



Federal Register

**Monday,
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Part XII

**Department of
Justice**

Semiannual Regulatory Agenda

DEPARTMENT OF JUSTICE (DOJ)

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 2004 regulatory agenda pursuant to Executive Order 12866 “Regulatory Planning and Review,” 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. sections 601-612 (1988).

FOR FURTHER INFORMATION CONTACT: Robert Hinchman, Senior Counsel,

Office of Legal Policy, Department of Justice, Room 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 are included in The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. The Regulatory Plan entries are listed in the table of contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

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

succeeding 12 months. This edition of the Department’s regulatory agenda includes three regulations requiring such a review: “Commerce in Explosives (Including Explosives in the Fireworks Industry)” (RIN 1140-AA01); “Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities” (RIN 1190-AA44); and “Nondiscrimination on the Basis of Disability in State and Local Government Services” (RIN 1190-AA46). In accordance with the RFA, comments are specifically invited on these regulations. Those comments should be addressed to the contact persons listed in the entries for these items.

Dated: October 6, 2004.

Daniel J. Bryant,

Assistant Attorney General, Office of Legal Policy.

Bureau of Prisons—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1847	Inmate Discipline—Subpart Revision	1120–AB18
1848	Victim/Witness Notification	1120–AB25
1849	Autopsies	1120–AB26
1850	Searching and Detaining or Arresting Non-Inmates	1120–AB28
1851	Incoming Publications: Security Measures	1120–AB31
1852	Classification and Program Review	1120–AB32

Bureau of Prisons—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1853	Intensive Confinement Centers	1120–AA11
1854	Literacy Program	1120–AA33
1855	Telephone Regulations and Inmate Financial Responsibility	1120–AA39
1856	Telephone Regulations and Inmate Financial Responsibility	1120–AA49
1857	Good Conduct Time	1120–AA62
1858	Designation of Offenses Subject to Sex Offender Release Notification	1120–AA85
1859	Drug Abuse Treatment Programs: Disincentives and Enhanced Incentives	1120–AA88
1860	Searches of Housing Units, Inmates, Inmate Work Areas, and Persons Other Than Inmates: Electronic Devices ...	1120–AA90
1861	Drug Testing Program	1120–AA95
1862	Release of Information	1120–AA96
1863	Correspondence: Inspection of Outgoing General Correspondence	1120–AA98
1864	Infectious Disease Management	1120–AB03
1865	District of Columbia Educational Good Time Credit	1120–AB05
1866	Suicide Prevention Program	1120–AB06
1867	Drug Abuse Treatment Program: Subpart Revision and Clarification	1120–AB07
1868	National Security; Prevention of Acts of Violence and Terrorism	1120–AB08
1869	Inmate Fees for Health Care Services	1120–AB11
1870	Good Conduct Time: Aliens With Confirmed Orders of Deportation, Exclusion, or Removal	1120–AB12
1871	Civil Contempt of Court Commitments: Revision To Accommodate Commitments Under the DC Code	1120–AB13
1872	Central Inmate Monitoring (CIM) System: Streamlining Rules	1120–AB14
1873	Bureau of Prisons Emergencies	1120–AB17

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Bureau of Prisons—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
1874	Administrative Safeguards for Psychiatric Treatment and Medication	1120-AB20
1875	Clarifying of Release Gratuities—Release Transportation Regulations To More Closely Conform to Statutory Provisions	1120-AB21
1876	Community Confinement	1120-AB27
1877	Over-the-Counter Medications: Technical Correction	1120-AB29

Bureau of Prisons—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1878	Inmate Commissary Account Deposit Procedures	1120-AA86
1879	Comments on UNICOR Business Operations: Clarification of Addresses	1120-AB15
1880	Admission and Orientation Program: Removal From Rules	1120-AB16
1881	Progress Reports Rules Revision	1120-AB24

Civil Rights Division—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1882	Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities (Section 610 Review) (Reg Plan Seq No. 86)	1190-AA44
1883	Nondiscrimination on the Basis of Disability in State and Local Government Services (Section 610 Review) (Reg Plan Seq No. 87)	1190-AA46

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

Civil Rights Division—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1884	American Competitiveness and Workforce Improvement Act of 1998 Complaint Process	1190-AA48
1885	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
1886	Amendments to Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs and Implementation of Executive Order 12250	1190-AA52
1887	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—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1888	Nondiscrimination on the Basis of Disability in State and Local Government Services; Public Accommodations and Commercial Facilities; Accessibility Standards; Recreation Facilities	1190-AA47
1889	Nondiscrimination on the Basis of Disability in State or Local Government Facilities; Public Accommodations and Commercial Facilities; Accessibility Standards; Play Areas	1190-AA50

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

Sequence Number	Title	Regulation Identifier Number
1890	Commerce in Firearms and Ammunition—Importation of Firearm Frames, Receivers, and Barrels	1140-AA22
1891	Machine Guns, Destructive Devices, and Certain Other Firearms—Amended Definition of “Pistol”	1140-AA23
1892	Commerce in Explosives—Amended Definition of Propellant Actuated Device	1140-AA24

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

Sequence Number	Title	Regulation Identifier Number
1893	27 CFR Part 55 Identification Markings Placed on Imported Explosive Materials	1140-AA02
1894	27 CFR 55 Commerce in Explosives—Explosive Pest Control Devices	1140-AA03
1895	27 CFR 178 Commerce in Firearms and Ammunition (Omnibus Consolidated Appropriations Act of 1997)	1140-AA04

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

Sequence Number	Title	Regulation Identifier Number
1896	Implementation of the Safe Explosives Act, Title XI, Subtitle C, of Public Law 107-296	1140-AA00
1897	27 CFR 55 Commerce in Explosives (Including Explosives in the Fireworks Industry) (Rulemaking Resulting From a Section 610 Review)	1140-AA01
1898	27 CFR 178 Residency Requirement for Persons Acquiring Firearms	1140-AA05
1899	27 CFR 55 Implementation of Public Law 104-208, the Omnibus Consolidated Appropriations Act of 1997, Relating to the Establishment of a National Repository for Arson and Explosives Information	1140-AA06
1900	27 CFR 178 Implementation of Public Law 106-58, Treasury and General Government Appropriations Act, 2000 ..	1140-AA07
1901	27 CFR 178 Public Law 105-277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for FY '99 Relating to Firearms Disabilities for Nonimmigrant Aliens	1140-AA08
1902	27 CFR 178 Implementation of Public Law 105-277 Relating to Secure Gun Storage	1140-AA10
1903	Implementation of the Safe Explosives Act, Title XI, Subtitle C, of Public Law 107-296—Delivery of Explosive Materials by Common or Contract Carrier	1140-AA20
1904	Waiver for Firearm Prohibition on Nonimmigrant Visa Holders	1140-AA21

Drug Enforcement Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1905	Guidelines for Providing Controlled Substances to Ocean Vessels	1117-AA40
1906	Electronic Prescriptions for Controlled Substances	1117-AA61
1907	Reorganization and Clarification of DEA Regulations	1117-AA63
1908	Chemical Mixtures Containing Gamma-Butyrolactone	1117-AA64
1909	Chemical Mixtures Containing Listed Forms of Phosphorus	1117-AA66
1910	Chemical Registration and Reregistration Fees	1117-AA72
1911	Clarification of Registration Requirements for Individual Practitioners	1117-AA89
1912	Control of Sodium Permanganate as a List II Chemical	1117-AA90
1913	Electronic Application for Controlled Substances and Listed Chemical Registration: Technical Amendments	1117-AA91
1914	Revision of Reporting Requirements for Imports and Exports of List I and List II Chemicals	1117-AA92
1915	Changes in the Regulation of Iodine and Its Chemical Mixtures	1117-AA93

Drug Enforcement Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1916	Definition and Registration of Reverse Distributors	1117-AA19

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Drug Enforcement Administration—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
1917	Exemption of Chemical Mixtures	1117-AA31
1918	Chemical Registration and Reregistration Fees	1117-AA50
1919	Electronic Orders for Schedule I and II Controlled Substances	1117-AA60
1920	Security Requirements for Handlers of Pseudoephedrine, Ephedrine, and Phenylpropanolamine	1117-AA62
1921	Chemical Registration Waivers; Exemption From Chemical Registration Fees for Certain Persons	1117-AA67
1922	Authority for Practitioners To Dispense or Prescribe Approved Narcotic Substances for Maintenance or Detoxification Treatment	1117-AA68
1923	Recordkeeping and Reporting Requirements for Drug Products Containing Gamma Hydroxybutyric Acid (GHB)	1117-AA71
1924	Reports by Registrants of Theft or Significant Loss of Controlled Substances	1117-AA73
1925	Preventing the Accumulation of Surplus Controlled Substances at Long-Term Care Facilities	1117-AA75

Drug Enforcement Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1926	Exemption From Import/Export Requirements for Personal Medical Use	1117-AA56

Executive Office for Immigration Review—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1927	Suspension of Deportation and Cancellation of Removal for Certain Battered Spouses and Children; Motions To Reopen for Certain Battered Spouses and Children	1125-AA35
1928	Background and Security Investigation Checks in Proceedings Before Immigration Judges and the Board of Immigration Appeals	1125-AA44
1929	International Matchmaking Organizations; Civil Penalties	1125-AA45
1930	Implementation of the Numerical Limit on Asylum Grants and Refugee Admission Based on Resistance to Coercive Population Control Measures	1125-AA48
1931	Executive Office for Immigration Review; Rules Governing Immigration Proceedings	1125-AA53

Executive Office for Immigration Review—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1932	Suspension of Deportation and Cancellation of Removal	1125-AA25
1933	Authorities Delegated to the Director of the Executive Office for Immigration Review and the Chief Immigration Judge	1125-AA27
1934	Protective Orders in Immigration Administration Proceedings	1125-AA38
1935	Executive Office for Immigration Review Attorney/Representative Registry	1125-AA39
1936	Transfer of Jurisdiction Over Appeals of Fines From the Board of Immigration Appeals to the Office of the Chief Administrative Hearing Officer	1125-AA41
1937	Definitions; Fees; Powers and Authority of DHS Officers in Removal Proceedings	1125-AA43
1938	Asylum Claims Made by Aliens Arriving From Canada at Land-Border Ports-of-Entry	1125-AA46
1939	Review of Custody Determinations	1125-AA47
1940	Reopened Proceedings on Petitions for Alien Entrepreneur Immigrant Classification (EB-5 Visas)	1125-AA49
1941	Execution of Removal Orders; Countries to Which Aliens May Be Removed	1125-AA50
1942	Information Relating to Aliens' Duty To Surrender When Ordered Removed From the United States	1125-AA51
1943	Venue in Removal Proceedings	1125-AA52

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Executive Office for Immigration Review—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1944	Authority of Immigration Judges To Issue Civil Money Penalties	1125-AA18
1945	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

Executive Office for Immigration Review—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1946	Section 212(c) Relief for Aliens With Certain Criminal Convictions Before April 1, 1997	1125-AA33

Federal Bureau of Investigation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1947	Enhanced Exchange of Criminal History Record and Nonserious Offense Identification Records	1110-AA20

Federal Bureau of Investigation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1948	Implementation of the National Stolen Passenger Motor Vehicle Information System (NSPMVIS)	1110-AA01
1949	Regulations Under the Pam Lychner Sexual Offender Tracking and Identification Act	1110-AA04
1950	Final Notice of Capacity; Supplement To Respond to Remand	1110-AA10
1951	Communications Assistance for Law Enforcement Act: Definitions of "Replaced" and "Significantly Upgraded or Otherwise Undergone Major Modification"	1110-AA21
1952	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 Actions

Sequence Number	Title	Regulation Identifier Number
1953	National Instant Criminal Background Check System	1110-AA07

Legal Activities—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1954	Reporting Under the Protection of Children From Sexual Predators Act as Amended	1105-AB06

Legal Activities—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1955	Designation of Agencies To Receive and Investigate Reports Required Under the Protection of Children From Sexual Predators Act	1105-AA65
1956	Ethical Standards for Attorneys for the Government	1105-AA67

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Legal Activities—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
1957	Minimum Qualifications for Annuity Brokers in Connection With Structured Settlements Entered Into by the United States	1105-AA82
1958	Inspection of Records Relating to Depiction of Sexually Explicit Performances	1105-AB05
1959	STOP Violence Against Women Formula Grant Program and STOP Violence Against Indian Women Discretionary Grant Program: Clarification of Match Requirement	1105-AB07

Legal Activities—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1960	National Motor Vehicle Title Information System (NMVTIS) Reporting Regulations	1105-AA71
1961	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

Office of Justice Programs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1962	Public Safety Officers' Benefits Program	1121-AA56
1963	Criminal Intelligence Systems Operating Policies	1121-AA59
1964	International Terrorism Victim Expense Reimbursement Program	1121-AA63
1965	Victims of Crime Act (VOCA) Crime Victim Compensation Program Regulations	1121-AA68
1966	Victim of Crime Act (VOCA) Victim Assistance Program	1121-AA69

Office of Justice Programs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1967	Correctional Facilities on Tribal Lands Grant Program	1121-AA41
1968	Bulletproof Vest Partnership Grant Acts of 1998 and 2000	1121-AA48
1969	Environmental Impact Review Procedures for the VOI/TIS Grant Program	1121-AA52
1970	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)	1121-AA57

Office of Justice Programs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1971	STOP Violence Against Women Formula Grant Program and STOP Violence Against Indian Women Discretionary Grant Program: Clarification of Match Requirement	1121-AA67

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

Proposed Rule Stage

1847. INMATE DISCIPLINE—SUBPART REVISION
Priority: Substantive, Nonsignificant

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

CFR Citation: 28 CFR 541

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	01/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1120-AB18

1848. VICTIM/WITNESS NOTIFICATION
Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1120-AB25

1849. AUTOPSIES
Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

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

CFR Citation: 28 CFR 549.80

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
 Phone: 202 307-2105
 Fax: 202 305-4577
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RIN: 1120-AB26

1850. SEARCHING AND DETAINING OR ARRESTING NON-INMATES
Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	02/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1120-AB28

1851. • INCOMING PUBLICATIONS: SECURITY MEASURES
Priority: Other Significant

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

CFR Citation: 28 CFR 540

Legal Deadline: None

Abstract: In this document, the Bureau of Prisons (Bureau) revises its regulations on incoming publications. This proposed rule streamlines and reorganizes the regulations. The amendment provides that inmates in all Bureau institutions may receive publications, whether hardcover or softcover, only from a publisher, book club, or bookstore. This amendment is necessary to reduce the amount of contraband introduced into Federal prisons through materials sent by mail. The presence of contraband in the prisons, including drugs, weapons, and escape-related materials poses grave

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Proposed Rule Stage

dangers to staff, inmates and the public. We considered alternate solutions to the problem of intercepting contraband, such as the use of technological security devices or increased staffing, but determined that these options were impracticable. This revision also adds advertising mail (advertising brochures, flyers, catalogs, and similar materials whose primary purpose is to sell a product or service) as a reason for rejection of an incoming publication. Advertising brochures, flyers, catalogs, and similar materials whose primary purpose is to sell a product(s) or service(s) will not be delivered to the inmate and will be destroyed without further notice to the inmate or sender.

