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**Monday,
April 24, 2006**

Part XII

**Department of
Justice**

Semiannual Regulatory Agenda

DEPARTMENT OF JUSTICE (DOJ)

DEPARTMENT OF JUSTICE

8 CFR Ch. V

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27 CFR Ch. II

28 CFR Ch. I

Regulatory Agenda

AGENCY: Department of Justice.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Justice is publishing its spring 2006 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 to 612 (1988).

FOR FURTHER INFORMATION CONTACT:

Robert Hinchman, Senior Counsel, Office of Legal Policy, Department of Justice, Room 4252, 950 Pennsylvania Avenue NW., Washington, DC 20530, (202) 514-8059.

SUPPLEMENTARY INFORMATION: 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: "Commerce in Explosives (Including Explosives in the Fireworks Industry)" (RIN 1140-AA01); "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 these regulations. Those comments should be addressed to the contact persons listed in the entries for these items.

Dated: March 2, 2006.

Rachel L. Brand,

Assistant Attorney General, Office of Legal Policy.

Bureau of Prisons—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1783	Victim/Witness Notification	1120-AB25
1784	Autopsies	1120-AB26
1785	Searching and Detaining or Arresting Non-Inmates	1120-AB28
1786	Incoming Publications: Security Measures	1120-AB31
1787	Inmate Work and Performance Pay Program: Reduction in Pay for Drug- and Alcohol-Related Disciplinary Offenses	1120-AB33
1788	Administrative Remedy Program—Subpart Revision	1120-AB34
1789	Limited Communication for Terrorist Inmates	1120-AB35
1790	Possession or Introduction of Personal Firearms Prohibited on Federal Penal or Correctional Institution Grounds ..	1120-AB37
1791	Inmate Electronic Message Program	1120-AB38
1792	Intensive Confinement Center Program	1120-AB39
1793	Inmate Access to Inmate Central File: PSRs and SORs	1120-AB40
1794	Drug Abuse Treatment Program: Eligibility of DC Code Offenders for Early Release Consideration	1120-AB41
1795	Smoking/No Smoking Areas	1120-AB42

Bureau of Prisons—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1796	Literacy Program	1120-AA33
1797	Telephone Regulations and Inmate Financial Responsibility	1120-AA39
1798	Good Conduct Time	1120-AA62
1799	Designation of Offenses Subject to Sex Offender Release Notification	1120-AA85
1800	Searches of Housing Units, Inmates, Inmate Work Areas, and Persons Other Than Inmates: Electronic Devices ...	1120-AA90
1801	Drug Testing Program	1120-AA95
1802	Correspondence: Inspection of Outgoing General Correspondence	1120-AA98
1803	District of Columbia Educational Good Time Credit	1120-AB05
1804	Suicide Prevention Program	1120-AB06
1805	Drug Abuse Treatment Program: Subpart Revision and Clarification	1120-AB07
1806	National Security; Prevention of Acts of Violence and Terrorism	1120-AB08
1807	Central Inmate Monitoring (CIM) System: Streamlining Rules	1120-AB14
1808	Inmate Discipline—Subpart Revision	1120-AB18
1809	Administrative Safeguards for Psychiatric Treatment and Medication	1120-AB20
1810	Classification and Program Review	1120-AB32

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Bureau of Prisons—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
1811	Bureau of Prisons Central Office, Regional Offices, Institutions, and Staff Training Centers: Removal of Addresses from Rules	1120-AB36

Bureau of Prisons—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1812	Intensive Confinement Centers	1120-AA11
1813	Good Conduct Time: Aliens With Confirmed Orders of Deportation, Exclusion, or Removal	1120-AB12
1814	Civil Contempt of Court Commitments: Revision To Accommodate Commitments Under the DC Code	1120-AB13

Civil Rights Division—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1815	Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities (Section 610 Review)	1190-AA44
1816	Nondiscrimination on the Basis of Disability in State and Local Government Services (Section 610 Review)	1190-AA46
1817	The Failure To Select Cause of Action of the American Competitiveness and Workforce Improvement Act of 1998	1190-AA48
1818	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
1819	Amendments to Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs and Implementation of Executive Order 12250	1190-AA52
1820	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

Civil Rights Division—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1821	Amendments to the Attorney General's Guidelines on Implementation of the Language Minority Provisions of the Voting Rights Act	1190-AA58

Bureau of Alcohol, Tobacco, Firearms, and Explosives—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1822	Commerce in Explosives—Amended Definition of Propellant Actuated Device	1140-AA24

Bureau of Alcohol, Tobacco, Firearms, and Explosives—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1823	27 CFR 55 Commerce in Explosives—Explosive Pest Control Devices	1140-AA03
1824	27 CFR 178 Commerce in Firearms and Ammunition (Omnibus Consolidated Appropriations Act of 1997)	1140-AA04
1825	Machine Guns, Destructive Devices, and Certain Other Firearms—Amended Definition of "Pistol"	1140-AA23
1826	Commerce in Explosives—Hobby Rocket Motors	1140-AA25
1827	Implementation of the Child Safety Lock Act of 2005	1140-AA26

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Bureau of Alcohol, Tobacco, Firearms, and Explosives—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1828	Implementation of the Safe Explosives Act	1140-AA00
1829	27 CFR 55 Commerce in Explosives (Including Explosives in the Fireworks Industry) (Rulemaking Resulting From a Section 610 Review)	1140-AA01
1830	27 CFR 178 Residency Requirement for Persons Acquiring Firearms	1140-AA05
1831	27 CFR 55 Implementation of Public Law 104-208, the Omnibus Consolidated Appropriations Act of 1997, Relating to the Establishment of a National Repository for Arson and Explosives Information	1140-AA06
1832	27 CFR 178 Public Law 105-277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for FY '99 Relating to Firearms Disabilities for Nonimmigrant Aliens	1140-AA08
1833	27 CFR 178 Implementation of Public Law 105-277 Relating to Secure Gun Storage	1140-AA10
1834	Implementation of the Safe Explosives Act—Delivery of Explosive Materials by Common or Contract Carrier	1140-AA20
1835	Commerce in Explosives—Separation Distances of Ammonium Nitrate and Blasting Agents From Explosives or Blasting Agents	1140-AA27
1836	Commerce in Firearms—Amended Definition of “Alien Illegally or Unlawfully in the United States”	1140-AA28
1837	The U.S. Munitions Import List and Import Restrictions Applicable to Certain Countries	1140-AA29

Bureau of Alcohol, Tobacco, Firearms, and Explosives—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1838	Commerce in Firearms and Ammunition—Importation of Firearm Frames, Receivers, and Barrels	1140-AA22

Drug Enforcement Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1839	Guidelines for Providing Controlled Substances to Ocean Vessels	1117-AA40
1840	Electronic Prescriptions for Controlled Substances	1117-AA61
1841	Reorganization and Clarification of DEA Regulations	1117-AA63
1842	Chemical Mixtures Containing Gamma-Butyrolactone	1117-AA64
1843	Chemical Mixtures Containing Listed Forms of Phosphorus	1117-AA66
1844	Electronic Application for Controlled Substances and Listed Chemical Registration: Technical Amendments	1117-AA91
1845	Revision of Reporting Requirements for Imports and Exports of List I and List II Chemicals	1117-AA92
1846	Changes in the Regulation of Iodine and Its Chemical Mixtures	1117-AA93
1847	Definition of Positional Isomer As It Pertains to the Control of Schedule I Controlled Substances	1117-AA94
1848	Limited Exemption for Peyote Use in Traditional Ceremonies With a Traditional Indian Religion by Members of Federally Recognized Indian Tribes	1117-AA97
1849	Reexportation of Controlled Substances	1117-AB00

Drug Enforcement Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1850	Exemption of Chemical Mixtures	1117-AA31
1851	Clarification of Registration Requirements for Individual Practitioners	1117-AA89
1852	Control of Sodium Permanganate as a List II Chemical	1117-AA90
1853	Controlled Substances and List I Chemical Registration and Reregistration Application Fees	1117-AA96
1854	Schedules of Controlled Substances: Exempt Anabolic Steroid Products	1117-AA98
1855	Dispensing and Prescribing Approved Narcotic Controlled Substances for Maintenance or Detoxification Treatment; Removal of Patient Limitation for Dispensing or Prescribing by Individual Practitioners	1117-AA99

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Drug Enforcement Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1856	Security Requirements for Handlers of Pseudoephedrine, Ephedrine, and Phenylpropanolamine	1117-AA62

Drug Enforcement Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1857	Chemical Registration Waivers; Exemption From Chemical Registration Fees for Certain Persons	1117-AA67
1858	Implementation of the Anabolic Steroid Control Act of 2004	1117-AA95

Executive Office for Immigration Review—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1859	Authority of Immigration Judges To Issue Civil Money Penalties	1125-AA18
1860	Suspension of Deportation and Cancellation of Removal for Certain Battered Spouses and Children; Motions To Reopen for Certain Battered Spouses and Children	1125-AA35
1861	International Matchmaking Organizations; Civil Penalties	1125-AA45
1862	Executive Office for Immigration Review; Rules Governing Immigration Proceedings	1125-AA53

Executive Office for Immigration Review—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1863	Suspension of Deportation and Cancellation of Removal	1125-AA25
1864	Authorities Delegated to the Director of the Executive Office for Immigration Review and the Chief Immigration Judge	1125-AA27
1865	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
1866	Protective Orders in Immigration Administration Proceedings	1125-AA38
1867	Executive Office for Immigration Review Attorney/Representative Registry	1125-AA39
1868	Transfer of Jurisdiction Over Appeals of Fines From the Board of Immigration Appeals to the Office of the Chief Administrative Hearing Officer	1125-AA41
1869	Definitions; Fees; Powers and Authority of DHS Officers in Removal Proceedings	1125-AA43
1870	Background and Security Investigation Checks in Proceedings Before Immigration Judges and the Board of Immigration Appeals	1125-AA44
1871	Review of Custody Determinations	1125-AA47
1872	Reopened Proceedings on Petitions for Alien Entrepreneur Immigrant Classification (EB-5 Visas)	1125-AA49
1873	Information Relating to Aliens' Duty To Surrender When Ordered Removed From the United States	1125-AA51
1874	Venue in Removal Proceedings	1125-AA52
1875	Affidavits of Support on Behalf of Immigrants	1125-AA54

Federal Bureau of Investigation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1876	Enhanced Exchange of Criminal History Record Information	1110-AA20
1877	Carriage of Concealed Weapons Pursuant to Public Law 108-277, the Law Enforcement Officers Safety Act of 2004	1110-AA24
1878	Inclusion of Nonserious Offense Identification Records	1110-AA25

DOJ

Federal Bureau of Investigation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1879	Implementation of the National Stolen Passenger Motor Vehicle Information System (NSPMVIS)	1110-AA01
1880	Regulations Under the Pam Lychner Sexual Offender Tracking and Identification Act	1110-AA04
1881	Final Notice of Capacity; Supplement To Respond to Remand	1110-AA10
1882	Implementation of the Private Security Officer Employment Authorization Act of 2004	1110-AA23

Federal Bureau of Investigation—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1883	Communications Assistance for Law Enforcement Act: Definitions of “Replaced” and “Significantly Upgraded or Otherwise Undergone Major Modification”	1110-AA21
1884	Implementation of Sections 104 and 109 of the Communications Assistance for Law Enforcement Act—Notice of Actual and Maximum Capacity: Paging, MSS, SMR, and ESMR	1110-AA22

Legal Activities—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1885	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
1886	Reporting Under the Protection of Children From Sexual Predators Act as Amended	1105-AB06
1887	Procedures for Suspension and Removal of Panel Trustees and Standing Trustees	1105-AB12
1888	Revision to United States Marshals Service Fees for Services	1105-AB14
1889	Conforming OVW Grant Programs Regulations to Statutory Changes	1105-AB15
1890	Procedures for Review of Denial of Claims of Standing Trustee for Actual, Necessary Expenses	1105-AB16
1891	Approval of Nonprofit Budget and Credit Counseling Agencies and Financial Management Instructional Courses ...	1105-AB17

Legal Activities—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1892	Designation of Agencies To Receive and Investigate Reports Required Under the Protection of Children From Sexual Predators Act	1105-AA65
1893	Guidelines for the PROTECT Act Amendments to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act	1105-AB08
1894	DNA Sample Collection From Federal Offenders Under the Justice for All Act of 2004	1105-AB09
1895	Preservation of Biological Evidence Under 18 U.S.C. 3600A	1105-AB10
1896	Supplement to Justice Department Procedures and Council on Environmental Quality Regulations To Ensure Compliance With the National Environmental Policy Act	1105-AB13

Legal Activities—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1897	Ethical Standards for Attorneys for the Government	1105-AA67
1898	National Motor Vehicle Title Information System (NMVTIS) Reporting Regulations	1105-AA71

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Legal Activities—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1899	Minimum Qualifications for Annuity Brokers in Connection With Structured Settlements Entered Into by the United States	1105-AA82
1900	STOP Violence Against Women Formula Grant Program and STOP Violence Against Indian Women Discretionary Grant Program: Clarification of Match Requirement	1105-AB07
1901	Procedures To Promote Compliance With Crime Victims' Rights Obligations	1105-AB11

Office of Justice Programs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1902	Victims of Crime Act (VOCA) Crime Victim Compensation Program Regulations	1121-AA68
1903	Victim of Crime Act (VOCA) Victim Assistance Program	1121-AA69

Office of Justice Programs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1904	Correctional Facilities on Tribal Lands Grant Program	1121-AA41
1905	Bulletproof Vest Partnership Grant Acts of 1998 and 2000	1121-AA48
1906	Environmental Impact Review Procedures for the VOI/TIS Grant Program	1121-AA52
1907	Public Safety Officers' Benefits Program	1121-AA56
1908	International Terrorism Victim Expense Reimbursement Program	1121-AA63

Office of Justice Programs—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1909	Criminal Intelligence Systems Operating Policies	1121-AA59

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

Proposed Rule Stage

1783. VICTIM/WITNESS NOTIFICATION

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

Abstract: In this document, the Bureau of Prisons (Bureau) revises its rules on Victim/Witness Notifications to more accurately reflect updated and streamlined program processes and to clarify existing provisions by using simpler organization and language. For further simplification, we remove language relating solely to internal Agency practices and procedures.

Timetable:

Action	Date	FR Cite
NPRM	09/00/06	

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
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Fax: 202 305-4577
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RIN: 1120-AB25

1784. AUTOPSIES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 18 USC 3621, 3622, 3624, 4001, 4005, 4042, 4045, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4241 to 4247, 5006 to 5024 (Repealed October 12, 1984)

CFR Citation: 28 CFR 549.80

Legal Deadline: None

Abstract: In this document, the Bureau of Prisons (Bureau) streamlines the rule on autopsies by removing internal agency management procedures that need not be stated in regulation.

DOJ—BOP

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AB26

1785. SEARCHING AND DETAINING OR ARRESTING NON-INMATES

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

Abstract: In this document, the Bureau of Prisons (Bureau) proposes to amend its regulations on searching and detaining or arresting non-inmates. This revision reorganizes current rules and makes other changes for clarity. We also make changes that would subject non-inmates to random pat searches as a condition of entry to a Bureau facility.

