verification system that alien applicants are eligible for the benefits under Federal benefit reform legislation. This rule also sets forth provisions by which State or local governments can verify whether aliens applying for State or local public benefits are eligible for

such benefits under Federal laws. In addition, the rule establishes procedures for verifying the U.S. nationality of individuals applying for benefits in a fair and nondiscriminatory manner.

The Interim Verification Guidelines were published as a notice on 11/17/97 at 62 FR 61344. The guidelines set forth procedures that benefit-granting agencies can use to verify U.S. citizens, non-citizen nationals, and qualified aliens for eligibility under title IV of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) prior to issuance of final regulations.

The proposed rule for the Verification of Eligibility for Public Benefits was published on 8/04/98 at 63 FR 41662. The changes made in response to the comments received on the proposed rule were significant enough and dealt with complex and important issues that another opportunity to comment is warranted. The next version of the rule will be issued as an interim rule, rather than a final rule, in order to implement the statutory directive to promulgate verification regulations and start the subsequent 2-year period in which Federal public benefit-granting agencies must come into compliance. The interim rule is in the concurrence process and has not yet been published.

**Timetable:**

Action	Date	FR Cite
NPRM-INS No. 1902-98	08/04/98	63 FR 41662
NPRM Comment Period End	10/05/98	
Interim Final Rule-INS No. 1902-98	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local, Federal

**Additional Information:** INS No. 1902-98 should be referenced for any inquiries concerning this rulemaking action.

**Agency Contact:** Phillip Busch, Senior Counsel, Department of Justice, Immigration and Naturalization Service, 6100, Office of General Counsel, 425 I Street NW, Washington, DC 20536

Phone: 202 514-2895

**RIN:** 1115-AE99

**1673. FINGERPRINTING APPLICANTS AND PETITIONERS FOR IMMIGRATION BENEFITS; ESTABLISHING A FEE FOR FINGERPRINTING BY THE SERVICE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1252b; 8 USC 1304; 8 USC 1356

**CFR Citation:** 8 CFR 103; 8 CFR 299; 8 CFR 316; 8 CFR 335

**Legal Deadline:** None

**Abstract:** This rule amends the Immigration and Naturalization Service regulations relating to fingerprinting applicants and petitioners for benefits under the Immigration and Nationality Act by: Canceling the Designated Fingerprinting Service program; requiring applicants and petitioners for benefits to be fingerprinted at either a Service Office, a State or local law enforcement agency, or at a United States consular or military office; establishing a fee for fingerprinting by the Service; and requiring confirmation from the Federal Bureau of Investigation (FBI) that a full criminal background check has been completed before adjudication of a naturalization application is completed.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/17/98	63 FR 12979
Interim Final Rule Effective	03/29/98	
Interim Final Rule Correction	04/09/98	63 FR 17489
Interim Final Rule Comment Period End	05/18/98	
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

**Additional Information:** INS No. 1891-97

**Agency Contact:** Pamela T. Wallace, Adjudications Officer, Immigration Services Division, Department of Justice, Immigration and Naturalization Service, Room 980, 801 I Street NW, Washington, DC 20536

Phone: 202 514-9475

**RIN:** 1115-AF03

DOJ—INS

Final Rule Stage

**1674. PROCESSING, DETENTION, AND RELEASE OF JUVENILES****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1362**CFR Citation:** 8 CFR 236.3**Legal Deadline:** Final, Judicial, July 31, 1998.

The court-approved settlement agreement in *Flores v. Reno* (C.D. Cal.) required INS to initiate action to publish regulations in July 1998. However, the changes brought by AEDPA and IIRIRA delayed issuance of the regulations. The INS later re-published the rule for comments.

**Abstract:** The rule amends the Immigration and Naturalization Service regulations by establishing the procedures for processing alien juveniles from custody and the detention of unreleased juveniles in State-licensed programs and detention facilities. This rule also governs the transportation and transfer of juveniles in Service custody.

**Timetable:**

Action	Date	FR Cite
NPRM-INS No. 1906-98	07/24/98	63 FR 39759
NPRM Comment Period End	09/22/98	
NPRM Comment Period Reopened	01/14/02	67 FR 1670
Second NPRM Comment Period End	03/15/02	
Final Action	04/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1906-98.

**Agency Contact:** Mark A. Matese, Director of Juvenile Affairs, Department of Justice, Immigration and Naturalization Service, 8th Floor, Office of Field Operations, 801 I Street NW, Washington, DC 20536  
Phone: 202 514-2162

**RIN:** 1115-AF05**1675. SUSPENSION OF DEPORTATION AND SPECIAL RULE CANCELLATION OF REMOVAL FOR CERTAIN NATIONALS OF GUATEMALA, EL SALVADOR, AND FORMER SOVIET BLOC COUNTRIES****Priority:** Other Significant**Legal Authority:** 5 USC 552; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1251; 8 USC 1252 note; 8 USC 1252a; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1186a; 8 USC 1224**CFR Citation:** 8 CFR 103; 8 CFR 208; 8 CFR 240; 8 CFR 246; 8 CFR 274a;

...

**Legal Deadline:** None

**Abstract:** This rule implements section 203 of the Nicaraguan Adjustment and Central American Relief Act (NACARA), enacted as title II of Public Law No. 105-100, 111 Stat. 2160, 2193 (1997) (as amended by Technical Corrections to the Nicaraguan Adjustment and Central American Relief Act (NACARA), Public Law 105-139, Stat. 2644 (1997)). Section 203 of NACARA provides that certain Guatemalans, Salvadorans, and nationals of former Soviet Bloc countries are eligible to apply for cancellation of removal under the standards for suspension of deportation similar to those that existed prior to enactment of Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). The rule establishes the authority of INS asylum officers to adjudicate certain applications under section 203 of NACARA, provides application and adjudication procedures, identifies factors and standards relevant to eligibility, and establishes a rebuttable presumption of extreme hardship for certain NACARA beneficiaries.

**Timetable:**

Action	Date	FR Cite
NPRM-INS No. 1915-98	11/24/98	63 FR 64895
NPRM Comment Period End-INS No. 1915-98	01/25/99	
Interim Rule-INS No. 1915-98	05/21/99	64 FR 27856
Interim Rule Comment Period End	07/20/99	
Final Rule	06/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal  
**Additional Information:** INS No. 1915-98

**Agency Contact:** Joanna Ruppel, Supervisor for Asylum Operations, International Affairs, Department of Justice, Immigration and Naturalization Service, 3rd Floor, 111 Massachusetts Avenue NW, Washington, DC 20536  
Phone: 202 305-2663

**RIN:** 1115-AF14**1676. ELIMINATION OF IMMIGRATION AND NATURALIZATION SERVICE-ISSUED MEXICAN AND CANADIAN BORDER CROSSING CARDS****Priority:** Other Significant**Legal Authority:** 5 USC 552; 8 USC 1228; 8 USC 1252; 8 USC 1304; 8 USC 1356; 8 USC 1304; 8 USC 1356; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1201; 8 USC 1225; 8 USC 1226; 8 USC 1227**CFR Citation:** 8 CFR 103; 8 CFR 212; 8 CFR 214; 8 CFR 235; 8 CFR 247; 8 CFR 264; 8 CFR 286; 8 CFR 299**Legal Deadline:** Final, Statutory, October 1, 2002.

**Abstract:** This rule amends the Immigration and Naturalization Service (Service) regulations to eliminate the use of Form I-175, Application for Nonresident Alien Canadian Border Crossing Card, and Form I-190, Application for Nonresident Alien Mexican Border Crossing Card. It also terminates the production of Form I-185, Nonresident Alien Canadian Border Crossing Card, and Form I-586, Nonresident Alien Mexican Border Crossing Card. In addition, this rule prohibits the use of Form I-186 (previous version of Mexican Border Crossing Card), Form I-185 and Form I-586 Border Crossing Cards (BCCs) after September 30, 2002, for required use of a card containing a machine readable biometric identifier for entry (such as the fingerprint or handprint of the alien). Under the provisions of this rulemaking, an alien seeking entry into the United States by presentation of a BCC must complete a biometric verification upon each entry.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/02	
Interim Final Rule Comment Period End	01/00/03	

DOJ—INS

Final Rule Stage

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1931-98

**Agency Contact:** Michael J. Flemmi, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536  
Phone: 202 305-9247

**RIN:** 1115-AF24

**1677. FILING OF PROPOSALS FOR DESIGNATION AS A REGIONAL CENTER APPROVED TO PARTICIPATE IN THE IMMIGRANT INVESTOR PILOT PROGRAM**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1154; 8 USC 1182; 8 USC 1186a**CFR Citation:** 8 CFR 204**Legal Deadline:** None

**Abstract:** The regulation changes the location for the filing and adjudication of proposals to participate in the Immigrant Investor Pilot Program from Headquarters, Adjudication, to the Texas and California Service Centers. This change is necessary to ensure the uniform and effective adjudication of these complex proposals related to economic development, export trade, and job creation.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/02	
Interim Final Rule Comment Period End	01/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** INS No. 1944-98

**Agency Contact:** Maurice R. Berez, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536

Phone: 202 353-8177

**RIN:** 1115-AF27

**1678. NONIMMIGRANT VISA EXEMPTION FOR NATIONALS OF THE BRITISH VIRGIN ISLANDS ENTERING THE UNITED STATES THROUGH ST. THOMAS, UNITED STATES VIRGIN ISLANDS**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1252; 8 USC 1102; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228**CFR Citation:** 8 CFR 212**Legal Deadline:** None

**Abstract:** This rule amends the Immigration and Naturalization Service's regulations to allow nonimmigrant visitors for business or pleasure who are nationals of the British Virgin Islands to apply for admission to the United States without a visa at the ports-of-entry of St. Thomas, United States Virgin Islands. Since visas are no longer issued from the British Virgin Islands by the Department of State, all persons needing a nonimmigrant visa have to either travel or mail their applications to Barbados, the nearest visa-issuing location. The Service's action will facilitate travel to the United States for nationals of the British Virgin Islands while still ensuring that the proper application provisions of the I&NA are met.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/18/99	64 FR 7989
Interim Final Rule Comment Period End	04/18/99	
Final Action	01/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local, Federal**Additional Information:** INS No. 1956-98

**Agency Contact:** Dennis Thompson, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536

Phone: 202 514-3019

**RIN:** 1115-AF28

**1679. REGULATIONS CONCERNING THE CONVENTION AGAINST TORTURE**

**Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282**CFR Citation:** 8 CFR 3; 8 CFR 208; 8 CFR 235; 8 CFR 238; 8 CFR 240; 8 CFR 241**Legal Deadline:** Other, Statutory, February 18, 1999, The Act requires promulgation by 02/18/99.

**Abstract:** This rule implements Article 3 of the United Nations Convention Against Torture or Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment for persons who may be subject to removal from the United States under the provisions of the Immigration and Nationality Act.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/19/99	64 FR 8478
Interim Final Rule Effective	03/22/99	
Interim Final Rule Corrections	03/22/99	64 FR 13881
Interim Final Rule Comment Period End	04/20/99	
Final Rule	04/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1976-99

**Agency Contact:** Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041  
Phone: 703 305-0470

Mary Giovagnoli, Acting Chief, Refugee and Asylum Branch, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-2895

**RIN:** 1115-AF39

DOJ—INS

Final Rule Stage

**1680. APPLICATION FOR REFUGEE STATUS; ACCEPTABLE SPONSORSHIP AGREEMENT GUARANTY OF TRANSPORTATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1157; 8 USC 1158; ...**CFR Citation:** 8 CFR 207**Legal Deadline:** None

**Abstract:** Section 207 of the Immigration and Nationality Act authorizes the Attorney General to admit refugees to the United States under certain conditions, including those provided for by regulation. The Immigration and Naturalization Service regulations require that sponsorship agreements be secured before an applicant is granted admission as a refugee at a U.S. port-of-entry (POE). The determination of whether or not someone is classified as a refugee is described in the Act as a separate decision from whether a refugee may be admitted to the United States in refugee status. This rule amends the Service regulations by removing language that erroneously implies that the Service requires a sponsorship agreement and guarantee of transportation prior to determining whether an applicant is a refugee. This rule is necessary to clarify issues that may appear ambiguous in the existing regulation, and provides more advantageous treatment for the limited number of applicants for refugee status who have their Service interviews before sponsorship agreements have been secured.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/21/99	64 FR 27660
Interim Final Rule Comment Period End	07/20/99	
Final Rule	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1999-99

**Agency Contact:** Kathleen Thompson, Staff Officer, Office of International Affairs, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536

Phone: 202 305-2756

RIN: 1115-AF49

**1681. NONIMMIGRANT CLASSES: Q-2 IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM VISITOR****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186; 8 USC 1187; ...**CFR Citation:** 8 CFR 214; 8 CFR 245; 8 CFR 248; 8 CFR 274**Legal Deadline:** None

**Abstract:** This rule amends the regulations to establish a new visa classification, Q-2. Public Law 105-319, also known as the Irish Peace Process Cultural and Training Program Act of 1998, provides the basis for this regulatory change. The Q-2 visa classification identifies those visitors from Northern Ireland and certain designated counties in the Republic of Ireland to come to the United States temporarily for training employment and to experience coexistence and conflict resolution in a diverse society.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/17/00	65 FR 14774
Interim Final Rule Effective	03/17/00	
Interim Final Rule Comment Period End	05/16/00	
Revised Interim Final Rule	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2000-99

**Agency Contact:** Donna Crump, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 353-8177

RIN: 1115-AF51

**1682. CLARIFICATION OF PAROLE AUTHORITY****Priority:** Info./Admin./Other**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; ...**CFR Citation:** 8 CFR 212**Legal Deadline:** None

**Abstract:** This rule amends the Immigration and Naturalization Service (Service) regulations concerning the authority to grant the parole of aliens from Service custody by specifically identifying the scope of that authority to include the Commissioner, the Deputy Commissioner, the Executive Associate Commissioner for Field Operations, and regional directors. This action is being taken to clarify which individuals are authorized by the Attorney General, acting through the Commissioner, to grant parole from Service custody.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/28/00	65 FR 82254
Interim Final Rule Comment Period End	12/28/00	
Interim Final Rule Delay of Effective Date until 03/30/2001	01/26/01	66 FR 7863
Final Action	01/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2004-99

(See Also 1115-AE68)

**Agency Contact:** Kenneth Leutbecker, Director, Parole and Humanitarian Assistance Branch, Office of International Affairs, Department of Justice, Immigration and Naturalization Service, Attn: ULLICO Bldg, Third Floor, 111 Massachusetts Avenue NW, Washington, DC 20001  
Phone: 202 305-2670

**Related RIN:** Related To 1115-AE68

RIN: 1115-AF53

**1683. AUTHORIZING COLLECTION OF FEE LEVIED ON F, J, AND M NONIMMIGRANT CLASSIFICATIONS UNDER ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT (IIRIRA)****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; ...**CFR Citation:** 8 CFR 103; 8 CFR 214; 8 CFR 299

DOJ—INS

Final Rule Stage

**Legal Deadline:** None

**Abstract:** This rule amends INS regulations to establish a fee, pursuant to section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), as amended by Public Law 106-396. In accordance with these statutes, the alien will remit the fee directly to the Attorney General at a time prior to the alien being classified as an F, J, or M nonimmigrant. The rule will outline the fee amounts, who is subject, when the fee must be paid, and the consequences that an F-1, J-1, and M-1 nonimmigrant faces upon failure to pay the fee. This rule is necessary to implement section 641 of the IIRIRA, as amended, as well as authorized under section 103 and 214 of the Immigration and Nationality Act and under 31 U.S.C. 9701.

**Timetable:**

Action	Date	FR Cite
NPRM	12/21/99	64 FR 71323
NPRM Comment Period End	02/22/00	
Interim Final Rule	01/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** INS No. 1991-99 (See also RIN 1115-AG55; INS No. 2185-02 which amends Service regulations governing the retention and reporting of information about F, J, and M nonimmigrants.)

