

DEPARTMENT OF JUSTICE**8 CFR Ch. V****21 CFR Ch. I****27 CFR Ch. II****28 CFR Ch. I, V****Regulatory Agenda**

AGENCY: Department of Justice.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Justice is publishing its fall 2007 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: For this edition of the Department of Justice's regulatory agenda, the most important significant regulatory actions and a Statement of Regulatory Priorities are included in The Regulatory Plan, which appears in both the online Unified Agenda and in part II of the **Federal Register** that includes the Unified Agenda.

Beginning with the fall 2007 edition, the Internet will be the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at www.reginfo.gov in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Justice's printed agenda entries include only:

- (1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and
- (2) any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including the Department of Justice's regulatory plan.

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 regulatory agenda includes two regulations requiring such a review: "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. This edition also includes one regulation resulting from a section 610 review: "Commerce in Explosives (Including Explosives in the Fireworks Industry)" (RIN 1140-AA01).

Dated: September 24, 2007.

NAME: Brett C. Gerry,
Acting Assistant Attorney General, Office of Legal Policy.

The 140 Regulatory Agendas

Legal Activities - Proposed Rule

Title	Regulation Identifier Number
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
Procedures for Suspension and Removal of Panel Trustees and Standing Trustees	1105-AB12
Revision to United States Marshals Service Fees for Services	1105-AB14
Conforming OVW Grant Programs Regulations to Statutory Changes	1105-AB15
Procedures for Review of Denial of Claims of Standing Trustee for Actual, Necessary Expenses	1105-AB16
Application Procedures and Criteria for Approval of Nonprofit Budget and Credit Counseling Agencies by U.S. Trustees	1105-AB17
Implementation of Section 503 of the Adam Walsh Child Protection and Safety Act of 2006	1105-AB19
DNA Sample Collection Under the DNA Fingerprint Act of 2005 and the Adam Walsh Child Protection and Safety Act of 2006	1105-AB24
Research Misconduct	1105-AB25
Uniform Forms for Trustee Final Reports for Chapter 7, 12, and 13 Cases	1105-AB29
Uniform Forms for Periodic Reports for Chapter 11 Cases	1105-AB30
Application Procedures and Criteria for Approval of Providers of a Personal Financial Management Instructional Course by United States Trustees	1105-AB31

Legal Activities - Final Rule

Title	Regulation Identifier Number
Designation of Agencies To Receive and Investigate Reports Required Under the Protection of Children From Sexual Predators Act	1105-AA65
DNA Sample Collection From Federal Offenders Under the Justice for All Act of 2004	1105-AB09
Preservation of Biological Evidence	1105-AB10
Revised Inspection of Records Relating to Depiction of Sexually Explicit Performances	1105-AB18
Production of Certain Information or Testimony by State or Local Law Enforcement or Prosecutive Officials Serving on a Department of Justice Task Force	1105-AB21
Applicability of the Sex Offender Registration and Notification Act	1105-AB22
Standards for the Administrative Collection of Claims	1105-AB26
National Guidelines for Sex Offender Registration and Notification	1105-AB28

Legal Activities - Long-term Action

Title	Regulation Identifier Number
Ethical Standards for Attorneys for the Government	1105-AA67
Reporting Under the Protection of Children From Sexual Predators Act as Amended	1105-AB06
Disclosure or Production of Records or Information	1105-AB27

Legal Activities - Completed Action

Title	Regulation Identifier Number
National Motor Vehicle Title Information System (NMVTIS) Reporting Regulations	1105-AA71
Guidelines for the PROTECT Act Amendments to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act	1105-AB08

Federal Bureau of Investigation - Proposed Rule

Title	Regulation Identifier Number
FBI Criminal Justice Information Services Division User Fees	1110-AA26
Expanded Use of NICS To Allow Access by Criminal Justice Agencies To Conduct Background Checks Prior to the Return of Firearms in Law Enforcement Possession	1110-AA27
Revisions to Procedures and Fee for the Production of an FBI Identification Record	1110-AA28
Records Management Division User Fees	1110-AA29
National Motor Vehicle Title Information System (NMVTIS)	1110-AA30

Federal Bureau of Investigation - Final Rule

Title	Regulation Identifier Number
Implementation of the National Stolen Passenger Motor Vehicle Information System (NSPMVIS)	1110-AA01
Implementation of the Private Security Officer Employment Authorization Act of 2004	1110-AA23
Carriage of Concealed Weapons Pursuant to the Law Enforcement Officers Safety Act of 2004	1110-AA24
Inclusion of Nonserious Offense Identification Records	1110-AA25

Federal Bureau of Investigation - Long-term Action

Title	Regulation Identifier Number
Communications Assistance for Law Enforcement Act: Definitions of "Replaced" and "Significantly Upgraded or Otherwise Undergone Major Modification"	1110-AA21
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

Federal Bureau of Investigation - Completed Action

Title	Regulation Identifier Number
Regulations Under the Pam Lychner Sexual Offender Tracking and Identification Act	1110-AA04

Drug Enforcement Administration - Proposed Rule

Title	Regulation Identifier Number
Guidelines for Providing Controlled Substances to Ocean Vessels	1117-AA40
Electronic Prescriptions for Controlled Substances	1117-AA61
Reorganization and Clarification of DEA Regulations	1117-AA63
Chemical Mixtures Containing Gamma-Butyrolactone	1117-AA64
Chemical Mixtures Containing Listed Forms of Phosphorus	1117-AA66
Electronic Application for Controlled Substances and Listed Chemical Registration: Technical Amendments	1117-AA91
Limited Exemption for Peyote Use in Traditional Ceremonies With a Traditional Indian Religion by Members of Federally Recognized Indian Tribes	1117-AA97
Changes to Patient Limitation for Dispensing or Prescribing Approved Narcotic Controlled Substances for Maintenance or Detoxification Treatment by Qualified Individual Practitioners	1117-AA99
Information on Foreign Chain of Distribution for Ephedrine, Pseudoephedrine, and Phenylpropanolamine	1117-AB07
Registration List Requirements for Importers and Manufactures of Prescription Drug Products Containing Ephedrine, Pseudoephedrine, or Phenylpropanolamine	1117-AB09
Removal of Thresholds for the List I Chemicals Ephedrine, Pseudoephedrine, and Phenylpropanolamine	1117-AB10
Combat Methamphetamine Epidemic Act of 2005: Fee for Self-Certification for Regulated Sellers of Scheduled Listed Chemical Products	1117-AB13
Record Requirements for Chemical Distributors	1117-AB14
New Single-Sheet Format for U.S. Official Order Form for Schedule I and II Controlled Substances (DEA Form-222)	1117-AB15
Control of Immediate Precursor Used in the Illicit Manufacture of Fentanyl as a Schedule II Controlled Substance	1117-AB16

Drug Enforcement Administration - Final Rule

Title	Regulation Identifier Number
Definition of Positional Isomer as It Pertains to the Control of Schedule I Controlled Substances	1117-AA94
Reexportation of Controlled Substances	1117-AB00
Issuance of Multiple Prescriptions for Schedule II Controlled Substances	1117-AB01
Authorized Sources of Narcotic Raw Material	1117-AB03
Schedules of Controlled Substances: Exempt Anabolic Steroid Products	1117-AB04
Retail Sales of Scheduled Listed Products; Self-Certification of Regulated Sellers of Scheduled Listed Chemical Products	1117-AB05
Implementation of the Combat Methamphetamine Epidemic Act of 2005; Notice of Transfers Following Importation or Exportation	1117-AB06
Import and Production Quotas for Certain List I Chemicals	1117-AB08
Elimination of Exemption for Chemical Mixtures Containing the List I Chemicals Ephedrine and/or Pseudoephedrine	1117-AB11
Control of a Chemical Precursor Used in the Illicit Manufacture of Fentanyl as a List I Chemical	1117-AB12

Drug Enforcement Administration - Long-term Action

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

Drug Enforcement Administration - Completed Action

Title	Regulation Identifier Number
Changes in the Regulation of Iodine and Its Chemical Mixtures	1117-AA93

Bureau of Prisons - Proposed Rule

Title	Regulation Identifier Number
Psychiatric Evaluation and Treatment	1120-AB20
Administrative Remedy Program--Subpart Revision	1120-AB34
Inmate Electronic Message Program	1120-AB38
Release of Information	1120-AB40

Bureau of Prisons - Final Rule

Title	Regulation Identifier Number
Literacy Program	1120-AA33
Telephone Regulations and Inmate Financial Responsibility	1120-AA39
Good Conduct Time	1120-AA62
Designation of Offenses Subject to Sex Offender Release Notification	1120-AA85
Drug Testing Program	1120-AA95
Correspondence: Inspection of Outgoing General Correspondence	1120-AA98
District of Columbia Educational Good Time Credit	1120-AB05
Drug Abuse Treatment Program: Subpart Revision and Clarification	1120-AB07
Reduction in Sentence for Medical Reasons	1120-AB10
Central Inmate Monitoring (CIM) System: Streamlining Rules	1120-AB14
Inmate Discipline--Subpart Revision	1120-AB18
Autopsies	1120-AB26
Inmate Work and Performance Pay Program: Reduction in Pay for Drug- and Alcohol-Related Disciplinary Offenses	1120-AB33
Limited Communication for Terrorist Inmates	1120-AB35
Possession or Introduction of Personal Firearms Prohibited on Federal Penal or Correctional Institution Grounds	1120-AB37
Intensive Confinement Center Program	1120-AB39
Drug Abuse Treatment Program: Eligibility of DC Code Offenders for Early Release Consideration	1120-AB41
Smoking/No Smoking Areas	1120-AB42
Inmate Furloughs	1120-AB44
Civil Commitment of a Sexually Dangerous Person	1120-AB45

Bureau of Prisons - Completed Action

Title	Regulation Identifier Number
Searches of Housing Units, Inmates, and Inmate Work Areas: Electronic Devices	1120-AA90
Searching and Detaining or Arresting Non-Inmates	1120-AB28

Office of Justice Programs - Proposed Rule

Title	Regulation Identifier Number
Criminal Intelligence Systems Operating Policies	1121-AA59
Victims of Crime Act (VOCA) Crime Victim Compensation Program Regulations	1121-AA68
Victim of Crime Act (VOCA) Victim Assistance Program	1121-AA69
Aimee's Law	1121-AA71

Office of Justice Programs - Final Rule

Title	Regulation Identifier Number
Bulletproof Vest Partnership Grant Acts of 1998 and 2000	1121-AA48
Environmental Impact Review Procedures for the VOI/TIS Grant Program	1121-AA52
Certification Process for State Capital Counsel Systems	1121-AA74

Executive Office for Immigration Review - Proposed Rule

Title	Regulation Identifier Number
Authority of Immigration Judges To Issue Civil Money Penalties	1125-AA18
Suspension of Deportation and Cancellation of Removal for Certain Battered Spouses and Children; Motions To Reopen for Certain Battered Spouses and Children	1125-AA35
International Marriage Brokers	1125-AA45
Executive Office for Immigration Review; Rules Governing Immigration Proceedings	1125-AA53
Board of Immigration Appeals: Affirmance Without Opinion, Referral for Three-Board-Member Review, and Publication of Decisions as Precedents	1125-AA58
Professional Conduct for Practitioners--Rules and Procedures, and Representation and Appearances	1125-AA59
Voluntary Departure: Effect of a Motion To Reopen or Reconsider or a Petition for Review	1125-AA60

Executive Office for Immigration Review - Final Rule

Title	Regulation Identifier Number
Suspension of Deportation and Cancellation of Removal	1125-AA25
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
Protective Orders in Immigration Administration Proceedings	1125-AA38
Executive Office for Immigration Review Attorney/Representative Registry	1125-AA39
Transfer of Jurisdiction Over Appeals of Fines From the Board of Immigration Appeals to the Office of the Chief Administrative Hearing Officer	1125-AA41
Definitions; Fees; Powers and Authority of DHS Officers in Removal Proceedings	1125-AA43
Background and Security Investigation Checks in Proceedings Before Immigration Judges and the Board of Immigration Appeals	1125-AA44
Reopened Proceedings on Petitions for Alien Entrepreneur Immigrant Classification (EB-5 Visas)	1125-AA49
Information Relating to Aliens' Duty To Surrender When Ordered Removed From the United States	1125-AA51
Jurisdiction and Venue in Removal Proceedings	1125-AA52
Eligibility of Arriving Aliens in Removal Proceedings To Apply for Adjustment of Status and Jurisdiction To Adjudicate Applications for Adjustment of Status	1125-AA55
Board of Immigration Appeals: Composition of Board and Temporary Board Members	1125-AA57

Executive Office for Immigration Review - Completed Action

Title	Regulation Identifier Number
Authorities Delegated to the Director of the Executive Office for Immigration Review and the Chief Immigration Judge	1125-AA27

Bureau of Alcohol, Tobacco, Firearms, and Explosives - Proposed Rule

Title	Regulation Identifier Number
Implementation of Public Law 105-277 Relating to Secure Gun Storage	1140-AA10
Implementation of the Child Safety Lock Act of 2005	1140-AA26
Commerce in Explosives--Separation Distances of Ammonium Nitrate and Blasting Agents From Explosives or Blasting Agents	1140-AA27
Implementation of the USA Patriot Improvement and Reauthorization Act of 2005 Regarding Trafficking in Contraband Cigarettes or Smokeless Tobacco	1140-AA31

Bureau of Alcohol, Tobacco, Firearms, and Explosives - Final Rule

Title	Regulation Identifier Number
Implementation of the Safe Explosives Act	1140-AA00
Commerce in Firearms and Ammunition (Omnibus Consolidated Appropriations Act of 1997)	1140-AA04
Implementation of the Safe Explosives Act--Delivery of Explosive Materials by Common or Contract Carrier	1140-AA20
Machine Guns, Destructive Devices, and Certain Other Firearms--Amended Definition of "Pistol"	1140-AA23
Commerce in Explosives--Amended Definition of Propellant Actuated Device	1140-AA24
The U.S. Munitions Import List and Import Restrictions Applicable to Certain Countries	1140-AA29
Commerce in Explosives--Storage of Shock Tube With Detonators	1140-AA30

Bureau of Alcohol, Tobacco, Firearms, and Explosives - Long-term Action

Title	Regulation Identifier Number
Commerce in Explosives (Including Explosives in the Fireworks Industry)	1140-AA01
Commerce in Explosives--Explosive Pest Control Devices	1140-AA03
Residency Requirement for Persons Acquiring Firearms	1140-AA05
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
Public Law 105-277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for FY 1999 Relating to Firearms Disabilities for Nonimmigrant Aliens	1140-AA08

Civil Rights Division - Proposed Rule

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

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

Department of Justice (DOJ) Legal Activities (LA)

RIN: 1105-AA74

Title: 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

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-for-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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 274; 21 CFR 1316; 28 CFR 8 (Revision); 28 CFR 9 (Revision) (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline:

Action	Source	Date
Other	Statutory	08/23/2000

Timetable:

Action	Date	FR Cite
NPRM	04/00/2008	
NPRM Comment Period End	06/00/2008	

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

Federalism: No

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Department of Justice (DOJ)**Legal Activities (LA)****RIN:** 1105-AB12

Title: Procedures for Suspension and Removal of Panel Trustees and Standing Trustees

Abstract: The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCPA") (Pub. L. No. 109-8) amended 28 U.S.C. 586(d)(2) to clarify that standing trustees and panel trustees who cease to be assigned to cases filed under title 11, United States Code, may obtain judicial review of the final agency decision by commencing an action in the District court after first exhausting all available administrative remedies, which if the trustee so elects, shall also include an administrative hearing on the record. The Attorney General is directed to prescribe procedures to implement these changes. Pursuant to an order dated October 14, 2005, the Attorney General delegated his authority to promulgate rules necessary to implement the provisions of the BAPCPA that relate to the administration and supervision of bankruptcy cases by the United States Trustee Program to the Director of the Executive Office for United States Trustees. 28 CFR 58.6 currently sets forth the procedures for suspension and removal of panel trustees and standing trustees. The Executive Office for United States Trustees is amending these procedures to reflect the changes required by 28 U.S.C. 586(d)(2) under the authority delegated by the Attorney General in his October 14, 2005, order.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 58 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 28 USC 586(d)(2)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/00/2008	
NPRM Comment Period End	05/00/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Roberta A. DeAngells

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Department of Justice (DOJ)**Legal Activities (LA)****RIN:** 1105-AB14**Title:** Revision to United States Marshals Service Fees for Services**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.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 28 CFR 0 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 5 USC 301; 28 USC 509; 28 USC 510; 28 USC 515 to 519**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	12/00/2007	
NPRM Comment Period End	02/00/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Joe Lazar