Timetable:

Action	Date	FR Cite
NPRM	01/31/06	71 FR 5026
NPRM Comment Period End	04/03/06	
Final Action	12/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AB28

1786. INCOMING PUBLICATIONS: SECURITY MEASURES

Priority: Other Significant

Legal Authority: 5 USC 301, 551, 552a; 18 USC 1791, 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987); 18 USC 5006 to 5024 (Repealed October 12, 1984, as to offenses committed after that date); 28 USC 509, 510, 530C(b)(6)

CFR Citation: 28 CFR 540

Legal Deadline: None

Abstract: In this document, the Bureau of Prisons (Bureau) revises its regulations on incoming publications. This proposed rule streamlines and reorganizes the regulations. The amendment provides that inmates in all Bureau institutions may receive publications, whether hardcover or softcover, only from a publisher, book club, or bookstore. This amendment is necessary to reduce the amount of contraband introduced into Federal prisons through materials sent by mail. The presence of contraband in the prisons, including drugs, weapons, and escape-related materials poses grave dangers to staff, inmates, and the public. We considered alternate solutions to the problem of intercepting contraband, such as the use of technological security devices or increased staffing, but determined that these options were impracticable. This revision also adds advertising mail (advertising brochures, flyers, catalogs, and similar materials whose primary purpose is to sell a product or service) as a reason for rejection of an incoming publication. Advertising brochures, flyers, catalogs, and similar materials whose primary purpose is to sell a product(s) or service(s) will not be delivered to the inmate and will be destroyed without further notice to the inmate or sender.

Timetable:

Action	Date	FR Cite
NPRM	07/00/06	

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

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RIN: 1120-AB31

1787. INMATE WORK AND PERFORMANCE PAY PROGRAM: REDUCTION IN PAY FOR DRUG- AND ALCOHOL-RELATED DISCIPLINARY OFFENSES

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 3013, 3571, 3572, 3621, 3622, 3624, 3663, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987); 18 USC 4126, 5006 to 5024 (Repealed October 12, 1984, as to offenses committed after that date); 5 USC 301; 28 USC 509 and 510

CFR Citation: 28 CFR 545.25

Legal Deadline: None

Abstract: In this document, the Bureau of Prisons (Bureau) amends regulations on inmate work and performance pay to require that inmates receiving performance pay who are found through the disciplinary process (found in 28 CFR part 541) to have committed a level 100 or 200 series drug- or alcohol-related prohibited act will automatically have their performance pay reduced to maintenance pay level and be removed from any assigned work detail outside the secure perimeter of the institution.

Timetable:

Action	Date	FR Cite
NPRM	07/00/06	

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
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RIN: 1120-AB33

1788. ADMINISTRATIVE REMEDY PROGRAM—SUBPART REVISION

Priority: Other Significant

Legal Authority: 5 USC 301; 18 USC 3621, 3622, 3624, 4001, 4042, 4081,

DOJ—BOP

Proposed Rule Stage

4082 (Repealed in part as to offenses committed on or after November 1, 1987); 18 USC 5006 to 5024 (Repealed October 12, 1984, as to offenses committed after that date); 28 USC 509 and 510

CFR Citation: 28 CFR 542

Legal Deadline: None

Abstract: In this document, the Bureau of Prisons (Bureau) revises current regulations on the Administrative Remedy Program to clarify existing provisions and to expand the program to allow Federal inmates housed in contract facilities to file grievances related to Bureau issues. For further simplification, we remove language relating solely to internal Agency practices and procedures. The changes would provide a consistent approach to correct the current deficiency in the Administrative Remedy Program and to provide Federal inmates housed in contract facilities with a process for addressing issues for which only the Bureau may grant relief.

Timetable:

Action	Date	FR Cite
NPRM	07/00/06	

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
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RIN: 1120-AB34

1789. LIMITED COMMUNICATION FOR TERRORIST INMATES

Priority: Other Significant

Legal Authority: 5 USC 301, 551, 552a; 18 USC chs 113b and 115, 1791, 3621, 3622, 3624, 4001, 4042, 4081; 18 USC 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006 to 5024 (Repealed October 12, 1984, as to offenses committed after that date), 5039; 28 USC 509, 510, 530C(b)(6)

CFR Citation: 28 CFR 540

Legal Deadline: None

Abstract: In this document, the Bureau of Prisons (Bureau) proposes a new rule that allows for limiting the communication opportunities of inmates charged with, convicted of, or detained in relation to an offense under title 18 U.S.C. chapters 113B or 115; or are charged with having engaged in, have engaged in, are detained in relation to, or are linked in any way to terrorist-related activity as part of their current or previous offense conduct or conduct while incarcerated. The rule allows for limiting individual inmate's communications when the Warden of the facility, in consultation with the Regional Director and approved by the Assistant Director, Correctional Programs Division, deems it necessary to ensure the safety, security, and good order of the institution; protection of the public; or national security.

Timetable:

Action	Date	FR Cite
NPRM	04/03/06	71 FR 16520
NPRM Comment Period End	06/02/06	
Final Action	04/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: See also RIN 1120-AB08, National Security: Prevention of Acts of Violence and Terrorism.

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RIN: 1120-AB35

1790. POSSESSION OR INTRODUCTION OF PERSONAL FIREARMS PROHIBITED ON FEDERAL PENAL OR CORRECTIONAL INSTITUTION GROUNDS

Priority: Other Significant

Legal Authority: 5 USC 301; 18 USC 751, 752, 1791, 1792, 1793, 3050, 3621, 3622, 3624, 4001, 4012, 4042, 4081, 4082 (Repealed as to offenses committed on or after November 1, 1987); 18 USC 5006 to 5024 (Repealed October 12, 1984, as to offenses

committed after that date); 28 USC 509, 510; PL 80-772; 18 USC 1791 and 4042; PL 108-277 (18 USC 926B); 28 CFR 6

CFR Citation: 28 CFR 511

Legal Deadline: None

Abstract: To help ensure the safe operation of Federal prisons, this proposed rule clarifies that possession or introduction of personal firearms, or attempting, aiding, or abetting possession or introduction of personal firearms, on Federal penal or correctional institution grounds is prohibited, with the following exceptions: (1) Personal firearms are permitted as required in the performance of official law enforcement duties; (2) law enforcement personnel are permitted to possess personal firearms on firing ranges located on Bureau of Prisons property, where constant possession and control of the firearm is maintained; and (3) an officer or employee of the Bureau of Prisons who resides on Bureau of Prisons property may store personal firearms in secure locations designated by the Warden, other than residences.

Timetable:

Action	Date	FR Cite
NPRM	05/00/06	

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
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RIN: 1120-AB37

1791. INMATE ELECTRONIC MESSAGE PROGRAM

Priority: Other Significant

Legal Authority: 5 USC 301, 551, 552a; 18 USC 1791, 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to conduct occurring on or after November 1, 1987); 18 USC 5006 to 5024 (Repealed October 12, 1984, as to conduct occurring after that date); 28 USC 509, 510

CFR Citation: 28 CFR 540, subpart C

DOJ—BOP

Proposed Rule Stage

Legal Deadline: None

Abstract: The Bureau of Prisons (Bureau) proposes to establish an inmate electronic message program for general correspondence with persons in the community. We intend that this will provide inmates with an alternative means of written correspondence and provide the Bureau with a more efficient, cost effective, and secure method of managing inmate mail services. However, the inmates participating in this program will not have access to the Internet. As more inmates use the new electronic message program, it will reduce the opportunities to introduce contraband into Bureau facilities through inmate mail.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	

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
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RIN: 1120-AB38

1792. • INTENSIVE CONFINEMENT CENTER PROGRAM

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: 28 CFR 524

Legal Deadline: None

Abstract: The Bureau of Prisons (Bureau) proposes to remove current rules on the intensive confinement center program (ICC). The ICC is a specialized program for non-violent offenders combining features of a military boot camp with traditional Bureau correctional values. The Bureau will no longer be offering the ICC program (also known as Shock Incarceration or Boot Camp) to inmates as a program option. This decision was made as part of an overall strategy to eliminate programs that do not reduce recidivism.

Timetable:

Action	Date	FR Cite
NPRM	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AB39

1793. • INMATE ACCESS TO INMATE CENTRAL FILE: PSRS AND SORS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 13 USC; 18 USC 3621, 3622, 3624; 18 USC 4001, 4042, 4942, 4081, 4082 (Repealed in part as to conduct occurring on or after November 1, 1987), 5006 to 5024 (Repealed October 12, 1984, as to conduct occurring after that date), 5039; 28 USC 509 and 510; 31 USC 3711(f); 5 CFR 297

CFR Citation: 28 CFR 513.40

Legal Deadline: None

Abstract: The Bureau of Prisons (Bureau) proposes to amend current regulations regarding inmate access to Inmate Central File materials to prohibit inmates incarcerated in Bureau facilities, including those in contract facilities or community confinement, from possessing their Pre-Sentence Investigation Reports (PSR), Statements of Reasons (SOR), or other similar sentencing documents from criminal judgments. Such inmates under this prohibition will be permitted to review their PSRs and SORs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AB40

1794. • DRUG ABUSE TREATMENT PROGRAM: ELIGIBILITY OF DC CODE OFFENDERS FOR EARLY RELEASE CONSIDERATION

Priority: Other Significant

Legal Authority: 5 USC 301; 18 USC 3521 to 3528, 3621, 3622, 3624, 4001, 4042, 4046, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987); 18 USC 5006 to 5024 (Repealed October 12, 1984, as to offenses committed after that date); 21 USC 848; 28 USC 509 and 510; title V, PL 91-452, 84 Stat 933 (18 USC ch 223); DC Code sec 24-403.01(d-1)(1)

CFR Citation: None

Legal Deadline: None

Abstract: In this document, the Bureau of Prisons (Bureau) proposes to extend early release consideration to D.C. Code offenders pursuant to DC Code section 24-403.01.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AB41

1795. • SMOKING/NO SMOKING AREAS

Priority: Other Significant

Legal Authority: 5 USC 301; 18 USC 1512, 3621, 3622, 3624, 4001, 4005, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987); 18 USC 4161 to 4166 (Repealed as to offenses committed on or after November 1, 1987); 28 USC 509 and 510; PL 99-500, sec 209; Attorney General's May 1, 1995, Guidelines for Victim and Witness Assistance

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Proposed Rule Stage

CFR Citation: 28 CFR 551**Legal Deadline:** None

Abstract: In this document, the Bureau of Prisons (Bureau) proposes to revise regulations pertaining to smoking/no smoking for inmates in Bureau facilities. The revised regulations indicate that smoking is generally prohibited in and on the grounds of Bureau institutions and offices, with the following two exceptions: Smoking is permitted as part of an authorized inmate religious activity; and, for all persons who wish to enter, or are present inside, Bureau facilities, other than inmates in Bureau custody, smoking is permitted only in smoking

areas designated by the Warden. This rule also clarifies that possession of smoking apparatus and tobacco in any form is prohibited for inmates, unless as part of an authorized inmate religious activity. Smoking is defined as inhaling the smoke of any substance through the use of smoking apparatus including, but not limited to, cigars, cigarettes, or pipes. We intend this amendment to promote a clean air environment and to protect the health and safety of staff and inmates.

Timetable:

Action	Date	FR Cite
NPRM	09/00/06	

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

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RIN: 1120-AB42

Department of Justice (DOJ)

Bureau of Prisons (BOP)

Final Rule Stage

1796. 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

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	11/25/97	
Final Action	10/00/06	

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

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RIN: 1120-AA33**1797. 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 section 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).

On July 1, 2005, we merged the two rules described above (1120-AA49 and this rule). The Bureau is currently developing a rule finalizing the interim rules.

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	12/00/06	

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

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RIN: 1120-AA39**1798. 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

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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	11/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AA62

1799. 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
Interim Final Rule Comment Period End	02/16/99	
Final Action	09/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AA85

1800. 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 that 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	10/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AA90

1801. 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	11/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AA95

1802. 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

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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	07/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AA98

1803. DISTRICT OF COLUMBIA EDUCATIONAL GOOD TIME CREDIT

Priority: Substantive, Nonsignificant

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

CFR Citation: 28 CFR 523

Legal Deadline: None

Abstract: This rule establishes procedures for awarding educational good time credit consistent with the DC Code for offenders in Bureau institutions or Bureau contract facilities, under the National Capital Revitalization and Self-Government Improvement Act of 1997, who committed their offenses before August 5, 2000.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/24/02	67 FR 48385
Interim Final Rule Comment Period End	09/23/02	
Final Action	08/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AB05

1804. 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 that 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	11/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AB06

1805. DRUG ABUSE TREATMENT PROGRAM: SUBPART REVISION AND CLARIFICATION

Priority: Other Significant

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 (BOP 1093)	09/20/00	65 FR 56840
NPRM (BOP 1093) Comment Period End	11/20/00	
NPRM (BOP 1109)	07/01/04	69 FR 39887
NPRM (BOP 1109) Comment Period End	08/30/04	
Final Action	06/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: The action previously reported at RIN 1120-AA88 has been merged into this rulemaking.

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RIN: 1120-AB07

1806. 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

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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	10/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: See also: 1120-AA35, Limited Communication for Terrorist Inmates

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RIN: 1120-AB08

1807. 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 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	05/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AB14

1808. INMATE DISCIPLINE—SUBPART REVISION

Priority: Other Significant

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	07/26/05	70 FR 43093
NPRM Comment Period End	09/26/05	
Final Action	06/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AB18

1809. 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

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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	12/29/03	68 FR 74892
NPRM Comment Period End	02/27/04	
Final Action	12/00/06	

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

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RIN: 1120-AB20**1810. CLASSIFICATION AND PROGRAM REVIEW****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 28 CFR 524**Legal Deadline:** None

Abstract: In this document, the Bureau of Prisons (Bureau) proposes to revise its regulations on classification and program review to remove unnecessary regulations and to ensure that classification and program review procedures adequately address inmate needs.