**Agency Contact:** Maura Deadrick, Assistant Director, Adjudication Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-3228

**RIN:** 1115-AF56

### 1684. BATTERED AND ABUSED CONDITIONAL RESIDENTS; TERMINATION OF MARRIAGE BY CONDITIONAL RESIDENTS

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1154; 8 USC 1184; 8 USC 1186a

**CFR Citation:** 8 CFR 216; 8 CFR 299**Legal Deadline:** None

**Abstract:** Enacted on November 10, 1986, the Immigration Marriage Fraud

Amendments of 1986 (IMFA) made a number of changes to the Act to deter aliens from marrying solely to obtain immigration benefits. IMFA established a conditional resident status for aliens who obtained lawful permanent resident status based upon a marriage of less than 2 years duration. The interim rule published on May 16, 1991, established procedures to allow a conditional resident who married in good faith but whose marriage was terminated by the United States citizen or lawful permanent resident spouse to seek a waiver of the joint filing requirement. The interim rule published on 5/16/91 also was necessary to provide a method by which a battered conditional resident, or a conditional resident parent of an abused conditional resident child, may apply for removal of the conditional basis of resident status without filing a joint petition. This interim rule implements certain technical changes made by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and addresses comments received in response to the interim rule published on 5/16/91.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/16/91	56 FR 22635
Interim Final Rule	12/00/02	
Final Action	12/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** Interim Rule for INS No. 1423-91 that was published on 5/16/1991.

**Agency Contact:** Pearl Chang, Branch Chief, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7440

Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 307-2353  
Email: elizabeth.n.lee@usdoj.gov

**RIN:** 1115-AF59

### 1685. EXTENSION OF 25-MILE LIMIT AT SELECT ARIZONA PORTS-OF-ENTRY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1183; 8 USC 1201; ...

**CFR Citation:** 8 CFR 235**Legal Deadline:** None

**Abstract:** This rule amends the Immigration and Naturalization Service regulations to extend the distance Mexican nationals with border crossing cards to travel into the United States without obtaining additional Immigration documentation at selected ports-of-entry (POEs) along the United States and Mexico border. The selected POEs are located in the State of Arizona at Sasabe, Nogales, Mariposa, Douglas, and Naco. Once visitors to Arizona meet the inspection requirements of legal entry to the United States, they will be able to travel within the 75-mile border region of Arizona. This rule is intended to promote commerce in the southern Arizona border area while still ensuring that sufficient safeguards are in place to prevent illegal entry to the United States.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/08/99	64 FR 68616
Interim Final Rule Comment Period End	02/07/00	
Final Action	04/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** INS No. 2026-99

**Agency Contact:** Jerry Liu, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-3410

**RIN:** 1115-AF60

### 1686. REVOKING GRANTS OF NATURALIZATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1103; 8 USC 1443

**CFR Citation:** 8 CFR 340



DOJ—INS

Final Rule Stage

**Legal Deadline:** None

**Abstract:** This rule amends the INS regulations relating to administrative revocation of naturalization by changing the burden of proof the INS must satisfy in order to administratively revoke a grant of naturalization and by clarifying the 180-day period for the rendering of the district director's decision. This rule provides that INS will only initiate revocation proceedings based on clear, unequivocal, and convincing evidence and that the burden of proof remains with INS throughout the administrative process.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/31/00	65 FR 17127
Interim Final Rule Comment Period End	05/30/00	
Final Rule	04/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No.1858-97

**Agency Contact:** Michael Neifach, Attorney, Office of the General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-2895

**RIN:** 1115-AF63

### 1687. ENTRY REQUIREMENTS FOR CITIZENS OF THE REPUBLIC OF THE MARSHALL ISLANDS, THE FEDERATED STATES OF MICRONESIA, AND PALAU

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1203; 8 USC 1225; 8 USC 1257; 8 CFR 2

**CFR Citation:** 8 CFR 211; 8 CFR 212

**Legal Deadline:** None

**Abstract:** This rule amends the Immigration and Naturalization Service regulations by adding documentary requirements for a naturalized citizen of the Marshall Islands, the Federated States of Micronesia, or Palau (Compact Countries) to enter into the United States, lawfully engage in occupations, accept employment, and establish

residence as a nonimmigrant in the United States and its territories and possessions. This rule also clarifies the documentary requirements for an adopted child from Compact Countries who is immigrating to the United States. Without clarification of the documentary requirements for an adopted child from the Compact Countries, the Compact Countries may not consent to the adoption of children by U.S. citizens and legal permanent residents.

**Timetable:**

Action	Date	FR Cite
NPRM	07/18/01	66 FR 37429
NPRM Comment Period End	08/17/01	
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2047-00

**Agency Contact:** Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 307-2353  
Email: elizabeth.n.lee@usdoj.gov

**RIN:** 1115-AF65

### 1688. REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES: CONTROL OF EMPLOYMENT OF ALIENS

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1201; 8 USC 1201a; 8 USC 1301; 8 USC 1305

**CFR Citation:** 8 CFR 264; 8 CFR 274a

**Legal Deadline:** None

**Abstract:** This rule amends the Immigration and Naturalization Service regulations governing applications for renewal of 10-year Permanent Resident Cards upon their expiration. This rule adds documents to the acceptable list of registration requirements and clarifies the requirements for Lawful Permanent Resident (LPRs) to file Form I-90, Application to Replace Alien Registration Card, if they are also applying for naturalization. This rule also provides additional methods to verify employment eligibility for those

in the process of renewing their expired or expiring Form I-551, Permanent Resident Card. These changes are necessary to facilitate the 10-year Form I-551 renewal process. This rule also clarifies the fingerprinting requirements for lawful permanent residents who reach the age of 14 years.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/00/03	
Interim Final Rule Comment Period End	03/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No.2042-00

**Agency Contact:** Michael Hardin, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-3048

**RIN:** 1115-AF71

### 1689. NATIONAL INTEREST WAIVERS FOR SECOND PREFERENCE EMPLOYMENT-BASED IMMIGRANT PHYSICIANS SERVING IN MEDICALLY UNDERSERVED AREAS OR AT DEPARTMENT OF VETERANS AFFAIRS FACILITIES

**Priority:** Other Significant

**Legal Authority:** PL 106-113; 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641

**CFR Citation:** 8 CFR 204; 8 CFR 245

**Legal Deadline:** None

**Abstract:** On November 29, 1999, Public Law 106-113 was enacted. Section 117 amended the Immigration and Nationality Act (Act) at section 203 to provide national interest waivers to alien physicians agreeing to practice 5 years in designated medically underserved areas or at Veterans Affairs facilities. The Service proposes an amendment to 8 CFR 204 and 245 in order to implement the new statutory provisions. The Service issued an interim regulation so that applicants may begin to take advantage of the new provisions.

## DOJ—INS

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/06/00	65 FR 53889
Correction to Interim Final Rule	09/27/00	65 FR 57943
Interim Final Rule Effective	10/06/00	
Correction to Interim Final Rule	10/20/00	65 FR 63118
Interim Final Rule Comment Period End	11/06/00	
Final Rule	05/00/03	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2048-00

**Agency Contact:** Craig S. Howie, Senior Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7867  
Fax: 202 514-0198  
Email: craig.s.howie@usdoj.gov

RIN: 1115-AF75

**1690. PETITIONING REQUIREMENTS FOR THE H-1C NONIMMIGRANT CLASSIFICATION UNDER PUBLIC LAW 106-95****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; ...**CFR Citation:** 8 CFR 214.2**Legal Deadline:** None

**Abstract:** On November 12, 1999, the Nursing Relief for Disadvantaged Areas Act (NRDAA) was enacted creating a new H-1C nonimmigrant nurse category. This rule amends the Service's regulations in order to implement the NRDAA as it relates to the adjudication petitions for H-1C classification. This rule will facilitate the hiring of alien registered nurses to reduce the shortage of nurses in certain areas of the United States while protecting the rights of U.S. nurses.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/11/01	66 FR 31107

Action	Date	FR Cite
Interim Final Rule	08/10/01	
Comment Period End		
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2050-00

**Agency Contact:** Molly Johnson, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7435

RIN: 1115-AF76

**1691. EXPANSION OF DEDICATED COMMUTER LANES; CLARIFICATION OF DRIVER'S LICENSE REQUIREMENT FOR APPLICANTS TO DEDICATED COMMUTER LANES AND AUTOMATED PERMIT PORT PROGRAMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1183; 8 USC 1201; ...**CFR Citation:** 8 CFR 235**Legal Deadline:** None

**Abstract:** This interim rule amends the Immigration and Naturalization Service regulations governing the Dedicated Commuter Lanes (DCL) and Automated Permit Port programs by establishing DCLs along the northern borders of the United States. The rule proposes to clarify that non-driving passengers who do not have a driver's license, for example, children, certain elderly people, and others who are ineligible to drive or otherwise choose not to drive, are not required to have or present a driver's license before their application is approved.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/00/03	
Interim Final Rule Comment Period End	03/00/03	

**Regulatory Flexibility Analysis**  
Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2058-00

**Agency Contact:** Thomas C. Campbell, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4214, 425 I Street NW, Washington, DC 20536  
Phone: 202 305-9246

RIN: 1115-AF77

**1692. WAIVING THE FINGERPRINTING REQUIREMENT FOR CERTAIN DISABLED NATURALIZATION APPLICANTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1443; 8 USC 1447; 29 USC 794(a), The Rehabilitation Act of 1973**CFR Citation:** 8 CFR 316; 8 CFR 335**Legal Deadline:** None

**Abstract:** Currently, all naturalization applicants filing Form N-400, Application for Naturalization, are required to be fingerprinted on Form FD-258 Applicant Card for the purpose of conducting criminal background checks by the Federal Bureau of Investigation (FBI). This rule amends the Immigration and Naturalization Service regulations by providing a fingerprinting waiver for naturalization applicants who, because of a permanent impairment, are unable to provide any fingerprints. It also provides an alternative method for collecting the required background clearances.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule With Request for Comments	11/00/02	
Interim Final Rule Comment Period End	01/00/03	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2060-00

**Agency Contact:** Pamela T. Wallace, Adjudications Officer, Immigration Services Division, Department of Justice, Immigration and Naturalization Service, Room 980, 801 I Street NW, Washington, DC 20536

DOJ—INS

Final Rule Stage

Phone: 202 514-9475

RIN: 1115-AF80

**1693. UPDATE OF LIST OF COUNTRIES WHOSE CITIZENS OR NATIONALS ARE INELIGIBLE FOR TRANSIT WITHOUT VISA (TWOV) PRIVILEGES TO THE UNITED STATES UNDER THE TWOV PROGRAM****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1221; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1229; 8 USC 1252**CFR Citation:** 8 CFR 212; 8 CFR 233**Legal Deadline:** None

**Abstract:** This interim rule (INS No. 2020-99) updates the list of those countries that the Service, acting on behalf of the Attorney General and jointly with the Department of State, has determined to be ineligible for participation in the TWOV program. This rule also removes certain countries from the ineligible listing so that aliens from these countries can have their passport and visa requirements waived. This rule is intended to benefit the traveling public by expanding the number of countries whose citizens or nationals may transit the United States without a visa while preventing an increase in the abuse of the TWOV program by citizens or nationals of countries placed on the ineligible list.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/05/01	66 FR 1017
Interim Final Rule Delay of Effective Date	02/02/01	66 FR 8743
Interim Final Rule Comment Period End	03/06/01	
Interim Final Rule Effective	04/06/01	
Final Action	02/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** See also 1115-AD96 (INS No. 2129-01) "Establishing Criteria for Determining Countries Whose Citizens are Ineligible for the Transit Without Visa (TWOV) Program".**Agency Contact:** Robert F. Hutnick, Assistant Chief Inspector, Inspections

Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536

Phone: 202 616-7499

Email: robert.f.hutnick@usdoj.gov

RIN: 1115-AF81

**1694. IMPLEMENTATION OF THE NUMERICAL LIMIT ON ASYLUM GRANTS AND REFUGEE ADMISSIONS BASED ON RESISTANCE TO COERCIVE POPULATION CONTROL MEASURES****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1157; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; 8 CFR 2**CFR Citation:** 8 CFR 208; 8 CFR 274a**Legal Deadline:** None

**Abstract:** Section 601(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) provides that, for any fiscal year, not more than a total of 1,000 refugees may be admitted or granted asylum based solely on resistance to coercive population control measures. This rule authorizes the Immigration and Naturalization Service and the Executive Office for Immigration Review to make conditional grants of asylum in those cases in which an applicant is found to merit asylum solely on the basis of resistance to coercive population control measures and establishes a mechanism for converting no more than 1,000 conditional grants per fiscal year to final asylum grants. The rule also establishes procedures for administering a waiting list in those years that the number of conditional grants exceeds the statutory limit for final grants, reserves a certain number of authorization numbers for purposes of refugee admission, and addresses procedures for administering derivative conditional grants, terminating conditional grants, and other procedures specific to this rule.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule With Request for Comments	12/00/02	
Interim Final Rule Comment Period End	02/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2067-00**Agency Contact:** Joanna Ruppel, Supervisor for Asylum Operations, International Affairs, Department of Justice, Immigration and Naturalization Service, 3rd Floor, 111 Massachusetts Avenue NW, Washington, DC 20536  
Phone: 202 305-2663

RIN: 1115-AF84

**1695. ADDING ACTUARIES AND PLANT PATHOLOGISTS TO THE NORTH AMERICAN FREE TRADE AGREEMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1281; 8 USC 1282**CFR Citation:** 8 CFR 214.6**Legal Deadline:** None

**Abstract:** The rule proposes to amend 8 CFR 214.6 by adding the occupations of actuary and plant pathologists to Appendix 1603.D.1. This rule proposes to modify the licensure requirements for Canadian citizens seeking admission to the U.S. as a TN nonimmigrant category alien. These amendments are being proposed to reflect the agreements made among the three parties to the North American Free Trade Agreement.

**Timetable:**

Action	Date	FR Cite
NPRM	12/19/00	65 FR 79320
NPRM Comment Period End	02/20/01	
Final Action	02/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2068-00**Agency Contact:** Molly Johnson, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536

DOJ—INS

Final Rule Stage

Phone: 202 616-7435

RIN: 1115-AF85

**1696. POWER OF ATTORNEY  
GENERAL TO TERMINATE  
DEPORTATION PROCEEDINGS AND  
INITIATE REMOVAL PROCEEDINGS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 104-208**CFR Citation:** 8 CFR 309**Legal Deadline:** None

**Abstract:** This rule proposes to implement section 309(c)(3) of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) by affording certain aliens rendered ineligible for relief from deportation by recent changes in the law the opportunity to have their deportation proceedings terminated and removal proceedings initiated in order to apply for relief. Certain permanent resident aliens rendered ineligible for section 212(c) relief by the Antiterrorism and Effective Death Penalty Act (AEDPA) and certain non-permanent resident aliens rendered ineligible for suspension of deportation by the stop-time rule in IIRIRA may apply for "repapering" (as it is commonly known) under this rule. This process would not apply to aliens eligible for 212(c) relief pursuant to the procedures described in the Executive Office for Immigration Review (EOIR) rulemaking (RIN 1125-AA29).