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Department of Justice (DOJ)
Legal Activities (LA)

RIN: 1105-AB15

Title: Conforming OVW Grant Programs Regulations to Statutory Changes

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.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 28 CFR 90 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** PL 109-162**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	12/00/2007	
NPRM Comment Period End	02/00/2008	

Additional Information: This rulemaking incorporated the action previously reported under RINs 1105-AB07 and 1121-AA67.**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Ms. Marnie Shiels Department of Justice

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Department of Justice (DOJ)
Legal Activities (LA)

RIN: 1105-AB16

Title: Procedures for Review of Denial of Claims of Standing Trustee for Actual, Necessary Expenses

Abstract: This rule sets forth the procedures for the administrative review of denials of standing trustees' claims that certain expenses are actual, necessary for their administration of chapter 12 and 13 cases. Section 1231(b) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCPA"), as codified at 28 U.S.C. 586(e)(3)(4) requires that: (1) Standing trustees exhaust all administrative remedies pertaining to denial of a claim of actual, necessary expenses before seeking judicial review of them; and (2) the Attorney General prescribe procedures for administrative review of such claim denials. This rule ensures that the process of administratively reviewing denials of standing trustees' expense claims is fair and effective.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 58 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/00/2008	
NPRM Comment Period End	03/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)

Legal Activities (LA)

RIN: 1105-AB17

Title: Application Procedures and Criteria for Approval of Nonprofit Budget and Credit Counseling Agencies by U.S. Trustees

Abstract: This rule sets forth the application procedures to be used by United States Trustees for approval of nonprofit budget and credit counseling agencies under the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCPA"). Under the BAPCPA, individual debtors are required to consult with approved agencies to receive a briefing on the opportunities for credit counseling and a budget analysis, within 180 days before filing for bankruptcy relief. The BAPCPA also sets forth procedures and standards for the United States Trustee to use in approving agencies for subsequent inclusion on a publicly available agency list and provider list in each Federal judicial district where they are deemed qualified to counsel individuals.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 58 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 11 USC 111

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	07/05/2006	
Interim Final Rule	07/05/2006	71 FR 38076
Interim Final Rule Comment Period End	09/05/2006	
NPRM	01/00/2008	
NPRM Comment Period End	03/00/2008	

Additional Information: This rule has been revised to pertain only to the application procedures and criteria for the approval of nonprofit budget and credit counseling agencies. The debtor education portion of the interim rule published under this RIN has been transferred to RIN 1105-AB31.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)

Legal Activities (LA)

RIN: 1105-AB19

Title: Implementation of Section 503 of the Adam Walsh Child Protection and Safety Act of 2006

Abstract: This rule adds recordkeeping and inspection requirements to title 28 of the Code of Federal Regulations to implement 18 U.S.C. section 2257A. Section 2257A, enacted as section 503 of the Adam Walsh Child Protection and Safety Act of 2006, requires a producer of depictions of simulated sexually explicit conduct to maintain records of the identities and ages of performers in those depictions.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 75 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 18 USC 2257A

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2007	
NPRM Comment Period End	01/00/2008	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)
Legal Activities (LA)

RIN: 1105-AB24

Title: DNA Sample Collection Under the DNA Fingerprint Act of 2005 and the Adam Walsh Child Protection and Safety Act of 2006

Abstract: This rule implements amendments made by section 1004 of the DNA Fingerprint Act of 2005, Public Law 109-162, and section 155 of the Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248, to section 3 of the DNA Analysis Backlog Elimination Act of 2000, Public Law 106-546. This rule directs agencies of the United States that arrest or detain individuals, or that supervise individuals facing charges, to collect DNA samples from certain individuals who are arrested, facing charges, or convicted, and from non-United States persons who are detained, under the authority of the United States.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 28 CFR 28 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 28 USC 509; 28 USC 510; 42 USC 14132; 42 USC 14135a; 42 USC 14135b; 10 USC 1565; PL 106-546; PL 107-56; PL 108-405; PL 109-162; PL 109-248

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2007	
NPRM Comment Period End	02/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)
Legal Activities (LA)

RIN: 1105-AB25

Title: Research Misconduct

Abstract: This rule implements the Department of Justice's (DOJ) "Federal Policy on Research Misconduct" by setting forth the definition of research misconduct, procedure for investigating allegations of research misconduct and recommending findings, and procedure for adjudicating and appealing such findings. This rule will ensure the integrity of research funded or supported by DOJ.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 82 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 5 USC 301; 28 USC 510; 28 USC 590

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2007	
NPRM Comment Period End	01/00/2008	

Additional Information: Transferred from RIN 1121-AA72

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)

Legal Activities (LA)

RIN: 1105-AB29

Title: Uniform Forms for Trustee Final Reports for Chapter 7, 12, and 13 Cases

Abstract: The administration of all chapter 7, 12, and 13 bankruptcy estates is entrusted to private persons who are trustees under the supervision and oversight of the United States Trustee. In every case, a trustee must submit a final report, though these reports vary according to local district court rules. Congress has mandated that these final reports be nationally unified so that they facilitate the review of a trustee's case administration and assist in maintaining the public's trust in the bankruptcy system. Accordingly, this rule requires uniform forms for final reports by trustees in cases under chapters 7, 12, and 13 of title 11. These reports, once filed in each case, will be available to the public at the office of the clerk of the United States Bankruptcy Court where a case is pending during the hours established by the bankruptcy court clerk.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 28 CFR 58 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 11 USC 702; 11 USC 1202(a); 11 USC 1302(a); 28 USC 586(a); 28 USC 589(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/00/2008	
NPRM Comment Period End	03/00/2008	

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

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)

Legal Activities (LA)

RIN: 1105-AB30

Title: Uniform Forms for Periodic Reports for Chapter 11 Cases

Abstract: 28 U.S.C. 589b requires the Attorney General to issue rules requiring uniform forms for periodic reports by debtors in possession and trustees in chapter 11 cases. These reports are to be used by the United States Trustee Program to facilitate oversight and monitoring of chapter 11 cases as well as to provide information to the courts, creditors, and public about the debtor's operations while under chapter 11 reorganization. Among the purposes for uniform forms is to accomplish the collection of data required by Congress that will be " in the best interests of debtors and creditors, and in the public interest in reasonable and adequate information to evaluate the efficiency and practicality of the Federal bankruptcy system." 28 U.S.C. 589b(c).

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 58 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 11 USC 1106(a)(1); 11 USC 1107(a); 28 USC 589(b); Fed. R. Bankr. P. 2015 (a)(2) to (a)(3)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/00/2008	
NPRM Comment Period End	05/00/2008	

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

Federalism: No

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Department of Justice (DOJ)**Legal Activities (LA)****RIN:** 1105-AB31

Title: Application Procedures and Criteria for Approval of Providers of a Personal Financial Management Instructional Course by United States Trustees

Abstract: This rule sets forth the application procedures to be used by United States Trustees for approval of providers of a personal financial management instructional course under the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCPA"). Under the BAPCPA, individual debtors are required to consult with approved providers of a personal financial management instructional course, after filing for relief, before receiving a discharge of their debts. The BAPCPA also sets forth procedures and standards for the United States Trustee to use in approving providers for subsequent inclusion on a publicly available provider list in each Federal judicial district where they are deemed qualified to instruct individuals.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 58 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 11 USC 111; 28 USC 586

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/00/2008	
NPRM Comment Period End	05/00/2008	

Additional Information: This rule derives from the debtor education portion of 1105-AB17 which has been revised to pertain only to the application procedures and criteria for the approval of nonprofit budget and credit counseling agencies.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)**Legal Activities (LA)****RIN:** 1105-AA65

Title: Designation of Agencies To Receive and Investigate Reports Required Under the Protection of Children From Sexual Predators Act

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 81 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 42 USC 13032

Legal Deadline:

Action	Source	Date
NPRM	Statutory	04/28/1999

Timetable:

Action	Date	FR Cite
NPRM	05/26/1999	64 FR 28422
NPRM Comment Period End	07/26/1999	
Interim Final Rule	11/04/2003	68 FR 62370
Interim Final Rule Effective	12/04/2003	
Interim Final Rule Comment Period End	01/05/2004	
Final Action	01/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

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Department of Justice (DOJ)
Legal Activities (LA)

RIN: 1105-AB09

Title: DNA Sample Collection From Federal Offenders Under the Justice for All Act of 2004

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 28 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 5 USC 301; 28 USC 509; 28 USC 510; PL 108-405

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	01/31/2005	
Interim Final Rule	01/31/2005	70 FR 4763
Interim Final Rule Comment Period End	04/01/2005	
Final Action	03/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)

Legal Activities (LA)

RIN: 1105-AB10

Title: Preservation of Biological Evidence

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 28 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 18 USC 3600A

Legal Deadline:

Action	Source	Date
Other	Statutory	04/28/2005

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/28/2005	70 FR 21951
Interim Final Rule Comment Period End	06/27/2005	
Final Action	03/00/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** David J. Karp

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Department of Justice (DOJ)**Legal Activities (LA)****RIN:** 1105-AB18**Title:** Revised Inspection of Records Relating to Depiction of Sexually Explicit Performances

Abstract: In the Child Protection and Obscenity Enforcement Act of 1998, Public Law No. 100--690, as amended by the Child Protection Restoration and Penalties Enhancement Act of 1990, Public Law No. 101--647, and the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003, Public Law No. 108--21, Congress set forth requirements at section 2257, title 18, United States Code, concerning recordkeeping requirements for producers of sexually explicit material. Section 2257 of title 18, United States Code, specifies steps that must be taken by persons who produce materials depicting sexually explicit conduct to determine the names and dates of birth of persons depicted in those materials, lists records that must be kept by persons producing those materials, and requires that notices as to the location of those records be affixed to those materials. 28 CFR part 75 contains recordkeeping and inspection requirements implementing section 2257, title 18, United States Code. On May 24, 2005 (70 FR 29607), the Department published a final rule amending these requirements at 28 CFR part 75 to bring the regulations up to date and to make the inspection process effective for the purposes set by Congress in enacting section 2257. This rule amends the recordkeeping and inspection requirements of 28 CFR part 75 to account for changes in the underlying statute, 18 U.S.C. section 2257, made by the Adam Walsh Child Protection and Safety Act of 2006.

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 28 CFR 75 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 18 USC 2257; PL 109-248**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	07/12/2007	72 FR 38033
NPRM Comment Period End	09/10/2007	
Final Action	03/00/2008	

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

Federalism: No

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Department of Justice (DOJ)

Legal Activities (LA)

RIN: 1105-AB21

Title: Production of Certain Information or Testimony by State or Local Law Enforcement or Prosecutive Officials Serving on a Department of Justice Task Force

Abstract: This rule amends Department of Justice regulations concerning agency management. The production of certain information or testimony by Department officials in response to subpoenas or demands of courts or other authorities is governed by 28 CFR 16.21 to 16.29, often referred to as the Department's Touhy regulations, see *United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951). The revision avoids any doubt that the Touhy regulations cover information acquired by a State or local law enforcement and prosecutive official while serving as a task force official on a Department of Justice task force.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 16 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 5 USC 301; 5 USC 552; 5 USC 552a; 5 USC 552(b)(g); 18 USC 4203(a)(1); 28 USC 509; 28 USC 510; 28 USC 534; 31 USC 3717; 31 USC 9701

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/21/2007	72 FR 34205
NPRM Comment Period End	08/20/2007	
Final Action	04/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)
Legal Activities (LA)
RIN: 1105-AB22**Title:** Applicability of the Sex Offender Registration and Notification Act

Abstract: The Department of Justice is publishing this rule to specify that the requirements of the Sex Offender Registration and Notification Act, title I of Public Law 109--248, apply to sex offenders convicted of the offense for which registration is required before the enactment of that Act. These requirements include registration by a sex offender in each jurisdiction in which the sex offender resides, is an employee, or is a student. The Attorney General has the authority to make this specification pursuant to sections 112(b) and 113(d) of the Sex Offender Registration and Notification Act.

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 28 CFR 72 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** PL 109-248**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	02/28/2007	
Interim Final Rule	02/28/2007	72 FR 8894
Interim Final Rule Comment Period End	04/30/2007	
Final Action	04/00/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal; Local; State**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** David J. Karp

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Department of Justice (DOJ)
Legal Activities (LA)
RIN: 1105-AB26**Title:** Standards for the Administrative Collection of Claims

Abstract: The Federal Claims Collection Standards (FCCS) are issued jointly by the Secretary of the Treasury and the Attorney General. These regulations prescribe the standards for the administrative collection, compromise, termination of agency collection, and the referral to the Department of Justice for litigation of civil claims by the Federal Government for money or property. This rule revises part 901 of the FCCS, which specifies the order in which a Federal agency is required to apply a partial or installment payment to the various components of a delinquent, non-tax debt owed to the United States. The current rule states that payments are required to be applied first to the penalties, then to the administrative costs, then to interest, and last to principal. The revised rule will require the agencies to apply payments first to administrative costs that are paid out of amounts collected from the debtor (known as "contingency fees") when such costs are added to the debt, second to penalties, third to administrative costs other than contingency fees, fourth to interest, and last to principal. Also the term "administrative charges" used in sections 901.9(f) and 901.9(g) is being replaced with "administrative costs" for consistency and clarity.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 31 CFR 901.9(f); 31 CFR 901.9(g) (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 31 USC 3717(e)(1)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/2008	
Interim Final Rule Comment Period End	03/00/2008	

Additional Information: The Department of Treasury Regulatory Identifier Number (RIN) for this rulemaking is 1510-AA91.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State; Tribal

Small Entities Affected: No

Federalism: No

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Department of Justice (DOJ)

Legal Activities (LA)

RIN: 1105-AB28

Title: National Guidelines for Sex Offender Registration and Notification

Abstract: These guidelines carry out a statutory directive to the Attorney General (appearing in 42 U.S.C. 1 6912(b)) to issue guidelines to interpret and implement the Sex Offender Registration and Notification Act (SORNA), which is title I of the Adam Walsh Child Protection and Safety Act of 2006 (Pub. L. 109-248). The guidelines provide guidance and assistance to the States and other covered jurisdictions in incorporating the SORNA requirements into their sex offender registration and notification programs. Jurisdictions that fail to substantially implement the SORNA requirements in their programs within a specified time frame are subject to a 10 percent reduction of Federal justice assistance (Byrne Grant) funding. Matters addressed in the guidelines include general principles for SORNA implementation; the jurisdictions responsible for implementing the SORNA standards in their programs; the sex offenders required to register under SORNA and the registration and notification requirements they are subject to based on the nature of their offenses and the extent of their recidivism; the information to be taken from registrants and the disclosure and sharing of such information; the jurisdictions in which sex offenders are required to register; the procedures for initially registering sex offenders and for keeping the registration current and the registration information up to date; the duration of registration; and the means of enforcing registration requirements.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 42 USC 16912(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Notice	05/30/2007	72 FR 30209
Notice	08/01/2007	
Final Action	03/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State; Tribal

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)

Legal Activities (LA)

RIN: 1105-AA67

Title: Ethical Standards for Attorneys for the Government

Abstract: This rule supersedes the Department of Justice regulations relating to Communications with Represented Persons and implements 28 U.S.C. 530B pertaining to ethical standards for attorneys for the Government. Under that provision, an attorney for the Government shall be subject to State laws and rules, and local Federal court rules governing attorneys in each State where such attorney engages in that attorney's duties, to the same extent and in the same manner as other attorneys in that State. This rule fulfills the Attorney General's obligation under section 530B and provides guidance to all Department of Justice employees who are subject to section 530B regarding their obligations and responsibilities under this new provision.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 77 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 28 USC 530B

Legal Deadline:

Action	Source	Date
Other	Statutory	04/19/1999

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	04/19/1999	64 FR 19273
Interim Final Rule Comment Period End	06/21/1999	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Justice (DOJ)
Legal Activities (LA)

RIN: 1105-AB06

Title: Reporting Under the Protection of Children From Sexual Predators Act as Amended

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 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.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 28 CFR 81 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 13032**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No

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Department of Justice (DOJ)
Legal Activities (LA)

RIN: 1105-AB27

Title: Disclosure or Production of Records or Information

Abstract: This rule revises and updates the Department of Justice regulations implementing the Freedom of Information Act, 5 U.S.C. 552, and the Privacy Act of 1974, 5 U.S.C. 552a.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No

CFR Citation: 28 CFR 16 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 5 USC 552; 5 USC 552a

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Justice (DOJ)

Legal Activities (LA)

RIN: 1105-AA71

Title: National Motor Vehicle Title Information System (NMVTIS) Reporting Regulations

Abstract: The Attorney General is required to issue regulations directing junk yard and salvage yard operators and insurance carriers to file monthly reports with the operator of the National Motor Vehicle Title Information System (NMVTIS) concerning vehicles in their possession. The reports are required by statute, 49 U.S.C. section 30504(a) and (b), to provide the vehicle identification numbers, the date on which the vehicle was obtained, and the name of the individual or entity from whom the vehicle was obtained. Salvage and junk yard operators are also required to provide a statement of whether the automobile was crushed or disposed of for sale or other purposes. Insurance carriers are also required to provide the name of the owner of the automobile at the time the report is filed.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 49 USC 30504

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Other	08/01/2007	

Additional Information: Previous title: Motor Vehicle Salvage Regulations. On a related issue, the FBI expects to issue regulations implementing the National Stolen Passenger Motor Vehicle Information System (NSPMVIS). (See RIN 1110-AA01.)