Timetable:

Action	Date	FR Cite
NPRM	02/00/05	
NPRM Comment Period End	04/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1120-AB31

1852. • CLASSIFICATION AND PROGRAM REVIEW

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: Not Yet Determined

CFR Citation: 28 CFR 524

Legal Deadline: None

Abstract: In this document, the Bureau of Prisons (Bureau) proposes to revise its regulations on classification and

program review to remove unnecessary regulations and to ensure that classification and program review procedures adequately address inmate needs.

Timetable:

Action	Date	FR Cite
NPRM	02/00/05	
NPRM Comment Period End	04/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
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RIN: 1120-AB32

Department of Justice (DOJ)

Final Rule Stage

Bureau of Prisons (BOP)

1853. INTENSIVE CONFINEMENT CENTERS

Priority: Substantive, Nonsignificant

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

CFR Citation: 28 CFR 524.31 to 524.34

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/26/96	61 FR 18658
Interim Final Rule Effective	05/28/96	
Interim Final Rule Comment Period End	06/25/96	
Final Action	11/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1120-AA11

1854. LITERACY PROGRAM

Priority: Substantive, Nonsignificant

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

CFR Citation: 28 CFR 544.70 to 544.76

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/26/97	62 FR 50791
Interim Final Rule Effective	11/03/97	
Interim Final Rule Comment Period End	11/25/97	
Final Action	02/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1120-AA33

1855. TELEPHONE REGULATIONS AND INMATE FINANCIAL RESPONSIBILITY

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC

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Final Rule Stage

4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039

CFR Citation: 28 CFR 540

Legal Deadline: None

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

In the April 4, 1994, revision of its rules on telephone regulations and on the IFRP, the Bureau delayed the effective date for provisions in sections 540.105(c) and 545.11(d)(10), which imposed limitations on the telephone privileges of inmates refusing to participate in the IFRP. These provisions were to become effective January 3, 1995. Due to ongoing litigation in *Washington v. Reno*, the effective date for these provisions was further delayed until January 4, 1996 (60 FR 240).

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/02/96	61 FR 90
Interim Final Rule Comment Period End	03/04/96	
Final Action	03/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1120-AA39

1856. TELEPHONE REGULATIONS AND INMATE FINANCIAL RESPONSIBILITY

Priority: Substantive, Nonsignificant

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

CFR Citation: 28 CFR 540.105; 28 CFR 545.11

Legal Deadline: None

Abstract: On January 2, 1996, BOP published an NPRM proposing limitations on telephone privileges and commissary privileges for inmates who refuse to participate in the inmate financial responsibility program (BOP 1050). On December 28, 1999, BOP finalized that portion of the NPRM pertaining to limitations on commissary privileges. BOP is continuing to work on addressing issues raised by its proposed limitations on telephone privileges for inmates who are inmate financial responsibility program refusees. BOP will finalize that portion of its January 1996 NPRM in a separate document (BOP 1102).

Timetable:

Action	Date	FR Cite
Final Action	02/00/05	
Final Action Effective	03/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AA49

1857. GOOD CONDUCT TIME

Priority: Substantive, Nonsignificant

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

CFR Citation: 28 CFR 523

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/26/97	62 FR 50786
Interim Final Rule Effective	11/03/97	
Interim Final Rule Comment Period End	11/25/97	
Final Action	03/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AA62

1858. DESIGNATION OF OFFENSES SUBJECT TO SEX OFFENDER RELEASE NOTIFICATION

Priority: Other Significant

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

CFR Citation: 28 CFR 571

Legal Deadline: None

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

Timetable:

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

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Action	Date	FR Cite
Interim Final Rule	02/16/99	
Comment Period End		
Final Action	03/00/05	

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

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RIN: 1120-AA85**1859. DRUG ABUSE TREATMENT PROGRAMS: DISINCENTIVES AND ENHANCED INCENTIVES****Priority:** Substantive, Nonsignificant

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

CFR Citation: 28 CFR 550**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	09/20/00	65 FR 56840
NPRM Comment Period End	11/20/00	
Final Action	01/00/05	

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

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RIN: 1120-AA88**1860. SEARCHES OF HOUSING UNITS, INMATES, INMATE WORK AREAS, AND PERSONS OTHER THAN INMATES: ELECTRONIC DEVICES****Priority:** Other Significant

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

CFR Citation: 28 CFR 511; 28 CFR 552**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	02/25/99	64 FR 9431
NPRM Comment Period End	04/26/99	
Final Action	02/00/05	

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

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RIN: 1120-AA90**1861. DRUG TESTING PROGRAM****Priority:** Substantive, Nonsignificant

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

CFR Citation: 28 CFR 550**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	09/21/00	65 FR 57126
NPRM Comment Period End	11/20/00	
Final Action	03/00/05	

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

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RIN: 1120-AA95**1862. RELEASE OF INFORMATION****Priority:** Substantive, Nonsignificant

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

CFR Citation: 28 CFR 513**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	05/13/03	68 FR 25545
NPRM Comment Period End	07/14/03	
Final Action	03/00/05	

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

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RIN: 1120-AA96

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**1863. CORRESPONDENCE:
INSPECTION OF OUTGOING
GENERAL CORRESPONDENCE****Priority:** Other Significant**Legal Authority:** 5 USC 551; 5 USC 552a; 18 USC 1791; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510**CFR Citation:** 28 CFR 540.14**Legal Deadline:** None**Abstract:** This document amends the Bureau's regulations on correspondence to require that outgoing inmate general correspondence at all institutions may not be sealed and may be read and inspected by staff. This amendment is intended to provide for the continued efficient and secure operation of the institution and to protect the public. The requirement does not apply to special mail.**Timetable:**

Action	Date	FR Cite
NPRM	07/27/99	64 FR 40718
NPRM Comment Period End	09/27/99	
Final Action	12/00/04	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
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Email: squreshi@bop.gov**RIN:** 1120-AA98**1864. INFECTIOUS DISEASE
MANAGEMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4005; 18 USC 4042; ...**CFR Citation:** 28 CFR 549**Legal Deadline:** None**Abstract:** This document is a proposed rule (split from the interim final rule, RIN 1120-AA23) on the correctional management of tuberculosis, HIV, and hepatitis B. The changes to the regulations address the circumstances

under which the Bureau conducts voluntary and involuntary testing.

Timetable:

Action	Date	FR Cite
NPRM	07/12/02	67 FR 46136
NPRM Comment Period End	09/10/02	
Final Action	12/00/04	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577
Email: squreshi@bop.gov**RIN:** 1120-AB03**1865. DISTRICT OF COLUMBIA
EDUCATIONAL GOOD TIME CREDIT****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 3568; 18 USC 3621; 18 USC 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081; 18 USC 4082; 18 USC 4161 to 4166; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510**CFR Citation:** 28 CFR 523**Legal Deadline:** None**Abstract:** This rule establishes procedures for awarding educational good time credit consistent with the DC Code for offenders in Bureau institutions or Bureau contract facilities, under the National Capital Revitalization and Self-Government Improvement Act of 1997, who committed their offenses before August 5, 2000.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/24/02	67 FR 48385
Interim Final Rule Comment Period End	09/23/02	
Final Action	03/00/05	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of

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RIN: 1120-AB05**1866. SUICIDE PREVENTION
PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 3621, 3622, 3624, 4001, 4042, 4081, 4082, 5006 to 5024, 5039; 28 USC 509 to 510**CFR Citation:** 28 CFR 552**Legal Deadline:** None**Abstract:** This document revises Bureau regulations on the suicide prevention program for the sake of clarity and in order to remove Agency management procedures that do not need to be stated in regulations. The revised regulations more clearly delineate for the inmate the procedures used to identify and protect inmates deemed to be at risk for suicide.**Timetable:**

Action	Date	FR Cite
NPRM	11/13/00	65 FR 67670
NPRM Comment Period End	01/12/01	
Final Action	03/00/05	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
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Email: squreshi@bop.gov**RIN:** 1120-AB06**1867. DRUG ABUSE TREATMENT
PROGRAM: SUBPART REVISION AND
CLARIFICATION****Priority:** Info./Admin./Other**Legal Authority:** 18 USC 3521 to 3528, 4042, 4046, 4081, 4082, 5006 to 5024, 5039; 28 USC 848, 509, 510; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; ...**CFR Citation:** 28 CFR 550**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	07/01/04	69 FR 39887
NPRM Comment Period End	08/30/04	
Final Action	02/00/05	

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

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RIN: 1120-AB07**1868. NATIONAL SECURITY; PREVENTION OF ACTS OF VIOLENCE AND TERRORISM****Priority:** Other Significant

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

CFR Citation: 28 CFR 500, 501**Legal Deadline:** None

Abstract: Current Bureau of Prisons regulations on institutional management authorize the Bureau to impose special administrative measures with respect to specified inmates, based on information provided by senior intelligence or law enforcement officials, where it has been determined to be necessary to prevent the dissemination either of classified information that could endanger the national security or of other information that could lead to acts of violence and terrorism.

This rule extends the period of time for which such special administrative measures may be imposed from 120 days to up to 1 year and modifies the standards for approving extensions of such special administrative measures

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/30/01	66 FR 55062
Interim Final Rule Effective	10/31/01	
Interim Final Rule Comment Period End	12/31/01	
Final Action	03/00/05	

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

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RIN: 1120-AB08**1869. INMATE FEES FOR HEALTH CARE SERVICES****Priority:** Other Significant

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

CFR Citation: 28 CFR 549**Legal Deadline:** None

Abstract: In this document, the Bureau of Prisons (Bureau) proposes rules

describing procedures we will follow for charging inmates fees for certain kinds of health services, as required under the Federal Prisoner Health Care Copayment Act of 2000 (Pub. L. 106-294, October 12, 2000, 114 Stat. 1038).

Timetable:

Action	Date	FR Cite
NPRM	10/10/02	67 FR 63059
NPRM Comment Period End	12/09/02	
Final Action	03/00/05	

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

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RIN: 1120-AB11**1870. GOOD CONDUCT TIME: ALIENS WITH CONFIRMED ORDERS OF DEPORTATION, EXCLUSION, OR REMOVAL****Priority:** Substantive, Nonsignificant

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

CFR Citation: 28 CFR 523.20**Legal Deadline:** None

Abstract: In this document, the Bureau of Prisons (Bureau) proposes to amend its rules on Good Conduct Time (GCT). The purpose of this rule is to more effectively reduce the lengthy General Educational Development (GED) waiting lists and to reevaluate the "satisfactory progress in a literacy program" provision of the Violent Crime Control and Law Enforcement Act of 1994 (VCCLEA) and/or the Prison Litigation Reform Act of 1995 (PLRA) for aliens with confirmed orders of deportation, exclusion, or removal. This rule increases the proportion of our literacy funds and resources that go to inmates who will remain in the United States after release.

This rule exempts such inmate aliens from the "satisfactory progress in a literacy program" provision of the

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Violent Crime Control and Law Enforcement Act of 1994 (VCCLEA) and/or the Prison Litigation Reform Act of 1995 (PLRA). The Bureau's Literacy Program rules currently comprise only GED attainment. This means that inmate aliens who have confirmed orders of deportation, exclusion, or removal, but do not have a high school diploma or GED, will not need to demonstrate satisfactory progress toward earning a GED credential to be considered for the full benefits of GCT. When considering GCT, we propose to allow 54 days GCT for each year served if the inmate is an alien with a confirmed order of deportation, exclusion, or removal from the Immigration and Naturalization Service (INS) (now referred to as the Bureau of Citizenship and Immigration Services (BCIS)).