**Timetable:**

Action	Date	FR Cite
NPRM	11/30/00	65 FR 71273
NPRM Comment Period End	01/29/01	
Final Action	06/00/03	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2083-00

**Agency Contact:** Christina Hamilton, Chief, Enforcement Division, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, 6100, 425 I Street NW, Washington, DC 20536

Phone: 202 514-2895

RIN: 1115-AF87

**1697. EMPLOYMENT AUTHORIZATION  
FOR CERTIFICATE OF CITIZENSHIP  
APPLICANTS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1324a; 8 USC 1443; 8 USC 1448; 8 CFR 2**CFR Citation:** 8 CFR 274a, 8 CFR 341**Legal Deadline:** None

**Abstract:** This interim rule amends the Immigration and Naturalization Service regulations by providing a procedure under which aliens who, believing they are actually citizens, have filed applications for certificates of citizenship (Forms N-600) may obtain employment authorization while their applications are pending. This interim rule is necessary to establish a uniform procedure to accommodate Form N-600 applicants, without creating a strong incentive for aliens to file applications in bad faith, seeking simply to obtain employment authorization.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/00/03	
Interim Final Rule Comment Period End	03/00/03	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No.2076-00

**Agency Contact:** Richard Sheridan, Staff Officer, Immigration Services Division, Department of Justice, Immigration and Naturalization Service, Room 980, 801 I Street NW, Washington, DC 20536  
Phone: 202 616-0583

RIN: 1115-AF90

**1698. ADJUSTMENT OF STATUS TO  
THAT OF PERSON ADMITTED FOR  
PERMANENT RESIDENCE;  
TEMPORARY REMOVAL OF CERTAIN  
RESTRICTIONS OF ELIGIBILITY****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252; 8 USC 1252b; 8 USC 1304; 8 USC 1356**CFR Citation:** 8 CFR 103; 8 CFR 205; 8 CFR 245**Legal Deadline:** None

**Abstract:** The Immigration and Naturalization Service is amending its regulations governing eligibility for adjustment of status under section 245(i) of the Immigration and Nationality Act to conform the regulations to existing policy and procedures and to remove language that has been superseded by subsequent legislation. Specifically, this interim rule conforms the regulations to include the changes made by Public Law 105-119 and Public Law 106-544. It also provides for the changes contained in the Legal Immigration Family Equity Act of 2000 (LIFE ACT). As required by the Life Act, this rule changes the sunset date of section 245(i) of the Immigration and Naturalization Act to the new date of April 30, 2001, for filing of qualifying petitions or applications that enable the applicant to apply to adjust status using section 245(i) and clarifies the effect of the new sunset date on eligibility. This means that in order to preserve the ability to apply for adjustment of status under section 245(i), an alien must be the beneficiary of a visa petition for classification under section 204 of the Act or application for labor certification properly filed on or before April 30, 2001, and determined to have approval when filed. This rule also provides guidance on the standard for review of filing for immigrant visa petitions and applications for labor certification on or before April 30, 2001.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/26/01	66 FR 16383
Interim Final Rule Effective	03/26/01	
Interim Final Rule Comment Period End	05/25/01	
Final Rule	12/00/02	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2078-00; This rulemaking supersedes RIN 1115-AD83.

**Agency Contact:** Michael Valverde, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-2763

DOJ—INS

Final Rule Stage

Email: michael.valverde@usdoj.gov

RIN: 1115–AF91

**1699. ASYLUM AND WITHHOLDING DEFINITIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; 8 CFR 2**CFR Citation:** 8 CFR 208**Legal Deadline:** None

**Abstract:** This rule proposes to amend regulations that govern establishing asylum eligibility by providing guidance on certain issues that have arisen in the context of asylum adjudications. The amendments focus on portions of the regulations that deal with the definitions of persecution, membership in a particular social group, and State action. This rule codifies long-standing concepts of the definition of persecution. It clarifies that gender can be a basis for membership in a particular social group. It also clarifies that a person who has suffered or fears domestic violence may be considered a member of a particular social group. The Department of Justice believes this issue required further examination after the Board of Immigration Appeals decision, Matter of R-A. This rule also clarifies that the factors considered in Ninth Circuit case law regarding membership in a particular social group are non-determinative. Finally, the rule offers further guidance on what is required to show a State's inability or unwillingness to control a persecutor. Finally, this rule establishes circumstances under which the Board of Immigration Appeals (BIA) must remand proceedings to the Immigration Judge to resolve questions of fact.

**Timetable:**

Action	Date	FR Cite
NPRM	12/07/00	65 FR 76588
NPRM Comment Period End	01/22/01	
Final Action	02/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No 2092-00**Agency Contact:** Dorteia Lay, Attorney, Office of the General Counsel,

Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536

Phone: 202 305-8414

Fax: 202 514-0455

RIN: 1115–AF92

**1700. ACADEMIC HONORARIUM FOR B NONIMMIGRANT ALIENS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 105-277; 8 USC 1182; 8 USC 1184**CFR Citation:** 8 CFR 214**Legal Deadline:** None

**Abstract:** The Immigration and Naturalization Service is proposing to amend its regulations relating to the acceptance of academic honoraria by nonimmigrant aliens admitted to the United States as a B visa visitor status. This is necessary to implement changes to section 212 of the Immigration and Nationality Act made by the American Competitiveness and Workforce Improvement Act of 1998. The amendment outlines the proposed procedures necessary for a nonimmigrant alien visiting the United States in valid B visa status to accept honoraria in connection with usual academic activities.

**Timetable:**

Action	Date	FR Cite
NPRM	05/30/02	67 FR 37727
NPRM Comment Period End	07/29/02	
Final Action	04/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2100-00

**Agency Contact:** Craig S. Howie, Senior Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7867  
Fax: 202 514-0198  
Email: craig.s.howie@usdoj.gov

RIN: 1115–AF97

**1701. CHILDREN BORN OUTSIDE THE UNITED STATES; APPLICATIONS FOR CERTIFICATE OF CITIZENSHIP****Priority:** Other Significant**Legal Authority:** PL 106-395**CFR Citation:** 8 CFR 103; 8 CFR 299; 8 CFR 310; 8 CFR 320; 8 CFR 322; 8 CFR 338; 8 CFR 341; 8 CFR 499; ...**Legal Deadline:** Final, Statutory, February 27, 2001, Mandated by Law.

**Abstract:** This rule implements title I of the Child Citizenship Act of 2000 (CCA), Public Law 106-395. First, it amends the Immigration and Naturalization Service (Service) regulations by adding a new part which addresses application procedures for foreign-born children residing in the United States pursuant to a lawful admission for permanent residence, who acquire citizenship automatically under section 320 of the Immigration and Nationality Act (Act), as amended. This rule established procedures for these foreign-born children, including adopted children, to obtain certificates of citizenship. Second, this rule also addresses application procedures for foreign-born children residing outside the United States, who can acquire citizenship under section 322 of the Act, as amended, by approval of an application and taking the oath of allegiance.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/13/01	66 FR 32138
Interim Final Rule Effective	06/13/01	
Interim Final Rule Comment Period End	08/13/01	
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No 2101-00

**Agency Contact:** Richard Sheridan, Staff Officer, Immigration Services Division, Department of Justice, Immigration and Naturalization Service, Room 980, 801 I Street NW, Washington, DC 20536  
Phone: 202 616-0583

RIN: 1115–AF98

DOJ—INS

Final Rule Stage

**1702. ALLOWING FOR THE FILING OF FORM I-140 VISA PETITION CONCURRENTLY WITH A FORM I-485 APPLICATION IN CERTAIN CIRCUMSTANCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641**CFR Citation:** 8 CFR 204; 8 CFR 245**Legal Deadline:** None

**Abstract:** The current regulations provide that an alien worker who wants to apply for permanent residence by filing the appropriate Form I-485, Application To Register Permanent Residence or Adjust Status, cannot do so until he or she obtains approval of the underlying petition, Form I-140, Immigrant Petition for Alien Worker. This procedure has resulted in aliens experiencing unnecessary delays due to the heavy backlog created by increasing numbers of cases received by the Immigration and Naturalization Service. This rule amends the Service's regulations by allowing the Forms I-140 and I-485 to be filed concurrently when a visa is immediately available, thereby improving the efficiency of the system, as well as customer service. This rule will also allow the alien worker to apply for employment authorization (Form I-765, Application for Employment Authorization) and advance parole authorization (Form I-131, Application for Travel Document) while the Form I-485 is pending.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/31/02	67 FR 49561
Interim Final Rule Effective	07/31/02	
Interim Final Rule Comment Period End	09/30/02	
Final Action	04/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2104-00

**Agency Contact:** Maurice R. Berez, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536

Phone: 202 353-8177

**RIN:** 1115-AG00**1703. SPECIAL IMMIGRANT VISA FOR FOURTH PREFERENCE EMPLOYMENT-BASED BROADCASTERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641**CFR Citation:** 8 CFR 204**Legal Deadline:** None

**Abstract:** This interim rule amends the Immigration and Naturalization Service regulations by establishing the procedure under which the International Broadcasting Bureau of the United States Broadcasting Board of Governors (BBG), or a BBG grantee organization, may file special fourth preference immigrant petitions for alien broadcasters. This rule explains the requirements the alien broadcaster must meet in order to be the beneficiary of an immigrant visa petition. This regulatory change is necessary in order to assist the BBG in fulfilling its statutory obligation to hire alien broadcasters.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/11/01	66 FR 51819
Interim Final Rule Effective	11/13/01	
Interim Final Rule Comment Period End	12/10/01	
Final Action	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2106-00

**Agency Contact:** Craig S. Howie, Senior Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7867  
Fax: 202 514-0198  
Email: craig.s.howie@usdoj.gov

**RIN:** 1115-AG01**1704. ESTABLISHING PREMIUM PROCESSING SERVICE FOR EMPLOYMENT-BASED PETITIONS AND APPLICATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103**CFR Citation:** 8 CFR 103; 8 CFR 299**Legal Deadline:** None

**Abstract:** This rule changes the Immigration and Naturalization Service regulations to establish premium processing service for certain employment-based petitions and applications. If an individual pays a fee for premium processing service, the INS will process the petition or application in 15 days. Premium Processing Service will give American businesses an option to pay for more rapid processing of petitions and applications to meet their needs for foreign workers.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/01/01	66 FR 29682
Interim Final Rule Effective	06/01/01	
Interim Final Rule Comment Period End	07/31/01	
Final Action	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2108-01

**Agency Contact:** Cindy Keiss, Adjudications Officer, Immigration Services Division, Department of Justice, Immigration and Naturalization Service, 10th Floor, 800 K Street NW, Washington, DC 20536  
Phone: 202 305-8010

**RIN:** 1115-AG03**1705. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS OF NICARAGUA, CUBA, AND HAITI****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1255**CFR Citation:** 8 CFR 241; 8 CFR 245**Legal Deadline:** None

**Abstract:** This final rule implements the provisions of the Legal Immigration

DOJ—INS

Final Rule Stage

Family Equity Act (LIFE) and its technical amendments to both the Nicaraguan Adjustment and Central American Relief Act (NACARA), and the Haitian Refugee Immigration Fairness Act (HRIFA) of 1998. Specifically, section 1505 of the amendments to LIFE states that section 241(a)(5) of the INA does not apply to adjustment applicants under NACARA/HRIFA and that the grounds of inadmissibility under section 212(a)(9)(A) and (C) of the INA may be waived for NACARA/HRIFA adjustment applicants. Section 241(a)(5) of the Immigration and Nationality Act (Act) provides for the reinstatement of a removal order against any alien who illegally re-enters the United States after having been removed or after having departed voluntarily under an order of removal. It also bars any alien whose removal order has been reinstated from receiving any relief under the Act, including any waivers of grounds of inadmissibility necessary for the grant of adjustment of status. Sections 212(a)(9)(A) and 212(a)(9)(C) of the Act are grounds of inadmissibility relating to aliens previously removed and aliens who are unlawfully present in the United States after previous immigration violations, respectively. Section 1505 of the amendments to LIFE also states that an alien who has become eligible for benefits under NACARA/HRIFA as a result of the enactment of LIFE may file a motion to reopen his or her removal proceedings in order to apply for adjustment or to apply for cancellation of removal or suspension of deportation.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/31/01	66 FR 29449
Interim Final Rule Comment Period End	05/31/01	
Final Action	06/00/03	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2113-01

**Agency Contact:** Michael Valverde, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536

Phone: 202 514-2763  
Email: michael.valverde@usdoj.gov

RIN: 1115-AG05

**1706. NONIMMIGRANT CLASSES; SPOUSES AND CHILDREN OF LAWFUL PERMANENT RESIDENTS; V CLASSIFICATION**

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1102; PL 106-553

CFR Citation: 8 CFR 103; 8 CFR 204; 8 CFR 205; 8 CFR 212; 8 CFR 214; 8 CFR 245; 8 CFR 248; 8 CFR 299

Legal Deadline: None

**Abstract:** Section 1102 of the LIFE Act of 2000 amends the Immigration and Nationality Act to create a new nonimmigrant classification V for the spouses and children of lawful permanent residents awaiting the availability of an immigrant visa number in the appropriate preference category in accordance with the State Department's monthly Visa Bulletin. Eligible spouses and children of lawful permanent residents residing abroad that obtain the V nonimmigrant visa from the Department of State may work and reside in the United States on the basis of the V classification until they can apply for adjustment of status to that of lawful permanent resident. Certain eligible spouses and children of lawful permanent residents already present in the United States may be granted V classification until they can apply to adjust status to that of lawful permanent resident. This rule sets forth eligibility criteria and procedures for obtaining the V visa classification and related employment authorization.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/07/01	66 FR 46697
Interim Final Rule Effective	09/07/01	
Interim Final Rule Comment Period End	11/06/01	
Final Rule	02/00/03	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2117-01

**Agency Contact:** Michael Valverde, Adjudications Officer, Adjudications

Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536

Phone: 202 514-2763

Email: michael.valverde@usdoj.gov

RIN: 1115-AG08

**1707. K NONIMMIGRANT CLASSIFICATION, LEGAL IMMIGRATION FAMILY EQUITY ACT (LIFE)**

Priority: Substantive, Nonsignificant

Legal Authority: PL 106-553

CFR Citation: 8 CFR 212; 8 CFR 214; 8 CFR 245; 8 CFR 248; 8 CFR 274a

Legal Deadline: Final, Statutory, December 21, 2000.

**Abstract:** Section 1103 of the Legal Immigration Family Equity Act (LIFE), Public Law 106-553, creates a new nonimmigrant classification under the Immigration and Nationality Act 101(a)(15)(K) for the spouses and children of U.S. citizens who have pending immigrant visa applications. This rule establishes this classification in the INS regulations, including creating filing and adjudication procedures, as well as procedures for adjusting status from this new nonimmigrant classification to that of a lawful permanent resident.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/14/01	66 FR 42587
Interim Final Rule Comment Period End	10/15/01	
Final Action	04/00/03	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Additional Information:** LIFE creates another separate nonimmigrant classification V and also amends the INA for other purposes. Each of these will be addressed in a separate rule. [INS No. 2127-01]

**Agency Contact:** Michael Hardin, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-3048

RIN: 1115-AG12

DOJ—INS

Final Rule Stage

**1708. ADJUSTMENT OF STATUS FOR CERTAIN SYRIAN NATIONALS GRANTED ASYLUM IN THE UNITED STATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1255; sec 202, PL 105-100, 111 Stat 2160, 2193; 8 CFR 2**CFR Citation:** None**Legal Deadline:** None

**Abstract:** On October 27, 2000, the President signed into law Public Law 106-378, Adjustment of Status of Certain Syrian Nationals, which provides for the adjustment of status to lawful permanent resident of certain Syrian nationals, without regard to the annual numerical limitation requirement. This interim rule discusses eligibility and sets forth application procedures for persons wishing to adjust status on the basis of Public Law 106-378. The INS has issued this action as an interim rule because Public Law 106-378 provided for a 1-year application period, which will end on October 26, 2001. Publication of the interim rule ensures that applicants were provided with as much time as possible to apply for the benefits under Public Law 106-378. The Service is now reviewing comments and is drafting a final rule.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/17/01	66 FR 27445
Interim Final Rule Effective	05/17/01	
Interim Final Rule Comment Period End	07/17/01	
Final Action	01/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Michael Valverde, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-2763  
Email: michael.valverde@usdoj.gov

**RIN:** 1115-AG13**1709. ADJUSTMENT OF STATUS OF CERTAIN ALIENS FROM VIETNAM, CAMBODIA, AND LAOS IN THE UNITED STATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1255**CFR Citation:** 8 CFR 245**Legal Deadline:** None

**Abstract:** On November 6, 2000, the President signed into law Public Law 106-429, the Foreign Operations Appropriations Act of 2001, section 586 of which provides for the adjustment of status for certain aliens from Vietnam, Cambodia, and Laos. To apply for adjustment under this provision, eligible applicants must have been physically present in the United States since October 1, 1997, and inspected and paroled into the United States from Vietnam under the Orderly Departure Program from a refugee camp in East Asia or from a displaced persons camp administered by the United Nations in Thailand. This rule further discusses eligibility, sets forth application procedures, and amends Service regulations to provide for adjustments of status on the basis of section 586 of Public Law 106-429.