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

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Department of Justice (DOJ)
Legal Activities (LA)

RIN: 1105-AB08

Title: Guidelines for the PROTECT Act Amendments to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act

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.

Priority: Info./Admin./Other

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 42 USC 14071; PL 108-21

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Notice	03/15/2005	70 FR 12721
Notice	05/16/2005	
Withdrawn	05/30/2007	72 FR 30209

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1110-AA26

Title: FBI Criminal Justice Information Services Division User Fees

Abstract: Under Public Law 101-515, the FBI has the authority to establish and collect fees for fingerprint based criminal history record information (CHRI) checks and other identification services submitted by authorized users for noncriminal justice purposes including employment and licensing. This rule: 1) Revises the fees the FBI charges for performing these checks and services; 2) explains the methodology used to calculate the FBI's revised fee schedule; and 3) establishes a structure by which future fee adjustments for these checks and services will be made by a Notice published in the Federal Register.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 101-515; 28 USC 534, notes

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2007	
NPRM Comment Period End	01/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: No

Energy Affected: No

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

RIN: 1110-AA27

Title: Expanded Use of NICS To Allow Access by Criminal Justice Agencies To Conduct Background Checks Prior to the Return of Firearms in Law Enforcement Possession

Abstract: Currently, access to the National Instant Criminal Background Check System (NICS) index for non-Brady Act reasons is limited to two purposes: 1) For the issuance of firearm-related or explosives-related permits or licenses and 2) to respond to Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) inquiries relating to the Gun Control Act or the National Firearms Act. This rule amends FBI regulations to authorize criminal justice agencies to access the NICS Index to conduct background checks for the purpose of returning firearms in the possession of a law enforcement or criminal justice agency, including returning a firearm to a family member in suicide cases.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 25.6 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: PL 103-159

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/00/2008	
NPRM Comment Period End	03/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)

Federal Bureau of Investigation (FBI)

RIN: 1110-AA28

Title: Revisions to Procedures and Fee for the Production of an FBI Identification Record

Abstract: The revisions to section 16.32 will allow requests to be transmitted to the FBI by means other than the U.S. mail; will expand the types of satisfactory proof of identity, when such proof is available and appropriate; and will authorize the FBI to accept additional methods of payment. To be consistent with the purpose and scope of the procedure, as set out in section 16.30, the revised section will also clarify that the FBI will return such records only to the subject or to the subject's attorney of record. Section 16.33 will be revised to establish the fee under 31 U.S.C. 9701 and to explain that, with calculation of the fee under OMB's Circular A-25, the revised fee reflects the full cost to the FBI for providing this service.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 16, subpart C (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 31 USC 9701

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2007	
NPRM Comment Period End	02/00/2008	

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

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Department of Justice (DOJ)
Federal Bureau of Investigation (FBI)
RIN: 1110-AA29**Title:** Records Management Division User Fees

Abstract: Under Public Law 101-515, the FBI has the authority to establish and collect fees for name-based checks of the FBI's records in response to requests by Federal agencies and Federal intelligence agencies for such noncriminal justice purposes as immigration, Federal Government employment, and security clearances. This rule will establish the fees charged for performing these checks, explain the methodology used to calculate these fees, and advise that future fee revisions will be made by Notice published in the Federal Register.

Priority: Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** PL 101-515; 28 USC 534, note**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	01/00/2008	

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

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Department of Justice (DOJ)
Federal Bureau of Investigation (FBI)
RIN: 1110-AA30**Title:** National Motor Vehicle Title Information System (NMVTIS)

Abstract: The Attorney General is required to issue regulations directing junk yard and salvage yard operators and insurance carriers to file monthly reports with the operator of the National Motor Vehicle Title Information System (NMVTIS) concerning vehicles in their possession. The reports are required by statute, 49 U.S.C. section 30504(a) and (b), to provide the vehicle identification numbers, the date on which the vehicle was obtained, and the name of the individual or entity from whom the vehicle was obtained. Salvage and junk yard operators are also required to provide a statement of whether the automobile was crushed or disposed of for sale or other purposes. Insurance carriers are also required to provide the name of the owner of the automobile at the time the report is filed.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 49 USC 33109 to 33111

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/00/2008	
NPRM Comment Period End	06/00/2008	

Additional Information: This rulemaking has been transferred from RIN 1105-AA71. The FBI will issue a related rule 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 NSPMVIS will 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. (See RIN 1110-AA01.)

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Justice (DOJ)

Federal Bureau of Investigation (FBI)

RIN: 1110-AA01

Title: Implementation of the National Stolen Passenger Motor Vehicle Information System (NSPMVIS)

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 110 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 49 USC 33109 to 33111

Legal Deadline: None**Timetable:**

Action	Date	FR Cite
NPRM	04/09/2002	67 FR 17027
NPRM Comment Period End	06/10/2002	
Final Action	02/00/2008	

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.)

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

Federalism: No

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Department of Justice (DOJ)**Federal Bureau of Investigation (FBI)****RIN:** 1110-AA23

Title: Implementation of the Private Security Officer Employment Authorization Act of 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.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline:

Action	Source	Date
Other	Statutory	06/15/2005

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	01/11/2006	71 FR 1690
Interim Final Rule	01/11/2006	71 FR 1690
Interim Final Rule Comment Period End	03/13/2006	71 FR 1690
Final Action	12/00/2007	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal; State**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Harold M. Sklar

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**Department of Justice (DOJ)
Federal Bureau of Investigation (FBI)****RIN:** 1110-AA24**Title:** Carriage of Concealed Weapons Pursuant to the Law Enforcement Officers Safety Act of 2004**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.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 28 CFR 20 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** PL 108-277**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	01/23/2007	72 FR 2817
NPRM Comment Period End	03/26/2007	
Final Action	01/00/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal; Local; State;
Tribal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Harold M. Sklar

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Department of Justice (DOJ)**Federal Bureau of Investigation (FBI)****RIN:** 1110-AA25**Title:** Inclusion of Nonserious Offense Identification Records

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.

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 28 CFR 20 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 28 USC 534; 42 USC 14614(c); 42 USC 14615; PL 92-544; PL 99-169; PL 99-569; PL 101-410**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	09/05/2006	71 FR 52302
NPRM Comment Period End	11/06/2006	
Final Action	01/00/2008	

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.

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Agency Contact:** Harold M. Sklar

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Department of Justice (DOJ)**Federal Bureau of Investigation (FBI)****RIN:** 1110-AA21

Title: Communications Assistance for Law Enforcement Act: Definitions of "Replaced" and "Significantly Upgraded or Otherwise Undergone Major Modification"

Abstract: As required by section 109 of the Communications Assistance for Law Enforcement Act (CALEA), the FBI promulgated Cost Recovery Regulations allowing telecommunications carriers to recover certain costs associated with implementing CALEA. The final rule was published on March 20, 1997 (62 FR 13307), and became effective on April 21, 1997. In response to public comment received during this rulemaking, the FBI published an ANPRM on November 19, 1996 (61 FR 58799), which solicited input on the definition of the term "significant upgrade or major modification" as used by CALEA. The "significant upgrade or major modification" NPRM was published on April 28, 1998 (63 FR 23231). A supplemental NPRM proposing definitions was published on October 5, 2001. The FBI is currently reviewing comments received and is drafting a final rule which will define the terms "replaced" and "significantly upgraded or otherwise undergone major modification," for the purposes of the Cost Recovery Regulations.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 28 CFR 100 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
ANPRM	11/19/1996	61 FR 58799
ANPRM Comment Period End	12/19/1996	
NPRM	04/28/1998	63 FR 23231
NPRM Comment Period End	06/29/1998	
Supplemental NPRM	10/05/2001	66 FR 50931
Supplemental NPRM	12/04/2001	

Additional Information: While CALEA required telecommunications carriers to be in compliance with section 103 by October 25, 1998, the FCC exercised its authority under section 107 of CALEA to grant carriers extensions of this compliance date. As a result of the FCC's order, carriers must now be in compliance with section 103 by June 30, 2000. If compliance is not reasonably achievable through application of available technology, the carrier may petition the FCC for a section 107 extension of up to 2 years. By subsequent FCC orders, the assistance capability compliance date for packet mode communication is November 19, 2001, and for the additional capabilities/"punchlist" capabilities is June 30, 2002. Carriers may again petition the FCC for a section 107 extension. Lastly, as a result of the publication of the Final Notice of Capacity for local exchange, cellular, and broadband PCS carriers, these carriers must be in compliance with section 104 by March 12, 2001. TRANSFERRED RIN: This rulemaking 1110-AA21 continues the rulemaking previously listed as "child" RIN 1110-AA12 under "parent" RIN 1110-AA00. This rulemaking has been transferred to RIN 1110-AA21 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 other CALEA-related rulemakings, see RINs 1110-AA10 and 1110-AA22.)

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)**Federal Bureau of Investigation (FBI)****RIN:** 1110-AA22

Title: 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

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

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 28 CFR 100 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Notice	00/00/0000	

Additional Information: While CALEA required telecommunications carriers to be in compliance with section 103 by October 25, 1998, the FCC exercised its authority under section 107 of CALEA to grant carriers extensions of this compliance date. As a result of the FCC's order, carriers must now be in compliance with section 103 by June 30, 2000. If compliance is not reasonably achievable through application of available technology, the carrier may petition the FCC for a section 107 extension of up to 2 years. By subsequent FCC orders, the assistance capability compliance date for packet mode communication is November 19, 2001, and for the additional capabilities/"punchlist" capabilities is June 30, 2002. Carriers may again petition the FCC for a section 107 extension. Lastly, as a result of the publication of the Final Notice of Capacity for local exchange, cellular, and broadband PCS carriers, these carriers must be in compliance with section 104 by March 12, 2001. This rulemaking 1110-AA22 continues the rulemaking previously listed as "child" RIN 1110-AA13 under "parent" RIN 1110-AA00. This rulemaking has been transferred to RIN 1110-AA22 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 other CALEA-related rulemakings, see RINs 1110-AA10 and 1110-AA21.)

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)**Federal Bureau of Investigation (FBI)****RIN:** 1110-AA04**Title:** Regulations Under the Pam Lychner Sexual Offender Tracking and Identification Act**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.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** Undetermined**CFR Citation:** 28 CFR 25 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** PL 104-236, sec 9**Legal Deadline:**

Action	Source	Date
Other	Statutory	10/03/1999

Timetable:

Action	Date	FR Cite
NPRM	02/16/1999	64 FR 7562
NPRM Comment Period End	04/19/1999	64 FR 7562
Withdrawn	06/15/2007	

Additional Information: Transferred from RIN 1105-AA56.**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Local; State; Tribal**Federalism:** No**Agency Contact:** Venetia A. King

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Department of Justice (DOJ)**Drug Enforcement Administration (DEA)****RIN:** 1117-AA40**Title:** Guidelines for Providing Controlled Substances to Ocean Vessels**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.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 21 CFR 1301 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 21 USC 871(b)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
ANPRM	09/18/1996	61 FR 49086
ANPRM Comment Period End	11/18/1996	
NPRM	08/00/2008	
NPRM Comment Period End	10/00/2008	

Additional Information: DEA-142

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Justice (DOJ)

Drug Enforcement Administration (DEA)

RIN: 1117-AA61

Title: Electronic Prescriptions for Controlled Substances

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 21 CFR 1306 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	03/05/2001	66 FR 13274
NPRM	06/00/2008	
NPRM Comment Period End	09/00/2008	

Additional Information: DEA-218

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

Federalism: No

Public Comment URL: dea.diversion.policy@usdoj.gov

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Drug Enforcement Administration

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

RIN: 1117-AA63

Title: Reorganization and Clarification of DEA Regulations

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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; ... (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 21 USC 871(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/00/2008	
NPRM Comment Period End	12/00/2008	

Additional Information: DEA-221

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Public Comment URL: dea.diversion.policy@usdoj.gov

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

RIN: 1117-AA64

Title: Chemical Mixtures Containing Gamma-Butyrolactone

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No**Unfunded Mandates:** No**CFR Citation:** 21 CFR 1310 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
ANPRM	07/19/2002	67 FR 47493
Correction	08/19/2002	67 FR 53842
Correction	09/05/2002	67 FR 56776
ANPRM Comment Period End	09/17/2002	
NPRM	01/00/2008	
NPRM Comment Period End	03/00/2008	

Additional Information: DEA-222**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Public Comment URL:** dea.diversion.policy@usdoj.gov**Related RINs:** Related to 1117-AA31**Agency Contact:** Mark W. Caverly

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Department of Justice (DOJ)**Drug Enforcement Administration (DEA)****RIN:** 1117-AA66**Title:** Chemical Mixtures Containing Listed Forms of Phosphorus

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 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.

Priority: Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 21 CFR 1310 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
ANPRM	01/31/2003	68 FR 4968
ANPRM Comment Period End	04/01/2003	
NPRM	03/00/2008	
NPRM Comment Period End	05/00/2008	

Additional Information: DEA-228

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Public Comment URL: dea.diversion.policy@usdoj.gov

Related RINs: Related to 1117-AA31; Related to 1117-AA57

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Department of Justice (DOJ)

Drug Enforcement Administration (DEA)

RIN: 1117-AA91

Title: Electronic Application for Controlled Substances and Listed Chemical Registration: Technical Amendments

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 21 CFR 1301; 21 CFR 1309 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/00/2008	
NPRM Comment Period End	11/00/2008	

Additional Information: DEA-256

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Public Comment URL: dea.diversion.policy@usdoj.gov

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

RIN: 1117-AA97

Title: Limited Exemption for Peyote Use in Traditional Ceremonies With a Traditional Indian Religion by Members of Federally Recognized Indian Tribes

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 21 CFR 1306.31 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 21 USC 821; 21 USC 822(d); 21 USC 871(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	07/00/2008	
NPRM Comment Period End	09/00/2008	

Additional Information: Docket DEA-268

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Public Comment URL: dea.diversion.policy@usdoj.gov

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

RIN: 1117-AA99

Title: Changes to Patient Limitation for Dispensing or Prescribing Approved Narcotic Controlled Substances for Maintenance or Detoxification Treatment by Qualified Individual Practitioners

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. This change 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. DEA is also amending its regulations to permit certain qualifying physicians to dispense and prescribe narcotic controlled substances in maintenance or detoxification treatment to up to 100 patients at any one time, after the practitioner submits to the Secretary of the Department of Health and Human Services a notification of the practitioner's need and intent to treat the increased number of patients.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 21 CFR 1301 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/20/2007	72 FR 53734
NPRM Comment Period End	11/19/2007	
Final Action	05/00/2008	

Additional Information: Docket DEA-275

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

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Department of Justice (DOJ)

Drug Enforcement Administration (DEA)

RIN: 1117-AB07

Title: Information on Foreign Chain of Distribution for Ephedrine, Pseudoephedrine, and Phenylpropanolamine

Abstract: The Combat Methamphetamine Epidemic Act of 2005, which was enacted on March 9, 2006, requires DEA to collect from importers of ephedrine, pseudoephedrine, and phenylpropanolamine all information known to the importer on the chain of distribution of the chemical from the manufacturer to the importer. DEA is amending its regulations to incorporate the requirement for this information into the import declaration.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 21 CFR 1313 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 21 USC 802; 21 USC 830; 21 USC 871(b); 21 USC 970

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/00/2008	
NPRM Comment Period End	03/00/2008	

Additional Information: Docket DEA-295

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.com

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Department of Justice (DOJ)

Drug Enforcement Administration (DEA)

RIN: 1117-AB09

Title: Registration List Requirements for Importers and Manufactures of Prescription Drug Products Containing Ephedrine, Pseudoephedrine, or Phenylpropanolamine