Timetable:

Action	Date	FR Cite
NPRM	11/03/05	70 FR 66814
NPRM Comment Period End	01/03/06	
Final Action	08/00/06	

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

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RIN: 1120-AB32**1811. BUREAU OF PRISONS CENTRAL OFFICE, REGIONAL OFFICES, INSTITUTIONS, AND STAFF TRAINING CENTERS: REMOVAL OF ADDRESSES FROM RULES**

Priority: Info./Admin./Other. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 301; 18 USC 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1,

1987); 18 USC 5006 to 5024 (Repealed October 12, 1984, as to offenses committed after that date); 28 USC 509, 510, 1346(b), 2671 to 2680; 28 CFR 0.95 to 0.99, 0.172, 14.1-11

CFR Citation: 28 CFR 503; 28 CFR 543**Legal Deadline:** None

Abstract: In this document, the Bureau of Prisons (Bureau) removes its rules listing the addresses of Bureau facilities in each of its regions. We will replace these rules with a short description of the Bureau's structure, the address of the Bureau's Central Office, and a reference to the Bureau's Internet address containing current and frequently updated contact information on Bureau facilities and Regional Offices. This change will enable the Bureau to more quickly and accurately provide updated contact information to members of the public, in light of frequently changing circumstances.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/04/05	70 FR 67090
Interim Final Rule Comment Period End	01/03/06	
Final Action	06/00/06	

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

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RIN: 1120-AB36
**Department of Justice (DOJ)
Bureau of Prisons (BOP)**
Completed Actions**1812. INTENSIVE CONFINEMENT CENTERS****Priority:** Substantive, Nonsignificant**CFR Citation:** 28 CFR 524.31 to 524.34**Completed:**

Reason	Date	FR Cite
Merged With 1120-AB39	01/30/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sarah N. Qureshi

DOJ—BOP

Completed Actions

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RIN: 1120-AA11

1813. GOOD CONDUCT TIME: ALIENS WITH CONFIRMED ORDERS OF DEPORTATION, EXCLUSION, OR REMOVAL

Priority: Substantive, Nonsignificant

CFR Citation: 28 CFR 523.20

Completed:

Reason	Date	FR Cite
Final Action	11/03/05	70 FR 66752
Final Action Effective	12/05/05	

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: sqareshi@bop.gov

RIN: 1120-AB12

1814. CIVIL CONTEMPT OF COURT COMMITMENTS: REVISION TO ACCOMMODATE COMMITMENTS UNDER THE DC CODE

Priority: Substantive, Nonsignificant

CFR Citation: 28 CFR 522

Completed:

Reason	Date	FR Cite
Final Action	11/04/05	70 FR 67091

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AB13

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

Proposed Rule Stage

1815. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES (SECTION 610 REVIEW)

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 5 USC 301; 28 USC 509; 28 USC 510; 42 USC 12186(b)

CFR Citation: 28 CFR 36

Legal Deadline: None

Abstract: In 1991, the Department of Justice published regulations to implement title III of the Americans With Disabilities Act of 1990 (ADA). Those regulations include the ADA Standards for Accessible Design, which establish requirements for the design and construction of accessible facilities that are consistent with the ADA Accessibility Guidelines (ADAAG) published by the U.S. Architectural and Transportation Barriers Compliance Board (Access Board). In the time since the regulations became effective, the Department of Justice and the Access Board have each gathered a great deal of information regarding the implementation of the Standards. The Access Board began the process of revising ADAAG a number of years ago. It published new ADAAG in final form on July 23, 2004, after having published guidelines in proposed form in November 1999 and in draft final form in April 2002. In order to maintain consistency between ADAAG and the ADA Standards, the Department is

reviewing its title III regulations and expects to propose, in one or more stages, to adopt revised ADA Standards consistent with the final revised ADAAG and to make related revisions to the Department's title III regulations. In addition to maintaining consistency between ADAAG and the Standards, the purpose of this review and these revisions will be to more closely coordinate with voluntary standards; to clarify areas which, through inquiries and comments to the Department's technical assistance phone lines, have been shown to cause confusion; to reflect evolving technologies in areas affected by the Standards; and to comply with section 610 of the Regulatory Flexibility Act, which requires agencies once every 10 years to review rules that have a significant economic impact upon a substantial number of small entities.

The first step in adopting revised Standards was an advance notice of proposed rulemaking that was published in the Federal Register on September 30, 2004, at 69 FR 58768, issued under both title II and title III. The Department believes that the advance notice will simplify and clarify the preparation of the proposed rule to follow. In addition to giving notice that the proposed rule will adopt revised ADA accessibility standards, the advance notice raised questions for public comment and proposed a framework for the regulatory analysis that will accompany the proposed rule.

The adoption of revised ADAAG will also serve to address changes to the ADA Standards previously proposed in RIN 1190-AA26, RIN 1190-AA38, RIN 1190-AA47, and RIN 1190-AA50, all of which have now been withdrawn from the Unified Agenda. These changes will include technical specifications for facilities designed for use by children, accessibility standards for State and local government facilities, play areas, and recreation facilities, all of which had previously been published by the Access Board.

The timetable set forth below refers to the notice of proposed rulemaking that the Department will issue as the second step of the above described title III rulemaking. This notice of proposed rulemaking will be issued under both title II and title III. For purposes of the title III regulation, this notice will propose to adopt revised ADA Standards for Accessible Design consistent with the minimum guidelines of the revised ADAAG. The second stage will initiate the review of the regulation in accordance with the requirements of section 610 of the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

Timetable:

Action	Date	FR Cite
ANPRM	09/30/04	69 FR 58768
ANPRM Comment Period End	01/28/05	

DOJ—CRT

Proposed Rule Stage

Action	Date	FR Cite
ANPRM Comment Period Extended	01/19/05	70 FR 2992
ANPRM Comment Period End	05/31/05	
NPRM	01/00/07	
NPRM Comment Period End	07/00/07	

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

Additional Information: RIN 1190-AA44, which will effect changes to 28 CFR 36 (the Department's regulation implementing title III of the ADA), is related to another rulemaking of the Civil Rights Division, RIN 1190-AA46, which will effect changes to 28 CFR 35 (the Department's regulation implementing title II of the ADA).

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

RIN: 1190-AA44**1816. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES (SECTION 610 REVIEW)****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 5 USC 301; 28 USC 509 to 510; 42 USC 12134; PL 101-336**CFR Citation:** 28 CFR 35**Legal Deadline:** None

Abstract: On July 26, 1991, the Department published its final rule implementing title II of the Americans With Disabilities Act (ADA). On November 16, 1999, the U.S. Architectural and Transportation Barriers Compliance Board (Access Board) issued its first comprehensive review of the ADA Accessibility Guidelines, which form the basis of the Department's ADA Standards for Accessible Design. The Access Board published an Availability of Draft Final Guidelines on April 2, 2002, and published the ADA Accessibility Guidelines in final form on July 23, 2004. The ADA (section 204(c))

requires the Department's standards to be consistent with the Access Board's guidelines. In order to maintain consistency between ADAAG and the Standards, the Department is reviewing its title II regulations and expects to propose, in one or more stages, to adopt revised standards consistent with new ADAAG. The Department will also, in one or more stages, review its title II regulations for purposes of section 610 of the Regulatory Flexibility Act and make related changes to its title II regulations.

In addition to the statutory requirement for the rule, the social and economic realities faced by Americans with disabilities dictate the need for the rule. Individuals with disabilities cannot participate in the social and economic activities of the Nation without being able to access the programs and services of State and local governments. Further, amending the Department's ADA regulations will improve the format and usability of the ADA Standards for Accessible Design; harmonize the differences between the ADA Standards and national consensus standards and model codes; update the ADA Standards to reflect technological developments that meet the needs of persons with disabilities; and coordinate future ADA Standards revisions with national standards and model code organizations. As a result, the overarching goal of improving access for persons with disabilities so that they can benefit from the goods, services, and activities provided to the public by covered entities will be met.

The first part of the rulemaking process was an advance notice of proposed rulemaking, published in the Federal Register on September 30, 2004, at 69 FR 58768, issued under both title II and title III. The Department believes the advance notice will simplify and clarify the preparation of the proposed rule to follow. In addition to giving notice of the proposed rule that will adopt revised ADA accessibility standards, the advance notice raised questions for public comment and proposed a framework for the regulatory analysis that will accompany the proposed rule.

The adoption of revised ADA Standards consistent with revised ADAAG will also serve to address changes to the ADA Standards previously proposed under RIN 1190-AA26, RIN 1190-AA38, RIN 1190-AA47, and RIN 1190-AA50, all of which have now been withdrawn

from the Unified Agenda. These changes will include technical specifications for facilities designed for use by children, accessibility standards for State and local government facilities, play areas, and recreation facilities, all of which had previously been published by the Access Board.

The timetable set forth below refers to the notice of proposed rulemaking that the Department will issue as the second step of the above-described title II rulemaking. This notice of proposed rulemaking will be issued under both title II and title III. For purposes of the title II regulation alone, this notice will also propose to eliminate the Uniform Federal Accessibility Standards (UFAS) as an alternative to the ADA Standards for Accessible Design.

Timetable:

Action	Date	FR Cite
ANPRM	09/30/04	69 FR 58768
ANPRM Comment Period End	01/28/05	
ANPRM Comment Period Extended	01/19/05	70 FR 2992
ANPRM Comment Period End	05/31/05	
NPRM	01/00/07	
NPRM Comment Period End	07/00/07	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Local, State**Federalism:** This action may have federalism implications as defined in EO 13132.

Additional Information: RIN 1190-AA46, which will effect changes to 28 CFR 35 (the Department's regulation implementing title II of the ADA), is related to another rulemaking of the Civil Rights Division, RIN 1190-AA44, which will effect changes to 28 CFR 36 (the Department's regulation implementing title III of the ADA). By adopting revised ADAAG, this rulemaking will, among other things, address changes to the ADA Standards previously proposed in RINs 1190-AA26, 1190-AA36, and 1190-AA38, which have been withdrawn and merged into this rulemaking. These changes include accessibility standards for State and local government facilities that had been previously published by the Access Board (RIN 1190-AA26) and

DOJ—CRT

Proposed Rule Stage

the timing for the compliance of State and local governments with the curbside requirements of the title II regulation (RIN 1190-AA36). In order to consolidate regulatory actions implementing title II of the ADA, on February 15, 2000, RINs 1190-AA26 and 1190-AA38 were merged into this rulemaking and on March 5, 2002, RIN 1190-AA36 was merged into this rulemaking.

Agency Contact: John L. Wodatch, Chief, Disability Rights Section, Department of Justice, Civil Rights Division, P.O. Box 66738, Washington, DC 20035

Phone: 800 514-0301

TDD Phone: 800 514-0383

Fax: 202 307-1198

RIN: 1190-AA46

1817. THE FAILURE TO SELECT CAUSE OF ACTION OF THE AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT OF 1998

Priority: Other Significant

Legal Authority: 8 USC 1182(n)(5); 8 USC 1103(a); 8 USC 1182(n); 8 USC 1324b

CFR Citation: 28 CFR 44.500; 28 CFR 68

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 certain employers deemed "H-1B dependent" that deny 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). Although this cause of action, originally enacted in ACWIA, sunset on October 1, 2003, it was revived in the H-1B Visa Reform Act of 2004.

This rule also changes regulations of the Office of the Chief Administrative Hearing Officer (OCAHO) of the Executive Office for Immigration Review (EOIR) to provide for the review of arbitrators' decisions and, where appropriate, the award of administrative relief for a "failure to select" cause of action under the American Competitiveness and Workforce Improvement Act of 1988. This new cause of action allows an aggrieved party to file a complaint against a covered employer when it seeks to hire an H-1B visa holder over an equally or better qualified United States worker who applied for the job. Arbitrators of the Federal Mediation and Conciliation Service will adjudicate the complaints. The regulation also allows the Office of the Chief Administrative Hearing Officer to review the Arbitrator's findings, if necessary, and to impose remedies against the employer. This rule is being coordinated with EOIR, the Department of Labor (DOL), and the FMCS.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: 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 "whistle blower" clause to protect H-1B workers who filed complaints against their employer.

Agency Contact: Katherine A. Baldwin, Deputy 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

Mary Beth Keller, General Counsel, Department of Justice, Executive Office

for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041

Phone: 703 305-0470

Email: eoir.regs@usdoj.gov

RIN: 1190-AA48

1818. 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 certain States and their political subdivisions (covered jurisdictions) to 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 many 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	04/00/06	
NPRM Comment Period End	06/00/06	

Regulatory Flexibility Analysis Required: No

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Proposed Rule Stage

Government Levels Affected: Local, State

Agency Contact: John K. Tanner, Chief, Voting Section, Department of Justice, Civil Rights Division, 1800 G Street NW, Washington, DC 20006
Phone: 202 514-2386

RIN: 1190-AA51

1819. AMENDMENTS TO COORDINATION OF ENFORCEMENT OF NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS AND IMPLEMENTATION OF EXECUTIVE ORDER 12250

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 (CRRRA) 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, and published in the Federal Register on August 26, 2003, the Department of Justice and other Federal agencies conformed their regulations to the CRRRA.

In the rulemaking described under this RIN (1190-AA52) the Department of Justice proposes to make conforming 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 1973, 28 CFR 41.1 to 41.58. The proposed amendments explicitly incorporate the CRRRA’s definitions of “program or activity” and “program” into the Department’s title VI and section 504 coordination regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/00/06	
NPRM Comment Period End	09/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, Local, State

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

1820. 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: Other Significant

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	01/00/07	
NPRM Comment Period End	03/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Brad Schlozman, Deputy Assistant Attorney General, Department of Justice, Civil Rights Division, Room 3337, 950 Pennsylvania Avenue NW, Washington, DC 20530
Phone: 202 305-8060

RIN: 1190-AA53

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

Final Rule Stage

1821. AMENDMENTS TO THE ATTORNEY GENERAL’S GUIDELINES ON IMPLEMENTATION OF THE LANGUAGE MINORITY PROVISIONS OF THE VOTING RIGHTS ACT

Priority: Other Significant

Legal Authority: 5 USC 301; 28 USC 509 to 510; 42 USC 1973b; 42 USC 1973j(d); 42 USC 1973aa-1a to 1973aa-2

CFR Citation: 28 CFR 55

Legal Deadline: None

Abstract: The language minority provisions of the Voting Rights Act, sections 4(f)(4) and 203, require that certain States and political subdivisions of States (covered jurisdictions) provide materials and information about elections and voting in one or more languages other than English. Under section 203, coverage determinations are based on Census data, made by the Director of the Census, become effective upon publication in the Federal Register and are not subject to judicial review. In 1976, the Department first

issued guidelines on implementation of the language minority provisions of the Voting Rights Act to assist jurisdictions in understanding how the Department measures compliance and enforces these provisions. A table listing jurisdictions covered by both section 4(f)(4) and section 203, as well as the language minority group or groups for which each is covered, is included as an Appendix to the guidelines. In subsequent years, the Department has amended these guidelines to reflect changes enacted in the section 203

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Final Rule Stage

coverage formula and new section 203 determinations by the Director of the Census, which have made after each decennial census. The last such revision to the guidelines were published as a final rule without notice or comment period (58 FR 35371; July 1, 1993). On July 26, 2002, the Director of the Census published in the Federal Register new section 203 determinations based on 2000 Census

data (67 FR 48871; July 26, 2002). The appendix should be updated to reflect these determinations currently in effect. The section 4(f)(4) determinations have not changed.

Timetable:

Action	Date	FR Cite
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: John K. Tanner, Chief, Voting Section, Department of Justice, Civil Rights Division, 1800 G Street NW, Washington, DC 20006
Phone: 202 514-2386

RIN: 1190-AA58

Department of Justice (DOJ)

Proposed Rule Stage

Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)

1822. COMMERCE IN EXPLOSIVES—AMENDED DEFINITION OF PROPELLANT ACTUATED DEVICE

Priority: Other Significant

Legal Authority: 18 USC 847

CFR Citation: 27 CFR 555

Legal Deadline: None

Abstract: The Department of Justice is proposing to amend the regulations of the Bureau of Alcohol, Tobacco,

Firearms, and Explosives (ATF) to clarify that the term “propellant actuated device” does not include hobby rocket motors or rocket-motor reload kits consisting of or containing ammonium perchlorate composite propellant (APCP), black powder, or other similar low explosives.

Timetable:

Action	Date	FR Cite
NPRM	05/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: James P. Ficaretta, Program Manager, Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 650 Massachusetts Avenue NW, Washington, DC 20226
Phone: 202 927-8203

RIN: 1140-AA24

Department of Justice (DOJ)

Final Rule Stage

Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)

1823. COMMERCE IN EXPLOSIVES—EXPLOSIVE PEST CONTROL DEVICES

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 847

CFR Citation: 27 CFR 555

Legal Deadline: None

Abstract: The Department of Justice is amending the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to provide a limited exemption from the requirements of part 555 for wildlife pest control devices that are used for agricultural and other pest control operations.