**Timetable:**

Action	Date	FR Cite
NPRM	07/09/02	67 FR 45402
NPRM Comment Period End	09/09/02	
Final Rule	12/00/02	
Final Rule Effective	01/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2124-01

**Agency Contact:** Michael Valverde, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-2763  
Email: michael.valverde@usdoj.gov

**RIN:** 1115-AG14**1710. ADDING COLOMBIA TO THE LIST OF COUNTRIES WHOSE CITIZENS OR NATIONALS ARE INELIGIBLE FOR TRANSIT WITHOUT VISA (TWOV) PRIVILEGES TO THE UNITED STATES UNDER THE TWOV PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228; 8 USC 1252; 8 USC 1227**CFR Citation:** 8 CFR 212**Legal Deadline:** None

**Abstract:** The Transit Without Visa program allows certain aliens to transit the United States en route to a specified foreign country without a passport or visa provided they are traveling on a carrier signatory to an agreement with the Immigration and Naturalization Service in accordance with section 233(c) of the Act. This interim rule adds Colombia to the list of those countries that the Service, acting on behalf of the Attorney General and jointly with the Department of State, has determined to be ineligible for participation in the TWOV program.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/30/01	66 FR 17321
Interim Final Rule Effective	04/02/01	
Interim Final Rule Comment Period End	05/29/01	
Final Action	04/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No 2129-01

**Agency Contact:** Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7499  
Email: robert.f.hutnick@usdoj.gov

**RIN:** 1115-AG16



DOJ—INS

Final Rule Stage

**1711. NEW CLASSIFICATION FOR VICTIMS OF SEVERE FORMS OF TRAFFICKING IN PERSONS ELIGIBLE FOR THE T NONIMMIGRANT STATUS****Priority:** Other Significant**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1104; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1201; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1252; 8 USC 1252a; 22 USC 7101; 22 USC 7105; ...**CFR Citation:** 8 CFR 103; 8 CFR 212; 8 CFR 212; 8 CFR 214; 8 CFR 274a; 8 CFR 299**Legal Deadline:** None

**Abstract:** This rule sets forth application requirements for a new nonimmigrant classification. The T classification was created by 107(e) of the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), Public Law 106-386. The T nonimmigrant classification was designed for eligible victims of severe forms of trafficking in persons who aid the Government with their case against the traffickers and who can establish that they would suffer extreme hardship involving unusual and severe harm if they were removed from the United States after having completed their assistance to law enforcement. The rule establishes application procedures and responsibilities for the Immigration and Naturalization Service (Service) and provides guidance to the public on how to meet certain requirements to obtain T nonimmigrant status.

There is a statutory cap for T nonimmigrant status for victims of a severe form of trafficking (principals), which is set at 5,000 per annum. The law also provides that certain family members can derive T status through the principal's application.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/31/02	67 FR 4784
Interim Final Rule Effective	03/04/02	
Interim Final Rule Comment Period End	04/01/02	
Final Rule	06/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Federal**Additional Information:** INS No. 2132-01; AG Order No. 2554-2002

There is a related rulemaking, INS No. 2170-01, the new U nonimmigrant status. [RIN 1115-AG39]

**Agency Contact:** Pearl Chang, Branch Chief, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7440**RIN:** 1115-AG19**1712. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING****Priority:** Other Significant**Unfunded Mandates:** Undetermined**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1104; 8 USC 1252; 22 USC 7101; 22 USC 7105; ...**CFR Citation:** 28 CFR 1100**Legal Deadline:** Other, Statutory, April 28, 2001, Statutory deadline for promulgation of regulations.

**Abstract:** This rule amends 28 CFR and sets forth implementing guidance for section 107(c) of the Victims of Trafficking and Violence Protection Act of 2000. The Attorney General and the Secretary of State are promulgating these regulations for law enforcement, Immigration, and Department of State (DOS) officials regarding the protection of victims of severe forms of trafficking who are in custody, the access of such victims to information about their rights and translation services, and the training of appropriate Department of Justice and DOS personnel in identifying and protecting such victims. The rule also addresses the authority of Federal law enforcement officials to permit the continued presence in the United States of certain victims of severe forms of trafficking who are potential witnesses in order to aid prosecutions.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/24/01	66 FR 38514
Interim Final Rule Comment Period End	10/22/01	
Final Action	01/00/03	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Federal**Federalism:** Undetermined**Additional Information:** INS No 2133-01**Agency Contact:** Anne M Veysey, Acting Director, Program Strategy and Development Branch, Department of Justice, Immigration and Naturalization Service, Investigations Division, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7372**RIN:** 1115-AG20**1713. REMOVING RUSSIA FROM THE LIST OF COUNTRIES WHOSE CITIZENS OR NATIONALS ARE INELIGIBLE FOR TRANSIT WITHOUT VISA (TWOV) PRIVILEGES TO THE UNITED STATES UNDER THE TWOV PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; ...**CFR Citation:** 8 CFR 212**Legal Deadline:** None

**Abstract:** The Transit Without Visa (TWOV) Program allows certain aliens to transit the United States en route to a specified foreign country without a passport or visa provided they are traveling on a carrier signatory to an agreement with the Immigration and Naturalization Service (Service) in accordance with section 233 (c) of the Immigration and Nationality Act (Act). This interim rule removes Russia from the list of those countries that the Service, acting on behalf of the Attorney General and jointly with the Department of State, has determined to be eligible for participation in the TWOV program.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/15/01	66 FR 32529
Interim Final Rule Comment Period End	08/15/01	
Final Action	04/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2144-01**Agency Contact:** Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service,

DOJ—INS

Final Rule Stage

Room 4064, 425 I Street NW,  
Washington, DC 20536  
Phone: 202 616-7499  
Email: robert.f.hutnick@usdoj.gov

RIN: 1115-AG27

#### 1714. DETENTION OF ALIENS SUBJECT TO FINAL ORDERS OF REMOVAL

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1231; 8 USC 1253; ...

**CFR Citation:** 8 CFR 241

**Legal Deadline:** None

**Abstract:** This rule amends the custody review process governing the detention of aliens who are the subject of a final order of removal, deportation or exclusion (see 8 CFR 241.4) in light of the decision of the U.S. Supreme Court in *Zadvydas v. Davis*, 533 U.S. \_\_\_, 121 S. Ct. 2491 (2001). This rule adds new provisions governing cases for the INS to determine whether there is a significant likelihood that an alien will be removed from the United States in the reasonably foreseeable future, and cases where there are special circumstances justifying the continued detention of certain aliens. This rule also makes conforming changes to the existing post-removal period detention regulations, and provides procedures to implement the statutory provision for the extension of the removal period beyond 90 days if the alien conspires or acts to prevent his or her removal or fails or refuses to assist the Service in obtaining documents necessary to his or her removal.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	11/14/01	66 FR 56967
Interim Final Rule Comment Period End	01/14/02	
Final Action	02/00/03	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No 2156-01

**Agency Contact:** Joan S. Lieberman, Attorney, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536

Phone: 202 514-2895

RIN: 1115-AG29

#### 1715. ALLOWING CITIZENS AND NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA LIMITED TRANSIT WITHOUT VISA (TWOV) PRIVILEGES AT TWOV-DESIGNATED ALASKA INTERNATIONAL AIRPORTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; ...

**CFR Citation:** 8 CFR 212

**Legal Deadline:** None

**Abstract:** The Transit Without Visa (TWOV) Program allows certain aliens to transit the United States en route to a specified foreign country without passport or visa provided they are traveling on a carrier signatory to an agreement with the Immigration and Naturalization Service (Service) in accordance with section 233(c) of the Act and meet certain other requirements as enumerated in Service regulations at 8 CFR 212.1(f) and 214.2(c). This interim rule allows citizens and nationals of the People's Republic of China limited TWOV privileges at TWOV-designated Alaska international airports provided they meet additional requirements enumerated in the rule. This rule is intended to benefit the economy of Alaska by allowing citizens and nationals of the People's Republic of China to transit the United States without a visa at TWOV-designated Alaska international airports while limiting the risk of abuse of the TWOV program by citizens or nationals of the People's Republic of China by restricting this policy to certain Alaskan ports of entry.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/03	
Interim Final Rule Comment Period End	03/00/03	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2160-01;

**Agency Contact:** Robert F. Hutnick, Assistant Chief Inspector, Inspections

Division, Department of Justice,  
Immigration and Naturalization Service,  
Room 4064, 425 I Street NW,  
Washington, DC 20536

Phone: 202 616-7499

Email: robert.f.hutnick@usdoj.gov

RIN: 1115-AG33

#### 1716. CUSTODY PROCEDURES

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; ...

**CFR Citation:** 8 CFR 287

**Legal Deadline:** None

**Abstract:** This rule amends the Immigration and Naturalization Service (Service) regulations on the period of time after an alien's arrest within which the Service must make a determination whether the alien will be continued in custody or released on bond or recognizance and whether to issue a notice to appear and warrant of arrest. This rule provides that unless voluntary departure has been granted, the Service must make such determinations within 48 hours of arrest, except in the event of emergency or other extraordinary circumstance in which case the Service must make such determinations within an additional reasonable period of time.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	09/17/01	66 FR 48334
Interim Final Rule Published	09/20/01	66 FR 48334
Interim Final Rule Comment Period End	11/19/01	
Final Action	01/00/03	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No 2171-01

**Agency Contact:** Daniel Brown, Attorney, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-2895

RIN: 1115-AG40

DOJ—INS

Final Rule Stage

**1717. LIMITING THE PERIOD OF ADMISSION FOR B NONIMMIGRANT ALIENS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1101; 8 USC 1101 note; 8 USC 1102; 8 USC 1103; 8 USC 1182; ...**CFR Citation:** 8 CFR 214; 8 CFR 235; 8 CFR 248**Legal Deadline:** None**Abstract:** This rule eliminates the minimum admission period of a B-2 visitor for pleasure, reducing the maximum admission period of B-1 and B-2 visitors from 1 year to 6 months, and establishing greater control over a B visitor's ability to extend the status or to change status to that of a nonimmigrant student. These changes will enhance the Service's authority under sections 214(a) and 248 of the Immigration and Nationality Act (Act) and will help lessen the probability that alien visitors will establish permanent ties in the United States and thus remain in the country illegally.**Timetable:**

Action	Date	FR Cite
NPRM	04/12/02	67 FR 18065
NPRM Comment Period End	05/13/02	
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** INS No. 2176-01**Agency Contact:** Craig S. Howie, Senior Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536

Phone: 202 616-7867

Fax: 202 514-0198

Email: craig.s.howie@usdoj.gov

**RIN:** 1115-AG43**1718. DOCUMENTARY REQUIREMENTS FOR CERTAIN TEMPORARY RESIDENTS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC

1203; 8 USC 1225; 8 USC 1257; 8 CFR 2

**CFR Citation:** 8 CFR 211**Legal Deadline:** None**Abstract:** This final rule adds a document to the list of documents that may be presented by certain returning temporary residents in lieu of an immigrant visa. This rule will allow the Form I-797, Notice of Action, issued to certain aliens who have adjusted to temporary resident status pursuant to 8 CFR 245a to be used as an entry document at a port-of-entry. This rule is necessary to ensure that those temporary resident aliens eligible to reenter the United States with a Form I-797 are able to do so.**Timetable:**

Action	Date	FR Cite
Final Rule	12/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2177-01**Agency Contact:** Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536

Phone: 202 307-2353

Email: elizabeth.n.lee@usdoj.gov

**RIN:** 1115-AG44**1719. ESTABLISHMENT OF A \$3 IMMIGRATION USER FEE FOR CERTAIN COMMERCIAL VESSEL PASSENGERS PREVIOUSLY EXEMPT****Priority:** Other Significant. Major under 5 USC 801.**Legal Authority:** 8 USC 1356; PL 107-77**CFR Citation:** 8 CFR 286**Legal Deadline:** None**Abstract:** The rule removes the current exemption for cruise ship passengers whose journeys originated in Canada, Mexico, a territory or possession of the United States and adjacent islands and will allow the Immigration and Naturalization Service to collect a \$3 fee for passengers, according to the Department of Justice Appropriation Act (Public Law 107-77), dated

November 28, 2001. Also, the regulations will be modified to exempt passengers of Great Lakes International ferries or vessels on the Great Lakes or connecting waterways when they operate on a regular schedule. This fee will be used to pay for inspection services and other related activities.

**Timetable:**

Action	Date	FR Cite
NPRM	04/03/02	67 FR 15753
NPRM Comment Period End	05/28/02	67 FR 34414
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2180-01**Agency Contact:** Georgia Mayers, Chief of Cash Management, Department of Justice, Immigration and Naturalization Service, Room 6034, 425 I Street NW, Washington, DC 20536

Phone: 202 305-1200

Email: georgia.a.mayers@usdoj.gov

Penny Pastiva, Budget Analyst, Department of Justice, Immigration and Naturalization Service, Room 5236, 425 I Street NW, Washington, DC 6254

Phone: 202 514-6254

Email: penny.pastiva@usdoj.gov

**RIN:** 1115-AG47**1720. CHANGE IN BUSINESS PRACTICES; ACCEPTANCE OF PAYMENTS OF FEES BY CREDIT CARD AND OTHER ELECTRONIC MEANS WHERE POSSIBLE****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** PL 98-369; 31 USC 3720**CFR Citation:** 8 CFR 103.7**Legal Deadline:** None**Abstract:** The Immigration and Naturalization Service proposes to expand the acceptance of credit cards and other electronic means to collect fees from the public. The Service currently accepts fees at seven locations in three of its 33 districts. The Service proposes to implement credit card acceptance at 16 of these districts by the end of FY 2002 with full implementation by the end of FY 2003.

## DOJ—INS

## Final Rule Stage

The intended benefit is two-fold: To provide the Service with a faster, more efficient collection and record keeping mechanism while affording the customer a convenient alternative payment method.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/02	
Interim Final Rule	02/00/03	
Comment Period		
End		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No 2181-01

**Agency Contact:** Georgia Mayers, Chief of Cash Management, Department of Justice, Immigration and Naturalization Service, Room 6034, 425 I Street NW, Washington, DC 20536  
Phone: 202 305-1200  
Email: georgia.a.mayers@usdoj.gov

**RIN:** 1115-AG48

**1721. ADDING AND REMOVING INSTITUTIONS TO AND FROM THE LIST OF RECOGNIZED AMERICAN INSTITUTIONS OF RESEARCH**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1443; 8 USC 1447

**CFR Citation:** 8 CFR 316

**Legal Deadline:** None

**Abstract:** This rule amends the Immigration and Naturalization Service regulations by adding the Rutgers, Indiana and Harvard Universities to the list of American institutions of research located in section 316 of the Immigration and Naturalization Act, recognized by the Attorney General for the purpose of preserving residence in the United States for naturalization eligibility. This rule also removes the recently dissolved Harvard Institute for International Development from the same list.