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

Timetable:

Action	Date	FR Cite
NPRM	06/25/03	68 FR 37776
NPRM Comment Period End	08/25/03	
Final Action	02/00/05	

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

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RIN: 1120-AB12

1871. CIVIL CONTEMPT OF COURT COMMITMENTS: REVISION TO ACCOMMODATE COMMITMENTS UNDER THE DC CODE

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 18 USC 3621 to 3622, 3568, 3585, 4001, 4042, 4081 to 4082; 18 USC 4161 to 4166, 5006 to 5024, 5039; 28 USC 509 to 510; DC Code 24-101(a) and (b)

CFR Citation: 28 CFR 522

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	08/05/03	68 FR 46138
NPRM Comment Period End	10/06/03	
Final Action	12/00/04	

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

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RIN: 1120-AB13

1872. CENTRAL INMATE MONITORING (CIM) SYSTEM: STREAMLINING RULES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 18 USC 3621 to 3622, 3624, 4001, 4042, 4081 to 4082; 18 USC 223; 18 USC 5006 to 5024, 5039; 28 USC 509 to 510; ...

CFR Citation: 28 CFR 524

Legal Deadline: None

Abstract: In this document, the Bureau of Prisons (Bureau) proposes to streamline its rules on the Central Inmate Monitoring system (CIM). We intend this amendment to streamline our regulations by removing internal agency management procedures that need not be stated in regulation. Bureau

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/04	

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

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RIN: 1120-AB14

1873. BUREAU OF PRISONS EMERGENCIES

Priority: Other Significant

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

CFR Citation: 28 CFR 501.1

Legal Deadline: None

Abstract: The Bureau of Prisons (Bureau) makes this interim final rule to clarify that, when there is an institutional or system-wide Bureau emergency that the Director or designee, such as a Warden, considers a threat to human life or safety, the Director or designee may suspend the operation of the rules in this chapter as necessary to handle the emergency. This rule clarifies that the Director may suspend Bureau rules as needed in light of any emergency affecting the

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Bureau, and the Warden may do so to deal with emergencies at the institution level. This rule change clarifying the Director's authority to modify Bureau rules to handle emergencies is especially necessary in light of the recent terrorist attacks, threats to national security, threats of anthrax surrounding mail processing, and other events occurring on and after September 11, 2001.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/16/03	68 FR 18544
Interim Final Rule Comment Period End	06/16/03	
Final Action	12/00/04	

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

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RIN: 1120-AB17**1874. ADMINISTRATIVE SAFEGUARDS FOR PSYCHIATRIC TREATMENT AND MEDICATION****Priority:** Other Significant

Legal Authority: 5 USC 301; 10 USC 876b; 18 USC 3621, 3622, 3524, 4001, 4005, 4042, 4045, 4081, 4082; 18 USC 4241 to 4247, 5006 to 5024, 5039; 28 USC 509, 510

CFR Citation: 28 CFR 549**Legal Deadline:** None

Abstract: In this document, the Bureau of Prisons (Bureau) amends its regulations on Psychiatric Treatment and Medication. We make several minor word changes to conform more closely with the language of 18 U.S.C. sections 4241 to 4247 on psychiatric hospitalization. We remove from the rule one element of the standard for determining whether treatment or psychotropic medication is necessary because this element is inconsistent with community standards and case law. We also change the rules to conform with statutory authority regarding military prisoners and

District of Columbia (DC) Code violators in Bureau custody. Previously, our procedures for involuntary psychiatric treatment and medication did not apply to military prisoners or DC Code violators. Under new statutory authority, military prisoners who are incompetent to stand trial, or who have been found not guilty by reason of lack of mental responsibility may now be committed to the Bureau's custody. Sentenced DC Code offenders may now be involuntarily committed to a Bureau psychiatric hospital. Such military prisoners and DC Code violators are subject to our regulations. We revise the applicability statement accordingly.

Timetable:

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

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

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RIN: 1120-AB20**1875. CLARIFYING OF RELEASE GRATUITIES—RELEASE TRANSPORTATION REGULATIONS TO MORE CLOSELY CONFORM TO STATUTORY PROVISIONS****Priority:** Other Significant

Legal Authority: 5 USC 301; 18 USC 3565, 3568 to 3569, 3582, 3621 to 3622, 3624, 4001, 4042, 4081 to 4082; 18 USC 4161 to 4166, 4201 to 4218, 5006 to 5024, 5031 to 5042; 28 USC 509, 510; US Cost, Art II, sec 2

CFR Citation: 28 CFR 571.22**Legal Deadline:** None

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

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/09/03	68 FR 34301
Interim Final Rule Comment Period End	08/08/03	
Final Action	02/00/05	

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

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RIN: 1120-AB21**1876. COMMUNITY CONFINEMENT****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

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)

CFR Citation: 28 CFR 570.20 and .21**Legal Deadline:** None

Abstract: This rule limits the amount of time that inmates may spend in community confinement (including Community Corrections Centers (CCCs) and home confinement) to the last 10 percent of the prison sentence being served, not to exceed 6 months. The only exceptions to this policy are for inmates in specific statutorily-created programs that authorize greater periods of community confinement (for example, the residential substance abuse treatment program (18 U.S.C. section 3621(e)(2)(A)) or the shock incarceration program (18 U.S.C. section 4046(c)).

Timetable:

Action	Date	FR Cite
NPRM	08/18/04	69 FR 51213

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Action	Date	FR Cite
NPRM Comment Period End	10/18/04	
Final Action	03/00/05	

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

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RIN: 1120-AB27**1877. OVER-THE-COUNTER MEDICATIONS: TECHNICAL CORRECTION**

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

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

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

Abstract: This document makes a minor technical correction to the Bureau of Prisons (Bureau) regulations on Over-The-Counter (OTC) medications. Previously, our rule defined an inmate without funds as one who has had an average daily trust fund account balance of less than \$6.00 for the past 30 days. The words "average daily" in that definition resulted in incorrect classifications by the Bureau's business offices. The more accurate definition of an inmate

without funds is one who has not had a trust fund account balance of \$6.00 for the past 30 days. We therefore issue this technical correction.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/03/04	69 FR 53804
Interim Final Rule Effective	09/03/04	
Interim Final Rule Comment Period End	11/02/04	
Final Action	02/00/05	

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

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

RIN: 1120-AB29
Department of Justice (DOJ)
Bureau of Prisons (BOP)

Completed Actions

1878. INMATE COMMISSARY ACCOUNT DEPOSIT PROCEDURES**Priority:** Substantive, Nonsignificant**CFR Citation:** 28 CFR 506; 28 CFR 540.23; 28 CFR 540.51**Completed:**

Reason	Date	FR Cite
Final Action	07/02/04	69 FR 40315

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

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

RIN: 1120-AA86**Completed:**

Reason	Date	FR Cite
Final Action	07/13/04	69 FR 41943

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

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

RIN: 1120-AB15**1880. ADMISSION AND ORIENTATION PROGRAM: REMOVAL FROM RULES****Priority:** Substantive, Nonsignificant**CFR Citation:** 28 CFR 522**Completed:**

Reason	Date	FR Cite
Final Action	06/18/04	69 FR 34063

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

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

RIN: 1120-AB16**1881. PROGRESS REPORTS RULES REVISION**

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

CFR Citation: 28 CFR 524.40**Completed:**

Reason	Date	FR Cite
Withdrawn	09/02/04	

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

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

RIN: 1120-AB24**1879. COMMENTS ON UNICOR BUSINESS OPERATIONS: CLARIFICATION OF ADDRESSES****Priority:** Info./Admin./Other**CFR Citation:** 28 CFR 302.1

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

Prerule Stage

1882. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES (SECTION 610 REVIEW)

Regulatory Plan: This entry is Seq. No. 86 in part II of this issue of the **Federal Register**.

RIN: 1190-AA44

1883. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES (SECTION 610 REVIEW)

Regulatory Plan: This entry is Seq. No. 87 in part II of this issue of the **Federal Register**.

RIN: 1190-AA46

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

Proposed Rule Stage

1884. AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT OF 1998 COMPLAINT PROCESS

Priority: Other Significant

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

CFR Citation: 28 CFR 44.500; 28 CFR 68

Legal Deadline: None

Abstract: The American Competitiveness and Workforce Improvement Act (ACWIA)—enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1998—made various changes to the Immigration and Nationality Act (the INA) relating to temporary nonimmigrant professionals. In this rule (RIN 1190-AA48), the Department's Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) will implement the ACWIA "failure to select" protections—codified in the INA at section 212(n)(5)—by establishing a process under which U.S. workers may file complaints against certain employers deemed "H-1B dependent" that deny them employment opportunities by improperly hiring temporary foreign professionals on H-1B visas. Under this process, OSC may receive and review these complaints, and then—if there is reasonable cause to believe the allegations—initiate binding arbitration proceedings through the Federal Mediation and Conciliation Service (FMCS).

This rule also changes regulations of the Office of the Chief Administrative Hearing Officer (OCAHO) of the Executive Office for Immigration Review (EOIR) to provide for the review of arbitrators' decisions and, where appropriate, the award of

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

Timetable:

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

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Additional Information: ACWIA increased the numerical cap on H-1B nonimmigrant aliens; required certain dependent employers to make additional attestations to the Department of Labor (DOL); increased the penalties for employers who have been found to be in violation of DOL's rules; and created a "whistle blower" clause to protect H-1B workers who filed complaints against their employer.

Agency Contact: Katherine A. Baldwin, Deputy Special Counsel, Department of Justice, Civil Rights Division, Office of Special Counsel for Unfair Employment Practices, Office of Special Counsel for Immigration-Related Unfair

Employment Practices, 950 Pennsylvania Avenue NW, Washington, DC 20530
Phone: 202 616-5594
Fax: 202 616-5509

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

RIN: 1190-AA48

1885. AMENDMENTS TO PROCEDURES ADVISING STATES AND POLITICAL SUBDIVISIONS SPECIALLY COVERED UNDER THE VOTING RIGHTS ACT HOW TO SEEK PRECLEARANCE FROM THE ATTORNEY GENERAL OF PROPOSED VOTING CHANGES

Priority: Substantive, Nonsignificant

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

CFR Citation: 28 CFR 51

Legal Deadline: None

Abstract: Section 5 of the Voting Rights Act of 1965 requires certain States and their political subdivisions (covered jurisdictions) to obtain "preclearance" from the Federal Government of proposed changes in voting practices and procedures prior to their implementation. Preclearance may be obtained either through litigation in the United States District Court for the District of Columbia or administratively from the Attorney General. In 1971, the Department first issued procedures for the administration of section 5 to inform covered jurisdictions concerning the manner in which they could

DOJ—CRT

Proposed Rule Stage

comply with section 5 in the administrative proceeding before the Attorney General. In subsequent years, the Department has amended these procedures to reflect changes in section 5 law, in the Attorney General's internal practices, and to make the procedures clearer and easier to follow. In the many years since the last major amendment to the procedures, there have been significant changes in section 5 law and in the practices employed by the Department in processing submissions, which are not reflected in the existing Procedures.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Local, State

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

RIN: 1190-AA51

1886. AMENDMENTS TO COORDINATION OF ENFORCEMENT OF NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS AND IMPLEMENTATION OF EXECUTIVE ORDER 12250

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

Abstract: In 1988, the Civil Rights Restoration Act (CRRRA) added definitions of "program or activity" and "program" to Title VI and added a

definition of "program or activity" to section 504. The added definitions were designed to clarify the broad scope of coverage of recipients' programs or activities under these statutes. In a joint rulemaking described at RIN 1190-AA49, and published in the Federal Register on August 26, 2003, the Department of Justice and other Federal agencies conformed their regulations to the CRRRA.

In the rulemaking described under this RIN (1190-AA52) the Department of Justice proposes to make conforming amendments to its coordination regulations concerning agency enforcement of Title VI of the Civil Rights Act of 1964, 28 CFR 42.401 to 42.415, and agency enforcement of Section 504 of the Rehabilitation Act of 1973, 28 CFR 41.1 to 41.58. The proposed amendments explicitly incorporate the CRRRA's definitions of "program or activity" and "program" into the Department's Title VI and Section 504 coordination regulations.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal, Local, State

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

RIN: 1190-AA52

1887. PROCEDURES TO REVIEW POLICE DEPARTMENTS FOR A PATTERN OR PRACTICE OF CONDUCT THAT DEPRIVES PERSONS OF RIGHTS, PRIVILEGES, OR IMMUNITIES SECURED OR PROTECTED BY THE CONSTITUTION OR LAWS OF THE U.S.