Timetable:

Action	Date	FR Cite
NPRM	01/29/03	68 FR 4402
NPRM Comment Period End	02/28/03	
Final Action	09/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1512-AC80

Agency Contact: James Ficaretta, Program Manager, Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 650 Massachusetts Avenue NW, Washington, DC 20226
Phone: 202 927-8203

RIN: 1140-AA03

1824. COMMERCE IN FIREARMS AND AMMUNITION (OMNIBUS CONSOLIDATED APPROPRIATIONS ACT OF 1997)

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 847; 18 USC 921 to 931

CFR Citation: 27 CFR 478

Legal Deadline: None

Abstract: The Omnibus Consolidated Appropriations Act of 1997 contains amendments to the Gun Control Act of 1968 (18 U.S.C. chapter 44). These amendments add to the category of “prohibited persons” anyone convicted

of a “misdemeanor crime of domestic violence.” The amendments require individuals acquiring handguns from Federal firearms licensees to certify (in accordance with the Brady Handgun Violence Prevention Act) that they have not been convicted of such a crime. The amendments also provide for sales between Federal firearms licensees of curio and relic firearms away from their licensed premises.

Timetable:

Action	Date	FR Cite
NPRM	06/30/98	63 FR 35551
Interim Final Rule	06/30/98	63 FR 35520
NPRM Comment Period End	09/28/98	
Final Action	09/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1512-AB64

Agency Contact: James Ficaretta, Program Manager, Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 650

DOJ—ATF

Final Rule Stage

Massachusetts Avenue NW,
Washington, DC 20226
Phone: 202 927-8203

RIN: 1140-AA04

1825. MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS—AMENDED DEFINITION OF “PISTOL”

Priority: Other Significant

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 479

Legal Deadline: None

Abstract: The Department of Justice is amending the regulations relating to machine guns, destructive devices, and certain other firearms regulated under the National Firearms Act (NFA) for the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to clarify the definition of the term “pistol” and to define more clearly exceptions to the “pistol” definition. The added language is necessary to clarify that certain weapons, including any weapon disguised to look like an item other than a firearm or any gun that fires more than one shot without manual reloading by a single function of the trigger, are not pistols and are classified as “any other weapon” under the NFA.

Timetable:

Action	Date	FR Cite
NPRM	04/07/05	70 FR 17624
NPRM Comment Period End	05/09/05	
Final Action	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James P. Ficareta, Program Manager, Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 650 Massachusetts Avenue NW, Washington, DC 20226

Phone: 202 927-8203

RIN: 1140-AA23

1826. • COMMERCE IN EXPLOSIVES—HOBBY ROCKET MOTORS

Priority: Other Significant

Legal Authority: 18 USC 847

CFR Citation: 27 CFR 555

Legal Deadline: None

Abstract: The Department of Justice is amending the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to clarify that the requirements of part 555 do not apply to model rocket motors consisting of ammonium perchlorate composite propellant, black powder, or other similar low explosives; containing no more than 62.5 grams of total propellant weight; and designed as single-use motors or as reload kits capable of reloading no more than 62.5 grams of propellant into a reusable motor casing.

Timetable:

Action	Date	FR Cite
NPRM	01/29/03	68 FR 4406
NPRM Comment Period End	04/29/03	
NPRM Comment Period Reopened	06/23/03	68 FR 37109
Second NPRM Comment Period End	07/07/03	
Final Action	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: This rule addresses the proposal relating to hobby rocket motors made in RIN 1140-AA01; transferred from RIN 1512-AB48.

Agency Contact: James P. Ficareta, Program Manager, Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 650

Massachusetts Avenue NW,
Washington, DC 20226
Phone: 202 927-8203

RIN: 1140-AA25

1827. • IMPLEMENTATION OF THE CHILD SAFETY LOCK ACT OF 2005

Priority: Other Significant

Legal Authority: 18 USC 847; 18 USC 921 to 931

CFR Citation: 27 CFR 478

Legal Deadline: None

Abstract: The Department of Justice is amending the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to implement the provisions of the Child Safety Lock Act of 2005, section 5 of Public Law 109-92. This rule implements the statute, which in general makes it unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer any handgun to any person, other than another licensee, unless the transferee (buyer) is provided with a secure gun storage or safety device for that handgun.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/06	
Interim Final Rule Comment Period End	09/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James P. Ficareta, Program Manager, Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 650 Massachusetts Avenue NW, Washington, DC 20226
Phone: 202 927-8203

RIN: 1140-AA26

Department of Justice (DOJ)

Long-Term Actions

Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)

1828. IMPLEMENTATION OF THE SAFE EXPLOSIVES ACT

Priority: Other Significant

CFR Citation: 27 CFR 555

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/20/03	68 FR 13768

Interim Final Rule
Comment Period
End

Final Action 04/00/07

Regulatory Flexibility Analysis Required: No

DOJ—ATF

Long-Term Actions

Government Levels Affected: None

Agency Contact: James P. Ficareta
Phone: 202 927-8203

RIN: 1140-AA00

1829. COMMERCE IN EXPLOSIVES (INCLUDING EXPLOSIVES IN THE FIREWORKS INDUSTRY) (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

Priority: Other Significant

CFR Citation: 27 CFR 555

Timetable:

Action	Date	FR Cite
General Notice of Regulatory Review	01/10/97	62 FR 1386
NPRM	01/29/03	68 FR 4406
NPRM Comment Period End	04/29/03	
NPRM Comment Period Reopened	06/23/03	68 FR 37109
NPRM Reopened Comment Period End	07/07/03	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: James Ficareta
Phone: 202 927-8203

RIN: 1140-AA01

1830. RESIDENCY REQUIREMENT FOR PERSONS ACQUIRING FIREARMS

Priority: Other Significant

CFR Citation: 27 CFR 478

Timetable:

Action	Date	FR Cite
NPRM	04/21/97	62 FR 19446
Interim Final Rule	04/21/97	62 FR 19442
NPRM Comment Period End	07/21/97	
Interim Final Rule Comment Period End	07/21/97	
Final Action	05/00/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: James Ficareta
Phone: 202 927-8203

RIN: 1140-AA05

1831. IMPLEMENTATION OF PUBLIC LAW 104-208, THE OMNIBUS CONSOLIDATED APPROPRIATIONS ACT OF 1997, RELATING TO THE ESTABLISHMENT OF A NATIONAL REPOSITORY FOR ARSON AND EXPLOSIVES INFORMATION

Priority: Substantive, Nonsignificant

CFR Citation: 27 CFR 555

Timetable:

Action	Date	FR Cite
NPRM	11/15/01	66 FR 57404
NPRM Comment Period End	02/13/02	
Final Rule	05/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: James Ficareta
Phone: 202 927-8203

RIN: 1140-AA06

1832. PUBLIC LAW 105-277, MAKING OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FY '99 RELATING TO FIREARMS DISABILITIES FOR NONIMMIGRANT ALIENS

Priority: Substantive, Nonsignificant

CFR Citation: 27 CFR 478

Timetable:

Action	Date	FR Cite
NPRM	02/05/02	67 FR 5428
Interim Final Rule	02/05/02	67 FR 5422
NPRM Comment Period End	05/06/02	
Interim Final Rule Comment Period End	05/06/02	
Final Rule	08/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James Ficareta
Phone: 202 927-8203

RIN: 1140-AA08

1833. IMPLEMENTATION OF PUBLIC LAW 105-277 RELATING TO SECURE GUN STORAGE

Priority: Substantive, Nonsignificant

CFR Citation: 27 CFR 478

Timetable:

Action	Date	FR Cite
NPRM	07/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James Ficareta
Phone: 202 927-8203

RIN: 1140-AA10

1834. IMPLEMENTATION OF THE SAFE EXPLOSIVES ACT—DELIVERY OF EXPLOSIVE MATERIALS BY COMMON OR CONTRACT CARRIER

Priority: Other Significant

CFR Citation: 27 CFR 555

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/11/03	68 FR 53509
Interim Final Rule Effective	09/11/03	
Interim Final Rule Comment Period End	10/14/03	
Final Action	04/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James P. Ficareta
Phone: 202 927-8203

RIN: 1140-AA20

1835. • COMMERCE IN EXPLOSIVES—SEPARATION DISTANCES OF AMMONIUM NITRATE AND BLASTING AGENTS FROM EXPLOSIVES OR BLASTING AGENTS

Priority: Other Significant

Legal Authority: 18 USC 847

CFR Citation: 27 CFR 555

Legal Deadline: None

Abstract: The Bureau of Alcohol, Tobacco, Firearms, and Explosives is proposing to amend the regulations to delete the reference to the Fertilizer Institute document titled "Definition and Test Procedures for Ammonium Nitrate Fertilizer" that appears as a footnote and is also an obsolete document.

Timetable:

Action	Date	FR Cite
NPRM	07/00/07	

DOJ—ATF

Long-Term Actions

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Elizabeth Gillis,
Department of Justice, Bureau of
Alcohol, Tobacco, Firearms, and
Explosives, 650 Massachusetts Avenue
NW, Washington, DC 20226
Phone: 202 927-0396
Email: elizabeth.gillis@atf.gov

RIN: 1140-AA27

**1836. • COMMERCE IN FIREARMS—
AMENDED DEFINITION OF “ALIEN
ILLEGALLY OR UNLAWFULLY IN THE
UNITED STATES”****Priority:** Other Significant

Legal Authority: 5 USC 552(a); 18 USC
847; 18 USC 921 to 931; 44 USC
3504(h)

CFR Citation: 27 CFR 478**Legal Deadline:** None

Abstract: The Bureau of Alcohol,
Tobacco, Firearms, and Explosives is
proposing to amend regulations

pertaining to the definition of illegal
aliens that will include parolees and
addresses various immigration statuses.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Elizabeth Gillis,
Department of Justice, Bureau of
Alcohol, Tobacco, Firearms, and
Explosives, 650 Massachusetts Avenue
NW, Washington, DC 20226
Phone: 202 927-0396
Email: elizabeth.gillis@atf.gov

RIN: 1140-AA28

**1837. • THE U.S. MUNITIONS IMPORT
LIST AND IMPORT RESTRICTIONS
APPLICABLE TO CERTAIN
COUNTRIES****Priority:** Other Significant**Legal Authority:** 22 USC 2778**CFR Citation:** 27 CFR 447**Legal Deadline:** None

Abstract: The Bureau of Alcohol,
Tobacco, Firearms, and Explosives is
amending the regulations to revise the
U.S. Munitions Import List and the
proscribed countries list based upon
sanctions or embargoes imposed by the
U.S. State Department.

Timetable:

Action	Date	FR Cite
Final Action	06/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Elizabeth Gillis,
Department of Justice, Bureau of
Alcohol, Tobacco, Firearms, and
Explosives, 650 Massachusetts Avenue
NW, Washington, DC 20226
Phone: 202 927-0396
Email: elizabeth.gillis@atf.gov

RIN: 1140-AA29

Department of Justice (DOJ)

Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)

Completed Actions

**1838. COMMERCE IN FIREARMS AND
AMMUNITION—IMPORTATION OF
FIREARM FRAMES, RECEIVERS, AND
BARRELS****Priority:** Other Significant**CFR Citation:** 27 CFR 478**Completed:**

Reason	Date	FR Cite
Withdrawn	01/24/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: James P. Ficaretta
Phone: 202 927-8203

RIN: 1140-AA22

Department of Justice (DOJ)

Drug Enforcement Administration (DEA)

Proposed Rule Stage

**1839. 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 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.

Timetable:

Action	Date	FR Cite
ANPRM	09/18/96	61 FR 49086
ANPRM Comment Period End	11/18/96	
NPRM	07/00/06	
NPRM Comment Period End	09/00/06	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-142**URL For Public Comments:**

dea.diversion.policy@usdoj.gov

Agency Contact: Mark W. Caverly,
Chief, Liaison and Policy Section,
Department of Justice, Drug
Enforcement Administration
Phone: 202 307-7874

RIN: 1117-AA40

**1840. ELECTRONIC PRESCRIPTIONS
FOR CONTROLLED SUBSTANCES****Priority:** Other Significant

Legal Authority: 21 USC 821; 21 USC
829; 21 USC 871(b)

CFR Citation: 21 CFR 1306

DOJ—DEA

Proposed Rule Stage

Legal Deadline: None

Abstract: DEA is revising its regulations to permit DEA-registered prescribers to write and sign prescriptions electronically. These revised regulations would be in 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 revised regulations would reduce paperwork and transaction times for DEA registrants who dispense or prescribe controlled substances. The revised 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 revised regulations are consistent with paperwork reduction mandates. These revised 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.

Timetable:

Action	Date	FR Cite
ANPRM	03/05/01	66 FR 13274
NPRM	12/00/06	
NPRM Comment Period End	03/00/07	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: DEA-214

RELATED RIN: In a separate related rulemaking (RIN 1117-AA60), DEA revised 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.).

URL For Public Comments:

dea.diversion.policy@usdoj.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section,

Department of Justice, Drug Enforcement Administration
Phone: 202 307-7874

Related RIN: Related to 1117-AA60

RIN: 1117-AA61

1841. 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 revising and reorganizing 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 clarify and to reorganize the current regulations further. The regulations will be drafted in plain language to make them easier to understand.

Timetable:

Action	Date	FR Cite
NPRM	11/00/06	
NPRM Comment Period End	01/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-221

URL For Public Comments:

dea.diversion.policy@usdoj.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7874

RIN: 1117-AA63

1842. 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. This rule establishes a concentration limit for chemical mixtures containing GBL. Currently, all chemical mixtures containing GBL are exempt from regulation. These mixtures will remain exempt until publication of a final rule. GBL is used in the illicit manufacture of gamma-hydroxybutyric acid (GHB), a Schedule I controlled substance.

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	09/00/06	
NPRM Comment Period End	11/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-222

URL For Public Comments:

dea.diversion.policy@usdoj.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7874

Related RIN: Related to 1117-AA31, Related to 1117-AA52

RIN: 1117-AA64

1843. 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. By this rulemaking (1117-AA66), DEA is making regulations governing chemical

DOJ—DEA

Proposed Rule Stage

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. Based on information available, DEA will 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	01/31/03	68 FR 4968
ANPRM Comment Period End	04/01/03	
NPRM	10/00/06	
NPRM Comment Period End	12/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-228

URL For Public Comments:

dea.diversion.policy@usdoj.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7874

Related RIN: Related to 1117-AA31, Related to 1117-AA57

RIN: 1117-AA66

1844. ELECTRONIC APPLICATION FOR CONTROLLED SUBSTANCES AND LISTED CHEMICAL REGISTRATION: TECHNICAL AMENDMENTS

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 1301; 21 CFR 1309

Legal Deadline: None

Abstract: DEA is amending its regulations to acknowledge the use of the electronic equivalent to the DEA official paper registration application forms, which are legally required for every person who manufactures, distributes, dispenses, imports, or exports any controlled substance. The use of electronic application forms will reduce paperwork and transaction times for DEA registrants who choose to apply for controlled substances registration electronically. Electronic application for registration is in addition to, not a replacement of, the current paper-based application system.