**Timetable:**

Action	Date	FR Cite
Final Rule	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2131-01

**Agency Contact:** Gerard Casale, Senior Adjudications Officer, Adjudications and Nationality, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-5014

**RIN:** 1115-AG52

**1722. REVISION OF THE REGULATIONS CONCERNING F, J, AND M NONIMMIGRANT CLASSIFICATIONS**

**Regulatory Plan:** This entry is Seq. No. 81 in part II of this issue of the **Federal Register**.

**RIN:** 1115-AG55

**1723. REQUIRING CHANGE OF STATUS FROM B TO F-1 OR M-1 NONIMMIGRANT PRIOR TO PURSUING A COURSE OF STUDY**

**Priority:** Other Significant. Major under 5 USC 801.

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1258; 8 CFR 2

**CFR Citation:** 8 CFR 214; 8 CFR 248

**Legal Deadline:** None

**Abstract:** The interim rule amends the Immigration and Naturalization Service (Service) regulation by eliminating the current provision allowing a nonimmigrant visitor for business or pleasure to enroll in a Service-approved school without first obtaining approval of a change of nonimmigrant status request from the Service. The amendment will ensure that no B nonimmigrant is allowed to begin taking classes until the Service has approved the alien's request to change nonimmigrant status to that of F or M student

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/12/02	67 FR 18061
Interim Final Rule	06/11/02	
Comment Period		
End		
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2195-02

**Agency Contact:** Craig S. Howie, Senior Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7867  
Fax: 202 514-0198  
Email: craig.s.howie@usdoj.gov

**RIN:** 1115-AG60

**1724. ADDRESS NOTIFICATION TO BE FILED WITH DESIGNATED APPLICATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1304; ...

**CFR Citation:** 8 CFR 103; 8 CFR 299

**Legal Deadline:** None

**Abstract:** The proposed rule would amend the regulations of the Immigration and Naturalization Service (Service) by requiring every alien who is applying for immigration benefits to acknowledge having received notice that he or she is required to provide a valid current address to the Service, including any change of address within 10 days of the change; that the Service will use the most recent address provided by the alien for all purposes, including the service of a Notice to Appear if the Service initiates removal proceedings; and, if the alien has changed address and failed to provide the new address to the Service, that the alien will be held responsible for any communications sent to the most recent address provided by the alien. This rule will satisfy the requirements or advance notice to the alien of the obligation to provide a current address to the Service, and of the consequences that may result for failure to do so, including the entry of an in absentia removal order against the alien if the alien fails to appear at a removal hearing.

**Timetable:**

Action	Date	FR Cite
NPRM	07/26/02	67 FR 48818
NPRM Comment	08/26/02	
Period End		
Final Action	04/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

DOJ—INS

Final Rule Stage

**Government Levels Affected:** None**Additional Information:** INS No. 2198-02**Agency Contact:** Barry O'Melinn, Chief, Appellate Counsel, Department of Justice, Immigration and Naturalization Service, Room 200, 5113 Leesburg Pike, Falls Church, VA 22041  
Phone: 703 756-6257**RIN:** 1115-AG61**1725. REENGINEERING OF PART 214, NONIMMIGRANT CLASSES TO CLARIFY AND RESTATE ADMISSION REQUIREMENTS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186; ...**CFR Citation:** 8 CFR 214; 8 CFR 252**Legal Deadline:** None**Abstract:** The purpose of this regulation is to reorganize, streamline and rewrite 8 CFR 214. This is an administrative action only, making no substantive changes to the requirements for nonimmigrant admission or status.

The current regulation has grown in size and complexity, especially during the past 15 years, as Congress has added at least 10 new nonimmigrant classes and expanded the requirements and restrictions on many of the existing classes. The regulatory outline for part 214 has become overly complicated, making the placement and revision of new materials and even the identification of correct paragraph citations exceedingly difficult. The INS plans to reorganize part 214 by adding new provisions relating to each nonimmigrant classification.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/00/03	
Interim Final Rule	04/00/03	
Comment Period		
End		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No.2218-02**Agency Contact:** Efren Hernandez, Director, Business and Trade Branch, Adjudications Division, Department of

Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536

Phone: 202 353-8177

**RIN:** 1115-AG62**1726. • WAIVERS FOR NONIMMIGRANTS UNDER SECTION 212(D)(3)(A) OF THE IMMIGRATION AND NATIONALITY ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184**CFR Citation:** 8 CFR 212**Legal Deadline:** None**Abstract:** This rule amends regulations pertaining to the process by which waiver requests are referred to the INS by the Department of State (DOS) for certain nonimmigrants. This rule affects individuals located outside of the United States who are applying for temporary visas. Promulgation of this rulemaking ensures that INS' rules are consistent with long-standing Agency practices.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/02	
Interim Final Rule	01/00/03	
Comment Period		
End		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2200-02**Agency Contact:** Sophia Cox, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-4754**RIN:** 1115-AG63**1727. • ESTABLISHING SAN BERNARDINO, SANTA ANA, AND VENTURA SUBOFFICES UNDER THE JURISDICTION OF THE LOS ANGELES DISTRICT OFFICE****Priority:** Info./Admin./Other**Legal Authority:** 8 USC 1103**CFR Citation:** 8 CFR 100**Legal Deadline:** None**Abstract:** This rule amends the Immigration and Naturalization Service (Service) by adding the San Bernardino, Santa Ana, and Ventura Suboffices to the listing of internal suboffices. The Service is opening these three suboffices to better serve the residents within the jurisdiction of the Los Angeles District Office. The San Bernardino, Santa Ana, and Ventura Suboffices will enable Service customers to significantly reduce the commuting distance to a Service office as well as the wait time for assistance. The intended effect of this regulation is to reallocate Service resources and improve processing efficiency for the Los Angeles District.**Timetable:**

Action	Date	FR Cite
Final Action	04/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2192-02**Agency Contact:** Sharon M Lucas, Special Assistant, Department of Justice, Immigration and Naturalization Service, Room 7114, Office of Field Operations, 425 I Street NW, Washington, DC 20536  
Phone: 202 307-3862**RIN:** 1115-AG66**1728. • RELEASE OF INFORMATION REGARDING IMMIGRATION AND NATURALIZATION SERVICE DETAINEES IN NON-FEDERAL FACILITIES****Priority:** Other Significant**Legal Authority:** 5 USC 301; 5 USC 552; 5 USC 552a; 8 USC 1103; 8 USC 1182; ...**CFR Citation:** 8 CFR 236**Legal Deadline:** None**Abstract:** This rule governs the public disclosure by any State or local government entity or by any privately operated facility of the name or other information relating to any immigration detainee being housed or otherwise maintained or provided service on behalf of the INS. This rule establishes a uniform policy on the public release of information on INS' detainees and

## DOJ—INS

## Final Rule Stage

ensure the INS' ability to support the law enforcement and security needs of the U.S.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/22/02	67 FR 19508
Interim Final Rule Comment Period End	06/21/02	
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2203-02

**Agency Contact:** Dea Carpenter, Associate General Counsel, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-2895

**RIN:** 1115-AG67

### 1729. • REMOVAL OF VISA AND PASSPORT WAIVER FOR CERTAIN PERMANENT RESIDENTS OF CANADA AND BERMUDA

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1227; ...

**CFR Citation:** 8 CFR 2; 8 CFR 212; 8 CFR 231; 8 CFR 235; 8 CFR 286

**Legal Deadline:** None

**Abstract:** Currently, certain permanent residents of Canada and Bermuda are permitted to enter the United States without a passport or visa. Many of these former British Commonwealth countries have high rates of fraud and abuse, and the documents presented by these permanent residents, for entry to the United States, do not meet current document security standards. This rule amends the Immigration and Naturalization Service's (Service) regulations by providing that a passport and visa will be required for permanent residents of Canada and Bermuda having a common nationality with Canadian Nationals or with British subjects in Bermuda. These permanent residents of Canada and Bermuda will be required to present a passport and visa to enter the United States. This rule also amends several other sections

of the regulations that provide exceptions for these individuals based on the prior passport and visa exemption. The Service is taking this action in conjunction with the Department of State. This rule is intended to increase security and safeguard the United States.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/02	
Interim Final Rule Comment Period End	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2202-02

**Agency Contact:** Joyce Broughman, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-3019

**RIN:** 1115-AG68

### 1730. • REQUIRING RECERTIFICATION OF ALL SERVICE-APPROVED SCHOOLS FOR ENROLLMENT IN THE STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM (SEVIS)

**Priority:** Other Significant

**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1304; 8 USC 1356; 31 USC 1907; EO 12356

**CFR Citation:** 8 CFR 103; 8 CFR 214

**Legal Deadline:** None

**Abstract:** On October 30, 2001, the President issued Homeland Security Directive No. 2 requiring the INS to conduct periodic reviews of all institutions certified to receive nonimmigrant students. The Enhanced Border Security and Visa Entry Reform Act of 2002, Public Law 107-173 enacted May 14, 2002, also requires a periodic review of school approvals.

This rule governs the review and certification process that INS uses to approve schools to enroll foreign students. It also continues the implementation of the process by which schools may be approved to

obtain access to the Student and Exchange Visitor Information System (SEVIS). While the INS has in place an existing process for certifying and decertifying schools, the INS is requiring that all previously approved schools must apply for certification in accordance with these new mandates cited above, prior to being allowed to enroll in SEVIS.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/25/02	67 FR 60107
Interim Final Rule Effective	09/25/02	
Interim Final Rule Comment Period End	11/25/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2217-02

**Agency Contact:** Maura Deadrick, Assistant Director, Adjudication Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-3228

**RIN:** 1115-AG71

### 1731. • POSTING OF SECURITY GUARD AT GANGWAY OF VESSEL FOR DETAINING ALIEN CREWMAN

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1103; 8 USC 1184; 8 USC 1258; 8 USC 1281; 8 USC 1282

**CFR Citation:** 8 CFR 252

**Legal Deadline:** None

**Abstract:** The Immigration and Nationality Act (Act) provides that any immigration officer may revoke the conditional permit to land any alien crewman and require the master or commanding officer of the vessel on which the crewman arrived to receive and detain him or her on board such vessel. This interim rule amends the Immigration and Naturalization Service (Service) regulations by requiring that, upon request of an immigration officer, the master or commanding officer of a vessel will, in certain cases, not only detain an alien crewman on board the vessel, but will, at his or her own expense, provide the necessary security

## DOJ—INS

## Final Rule Stage

to ensure that the detained alien crewman does not leave the vessel. This rule is necessary to enhance the security of the United States since a detained alien crewman may seek to leave the vessel on which he or she has been detained and that his or her illegal departure may pose a significant threat to the public safety.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/00/03	
Interim Final Rule Comment Period End	05/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2210-02

**Agency Contact:** Andrew Taub, Assistant Chief Inspector, Office of Inspections, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536  
Phone: 202 305-9244

**RIN:** 1115-AG72

### 1732. ● ELECTRONIC ARRIVAL-DEPARTURE MANIFEST FOR VISA WAIVER PROGRAM

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1187

**CFR Citation:** 8 CFR 2

**Legal Deadline:** Final, Statutory, October 1, 2002, PL 106-396.

**Abstract:** This rule serves to further implement the automated exit entry control system mandated by section 217 (h) of the Immigration and Nationality Act (Act) by specifying those passenger data elements that must be electronically transmitted to the Immigration and Naturalization Service by carriers seeking to transport Visa Waiver Program (VWP) passengers into and out of the United States on or after October 1, 2002. This rule will also ensure that legitimate VWP travel is not disrupted after September 30, 2002, when the Attorney General will no longer have the authority to admit applicants for admission under section 217 of the Act who arrive via sea or air unless the carrier transporting such aliens is electronically transmitting

specified passenger data that the Attorney General has determined is sufficient to track the arrival and departure of VWP aliens. This rule is necessary for the proper identification and monitoring of VWP aliens.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/02	
Interim Final Rule Comment Period End	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2219-02

**Agency Contact:** Michael J. Flemmi, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536  
Phone: 202 305-9247

**RIN:** 1115-AG73

### 1733. ● REGISTRATION REQUIREMENTS AND WORK AUTHORIZATION ELIGIBILITY FOR ALIENS IN THE UNITED STATES

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1201a; 8 USC 1301 to 1305; 8 USC 1324a

**CFR Citation:** 8 CFR 2; 8 CFR 264; 8 CFR 274a

**Legal Deadline:** None

**Abstract:** This rule amends INS regulations regarding employment authorization and registration of aliens. First, this rule broadens the rule that permits the presentation of specified documents to satisfy the employment eligibility verification requirements for a temporary period. Second, this rule broadens the acceptable documentation available to establish that an asylee, or an alien who has applied for asylum, has complied with the requirement to be registered with the INS. This rule clarifies the employment authorization regulations by specifying that certain classes of aliens who are employment authorized incident to status are not required to apply for, or obtain an Employment Authorization Document, but are permitted to do so if they wish to have an INS-issued secure photo

identity document. Fourth, this rule implements two new Federal laws enacted on January 16, 2002, involving the employment authorization of the spouses of E and L aliens, by making these classifications employment authorized incident to status, consistent with the provisions of these laws. This rule also provides for restructuring of 8 CFR 274a.12(d).

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/00/03	
Interim Final Rule Comment Period End	05/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No.2204-02

**Agency Contact:** Michael Hardin, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-3048

**RIN:** 1115-AG74

### 1734. ● REDUCED COURSE LOAD FOR CERTAIN F AND M NONIMMIGRANT STUDENTS AT BORDER COMMUNITIES

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1101 note 1; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1221; 8 USC 1281; 48 USC 1901; 48 USC 1931; PL 104-208; ...

**CFR Citation:** 8 CFR 214

**Legal Deadline:** None

**Abstract:** This rule amends the Immigration and Naturalization Service regulations governing F and M nonimmigrants. This rule will clarify that nonimmigrant aliens who reside outside the United States and regularly commute across a land border to study may do so on a part-time basis within the F or M nonimmigrant category. It is common for aliens residing outside the U.S., such as in Canada or Mexico, to enroll part-time in border educational institutions to enter the U.S. daily to pursue part-time studies. This rule will prevent the significant disruption of part-time study that has

## DOJ—INS

## Final Rule Stage

become an accepted fact of life along the border and a settled expectation. Additionally, these changes are being made to facilitate and legitimize certain part-time study along border communities while ensuring that all applicable requirements and safeguards are met.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/27/02	67 FR 54941
Interim Final Rule Comment Period End	10/27/02	
Final Action	04/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2220-02

**Agency Contact:** Efren Hernandez, Director, Business and Trade Branch, Adjudications Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536  
Phone: 202 353-8177

**RIN:** 1115-AG75**1735. ● PROCEDURES FOR CONDUCTING EXAMINATIONS AND WAIVING THE OATH OF ALLEGIANCE FOR NATURALIZATION APPLICANTS WITH DISABILITIES****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1421; 8 USC 1443; 8 USC 1447; 8 CFR 2.1; ...**CFR Citation:** 8 CFR 310; 8 CFR 313; 8 CFR 316; 8 CFR 319; 8 CFR 333; ...**Legal Deadline:** None

**Abstract:** This regulation provides procedures for conducting examinations and waiving the oath of allegiance attachment requirement and

the oath requirement for any individual who has a developmental, physical, or mental impairment that makes him or her unable to understand, or communicate an understanding of, the meaning of the oath. The rule incorporates changes made by Public Law 106-448, which authorized the Attorney General to waive the oath requirement for such individuals. It also specifies who is authorized to act as a designated representative on behalf of applicants who qualify for the waiver and addresses how the INS will conduct examinations with such representatives to ensure that applicants with disabilities have the opportunity to establish eligibility for naturalization.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/00/03	
Interim Final Rule Comment Period End	03/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2191-02

**Agency Contact:** Richard Sheridan, Staff Officer, Immigration Services Division, Department of Justice, Immigration and Naturalization Service, Room 980, 801 I Street NW, Washington, DC 20536  
Phone: 202 616-0583

**RIN:** 1115-AG77**1736. ● ELECTRONIC SIGNATURE ON APPLICATIONS AND PETITIONS FOR IMMIGRATION AND NATURALIZATION BENEFITS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 1252 note; ...**CFR Citation:** 8 CFR 103**Legal Deadline:** Other, Statutory, September 2003, PL 105-277.