Abstract: This rule supports those rules implementing the Combat Methamphetamine Epidemic Act of 2005 (title VII, Pub. L. 109-177) by ensuring that every location that manufactures the List I chemicals ephedrine, pseudoephedrine, or phenylpropanolamine, or a drug product containing ephedrine, pseudoephedrine, or phenylpropanolamine, is registered with the DEA to conduct this activity.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 21 CFR 1309 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2007	
NPRM Comment Period End	02/00/2008	

Additional Information: Docket DEA-294

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1117-AB08

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Department of Justice (DOJ)**Drug Enforcement Administration (DEA)****RIN:** 1117-AB10**Title:** Removal of Thresholds for the List I Chemicals Ephedrine, Pseudoephedrine, and Phenylpropanolamine**Abstract:** This rule removes domestic, import, and export thresholds for the List I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine. This action is being taken both to implement the quota provisions of the Combat Methamphetamine Epidemic Act of 2005 and due to the potential for diversion of these List I Chemicals.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 21 CFR 1310 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 21 USC 802; 21 USC 827(h); 21 USC 830; 21 USC 871(b); 21 USC 890**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	11/00/2007	
NPRM Comment Period End	01/00/2008	

Additional Information: Docket DEA-296**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Related RINs:** Related to 1117-AB08**Agency Contact:** Mark W. Caverly

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Department of Justice (DOJ)**Drug Enforcement Administration (DEA)****RIN:** 1117-AB13**Title:** Combat Methamphetamine Epidemic Act of 2005: Fee for Self-Certification for Regulated Sellers of Scheduled Listed Chemical Products**Abstract:** As part of its implementation of the Combat Methamphetamine Epidemic Act of 2005 (CMEA), "regulated sellers" or persons or entities selling scheduled listed chemical products at retail locations are required to self-certify with the Drug Enforcement Administration (DEA) relative to certain requirements of the CMEA. To recover the full costs of the certification process, which is part of the Diversion Control Program as mandated by the Controlled Substances Act, the DEA is proposing to charge regulated sellers, who are not DEA registrants, a fee for self-certification.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 21 CFR 1314 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 842; 21 USC 871(b); 21 USC 875; 21 USC 877**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	10/01/2007	72 FR 55712
NPRM Comment Period End	11/30/2007	
Final Action	07/00/2008	

Additional Information: Docket DEA 298P

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Justice (DOJ)

Drug Enforcement Administration (DEA)

RIN: 1117-AB14

Title: Record Requirements for Chemical Distributors

Abstract: In March 2006, Congress enacted the Combat Methamphetamine Epidemic Act of 2005, which mandates that regulated sellers of scheduled listed chemical products self-certify with DEA before they are allowed to sell these products at retail. DEA is revising its recordkeeping requirements to include a requirement that manufacturers, distributors, and importers obtain and maintain the certification number issued by DEA to regulated sellers in their records of sales. This change will ensure that registrants verify that the regulated sellers to whom they distribute have successfully completed the mandatory self-certification process imposed by the CMEA for sales of scheduled listed chemical products.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 21 CFR 1310 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 21 USC 802; 21 USC 827(h); 21 USC 830; 21 USC 871; 21 USC 890; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/21/2007	72 FR 53973
NPRM Comment Period End	11/20/2007	
Final Action	06/00/2008	

Additional Information: Docket No. DEA-302

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Public Comment URL: dea.diversion.policy@usdoj.gov

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Department of Justice (DOJ)**Drug Enforcement Administration (DEA)****RIN:** 1117-AB15**Title:** New Single-Sheet Format for U.S. Official Order Form for Schedule I and II Controlled Substances (DEA Form-222)**Abstract:** The Drug Enforcement Administration is amending its regulations to implement a new format for order forms (DEA Form 222), which are issued by DEA to DEA registrants to allow them to order Schedule I and/or II controlled substances. The present format utilizes a three-part, carbon-copy form with copies 2 and 3 replicating copy 1. The format will employ a single-sheet form. The new form will have enhanced security features and will be easier for DEA registrants to use.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 21 CFR 1305 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 21 USC 821; 21 USC 828; 21 USC 871(b)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	12/00/2007	
NPRM Comment Period End	02/00/2008	

Additional Information: DEA-303**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Public Comment URL:** dea.diversion.policy@usdoj.gov**Agency Contact:** Mark W. Caverly

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Department of Justice (DOJ)**Drug Enforcement Administration (DEA)****RIN:** 1117-AB16**Title:** Control of Immediate Precursor Used in the Illicit Manufacture of Fentanyl as a Schedule II Controlled Substance**Abstract:** The Drug Enforcement Administration is designating the precursor chemical, 4-anilino-N-phenethyl-4-piperidine (ANPP) as an immediate precursor for the Schedule II controlled substance, fentanyl. Further, DEA is controlling ANPP as a Schedule II controlled substance under the Controlled Substances Act. ANPP is the immediate chemical intermediary in the synthesis process currently used by clandestine laboratory operators for the illicit manufacture of the Schedule II controlled substance fentanyl.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 21 CFR 1308 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 21 USC 811; 21 USC 812; 21 USC 871(b)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	02/00/2008	
NPRM Comment Period End	04/00/2008	

Additional Information: Docket No. DEA-305

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: dea.diversion.policy@usdoj.gov

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Department of Justice (DOJ)

Drug Enforcement Administration (DEA)

RIN: 1117-AA94

Title: Definition of Positional Isomer as It Pertains to the Control of Schedule I Controlled Substances

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 21 CFR 1300 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 21 USC 802; 21 USC 871(b); 21 USC 951; 21 USC 958(f)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/25/2006	71 FR 30097
NPRM Comment Period End	07/24/2006	
Final Action	12/00/2007	
Final Action Effective	01/00/2008	

Additional Information: Docket DEA-260

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Public Comment URL: dea.diversion.policy@usdoj.gov

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

RIN: 1117-AB00

Title: Reexportation of Controlled Substances

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 21 CFR 1312 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 21 USC 952; 21 USC 953; 21 USC 954; 21 USC 957; 21 USC 958

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	10/18/2006	71 FR 61436
NPRM Comment Period End	12/18/2006	
Final Action	01/00/2008	

Additional Information: Docket DEA-276

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1117-AB01

Title: Issuance of Multiple Prescriptions for Schedule II Controlled Substances

Abstract: DEA is amending its regulations to allow practitioners to provide individual patients with multiple prescriptions, to be filled sequentially, for the same Schedule II controlled substance, with such multiple prescriptions having the combined effect of allowing a patient to receive over time up to a 90-day supply of that controlled substance.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No**Unfunded Mandates:** No**CFR Citation:** 21 CFR 1306 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 21 USC 821; 21 USC 829; 21 USC 871(b)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	09/06/2006	71 FR 52724
NPRM Comment Period End	11/06/2006	
Final Action	12/00/2007	
Final Action Effective	01/00/2008	

Additional Information: Docket DEA-287**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Mark W. Caverly

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Department of Justice (DOJ)**Drug Enforcement Administration (DEA)****RIN:** 1117-AB03**Title:** Authorized Sources of Narcotic Raw Material**Abstract:** DEA is amending its regulations to update the list of non-traditional countries authorized to export narcotic raw materials to the United States.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 21 CFR 1312 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 21 USC 952; 21 USC 953; 21 USC 954; 21 USC 957; 21 USC 958**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	10/04/2006	71 FR 58569
NPRM Comment Period End	12/04/2006	
Final Action	04/00/2008	
Final Action Effective	05/00/2008	

Additional Information: Docket DEA-282**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No

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

RIN: 1117-AB04

Title: Schedules of Controlled Substances: Exempt Anabolic Steroid Products

Abstract: The Drug Enforcement Administration is designating six pharmaceutical preparations as exempt anabolic steroid products under the Controlled Substances Act.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 21 CFR 1308 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	09/01/2006	
Interim Final Rule	09/01/2006	71 FR 51996
Interim Final Rule Comment Period End	10/31/2006	
Final Action Effective	01/00/2008	
Final Action	01/00/2008	

Additional Information: Docket DEA-289

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1117-AB05

Title: Retail Sales of Scheduled Listed Products; Self-Certification of Regulated Sellers of Scheduled Listed Chemical Products

Abstract: This rule implements retail provisions of the Combat Methamphetamine Epidemic Act of 2005 (title VII of Pub. L. 109-177). Provisions include daily and 30-day sales limits for these products, product placement requirements (behind the counter), logbook and identification requirements for purchasers, training of employees of the seller, and self-certification by the seller regarding compliance of the Act.

Priority: Economically Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** Yes**Unfunded Mandates:** No**CFR Citation:** 21 CFR 1300; 21 CFR 1309; 21 CFR 1310; 21 CFR 1314 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b)**Legal Deadline:**

Action	Source	Date
Other	Statutory	09/30/2006

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	09/21/2006	
Interim Final Rule	09/26/2006	71 FR 56008
Interim Final Rule Effective	09/30/2006	
Correction	10/13/2006	71 FR 60609
Interim Final Rule Effective	11/27/2006	
Interim Final Rule Comment Period End	11/27/2006	
Final Action	04/00/2008	
Final Action Effective	05/00/2008	

Additional Information: Docket DEA-291**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No

Agency Contact: Mark W. Caverly
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 Department of Justice
 Drug Enforcement Administration

Phone: 202 307-7297

Department of Justice (DOJ)**Drug Enforcement Administration (DEA)****RIN:** 1117-AB06**Title:** Implementation of the Combat Methamphetamine Epidemic Act of 2005; Notice of Transfers Following Importation or Exportation

Abstract: This rule implements the "spot market" [provisions] of the Combat Methamphetamine Epidemic Act of 2005 (title VII of Pub. L. 109-177). Importers, exporters, and persons conducting international transactions of all List I and List II chemicals will now be required to provide DEA with information on the person to whom they will transfer the listed chemicals and the amount to be transferred, and must now provide a return declaration once the importation, exportation, or international transaction has occurred. These provisions will allow DEA to monitor efficiently the flow of chemicals that can be used illicitly to manufacture controlled substances.

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 21 CFR 1300; 21 CFR 1313 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b); 21 USC 951; 21 USC 958(f); 21 USC 971**Legal Deadline:** None

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/09/2007	72 FR 17401
Interim Final Rule Comment Period End	05/09/2007	
Interim Final Rule Effective	05/09/2007	
Other	05/22/2007	72 FR 28601
Final Action	08/00/2008	

Additional Information: Docket DEA-292**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.regulations.gov**Agency Contact:** Mark W. Caverly

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Department of Justice (DOJ)**Drug Enforcement Administration (DEA)****RIN:** 1117-AB08**Title:** Import and Production Quotas for Certain List I Chemicals**Abstract:** This rule implements the import and production quota provisions of the Combat Methamphetamine Epidemic Act of 2005 (title VII of Pub. L. 109-177). These provisions require ephedrine, pseudoephedrine, and phenylpropanolamine be subject to the production quota provisions for Schedule I and II controlled substances, and establishes new requirements for import quotas for these three List I chemicals.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 21 CFR 1315 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 21 USC 821; 21 USC 826; 21 USC 871(b); 21 USC 952**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	07/10/2007	
Interim Final Rule	07/10/2007	72 FR 37439
Interim Final Rule Comment Period End	09/10/2007	
Final Action	05/00/2008	

Additional Information: Docket DEA-293**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No

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

RIN: 1117-AB11

Title: Elimination of Exemption for Chemical Mixtures Containing the List I Chemicals Ephedrine and/or Pseudoephedrine

Abstract: This rule supports implementation of the quota provisions of the Combat Methamphetamine Epidemic Act of 2005 by removing the concentration limits for chemical mixtures containing the List I chemicals ephedrine and pseudoephedrine. This rule also removes the exemption for harvested plant materials. The effect of this rule is to make any chemical mixture, including plant material that contains ephedrine or pseudoephedrine, subject to all DEA regulatory requirements.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 21 CFR 1310 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 21 USC 802; 21 USC 827(h); 21 USC 871(b); 21 USC 830; 21 USC 890

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/25/2007	72 FR 40738
Interim Final Rule Effective	08/24/2007	
Interim Final Rule Comment Period End	09/24/2007	
Final Action	04/00/2008	

Additional Information: Docket DEA-284

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1117-AB08

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

RIN: 1117-AB12

Title: Control of a Chemical Precursor Used in the Illicit Manufacture of Fentanyl as a List I Chemical

Abstract: This rulemaking controls the chemical N-phenethyl-4-piperidone (NPP) as a List I chemical under the Controlled Substances Act (CSA). Clandestine laboratories are using this chemical to illicitly manufacture the Schedule II controlled substance fentanyl.

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 21 CFR 1310.02; 21 CFR 1310.04; 21 CFR 1310.09; 21 CFR 1310.12 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 21 USC 802; 21 USC 827(h); 21 USC 830; 21 USC 871(b); 21 USC 890; ...**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/23/2007	72 FR 20039
Interim Final Rule Comment Period End	06/22/2007	
Final Action	02/00/2008	

Additional Information: Docket DEA 299I**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Agency Contact:** Christine A. Sannerud Ph.D.

Chief, Drug and Chemical Evaluation Section, Office of Diversion Control

Department of Justice

Drug Enforcement Administration

Phone: 202 307-7183

Department of Justice (DOJ)**Drug Enforcement Administration (DEA)****RIN:** 1117-AA62**Title:** Security Requirements for Handlers of Pseudoephedrine, Ephedrine, and Phenylpropanolamine

Abstract: Pseudoephedrine and ephedrine are used in the illegal manufacture of methamphetamine, and phenylpropanolamine is used in the illegal manufacture of amphetamine. The vast majority of clandestine laboratories produce methamphetamine using over-the-counter regulated drug products. DEA has received numerous reports regarding the theft of large quantities of these products at the wholesale level. DEA drafted a rule to require that manufacturers, distributors, importers, and exporters of pseudoephedrine, ephedrine, and phenylpropanolamine implement security procedures similar to those of Schedule III-V controlled substances to prevent the theft and diversion of these List I chemicals. These procedures include the storage of substances in a secure safe or steel cabinet, cage, or room, and installation of a monitored alarm system linked to a central location. DEA also sought input regarding alternative means to effectively prevent the theft and diversion of these products.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 21 CFR 1309 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 830**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	07/30/2004	69 FR 45616
NPRM Comment Period End	10/28/2004	

Additional Information: DEA-211

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Public Comment URL:** dea.diversion.policy@usdoj.gov**Agency Contact:** Mark W. Caverly

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Drug Enforcement Administration

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Department of Justice (DOJ)**Drug Enforcement Administration (DEA)****RIN:** 1117-AA93**Title:** Changes in the Regulation of Iodine and Its Chemical Mixtures

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 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.