Timetable:

Action	Date	FR Cite
NPRM	07/00/06	
NPRM Comment Period End	09/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-256

URL For Public Comments:

dea.diversion.policy@usdoj.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7874

RIN: 1117-AA91

1845. REVISION OF REPORTING REQUIREMENTS FOR IMPORTS AND EXPORTS OF LIST I AND LIST II CHEMICALS

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 802; 21 USC 830; 21 USC 871(b); 21 USC 971

CFR Citation: 21 CFR 1313

Legal Deadline: None

Abstract: DEA is amending its regulations to require importers and exporters of List I and List II chemicals to submit a DEA Form 486 upon completion of an import or export transaction so as to reflect the exact amount shipped/received and any import or export amendments to certain fields on the Form 486. If no amendments were made to the information contained in the original Form 486, then no subsequent Form 486 need be submitted. The

amendments will provide for accurate reporting of actual amounts of List I and List II chemicals imported into and exported from the United States. These reports will ensure the proper documentation and reporting necessary to meet United Nations reporting requirements and to prevent diversion of such listed chemicals to illegal purposes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/06	
NPRM Comment Period End	12/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-255

URL For Public Comments:

dea.diversion.policy@usdoj.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7874

RIN: 1117-AA92

1846. CHANGES IN THE REGULATION OF IODINE AND ITS CHEMICAL MIXTURES

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 802; 21 USC 830; 21 USC 871(b); 21 USC 890

CFR Citation: 21 CFR 1310

Legal Deadline: None

Abstract: This rulemaking changes the regulation of the listed chemical iodine. The regulatory changes are to 1) move iodine from List II into List I, 2) remove the exemption for import and export transactions in iodine, 3) remove the threshold for iodine, and 4) establish a concentration limit of 2.2 percent for the automatic exemption of chemical mixtures containing iodine.

These changes are expected to remove deficiencies in the current regulatory controls, which have been exploited by traffickers. When finalized, persons handling regulated transactions of iodine will need to be registered with the Drug Enforcement Administration.

This regulation revises regulatory controls that will apply to iodine crystals and iodine chemical mixtures

DOJ—DEA

Proposed Rule Stage

which contain greater than 2.2 percent iodine. This regulation will therefore control iodine crystals and strong iodine tinctures/solutions (e.g., 7 percent iodine) that do not have common household uses and instead have limited application in livestock, horses and for disinfection of equipment. Household products, such as 2 percent iodine tincture/solution and household disinfectants containing iodine complexes, will not be adversely impacted by this regulation.

Timetable:

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

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-257**URL For Public Comments:**

dea.diversion.policy@usdoj.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7874

RIN: 1117-AA93**1847. DEFINITION OF POSITIONAL ISOMER AS IT PERTAINS TO THE CONTROL OF SCHEDULE I CONTROLLED SUBSTANCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 802; 21 USC 871(b); 21 USC 951; 21 USC 958(f)**CFR Citation:** 21 CFR 1300**Legal Deadline:** None

Abstract: The Controlled Substances Act (CSA) and its implementing regulations specify which hallucinogenic substances are considered Schedule I controlled substances. The CSA states that all salts, isomers and salts of isomers of these substances are also Schedule I controlled substances.

The CSA states that the term "isomers" as it pertains to Schedule I hallucinogens shall include "optical, positional and geometric isomers." This rule adds a specific, technical definition for the term "positional isomer" as it relates to Schedule I hallucinogens. The definition includes

precise language that will allow for an unambiguous determination of which isomers of Schedule I hallucinogenic substances are considered to be "positional," and therefore subject to Schedule I control.

Timetable:

Action	Date	FR Cite
NPRM	05/00/06	
NPRM Comment Period End	07/00/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

dea.diversion.policy@usdoj.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7874

RIN: 1117-AA94**1848. LIMITED EXEMPTION FOR PEYOTE USE IN TRADITIONAL CEREMONIES WITH A TRADITIONAL INDIAN RELIGION BY MEMBERS OF FEDERALLY RECOGNIZED INDIAN TRIBES****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 821; 21 USC 822(d); 21 USC 871(b)**CFR Citation:** 21 CFR 1306.31**Legal Deadline:** None

Abstract: The Drug Enforcement Administration (DEA) is amending its regulation addressing the use of peyote to clarify that the possession, transportation, and use of peyote is lawful only when such activities are engaged in by a member of a federally recognized Indian tribe for bona fide traditional ceremonial purposes in connection with the practice of a traditional Indian religion. This rule is designed to bring the language of DEA's regulatory exemption for the limited use of peyote into harmony with the historical purpose for the regulatory exemption and to comport with the language of the American Indian Religious Freedom Act Amendments of 1994. Use, possession, and transportation of peyote, as well as the cultivation, harvesting, and distribution of peyote, other than as permitted by the American Indian Religious Freedom Act amendments, is permissible only

pursuant to a DEA registration and in accordance with the Controlled Substances Act and applicable State laws.

Timetable:

Action	Date	FR Cite
NPRM	01/00/07	
NPRM Comment Period End	03/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

dea.diversion.policy@usdoj.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7874

RIN: 1117-AA97**1849. ● REEXPORTATION OF CONTROLLED SUBSTANCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 952; 21 USC 953; 21 USC 954; 21 USC 957; 21 USC 958**CFR Citation:** 21 CFR 1312**Legal Deadline:** None

Abstract: This rulemaking amends existing DEA regulations to allow for the reexportation of Schedules I and II controlled substances and narcotic controlled substances in Schedule III and IV from the United States to another country for subsequent reexport from that country to a second country if certain conditions and safeguards are met. These amendments are being made to implement the Controlled Substances Export Reform Act of 2005.

Timetable:

Action	Date	FR Cite
NPRM	07/00/06	
NPRM Comment Period End	09/00/06	

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

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration

DOJ—DEA

Proposed Rule Stage

Phone: 202 307-7874

RIN: 1117-AB00

Department of Justice (DOJ)

Final Rule Stage

Drug Enforcement Administration (DEA)

1850. 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:** Final, Statutory, August 2006.

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. The final rule implementing these regulations provided an exemption from the recordkeeping and reporting requirements both domestic and import transactions in mixtures containing the List II chemicals acetone, ethyl ether, 2-butanone, and toluene which had not been discussed as part of the Notice of Proposed Rulemaking. As this exemption was implemented on an interim basis, DEA must publish a final rule regarding this exemption.

Timetable:

Action	Date	FR Cite
NPRM	09/16/98	63 FR 49506
NPRM Comment Period End	04/16/99	
NPRM Comment Period Extended	09/12/99	64 FR 7144
Final Rule	12/15/04	69 FR 74957
Correction	01/04/05	70 FR 294
Comment Period End	01/14/05	
Final Rule Effective	01/14/05	
Temporary Waiver	02/04/05	70 FR 5925
Final Action	08/00/06	

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

TRANSFERRED RIN: This rulemaking RIN 1117-AA31 (a former "parent" RIN) continues the "child" rulemaking previously listed in its timetable as RIN 1117-AA76. Former RIN 1117-AA76 was transferred to RIN 1117-AA31 because the computer system used by the Regulatory Information Service

Center (RISC) to compile the Unified Agenda no longer supports "parent" and "child" RINs. This rulemaking is not a new action.

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7874

RIN: 1117-AA31**1851. CLARIFICATION OF REGISTRATION REQUIREMENTS FOR INDIVIDUAL PRACTITIONERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 871 (b); ...**CFR Citation:** 21 CFR 1301**Legal Deadline:** None

Abstract: DEA is publishing this rule to clarify its registration requirements regarding practitioners practicing in more than one State. There is confusion within the regulated industry regarding whether a practitioner who practices and is registered in one State and wishes to practice and prescribe in another State must register with DEA in the second State. To address the confusion caused by the regulation as currently written, DEA is amending its regulations to make it clear that when an individual practitioner who practices and is registered in one State seeks to practice and prescribe controlled substances in another State, he/she must obtain a separate DEA registration for the subsequent State.

Timetable:

Action	Date	FR Cite
NPRM	12/07/04	69 FR 70576
NPRM Comment Period End	02/07/05	
Final Action	08/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-224**URL For Public Comments:**

dea.diversion.policy@usdoj.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7874

RIN: 1117-AA89**1852. CONTROL OF SODIUM PERMANGANATE AS A LIST II CHEMICAL****Priority:** Other Significant**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b); 21 USC 890**CFR Citation:** 21 CFR 1310**Legal Deadline:** None

Abstract: DEA is amending its regulations to add sodium permanganate as a List II chemical because of its direct substitutability for the List II chemical potassium permanganate in the illicit production of cocaine. The rulemaking also establishes a threshold of 55 kilograms and 500 kilograms for domestic and international transactions, respectively.

Timetable:

Action	Date	FR Cite
NPRM	03/01/05	70 FR 9889
NPRM Comment Period End	05/02/05	
Final Action	05/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-254**URL For Public Comments:**

dea.diversion.policy@usdoj.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7874

RIN: 1117-AA90

DOJ—DEA

Final Rule Stage

1853. CONTROLLED SUBSTANCES AND LIST I CHEMICAL REGISTRATION AND REREGISTRATION APPLICATION FEES**Priority:** Other Significant**Legal Authority:** USC 821; USC 822; USC 830; USC 871(f); USC 886a; USC 952; USC 953; USC 958(f)**CFR Citation:** CFR 1301; CFR 1309**Legal Deadline:** None

Abstract: DEA is adjusting the fee schedule for DEA registration and reregistration application fees relating to the registration and control of the manufacture, distribution and dispensing of controlled substances and listed chemicals to appropriately reflect all costs associated with its Diversion Control Program as mandated by 21 U.S.C. 822. Specifically, DEA is revising the fee schedule for controlled substances and List I chemical handlers so that all manufacturers, distributors, importers, exporters, and dispensers of controlled substances and of List I chemicals pay an annual fee, by registrant category, irrespective of whether they handle controlled substances or List I chemicals. This action responds to recent amendments to the Diversion Control Fee Account provisions in the Controlled Substances Act (CSA) and will bring DEA's fee collections into line with the new requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/16/05	70 FR 69474
NPRM Comment Period End	01/17/06	
Final Action	07/00/06	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**URL For Public Comments:**

dea.diversion.policy@usdoj.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7874

Related RIN: Related to 1117-AA50**RIN:** 1117-AA96**1854. ● SCHEDULES OF CONTROLLED SUBSTANCES: EXEMPT ANABOLIC STEROID PRODUCTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 811**CFR Citation:** 21 CFR 1308.33; 21 CFR 1308.34**Legal Deadline:** None

Abstract: This rule adds two products to the list of anabolic steroid products exempted from requirements of the Controlled Substances Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/03/06	71 FR 10835
Interim Final Rule Comment Period End	04/03/06	
Final Action	09/00/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-277**URL For More Information:**

www.regulations.gov

URL For Public Comments:

www.regulations.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7874

RIN: 1117-AA98**1855. ● DISPENSING AND PRESCRIBING APPROVED NARCOTIC CONTROLLED SUBSTANCES FOR MAINTENANCE OR DETOXIFICATION TREATMENT; REMOVAL OF PATIENT LIMITATION FOR DISPENSING OR PRESCRIBING BY INDIVIDUAL PRACTITIONERS****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: DEA is amending its regulations to remove the group practice limitation for practitioners who dispense or prescribe certain narcotic drugs for maintenance treatment or detoxification treatment. These changes will make the DEA regulations consistent with recent changes to the Controlled Substances Act that removed the patient limitation on prescribing drug addiction treatments by practitioners in group practices.

Timetable:

Action	Date	FR Cite
Final Action	05/00/06	
Final Action Effective	05/00/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**

www.regulations.gov

URL For Public Comments:

www.regulations.gov

Agency Contact: Mark W. Caverly, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration
Phone: 202 307-7874

RIN: 1117-AA99**Department of Justice (DOJ)
Drug Enforcement Administration (DEA)****Long-Term Actions****1856. SECURITY REQUIREMENTS FOR HANDLERS OF PSEUDOEPHEDRINE, EPHEDRINE, AND PHENYLPROPANOLAMINE****Priority:** Other Significant**CFR Citation:** 21 CFR 1309**Timetable:**

Action	Date	FR Cite
NPRM	07/30/04	69 FR 45616
NPRM Comment Period End	10/28/04	
Next Action	Undetermined	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Mark W. Caverly

DOJ—DEA

Long-Term Actions

Phone: 202 307-7874

RIN: 1117-AA62

Department of Justice (DOJ)

Completed Actions

Drug Enforcement Administration (DEA)

1857. CHEMICAL REGISTRATION WAIVERS; EXEMPTION FROM CHEMICAL REGISTRATION FEES FOR CERTAIN PERSONS

Priority: Other Significant

CFR Citation: 21 CFR 1309; 21 CFR 1310

Completed:

Reason	Date	FR Cite
Withdrawn	02/02/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, Local, State

Agency Contact: Mark W. Caverly
Phone: 202 307-7874

RIN: 1117-AA67

1858. IMPLEMENTATION OF THE ANABOLIC STEROID CONTROL ACT OF 2004

Priority: Other Significant

CFR Citation: 21 CFR 1300; 21 CFR 1308

Completed:

Reason	Date	FR Cite
Final Action	12/16/05	70 FR 74653
Final Action Effective	01/17/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mark W. Caverly
Phone: 202 307-7874

RIN: 1117-AA95

Department of Justice (DOJ)

Proposed Rule Stage

Executive Office for Immigration Review (EOIR)

1859. 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 1003

Legal Deadline: None

Abstract: This rule amends the Department's 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 1003.102 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	11/00/06	
NPRM Comment Period End	01/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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Phone: 703 305-0470
Email: eoir.regs@usdoj.gov

RIN: 1125-AA18

1860. 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 1003; 8 CFR 1240

Legal Deadline: None

Abstract: This rule amends Department regulations by establishing procedures for 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).

DOJ—EOIR

Proposed Rule Stage

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	10/00/06	
NPRM Comment	12/00/06	
Period End		

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 1125-AA35

1861. INTERNATIONAL MATCHMAKING ORGANIZATIONS; CIVIL PENALTIES

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101, 1103, 1324a, 1324b, 1324c, 1375b; PL 101-410, 104 Stat 890, as amended by PL 104-134, 110 Stat 1321; 5 USC 301, 554

CFR Citation: 8 CFR 1270

Legal Deadline: None

Abstract: This rule amends the Department of Justice regulations by specifying the procedures for adjudicating alleged violations by international matchmaking

organizations (IMOs) doing business in the United States, in failing to provide required information to persons recruited for matchmaking through these entities. This rule implements the procedures for the disposition of cases arising under section 652 of Illegal Immigrant Reform and Immigrant Responsibility Act. This rule is necessary to deter fraudulent marriages and the exploitation of recruits by IMOs.

Timetable:

Action	Date	FR Cite
NPRM	09/00/06	
NPRM Comment	11/00/06	
Period End		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mary Beth Keller, General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041
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Related RIN: Related to 1615-AA11

RIN: 1125-AA45

1862. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; RULES GOVERNING IMMIGRATION PROCEEDINGS

Priority: Other Significant

Legal Authority: 5 USC 301; 8 USC 1101, note; 8 USC 1103; 8 USC 1229; 8 USC 1229a; 8 USC 1231; 8 USC 1231, note; 8 USC 1245; 8 USC 1324b; 8 USC 1362; 28 USC 509 to 519; 28 USC 1746; sec 2 Reorg Plan No 2 of 1950, 3 CFR

1949 to 1953 Comp, p 1002; PL 105-100, sec 203; PL 106-386, sec 1506; PL 106-386, sec 1510; PL 106-554, sec 1505; PL 106-554, sec 1510

CFR Citation: 8 CFR 1003; 8 CFR 1161; 8 CFR 1171

Legal Deadline: None

Abstract: This rule revises the procedures before immigration judges and the Board of Immigration Appeals of the Executive Office for Immigration Review (EOIR), to clarify and improve the administrative adjudication of immigration proceedings. The rule is intended to improve fairness to aliens and to the Government, represented by the Department of Homeland Security, in removal, exclusion, deportation, asylum-only and other proceedings, reduce delays in the adjudicative process, enable EOIR to better manage its caseload, reduce the existing backlog of cases, and provide for better focus on cases presenting significant issues of law and fact for resolution.