Priority: Other Significant

Legal Authority: 5 USC 301; 28 USC 509

CFR Citation: Not Yet Determined

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Brad Schlozman, Deputy Assistant Attorney General, Department of Justice, Civil Rights Division, Room 5541, Room 3337, 950 Pennsylvania Avenue NW, Washington, DC 20530
Phone: 202 305-8060

RIN: 1190-AA53

Department of Justice (DOJ)
Civil Rights Division (CRT)
Completed Actions
1888. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES; PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES; ACCESSIBILITY STANDARDS; RECREATION FACILITIES

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

CFR Citation: 28 CFR 35; 28 CFR 36

Completed:

Reason	Date	FR Cite
Merged With RINs 1190-AA44 and 1190-AA46	09/23/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: John L. Wodatch
 Phone: 800 514-0301
 TDD Phone: 800 514-0383
 Fax: 202 307-1198

RIN: 1190-AA47

1889. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE OR LOCAL GOVERNMENT FACILITIES; PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES; ACCESSIBILITY STANDARDS; PLAY AREAS

Priority: Other Significant

CFR Citation: 28 CFR 35; 28 CFR 36

Completed:

Reason	Date	FR Cite
Merged With RINs 1190-AA44 and 1190-AA46	09/23/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: John L. Wodatch
 Phone: 800 514-0301
 TDD Phone: 800 514-0383
 Fax: 202 307-1198

RIN: 1190-AA50

Department of Justice (DOJ)
Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)
Proposed Rule Stage
1890. COMMERCE IN FIREARMS AND AMMUNITION—IMPORTATION OF FIREARM FRAMES, RECEIVERS, AND BARRELS

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

Legal Authority: 18 USC 847; 18 USC 921-931; 44 USC 3504(h)

CFR Citation: 27 CFR 478

Legal Deadline: None

Abstract: This rule amends regulations of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to clarify the provision of the Gun Control Act of 1968 (GCA) that generally prohibits the importation of any frame, receiver, or barrel of a firearm that would be prohibited if assembled. This rule also amends ATF regulations to permit the importation of nonimportable firearm frames, receivers, or barrels under limited circumstances where the importation is solely for repair or replacement and not for the assembly of a new firearm that would be prohibited if assembled.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
NPRM Comment Period End	08/00/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

RIN: 1140-AA22

1891. MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS—AMENDED DEFINITION OF “PISTOL”

Priority: Other Significant

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 479

Legal Deadline: None

Abstract: The Department of Justice is proposing to amend the regulations relating to machine guns, destructive devices, and certain other firearms regulated under the National Firearms Act for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to restore language in the definition of the term “pistol” that was inadvertently removed in 1988. The added language is necessary to clarify that certain weapons, including any gadget device, any gun altered or converted to resemble a pistol 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 National Firearms Act (NFA).

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1140-AA23

1892. COMMERCE IN EXPLOSIVES—AMENDED DEFINITION OF PROPELLANT ACTUATED DEVICE

Priority: Other Significant

Legal Authority: 18 USC 847

CFR Citation: 27 CFR 555

Legal Deadline: None

Abstract: The Department of Justice is proposing to amend the regulations of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to clarify that the term “propellant

DOJ—ATF

Proposed Rule Stage

actuated device” does not include hobby rocket motors or rocket-motor reload kits consisting of or containing ammonium perchlorate composite propellant (APCP), black powder, or other similar low explosives.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

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

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

RIN: 1140-AA24

Department of Justice (DOJ)

Final Rule Stage

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

1893. IDENTIFICATION MARKINGS PLACED ON IMPORTED EXPLOSIVE MATERIALS**Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 847**CFR Citation:** 27 CFR 555**Legal Deadline:** None

Abstract: ATF is proposing to amend the regulations to require licensed importers to identify by marking all imported explosive materials. ATF is also proposing to incorporate into the regulations the provisions of ATF Ruling 75-35, relating to methods of marking containers of explosive materials. In addition, ATF is proposing to amend the regulations to remove the requirement that a licensee or permittee file for an amended license or permit in order to change the class of explosive materials described in their license or permit from a lower to a higher classification.

Timetable:

Action	Date	FR Cite
ANPRM	11/13/00	65 FR 67669
ANPRM Comment Period End	01/12/01	
NPRM	10/16/02	67 FR 63862
NPRM Comment Period End	01/14/03	
Final Action	03/00/05	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1512-AC25

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

RIN: 1140-AA02**1894. COMMERCE IN EXPLOSIVES—EXPLOSIVE PEST CONTROL DEVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 847**CFR Citation:** 27 CFR 555**Legal Deadline:** None

Abstract: ATF is proposing to amend the explosive regulations to provide a limited exemption from the requirements of part 555 for wildlife pest control devices that are used for agricultural and other pest control operations.

Timetable:

Action	Date	FR Cite
NPRM	01/29/03	68 FR 4402
NPRM Comment Period End	02/28/03	
Final Action	04/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1512-AC80

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

RIN: 1140-AA03**1895. COMMERCE IN FIREARMS AND AMMUNITION (OMNIBUS CONSOLIDATED APPROPRIATIONS ACT OF 1997)****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 847; 18 USC 921 to 931**CFR Citation:** 27 CFR 478**Legal Deadline:** None

Abstract: The Omnibus Consolidated Appropriations Act of 1997 contains amendments to the Gun Control Act of 1968 (18 U.S.C. chapter 44). These amendments add to the category of “prohibited persons” anyone convicted of a “misdemeanor crime of domestic violence.” The amendments require individuals acquiring handguns from Federal firearms licensees to certify (in accordance with the Brady Handgun Violence Prevention Act) that they have not been convicted of such a crime. The amendments also provide for sales between Federal firearms licensees of curio and relic firearms away from their licensed premises.

Timetable:

Action	Date	FR Cite
NPRM	06/30/98	63 FR 35551
Interim Final Rule	06/30/98	63 FR 35520
NPRM Comment Period End	09/28/98	
Final Action	06/00/05	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1512-AB64

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

RIN: 1140-AA04

Department of Justice (DOJ)

Long-Term Actions

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

1896. IMPLEMENTATION OF THE SAFE EXPLOSIVES ACT, TITLE XI, SUBTITLE C, OF PUBLIC LAW 107-296

Priority: Other Significant

CFR Citation: 27 CFR 555

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/20/03	68 FR 13768
Interim Final Rule Comment Period End	06/18/03	
Final Action	12/00/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

RIN: 1140-AA00

1897. COMMERCE IN EXPLOSIVES (INCLUDING EXPLOSIVES IN THE FIREWORKS INDUSTRY) (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

Priority: Other Significant

CFR Citation: 27 CFR 555

Timetable:

Action	Date	FR Cite
General Notice of Regulatory Review	01/10/97	62 FR 1386
NPRM	01/29/03	68 FR 4406
NPRM Comment Period End	04/29/03	
NPRM Comment Period Reopened	06/23/03	68 FR 37109
NPRM Reopened Comment Period End	07/07/03	
Final Action	01/00/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: James Ficaretta
Phone: 202 927-8203

RIN: 1140-AA01

1898. RESIDENCY REQUIREMENT FOR PERSONS ACQUIRING FIREARMS

Priority: Other Significant

CFR Citation: 27 CFR 478

Timetable:

Action	Date	FR Cite
NPRM	04/21/97	62 FR 19446

Action	Date	FR Cite
Interim Final Rule	04/21/97	62 FR 19442
NPRM Comment Period End	07/21/97	
Interim Final Rule Comment Period End	07/21/97	
Final Action	12/00/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: James Ficaretta
Phone: 202 927-8203

RIN: 1140-AA05

1899. IMPLEMENTATION OF PUBLIC LAW 104-208, THE OMNIBUS CONSOLIDATED APPROPRIATIONS ACT OF 1997, RELATING TO THE ESTABLISHMENT OF A NATIONAL REPOSITORY FOR ARSON AND EXPLOSIVES INFORMATION

Priority: Substantive, Nonsignificant

CFR Citation: 27 CFR 555

Timetable:

Action	Date	FR Cite
NPRM	11/15/01	66 FR 57404
NPRM Comment Period End	02/13/02	
Final Rule	12/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: James Ficaretta
Phone: 202 927-8203

RIN: 1140-AA06

1900. IMPLEMENTATION OF PUBLIC LAW 106-58, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2000

Priority: Substantive, Nonsignificant

CFR Citation: 27 CFR 478

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: James Ficaretta
Phone: 202 927-8203

RIN: 1140-AA07

1901. PUBLIC LAW 105-277, MAKING OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FY '99 RELATING TO FIREARMS DISABILITIES FOR NONIMMIGRANT ALIENS

Priority: Substantive, Nonsignificant

CFR Citation: 27 CFR 478

Timetable:

Action	Date	FR Cite
NPRM	02/05/02	67 FR 5428
Interim Final Rule	02/05/02	67 FR 5422
NPRM Comment Period End	05/06/02	
Interim Final Rule Comment Period End	05/06/02	
Final Rule	12/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James Ficaretta
Phone: 202 927-8203

RIN: 1140-AA08

1902. IMPLEMENTATION OF PUBLIC LAW 105-277 RELATING TO SECURE GUN STORAGE

Priority: Substantive, Nonsignificant

CFR Citation: 27 CFR 478

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James Ficaretta
Phone: 202 927-8203

RIN: 1140-AA10

1903. IMPLEMENTATION OF THE SAFE EXPLOSIVES ACT, TITLE XI, SUBTITLE C, OF PUBLIC LAW 107-296—DELIVERY OF EXPLOSIVE MATERIALS BY COMMON OR CONTRACT CARRIER

Priority: Other Significant

CFR Citation: 27 CFR 555

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/11/03	68 FR 53509

DOJ—ATF

Long-Term Actions

Action	Date	FR Cite
Interim Final Rule Effective	09/11/03	
Interim Final Rule Comment Period End	10/14/03	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James P. Ficaretta
Phone: 202 927-8203
RIN: 1140-AA20

1904. WAIVER FOR FIREARM PROHIBITION ON NONIMMIGRANT VISA HOLDERS

Priority: Substantive, Nonsignificant.
Major status under 5 USC 801 is undetermined.
CFR Citation: 27 CFR 478

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1140-AA21

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

Proposed Rule Stage

1905. GUIDELINES FOR PROVIDING CONTROLLED SUBSTANCES TO OCEAN VESSELS

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 871(b)

CFR Citation: 21 CFR 1301

Legal Deadline: None

Abstract: DEA is amending its regulations regarding the supply of controlled substances to ocean vessels to provide a means of supply more consistent with current industry practices for other materials.

Timetable:

Action	Date	FR Cite
ANPRM	09/18/96	61 FR 49086
ANPRM Comment Period End	11/18/96	
NPRM	12/00/04	
NPRM Comment Period End	02/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-142

URL For Public Comments:
dea.diversion.policy@usdoj.gov

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537
Phone: 202 307-7297

RIN: 1117-AA40

1906. ELECTRONIC PRESCRIPTIONS FOR CONTROLLED SUBSTANCES

Priority: Substantive, Nonsignificant

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

CFR Citation: 21 CFR 1306

Legal Deadline: None

Abstract: DEA is proposing to revise its regulations to permit DEA-registered prescribers to electronically write, sign, and transmit prescriptions. These proposed regulations would be an addition to, not a replacement of, the existing rules. These regulations are needed to give pharmacies, hospitals, and practitioners the ability to use modern technology for controlled substance prescriptions, while maintaining the closed system of distribution of controlled substances dispensing. The proposed regulations would reduce paperwork and transaction times for DEA registrants who dispense or prescribe controlled substances. The proposed regulations would also reduce the number of prescription errors caused by illegible handwriting and misunderstood oral prescriptions. They would allow pharmacies and hospitals to integrate prescription records into other medical records more directly, increasing efficiency, and would reduce the time patients spend waiting to have prescriptions filled. These proposed regulations are consistent with paperwork reduction mandates. These proposed regulations also respond to the requirements of Public Law 106-229, the "Electronic Signatures in Global and National Commerce Act," while ensuring security and authentication. In a separate related rulemaking (RIN 1117-AA60), DEA is

proposing to revise its regulations to provide the option of ordering Schedule I and II controlled substances electronically in a manner consistent with the requirements of the Controlled Substances Act (CSA) (21 U.S.C. 801 et seq.)

Timetable:

Action	Date	FR Cite
ANPRM	03/05/01	66 FR 13274
NPRM	12/00/04	
NPRM Comment Period End	03/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: DEA-214

URL For Public Comments:
dea.diversion.policy@usdoj.gov

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537
Phone: 202 307-7297

Related RIN: Related to 1117-AA60

RIN: 1117-AA61

1907. REORGANIZATION AND CLARIFICATION OF DEA REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 871(b)

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

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Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	
NPRM Comment Period End	09/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-221

URL For Public Comments:

dea.diversion.policy@usdoj.gov

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

Phone: 202 307-7297

RIN: 1117-AA63

1908. CHEMICAL MIXTURES CONTAINING GAMMA-BUTYROLACTONE

Priority: Substantive, Nonsignificant

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

CFR Citation: 21 CFR 1310

Legal Deadline: None

Abstract: In previous rulemakings, DEA made gamma-butyrolactone (GBL) a List I chemical and established thresholds for transactions involving this chemical. DEA has requested information from interested persons in order to establish regulations governing chemical mixtures containing gamma-butyrolactone (GBL), a List I chemical. Currently, all chemical mixtures containing GBL are exempt from regulation. These mixtures will remain exempt until publication of rulemakings regarding chemical

mixtures (see RIN 1117-AA31). GBL is used in the illicit manufacture of GHB, a Schedule I controlled substance.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-222

URL For Public Comments:

dea.diversion.policy@usdoj.gov

Agency Contact: Christine A. Sannerud Ph.D., Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration, Washington, DC 20537
Phone: 202 307-7183

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

RIN: 1117-AA64

1909. CHEMICAL MIXTURES CONTAINING LISTED FORMS OF PHOSPHORUS

Priority: Other Significant

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

CFR Citation: 21 CFR 1310

Legal Deadline: None

Abstract: In a previous rulemaking, (RIN 1117-AA57) DEA made red phosphorus, white phosphorus, and hypophosphorous acid (and its salts) List I chemicals. By this rulemaking (1117-AA66), DEA is requesting information from interested parties to propose regulations governing chemical mixtures containing the List I chemicals red phosphorus, white phosphorus, and hypophosphorous acid (and its salts). Currently, all chemical mixtures containing red phosphorus, white phosphorus, and hypophosphorous acid (and its salts) are exempt from regulation. These mixtures will remain exempt until publication of rulemakings regarding chemical mixtures (see RIN 1117-

AA31). These three List I chemicals are used industrially and have multiple commercial purposes. They are also used in the illicit production of methamphetamine and amphetamine. Information sought will help determine whether there are chemical mixtures containing red phosphorus, white phosphorus, and hypophosphorous acid (and its salts), which should be exempt from the regulations governing listed chemicals.