Priority: Other Significant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 21 CFR 1310 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b); 21 USC 890**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	08/11/2006	71 FR 46144
NPRM Comment Period End	10/10/2006	
Final Action	07/02/2007	72 FR 35920
Correction	07/24/2007	72 FR 40238
Correction	07/31/2007	72 FR 41820
Final Rule Effective	08/01/2007	

Additional Information: DEA-257**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Public Comment URL:** dea.diversion.policy@usdoj.gov

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

RIN: 1120-AB20

Title: Psychiatric Evaluation and Treatment

Abstract: In this document, the Bureau of Prisons (Bureau) amends its regulations on Psychiatric Treatment and Medication. We make several changes to conform more closely with the language of 18 U.S.C. sections 4241 to 4247 on psychiatric hospitalization. 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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 549 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/29/2003	68 FR 74892
NPRM Comment Period End	02/27/2004	
Second NPRM	11/00/2007	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1120-AB34

Title: Administrative Remedy Program--Subpart Revision

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 542 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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 and 510

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)

Bureau of Prisons (BOP)

RIN: 1120-AB38

Title: Inmate Electronic Message Program

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 540, subpart C (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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 and 510

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)

Bureau of Prisons (BOP)

RIN: 1120-AB40

Title: Release of Information

Abstract: The Bureau of Prisons (Bureau) proposes to amend its regulations on Release of Information (28 CFR 513, subpart D). We published current regulations on this subject in the Federal Register on December 9, 1996 (61 FR 64950). We also published a proposed regulation on this subject on May 13, 2003 (68 FR 25545), which we will withdraw. The Bureau proposes to remove our regulations regarding Privacy Act (PA) and Freedom of Information Act (FOIA) requests for information (28 CFR sections 513.30-.36 and 513.50-.68), because these regulations merely duplicate current and more general Department of Justice FOIA/PA regulations in 28 CFR part 16, and are therefore unnecessary in Bureau regulations. We also propose to remove regulations pertaining to procedures for staff processing of inmate requests to institutions for information (28 CFR sections 513.40-.44), because these regulations do not directly relate to FOIA/PA and are an unnecessary level of operational detail. This proposed rule also seeks to prohibit inmates incarcerated in Bureau facilities, including those in contract facilities or in community confinement, from possessing their Pre-Sentence Investigation Reports (PSR), Statements of Reasons (SOR), or other similar sentencing documents from criminal judgments. Also, we propose new regulations regarding releasability of inmate information not otherwise provided for through current FOIA, PA, or Department of Justice regulations.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 513.40 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1120-AA33

Title: Literacy Program

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

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 544.70 to 544.76 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/26/1997	62 FR 50791
Interim Final Rule Effective	11/03/1997	
Interim Final Rule Comment Period End	11/25/1997	
Final Action	02/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 1120-AA39

Title: Telephone Regulations and Inmate Financial Responsibility

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 540 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/02/1996	61 FR 90
Interim Final Rule Comment Period End	03/04/1996	
Final Action	02/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Justice (DOJ)

Bureau of Prisons (BOP)

RIN: 1120-AA62

Title: Good Conduct Time

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 523 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/26/1997	62 FR 50786
Interim Final Rule Effective	11/03/1997	
Interim Final Rule Comment Period End	11/25/1997	
Final Action	02/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Justice (DOJ)

Bureau of Prisons (BOP)

RIN: 1120-AA85

Title: Designation of Offenses Subject to Sex Offender Release Notification

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 571 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/16/1998	63 FR 69386
Interim Final Rule Comment Period End	02/16/1999	
Final Action	01/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Justice (DOJ)**Bureau of Prisons (BOP)****RIN:** 1120-AA95**Title:** Drug Testing Program**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.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 28 CFR 550 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**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**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	09/21/2000	65 FR 57126
NPRM Comment Period End	11/20/2000	
Final Action	01/00/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Agency Contact:** Sarah N. Qureshi

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E-Mail: squreshi@bop.gov**Department of Justice (DOJ)****Bureau of Prisons (BOP)****RIN:** 1120-AA98**Title:** Correspondence: Inspection of Outgoing General Correspondence**Abstract:** This document amends the Bureau's regulations on correspondence to require that outgoing inmate general correspondence at all institutions may not be sealed and may be read and inspected by staff. This amendment is intended to provide for the continued efficient and secure operation of the institution and to protect the public. The requirement does not apply to special mail.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 28 CFR 540.14 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**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**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	07/27/1999	64 FR 40718
NPRM Comment Period End	09/27/1999	
Final Action	12/00/2007	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Justice (DOJ)

Bureau of Prisons (BOP)

RIN: 1120-AB05

Title: District of Columbia Educational Good Time Credit

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 523 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/24/2002	67 FR 48385
Interim Final Rule Comment Period End	09/23/2002	
Final Action	02/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Justice (DOJ)
Bureau of Prisons (BOP)
RIN: 1120-AB07**Title:** Drug Abuse Treatment Program: Subpart Revision and Clarification**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.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 28 CFR 550 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**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; ...**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	09/20/2000	65 FR 56840
NPRM Comment Period End	11/20/2000	65 FR 56840
NPRM	07/01/2004	69 FR 39887
NPRM Comment Period End	08/30/2004	69 FR 39887
Final Action	11/00/2007	

Additional Information: The action previously reported at RIN 1120-AA88 has been merged into this rulemaking.**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Agency Contact:** Sarah N. Qureshi

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Department of Justice (DOJ)
Bureau of Prisons (BOP)
RIN: 1120-AB10**Title:** Reduction in Sentence for Medical Reasons**Abstract:** The Bureau of Prisons (Bureau) is revising its rules on procedures for reductions in sentence (RIS) for medical reasons. 28 CFR part 571, subpart G, is currently entitled "Compassionate Release (Procedures for the Implementation of 18 U.S.C. sections 3582(c)(1)(A) and 4205(g))." We are revising these rules to (1) more accurately reflect our authority under these statutes and our current policy, (2) to clarify inmate and public confusion regarding the procedures for RIS consideration, and (3) to describe procedures for RIS consideration of D.C. code offenders, for whom the Bureau has responsibility under the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Revitalization Act), D.C. Code section 24-101(b). The new subpart G will be entitled "Reduction in Sentence for Medical Reasons."**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 28 CFR 571 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 5 USC 301; 18 USC 3621 to 3622, 3565, 3568 to 3569, 3582, 4001, 4042, 4081 to 4082; 18 USC 4161 to 4166, 4201 to 4218, 5006 to 5024, 5039; 28 USC 509 and 510; 28 CFR 1.1-1.10

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/21/2006	71 FR 76619
NPRM Comment Period End	02/20/2007	
Final Action	01/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)

Bureau of Prisons (BOP)

RIN: 1120-AB14

Title: Central Inmate Monitoring (CIM) System: Streamlining Rules

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 524 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/2007	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1120-AB18

Title: Inmate Discipline--Subpart Revision

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.

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 28 CFR 541 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**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**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	07/26/2005	70 FR 43093
NPRM Comment Period End	09/26/2005	
Final Action	03/00/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Sarah N. Qureshi

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

RIN: 1120-AB26

Title: Autopsies

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 549.80 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/2007	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)

Bureau of Prisons (BOP)

RIN: 1120-AB33

Title: Inmate Work and Performance Pay Program: Reduction in Pay for Drug- and Alcohol-Related Disciplinary Offenses

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 545.25 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/02/2006	71 FR 64505
NPRM Comment Period End	02/02/2007	
Final Action	01/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)

Bureau of Prisons (BOP)

RIN: 1120-AB35

Title: Limited Communication for Terrorist Inmates

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 540 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/03/2006	71 FR 16520
NPRM Comment Period End	06/02/2006	
Final Action	12/00/2007	

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)**Bureau of Prisons (BOP)****RIN:** 1120-AB37**Title:** Possession or Introduction of Personal Firearms Prohibited on Federal Penal or Correctional Institution Grounds

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.

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 28 CFR 511 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None**Timetable:**

Action	Date	FR Cite
NPRM	07/07/2006	71 FR 38543
NPRM Comment Period End	08/08/2006	71 FR 38543
Final Action	11/00/2007	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Sarah N. Qureshi

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E-Mail: squreshi@bop.gov**Department of Justice (DOJ)****Bureau of Prisons (BOP)****RIN:** 1120-AB39**Title:** Intensive Confinement Center Program

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.

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No

CFR Citation: 28 CFR 524 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/02/2006	71 FR 64504
NPRM Comment Period End	01/02/2007	
Final Action	12/00/2007	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)

Bureau of Prisons (BOP)

RIN: 1120-AB41

Title: Drug Abuse Treatment Program: Eligibility of DC Code Offenders for Early Release Consideration

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

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/02/2006	71 FR 64507
NPRM Comment Period End	01/02/2007	
Final Action	11/00/2007	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1120-AB42

Title: Smoking/No Smoking Areas

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 551 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/12/2006	71 FR 27652
NPRM Comment Period End	07/11/2006	71 FR 27652
Final Action	02/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)
Bureau of Prisons (BOP)
RIN: 1120-AB44**Title:** Inmate Furloughs**Abstract:** In this document, the Bureau of Prisons (Bureau) proposes to revise its Federal regulations on the inmate furlough program primarily to more clearly provide for and define transfer furloughs.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 28 CFR 570 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 5 USC 301; 18 USC 751, 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4161 to 4166, 5006 to 5024 (Repealed October 12, 1984)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	12/06/2006	71 FR 70696
NPRM Comment Period End	02/05/2007	
Final Action	01/00/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Sarah N. Qureshi

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Department of Justice (DOJ)
Bureau of Prisons (BOP)
RIN: 1120-AB45**Title:** Civil Commitment of a Sexually Dangerous Person**Abstract:** In this proposed rule, the Bureau of Prisons (Bureau) provides definitions and standards relating to the certification of persons as sexually dangerous for the purpose of civil commitment, as authorized by The Adam Walsh Child Protection and Safety Act of 2006 (Pub. L. 109-248) (Walsh Act), enacted July 27, 2006, which amended title 18 of the United States Code, chapter 313.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 28 CFR 549 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** Not Yet Determined**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	08/03/2007	72 FR 43205
NPRM Comment Period End	10/02/2007	
Final Action	02/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)

Bureau of Prisons (BOP)

RIN: 1120-AA90

Title: Searches of Housing Units, Inmates, and Inmate Work Areas: Electronic Devices

Abstract: This document adopts as final a Bureau of Prisons (Bureau) proposed rule on searches of inmates, housing units, and inmate work areas with respect to the use of electronic devices. This document also withdraws the Bureau's proposal to amend its rules on searches of non-inmates, which will be incorporated into a new and separate proposed rule. We intend this change to provide for the continued efficient and secure operation of the institution and prevent the introduction of contraband into Bureau institutions.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 511; 28 CFR 552 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/25/1999	64 FR 9431
NPRM Comment Period End	04/26/1999	64 FR 9431
Other	08/04/2006	
Final Action	07/11/2007	72 FR 37630
Final Action Effective	08/10/2007	72 FR 37630

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 1120-AB28

Title: Searching and Detaining or Arresting Non-Inmates

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 511 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 5 USC 301; 18 USC 751 to 752; 18 USC 1791 to 1793; 18 USC 3050; 18 USC 3621; 18 USC 3624; 18 USC 4001; 18 USC 4012; 18 USC 4081; 18 USC 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.); 18 USC 5039; 28 USC 509 to 510

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/31/2006	71 FR 5026
NPRM Comment Period End	04/03/2006	71 FR 5026
Final Action	06/06/2007	72 FR 31178
Final Action Effective	07/06/2007	72 FR 31178

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1121-AA59

Title: Criminal Intelligence Systems Operating Policies

Abstract: The purpose of this regulation is to assure that all criminal intelligence systems operating through support under the Omnibus Crime Control and Safe Streets Act of 1968 are used as authorized by law. This revision of 28 CFR part 23 updates the regulation for modern technological advances, and extends the use of criminal intelligence systems for public safety purposes.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 23 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 42 USC 3711

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/00/2008	
NPRM Comment Period End	06/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: No

Federalism: No

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Department of Justice (DOJ)

Office of Justice Programs (OJP)

RIN: 1121-AA68

Title: Victims of Crime Act (VOCA) Crime Victim Compensation Program Regulations

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 42 USC 10602; 42 USC 10604

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/00/2008	
NPRM Comment Period End	03/00/2008	

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)

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

Small Entities Affected: No **Federalism:** No

Energy Affected: No

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Department of Justice (DOJ)

Office of Justice Programs (OJP)

RIN: 1121-AA69

Title: Victim of Crime Act (VOCA) Victim Assistance Program

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 10603; 42 USC 10604

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/00/2008	
NPRM Comment Period End	04/00/2008	

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).

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

Small Entities Affected: No **Federalism:** No

Energy Affected: No

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

RIN: 1121-AA71

Title: Aimee's Law

Abstract: The Office of Justice Programs (OJP) is implementing Aimee's Law (Pub. L. No. 106-386, sec. 2001), which enables States to recover the costs of apprehending, convicting, and incarcerating individuals who commit certain heinous crimes, where those individuals previously were incarcerated for identical crimes in other States but granted early release. After consultation with relevant agencies and stakeholders, OJP will promulgate regulations that will assist in the effective implementation of the law, particularly relating to administration and data-collection.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 42 USC 13713

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/00/2008	
NPRM Comment Period End	06/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1121-AA48

Title: Bulletproof Vest Partnership Grant Acts of 1998 and 2000

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 33 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 42 USC 3796ll

Legal Deadline:

Action	Source	Date
NPRM	Statutory	09/14/1998

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	09/23/1998	63 FR 50759
Interim Final Rule	09/23/1998	63 FR 50759
Interim Final Rule Comment Period End	11/23/1998	
Final Rule	03/00/2008	

Regulatory Flexibility Analysis Required: Business **Government Levels Affected:** Local; State; Tribal
Federalism: No

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Department of Justice (DOJ)

Office of Justice Programs (OJP)

RIN: 1121-AA52

Title: Environmental Impact Review Procedures for the VOI/TIS Grant Program

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 91 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 42 USC 13701 et seq, as amended by PL 104-134; 42 USC 4321 et seq; 40 CFR 1500 to 1508

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	08/08/2000	65 FR 48592
Interim Final Rule	08/08/2000	65 FR 48592
Interim Final Rule Comment Period End	10/10/2000	
Final Action	02/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State; Tribal

Federalism: No

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

RIN: 1121-AA74

Title: Certification Process for State Capital Counsel Systems

Abstract: The USA PATRIOT Improvement and Reauthorization Act of 2005 instructs the Attorney General to promulgate regulations to implement certification procedures for States seeking to qualify for the expedited Federal habeas corpus review procedures in capital cases under chapter 154 of title 28, United States Code. The benefits of chapter 154 are available to States that establish a mechanism for providing counsel to indigent capital defendants in State postconviction proceedings that satisfies certain statutory requirements. This rule carries out the Act's requirement of issuing regulations for the certification procedure.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 26 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 5 USC 301; 28 USC 509; 28 USC 510; PL 109-177

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/06/2007	72 FR 31217
NPRM COmment Period Reopened	08/09/2007	72 FR 44816
NPRM Comment Period End	08/06/2007	
Comment Period End	09/24/2007	
Final Action	04/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Justice (DOJ)
Executive Office for Immigration Review (EOIR)
RIN: 1125-AA18

Title: Authority of Immigration Judges To Issue Civil Money Penalties

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1003 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2007	
NPRM Comment Period End	01/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Justice (DOJ)
Executive Office for Immigration Review (EOIR)
RIN: 1125-AA35

Title: Suspension of Deportation and Cancellation of Removal for Certain Battered Spouses and Children; Motions To Reopen for Certain Battered Spouses and Children

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). 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).

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1003; 8 CFR 1240 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/00/2008	
NPRM Comment Period End	06/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Justice (DOJ)

Executive Office for Immigration Review (EOIR)

RIN: 1125-AA45

Title: International Marriage Brokers

Abstract: This rule amends the Department of Justice regulations by specifying the procedures for adjudicating alleged violations by international marriage brokers doing business in the United States, that fail to provide required information to persons recruited for matchmaking through these entities or that fail to search sex offender registries. This rule implements the procedures for the disposition of cases arising under section 833 of the International Marriage Broker Regulation Act of 2005. This rule is necessary to deter fraudulent marriages and the exploitation or recruits by international marriage brokers.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1270 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 8 USC 1101, 1103, 1324a, 1324b, 1324c, 1375a; PL 109-162, sec 831 et seq; 5 USC 301, 554

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/00/2008	
NPRM Comment Period End	07/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1615-AA11

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Department of Justice (DOJ)

Executive Office for Immigration Review (EOIR)

RIN: 1125-AA53

Title: Executive Office for Immigration Review; Rules Governing Immigration Proceedings

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1003; 8 CFR 1161; 8 CFR 1171 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/00/2008	
NPRM Comment Period End	06/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)
Executive Office for Immigration Review (EOIR)
RIN: 1125-AA58

Title: Board of Immigration Appeals: Affirmance Without Opinion, Referral for Three-Board-Member Review, and Publication of Decisions as Precedents

Abstract: These revisions implement, in part, the Attorney General's August 9, 2006, Memorandum for Immigration Judges and Members of the Board of Immigration Appeal. This interim rule establishes that the Board may issue an affirmance without opinion (AWO) in the exercise of its discretion when it is satisfied that certain regulatory criteria are met. This provision also permits the Board to better manage its docket, budget its resources, and balance its competing adjudicatory responsibilities by allowing the Board to determine what type of decision to issue in a particular case. This regulation clarifies that the Board's decision to issue an AWO, or any other type of decision, depends on the Board's internal judgment regarding its resources and does not create personal rights and is not independently reviewable. In addition, this rule permits three-Board-member review of a small class of particularly complex cases. The rule provides the Board with the discretion to assess its resources, and where it deems appropriate, devote more of its resources to address complex or unusual issues of law or fact by referring a case for review by a three-member panel. Finally, this rule amends the regulations relating to precedent decisions of the Board, by authorizing publication of decisions either by a majority of Board Members in a panel or by a majority of permanent Board Members at the Board. With these tools, the Board can better manage its docket, budget its resources, and balance its competing adjudicatory responsibilities.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1003.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 5 USC 301; 6 USC 521; 8 USC 1101; 8 USC 1103; 8 USC 1154; 8 USC 1155; 8 USC 1158; 8 USC 1182; 8 USC 1226; 8 USC 1229; 8 USC 1229a; 8 USC 1229b; 8 USC 1229c; 8 USC 1231; 8 USC 1254a; 8 USC 1255; 8 USC 1324d; 8 USC 1330; 8 USC 1361; 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 105-100, sec 203, 111 Stat 2196-200; PL 106-386, sec 1506 and 1510, 114 Stat 1527 to 1529, 1531 to 1532; PL 106-554, sec 1505, 114 Stat 2763A-326 to 2763A-328; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/00/2008	
NPRM Comment Period End	03/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)
Executive Office for Immigration Review (EOIR)
RIN: 1125-AA59