Timetable:

Action	Date	FR Cite
NPRM	10/00/06	
NPRM Comment	12/00/06	
Period End		

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 1125-AA53

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

Final Rule Stage

1863. 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 1240

Legal Deadline: None

Abstract: This rule amends the regulations of the Executive Office for Immigration Review by eliminating the conditional grant process at 8 CFR 1240.21 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

DOJ—EOIR

Final Rule Stage

Action	Date	FR Cite
Interim Final Rule Comment Period End	11/30/98	
Final Action	12/00/06	

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

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Phone: 703 305-0470
Email: eoir.regs@usdoj.gov

RIN: 1125-AA25**1864. AUTHORITIES DELEGATED TO THE DIRECTOR OF THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW AND THE CHIEF IMMIGRATION JUDGE****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 1003; 8 CFR 1240**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) 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 and the Chief Immigration Judge is that they cannot direct the result of a case adjudication assigned to someone else.

Timetable:

Action	Date	FR Cite
NPRM	12/26/00	65 FR 81434
NPRM Comment Period End	02/26/01	
Final Action	09/00/06	

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

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RIN: 1125-AA27**1865. 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 1003**Legal Deadline:** None

Abstract: This 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. EOIR will be publishing a final rule to respond to comments and complete this rulemaking.

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	10/00/06	

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

Agency Contact: Mary Beth Keller, General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041
Phone: 703 305-0470
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RIN: 1125-AA31**1866. 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 to 1953 Comp, p 1002; sec 203 of PL 105-100, 111 Stat 2196-200; secs 1506 and 1510 of PL 106-386, 114 Stat 1527-29, 1531-32; sec 1505 of PL 106-554, 114 Stat 2763A-326 to 2763A-328**CFR Citation:** 8 CFR 1003**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
Interim Final Rule	05/28/02	67 FR 36799
Interim Final Rule Comment Period End	07/29/02	
Final Action	12/00/06	

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

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RIN: 1125-AA38**1867. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW ATTORNEY/REPRESENTATIVE REGISTRY****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1362**CFR Citation:** 8 CFR 1001.1; 8 CFR 1003.0**Legal Deadline:** None

Abstract: This rule concerns the Attorney General's authority to

authorize practitioners to represent aliens in immigration proceedings pursuant to statute. Under the pertinent statutory provision, aliens in immigration proceedings “shall have the privilege of being represented (at no expense to the Government) by such counsel, authorized to practice in such proceedings, as he shall choose.” 8 U.S.C. 1362

The rule arises out of EOIR’s electronic Government initiatives, which when fully implemented, will enable electronic case access and filing for individuals in immigration proceedings before EOIR. In essence, the rule amends the current definitions of “attorney” and “representative,” the classes of individuals authorized to represent aliens, to include only those persons who have registered with EOIR. Additionally, the rule delegates authority to the Director to require such a registration, and to establish procedures for registration. In concert with that authority, the rule permits the Director to administratively suspend from practice before EOIR any practitioner who fails to comply with registration procedures and requirements.

Functionally, practitioners will be required to register with EOIR over a secure Internet connection, by providing name, address(es), date of birth, last four digits of social security number, and bar admission data. Registered practitioners will be assigned a unique User ID and password that will authorize them to conduct electronic transactions with EOIR from desktop personal computers. Registration of practitioners assures the functionality, security, and success of EOIR’s electronic Government initiative, and serves as a prerequisite to electronic case access and filing by practitioners.

The proposed practitioner registration rule furnishes the Attorney General with the optimum measure of adaptability to establish the criteria and procedures for practitioner registration, while also preserving fairness for regulated parties and ensuring efficiency in Government operations.

Timetable:

Action	Date	FR Cite
NPRM	12/30/03	68 FR 75160
NPRM Comment Period End	03/01/04	
Final Action	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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Phone: 703 305-0470
Email: eoir.regs@usdoj.gov

RIN: 1125-AA39

1868. TRANSFER OF JURISDICTION OVER APPEALS OF FINES FROM THE BOARD OF IMMIGRATION APPEALS TO THE OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 8 CFR 1003; 8 CFR 1103; 8 CFR 1280

Legal Deadline: None

Abstract: This final rule removes the Board of Immigration Appeals’ (Board) jurisdiction over appeals of Department of Homeland Security (DHS) decisions involving administrative fines under part 1280 of title 8 CFR, and transfers that authority to Office of the Chief Administrative Hearing Officer (OCAHO). Part 1280 governs the imposition and collection of fines under a variety of provisions of the Immigration and Nationality Act (INA), most of which pertain to common carriers. Most of the appeals are fines imposed under section 273 of the INA. The transfer is essentially a reallocation of agency resources within the Executive Office for Immigration Review to improve caseload management by substituting a different set of decision makers, the OCAHO for the Board, while preserving the same procedures for the adjudication of appeals.

Timetable:

Action	Date	FR Cite
NPRM	02/19/02	67 FR 7309
NPRM Comment Period End	03/21/02	
Final Rule	11/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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Phone: 703 305-0470
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Related RIN: Split from 1125-AA36

RIN: 1125-AA41

1869. DEFINITIONS; FEES; POWERS AND AUTHORITY OF DHS OFFICERS IN REMOVAL PROCEEDINGS

Priority: Info./Admin./Other

Legal Authority: 8 USC 1101, 1103, 1182, 1221, 1225, 1226, 1251, 1252, 1357, 1362, 1304, 13246, 1356; 28 USC 509, 510, 1746; 5 USC 301; ...

CFR Citation: 8 CFR 1003; 8 CFR 1103

Legal Deadline: None

Abstract: This rule amends regulations relating to the Executive Office for Immigration Review to conform with certain regulatory changes made by the Department of Homeland Security (DHS) for consistency and for the ease of the reader. This rule makes no substantive changes in the Department of Justice regulations, but makes appropriate revisions to the definitions and fee provisions and the regulations relating to issuance of notices to appear and subpoenas in the EOIR regulations, in order to avoid confusing and unnecessary duplication of provisions already set forth in the DHS regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/28/04	69 FR 44903
Interim Final Rule Effective	07/28/04	
Interim Final Rule Comment Period End	08/27/04	
Final Action	09/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1125-AA43

DOJ—EOIR

Final Rule Stage

1870. BACKGROUND AND SECURITY INVESTIGATION CHECKS IN PROCEEDINGS BEFORE IMMIGRATION JUDGES AND THE BOARD OF IMMIGRATION APPEALS**Priority:** Other Significant**Legal Authority:** 5 USC 301; 8 USC 1101 note, 1103, 1182, 1186a, 1224, 1225, 1226, 1227, 1251, 1252 note, 1252a, 1252b, 1324b, 1362; 28 USC 509, 510, 1746; sec 2, Reorg Plan No 2 of 1950; 3 CFR, 1949 to 1953 Comp, p 1002; secs 202 and 203 of PL 105–100, 111 Stat 2160, 2193, 2196–200; sec 902, PL 105–277, 112 Stat 2681; secs 1506 and 1510 of PL 106–386, 114 Stat 1527 to 1529, 1531 to 1532; sec 1505 of PL 106–554, 114 Stat 2763A–326 to 2763A–328**CFR Citation:** 8 CFR 1003**Legal Deadline:** None**Abstract:** This rule amends regulations governing the Executive Office for Immigration Review to ensure that the necessary identity, law enforcement, and security investigations are properly initiated and have been completed by the Department of Homeland Security before the immigration judges and the Board adjudicate certain applications for relief.**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	01/31/05	70 FR 4743
Interim Final Rule Effective	04/01/05	
Interim Final Rule Comment Period End	04/01/05	
Interim Final Rule Comment Period Extended	03/31/05	70 FR 16398
Interim Final Rule Comment Period End	05/02/05	
Final Action	10/00/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Mary Beth Keller, General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041
Phone: 703 305–0470
Email: eoir.regs@usdoj.gov**RIN:** 1125–AA44**1871. REVIEW OF CUSTODY DETERMINATIONS****Priority:** Other Significant**Legal Authority:** 5 USC 301; 8 USC 1101 note, 1103, 1252 note, 1252b, 1282, 1324b, 1362; 28 USC 509, 510, 1746; sec 2, Reorg Plan No 2 of 1950; 3 CFR, 1949 to 1953 Comp, p 1002; sec 203 of PL 105–100, 111 Stat 2196–200; secs 1506 and 1510 of PL 106–386; 114 Stat 1527 to 1529, 1531 to 1532; sec 1505 of PL 106–554, 114 Stat 2763A–326 to 2763A–328**CFR Citation:** 8 CFR 1003**Legal Deadline:** None**Abstract:** This rule revises the existing regulatory provision for a temporary automatic stay of an immigration judge's decision to order an alien's release in any case in which a district director has ordered that the alien be held without bond, or has set a bond of \$10,000 or more, to maintain the status quo while the Department of Homeland Security seeks expedited review of the custody order by the Board of Immigration Appeals or by the Attorney General.**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	10/29/01	66 FR 54909
Interim Final Rule Effective	10/31/01	66 FR 54909
Interim Final Rule Comment Period End	12/31/01	
Final Action	05/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Mary Beth Keller, General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041
Phone: 703 305–0470
Email: eoir.regs@usdoj.gov**RIN:** 1125–AA47**1872. REOPENED PROCEEDINGS ON PETITIONS FOR ALIEN ENTREPRENEUR IMMIGRANT CLASSIFICATION (EB–5 VISAS)****Priority:** Other Significant**Legal Authority:** 8 USC 11866**CFR Citation:** 8 CFR 1003; 8 CFR 1216; 8 CFR 1240**Legal Deadline:** None**Abstract:** This rule amends the regulations of the Executive Office for Immigration Review (EOIR) of the Department of Justice (Department) to implement changes made by the 21st Century Department of Justice Appropriations Authorization Act of 2001, Public Law 107-273 (November 2, 2002) to the EB-5 Alien Entrepreneur immigrant classification. This rule will be published in conjunction with a corresponding rule of the Department of Homeland Security (DHS) that addresses changes to their part of the adjudication. In order to be eligible, an alien must have filed a motion to reopen with the former Immigration and Naturalization Service on or before January 2, 2003, seeking reconsideration of his or her case under this new law. This rule provides the process by which certain aliens, who are seeking immigrant status as alien entrepreneurs, may obtain EOIR review of adverse determinations on the removal of the condition on permanent resident status made by United States Citizenship and Immigration Services (USCIS), a component of DHS. In addition, this rule also establishes procedures for aliens who have received favorable determinations on the removal of the condition on permanent resident status and who have final orders of deportation or removal or who have cases that are pending or administratively closed before EOIR.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/00/06	
Interim Final Rule Comment Period End	08/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: Mary Beth Keller, General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041
Phone: 703 305–0470
Email: eoir.regs@usdoj.gov**RIN:** 1125–AA49

DOJ—EOIR

Final Rule Stage

1873. INFORMATION RELATING TO ALIENS' DUTY TO SURRENDER WHEN ORDERED REMOVED FROM THE UNITED STATES**Priority:** Other Significant**Legal Authority:** 8 USC 1103**CFR Citation:** 8 CFR 1240; 8 CFR 1241**Legal Deadline:** None

Abstract: The Department of Justice published an NPRM in 1998 and a supplemental NPRM in 2002 (RIN 1115-AE82) to establish that aliens who become subject to a final order of removal have a legal obligation to surrender for removal.

This rule amends the regulations of the Department of Justice to provide that immigration judges and the Board of Immigration Appeals will inform aliens in removal proceedings that they have an affirmative obligation to surrender to Department of Homeland Security (DHS) upon the issuance of a final order of removal by an immigration judge or the Board. Aliens will be informed that the failure to surrender to DHS as required under the DHS rule will result in the denial of any forms of discretionary relief from removal while the alien remains in the United States and for a period of 10 years after the alien's departure from the United States. This rule is being published jointly with DHS.

Timetable:

Action	Date	FR Cite
NPRM (RIN 1115-AE82)	09/04/98	63 FR 47205
NPRM Comment Period End (RIN 1115-AE82)	11/03/98	
Supplemental NPRM (RIN 1115-AE82)	05/09/02	67 FR 31157
Supplemental NPRM Comment Period End	06/10/02	
Final Action	08/00/06	

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

Additional Information: This rule will finalize those portions of the rulemaking action formerly listed as RIN 1115-AE82 insofar as it relates to the regulations of the Department of Justice. The DHS rule is now RIN 1653-AA05.

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RIN: 1125-AA51**1874. VENUE IN REMOVAL PROCEEDINGS****Priority:** Substantive, Nonsignificant

Legal Authority: 5 USC 301; 8 USC 1101 note; 8 USC 1103; 8 USC 1252 note; 8 USC 1252b; 8 USC 1324b; 8 USC 1362; 28 USC 509; 28 USC 510; 28 USC 1746; Reorg Plan No 2 of 1950, sec 2, 3 CFR, 1949 to 1953 Comp, p 1002; PL 100-105 sec 203; 111 Stat 2196-200; PL 106-386 sec 1506; PL 106-386, sec 1510; 114 Stat 1527-29, 1531 to 1532; PL 106-554, sec 1505; 114 Stat 2763A, 326 to 328

CFR Citation: 8 CFR 1003.20(a)**Legal Deadline:** None

Abstract: This interim rule amends the Department of Justice regulation addressing venue in removal proceedings. This regulatory change is necessary due to the increasing number of removal hearings being conducted by telephone or video conference, and will clarify the issue of venue for cases involving multiple geographic locations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/06	
Interim Final Rule Comment Period End	08/00/06	

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

Agency Contact: Mary Beth Keller, General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041
Phone: 703 305-0470
Email: eoir.regs@usdoj.gov

RIN: 1125-AA52**1875. AFFIDAVITS OF SUPPORT ON BEHALF OF IMMIGRANTS****Priority:** Substantive, Nonsignificant

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1251; 8 USC 1252 note; 8 USC 1252a;

8 USC 1252b; 8 USC 1362; PL 105-110, sec 202; PL 105-277, sec 902; PL 105-100, sec 203; PL 105-277, sec 902

CFR Citation: 8 CFR 1205; 8 CFR 1240**Legal Deadline:** None

Abstract: Under section 212(a)(4) of the Immigration and Nationality Act (Act), as amended by section 531(a) of the Immigration Reform and Immigrant Responsibility Act, an alien may be deemed inadmissible, as likely to become a public charge, unless the alien is the beneficiary of an affidavit of support under section 213A of the Act. On October 20, 1997, the former Immigration and Naturalization Service published an interim rule implementing the requirements of section 213A of the Act with respect to affidavits of support. The interim rule, however, did not address the authority of an immigration judge to adjudicate the sufficiency of an affidavit of support executed on behalf of an applicant for admission or adjustment of status. This rule amends the Department's regulations by expressly authorizing immigration judges to adjudicate the sufficiency of such affidavits in removal proceedings. This rule is being published as a joint rule with the Department of Homeland Security, which is finalizing the remaining portions of the 1997 interim rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/20/97	62 FR 54346
Interim Final Rule Comment Period End	02/17/98	
Final Action	06/00/06	

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

Additional Information: This is a joint rule to be issued with the Department of Homeland Security. See RIN 1615-AA06.