**Abstract:** This rule amends the Immigration and Naturalization (Service) regulations concerning the acceptance of electronic signatures on applications and petitions for immigration and naturalization benefits. The change is necessary to allow the Service to begin accepting electronically filed applications and petitions as required by law. By accepting electronically filed applications and petitions, the Service expects to streamline its information collection process, improve customer service, and move towards fulfilling the mandates of the Government Paperwork Elimination Act (GPEA).

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/02	
Interim Final Rule Effective	01/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2224-02

**Agency Contact:** Ann Palmer, Special Assistant, Immigration Services Division, Department of Justice, Immigration and Naturalization Service, Room 1000, 800 K Street NW, Washington, DC 20536  
Phone: 202 514-6442  
Email: ann.m.palmer@usdoj.gov

**RIN:** 1115-AG79

## Department of Justice (DOJ)

## Immigration and Naturalization Service (INS)

## Long-Term Actions

**1737. VISA WAIVER PROGRAM****Priority:** Substantive, Nonsignificant**CFR Citation:** 8 CFR 217**Timetable:**

Action	Date	FR Cite
NPRM-INS No. 1406-91 Comment Period End 5/22/91	05/07/91	56 FR 21101

Final Rule-INS No. 1406-91 Eff. 7/18/91\*

Interim Final Rule-INS No. 1447 Eff. 10/1/91; Comment Period End 10/15/91



## DOJ—INS

## Long-Term Actions

Interim Final Rule- 07/29/93 58 FR 40581  
1622-93; Eff.  
7/29/93; Com. End  
8/30/93; (To be  
merged with 1447R-  
93)\*

Public Notice-INS No. 02/21/95 60 FR 9699  
1674 Eff. 10/25/94,  
Comment Period  
End 09/30/96

Interim Final Rule-INS 03/28/95 60 FR 15855  
No. 1685 Eff. 4/1/95;  
Comment Period  
End 5/30/95

Interim Final Rule-INS 07/08/96 61 FR 35598  
No. 1777

Interim Final Rule-INS 07/29/96 61 FR 39721  
No. 1782-96 With  
Comments  
(Australia)

Interim Final Rule-INS 09/30/97 62 FR 50998  
1786-96 With  
Comments  
(Slovenia)

Final Rule-INS No. 12/30/98 63 FR 71726  
1799

Interim Final Rule-INS 08/03/99 64 FR 42006  
2002-99 With  
Comments  
(Portugal,  
Singapore, and  
Uruguay)

Interim Final Rule-INS 02/21/02 67 FR 7943  
2188-02 (Removing  
Argentina)

Next Action Undetermined

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Marty Newingham  
Phone: 202 616-7992

**RIN:** 1115-AB93

### 1738. EMPLOYER SANCTIONS MODIFICATIONS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 8 CFR 274a

**Timetable:**

Action	Date	FR Cite
Interim Final Rule-INS	10/07/96	61 FR 52235

No. 1738

Correction (Interim Final Rule)	10/29/96	61 FR 55840
------------------------------------	----------	-------------

Interim Final Rule Comment Period End	11/06/96	
---	----------	--

Final Rule	To Be Determined	
------------	------------------	--

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Joseph Donnelly

Phone: 202 514-6057

**RIN:** 1115-AE21

### 1739. AUTHORIZING SUSPENSION OF EMPLOYMENT AUTHORIZATION REQUIREMENTS ON THE BASIS OF SEVERE ECONOMIC HARDSHIP FOR F-1 STUDENTS AND EMERGENT CIRCUMSTANCES

**Priority:** Other Significant

**CFR Citation:** 8 CFR 214

**Timetable:**

Action	Date	FR Cite
Interim Final Rule-INS	06/10/98	63 FR 31871

No. 1914-98

Interim Final Rule Comment Period End	08/10/98	
---	----------	--

Next Action Undetermined

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Maura Dadrick  
Phone: 202 514-3228

**RIN:** 1115-AF15

### 1740. AVAILABILITY OF MATERIAL UNDER FREEDOM OF INFORMATION ACT AND PRIVACY ACT

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 8 CFR 103

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

Next Action Undetermined

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** Businesses,  
Organizations

**Government Levels Affected:** None

**Agency Contact:** Mildred Carter  
Phone: 202 514-1722

**RIN:** 1115-AF32

### 1741. INTERIM DESIGNATION OF ACCEPTABLE RECEIPTS FOR EMPLOYMENT ELIGIBILITY VERIFICATION

**Priority:** Other Significant

**CFR Citation:** 8 CFR 274a

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/09/99	64 FR 6187

Action	Date	FR Cite
Interim Final Rule	04/12/99	

Comment Period End		
Final Action	To Be Determined	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Marguerite Przybyski  
Kleczek

Phone: 202 514-2895

**RIN:** 1115-AF42

### 1742. INADMISSIBILITY AND DEPORTABILITY ON PUBLIC CHARGE GROUNDS

**Priority:** Other Significant

**CFR Citation:** 8 CFR 212; 8 CFR 237

**Timetable:**

Action	Date	FR Cite
NPRM	05/26/99	64 FR 28676

NPRM Comment Period End	07/26/99	
----------------------------	----------	--

Next Action Undetermined

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Alice Smith  
Phone: 202 305-9353

**RIN:** 1115-AF45

### 1743. EXPANSION OF EXPEDITED REMOVAL OF CERTAIN CRIMINAL ALIENS HELD IN FEDERAL, STATE, AND LOCAL JAILS

**Priority:** Other Significant

**CFR Citation:** 8 CFR 212; 8 CFR 235

**Timetable:**

Action	Date	FR Cite
ANPRM	09/22/99	64 FR 51338

ANPRM Comment Period End	11/22/99	
-----------------------------	----------	--

Next Action Undetermined

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State,  
Local, Federal

**Agency Contact:** Robert Evans  
Phone: 202 353-7218

**RIN:** 1115-AF50

## DOJ—INS

## Long-Term Actions

**1744. EXTENDING THE PERIOD OF DURATION OF STATUS FOR CERTAIN F AND J NONIMMIGRANT ALIENS****Priority:** Substantive, Nonsignificant**CFR Citation:** 8 CFR 214**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/15/99	64 FR 32146
Interim Final Rule Comment Period End	08/16/99	

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Efren Hernandez  
Phone: 202 353-8177**RIN:** 1115-AF54**1745. IMPOSITION OF FINES FOR VIOLATIONS OF THE IMMIGRATION AND NATIONALITY ACT****Priority:** Other Significant**CFR Citation:** 8 CFR 280**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Michael D. Jones  
Phone: 202 305-7018**RIN:** 1115-AF70**1746. PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A U.S. CITIZEN OR PREFERENCE IMMIGRANT; ADJUSTMENT OF STATUS TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE****Priority:** Other Significant**CFR Citation:** 8 CFR 204; 8 CFR 245**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/20/91	
Interim Final Rule Comment Period End	07/20/91	
Final Action	12/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Elizabeth N. Lee  
Phone: 202 307-2353  
Email: elizabeth.n.lee@usdoj.gov**RIN:** 1115-AF94**1747. INCREASING THE NUMBER OF OFFICERS AUTHORIZED TO ISSUE NOTICES TO APPEAR AND ARREST WARRANTS FOR IMMIGRATION VIOLATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 8 CFR 239; 8 CFR 287**Timetable:**

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Christina Hamilton  
Phone: 202 514-2895**RIN:** 1115-AG22

## Department of Justice (DOJ)

## Immigration and Naturalization Service (INS)

## Completed Actions

**1748. POWERS OF THE ATTORNEY GENERAL TO AUTHORIZE STATE OR LOCAL LAW ENFORCEMENT OFFICERS TO CARRY OUT IMMIGRATION ENFORCEMENT****Priority:** Substantive, Nonsignificant**CFR Citation:** 28 CFR 65**Completed:**

Reason	Date	FR Cite
Final Rule	07/24/02	67 FR 49354
Final Action Effective	08/23/02	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State, Local**Agency Contact:** Ron Dodson  
Phone: 202 616-7310**RIN:** 1115-AF20**1749. DELEGATION OF THE ADJUDICATION OF CERTAIN H-2A PETITIONS TO THE DEPARTMENT OF LABOR****Priority:** Substantive, Nonsignificant**CFR Citation:** 8 CFR 103; 8 CFR 214; 8 CFR 248; 8 CFR 264**Completed:**

Reason	Date	FR Cite
Final Action	10/01/02	67 FR 61474
Final Action	10/01/02	67 FR 61568

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State, Local, Federal**Agency Contact:** Irene Hoffman  
Phone: 202 616-7435John Brown  
Phone: 202 514-5014**RIN:** 1115-AF29**1750. • DELEGATION OF AUTHORITIES FOR VARIOUS DETENTION AND REMOVAL AUTHORITIES****Priority:** Info./Admin./Other**Legal Authority:** 5 USC 552; 8 USC 1101; 8 USC 1103; 8 USC 1304; 8 USC 1356; EO 12356; ...**CFR Citation:** 8 CFR 2; 8 CFR 236; 8 CFR 238; 8 CFR 239; 8 CFR 240; 8 CFR 241; 8 CFR 287**Legal Deadline:** None**Abstract:** As part of the ongoing restructuring of the Immigration and Naturalization (Service), the chain of command for many functions related to the detention and removal of aliens, including the detention, care, and custody of juveniles, has been centralized. Previously, these functions were overseen by Service districts and regions which reported to the Executive Associate Commissioner for Field Operations. Under the reorganization, the daily oversight of overall detention and removal functions transfers to the

## DOJ—INS

## Completed Actions

Deputy Executive Associate Commissioner for Detention and Removal who will still report to the Executive Associate Commissioner for Field Operations. The daily oversight of functions relating to alien juveniles in the custody and care of the Service is transferred to the Director of the Office of Juvenile Affairs who reports to the Commissioner of the INS. This rule ensures that the appropriate immigration officials will have the necessary authority to carry out the daily oversight of the detention and removal of aliens consistent with the changes in responsibility.

**Timetable:**

Action	Date	FR Cite
Final Action	06/07/02	67 FR 39255
Final Action Effective	06/07/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2206-02

**Agency Contact:** John J. Pogash, Juvenile Coordinator (Headquarters), Department of Justice, Immigration and

Naturalization Service, Room 800, 801 I Street NW, Washington, DC 20536  
Phone: 202 305-1518

**RIN:** 1115-AG69

**1751. • REGISTRATION AND MONITORING OF CERTAIN NONIMMIGRANTS**

**Priority:** Other Significant

**Legal Authority:** 5 USC 301; 8 USC 1103; 8 USC 1184; 8 USC 1201; 8 USC 1201a; 8 USC 1301; 8 USC 1302; 8 USC 1303; 8 USC 1304; 8 USC 1305; ...

**CFR Citation:** 8 CFR 214; 8 CFR 264

**Legal Deadline:** None

**Abstract:** Recent terrorist incidents have underscored the need to broaden the special registration requirements for nonimmigrant aliens from certain designated countries, and other nonimmigrant aliens whose presence in the United States requires closer monitoring, to require that they provide specific information at regular intervals to ensure their compliance with the terms of their visas and admission and to ensure that they depart the United States at the end of their authorized stay. This rule modifies the existing requirements to require certain nonimmigrant aliens to make specific

reports to the Immigration and Naturalization Service: Upon arrival; approximately 30 days after arrival; every 12 months after arrival; upon certain events, such as a change of address, employment, or school; and at the time of departure from the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	06/13/02	67 FR 40581
NPRM Comment Period End	07/15/02	
Final Rule	08/12/02	67 FR 52584
Final Rule Effective	09/11/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2216-02

**Agency Contact:** Daniel Brown, Attorney, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-2895

**RIN:** 1115-AG70

## Department of Justice (DOJ)

## Proposed Rule Stage

## Legal Activities (LA)

**1752. CERTIFICATION AND DECERTIFICATION IN CONNECTION WITH CERTAIN SUITS BASED UPON ACTS OR OMISSIONS OF FEDERAL EMPLOYEES AND OTHER PERSONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 28 USC 2679(b)

**CFR Citation:** 28 CFR 15

**Legal Deadline:** None

**Abstract:** This rule revises 28 CFR part 15, pertaining to the defense of certain suits against Federal employees, to conform the regulations to changes made by the Federal Employee Liability Reform and Tort Compensation Act, Public Law 100-694. Under prior law, the defense of suits against Federal employees for torts committed in the scope of their employment was limited to claims involving the operation of motor vehicles. Public Law 100-694 expanded the coverage of the immunity provisions to include all common law

torts committed by Federal employees in the scope of their employment. This rule conforms the Department's regulations to the expanded coverage of the statute.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	
NPRM Comment Period End	05/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

**Additional Information:** CIV 102

**Agency Contact:** James G. Touhey Jr., Trial Attorney, Torts Branch, Department of Justice, P.O. Box 888, Benjamin Franklin Station, Washington, DC 20004  
Phone: 202 616-4292

**RIN:** 1105-AA62

**1753. DESIGNATION OF AGENCIES TO RECEIVE AND INVESTIGATE REPORTS REQUIRED UNDER THE PROTECTION OF CHILDREN FROM SEXUAL PREDATORS ACT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 13032

**CFR Citation:** 28 CFR 81

**Legal Deadline:** NPRM, Statutory, April 28, 1999.

**Abstract:** On October 30, 1998, Congress passed the Protection of Children from Sexual Predators Act of 1998 (PCSPA). The PCSPA requires providers of an electronic communication service or a remote computing service to the public, through a facility or means of interstate or foreign commerce, to report incidents of child pornography as defined by sections 2251, 2251A, 2252, 2252A, or 2260 of title 18, United States Code, to the appropriate Federal

DOJ—LA

Proposed Rule Stage

agency. In order to facilitate effective reporting, the PCSPA requires the Attorney General to “designate an agency” to receive and investigate such reports of child pornography. The proposed rule previously published set forth the Attorney General’s proposed designations and certain other matters covered by the PCSPA’s reporting requirements.

On November 29, 1999, as part of the Consolidated Appropriations Act, 2000, Public Law 106-113, 113 Stat. 1501, Congress amended 42 U.S.C. 13032 to require providers to report such incidents to the Cyber Tipline at the National Center for Missing and Exploited Children, which shall forward that report to a law enforcement agency or agencies designated by the Attorney General. A second proposed rule is being prepared for publication that will reflect the change in the Agency to receive the reports.

**Timetable:**

Action	Date	FR Cite
NPRM	05/26/99	64 FR 28422
NPRM Comment Period End	07/26/99	
Second NPRM	04/00/03	
Second NPRM Comment Period End	06/00/03	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal

**Agency Contact:** Andrew Oosterbaan, Chief, Child Exploitation and Obscenity Section, Department of Justice, 1400 New York Avenue NW, Suite 600, Washington, DC 20530  
Phone: 202 514-5780

**RIN:** 1105-AA65**1754. MOTOR VEHICLE SALVAGE REGULATIONS**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined**Legal Authority:** 49 USC 30504**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** The Attorney General is required to issue regulations directing junk yard and salvage yard operators and insurance carriers to file monthly reports with the operator of the

National Motor Vehicle Title Information System (NMVTIS) concerning vehicles in their possession. The reports are required by statute, 49 U.S.C. section 30504(a) and (b), to provide the vehicle identification numbers, the date on which the vehicle was obtained, and the name of the individual or entity from whom the vehicle was obtained. Salvage and junk yard operators are also required to provide a statement of whether the automobile was crushed or disposed of for sale or other purposes. Insurance carriers are also required to provide the name of the owner of the automobile at the time the report is filed.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Additional Information:** On a related issue, the FBI expects to issue regulations implementing the National Stolen Passenger Motor Vehicle Information System (NSPMVIS). (See RIN 1110-AA01.)