Title: Professional Conduct for Practitioners--Rules and Procedures, and Representation and Appearances

Abstract: This rule proposes to change the rules and procedures concerning the standards of representation and professional conduct for attorneys and other practitioners who appear before Executive Office for Immigration Review (EOIR), which includes the immigration judges and the Board of Immigration Appeals (Board). Current regulations set forth who may represent individuals in proceedings before EOIR and also set forth the rules and procedures for imposing disciplinary sanctions against attorneys or other practitioners who engage in criminal, unethical, or unprofessional conduct before EOIR. The proposed revisions would increase the number of grounds for discipline and improve the clarity and uniformity of the existing rules while incorporating miscellaneous technical and procedural changes. The changes proposed herein are based upon the Attorney General's recent initiative for improving both the immigration courts and the Board, which includes measures to update the sanction authorities of the immigration judges and the Board for professional misconduct, as well as EOIR's operational experience in administering the program over the last six years.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1003.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 5 USC 301; 6 USC 521; 8 USC 1101; 8 USC 1103; 8 USC 1154; 8 USC 1155; 8 USC 1158; 8 USC 1182; 8 USC 1226; 8 USC 1229; 8 USC 1229a; 8 USC 1229b; 8 USC 1229c; 8 USC 1231; 8 USC 1254a; 8 USC 1255; 8 USC 1324d; 8 USC 1330; 8 USC 1361; 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 105-100, sec 203, 111 Stat 2196-200; PL 106-386, sec 1506 and 1510, 114 Stat 1527 to 1529, 1531 to 1532; PL 106-554, sec 1505, 114 Stat 2763A-326 to 2763A-328

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/00/2008	
NPRM Comment Period End	03/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)**Executive Office for Immigration Review (EOIR)****RIN:** 1125-AA60**Title:** Voluntary Departure: Effect of a Motion To Reopen or Reconsider or a Petition for Review

Abstract: The immigration laws provide that an alien may request and receive a grant of voluntary departure in certain cases; such a grant allows an alien to depart voluntarily during a specified period of time after the order is issued, in lieu of being removed under an order of removal. Voluntary departure is an agreed upon exchange of benefits between the alien and the Government, which provides tangible benefits for aliens who do depart during the time allowed, but there are severe statutory penalties for aliens who voluntarily fail to depart during the time allowed for voluntary departure. This proposed rule would amend the Department of Justice (Department) regulations regarding voluntary departure to protect the alien's statutory right to file a motion to reopen or reconsider, but also to provide that the alien's filing of a motion to reopen or reconsider prior to the expiration of the voluntary departure period will have the effect of automatically terminating the grant of voluntary departure. Similarly, the rule also provides that the alien's filing of a petition for judicial review shall automatically terminate the grant of voluntary departure. This means that the alien will be subject to the alternate order of removal that was issued in conjunction with the grant of voluntary departure, similar to other aliens who were found to be removable, but this approach also means he or she will not be subject to the penalties for failure to depart voluntarily. However, aliens who do depart the United States during the period allowed for voluntary departure will be deemed to have departed voluntarily notwithstanding the prior filing of a motion or petition for review. The rule also amends the bond provisions for voluntary departure to make clear that an alien's failure to post a voluntary departure bond as required will not have the effect of exempting the alien from the penalties for failure to depart under the grant of voluntary departure. Aliens accepting a grant of voluntary departure remain liable for the amount of the voluntary departure bond (in an amount not less than \$500) if they do not depart as they had agreed, but they will be able to get a refund of the bond amount upon proof of their departure within the time allowed. In addition, the rule provides for setting, at the time the immigration judge issues a grant of voluntary departure, a specific dollar amount of not less than \$3,000 as a civil money penalty if the alien voluntarily fails to depart within the time allowed.

Priority: Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 1240 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1124 to 1127; 8 USC 1129(c)(e); 8 USC 1251; 8 USC 1252 note; 8 USC 1252a; 8 USC 1252b; 8 USC 1362; PL 105-100, sec 202 to 203; PL 105-277, sec 902; 8 CFR 2**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	11/00/2007	
NPRM Comment Period End	01/00/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Federalism:** No**Energy Affected:** No**Agency Contact:** Kevin J. Chapman

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E-Mail: eoir.regs@usdoj.gov**Department of Justice (DOJ)****Executive Office for Immigration Review (EOIR)****RIN:** 1125-AA25**Title:** Suspension of Deportation and Cancellation of Removal

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).

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1240 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/1998	63 FR 52134
Interim Final Rule Comment Period End	11/30/1998	
Final Action	06/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Justice (DOJ)

Executive Office for Immigration Review (EOIR)

RIN: 1125-AA31

Title: Motions To Reopen for Suspension of Deportation and Special Rule Cancellation of Removal Pursuant to Section 1505 (c) of the LIFE Act Amendments

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1003 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/17/2001	66 FR 37119
Interim Final Rule Comment Period End	09/17/2001	
Final Action	04/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Justice (DOJ)

Executive Office for Immigration Review (EOIR)

RIN: 1125-AA38

Title: Protective Orders in Immigration Administration Proceedings

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1003 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/28/2002	67 FR 36799
Interim Final Rule Comment Period End	07/29/2002	
Final Action	06/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Justice (DOJ)**Executive Office for Immigration Review (EOIR)****RIN:** 1125-AA39**Title:** Executive Office for Immigration Review Attorney/Representative Registry

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.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 1001.1; 8 CFR 1003.0 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 8 USC 1362**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	12/30/2003	68 FR 75160
NPRM Comment Period End	03/01/2004	
Final Action	07/00/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Agency Contact:** Kevin J. Chapman

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E-Mail: eoir.regs@usdoj.gov**Department of Justice (DOJ)****Executive Office for Immigration Review (EOIR)****RIN:** 1125-AA41**Title:** Transfer of Jurisdiction Over Appeals of Fines From the Board of Immigration Appeals to the Office of the Chief Administrative Hearing Officer

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1003; 8 CFR 1103; 8 CFR 1280 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/19/2002	67 FR 7309
NPRM Comment Period End	03/21/2002	
Final Rule	05/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Related RINs: Split From 1125-AA36

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Department of Justice (DOJ)

Executive Office for Immigration Review (EOIR)

RIN: 1125-AA43

Title: Definitions; Fees; Powers and Authority of DHS Officers in Removal Proceedings

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.

Priority: Info./Admin./Other

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1003; 8 CFR 1103 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	07/28/2004	69 FR 44903
Interim Final Rule	07/28/2004	69 FR 44903
Interim Final Rule Comment Period End	08/27/2004	69 FR 44903
Final Action	03/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)

Executive Office for Immigration Review (EOIR)

RIN: 1125-AA44

Title: Background and Security Investigation Checks in Proceedings Before Immigration Judges and the Board of Immigration Appeals

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1003 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/2005	70 FR 4743
Commend Period Extended	03/31/2005	70 FR 16398
Interim Final Rule Comment Period End	04/01/2005	
Interim Final Rule Effective	04/01/2005	
Interim Final Rule Comment Period End	05/02/2005	
Final Action	04/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)
Executive Office for Immigration Review (EOIR)
RIN: 1125-AA49

Title: Reopened Proceedings on Petitions for Alien Entrepreneur Immigrant Classification (EB-5 Visas)

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 (Nov. 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.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1003; 8 CFR 1216; 8 CFR 1240 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 8 USC 11866

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/2007	
Interim Final Rule Comment Period End	02/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)**Executive Office for Immigration Review (EOIR)****RIN:** 1125-AA51**Title:** Information Relating to Aliens' Duty To Surrender When Ordered Removed From the United States

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.

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 1240; 8 CFR 1241 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 8 USC 1103**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	09/04/1998	63 FR 47205
NPRM Comment Period End	11/03/1998	
Supplemental NPRM	05/09/2002	67 FR 31157
Supplemental NPRM	06/10/2002	
Final Action	02/00/2008	

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.

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Federalism:** No**Agency Contact:** Kevin J. Chapman

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E-Mail: eoir.regs@usdoj.gov**Department of Justice (DOJ)****Executive Office for Immigration Review (EOIR)****RIN:** 1125-AA52**Title:** Jurisdiction and Venue in Removal Proceedings

Abstract: This rule amends the Department of Justice regulation addressing jurisdiction and 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.

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 1003.20(a) (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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; 8 USC 1229a

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/28/2007	72 FR 14494
NPRM Comment Period End	04/27/2007	
Final Action	12/00/2007	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)

Executive Office for Immigration Review (EOIR)

RIN: 1125-AA55

Title: Eligibility of Arriving Aliens in Removal Proceedings To Apply for Adjustment of Status and Jurisdiction To Adjudicate Applications for Adjustment of Status

Abstract: The Secretary of Homeland Security and the Attorney General are amending their respective agencies' regulations governing applications for adjustment of status filed by paroled arriving aliens seeking to become lawful permanent residents. The Secretary and the Attorney General are also amending the regulations to clarify when United States Citizenship and Immigration Services, or the immigration judges and the Board of Immigration Appeals of the Executive Office for Immigration Review, have jurisdiction to adjudicate applications for adjustment of status by such aliens. In addition, the Secretary and the Attorney General are requesting comments on the possibility of adopting further proposals in the future to structure the exercise of discretion in adjudicating these applications for adjustment of status.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1001.1(q); 8 CFR 1245.1; 8 CFR 1245.2(a)(1) (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 8 USC 1101; 8 USC 1103; 5 USC 301; PL 105-100, sec 202; 8 USC 1182; 8 USC 1255; PL 105-277, sec 902; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/12/2006	71 FR 27585
Interim Final Rule Comment Period End	06/12/2006	
Final Action	02/00/2008	

Additional Information: Joint rule with Department of Homeland Security (RIN 1615-AB50)

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Kevin J. Chapman

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Department of Justice (DOJ)**Executive Office for Immigration Review (EOIR)****RIN:** 1125-AA57**Title:** Board of Immigration Appeals: Composition of Board and Temporary Board Members**Abstract:** This rule amends the Executive Office for Immigration Review (EOIR) regulations relating to the organization of the Board of Immigration Appeals (Board) by adding four Board member positions, thereby expanding the Board to 15 members from its current level of 11. This rule also expands the list of persons eligible to serve as temporary Board members to include senior EOIR attorneys with at least ten years of experience in the field of immigration law.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 1003 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 5 USC 301; 6 USC 521; 8 USC 1101; 8 USC 1103; 8 USC 1154; 8 USC 1155; 8 USC 1158; 8 USC 1182; 8 USC 1226; 8 USC 1229; 8 USC 1229a; 8 USC 1229b; 8 USC 1229c; 8 USC 1231; 8 USC 1254a; 8 USC 1255; 8 USC 1324d; 8 USC 1330; 8 USC 1361; 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 105-100, sec 203, 111 Stat 2196-200; PL 106-386, sec 1506 and 1510, 114 Stat 1527 to 1529, 1531 to 1532; PL 106-554, sec 1505, 114 Stat 2763A-326 to 2763A-328; ...**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/07/2006	71 FR 70855
Interim Final Rule Comment Period End	02/05/2007	
Final Action	12/00/2007	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Kevin J. Chapman

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

RIN: 1125-AA27

Title: Authorities Delegated to the Director of the Executive Office for Immigration Review and the Chief Immigration Judge**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.**Priority:** Info./Admin./Other**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 1003; 8 CFR 1240 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**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**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	12/26/2000	65 FR 81434
NPRM Comment Period End	02/26/2001	
Final Action	09/20/2007	72 FR 53673
Final Action Effective	10/22/2007	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Federalism:** No**Agency Contact:** Kevin J. Chapman

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RIN: 1140-AA10

Title: Implementation of Public Law 105-277 Relating to Secure Gun Storage**Abstract:** The Department of Justice is amending the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to implement the provisions of Public Law 105-277, Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999. The amendments are with regard to: 1) Certification by applicants for dealers' licenses that secure gun storage or safety devices will be available at any place where firearms are sold to nonlicensed individuals and 2) an amended definition of "antique firearm," to include certain muzzle loading firearms. In addition, the Gun Control Act of 1968 establishes categories of individuals who are prohibited from possessing a firearm. A provision of Public Law 105-277 added aliens in a nonimmigrant classification as an additional prohibited category. In the same Act, the Attorney General was authorized to grant a waiver for individuals disqualified by the new prohibited category. The waiver petition will be granted, inter alia, upon an applicant showing proof of 180 days of residency and a statement of character from the applicant's embassy or consulate and upon a determination by the Attorney General that the waiver should be granted in the interests of justice so as not to jeopardize public safety.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No

CFR Citation: 27 CFR 478 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	10/00/2008	

Additional Information: Transferred from RIN 1512-AC67. The "Waiver for Firearm Prohibition on Nonimmigrant Visa Holders" (RIN 1140-AA21) has been incorporated into this rulemaking proceeding.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Agency Contact: James Ficaretta

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Department of Justice (DOJ)

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

RIN: 1140-AA26

Title: Implementation of the Child Safety Lock Act of 2005

Abstract: The Department of Justice is proposing to amend the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to implement the provisions of the Child Safety Lock Act of 2005 (CSLA), section 5 of Public Law 109-92. In general, the CSLA 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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 27 CFR 478 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)**Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)**

RIN: 1140-AA27

Title: Commerce in Explosives--Separation Distances of Ammonium Nitrate and Blasting Agents From Explosives or Blasting Agents

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 27 CFR 555 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 18 USC 847

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	10/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)**Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)**

RIN: 1140-AA31

Title: Implementation of the USA Patriot Improvement and Reauthorization Act of 2005 Regarding Trafficking in Contraband Cigarettes or Smokeless Tobacco

Abstract: The Department of Justice is amending the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to implement a provision of the USA Patriot Improvement and Reauthorization Act of 2005 regarding trafficking in contraband cigarettes or smokeless tobacco. Section 121 of the Act contains several amendments to the Contraband Cigarette Trafficking Act, 18 U.S.C. chapter 114.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 27 CFR 646 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 18 USC 2341 to 2346

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Justice (DOJ)
Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)
RIN: 1140-AA00

Title: Implementation of the Safe Explosives Act

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 Safe Explosives Act, title XI, subtitle C, of Public Law 107-296, the Homeland Security Act of 2002 (enacted November 25, 2002). The law, among other things: (1) Requires that all persons receiving explosives on and after May 24, 2003, obtain a Federal license or permit, and creates a new type of permit, the "limited permit;" (2) requires applicants for licenses and permits to provide as part of their application the names and appropriate identifying information regarding employees authorized to possess explosives as well as fingerprints and photographs of "responsible persons;" (3) extends the time for ATF to act on an application for a license or permit from 45 days to 90 days; (4) authorizes warrantless inspections of places of storage maintained by applicants for limited permits and holders of limited permits; (5) provides that only licensees and holders of user permits must post their licenses and permits and make them available for inspection; (6) requires that ATF conduct background checks on responsible persons and employees authorized to possess explosive materials; (7) specifies additional categories of persons who may not lawfully receive or possess explosive materials; i.e., aliens (other than permanent resident aliens and other excepted aliens), persons dishonorably discharged from the military, and persons who have renounced their U.S. citizenship; (8) broadens the interstate commerce element of the prohibited persons section of the law to specify that a violation is committed if possession of explosive materials affects interstate or foreign commerce; (9) provides ATF the authority to require licensed manufacturers and licensed importers and persons who manufacture or import explosive materials or ammonium nitrate to provide samples, information on chemical composition, and other information relevant to the identification of the product; (10) broadens the scope of a criminal violation of the law to include any institution or organization receiving Federal financial assistance within the categories of property covered by the violation; (11) expands ATF's authority to grant relief from disabilities to all categories of prohibited persons; and (12) adds a new theft-reporting violation, providing felony penalties for a licensee or permittee who fails to report thefts of explosives within 24 hours of discovery.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 27 CFR 555 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: PL 107-296, title XI, subtitle C

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/20/2003	68 FR 13768
Interim Final Rule Comment Period End	06/18/2003	
Final Action	10/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1140-AA20

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Department of Justice (DOJ)
Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)
RIN: 1140-AA04

Title: Commerce in Firearms and Ammunition (Omnibus Consolidated Appropriations Act of 1997)

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 27 CFR 478 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/30/1998	63 FR 35520
NPRM	06/30/1998	63 FR 35551
NPRM Comment Period End	09/28/1998	
Final Action	08/00/2008	