Agency Contact: Mary Beth Keller, General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041
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RIN: 1125-AA54

Department of Justice (DOJ)
Federal Bureau of Investigation (FBI)

Proposed Rule Stage

1876. ENHANCED EXCHANGE OF CRIMINAL HISTORY RECORD INFORMATION

Priority: Other Significant

Legal Authority: 28 USC 534; 42 USC 14614(c); 42 USC 14615; PL 92-544; PL 99-169; PL 99-569; PL 101-410

CFR Citation: 28 CFR 20

Legal Deadline: None

Abstract: This rule clarifies that the FBI's authority to exchange Criminal History Record Information (CHRI) with officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions includes the exchange of CHRI on individuals other than banking institution employees when the purpose of the background check is reasonably related to maintaining or promoting the security of federally chartered or insured banking institutions

This change is being made because of modern business practices in the financial services industry. The FBI now concludes that the security of federally chartered or insured banking institutions implicates employees of other entities closely related to or intimately involved in banking, such as, bank subsidiaries, parent or sister companies, and bank holding companies.

Timetable:

Action	Date	FR Cite
NPRM	07/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: A portion of this action (RIN 1110-AA20; FBI Docket No. 110) previously reported under this RIN relating to the retention and exchange criminal history record information relating to non-serious offenses has been transferred to RIN 1120-AA25; FBI Docket No. 111.

Agency Contact: Harold M. Sklar, Attorney-Advisor, Department of Justice, Federal Bureau of Investigation, 1000 Custer Hollow Road, Clarksburg, WV 26306
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 Fax: 304 625-3944
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RIN: 1110-AA20

1877. CARRIAGE OF CONCEALED WEAPONS PURSUANT TO PUBLIC LAW 108-277, THE LAW ENFORCEMENT OFFICERS SAFETY ACT OF 2004

Priority: Other Significant

Legal Authority: PL 108-277

CFR Citation: 28 CFR 20

Legal Deadline: None

Abstract: The Law Enforcement Officers Safety Act of 2004, Public Law 108-277, (the Act) exempts qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns. This rule implements the Act by amending 28 CFR 20.3 (b) to add "the issuing of identification documents to current and retired law enforcement officers pursuant to Public Law 108-277" to the definition of administration of criminal justice. This change will authorize access to FBI-maintained criminal justice information systems to support performing criminal background checks on current and retired law enforcement officers seeking identification documents to carry a concealed firearm pursuant to Public Law 108-277.

Timetable:

Action	Date	FR Cite
NPRM	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Agency Contact: Harold M. Sklar, Attorney-Advisor, Department of Justice, Federal Bureau of Investigation, 1000 Custer Hollow Road, Clarksburg, WV 26306
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RIN: 1110-AA24

1878. INCLUSION OF NONSERIOUS OFFENSE IDENTIFICATION RECORDS

Priority: Other Significant

Legal Authority: 28 USC 534; 42 USC 14614(c); 42 USC 14615; PL 92-544; PL 99-169; PL 99-569; PL 101-410

CFR Citation: 28 CFR 20

Legal Deadline: None

Abstract: This rule amends FBI regulations defining the offenses that

may serve as the basis for maintaining fingerprints and criminal history record information (CHRI) in its criminal history record information systems. The relevant FBI information systems include the Fingerprint Identification Record System (FIRS), which maintains fingerprints records, and the Interstate Identification Index (III) System, which maintains fingerprint-supported CHRI.

The amendment broadens the definition of includable offenses to permit the retention of information relating to currently excluded non-serious offenses (NSOs) as well as information relating to "serious and/or significant adult or juvenile offenses." The revised regulation will permit the retention and exchange of fingerprints and CHRI relating to NSOs when provided by the submitting jurisdiction for retention by the FBI. Such NSO information is currently maintained only at the State and local levels.

The change allows for the more uniform collection of CHRI at the Federal level. It establishes more uniform sharing of such information among the States by allowing States to make NSO information available for national criminal history record searches—for both criminal justice and non-criminal justice purposes—by submitting such information for retention by the FBI.

Timetable:

Action	Date	FR Cite
NPRM	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: This action (RIN 1110-AA25; FBI Docket No. 111) continues a portion of a rulemaking relating to criminal history record information for non-serious offenses (NSOs) that was previously reported under RIN 1110-AA20; FBI Docket No. 110.

Agency Contact: Harold M. Sklar, Attorney-Advisor, Department of Justice, Federal Bureau of Investigation, 1000 Custer Hollow Road, Clarksburg, WV 26306
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RIN: 1110-AA25

Department of Justice (DOJ)
Federal Bureau of Investigation (FBI)

Final Rule Stage

1879. 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	08/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

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

RIN: 1110-AA01

1880. 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: 28 CFR 25

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.

Timetable:

Action	Date	FR Cite
NPRM	02/16/99	64 FR 7562
NPRM Comment Period End	04/19/99	
Final Action	08/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State, Tribal

Additional Information: Transferred from RIN 1105-AA56.

Agency Contact: Venetia A. King, Management Analyst, Department of Justice, Federal Bureau of Investigation, 1000 Custer Hollow Road, Clarksburg, WV 26306
Phone: 304 625-2000

RIN: 1110-AA04

1881. FINAL NOTICE OF CAPACITY; SUPPLEMENT TO RESPOND TO REMAND

Priority: Substantive, Nonsignificant

Legal Authority: 47 USC 1003(a)(1)

CFR Citation: None

Legal Deadline: None

Abstract: As required by section 104 of the Communications Assistance for Law Enforcement Act (CALEA), the FBI published 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. The FBI published the Final Notice of Capacity for local exchange, cellular, and broadband PCS on March 12, 1998 (63 FR 12218).

This Notice provided numerical requirements for the "actual" and "maximum" numbers of surveillance that wired and wireless telephone networks should be able to accommodate, broken down by geographic region. The numbers were derived from a survey and analysis of the numbers of surveillance historically conducted at the same time in every region throughout the country.

After its issuance, telecommunications carriers and trade associations challenged the Final Notice on a number of grounds, primarily alleging that the numbers of surveillance stated therein were too high. To summarize, the FBI was directed by the Court of Appeals to provide further explanation on two issues: (1) The decision to treat as "simultaneous" any two or more historical surveillance on the same day and (2) the decision to set forth only one "actual" and one "maximum" capacity requirement number per region, rather than separate requirements for each type of surveillance.

The Supplemental Notice, published on 12/05/2003, provided further explanation for the FBI's interpretation of the term "simultaneously," and set forth a new method of interpreting the existing capacity requirements that will allow carriers to break out the number of communications interceptions from the total requirement. The Supplement also set forth new guidance to reduce the requirements for simultaneous communications interceptions applicable to carriers operating in regions with high capacity requirements. This was done to reduce the concerns raised by the Court of Appeals. The FBI will finalize the Supplement and issue a new Notice for the purpose of responding to the remand of the Court of Appeals.

DOJ—FBI

Final Rule Stage

Timetable:

Action	Date	FR Cite
Supplement to Final Notice of Capacity Responding to Remand	12/05/03	68 FR 68112
Comment Period on Supplement End	02/03/04	
Finalization of Supplement to Final Notice of Capacity Responding to Remand	06/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: See also RINs 1110-AA21 and 1110-AA22.

Agency Contact: Maura Quinn, Unit Chief, Department of Justice, Federal Bureau of Investigation, 14800 Conference Center Drive, Suite 300, Chantilly, VA 20151
Phone: 703 814-4791
Fax: 703-814-4750

RIN: 1110-AA10

1882. IMPLEMENTATION OF THE PRIVATE SECURITY OFFICER EMPLOYMENT AUTHORIZATION ACT OF 2004

Priority: Other Significant

Legal Authority: 18 USC 534; PL 108-456, sec 6402

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, June 15, 2005, Statutorily required final rule within 180 days of enactment (enacted 12/17/2004).

Abstract: The Private Security Officer Employment Authorization Act of 2004, Public Law 108-458, section 6402(d)(2), (the Act) requires the Attorney General to issue rules to regulate the security, confidentiality, accuracy, use, submission, dissemination, destruction of information and audits, and recordkeeping of the criminal history record information and related information; standards for qualifying an authorized employer; and the imposition of fees. This rule amends title 28 of the Code of Federal Regulations to implement the Act. The rule authorizes access to FBI-maintained justice information systems

to authorize a fingerprint-based check of State and national criminal history records to screen prospective and current private security officers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/11/06	71 FR 1690
Interim Final Rule Comment Period End	03/13/06	
Interim Final Rule Effective	01/11/06	
Final Action	06/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Agency Contact: Harold M. Sklar, Attorney-Advisor, Department of Justice, Federal Bureau of Investigation, 1000 Custer Hollow Road, Clarksburg, WV 26306
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RIN: 1110-AA23

Department of Justice (DOJ)

Federal Bureau of Investigation (FBI)

Long-Term Actions

1883. COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT: DEFINITIONS OF "REPLACED" AND "SIGNIFICANTLY UPGRADED OR OTHERWISE UNDERGONE MAJOR MODIFICATION"

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

CFR Citation: 28 CFR 100

Timetable:

Action	Date	FR Cite
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	To Be Determined	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Maura Quinn

Phone: 703 814-4791

Fax: 703-814-4750

RIN: 1110-AA21

1884. IMPLEMENTATION OF SECTIONS 104 AND 109 OF THE COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT—NOTICE OF ACTUAL AND MAXIMUM CAPACITY: PAGING, MSS, SMR, AND ESMR

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

CFR Citation: 28 CFR 100

Timetable:

Action	Date	FR Cite
Notice of Inquiry (Cap Methodology)	To Be Determined	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Maura Quinn

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Fax: 703 814-4750

RIN: 1110-AA22

Department of Justice (DOJ)
Legal Activities (LA)

Proposed Rule Stage

1885. 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 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 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 adds seizure-forfeiture authority for the FBI 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))).

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 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 CFR 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	12/00/06	
NPRM Comment Period End	02/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: John Hieronymus, Forfeiture Counsel, Department of Justice, 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, FBI, Office of the General Counsel, J. Edgar Hoover Building, 935 Pennsylvania Avenue NW, Washington, DC 20535

Phone: 202 324-9700

RIN: 1105-AA74

1886. REPORTING UNDER THE PROTECTION OF CHILDREN FROM SEXUAL PREDATORS ACT AS AMENDED

Priority: Other Significant

Legal Authority: 42 USC 13032

CFR Citation: 28 CFR 81

Legal Deadline: None

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 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.

As amended by the Consolidated Appropriations Act, 2000, Public Law No. 106-113, the PCSPA requires providers to report such incidents to the Cyber Tipline at the National Center for Missing and Exploited Children (NCMEC), which shall forward that report to a law enforcement agency or agencies designated by the Attorney General. As amended by the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003, Public Law No. 108-21, the PCSPA also requires providers to report incidents of child pornography involving violations of section 2252B of title 18, United States Code, and incidents of violations of section 1466A, title 18, United States Code, and permits NCMEC to forward reports to State and local law enforcement agencies where appropriate. A notice of proposed rulemaking is being prepared that will provide guidance to the providers, NCMEC, and the designated law enforcement agencies on the content of such reports and how the reports will be processed.

In a related matter, RIN 1105-AA65, "Designation of Agencies To Receive and Investigate Reports Required Under

DOJ—LA

Proposed Rule Stage

the Protection of Children from Sexual Predators Act," interim final rule published November 4, 2003, 68 FR 62370, the Department designated four law enforcement agencies to receive and investigate such reports.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	
NPRM Comment	10/00/06	
Period End		

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

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
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RIN: 1105-AB06**1887. PROCEDURES FOR SUSPENSION AND REMOVAL OF PANEL TRUSTEES AND STANDING TRUSTEES****Priority:** Other Significant**Legal Authority:** 28 USC 586(d)(2)**CFR Citation:** 28 CFR 58**Legal Deadline:** None

Abstract: This rule revises existing regulations to provide procedures under which a panel trustee or a standing trustee can, upon request, obtain an administrative hearing on the record on whether a United States Trustee acted properly in suspending or removing that panel trustee or standing trustee.

Timetable:

Action	Date	FR Cite
NPRM	09/00/06	

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

Agency Contact: Esther I. Estry, Deputy General Counsel, Department of Justice, Executive Office for United States Trustees, Suite 800, 20 Massachusetts Avenue NW, Washington, DC 20530
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RIN: 1105-AB12**1888. • REVISION TO UNITED STATES MARSHALS SERVICE FEES FOR SERVICES****Priority:** Other Significant**Legal Authority:** 5 USC 301; 28 USC 509; 28 USC 510; 28 USC 515 to 519**CFR Citation:** 28 CFR 0**Legal Deadline:** None

Abstract: This rule increases the fee from \$45 per person per hour to \$50 per person per hour for process served or executed personally by a United States Marshals Service employee, agent, or contractor. This fee increase reflects the current costs to the United States Marshals Service for service of process in Federal court proceedings.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	
NPRM Comment	10/00/06	
Period End		

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

Agency Contact: Joe Lazar, Associate General Counsel, United States Marshals Service, Department of Justice, 600 Army Navy Drive, CS-3, Arlington, VA 22202
Phone: 202 307-9054

RIN: 1105-AB14**1889. • CONFIRMING OVW GRANT PROGRAMS REGULATIONS TO STATUTORY CHANGES****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 109-162**CFR Citation:** 28 CFR 90**Legal Deadline:** None

Abstract: The Office on Violence Against Women issued a Notice of Proposed Rulemaking in December 2003 relating to clarification of the match requirement under the STOP Formula Grant Program and the STOP Violence Against Indian Women Discretionary Grant Program. On January 5, 2006, President Bush signed the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005, Pub. L. 109-162). VAWA 2005 changed the match requirements governing these programs and made other changes to OVW grant programs. Because of this, the specific

changes proposed in the prior Notice are no longer applicable. Changes to the match requirement due to VAWA 2005 will be included in this new rulemaking.

This rule proposes to amend the regulations for certain violence against women grant programs to comply with statutory changes. The STOP (Services-Training-Officers-Prosecutors) Violence Against Women Formula Grant Program and the STOP Violence Against Indian Women Discretionary Grant Program are codified at 42 U.S.C. 3796gg through 3796gg-5. The final rule for these programs, found at 28 CFR part 90, was promulgated on April 18, 1995. The Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program is codified at 42 U.S.C. 3796hh through 3796hh-4. The final rule for the program, found at 28 CFR part 90, subpart D, was promulgated on August 6, 1996. The Grants to Reduce Violent Crimes Against Women on Campus Program was authorized by title VIII, part E, section 826, of the Higher Education Amendments of 1998, Public Law No. 105-244, 112 Stat. 1581 (Oct. 7, 1998). VAWA 2005 reauthorized the program and removed it from the Higher Education Amendments. The final rule for the program, found at 28 CFR part 90, subpart E, was promulgated on July 22, 1999. This rule proposes to amend the regulations governing the STOP Violence Against Women Formula Grant Program, the STOP Violence Against Indian Women Discretionary Grant Program, the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program, and the Grants to Reduce Violent Crimes Against Women on Campus Program to comply with the amendments to these programs enacted by VAWA 2005. These proposed changes to the regulations simply incorporate statutory changes and make some minor technical corrections.