**Agency Contact:** Deborah Sorkin, Trial Attorney, Department of Justice, Office of Enforcement Operations, Criminal Division, 1301 New York Avenue NW, Washington, DC 20530  
Phone: 202 305-4023  
Fax: 202 305-0562

**RIN:** 1105-AA71

**1755. ENHANCED NOTICE AND RELEASE PROCEDURES FOR OWNERS OF SEIZED PROPERTY PURSUANT TO THE CAFRA OF 2000; DISPOSITION OF SEIZED PROPERTY TOO COSTLY TO MAINTAIN; CONSOLIDATION OF DEPARTMENT REGULATIONS**

**Priority:** Other Significant

**Legal Authority:** 5 USC 301; 8 USC 1103; 8 USC 1324(b); 15 USC 1177; 17 USC 509; 18 USC 981 to 983; 18 USC 1467; 18 USC 1955; 18 USC 1963; 18 USC 2253 to 2254; 18 USC 2513; 19 USC 1606 to 1608; 19 USC 1610; 19 USC 1612(b); 19 USC 1613; 19 USC 1618; 21 USC 822; 21 USC 853; 21 USC 871 to 872; 21 USC 880 to 881; 21 USC 958; 21 USC 965; 22 USC 401; 28 USC

509 to 510; 28 USC 524; PL 100-690, sec 6079

**CFR Citation:** 8 CFR 274; 21 CFR 1316; 28 CFR 8 (Revision); 28 CFR 9 (Revision)

**Legal Deadline:** Final, Statutory, August 23, 2000, CAFRA applies to all forfeiture actions commenced on or after 8/23/00.

**Abstract:** By this rule, the Department does five things.

First, the Department is implementing new forfeiture procedures required by the recently enacted Civil Asset Forfeiture Reform Act of 2000 (CAFRA). CAFRA’s procedural changes enhance the ability of property owners to contest the forfeiture of seized property. CAFRA also makes other changes beneficial to property owners. In particular: 1) The requirement to file a bond for costs with a claim is eliminated; 2) the time for filing a claim is extended; and 3) the release of seized property is required under various circumstances. Congress made CAFRA’s changes applicable to forfeiture proceedings commenced on or after August 23, 2000.

Second, the Department is adding a provision allowing the pre-forfeiture disposition of seized property when the expense of holding the property is disproportionate to its value. This provision is needed to implement the pre-existing authority of 19 U.S.C. section 1612(b)—one of the customs laws procedural statutes incorporated by reference in forfeiture statutes enforced by the Department. This provision will enable the Department to use the authority of section 1612(b) in appropriate cases to avoid disproportionately high storage and maintenance costs for seized property pending forfeiture.

Third, this rule consolidates previously existing forfeiture regulations of the INS, DEA, and the FBI in order to achieve greater consistency and promote overall fairness in the administrative forfeiture process by avoiding unnecessary differences in component procedures.

Fourth, the rule updates the forfeiture regulations by adding discretionary authority for publication of notice of administrative forfeitures on the Internet in lieu of publication in a newspaper, by adding 18 U.S.C. section 981 seizure-for-forfeiture authority for INS in light of CAFRA’s expansion of

DOJ—LA

Proposed Rule Stage

18 U.S.C. section 981(a)(1)(C) forfeiture authority, which now includes proceeds of Immigration and Nationality Act offenses and visa and passport fraud offenses. The rule also adds seizure-for-forfeiture authority for FBI and INS in 18 U.S.C. section 1594 cases (forfeiture of property involved in peonage and slavery (Pub. L. 106-386; 114 Stat. 1464 (October 28, 2000))). In addition, to reflect reorganization of INS, the rule replaces references to INS Regional Directors with references to the INS Director, Asset Forfeiture Office.

Fifth, the rule modifies the regulations at 28 CFR part 9 governing petitions for remission or mitigation of forfeiture to refer only to DEA's "Forfeiture Counsel" as the pertinent official in DEA's forfeiture cases; to replace the reference to "INS Regional Directors" with "INS Director Asset Forfeiture Office or designee," as the pertinent official with authority to grant remission or mitigation in INS administrative forfeiture cases; to incorporate where applicable CAFRA's statutory criteria for innocent ownership; and to provide discretionary authority for the Ruling Officer to waive the payment of forfeiture-related costs and expenses, except payments of awards based on the forfeiture and payments of the recognized interests of other third parties in the property forfeited, as a condition of remission in cases in which the petitioner is a victim of the underlying offense. In addition, the discretionary authority to waive costs in remissions to owners and lienholders that is already provided at 28 CFT 9.7(a)(3) and 9.7(b)(2)(i) and (ii) is amended to incorporate the same exceptions as those applicable in remissions to victims.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	
NPRM Comment Period End	03/00/03	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** John Hieronymus, Forfeiture Counsel, Department of Justice, Drug Enforcement Administration, Office of Domestic Operations, Asset Forfeiture Section, Caller Number 91017, Arlington, VA 22202  
Phone: 202 307-7636

Maury V. Taylor, Forfeiture Counsel, Department of Justice, Legal Forfeiture Unit, FBI, Office of the General Counsel, J. Edgar Hoover Building, 935 Pennsylvania Avenue NW, Washington, DC 20535  
Phone: 202 324-9700

**RIN:** 1105-AA74**1756. DNA SAMPLING OF FEDERAL OFFENDERS UNDER THE USA PATRIOT ACT OF 2001****Priority:** Other Significant

**Legal Authority:** 28 USC 509; 28 USC 510; 42 USC 14132; 41 USC 14135a; 42 USC 14135b; 10 USC 1565; PL 106-546

**CFR Citation:** 28 CFR 28

**Legal Deadline:** Other, Statutory, April 18, 2001, Determination of qualifying Federal offenses. Final, Statutory, June 17, 2001, Commencement of collection of DNA samples.

**Abstract:** Section 3 of Public Law 106-546, the DNA Analysis Backlog Elimination Act of 2000 (the Act), requires the collection of DNA samples from certain categories of Federal offenders. In addition, the Act details the responsibilities of the Bureau of Prisons and Federal probation offices to collect DNA samples from offenders in their custody or supervision, and the responsibility of the FBI to analyze and index DNA samples.

On June 28, 2001, the Department of Justice published an interim rule to implement section 3 and related

provisions of Public Law 106-546, the DNA Analysis Backlog Elimination Act of 2000. 66 FR 34363 (June 28, 2001). That rule, in part, specified the federal offenses that are treated as "qualifying Federal offenses" for purposes of collecting DNA samples from federal offenders.

Subsequent to the publication of that interim rule, Congress enacted Public Law 107-56, the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001. Section 503 of the USA PATRIOT ACT added three new categories of qualifying Federal offenses for purposes of DNA sample collection: (1) any offense listed in section 2332b(g)(5)(B) of title 18, United States Code; (2) any crime of violence (as defined in section 16 of title 18, United States Code); and (3) any attempt or conspiracy to commit any of the above offenses. Section 503 authorized the Attorney General to determine which offenses are included in these additional categories. The purpose of this proposed rule is to revise a section of the existing regulations, 28 CFR 28.2, to add the offenses in these three new categories.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/28/01	66 FR 34363
Interim Final Rule Comment Period End	08/27/01	
NPRM	11/00/02	
NPRM Comment Period End	01/00/03	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** David J. Karp, Senior Counsel, Department of Justice, Office of Legal Policy, 950 Pennsylvania Avenue NW, Room 4503, Washington, DC 20530  
Phone: 202 514-3273

**RIN:** 1105-AA78

**Department of Justice (DOJ)**  
**Legal Activities (LA)**

Final Rule Stage

**1757. FOREIGN AGENTS  
REGISTRATION ACT; REGULATIONS  
REVISED AND CLARIFIED TO  
REFLECT CHANGES IN THE LAW**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 22 USC 611 et seq  
Foreign Agents Registration Act of 1938

**CFR Citation:** 28 CFR 5.5(d)(10); 28  
CFR 5.203(a); 28 CFR 5.204(a); 28 CFR  
5.205(a); 28 CFR 5.206(b); 28 CFR  
5.304(c); 28 CFR 5.306(a); 28 CFR  
5.5(d)(11); 28 CFR 5.100(c); 28 CFR  
5.100(d); 28 CFR 5.200(b); 28 CFR  
5.201(a)(1); 28 CFR 5.201(a)(2); 28 CFR  
5.202(b); 28 CFR 5.202(e); ...

**Legal Deadline:** None

**Abstract:** As a result of the passage of the Lobbying Disclosure Act of 1995 (LDA) and the Lobbying Disclosure Technical Amendments Act of 1998 (LDTAA), the Foreign Agents Registration Unit of the Criminal Division is issuing new regulations concerning changes in the Foreign Agents Registration Act of 1938 (FARA), as amended, 22 U.S.C. 611, et seq. These regulations replace the term "political propaganda" in the existing regulations with "informational materials" as provided in the LDA and make other changes to the FARA regulations required by the passage of the LDA and the LDTAA. The regulations also make other modifications to the existing regulations to facilitate the administration of FARA.

**Timetable:**

Action	Date	FR Cite
NPRM	07/09/99	64 FR 37065
NPRM Comment Period End	09/07/99	
Final Action	12/00/02	
Final Action Effective	01/00/03	

**Regulatory Flexibility Analysis**
**Required:** Yes

**Small Entities Affected:** Businesses,  
Organizations

**Government Levels Affected:** None

**Additional Information:** CFR

 CITATIONS CONT: 28 CFR 5.307; 28  
CFR 5.400(a) to (c); 28 CFR 5.401; 28  
CFR 5.402(a) to (g); 28 CFR 5.500(a)(4);  
28 CFR 5.600; 28 CFR 5.601(a); 28 CFR  
5.601(b).

**Agency Contact:** Marshall R. Williams,  
Chief, Registration Unit, Internal  
Security Section, Criminal Division,  
Department of Justice, Room 9300, 1400

 New York Avenue NW, Washington,  
DC 20530

Phone: 202 514-1216

**RIN:** 1105-AA45

**1758. ETHICAL STANDARDS FOR  
ATTORNEYS FOR THE GOVERNMENT**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 28 USC 530B

**CFR Citation:** 28 CFR 77

**Legal Deadline:** Final, Statutory, April  
19, 1999.

**Abstract:** This rule supersedes the Department of Justice regulations relating to Communications with Represented Persons and implements 28 U.S.C. 530B pertaining to ethical standards for attorneys for the Government. Under that provision, an attorney for the Government shall be subject to State laws and rules, and local Federal court rules governing attorneys in each State where such attorney engages in that attorney's duties, to the same extent and in the same manner as other attorneys in that State. This rule fulfills the Attorney General's obligation under section 530B and provides guidance to all Department of Justice employees who are subject to section 530B regarding their obligations and responsibilities under this new provision.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/19/99	64 FR 19273
Interim Final Rule Comment Period End	06/21/99	
Final Action	03/00/03	

**Regulatory Flexibility Analysis**
**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Claudia J. Flynn,  
Director, Professional Responsibility  
Advisory Office, Department of Justice,  
Suite 500, National Theatre Building,  
1325 Pennsylvania Avenue NW,  
Washington, DC 20530  
Phone: 202 514-0458  
Fax: 202 353-7491

**RIN:** 1105-AA67

**1759. CLAIMS UNDER THE  
RADIATION EXPOSURE  
COMPENSATION ACT AMENDMENTS  
OF 2000: TECHNICAL AMENDMENTS;  
EXPANSION OF COVERAGE TO  
URANIUM MILLERS AND ORE  
TRANSPORTERS; EXPANSION OF  
COVERAGE FOR URANIUM MINERS**
**Priority:** Other Significant

**Legal Authority:** 42 USC 2210 note,  
Radiation Exposure Compensation Act;  
PL 106-245, Radiation Exposure  
Compensation Act Amendments of  
2000; PL 106-553

**CFR Citation:** 28 CFR 79

**Legal Deadline:** Final, Statutory,  
January 6, 2001.

**Abstract:** The Department has issued two related rulemakings to implement the Radiation Exposure Compensation Act Amendments of 2002, enacted on July 10, 2000. The first is a final rule which makes changes consistent with the new law. This final rule expands the list of diseases that are currently compensable for "downwinder" and "onsite participant" claimants; eliminates smoking distinctions for all claimants; amends the list of geographical areas to provide additional radiation-affected areas for "downwinder" claimants; modifies the burden of proof for purposes of claims processing; allows claimants who have previously been denied compensation to file up to three times; and makes other technical revisions consistent with the amended Act.

The second rulemaking is a proposed rule for which the Department invites public comments. The proposed rule describes the expanded population of eligible uranium mine workers created by lowering the radiation exposure threshold for miners; identifies the new uranium mining states with respect to which miners may be eligible for compensation; includes provisions for compensation to aboveground miners; sets forth employment eligibility criteria for the new claimant categories; describes the documentation that would be required to establish proof of employment in a uranium mine or mill or as an ore transporter; describes the medical documentation necessary to establish the existence of renal cancer and chronic renal disease; and revises the provision concerning representation of claimants before the Department with respect to claims brought under the Act.

DOJ—LA

Final Rule Stage

**Timetable:****CIV 100 - Technical Amendments**

Final Action 08/07/02 (67 FR 51422)

**CIV 101 - Expansion of Coverage**

NPRM 08/07/02 (67 FR 51440)

NPRM Comment Period End 10/07/02

Final Action 04/00/03

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Dianne S. Spellberg, Senior Counsel, Department of Justice, Room 3123, 1425 New York Avenue NW, Washington, DC 20005

Phone: 202 616-4129

Fax: 202 616-4313

Email: dianne.spellberg@usdoj.gov

**RIN:** 1105-AA75**1760. ESTABLISHMENT OF MINIMUM SAFETY AND SECURITY STANDARDS FOR PRIVATE COMPANIES THAT TRANSPORT VIOLENT PRISONERS****Priority:** Other Significant**Legal Authority:** PL 106-560**CFR Citation:** 20 CFR 97**Legal Deadline:** Final, Statutory, June 19, 2001.

**Abstract:** This rule proposes to implement the Interstate Transportation of Dangerous Criminals Act of 2000, Public Law 106-560 (114 Stat. 2784)(enacted December 21, 2000). In that Act, Congress found that State and local jurisdictions are increasingly turning to private companies to transport their violent prisoners, and that escapes have occurred. Congress determined that minimum regulations for the private prisoner transport industry were necessary to provide protection against risks to the public that are inherent in the transportation of violent prisoners and to assure the safety of those being transported.

Accordingly, this rule proposes that private prisoner transport companies comply with minimum standards for background checks and preemployment drug testing for potential employees, provide minimum standards for the length and type of employee training, and establish restrictions on the number of hours that transportation employees can be on duty during a given time period.

This rule also proposes that private prisoner transport companies comply with minimum standards for the use of restraints while transporting violent

prisoners, and establishes categories of violent offenders required to wear identifying clothing. Further, the rule proposes a minimum guard-to-offender ratio that must be observed while transporting violent prisoners, and proposes that private prisoner transport companies comply with standards regarding employee uniforms and employee identification.

In addition, the rule proposes to require private prisoner transport companies to notify local law enforcement officials 24 hours in advance of any scheduled stops in their jurisdiction when transporting violent prisoners. In the event of an escape by a violent offender, the proposed rule requires the private prisoner transport company personnel immediately to notify appropriate law enforcement officials in the jurisdiction where the escape occurs, as well as the governmental entity that contracted with the private prisoner transport company for the transport of the escaped violent prisoner.