Timetable:

Action	Date	FR Cite
ANPRM	01/31/03	68 FR 4968
ANPRM Comment Period End	04/01/03	
NPRM	05/00/05	
NPRM Comment Period End	07/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-228

URL For Public Comments:

dea.diversion.policy@usdoj.gov

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

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

RIN: 1117-AA66

1910. CHEMICAL REGISTRATION AND REREGISTRATION FEES

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 821; 21 USC 830; 21 USC 871(b); 21 USC 958

CFR Citation: 21 CFR 1309

Legal Deadline: None

Abstract: On December 1, 1999, DEA published a Notice of Proposed Rulemaking (see RIN 1117-AA50) regarding its chemical registration and reregistration fees. Subsequent to publication of this rule, DEA's investigative activities increased. As has been previously noted elsewhere, costs for investigative activities including, but not limited to, extensive investigation and collection of documentation of violative practices by registrants, attorney review and

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preparation by DEA's Office of Chief Counsel, staff and attorney time to prepare for proceedings to deny or revoke a registration, and Administrative Law Judge and staff to conduct registration denial hearings were not included in previous fee calculations. Due to the increased costs associated with these investigative activities, DEA is reevaluating the costs of the chemical control program and calculating new fees to incorporate these increased costs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
NPRM Comment Period End	08/00/05	

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

dea.diversion.policy@usdoj.gov

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

Phone: 202 307-7297

Related RIN: Related to 1117-AA50**RIN:** 1117-AA72**1911. CLARIFICATION OF REGISTRATION REQUIREMENTS FOR INDIVIDUAL PRACTITIONERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 821 ; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 871 (b); ...**CFR Citation:** 21 CFR 1301**Legal Deadline:** None

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

who practices and is registered in one State seeks to practice and prescribe controlled substances in another State, he/she must obtain a separate DEA registration for the subsequent State.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	
NPRM Comment Period End	02/00/05	

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

dea.diversion.policy@usdoj.gov

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

Phone: 202 307-7297

RIN: 1117-AA89**1912. CONTROL OF SODIUM PERMANGANATE AS A LIST II CHEMICAL****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b); 21 USC 890**CFR Citation:** 21 CFR 1310**Legal Deadline:** None

Abstract: DEA is proposing the addition of sodium permanganate as a List II chemical because of its direct substitutability for the List II chemical potassium permanganate in the illicit production of cocaine. The rulemaking also proposes that a threshold of 55 kilograms and 500 kilograms be established for domestic and international transactions, respectively.

Timetable:

Action	Date	FR Cite
NPRM	02/00/05	
NPRM Comment Period End	04/00/05	

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

dea.diversion.policy@usdoj.gov

Agency Contact: Christine A. Sannerud Ph.D., Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration, Washington, DC 20537
Phone: 202 307-7183

RIN: 1117-AA90**1913. ELECTRONIC APPLICATION FOR CONTROLLED SUBSTANCES AND LISTED CHEMICAL REGISTRATION: TECHNICAL AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 830; 21 USC 871(b); 21 USC 875; 21 USC 877; 21 USC 958**CFR Citation:** 21 CFR 1301; 21 CFR 1309**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	02/00/05	
NPRM Comment Period End	04/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-256**URL For Public Comments:**

dea.diversion.policy@usdoj.gov

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

DOJ—DEA

Proposed Rule Stage

Phone: 202 307-7297

RIN: 1117-AA91

1914. REVISION OF REPORTING REQUIREMENTS FOR IMPORTS AND EXPORTS OF LIST I AND LIST II CHEMICALS**Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b); 21 USC 971**CFR Citation:** 21 CFR 1313**Legal Deadline:** None

Abstract: DEA is modifying its regulations to require importers and exporters of List I and List II chemicals to submit a DEA Form 486 upon completion of an import or export transaction so as to reflect the exact amount shipped/received and any import or export amendments to certain fields on the Form 486. If no amendments were made to the information contained in the original Form 486, then no subsequent Form 486 need be submitted. The amendments will provide for accurate reporting of actual amounts of List I and List II chemicals imported into and exported from the United States. These reports will ensure the proper documentation and reporting necessary to meet United Nations reporting requirements and to prevent diversion of such listed chemicals to illegal purposes.

Timetable:

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

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-255**URL For Public Comments:** dea.diversion.policy@usdoj.gov

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

Phone: 202 307-7297

RIN: 1117-AA92

1915. • CHANGES IN THE REGULATION OF IODINE AND ITS CHEMICAL MIXTURES**Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b); 21 USC 890**CFR Citation:** 21 CFR 1310**Legal Deadline:** None

Abstract: This Federal Register Notice proposes changes to the regulation of the listed chemical iodine. The proposed 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% for the automatic exemption of chemical mixtures containing iodine.

These proposed changes are expected to remove deficiencies in the current regulatory controls, which have been exploited by traffickers. If finalized,

persons handling regulated transactions of iodine will need to be registered with the Drug Enforcement Administration.

This NPRM proposes 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.

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	
NPRM Comment Period End	06/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-257**URL For Public Comments:** dea.diversion.policy@usdoj.gov

Agency Contact: Christine A. Sannerud Ph.D., Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration, Washington, DC 20537
Phone: 202 307-7183

RIN: 1117-AA93

Department of Justice (DOJ)

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Drug Enforcement Administration (DEA)

1916. DEFINITION AND REGISTRATION OF REVERSE DISTRIBUTORS**Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 871(b); 21 USC 875; 21 USC 877**CFR Citation:** 21 CFR 1301**Legal Deadline:** None

Abstract: In years past, most pharmaceutical manufacturers and wholesalers, as a service to their

customers, accepted returns of outdated/damaged merchandise. Also, agencies such as DEA and State Boards of Pharmacy accepted surrendered drugs or witnessed their disposal by controlled substance registrants. Over the past several years, environmental concerns and regulations have eliminated many of the disposal options that had been available. As a result, drug producers and government agencies alike are increasingly reluctant to be involved in the disposal process. Due to these factors and the time and

resources expended by DEA and manufacturers, DEA is establishing this essential link in the legitimate distribution chain.

Timetable:

Action	Date	FR Cite
NPRM	08/23/95	60 FR 43732
NPRM Comment Period End	10/23/95	
Interim Final Rule	07/11/03	68 FR 41222
Interim Final Rule Effective	08/11/03	

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Action	Date	FR Cite
Interim Final Rule	09/09/03	
Comment Period End		
Final Action	12/00/04	

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

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

Phone: 202 307-7297

RIN: 1117-AA19**1917. EXEMPTION OF CHEMICAL MIXTURES****Priority:** Other Significant**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b)**CFR Citation:** 21 CFR 1310**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	09/16/98	63 FR 49506
NPRM Comment Period End	04/16/99	
NPRM Comment Period Extended	09/12/99	64 FR 7144
Final Action	12/00/04	

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

TRANSFERRED RIN: This rulemaking RIN 1117-AA31 (a former "parent" RIN) continues the "child" rulemaking previously listed in its timetable as RIN 1117-AA76. Former RIN 1117-AA76 was transferred to RIN 1117-AA31 because the computer system used by the Regulatory Information Service Center (RISC) to compile the Unified Agenda no longer supports "parent" and "child" RINs. This rulemaking is not a new action.

Agency Contact: Christine A. Sannerud Ph.D., Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration, Washington, DC 20537

Phone: 202 307-7183

RIN: 1117-AA31**1918. CHEMICAL REGISTRATION AND REREGISTRATION FEES****Priority:** Other Significant**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 830; 21 USC 871 (b); 21 USC 875; 21 USC 877; 21 USC 958**CFR Citation:** 21 CFR 1309**Legal Deadline:** None

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

As DEA has noted in previous rulemakings on this subject, certain

costs for investigative activities have not been included in previous fees. Specifically, costs for investigative activities including, but not limited to, extensive investigation and collection of documentation of violative practices by registrants, attorney review and preparation by DEA's Office of Chief Counsel, staff and attorney time to prepare for proceedings to deny or revoke a registration, and Administrative Law Judge and staff to conduct registration denial hearings were not included in previous fee calculations. Costs for these investigative activities have risen as DEA activities have increased necessitating the re-evaluation of this user fee. Based on these concerns, DEA will be publishing a notice to formally withdraw the rulemaking. For purposes of clarity, DEA will withdraw this rulemaking at the same time as it publishes a new NPRM fee rule (see RIN 1117-AA72).

Timetable:

Action	Date	FR Cite
NPRM	12/01/99	64 FR 67216
NPRM Comment Period End	01/31/00	
Notice Withdrawing Rulemaking	06/00/05	

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

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

Phone: 202 307-7297

Related RIN: Related to 1117-AA72**RIN:** 1117-AA50**1919. ELECTRONIC ORDERS FOR SCHEDULE I AND II CONTROLLED SUBSTANCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 821; 21 USC 827; 21 USC 828; 21 USC 871(b); 21 USC 958(e); 21 USC 965**CFR Citation:** 21 CFR 1304; 21 CFR 1305**Legal Deadline:** None

Abstract: DEA is revising its regulations to provide the option of ordering Schedule I and II controlled

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substances electronically in a manner consistent with the requirements of the Controlled Substances Act (CSA) (21 U.S.C. 801 et seq.). The regulations will also allow this electronic system to be used for controlled substances in Schedules III, IV, and V. These regulations will be in addition to, not a replacement of, the existing rules. These regulations are needed to give manufacturers, distributors, importers, exporters, pharmacies, and hospitals the option to use modern technology for controlled substance transactions. The regulations will reduce paperwork and transaction times for DEA registrants who distribute, purchase, or handle controlled substances. They are consistent with paperwork reduction mandates. These regulations also respond to the requirements of Public Law 106-229, the "Electronic Signatures in Global and National Commerce Act," while maintaining a closed system of distribution of controlled substances and ensuring security and authentication. In a separate related rulemaking (RIN 1117-AA61), DEA is proposing to revise its regulations to permit DEA-registered prescribers to electronically write, sign, and transmit prescriptions.

Timetable:

Action	Date	FR Cite
NPRM	06/27/03	68 FR 38558
NPRM Comment Period End	09/25/03	
Final Action	12/00/04	

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

NPRM: DEA 217

Notice: DEA-224

TRANSFERRED RIN: This rulemaking RIN 1117-AA60 (a former "parent" RIN) continues the "child" rulemaking previously listed in its timetable as RIN 1117-AA86. Former RIN 1117-AA86 was transferred to RIN 1117-AA60 because the computer system used by the Regulatory Information Service Center (RISC) to compile the Unified Agenda no longer supports "parent" and "child" RINs. This rulemaking is not a new action.

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section,

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Phone: 202 307-7297

Related RIN: Related to 1117-AA61**RIN:** 1117-AA60**1920. SECURITY REQUIREMENTS FOR HANDLERS OF PSEUDOEPHEDRINE, EPHEDRINE, AND PHENYLPROPANOLAMINE****Priority:** Other Significant**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 830**CFR Citation:** 21 CFR 1309**Legal Deadline:** None

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

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

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

means to effectively prevent the theft and diversion of these products. Keeping pseudoephedrine, ephedrine, and phenylpropanolamine products in such secure areas will limit the opportunity for theft.

Timetable:

Action	Date	FR Cite
NPRM	07/30/04	69 FR 45616
NPRM Comment Period End	10/28/04	
Final Action	06/00/05	

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

dea.diversion.policy@usdoj.gov

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

Phone: 202 307-7297

RIN: 1117-AA62**1921. CHEMICAL REGISTRATION WAIVERS; EXEMPTION FROM CHEMICAL REGISTRATION FEES FOR CERTAIN PERSONS****Priority:** Other Significant**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 830; 21 USC 871(b); 21 USC 875; 21 USC 877; 21 USC 958**CFR Citation:** 21 CFR 1309; 21 CFR 1310**Legal Deadline:** None

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

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governmental entities from initial and renewal registration fees. These fee exemptions will bring the chemical regulations into conformance with the controlled substances regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/25/03	68 FR 66052
NPRM Comment Period End	01/26/04	
Final Action	07/00/05	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal, Local, State**Additional Information:** DEA-189

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

Phone: 202 307-7297

RIN: 1117-AA67

1922. AUTHORITY FOR PRACTITIONERS TO DISPENSE OR PRESCRIBE APPROVED NARCOTIC SUBSTANCES FOR MAINTENANCE OR DETOXIFICATION TREATMENT

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 829; 21 USC 871(b); 21 USC 875; 21 USC 877; 21 USC 956

CFR Citation: 21 CFR 1301; 21 CFR 1306

Legal Deadline: None

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

The Controlled Substances Act (CSA) and current regulations require that practitioners who want to conduct maintenance or detoxification treatment using narcotic controlled substances be registered with DEA as narcotic treatment programs (NTPS) in addition to the practitioners' personal registrations. The separate NTP registrations authorize the practitioners

to dispense or administer, but not prescribe, narcotic controlled substances.