Additional Information: Transferred from RIN 1512-AB64

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Agency Contact: James Ficareta
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 99 New York Avenue NE
 Washington , DC 20226
 Phone: 202 648-7094

Department of Justice (DOJ)
Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)
RIN: 1140-AA20

Title: Implementation of the Safe Explosives Act--Delivery of Explosive Materials by Common or Contract Carrier

Abstract: This rule amends the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to remove the requirement that common or contract carriers taking possession of explosive materials for delivery to a licensee or permittee complete ATF Form 5400.8 (Explosives Delivery Record) prior to taking possession of explosive materials, regardless of whether they are hired by the distributor or by the distributee. ATF believes that this requirement is unduly burdensome and unnecessary. Furthermore, ATF does not believe that the elimination of this form will result in diversion of explosive materials to criminal or terrorist use. ATF will continue to require distributors of explosive materials to verify the identity of persons accepting possession of explosive materials for common or contract carriers, and will require distributors to record the name of the common or contract carrier and the full name of the driver in their permanent records.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 27 CFR 555 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: PL 107-296, title XI, subtitle C

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	09/11/2003	
Interim Final Rule	09/11/2003	68 FR 53509
Interim Final Rule Comment Period End	10/14/2003	
Final Action	10/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1140-AA00

Agency Contact: James P. Ficarella

Program Manager

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Department of Justice (DOJ)

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

RIN: 1140-AA23

Title: Machine Guns, Destructive Devices, and Certain Other Firearms--Amended Definition of "Pistol"

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 27 CFR 479 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 26 USC 7805

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/07/2005	70 FR 17624
NPRM Comment Period End	05/09/2005	
Final Action	10/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: James P. Ficaretta

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Department of Justice (DOJ)

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

RIN: 1140-AA24

Title: Commerce in Explosives--Amended Definition of Propellant Actuated Device

Abstract: The Department of Justice is amending 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.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 27 CFR 555 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 18 USC 847

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/11/2006	71 FR 46174
NPRM Comment Period End	11/09/2006	
Final Action	09/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: James P. Ficaretta

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Department of Justice (DOJ)**Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)**

RIN: 1140-AA29

Title: The U.S. Munitions Import List and Import Restrictions Applicable to Certain Countries**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.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 27 CFR 447 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 22 USC 2778**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	04/00/2008	

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

Agency Contact: Elizabeth Gillis Department of Justice
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Department of Justice (DOJ)**Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)**

RIN: 1140-AA30

Title: Commerce in Explosives--Storage of Shock Tube With Detonators**Abstract:** The Department of Justice is amending the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) by allowing shock tube to be stored with detonators.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 27 CFR 555 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 18 USC 847**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	01/29/2003	68 FR 4406
NPRM Comment Period End	04/29/2003	
NPRM COmment Period Reopened	06/23/2003	68 FR 37109
Second NPRM COmment Period End	07/07/2003	
Final Action	09/00/2008	

Additional Information: This rule addresses one of the proposals made in RIN 1140-AA01; transferred from RIN 1512-AB48**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No

Energy Affected: No

Agency Contact: James P. Ficaretta

Program Manager

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Department of Justice (DOJ)

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

RIN: 1140-AA01

Title: Commerce in Explosives (Including Explosives in the Fireworks Industry)

Abstract: The Department of Justice is amending the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), in part, pursuant to the Regulatory Flexibility Act, which requires an agency to review within 10 years of publication, rules for which an agency prepared a final regulatory flexibility analysis addressing the impact of the rule on small businesses or other small entities. This rule amends the explosives regulations relating to fireworks. In addition, this rule incorporates the provisions of an ATF Ruling 76-18, concerning alternate construction standards for storage facilities for explosive materials. This rule also addresses documentation requirements, various exemptions from the explosive regulations, and other amendments to the regulations that have been initiated by ATF or proposed by members of the explosives industry.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 27 CFR 555 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 18 USC 847

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Other	01/10/1997	62 FR 1386
NPRM	01/29/2003	68 FR 4406
NPRM Comment Period End	04/29/2003	
NPRM Comment Period Reopened	06/23/2003	68 FR 37109
Other	07/07/2003	

Additional Information: Transferred from RIN 1512-AB48.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Agency Contact: James Ficaretta

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Department of Justice (DOJ)

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

RIN: 1140-AA03

Title: Commerce in Explosives--Explosive Pest Control Devices

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 27 CFR 555 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 18 USC 847

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	01/29/2003	68 FR 4402
NPRM Comment Period End	02/28/2003	

Additional Information: Transferred from RIN 1512-AC80

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Agency Contact: James Ficarella

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Department of Justice (DOJ)

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

RIN: 1140-AA05

Title: Residency Requirement for Persons Acquiring Firearms

Abstract: The Department of Justice is amending the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to require that aliens purchasing firearms provide proof of residency through the use of substantiating documentation, such as utility bills or a lease agreement. In addition, the regulations are being amended to require that licensees examine a photo identification document from aliens purchasing firearms. These regulations implement firearms initiatives intended to protect the American public from gun violence.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 27 CFR 478 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/21/1997	62 FR 19442
NPRM	04/21/1997	62 FR 19446
Comment Period End	07/21/1997	
Final Action	11/00/2008	

Additional Information: Transferred from RIN 1512-AB66

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

Federalism: No

Agency Contact: James Ficaretta

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Department of Justice (DOJ)

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

RIN: 1140-AA06

Title: 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

Abstract: This rule is needed to implement certain provisions of Public Law 104-208, the Omnibus Consolidated Appropriations Act of 1997 (the Act), enacted September 30, 1996. The Act amended the Federal explosives laws in 18 U.S.C. chapter 40 to require all Federal agencies to report to ATF any information involving arson or the suspected criminal misuse of explosives. The Act also authorizes ATF to establish a repository for this information. In addition, the law provides that such repository will contain information on incidents voluntarily reported to ATF by State and local authorities.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 27 CFR 555 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 18 USC 846(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/15/2001	66 FR 57404
NPRM Comment Period End	02/13/2002	
Final Action	12/00/2008	

Additional Information: Transferred from RIN 1512-AB73

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

Small Entities Affected: No

Federalism: No

Agency Contact: James Ficaretta

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Department of Justice (DOJ)

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

RIN: 1140-AA08

Title: Public Law 105-277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for FY 1999 Relating to Firearms Disabilities for Nonimmigrant Aliens

Abstract: The Department of Justice is amending the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to implement the provisions of Public Law 105-277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for fiscal year 1999. The amendments implement the law by prohibiting, with certain exceptions, the transfer to and possession of firearms by aliens admitted to the United States under a nonimmigrant visa.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 27 CFR 478 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/05/2002	67 FR 5422
NPRM	02/05/2002	67 FR 5428
NPRM Comment Period End	05/06/2002	
Final Rule	11/00/2008	

Additional Information: Transferred from RIN 1512-AB93

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Agency Contact: James Ficaretta

Program Manager

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Department of Justice (DOJ)

Civil Rights Division (CRT)

RIN: 1190-AA44

Title: Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities

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).

Priority: Economically Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 28 CFR 36 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Regulatory Plan:

Statement of Need: Section 504 of the ADA requires the Access Board to issue supplemental minimum guidelines and requirements for accessible design of buildings and facilities subject to the ADA, including title III. Section 306(c) of the ADA requires the Attorney General to promulgate regulations implementing title III that are consistent with the Access Board's ADA guidelines. Because this rule will adopt standards that are consistent with the minimum guidelines issued by the Access Board, this rule is required by statute. Similarly, the Department's review of its title III regulation is being undertaken to comply with the requirements of the Regulatory Flexibility Act, as amended by SBREFA.

Legal Basis: The summary of the legal basis of authority for this regulation is set forth above under Legal Authority and Statement of Need.

Alternatives: The Department is required by the ADA to issue this regulation. Pursuant to SBREFA, the Department's title III regulation will consider whether alternatives to the currently published requirements are appropriate.

Costs and Benefits: The Access Board has analyzed the effect of applying its proposed amendments to ADAAG to entities covered by titles II and III of the ADA and has determined that they constitute a significant regulatory action for purposes of Executive Order 12866. The Access Board's determination will apply as well to the revised ADA standards published by the Department. As part of its revised ADAAG, the Access Board made available in summary form an updated regulatory assessment to accompany the final revised ADAAG. The Access Board's regulatory assessment will also apply to the Department's proposed adoption of revised ADAAG as ADA standards insofar as the standards apply to new construction and alteration. The Department will also prepare an additional regulatory assessment of the estimated annual cost of compliance with the revised standards with regard to existing facilities that are subject to title III of the ADA. Section 4(2) of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1503(2), excludes from coverage under that Act any proposed or final Federal regulation that "establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability." Accordingly, this rulemaking is not subject to the provisions of the Unfunded Mandates Reform Act.

Risks: Without the proposed changes to the Department's title III regulation, the ADA Standards will fail to be consistent with the ADAAG.

Timetable:

Action	Date	FR Cite
ANPRM	09/30/2004	69 FR 58768
Comment Period Extended	01/19/2005	70 FR 2992
ANPRM Comment Period End	01/28/2005	
ANPRM Comment Period End	05/31/2005	
NPRM	01/00/2008	
NPRM Comment Period End	03/00/2008	

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).

Regulatory Flexibility Analysis**Required:** Business; Organizations**Government Levels Affected:** No**Federalism:** No**Agency Contact:** John L. Wodatch

Chief, Disability Rights Section

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Civil Rights Division

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Department of Justice (DOJ)**Civil Rights Division (CRT)****RIN:** 1190-AA46**Title:** Nondiscrimination on the Basis of Disability in State and Local Government Services

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 (ADAAG), 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.

Priority: Economically Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Yes**Unfunded Mandates:** No

CFR Citation: 28 CFR 35 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Regulatory Plan:

Statement of Need: Section 504 of the ADA requires the Access Board to issue supplemental minimum guidelines and requirements for accessible design of buildings and facilities subject to the ADA, including title II. Section 204(c) of the ADA requires the Attorney General to promulgate regulations implementing title II that are consistent with the Access Board's ADA guidelines. Because this rule will adopt standards that are consistent with the minimum guidelines issued by the Access Board, this rule is required by statute. Similarly, the Department's review of its title II regulations is being undertaken to comply with the requirements of the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA).

Legal Basis: The summary of the legal basis of authority for this regulation is set forth above under Legal Authority and Statement of Need.

Alternatives: The Department is required by the ADA to issue this regulation as described in the Statement of Need above. Pursuant to SBREFA, the Department's title II regulation will consider whether alternatives to the currently published requirements are appropriate.

Costs and Benefits: The Administration is deeply committed to ensuring that the goals of the ADA are met. Promulgating this amendment to the Department's ADA regulations will ensure that entities subject to the ADA will have one comprehensive regulation to follow. Currently, entities subject to title II of the ADA (State and local governments) have a choice between following the Department's ADA Standards for title III, which were adopted for places of public accommodation and commercial facilities and which do not contain standards for common State and local government buildings (such as courthouses and prisons), or the Uniform Federal Accessibility Standards (UFAS). By developing one comprehensive standard, the Department will eliminate the confusion that arises when governments try to mesh two different standards. As a result, the overarching goal of improving access to persons with disabilities will be better served. The Access Board has analyzed the effect of applying its proposed amendments to ADAAG to entities covered by titles II and III of the ADA and has determined that they constitute a significant regulatory action for purposes of Executive Order 12866. The Access Board's determination will apply as well to the revised ADA Standards published by the Department. As part of its revised ADAAG, the Access Board made available in summary form an updated regulatory assessment to accompany the final revised ADAAG. The Access Board's regulatory assessment will also apply to the Department's proposed adoption of revised ADAAG as ADA standards insofar as the standards apply to new construction and alteration. The Department will also prepare an additional regulatory assessment of the estimated annual cost of compliance with the revised standards with regard to existing facilities that are subject to title III of the ADA. The Access Board has made every effort to lessen the impact of its proposed guidelines on State and local governments but recognizes that the guidelines will have some federalism effects. These effects are discussed in the Access Board's regulatory assessment, which also applies to the Department's proposed rule. Section 4(2) of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1503(2), excludes from coverage under that Act any proposed or final Federal regulation that "establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability." Accordingly, this rulemaking is not subject to the provisions of the Unfunded Mandates Reform Act.

Risks: Without this amendment to the Department's ADA regulations, regulated entities will be subject to confusion and delay as they attempt to sort out the requirements of conflicting design standards. This amendment should eliminate the costs and risks associated with that process.

Timetable:

Action	Date	FR Cite
ANPRM	09/30/2004	69 FR 58768
Commend Period Extended	01/19/2005	70 FR 2992
ANPRM Comment Period End	01/28/2005	
ANPRM Comment Period End	05/31/2005	
NPRM	01/00/2008	
NPRM Comment Period End	03/00/2008	

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 the timing for the compliance of State and local governments with the curb-cut 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.

Regulatory Flexibility Analysis

Required: Governmental Jurisdictions

Federalism: Yes

Agency Contact: John L. Wodatch

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Government Levels Affected: Local; State

Department of Justice (DOJ)

Civil Rights Division (CRT)

RIN: 1190-AA48

Title: The Failure To Select Cause of Action of the American Competitiveness and Workforce Improvement Act of 1998

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.

Priority: Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 28 CFR 44.500; 28 CFR 68 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 8 USC 1182(n)(5); 8 USC 1103(a); 8 USC 1182(n); 8 USC 1324b**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	03/00/2008	

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.

Regulatory Flexibility Analysis**Government Levels Affected:** No**Required:** Undetermined**Federalism:** No**Agency Contact:** Katherine A. Baldwin

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E-Mail: eoir.regs@usdoj.gov**Department of Justice (DOJ)****Civil Rights Division (CRT)****RIN:** 1190-AA51

Title: 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

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 and 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.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No

CFR Citation: 28 CFR 51 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/00/2008	
NPRM Comment Period End	03/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Federalism: No

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Department of Justice (DOJ)

Civil Rights Division (CRT)

RIN: 1190-AA52

Title: Amendments to Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs and Implementation of Executive Order 12250

Abstract: In 1988, the Civil Rights Restoration Act (CRRA) added definitions of "program or activity" and "program" to title VI and added a definition of "program or activity" to section 504. The added definitions were designed to clarify the broad scope of coverage of recipients' programs or activities under these statutes. In a joint rulemaking described at RIN 1190-AA49, and published in the Federal Register on August 26, 2003, the Department of Justice and other Federal agencies conformed their regulations to the CRRA. 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 CRRA's definitions of "program or activity" and "program" into the Department's title VI and section 504 coordination regulations.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 42.401 to 42.415; 28 CFR 41.1 to 41.58 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/00/2008	
NPRM Comment Period End	07/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State

Federalism: No

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

RIN: 1190-AA53

Title: 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.

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 301; 28 USC 509

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/00/2008	
NPRM Comment Period End	04/00/2008	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Federalism: No

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

RIN: 1190-AA58

Title: Amendments to the Attorney General's Guidelines on Implementation of the Language Minority Provisions of the Voting Rights Act

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 coverage formula and new section 203 determinations by the Director of the Census, which have been made after each decennial census. The last such revisions to the guidelines were published as a final rule without notice or comment period (58 FR 35371; Jul. 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; Jul. 26, 2002). The appendix should be updated to reflect these determinations currently in effect. The section 4(f)(4) determinations have not changed. On July 27, 2006, the President signed the "Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments of 2006," Public Law 109-246, 120 Stat. 577, which includes three provisions affecting section 203 of the Voting Rights Act. In addition, the expiration date for section 4(f)(4) and 203, as well as the identification of the census data for making section 203 determinations, should be changed to reflect the amendments to the Voting Rights Act enacted in 2006.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 55 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	01/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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DEPARTMENT OF JUSTICE (DOJ)

Statement of Regulatory Priorities

The first and overriding priority of the Department of Justice is to prevent, detect, disrupt, and dismantle terrorism while preserving constitutional liberties. To fulfill this mission, the Department is devoting all the resources necessary and utilizing all legal authorities to eliminate terrorist networks, to prevent terrorist attacks, and to bring to justice those who kill Americans in the name of murderous ideologies. It is engaged in an aggressive arrest and detention campaign of lawbreakers with a single objective: To get terrorists off the street before they can harm more Americans. In addition to using investigative, prosecutorial, and other law enforcement activities, the Department is also using the regulatory process to enhance its ability to prevent future terrorist acts and safeguard our borders while ensuring that America remains a place of welcome to foreigners who come here to visit, work, or live peacefully. The Department also has wide-ranging responsibilities for criminal investigations, law enforcement, and prosecutions and, in certain specific areas, makes use of the regulatory process to better carry out the Department's law enforcement missions.