Finally, the rule proposes that private prisoner transport companies adopt certain minimum standards in order to protect the safety of violent prisoners in accordance with applicable Federal and State law.

**Timetable:**

Action	Date	FR Cite
NPRM	12/17/01	66 FR 64934
NPRM Comment Period End	02/15/02	
Final Action	11/00/02	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Lizette D. Benedi, Counsel, Department of Justice, Office of Legal Policy, 950 Pennsylvania Avenue NW, Room 4529, Washington, DC 20530

Phone: 202 514-3824

**RIN:** 1105-AA77**1761. SCREENING OF ALIENS AND OTHER DESIGNATED INDIVIDUALS SEEKING FLIGHT TRAINING****Priority:** Other Significant**Legal Authority:** PL 107-71, sec 113**CFR Citation:** 28 CFR 105**Legal Deadline:** None**Abstract:** On November 19, 2001, Congress enacted the Aviation and

Transportation Security Act (ATSA), Public Law 107-71. Upon enactment, section 113 of ATSA, 49 U.S.C. 44939, imposed notification and reporting requirements on certain persons who provide aviation training to aliens and other specified individuals. Under this section, certain aviation training providers subject to regulation by the Federal Aviation Administration (FAA) are prohibited from providing training to aliens and other designated individuals in the operation of aircraft with a maximum certificated takeoff weight of 12,500 pounds or more, unless they provide prior notification to the Attorney General. This interim rule implements a process by which aviation training providers may provide the required notification and resume instruction for candidates who do not appear to pose a risk to aviation and national security.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/02	
Interim Final Rule Comment Period End	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Keith E. Halsey, Department of Justice, Federal Bureau of Investigation, Mailbox 27, Washington, DC 20535

Phone: 703 414-9535

**RIN:** 1105-AA80**1762. GUIDELINES FOR THE CAMPUS SEX CRIMES PREVENTION ACT AMENDMENT TO THE JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDER REGISTRATION ACT****Priority:** Info./Admin./Other**Legal Authority:** 42 USC 14071**CFR Citation:** None**Legal Deadline:** None

**Abstract:** These guidelines implement an amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act enacted by the Campus Sex Crimes Prevention Act (CSCPA). Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, 108 Stat. 1796, 2038 (codified at 42 U.S.C. 14071)

## DOJ—LA

## Final Rule Stage

contains the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (the Wetterling Act). The Wetterling Act sets minimum national standards for State sex offender registration and community notification programs, and directs the Attorney General to issue guidelines for such programs. The current Wetterling Act guidelines were published on January 5, 1999, in the Federal Register (64 FR 572, with corrections at 64 FR 3590). States that fail to comply with the Wetterling Act's requirements (as implemented and explained in the Attorney General's guidelines) are subject to a mandatory 10 percent reduction of the formula grant funding available under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program (42 U.S.C. 3756), which is administered by the Bureau of Justice Assistance of the Department of Justice.

Subsequent to the publication of the current Wetterling Act guidelines, the Wetterling Act was amended by the Campus Sex Crimes Prevention Act (the CSCPA), Public Law 106-386, div. B, section 1601, 114 Stat. 1464, 1537 (2000). The CSCPA provides special requirements relating to registration and community notification for sex offenders who are enrolled in or work at institutions of higher education. These supplementary guidelines are necessary to take account of the CSCPA amendment to the Wetterling Act. The deadline for state compliance with the CSCPA amendment is October 27, 2002.

The CSCPA provisions appear in subsection (j) of the Wetterling Act (42 U.S.C. 14071(j)). As provided in subsection (j), any person required to register under a State sex offender registration program must notify the State concerning each institution of higher education (i.e., post-secondary

school) in the State at which the person is a student or works, and of each change in enrollment or employment status of the person at such an institution.

**Timetable:**

Action	Date	FR Cite
Proposed Guidelines	03/08/02	67 FR 10758
Proposed Guidelines Comment Period End	05/07/02	
Final Guidelines	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State

**Agency Contact:** David J. Karp, Senior Counsel, Department of Justice, Office of Legal Policy, 950 Pennsylvania Avenue NW, Room 4503, Washington, DC 20530  
Phone: 202 514-3273

**RIN:** 1105-AA81

**Department of Justice (DOJ)  
Legal Activities (LA)**

## Long-Term Actions

**1763. WAIVER FOR FIREARM PROHIBITION ON NONIMMIGRANT VISA HOLDERS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 28 CFR 25

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Frank A.S. Campbell  
Phone: 202 514-2283

**RIN:** 1105-AA66

**Department of Justice (DOJ)  
Office of Justice Programs (OJP)**

## Proposed Rule Stage

**1764. CORRECTIONAL FACILITIES ON TRIBAL LANDS GRANT PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 13701 et seq

**CFR Citation:** 28 CFR 91

**Legal Deadline:** None

**Abstract:** The Office of Justice Programs is issuing this second Notice of Proposed Rulemaking to amend the title and the definitions of "Indian tribe" and "construction" within 28 CFR part 91, subpart C (which outlines the requirements and procedures to award grants to Indian tribes for constructing jails on tribal lands for the incarceration of offenders subject to tribal jurisdiction). Congress has mandated a new definition of "Indian tribe," and with this broader definition federal funds through the Office of

Justice Programs are now available to a larger universe of tribal entities. The amendment to the definition of "construction" is simply to expand and clarify the existing definition, to assist applicants and grantees in better understanding the allowable scope a project may take.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/24/96	61 FR 49969
Correction	10/18/96	61 FR 54333
Interim Final Rule Comment Period End	10/24/96	
Second NPRM	02/00/03	
Second NPRM Comment Period End	04/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Tribal

**Agency Contact:** Philip Merkle, Special Advisor to the Director, Department of Justice, Office of Justice Programs, Correction Program Office, 810 7th Street NW, Washington, DC 20531  
Phone: 202 305-2550

**RIN:** 1121-AA41

**1765. PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM**

**Priority:** Economically Significant. Major under 5 USC 801.

**Legal Authority:** 42 USC 3711 et seq

**CFR Citation:** 28 CFR 32

**Legal Deadline:** None



## DOJ—OJP

## Proposed Rule Stage

**Abstract:** The Bureau of Justice Assistance will be proposing a major, substantive revision of the existing regulations (28 CFR part 32) that govern the Public Safety Officers' Benefits (PSOB) Program, to streamline all aspects of the program and relieve claimants of administrative burdens no longer deemed necessary. Further, the program will need to change as BJA moves into a paperless, electronic, Web-based application/review/payment program. The proposed revised regulations will affect all components of the program: death benefits, disability benefits, education benefits, and the related administrative components governing hearing officers and independent medical examinations. As the result of the 9/11/01 terrorist attacks, the PSOB program is expected to make awards totaling more than \$100 million this year.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/03	
NPRM Comment	07/00/03	
Period End		

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Camille Cain, Deputy Director for Programs, Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, 810 7th Street NW, Washington, DC 20531  
Phone: 202 616-6500

**RIN:** 1121-AA56

### 1766. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 103-355, sec 2455; EO 12549**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** The Department of Justice will be adopting the proposed common rule on debarment and suspension, as promulgated by another agency, as a cost-saving and efficiency matter. The rule, as adopted, would limit the mandatory lower-tier application of an exclusion to the first procurement level under a nonprocurement covered

transaction. Second, this proposed common rule on debarment and suspension would set the dollar threshold on prohibited lower-tier procurement transactions with excluded persons at \$25,000. Third, both this proposed rule on debarment and suspension, and the proposed rule on drug-free workplace requirements, would eliminate the mandate for agencies and participants to obtain written certifications from awardees or persons with whom they propose to enter into covered transactions. Fourth, the proposed rule on drug-free workplace requirements would be separated from this proposed rule on debarment and suspension.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment	01/00/03	
Period End		

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Linda Fallowfield, Attorney-Advisor, Department of Justice, Office of Justice Programs, Office of the General Counsel, 810 7th Street NW, Washington, DC 20531  
Phone: 202 305-2534

**RIN:** 1121-AA57

### 1767. CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 3711**CFR Citation:** 28 CFR 23**Legal Deadline:** None

**Abstract:** The purpose of this regulation is to assure that all criminal intelligence systems operating through support under the Omnibus Crime Control and Safe Streets Act of 1968 are used as authorized by law. This revision of 28 CFR part 23 updates the regulation for modern technological advances, extends the use of criminal intelligence systems for public safety purposes, and is drafted in plainer language.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	
NPRM Comment	02/00/03	
Period End		
Final Rule	04/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State

**Agency Contact:** Alan M. Fisher, Attorney-Advisor, Department of Justice, Office of Justice Programs, Room 5341, Office of the General Counsel, 810 Seventh Street NW, Washington, DC 20531-0001  
Phone: 202 616-3540  
Fax: 202 307-1419  
Email: fisheral@ojp.usdoj.gov

**RIN:** 1121-AA59

### 1768. VICTIMS OF CRIME ACT (VOCA) PROGRAM REGULATIONS FOR THE VICTIM COMPENSATION GRANT PROGRAM AND VICTIM ASSISTANCE PROGRAM

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 10604, sec 1407(a), Victims of Crime Act**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** Victims of Crime Act (VOCA) funds are obtained from the Crime Victims Fund in the U.S. Treasury, which consists of fines, fees, and bond forfeitures from Federal offenders.

The program regulations for the Victim Compensation Grant Program provide the parameters under which State agencies may use these funds to reimburse crime victims directly for expenses related to crime. Expenses that must be covered are lost wages, medical and mental health costs, and funeral and burial costs. States, at their discretion, may cover loss of support, crime scene cleanup, and other such expenses.

The Victim Assistance Program Regulations provide the parameters under which State agencies may use these funds to award grants to government and nonprofit organizations to provide direct services to crime victims. Local programs include child abuse, homicide survivor, drunk driving, sexual assault, and domestic violence. More than 3 million crime victims are served through these grants.

Costs to States are limited, as the VOCA grant provides for administrative costs for these programs.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/03	

## DOJ—OJP

## Proposed Rule Stage

**OJP-1350 VOCA: Program Regulations for Victim Compensation Grant Program**  
NPRM 12/00/02  
NPRM Comment Period End 02/00/03

**OJP-1405 VOCA Victim Assistance Program Regulations**  
NPRM 01/00/03  
NPRM Comment Period End 03/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Agency Contact:** Carol Watkins, Director, Department of Justice, Office of Justice Programs, State Compensation and Assistance Division, 810 7th Street NW, Washington, DC 20531

Phone: 202 514-4696

**RIN:** 1121-AA61

**1769. INTERNATIONAL TERRORISM VICTIM COMPENSATION PROGRAM**

**Priority:** Other Significant

**Legal Authority:** 42 USC 10603c, sec 1404c; PL 104-208, Victims of Trafficking and Violence Protection Act of 2000

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Office of Justice Programs (OJP) will develop these regulations to implement the International Terrorism Victim Compensation Program provisions contained in the Victims of Trafficking and Violence Protection Act of 2000 (Pub. L. 104-208), which directs OJP to

carry out a program to compensate victims of acts of international terrorism that occur outside the United States, for expenses associated with that victimization.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local, Tribal, Federal

**Agency Contact:** Barbara Johnson, Program Manager, Department of Justice, Office of Justice Programs, Terrorism and International Victims Unit, Office for Victims of Crime, 810 7th Street NW, Washington, DC 20531  
Phone: 202 307-5983

**RIN:** 1121-AA63

**1770. VIOLENCE AGAINST WOMEN GRANT PROGRAMS**

**Priority:** Economically Significant. Major under 5 USC 801.

**Legal Authority:** PL 106-386, Violence Against Women Act of 2000

**CFR Citation:** 28 CFR 90

**Legal Deadline:** None

**Abstract:** This proposed rule updates the existing regulations for the STOP (Services, Training, Officers, Prosecutors) Violence Against Women Formula Grant Program, the STOP Violence Against Indian Women

Discretionary Grant Program, the Grants to Encourage Arrest Policies Program, and the Grants to Combat Violent Crimes Against Women on Campuses Program, to incorporate statutory changes pursuant to the Violence Against Women Act of 2000. The purpose of the original Violence Against Women Act of 1994 was to improve the criminal justice system's response to domestic violence, sexual assault, and stalking, and to increase the availability of services to victims of these crimes. VAWA 2000 reauthorized existing grant programs created under VAWA 1994, established new grant programs, and strengthened various provisions of Federal law. These grant programs are expected to award a total of over \$100 million per year.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	
NPRM Comment Period End	05/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Marnie Shiels, Attorney-Advisor, Department of Justice, Office of Justice Programs, Violence Against Women Office, 810 7th Street NW, Washington, DC 20531  
Phone: 202 305-2981

**RIN:** 1121-AA64

**Department of Justice (DOJ)**

**Office of Justice Programs (OJP)**

**Final Rule Stage**

**1771. BULLETPROOF VEST PARTNERSHIP GRANT ACTS OF 1998 AND 2000**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 3796ll

**CFR Citation:** 28 CFR 33

**Legal Deadline:** NPRM, Statutory, September 14, 1998.

**Abstract:** The Bureau of Justice Assistance is publishing final regulations implementing the Bulletproof Vest Partnership Grant Acts of 1998 and 2000, which authorize BJA funds to eligible States, units of local government, and Indian tribes to purchase armored vests for use by law

enforcement officers. This final rule reflects the revised process by which eligible jurisdictions may register, apply, and request funding under BJA's Internet-Based Bulletproof Vest Partnership Grant Program.

On September 23, 1998, BJA published an interim final rule, with a request for comments (63 FR 50759). The interim final rule established the process by which BJA would implement the Bulletproof Vest Partnership Grant Act of 1998. BJA did not receive any comments in response to the interim final rule. Nevertheless, BJA initiated numerous outreach efforts, in the form of focus groups and beta testing, to

ensure that all affected parties had ample opportunity to review and participate in the program's design and development.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/23/98	63 FR 50759
Interim Final Rule Effective	09/23/98	
Interim Final Rule Comment Period End	11/23/98	
Final Rule	12/00/02	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

DOJ—OJP

Final Rule Stage

**Government Levels Affected:** State, Local, Tribal

**Agency Contact:** Robert T. Watkins, Program Manager, Department of Justice, Office of Justice Programs, 810 7th Street NW, Washington, DC 20053  
Phone: 202 514-3447

**RIN:** 1121-AA48

---

**1772. ENVIRONMENTAL IMPACT REVIEW PROCEDURES FOR THE VOI/TIS GRANT PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 13701 et seq, as amended by PL 104-134; 42 USC 4321 et seq; 40 CFR 1500 to 1508

**CFR Citation:** 28 CFR 91

**Legal Deadline:** None

**Abstract:** The Office of Justice Programs is issuing this final rule to set forth the procedures that it and the States that are awarded Federal funds under the Violent Offender Incarceration/Truth-in-Sentencing Grants Program must follow in order to comply with the environmental impact review procedures mandated by the National Environmental Policy Act, the Council on Environmental Quality's implementing regulations, and other related Federal environmental impact review requirements.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/08/00	65 FR 48592
Interim Final Rule Effective	08/08/00	

Action	Date	FR Cite
Interim Final Rule	10/10/00	
Comment Period End		
Final Rule	09/00/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local, Tribal, Federal

**Agency Contact:** Philip Merkle, Special Advisor to the Director, Department of Justice, Office of Justice Programs, Correction Program Office, 810 7th Street NW, Washington, DC 20531  
Phone: 202 305-2550

**RIN:** 1121-AA52

[FR Doc. 02-25453 Filed 12-06-02; 8:45 am]

**BILLING CODE 4410-BP-S**