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

Timetable:

Action	Date	FR Cite
NPRM	06/24/03	68 FR 37429
NPRM Comment Period End	09/23/03	
Final Action	02/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-202

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

Phone: 202 307-7297

RIN: 1117-AA68

1923. RECORDKEEPING AND REPORTING REQUIREMENTS FOR DRUG PRODUCTS CONTAINING GAMMA-HYDROXYBUTYRIC ACID (GHB)

Priority: Other Significant

Legal Authority: 21 USC 802; 21 USC 821; 21 USC 827; 21 USC 829; 21 USC 830; 21 USC 871(b); 21 USC 958; 21 USC 965; . . .

CFR Citation: 21 CFR 1304; 21 CFR 1306; 21 CFR 1310

Legal Deadline: None

Abstract: The Drug Enforcement Administration (DEA) is publishing a Notice of Proposed Rulemaking (NPRM) to amend its regulations to require additional recordkeeping and reporting

requirements for drug products containing gamma-hydroxybutyric acid (GHB) for which an application has been approved under the Federal Food, Drug, and Cosmetic Act. The Hillary J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 2000 establishes specific reporting and recordkeeping requirements with respect to the distribution and dispensing of drug products containing GHB.

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

Timetable:

Action	Date	FR Cite
NPRM	11/25/03	68 FR 66048
NPRM Comment Period End	01/26/04	
Final Action	12/00/04	

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

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

Phone: 202 307-7297

RIN: 1117-AA71

DOJ—DEA

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1924. REPORTS BY REGISTRANTS OF THEFT OR SIGNIFICANT LOSS OF CONTROLLED SUBSTANCES**Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 871(b); 21 USC 875; 21 USC 877; ...**CFR Citation:** 21 CFR 1301**Legal Deadline:** None

Abstract: DEA is amending its regulations to clarify its policy regarding reports by registrants of theft or significant loss of controlled substances. There has been some confusion as to what constitutes a significant loss, and when and how initial notice of a theft or loss should be provided to DEA. This Notice of Proposed Rulemaking proposes the clarification of DEA regulations and provides guidance to registrants regarding the theft, significant loss, and explained loss of controlled substances.

Timetable:

Action	Date	FR Cite
NPRM	07/08/03	68 FR 40576
NPRM Comment Period End	09/08/03	
Final Action	01/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA 196

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

Phone: 202 307-7297

RIN: 1117-AA73**1925. PREVENTING THE ACCUMULATION OF SURPLUS CONTROLLED SUBSTANCES AT LONG-TERM CARE FACILITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 802; 21 USC 821; 21 USC 822; 21 USC 871(b)**CFR Citation:** 21 CFR 1300; 21 CFR 1301; 21 CFR 1304; 21 CFR 1307**Legal Deadline:** None

Abstract: To address the accumulation of excess controlled substances at long-term care facilities (LTCFs), the Drug Enforcement Administration (DEA) is proposing to permit the use of automated dispensing systems operated by provider pharmacies. Specifically, this proposed rule would permit a DEA-registered pharmacy to register at

a LTCF (without any additional registration fees) and to store controlled substances in the automated dispensing system at the LTCF. The use of automated dispensing systems would allow dispensing of single dosage units of prescribed controlled substances, provide electronic records of each dispensing, and mitigate the problem of excess stocks of controlled substances at the LTCF and the disposal of those stocks.

Timetable:

Action	Date	FR Cite
NPRM	11/03/03	68 FR 62255
NPRM Comment Period End	01/02/04	
Final Action	01/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-240

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

Phone: 202 307-7297

RIN: 1117-AA75

Department of Justice (DOJ)

Completed Actions

Drug Enforcement Administration (DEA)

1926. EXEMPTION FROM IMPORT/EXPORT REQUIREMENTS FOR PERSONAL MEDICAL USE**Priority:** Other Significant**CFR Citation:** 21 CFR 1301**Completed:**

Reason	Date	FR Cite
Final Action	09/14/04	69 FR 55343
Final Action Effective	10/14/04	

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

Agency Contact: Patricia M. Good
Phone: 202 307-7297

RIN: 1117-AA56

Department of Justice (DOJ)

Proposed Rule Stage

Executive Office for Immigration Review (EOIR)

1927. SUSPENSION OF DEPORTATION AND CANCELLATION OF REMOVAL FOR CERTAIN BATTERED SPOUSES AND CHILDREN; MOTIONS TO REOPEN FOR CERTAIN BATTERED SPOUSES AND CHILDREN**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 8 USC 1101 note; 8 USC 1103; 8 USC 1182;

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

CFR Citation: 8 CFR 1003; 8 CFR 1240**Legal Deadline:** None

Abstract: This rule amends Department regulations by establishing procedures incorporating the amended requirements 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

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Proposed Rule Stage

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

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

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

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	
NPRM Comment Period End	11/00/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Mary Beth Keller, General Counsel, Executive Office for Immigration Review, Department of Homeland Security, 2600 Skyline Tower, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041
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RIN: 1125-AA35

1928. BACKGROUND AND SECURITY INVESTIGATION CHECKS IN PROCEEDINGS BEFORE IMMIGRATION JUDGES AND THE BOARD OF IMMIGRATION APPEALS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 301; 8 USC 1101 note, 1103, 1182, 1186a, 1224, 1225, 1226, 1227, 1251, 1252 note, 1252a, 1252b, 1324b, 1362; 28 USC 509, 510, 1746; sec 2, Reorg Plan No 2 of 1950; 3 CFR, 1949 to 1953 Comp, p 1002; secs 202 and 203 of PL 105-100, 111 Stat 2160, 2193, 2196-200; sec 902, PL 105-277, 112 Stat 2681; secs 1506 and 1510 of PL

106-386, 114 Stat 1527 to 1529, 1531 to 1532; sec 1505 of PL 106-554, 114 Stat 2763A-326 to 2763A-328

CFR Citation: 8 CFR 1003

Legal Deadline: None

Abstract: This rule amends regulations governing the Executive Office for Immigration Review to ensure that the necessary identity, law enforcement, and security investigations are properly initiated and have been completed by the Department of Homeland Security before the immigration judges and the Board adjudicate certain applications for relief.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	
NPRM Comment Period End	02/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1125-AA44

1929. INTERNATIONAL MATCHMAKING ORGANIZATIONS; CIVIL PENALTIES

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

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

CFR Citation: 8 CFR 1270

Legal Deadline: None

Abstract: This rule amends the Department of Justice regulations by specifying the procedures for adjudicating alleged violations by international matchmaking organizations (IMOs) doing business in the United States, in failing to provide required information to persons recruited for matchmaking through these entities. This rule implements the procedures for the disposition of cases

arising under section 652 of Illegal Immigrant Reform and Immigrant Responsibility Act. This rule is necessary to deter fraudulent marriages and the exploitation of recruits by IMOs.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	
NPRM Comment Period End	10/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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Related RIN: Related to 1615-AA11

RIN: 1125-AA45

1930. IMPLEMENTATION OF THE NUMERICAL LIMIT ON ASYLUM GRANTS AND REFUGEE ADMISSION BASED ON RESISTANCE TO COERCIVE POPULATION CONTROL MEASURES

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 8 USC 1101, 1103, 1157, 1158, 1226, 1252, 1282

CFR Citation: 8 CFR 1208

Legal Deadline: None

Abstract: Section 601(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) provides that, for any fiscal year, not more than a total of 1,000 refugees may be admitted or granted asylum based solely on resistance to coercive population control measures. This rule authorizes the Department of Homeland Security and the Executive Office for Immigration Review to make conditional grants of asylum in those cases in which an applicant is found to merit asylum solely on the basis of resistance to coercive population control measures and establishes a mechanism for converting no more than 1,000 conditional grants per fiscal year to final asylum grants. The rule also establishes procedures for

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administering a waiting list in those years that the number of conditional grants exceeds the statutory limit for final grants, reserves a certain number of authorization numbers for purposes of refugee admission, and addresses procedures for administering derivative conditional grants, terminating conditional grants, and other procedures specific to this rule.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	
NPRM Comment Period End	10/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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Related RIN: Split from 1615-AA37

RIN: 1125-AA48

1931. • EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; RULES GOVERNING IMMIGRATION PROCEEDINGS

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

Legal Authority: 5 USC 301; 8 USC 1101, note; 8 USC 1103; 8 USC 1229; 8 USC 1229a; 8 USC 1231; 8 USC 1231, note; 8 USC 1245; 8 USC 1324b; 8 USC 1362; 28 USC 509 to 519; 28 USC 1746; sec 2 Reorg Plan No 2 of 1950, 3 CFR 1949 to 1953 Comp, p 1002; PL 105-100, sec 203; PL 106-386, sec 1506; PL 106-386, sec 1510; PL 106-554, sec 1505; PL 106-554, sec 1510

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

Legal Deadline: None

Abstract: This rule revises the procedures before immigration judges and the Board of Immigration Appeals of the Executive Office for Immigration Review (EOIR), to clarify and improve the administrative adjudication of immigration proceedings. The rule is intended to improve fairness to aliens and to the Government, represented by the Department of Homeland Security,

in removal, exclusion, deportation, asylum-only and other proceedings, reduce delays in the adjudicative process, enable EOIR to better manage its caseload, reduce the existing backlog of cases, and provide for better focus on cases presenting significant issues of law and fact for resolution.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	
NPRM Comment Period End	02/00/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 1125-AA53

Department of Justice (DOJ)

Final Rule Stage

Executive Office for Immigration Review (EOIR)

1932. SUSPENSION OF DEPORTATION AND CANCELLATION OF REMOVAL

Priority: Substantive, Nonsignificant

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

CFR Citation: 8 CFR 1240

Legal Deadline: None

Abstract: This rule amends the regulations of the Executive Office for Immigration Review by eliminating the conditional grant process at 8 CFR 1240.21 and establishing a permanent procedure for processing suspension of deportation and cancellation of removal cases. This rule is necessary to implement the numerical limitation on suspension of deportation and cancellation of removal and adjustment of status imposed by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and the Nicaraguan Adjustment and Central

American Relief Act of 1997 (NACARA).

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/98	63 FR 52134
Interim Final Rule Comment Period End	11/30/98	
Final Action	10/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1125-AA25

1933. AUTHORITIES DELEGATED TO THE DIRECTOR OF THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW AND THE CHIEF IMMIGRATION JUDGE

Priority: Info./Admin./Other

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

CFR Citation: 8 CFR 1003; 8 CFR 1240

Legal Deadline: None

Abstract: This rule outlines the authorities and powers (and limitations thereto) delegated by the Attorney General to the Director of the Executive Office for Immigration Review (EOIR) and the Chief Immigration Judge. These authorities include such managerial responsibilities as: Issuing operational instructions, setting policies, providing for the training of staff, and ensuring the efficient disposition of cases. One of the limitations on the powers of the Director of EOIR and the Chief

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Immigration Judge is that they cannot direct the result of a case adjudication assigned to someone else.

Timetable:

Action	Date	FR Cite
NPRM	12/26/00	65 FR 81434
NPRM Comment Period End	02/26/01	
Final Action	07/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1125-AA27

1934. PROTECTIVE ORDERS IN IMMIGRATION ADMINISTRATION PROCEEDINGS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 8 USC 1101 note, 1103, 1231, 1252 note, 1252b, 1324b, 1253, 1362; 28 USC 509, 510, 1746; sec 2, Reorg Plan No 2 of 1950; 3 CFR 1949 to 1953 Comp, p 1002; sec 203 of PL 105-100, 111 Stat 2196-200; secs 1506 and 1510 of PL 106-386, 114 Stat 1527-29, 1531-32; sec 1505 of PL 106-554, 114 Stat 2763A-326 to 2763A-328

CFR Citation: 8 CFR 1003

Legal Deadline: None

Abstract: This rule amends regulations governing the Executive Office for Immigration Review (EOIR) by authorizing immigration judges to issue protective orders to limit public disclosure of sensitive law enforcement or national defense information during immigration proceedings. The rule is applicable in all proceedings before immigration judges but involves only a small number of cases.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/28/02	67 FR 36799
Interim Final Rule Comment Period End	07/29/02	
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1125-AA38

1935. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW ATTORNEY/REPRESENTATIVE REGISTRY

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1362

CFR Citation: 8 CFR 1001.1; 8 CFR 1003.0

Legal Deadline: None

Abstract: This rule concerns the Attorney General's authority to authorize practitioners to represent aliens in immigration proceedings pursuant to statute. Under the pertinent statutory provision, aliens in immigration proceedings "shall have the privilege of being represented (at no expense to the government) by such counsel, authorized to practice in such proceedings, as he shall choose." 8 U.S.C. 1362

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

Functionally, practitioners will be required to register with EOIR over a secure Internet connection, by providing name, address(es), date-of-birth, last four digits of social security number, and bar admission data.