The Department of Justice's regulatory priorities focus in particular on a major regulatory initiative in the area of civil rights. Specifically, the Department is planning to revise its regulations implementing titles II and III of the Americans With Disabilities Act. However, in addition to this specific initiative, several other components of the Department carry out important responsibilities through the regulatory process. Although their regulatory efforts are not singled out for specific attention in this regulatory plan, those components carry out key roles in implementing the Department's anti-terrorism and law enforcement priorities.

Civil Rights

The Department is planning to revise its regulations implementing titles II and III of the ADA to amend the ADA Standards for Accessible Design (28 CFR part 36, appendix A) to be consistent with the revised ADA accessibility guidelines published by the U.S. Architectural and Transportation Barriers Compliance Board (Access Board) in final form on July 23, 2004. (The Access Board had issued the guidelines in proposed form in November 1999 and in final draft form in April 2002.) Title II of the ADA prohibits discrimination on the basis of disability by public entities, and title III prohibits such discrimination by places of public accommodation and requires accessible design and construction of places of public accommodation and commercial facilities. In implementing these provisions, the Department of Justice is required by statute to publish regulations that include design standards that are consistent with the guidelines developed by the Access Board. The Access Board was engaged in a multiyear effort to revise and amend its accessibility guidelines. The goals of this project were: 1) To address issues such as unique State and local facilities (e.g., prisons, courthouses), recreation facilities, play areas, and building elements specifically designed for children's use that were not addressed in the initial guidelines; 2) to promote greater consistency between the Federal accessibility requirements and the model codes; and 3) to provide greater consistency between the ADA guidelines and the guidelines that implement the Architectural Barriers Act. The Access Board issued guidelines that address all of these issues. Therefore, to comply with the ADA requirement that the ADA standards remain consistent with the Access Board's guidelines, the Department will propose to adopt revised ADA Standards for Accessible Design that are consistent with the revised ADA Accessibility Guidelines.

The Department also plans to review its regulations implementing title II and title III (28 CFR parts 35 and 36) to ensure that the requirements applicable to new construction and alterations under title II are consistent with those applicable under title III, to review and update the regulations to reflect the current state of law, and to ensure the Department's compliance with section 610 of the Small Business Regulatory Enforcement Fairness Act (SBREFA).

The Department is planning to adopt and interpret the Access Board's revised and amended guidelines in three steps. The first step of the rulemaking process was an advance notice of proposed rulemaking, published in the Federal Register on September 30, 2004, at 69 FR 58768, which the

Department believes 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 two sets of questions for public comment, and proposed a framework for the regulatory analysis that will accompany the proposed rule. One set of questions addresses interpretive matters related to adopting revised ADA accessibility standards, such as what should be the effective date of the revised standards and how best to apply the revised standards to existing facilities that have already complied with the current ADA standards. Another set of questions was directed to collecting data about the benefits and costs of applying the new standards to existing facilities. The second step of the rulemaking process will be a proposed rule proposing to adopt revised ADA accessibility standards consistent with the Access Board's revised and amended guidelines that will, in addition to revising the current ADA Standards for Accessible Design, supplement the standards with specifications for prisons, jails, court houses, legislative facilities, building elements designed for use by children, play areas, and recreation facilities. The proposed rule will also offer proposed answers to the interpretive questions raised in the advance notice and present an initial regulatory assessment; it will be followed by a final rule, the third step of the process.

The Department's revised and supplemented regulations under the ADA will affect small businesses, small governmental jurisdictions, and other small organizations (together, small entities). The Access Board has prepared regulatory assessments (including cost impact analyses) to accompany its new guidelines, which estimate the annual compliance costs that will be incurred by covered entities with regard to construction of new facilities. These assessments include the effect on small entities and will apply to new construction under the Department's revised and supplemented regulations. With respect to existing facilities, the Department will prepare an additional regulatory assessment of the estimated annual cost of compliance with regard to existing facilities. In this process, the Department will give careful consideration to the cost effects on small entities, including the solicitation of comments specifically designed to obtain compliance data relating to small entities.

Other Department Initiatives

1. Immigration Matters

On March 1, 2003, pursuant to the Homeland Security Act of 2002 (HSA), the responsibility for immigration enforcement and for providing immigration-related services and benefits such as naturalization and work authorization was transferred from the Justice Department's Immigration and Naturalization Service (INS) to the Department of Homeland Security (DHS). However, immigration judges and the Board of Immigration Appeals in the Executive Office for Immigration Review (EOIR) remain part of the Department of Justice; the immigration judges adjudicate approximately 300,000 cases each year to determine whether the aliens should be ordered removed or should be granted some form of relief from removal. Accordingly, the Attorney General has a continuing role in the conduct of removal hearings, the granting of relief from removal, and the detention or release of aliens pending completion of removal proceedings. The Attorney General also is responsible for civil litigation and criminal prosecutions relating to the immigration laws.

In several pending rulemaking actions, the Department is working to revise and update the regulations relating to removal proceedings in order to improve the efficiency and effectiveness of the hearings in resolving issues relating to removal of aliens and the granting of relief from removal.

On August 9, 2006, the Attorney General announced a series of initiatives to improve the quality of adjudications before immigration judges, in response to the review of the Immigration Courts and the Board of Immigration Appeals which he ordered. Several regulations will implement different aspects of the Attorney General's initiatives.

Also, the Department of Justice will be working with the Department of Homeland Security (DHS) to implement the increase in civil penalties for employer sanctions as proposed by DHS.

2. Criminal Law Enforcement

In large part, the Department's criminal law enforcement components do not rely on the rulemaking process to carry out their assigned missions. The Federal Bureau of Investigation (FBI), for example, is responsible for protecting and defending the United States against terrorist and foreign intelligence threats, upholding and enforcing the criminal laws of the United States, and providing leadership and criminal justice services to Federal, State, municipal, and international agencies and partners. Only in very limited contexts does the FBI rely on rulemaking. For example, the FBI is currently updating its National Instant Criminal Background Check System regulations to allow criminal justice agencies to conduct background checks prior to the return of firearms.

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) issues regulations to enforce the Federal laws relating to the manufacture and commerce of firearms and explosives. ATF's mission and regulations are designed to:

- Curb illegal traffic in, and criminal use of, firearms, and to assist State, local, and other Federal law enforcement agencies in reducing crime and violence;
- Facilitate investigations of violations of Federal explosives laws and arson-for-profit schemes;
- Regulate the firearms and explosives industries, including systems for licenses and permits;
- Assure the collection of all National Firearms Act (NFA) firearms taxes and obtain a high level of voluntary compliance with all laws governing the firearms industry; and
- Assist the States in their efforts to eliminate interstate trafficking in, and the sale and distribution of, cigarettes and alcohol in avoidance of Federal and State taxes.

ATF will continue, as a priority during fiscal year 2008, to seek modifications to its regulations governing commerce in firearms and explosives. ATF continues analysis of its regulations governing storage requirements for explosives, including fireworks explosive materials. ATF plans to issue final regulations implementing the provisions of the Safe Explosives Act, title XI, subtitle C, of Public Law 107-296, the Homeland Security Act of 2002 (enacted November 25, 2002).

Combating the proliferation of methamphetamine and preventing the diversion of prescription drugs for illicit purposes are among the Attorney General's top drug enforcement priorities. The Drug Enforcement Administration (DEA) is responsible for controlling abuse of narcotics and dangerous drugs, while ensuring adequate supplies for legitimate medical purposes. DEA accomplishes its objectives through coordination with State, local, and other Federal officials in drug enforcement activities, development and maintenance of drug intelligence systems, regulation of legitimate controlled substances, and enforcement coordination and intelligence-gathering activities with foreign government agencies. DEA continues to develop and enhance regulatory controls relating to the diversion control requirements for controlled substances.

In the past, drug traffickers have been able to easily obtain large quantities of the List I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine, and others used in the clandestine production of methamphetamine from both foreign and domestic sources. One of DEA's key regulatory initiatives has been implementation of the Combat Methamphetamine Epidemic Act of 2005 (CMEA), which further regulates the importation, manufacture, and retail sale of ephedrine, pseudoephedrine, and phenylpropanolamine and drug products containing these three chemicals. CMEA imposes sales limits for ephedrine, pseudoephedrine, and phenylpropanolamine at the retail level, establishes quotas at the manufacturing level, and limits the importation of these chemicals to that which is necessary to provide for medical, scientific, and other legitimate purposes. CMEA also provides investigators with necessary identifying information regarding manufacturers and importers of these chemicals. Regulations pertaining to implementation of CMEA include, but are not limited to:

- "Retail Sales of Scheduled Listed Chemical Products; Self-Certification of Regulated Sellers of Scheduled Listed Chemical Products" [RIN 1117-AB05]
- "Implementation of the Combat Methamphetamine Epidemic Act of 2005; Notice of Transfers Following Importation or Exportation" [RIN 1117-AB06]

- “Import and Production Quotas for Certain List I Chemicals” [RIN 1117-AB08]
- “Elimination of Exemptions for Chemical Mixtures Containing the List I Chemicals Ephedrine and/or Pseudoephedrine” [RIN 1117-AB11]
- “Combat Methamphetamine Epidemic Act of 2005: Fee for Self-Certification for Regulated Sellers of Scheduled Listed Chemical Products” [RIN 1117-AB13]
- “Record Requirements for Chemical Distributors” [RIN 1117-AB14]

In addition to its implementation of CMEA, DEA is working to curb the diversion of other chemicals important in the illicit manufacture of controlled substances. DEA recently imposed greater restrictions on iodine, moving this chemical from List II to List I, reducing the threshold for regulated transactions to zero, adding import and export regulatory controls, and establishing a concentration limit for chemical mixtures containing iodine. See RIN 1117-AA93.

The Federal Bureau of Prisons issues regulations to enforce the Federal laws relating to its mission: to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens. During the next 12 months, in addition to other regulatory objectives aimed at accomplishing its mission, the Bureau will continue its ongoing efforts to: improve drug abuse treatment services and early release consideration; improve disciplinary procedures; and reduce the introduction of contraband through various means (such as clarifying drug and alcohol surveillance testing programs). In addition, the Bureau will finalize regulations relating to limiting the communications of inmates identified as having an identifiable link to terrorist-related activities.

The 2 Actions Described in the Regulatory Plan

Title	Regulation Identifier Number	Rulemaking Stage
Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities	1190-AA44	Proposed Rule Stage
Nondiscrimination on the Basis of Disability in State and Local Government Services	1190-AA46	Proposed Rule Stage

DOJ**Civil Rights Division (CRT)****RIN:** 1190-AA44**Title:** Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities

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).

Priority: Economically Significant**Agenda Stage of Rulemaking:** Proposed Rule

Major: Yes**Unfunded Mandates:** No**CFR Citation:** 28 CFR 36 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 5 USC 301; 28 USC 509; 28 USC 510; 42 USC 12186(b)**Legal Deadline:** None**Regulatory Plan:**

Statement of Need: Section 504 of the ADA requires the Access Board to issue supplemental minimum guidelines and requirements for accessible design of buildings and facilities subject to the ADA, including title III. Section 306(c) of the ADA requires the Attorney General to promulgate regulations implementing title III that are consistent with the Access Board's ADA guidelines. Because this rule will adopt standards that are consistent with the minimum guidelines issued by the Access Board, this rule is required by statute. Similarly, the Department's review of its title III regulation is being undertaken to comply with the requirements of the Regulatory Flexibility Act, as amended by SBREFA.

Legal Basis: The summary of the legal basis of authority for this regulation is set forth above under Legal Authority and Statement of Need.

Alternatives: The Department is required by the ADA to issue this regulation. Pursuant to SBREFA, the Department's title III regulation will consider whether alternatives to the currently published requirements are appropriate.

Costs and Benefits: The Access Board has analyzed the effect of applying its proposed amendments to ADAAG to entities covered by titles II and III of the ADA and has determined that they constitute a significant regulatory action for purposes of Executive Order 12866. The Access Board's determination will apply as well to the revised ADA standards published by the Department. As part of its revised ADAAG, the Access Board made available in summary form an updated regulatory assessment to accompany the final revised ADAAG. The Access Board's regulatory assessment will also apply to the Department's proposed adoption of revised ADAAG as ADA standards insofar as the standards apply to new construction and alteration. The Department will also prepare an additional regulatory assessment of the estimated annual cost of compliance with the revised standards with regard to existing facilities that are subject to title III of the ADA. Section 4(2) of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1503(2), excludes from coverage under that Act any proposed or final Federal regulation that "establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability." Accordingly, this rulemaking is not subject to the provisions of the Unfunded Mandates Reform Act.

Risks: Without the proposed changes to the Department's title III regulation, the ADA Standards will fail to be consistent with the ADAAG.

Timetable:

Action	Date	FR Cite
ANPRM	09/30/2004	69 FR 58768
Commend Period Extended	01/19/2005	70 FR 2992
ANPRM Comment Period End	01/28/2005	
ANPRM Comment Period End	05/31/2005	
NPRM	01/00/2008	
NPRM Comment Period End	03/00/2008	

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).

Regulatory Flexibility Analysis**Required:** Business; Organizations**Government Levels Affected:** No**Federalism:** No**Agency Contact:** John L. Wodatch

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DOJ**Civil Rights Division (CRT)****RIN:** 1190-AA46**Title:** Nondiscrimination on the Basis of Disability in State and Local Government Services

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 (ADAAG), 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.

Priority: Economically Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 28 CFR 35 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Regulatory Plan:

Statement of Need: Section 504 of the ADA requires the Access Board to issue supplemental minimum guidelines and requirements for accessible design of buildings and facilities subject to the ADA, including title II. Section 204(c) of the ADA requires the Attorney General to promulgate regulations implementing title II that are consistent with the Access Board's ADA guidelines. Because this rule will adopt standards that are consistent with the minimum guidelines issued by the Access Board, this rule is required by statute. Similarly, the Department's review of its title II regulations is being undertaken to comply with the requirements of the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA).

Legal Basis: The summary of the legal basis of authority for this regulation is set forth above under Legal Authority and Statement of Need.

Alternatives: The Department is required by the ADA to issue this regulation as described in the Statement of Need above. Pursuant to SBREFA, the Department's title II regulation will consider whether alternatives to the currently published requirements are appropriate.

Costs and Benefits: The Administration is deeply committed to ensuring that the goals of the ADA are met. Promulgating this amendment to the Department's ADA regulations will ensure that entities subject to the ADA will have one comprehensive regulation to follow. Currently, entities subject to title II of the ADA (State and local governments) have a choice between following the Department's ADA Standards for title III, which were adopted for places of public accommodation and commercial facilities and which do not contain standards for common State and local government buildings (such as courthouses and prisons), or the Uniform Federal Accessibility Standards (UFAS). By developing one comprehensive standard, the Department will eliminate the confusion that arises when governments try to mesh two different standards. As a result, the overarching goal of improving access to persons with disabilities will be better served. The Access Board has analyzed the effect of applying its proposed amendments to ADAAG to entities covered by titles II and III of the ADA and has determined that they constitute a significant regulatory action for purposes of Executive Order 12866. The Access Board's determination will apply as well to the revised ADA Standards published by the Department. As part of its revised ADAAG, the Access Board made available in summary form an updated regulatory assessment to accompany the final revised ADAAG. The Access Board's regulatory assessment will also apply to the Department's proposed adoption of revised ADAAG as ADA standards insofar as the standards apply to new construction and alteration. The Department will also prepare an additional regulatory assessment of the estimated annual cost of compliance with the revised standards with regard to existing facilities that are subject to title III of the ADA. The Access Board has made every effort to lessen the impact of its proposed guidelines on State and local governments but recognizes that the guidelines will have some federalism effects. These effects are discussed in the Access Board's regulatory assessment, which also applies to the Department's proposed rule. Section 4(2) of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1503(2), excludes from coverage under that Act any proposed or final Federal regulation that "establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability." Accordingly, this rulemaking is not subject to the provisions of the Unfunded Mandates Reform Act.

Risks: Without this amendment to the Department's ADA regulations, regulated entities will be subject

to confusion and delay as they attempt to sort out the requirements of conflicting design standards. This amendment should eliminate the costs and risks associated with that process.

Timetable:

Action	Date	FR Cite
ANPRM	09/30/2004	69 FR 58768
Commend Period Extended	01/19/2005	70 FR 2992
ANPRM Comment Period End	01/28/2005	
ANPRM Comment Period End	05/31/2005	
NPRM	01/00/2008	
NPRM Comment Period End	03/00/2008	

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 the timing for the compliance of State and local governments with the curb-cut 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.

Regulatory Flexibility Analysis

Required: Governmental Jurisdictions

Government Levels Affected: Local; State

Federalism: Yes

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