Timetable:

Action	Date	FR Cite
NPRM	01/00/07	
NPRM Comment	03/00/07	
Period End		

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** This rulemaking incorporated the action

DOJ—LA

Proposed Rule Stage

previously reported under RINs 1105-AB07 and 1121-AA67.

Agency Contact: Ms. Marnie Shiels, Department of Justice, Office on Violence Against Women, Washington, DC 20405
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RIN: 1105-AB15

1890. ● PROCEDURES FOR REVIEW OF DENIAL OF CLAIMS OF STANDING TRUSTEE FOR ACTUAL, NECESSARY EXPENSES

Priority: Substantive, Nonsignificant

Legal Authority: 28 USC 586(e)(4)

CFR Citation: 28 CFR 58

Legal Deadline: None

Abstract: This establishes procedures that must be followed by a standing trustee seeking Agency review of and final Agency action on a denial of a claim by that trustee of actual, necessary expenses.

Timetable:

Action	Date	FR Cite
NPRM	10/00/06	

Action	Date	FR Cite
NPRM Comment Period End	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Esther I. Estryn, Deputy General Counsel, Department of Justice, Executive Office for United States Trustees, Suite 800, 20 Massachusetts Avenue NW, Washington, DC 20530
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RIN: 1105-AB16

1891. ● APPROVAL OF NONPROFIT BUDGET AND CREDIT COUNSELING AGENCIES AND FINANCIAL MANAGEMENT INSTRUCTIONAL COURSES

Priority: Other Significant

Legal Authority: 11 USC 111

CFR Citation: 28 CFR 58

Legal Deadline: None

Abstract: This rule sets forth the standards and qualifications that must be met by an entity: 1) Seeking to be approved by a United States Trustee as a nonprofit budget and credit counseling agency or 2) seeking to have a financial management instructional course approved by a United States Trustee.

Timetable:

Action	Date	FR Cite
NPRM	11/00/06	
NPRM Comment Period End	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Esther I. Estryn, Deputy General Counsel, Department of Justice, Executive Office for United States Trustees, Suite 800, 20 Massachusetts Avenue NW, Washington, DC 20530
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RIN: 1105-AB17

Department of Justice (DOJ)

Final Rule Stage

Legal Activities (LA)

1892. 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 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 (NCMEC), which shall forward that report to a law enforcement agency or agencies designated by the Attorney General. As amended by the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003, Public Law No. 108-21, the PCSPA also requires providers to report incidents of child pornography involving violations of section 2252B of title 18, United States Code, and

incidents of violations of section 1466A, title 18, United States Code, and permits NCMEC to forward reports to State and local law enforcement agencies where appropriate. On November 4, 2003, an interim final rule was published designating four Federal law enforcement agencies that will receive reports pursuant to 42 U.S.C. 13032. These include the Federal Bureau of Investigation, the Bureau of Immigration and Customs Enforcement, the U.S. Postal Inspection Service, and the U.S. Secret Service.

In a related matter, RIN 1105-AB06, “Reporting Under the Protection of Children From Sexual Predators Act, as Amended,” the Department is preparing a notice of proposed rulemaking to provide guidance to those law enforcement agencies and to the providers making the reports.

Timetable:

Action	Date	FR Cite
NPRM	05/26/99	64 FR 28422

DOJ—LA

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	07/26/99	
Interim Final Rule	11/04/03	68 FR 62370
Interim Final Rule Effective	12/04/03	
Interim Final Rule Comment Period End	01/05/04	
Final Action	09/00/06	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal

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Phone: 202 514-5780
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RIN: 1105-AA65

1893. GUIDELINES FOR THE PROTECT ACT AMENDMENTS TO THE JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDER REGISTRATION ACT

Priority: Info./Admin./Other**Legal Authority:** 42 USC 14071; PL 108-21**CFR Citation:** None**Legal Deadline:** None

Abstract: Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law No. 103-322, 108 Stat. 1796, 2038 (codified at 42 U.S.C. 14071) 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 main set of current Wetterling Act guidelines was published on January 5, 1999, in the Federal Register (64 FR 572, with corrections at 64 FR 3590), and a supplementary set of guidelines for the Campus Sex Crimes Prevention Act amendment to the Wetterling Act was published on October 25, 2002, in the Federal Register (67 FR 65598). 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 sections 604 and 605 of the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003, or PROTECT Act, Public Law 108-21, 117 Stat. 650, 688 (2003). These amendments provide that the means by which a State provides information to the public concerning registered sex offenders must include an Internet site and add child pornography production and distribution offenses to the list of crimes against children for which registration is required under the Wetterling Act's standards.

Supplementary guidelines are necessary to take account of the PROTECT Act amendments to the Wetterling Act.

The deadline for State compliance with the amendment in section 604 of the PROTECT Act, relating to Internet sites for sex offender information, is 3 years after the date of enactment; i.e., April 29, 2006, subject to a possible 2-year extension that the Attorney General may grant to States that are making good-faith efforts to come into compliance. The amendment in section 605 of the PROTECT Act, relating to registration for child pornography production and distribution offenses, took effect at the time of its enactment; i.e., on April 30, 2003.

Timetable:

Action	Date	FR Cite
Notice of Proposed Guidelines	03/15/05	70 FR 12721
Proposed Guidelines Comment Period End	05/16/05	
Final Guidelines	08/00/06	

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

Agency Contact: David J. Karp, Senior Counsel, Department of Justice, 950 Pennsylvania Avenue NW, Room 4503, Washington, DC 20530
Phone: 202 514-3273

RIN: 1105-AB08

1894. DNA SAMPLE COLLECTION FROM FEDERAL OFFENDERS UNDER THE JUSTICE FOR ALL ACT OF 2004

Priority: Other Significant**Legal Authority:** 5 USC 301; 28 USC 509; 28 USC 510; PL 108-405**CFR Citation:** 28 CFR 28**Legal Deadline:** None

Abstract: The Department of Justice is publishing this rule to implement section 203(b) of Public Law 108-405, the Justice for All Act of 2004. The Justice for All Act of 2004 authorizes the Department of Justice to treat offenses in certain specified categories as qualifying Federal offenses for purposes of DNA sample collection. This rule amends regulations to reflect new categories of Federal offenses subject to DNA sample collection. The Justice for All Act amendment added "[a]ny felony" as a specified offense category in 42 U.S.C. 14135a(d)—thereby permitting the collection of DNA samples from all convicted Federal felons. This rule includes the new "any felony" category and does not change the coverage of misdemeanors in certain categories already included under prior law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/05	70 FR 4763
Interim Final Rule Effective	01/31/05	
Interim Final Rule Comment Period End	04/01/05	
Final Action	09/00/06	

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

Agency Contact: David J. Karp, Senior Counsel, Department of Justice, 950 Pennsylvania Avenue NW, Room 4503, Washington, DC 20530
Phone: 202 514-3273

RIN: 1105-AB09

1895. PRESERVATION OF BIOLOGICAL EVIDENCE UNDER 18 U.S.C. 3600A

Priority: Other Significant**Legal Authority:** 18 USC 3600A**CFR Citation:** 28 CFR 28

DOJ—LA

Final Rule Stage

Legal Deadline: Other, Statutory, April 28, 2005, Implementing regulations required within 180 days of enactment.

Abstract: The Department of Justice is publishing this rule to implement 18 U.S.C. 3600A. That statute requires the Federal Government to preserve biological evidence in Federal criminal cases in which defendants are under sentences of imprisonment, subject to certain limitations and exceptions. Subsection (e) of the statute requires the Attorney General to promulgate regulations to implement and enforce the statute. This rule adds a new subchapter C to 28 CFR part 28 to effect the required implementation and enforcement of 18 U.S.C. 3600A. The new provisions added by this rule explain and interpret the evidence preservation requirement of 18 U.S.C. 3600A, and include provisions concerning sanctions for violations of that requirement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/28/05	70 FR 21951

Action	Date	FR Cite
Interim Final Rule	06/27/05	
Comment Period		
End		
Final Action	10/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: David J. Karp, Senior Counsel, Department of Justice, 950 Pennsylvania Avenue NW, Room 4503, Washington, DC 20530
Phone: 202 514-3273

RIN: 1105-AB10

1896. • SUPPLEMENT TO JUSTICE DEPARTMENT PROCEDURES AND COUNCIL ON ENVIRONMENTAL QUALITY REGULATIONS TO ENSURE COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

Priority: Other Significant

Legal Authority: 42 USC 4321; 42 USC 4371; 42 USC 7609; 28 CFR 61; 40 CFR 1500

CFR Citation: 28 CFR 61

Legal Deadline: None

Abstract: This rule adds appendix E to part 61 of the Department of Justice's regulations to ensure better compliance with the National Environmental Policy Act of 1969. The rule supplements existing Department procedures and regulations of the Council on Environmental Quality and only pertains to internal procedures of the United States Marshals Service.

Timetable:

Action	Date	FR Cite
NPRM	01/20/06	71 FR 3248
NPRM Comment	03/21/06	
Period End		
Final Action	12/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Joseph Band, Department of Justice, Washington, DC 20002
Phone: 202 307-9456

RIN: 1105-AB13

Department of Justice (DOJ)

Legal Activities (LA)

Long-Term Actions

1897. ETHICAL STANDARDS FOR ATTORNEYS FOR THE GOVERNMENT

Priority: Substantive, Nonsignificant

CFR Citation: 28 CFR 77

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/19/99	64 FR 19273
Interim Final Rule	06/21/99	
Comment Period		
End		
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Barbara Kammerman
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Fax: 202 353-7491

RIN: 1105-AA67

1898. NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM (NMVTIS) REPORTING REGULATIONS

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

CFR Citation: Not Yet Determined

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1105-AA71

Department of Justice (DOJ)

Legal Activities (LA)

Completed Actions

1899. MINIMUM QUALIFICATIONS FOR ANNUITY BROKERS IN CONNECTION WITH STRUCTURED SETTLEMENTS ENTERED INTO BY THE UNITED STATES

Priority: Other Significant

CFR Citation: 28 CFR 50

Completed:

Reason	Date	FR Cite
Final Action	03/06/06	71 FR 11158

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 1105-AA82

DOJ—LA

Completed Actions

1900. STOP VIOLENCE AGAINST WOMEN FORMULA GRANT PROGRAM AND STOP VIOLENCE AGAINST INDIAN WOMEN DISCRETIONARY GRANT PROGRAM: CLARIFICATION OF MATCH REQUIREMENT**Priority:** Substantive, Nonsignificant**CFR Citation:** 28 CFR 90**Completed:**

Reason	Date	FR Cite
Withdrawn – Superseded by RIN 1105–AB15	02/22/06	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State, Tribal**Agency Contact:** Marnie Shiels
Phone: 202 305–2981
Email: marnie.shiels@usdoj.gov**RIN:** 1105–AB07**1901. PROCEDURES TO PROMOTE COMPLIANCE WITH CRIME VICTIMS' RIGHTS OBLIGATIONS****Priority:** Other Significant**CFR Citation:** 28 CFR 45**Completed:**

Reason	Date	FR Cite
Final Action	11/17/05	70 FR 69650
Final Action Effective	12/19/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Mary Beth Buchanan
Phone: 202 514–2121**RIN:** 1105–AB11**Department of Justice (DOJ)
Office of Justice Programs (OJP)****Proposed Rule Stage****1902. VICTIMS OF CRIME ACT (VOCA) CRIME VICTIM COMPENSATION PROGRAM REGULATIONS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 10602; 42 USC 10604**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** The Victims of Crime Act (VOCA) Crime Victim Compensation Program regulations 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.

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.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	
NPRM Comment Period End	10/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**Additional Information:**

TRANSFERRED RIN: This rulemaking

1121-AA68 continues the rulemaking previously listed as “child” RIN 1121-AA66 under “parent” RIN 1121-AA61. This rulemaking has been transferred to RIN 1121-AA68 because the computer system used by the Regulatory Information Service Center (RISC) to compile the Unified Agenda no longer supports “parent” and “child” RINs. This rulemaking is not a new action. (For another VOCA-related rulemaking, see RIN 1121-AA69)

Agency Contact: Timothy Hagle, Deputy Director, Office for Victims of Crime, Department of Justice, Office of Justice Programs, 810 7th Street NW, Washington, DC 20531
Phone: 202 305–1209
Email: timothy.hagle@usdoj.gov**RIN:** 1121–AA68**1903. VICTIM OF CRIME ACT (VOCA) VICTIM ASSISTANCE PROGRAM****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 10603; 42 USC 10604**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** 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 three

million crime victims are served through these grants.

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.

Costs to States are limited, as the VOCA grant provides for administrative costs for these programs.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	
NPRM Comment Period End	10/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**Additional Information:**

TRANSFERRED RIN: This rulemaking 1121-AA69 continues the rulemaking previously listed as “child” RIN 1121-AA65 under “parent” RIN 1121-AA61. This rulemaking has been transferred to RIN 1121-AA69 because the computer system used by the Regulatory Information Service Center (RISC) to compile the Unified Agenda no longer supports “parent” and “child” RINs. This rulemaking is not a new action. (For another VOCA-related rulemaking, see RIN 1121-AA68).

Agency Contact: Timothy Hagle, Deputy Director, Office for Victims of Crime, Department of Justice, Office of Justice Programs, 810 7th Street NW, Washington, DC 20531
Phone: 202 305–1209

DOJ—OJP

Proposed Rule Stage

Email: timothy.hagle@usdoj.gov

RIN: 1121-AA69

Department of Justice (DOJ)
Office of Justice Programs (OJP)

Final Rule Stage

1904. 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 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	10/24/96	
Comment Period End		
Second Interim Final Rule	01/15/04	69 FR 2298
Second Interim Final Rule Comment Period End	03/15/04	
Final Action	11/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Tribal

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RIN: 1121-AA41

1905. 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 (BJA) 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	
Second Interim Final Rule	12/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses**Government Levels Affected:** Local, State, Tribal

Agency Contact: Linda Hammond-Decker, Program Manager, Department of Justice, Office of Justice Programs, 810 7th Street NW, Washington, DC 20053
 Phone: 202 514-6015

RIN: 1121-AA48

1906. 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	
Interim Final Rule Comment Period End	10/10/00	
Final Action	11/00/06	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal, Local, State, Tribal

Agency Contact: Steve Antkowiak, Special Projects Manager, Department of Justice, Office of Justice Programs,

DOJ—OJP

Final Rule Stage

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RIN: 1121-AA52

1907. PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM

Priority: Other Significant

Legal Authority: 42 USC 3711 et seq

CFR Citation: 28 CFR 32

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
NPRM	07/26/05	70 FR 43078
NPRM Comment Period End	09/26/05	
Final Action	07/00/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 1121-AA56

1908. INTERNATIONAL TERRORISM VICTIM EXPENSE REIMBURSEMENT 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) is developing these

regulations to implement the International Terrorism Victim Expense Reimbursement 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 reimburse victims of acts of international terrorism that occur outside the United States, for expenses associated with that victimization.

Timetable:

Action	Date	FR Cite
NPRM	08/24/05	70 FR 49518
NPRM Comment Period End	10/24/05	
Final Action	07/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Agency Contact: Barbara Walker, 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: 202 305-1696

RIN: 1121-AA63

Department of Justice (DOJ)

Office of Justice Programs (OJP)

Long-Term Actions

1909. CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES

Priority: Substantive, Nonsignificant

CFR Citation: 28 CFR 23

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Action	Date	FR Cite
NPRM Comment Period End	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State

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RIN: 1121-AA59

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