Registered practitioners will be assigned a unique User ID and password that will authorize them to conduct electronic transactions with EOIR from desktop personal computers.

Registration of practitioners assures the functionality, security, and success of EOIR's electronic government initiative, and serves as a prerequisite to electronic case access and filing by practitioners.

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

Timetable:

Action	Date	FR Cite
NPRM	12/30/03	68 FR 75160
NPRM Comment Period End	03/01/04	
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1125-AA39

1936. TRANSFER OF JURISDICTION OVER APPEALS OF FINES FROM THE BOARD OF IMMIGRATION APPEALS TO THE OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

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

Legal Deadline: None

Abstract: This final rule removes the Board of Immigration Appeals' (Board) jurisdiction over appeals of Department of Homeland Security (DHS) decisions involving administrative fines under part 1280 of title 8 CFR, and transfers that authority to Office of the Chief Administrative Hearing Officer (OCAHO). Part 1280 governs the

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imposition and collection of fines under a variety of provisions of the Immigration and Nationality Act (INA), most of which pertain to common carriers. Most of the appeals are fines imposed under section 273 of the INA. The transfer is essentially a reallocation of agency resources within the Executive Office for Immigration Review to improve caseload management by substituting a different set of decision makers, the OCAHO for the Board, while preserving the same procedures for the adjudication of appeals.

Timetable:

Action	Date	FR Cite
NPRM	02/19/02	67 FR 7309
NPRM Comment Period End	03/21/02	
Final Rule	10/00/05	

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

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Related RIN: Split from 1125-AA36**RIN:** 1125-AA41**1937. DEFINITIONS; FEES; POWERS AND AUTHORITY OF DHS OFFICERS IN REMOVAL PROCEEDINGS**

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

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

CFR Citation: 8 CFR 1003; 8 CFR 1103**Legal Deadline:** None

Abstract: This rule amends regulations relating to the Executive Office for Immigration Review to conform with certain regulatory changes made by the Department of Homeland Security (DHS) for consistency and for the ease of the reader. This rule makes no substantive changes in the Department of Justice regulations, but makes appropriate revisions to the definitions and fee provisions and the regulations

relating to issuance of notices to appear and subpoenas in the EOIR regulations, in order to avoid confusing and unnecessary duplication of provisions already set forth in the DHS regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/28/04	69 FR 44903
Interim Final Rule Effective	07/28/04	
Interim Final Rule Comment Period End	08/27/04	
Final Action	07/00/05	

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

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RIN: 1125-AA43**1938. ASYLUM CLAIMS MADE BY ALIENS ARRIVING FROM CANADA AT LAND-BORDER PORTS-OF-ENTRY****Priority:** Other Significant

Legal Authority: 5 USC 301; 8 USC 1101 note, 1102, 1103, 1158, 1182 and note, 1184, 1186a, 1187, 1224, 1225, 1226, 1227, 1228, 1251, 1252, 1252a, 1252b, 1282, 1324b, 1362; 28 USC 509, 510, 1746; sec 2, Reorg Plan No 2 of 1950; 3 CFR, 1949 to 1953 Comp, p 1002; sec 202 and 203 of PL 105-100, 111 Stat 2196-200; secs 1506 and 1510 of PL 106-386, 114 Stat 1527 to 1529, 1531 to 1532; sec 1505 of PL 106-554, 114 Stat 2763A-326 to 2763A-328; sec 902, PL 105-277, 112 Stat 2681

CFR Citation: 8 CFR 1003; 8 CFR 1208; 8 CFR 1212; 8 CFR 1240**Legal Deadline:** None

Abstract: This rule amends the rules governing removal proceedings to implement the terms of a recently signed Safe Third Country Agreement between the United States and Canada. The terms of that Agreement provide that certain categories of aliens arriving from Canada at land border ports of entry or in transit from Canada will be returned to Canada for adjudication of

their claims rather than having those claims heard in the United States. This proposed rule would establish the authority of immigration judges to apply this Agreement in removal proceedings.

Timetable:

Action	Date	FR Cite
NPRM	03/08/04	69 FR 10627
NPRM Comment Period End	05/07/04	
Final Action	12/00/04	

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

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Related RIN: Related to 1615-AA91**RIN:** 1125-AA46**1939. REVIEW OF CUSTODY DETERMINATIONS**

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 301; 8 USC 1101 note, 1103, 1252 note, 1252b, 1282, 1324b, 1362; 28 USC 509, 510, 1746; sec 2, Reorg Plan No 2 of 1950; 3 CFR, 1949 to 1953 Comp, p 1002; sec 203 of PL 105-100, 111 Stat 2196-200; secs 1506 and 1510 of PL 106-386; 114 Stat 1527 to 1529, 1531 to 1532; sec 1505 of PL 106-554, 114 Stat 2763A-326 to 2763A-328

CFR Citation: 8 CFR 1003**Legal Deadline:** None

Abstract: This rule amends the regulations of the Executive Office for Immigration Review, by revising the existing regulatory provision for a temporary automatic stay of an immigration judge's decision to order an alien's release in any case in which a district director has ordered that the alien be held without bond, or has set a bond of \$10,000 or more, to maintain the status quo while the Department of Homeland Security seeks expedited review of the custody order by the Board of Immigration Appeals or by the Attorney General.

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Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1125-AA47

1940. REOPENED PROCEEDINGS ON PETITIONS FOR ALIEN ENTREPRENEUR IMMIGRANT CLASSIFICATION (EB-5 VISAS)

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

Legal Authority: 8 USC 11866**CFR Citation:** 8 CFR 1003; 8 CFR 1216; 8 CFR 1240**Legal Deadline:** None

Abstract: This rule amends the regulations of the Executive Office for Immigration Review (EOIR) of the Department of Justice (Department) to implement time sensitive changes made by the 21st Century Department of Justice Appropriations Authorization Act of 2001, Public Law 107-273 (November 2, 2002) to the EB-5 Alien Entrepreneur immigrant classification. This rule will be published in conjunction with a corresponding rule of the Department of Homeland Security (DHS) that addresses changes to their part of the adjudication. The Department rule provides in section 1216 for certain aliens, who are seeking immigrant status as alien entrepreneurs, the right to challenge in EOIR proceedings adverse determinations on the removal of the condition on permanent resident status made by United States Citizenship and Immigration Services (CIS), a component of DHS. In addition to proceedings on adverse determinations, this rule also establishes procedures for

aliens who have received favorable determinations on the removal of the condition on permanent resident status and who have final orders of deportation or removal or who have cases that are pending or administratively closed before EOIR.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/05	
Interim Final Rule Comment Period End	09/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

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RIN: 1125-AA49

1941. EXECUTION OF REMOVAL ORDERS; COUNTRIES TO WHICH ALIENS MAY BE REMOVED

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

Legal Authority: 8 USC 1103, 1223, 1227, 1231, 1253, 1255, and 1330**CFR Citation:** 8 CFR 1240; 8 CFR 1241**Legal Deadline:** None

Abstract: This rule proposes to establish a definition for an immigration judge's order of removal or deportation insofar as such an order provides for the removal or deportation of an alien to a specific country and separates that order from the manner in which the Department of Homeland Security may execute that order under section 241(b)(2) of the Immigration and Nationality Act, 8 U.S.C. 1231(b)(2). Specifically this rule clarifies that an immigration judge's removal or deportation order establishes only the country or geographic area designated by the alien or, if contested, by the immigration judge. The rule establishes that a removal or deportation order does not limit the manner in which the order may be executed pursuant to the Act,

and clarifies the terms used but not defined in the Act. This rule is being published jointly with the Department of Homeland Security.

Timetable:

Action	Date	FR Cite
NPRM	07/19/04	69 FR 42901
NPRM Comment Period End	08/18/04	
Final Action	01/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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Related RIN: Related to 1653-AA41

RIN: 1125-AA50

1942. INFORMATION RELATING TO ALIENS' DUTY TO SURRENDER WHEN ORDERED REMOVED FROM THE UNITED STATES**Priority:** Other Significant**Legal Authority:** 8 USC 1103**CFR Citation:** 8 CFR 1240; 8 CFR 1241**Legal Deadline:** None

Abstract: The Department of Justice published an NPRM in 1998 and a supplemental NPRM in 2002 (RIN 1115-AE82) to establish that aliens who become subject to a final order of removal have a legal obligation to surrender for removal. As a result of the enactment of the Homeland Security Act, the final rule will be promulgated in two separate rulemaking actions.

The Department of Homeland Security (DHS) is finalizing a rule requiring aliens who become subject to a final order of removal to surrender to DHS (RIN 1653-AA05). This companion 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 DHS upon the issuance of a final order of removal by an immigration judge or the Board. Aliens will be

DOJ—EOIR

Final Rule Stage

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.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: This rule will finalize those portions of the rulemaking action formerly listed as RIN 1115-AE82 in so far as it relates to the regulations of the Department of

Justice. The DHS rule is now RIN 1653-AA05.

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

RIN: 1125-AA51

1943. • VENUE IN REMOVAL PROCEEDINGS

Priority: Substantive, Nonsignificant

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

CFR Citation: 8 CFR 1003.20(a)

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/00/05	
Interim Final Rule Comment Period End	04/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 1125-AA52

Department of Justice (DOJ)

Long-Term Actions

Executive Office for Immigration Review (EOIR)

1944. AUTHORITY OF IMMIGRATION JUDGES TO ISSUE CIVIL MONEY PENALTIES

Priority: Other Significant

CFR Citation: 8 CFR 1003

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	
NPRM Comment Period End	01/00/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Mary Beth Keller
Phone: 703 305-0470
Email: eoir.regs@usdoj.gov

RIN: 1125-AA18

1945. MOTIONS TO REOPEN FOR SUSPENSION OF DEPORTATION AND SPECIAL RULE CANCELLATION OF REMOVAL PURSUANT TO SECTION 1505(C) OF THE LIFE ACT AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 8 CFR 1003

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/17/01	66 FR 37119
Interim Final Rule Comment Period End	09/17/01	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Mary Beth Keller
Phone: 703 305-0470
Email: eoir.regs@usdoj.gov

RIN: 1125-AA31

Department of Justice (DOJ)

Completed Actions

Executive Office for Immigration Review (EOIR)

1946. SECTION 212(C) RELIEF FOR ALIENS WITH CERTAIN CRIMINAL CONVICTIONS BEFORE APRIL 1, 1997

Priority: Substantive, Nonsignificant

CFR Citation: 8 CFR 1003

Completed:

Reason	Date	FR Cite
Final Rule	09/28/04	69 FR 57826
Final Action Effective	10/28/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Mary Beth Keller
Phone: 703 305-0470

DOJ—EOIR

Completed Actions

Email: eoir.regs@usdoj.gov

RIN: 1125-AA33

Department of Justice (DOJ)

Proposed Rule Stage

Federal Bureau of Investigation (FBI)

1947. ENHANCED EXCHANGE OF CRIMINAL HISTORY RECORD AND NONSERIOUS OFFENSE IDENTIFICATION RECORDS**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 28 USC 534; 42 USC 14614(c); 42 USC 14615; PL 92-544; PL 99-169; PL 99-569; PL 101-410**CFR Citation:** 28 CFR 20**Legal Deadline:** None

Abstract: This rule (1) clarifies that the FBI's authority to exchange Criminal History Record Information (CHRI) with officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions includes the exchange of CHRI on individuals other than banking institution employees when the purpose of the background check is reasonably related to maintaining or promoting the security of federally chartered or insured banking institutions; (2) permits access to CHRI

and related information, subject to appropriate controls, by non-bank persons and entities other than federally chartered or insured banking institutions, to facilitate or perform employment background functions to promote or maintain the security of federally chartered or insured banking institutions; and (3) permits the retention and exchange of information on nonserious offenses (NSOs) if provided to the FBI for retention by the submitting jurisdiction.

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

Moreover, in recent years, human resources' offices in the financial

services industry, seeking greater efficiency and economy have centralized administrative functions, including employment background services. In some instances these functions are being performed by bank holding companies, parent or sister companies, subsidiaries or private contractors.

Timetable:

Action	Date	FR Cite
NPRM	02/00/05	
NPRM Comment Period End	04/00/05	

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

Agency Contact: Harold M. Sklar, Attorney-Advisor, Department of Justice, Federal Bureau of Investigation, CJIS Division Module E-3, 1000 Custer Hollow Road, Clarksburg, WV 26306
Phone: 304 625-2000

RIN: 1110-AA20

Department of Justice (DOJ)

Final Rule Stage

Federal Bureau of Investigation (FBI)

1948. IMPLEMENTATION OF THE NATIONAL STOLEN PASSENGER MOTOR VEHICLE INFORMATION SYSTEM (NSPMVIS)**Priority:** Other Significant**Legal Authority:** 49 USC 33109 to 33111**CFR Citation:** 28 CFR 89**Legal Deadline:** None

Abstract: The Attorney General is required to establish a National Stolen Passenger Motor Vehicle Information System (NSPMVIS) pursuant to the Anti Car Theft Act of 1992 (49 U.S.C. 33109 to 33111). The FBI is coordinating efforts in this matter and, under delegated authority from the Attorney General, the FBI is issuing this rule to establish a national system to verify the theft status of major motor vehicle component parts and junk or salvage vehicles. The system will

include certain information about each passenger motor vehicle reported to a law enforcement agency as stolen and not recovered. The rule provides how an individual or entity may obtain information from the system on whether a vehicle or part is listed as stolen. The rule also provides verification procedures to be followed by insurance carriers and certain motor vehicle part businesses. In order to verify the theft status of a part or junk or salvage vehicle, an identification number will have to be obtained from the part or vehicle.

Timetable:

Action	Date	FR Cite
NPRM	04/09/02	67 FR 17027
NPRM Comment Period End	06/10/02	
Final Action	06/00/05	

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

Additional Information: The Criminal Division will issue a related regulation to implement the National Motor Vehicle Title Information System (NMVTIS). As required by statute, 49 U.S.C. section 30504(a), the regulation will direct junk yard and salvage yard operators and insurance carriers to file monthly reports with the operator of the NMVTIS concerning vehicles in their possession. (See RIN 1105-AA71.) (RIN 1110-AA01 has been transferred from RIN 1105-AA44.)

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

DOJ—FBI

Final Rule Stage

Fax: 304 625-3875

RIN: 1110-AA01

1949. REGULATIONS UNDER THE PAM LYCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT**Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** PL 104-236, sec 9**CFR Citation:** Not Yet Determined**Legal Deadline:** Other, Statutory, October 3, 1999, The Act does not distinguish between NPRM and final regulations.

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

Timetable:

Action	Date	FR Cite
NPRM	02/16/99	64 FR 7562
NPRM Comment Period End	04/19/99	
Final Action	12/00/04	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Local, State, Tribal**Additional Information:** Transferred from RIN 1105-AA56.

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

RIN: 1110-AA04

1950. FINAL NOTICE OF CAPACITY; SUPPLEMENT TO RESPOND TO REMAND**Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 1003(a)(1)**CFR Citation:** None**Legal Deadline:** None

Abstract: As required by section 104 of the Communications Assistance for Law Enforcement Act (CALEA), the FBI

published a Notice of Actual and Maximum Capacity in order to provide telecommunications carriers with the information they will need to meet law enforcement's future simultaneous electronic surveillance requirements. The FBI published the Final Notice of Capacity for local exchange, cellular, and broadband PCS on March 12, 1998 (63 FR 12218).

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

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

This Supplemental Notice provides further explanation for the FBI's interpretation of the term "simultaneously," and sets forth a new method of interpreting the existing capacity requirements that will allow carriers to break out the number of communications interceptions from the total requirement. The Supplement also sets forth new guidance that will reduce the requirements for simultaneous communications interceptions applicable to carriers operating in regions with high capacity requirements. This is being done to reduce the concerns raised by the Court of Appeals.

Timetable:

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

Action	Date	FR Cite
Finalization of Supplement to Final Notice of Capacity Responding to Remand	03/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** See also RINs 1110-AA21 and 1110-AA22.

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

RIN: 1110-AA10

1951. COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT: DEFINITIONS OF "REPLACED" AND "SIGNIFICANTLY UPGRADED OR OTHERWISE UNDERGONE MAJOR MODIFICATION"**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

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

CFR Citation: 28 CFR 100**Legal Deadline:** None

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

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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.

Timetable:

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

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

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.)

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Phone: 703 814-4791
Fax: 703 814-4750

RIN: 1110-AA21

1952. IMPLEMENTATION OF SECTIONS 104 AND 109 OF THE COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT—NOTICE OF ACTUAL AND MAXIMUM CAPACITY: PAGING, MSS, SMR, AND ESMR

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

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

CFR Citation: 28 CFR 100**Legal Deadline:** None

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.

Timetable:

Action	Date	FR Cite
Notice of Inquiry (Cap Methodology)	12/18/98	63 FR 70160
Further Notice of Inquiry (Cap Methodology)	06/30/00	65 FR 40694
Notice of Capacity	04/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses**Government Levels Affected:** None

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.)

DOJ—FBI

Final Rule Stage

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RIN: 1110-AA22

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

Completed Actions

1953. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

Priority: Other Significant

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

Completed:

Reason	Date	FR Cite
Final Action	07/23/04	69 FR 43892
Final Action Effective	07/20/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Agency Contact: Eugene Donaldson
Phone: 304 625-3500

RIN: 1110-AA07

Department of Justice (DOJ)
Legal Activities (LA)

Proposed Rule Stage

1954. REPORTING UNDER THE PROTECTION OF CHILDREN FROM SEXUAL PREDATORS ACT AS AMENDED

Priority: Other Significant

Legal Authority: 42 USC 13032

CFR Citation: 28 CFR 81

Legal Deadline: None

Abstract: On October 30, 1998, Congress passed the Protection of Children From Sexual Predators Act of 1998 (PCSPA). The PCSPA requires providers of an electronic communication service or a remote computing service to the public, through a facility or means of interstate or foreign commerce, to report incidents of child pornography as defined by sections 2251, 2251A, 2252, 2252A, or 2260 of title 18, United States Code, to the appropriate Federal agency. In order to facilitate effective reporting, the PCSPA requires the Attorney General to “designate an agency” to receive and investigate such reports of child pornography.

As amended by the Consolidated Appropriations Act, 2000, Public Law No. 106-113, the PCSPA requires providers to report such incidents to the Cyber Tipline at the National Center for Missing and Exploited Children (NCMEC), which shall forward that report to a law enforcement agency or agencies designated by the Attorney General. As amended by the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003, Public Law No. 108-066, 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.

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Andrew Oosterbaan, Chief, Child Exploitation and Obscenity Section, Department of Justice, 1400 New York Avenue NW, Suite 600, Washington, DC 20530
Phone: 202 514-5780
Fax: 202 514-1793

RIN: 1105-AB06

Department of Justice (DOJ)
Legal Activities (LA)

Final Rule Stage

1955. DESIGNATION OF AGENCIES TO RECEIVE AND INVESTIGATE REPORTS REQUIRED UNDER THE PROTECTION OF CHILDREN FROM SEXUAL PREDATORS ACT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 13032

CFR Citation: 28 CFR 81

Legal Deadline: NPRM, Statutory, April 28, 1999.

Abstract: On October 30, 1998, Congress passed the Protection of Children From Sexual Predators Act of 1998 (PCSPA). The PCSPA requires

providers of an electronic communication service or a remote computing service to the public, through a facility or means of interstate or foreign commerce, to report incidents of child pornography as defined by sections 2251, 2251A, 2252, 2252A, or 2260 of title 18, United

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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. 108-066, the PCSPA also requires providers to report incidents of child pornography involving violations of section 2252B of title 18, United States Code, and incidents of violations of section 1466A, title 18, United States Code, and permits NCMEC to forward reports to State and local law enforcement agencies where appropriate. On November 4, 2003, an interim final rule was published designating four Federal law enforcement agencies that will receive reports pursuant to 42 U.S.C. 13032. These include the Federal Bureau of Investigation, the Bureau of Immigration and Customs Enforcement, the U.S. Postal Inspection Service, and the U.S. Secret Service.

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

Timetable:

Action	Date	FR Cite
NPRM	05/26/99	64 FR 28422
NPRM Comment Period End	07/26/99	
Interim Final Rule	11/04/03	68 FR 62370
Interim Final Rule Effective	12/04/03	

Action	Date	FR Cite
Interim Final Rule	01/05/04	
Comment Period End		
Final Action	04/00/05	

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

Agency Contact: Andrew Oosterbaan, Chief, Child Exploitation and Obscenity Section, Department of Justice, 1400 New York Avenue NW, Suite 600, Washington, DC 20530
Phone: 202 514-5780
Fax: 202 514-1793

RIN: 1105-AA65**1956. ETHICAL STANDARDS FOR ATTORNEYS FOR THE GOVERNMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 28 USC 530B**CFR Citation:** 28 CFR 77**Legal Deadline:** Final, Statutory, April 19, 1999.

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/19/99	64 FR 19273
Interim Final Rule	06/21/99	
Comment Period End		
Final Action	04/00/05	

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

Agency Contact: Claudia J. Flynn, Director, Professional Responsibility Advisory Office, Department of Justice,

Suite 500, National Theatre Building, 1325 Pennsylvania Avenue NW, Washington, DC 20530
Phone: 202 514-0458
Fax: 202 353-7491

RIN: 1105-AA67**1957. MINIMUM QUALIFICATIONS FOR ANNUITY BROKERS IN CONNECTION WITH STRUCTURED SETTLEMENTS ENTERED INTO BY THE UNITED STATES****Priority:** Other Significant**Legal Authority:** PL 107-273, sec 11015**CFR Citation:** 28 CFR 50**Legal Deadline:** Final, Statutory, May 2, 2003.

Abstract: This rule implements section 11015(a) of Public Law 107-273, the 21st Century Department of Justice Appropriations Authorization Act, which was enacted on November 2, 2002. Section 11015(a) provides: “Not later than 6 months after the date of enactment of this Act, the Attorney General shall establish a list of annuity brokers who meet minimum qualifications for providing annuity brokerage services in connection with structured settlements entered by the United States. This list shall be updated upon request by any annuity broker that meets the minimum qualifications for inclusion on the list. The Attorney General shall transmit such list, and any updates to such list, to all United States Attorneys.” The rule sets forth the minimum qualifications for an annuity broker to be included on the list and the procedures to be followed by individual annuity brokers who desire to be listed.

To be considered for inclusion on the initial list to be transmitted to all United States Attorneys, annuity brokers must submit the Declaration set forth on the Civil Division website to the Department of Justice’s Torts Branch at the address provided below by no later than April 24, 2003. (A copy of the Declaration is also included as an appendix to this rule, but will not be included in the Code of Federal Regulations, as it may be revised later. The most current version of the Declaration will be available for download on the Civil Division’s Web site.) Submissions received after April 24, 2003, will be considered for inclusion in the next update of the list.

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The list will be revised periodically, but not more often than twice every calendar year, beginning with calendar year 2004. Each calendar year, a new list will be transmitted. For each calendar year, a broker must submit a new declaration to be included on the list.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/15/03	68 FR 18119
Interim Final Rule Comment Period End	07/14/03	
Final Action	12/00/04	

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

Agency Contact: Kenneth L. Zwick, Director, Office of Management Programs, Department of Justice, Civil Division, Room 3140, 950 Pennsylvania Avenue NW, Washington, DC 20530
Phone: 202 514-4552
Email: ken.zwick@usdoj.gov

RIN: 1105-AA82

1958. INSPECTION OF RECORDS RELATING TO DEPICTION OF SEXUALLY EXPLICIT PERFORMANCES

Priority: Other Significant**Legal Authority:** 18 USC 2257**CFR Citation:** 28 CFR 75**Legal Deadline:** None

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 currently contains recordkeeping and inspection requirements implementing section 2257, title 18, United States Code. This rule amends these requirements to bring the regulations up to date with current law and will make the inspection process effective for the purposes set by Congress in enacting section 2257.

Timetable:

Action	Date	FR Cite
NPRM	06/25/04	69 FR 35547
NPRM Comment Period End	08/24/04	
Final Action	03/00/05	

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

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RIN: 1105-AB05

1959. • STOP VIOLENCE AGAINST WOMEN FORMULA GRANT PROGRAM AND STOP VIOLENCE AGAINST INDIAN WOMEN DISCRETIONARY GRANT PROGRAM: CLARIFICATION OF MATCH REQUIREMENT

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 3796gg-1(f)**CFR Citation:** 28 CFR 90**Legal Deadline:** None

Abstract: The Office on Violence Against Women is amending the regulations for the STOP (Services; Training; Officers; Prosecutors) Violence Against Women Formula Grant Program and the STOP Violence Against Indian Women (VAIW) Discretionary Grant Program in 28 CFR sections 90.17 and 90.55, respectively, to reflect the statutory provision in 42 U.S.C. section 3796gg-1(f) requiring that each STOP fund grantee provide non-Federal matching funds in an amount equal to 25 percent of the total costs of the projects described in the application for funds. This amendment is necessary to make the regulations consistent with the statute.

The STOP grants are awarded to States and territories to develop and strengthen the criminal justice system's response to violence against women and to support and enhance services for victims. The STOP VAWI grants are intended to develop and strengthen tribal law enforcement and prosecution efforts to combat violence against Indian women and to develop and enhance services for victims of such crimes.

The STOP statute, 42 U.S.C. section 3796gg-1(f), provides: "The Federal share of a grant made under [these grant programs] may not exceed 75 percent of the total costs of the projects described in the application submitted." In accordance with the statutory matching funds requirement, States and Indian tribal governments receiving funds under these two programs must ensure that only 75 percent of their total budget for the grant project comes from STOP grant funds. The purpose of requiring STOP formula fund grantees to provide a 25 percent match is to augment the resources available to the project from grant funds and to foster the dedication of State, local, and community resources to the purposes of the project.

Currently, 28 CFR section 90.17(c) and section 90.55(c) prohibit State and Indian tribal government grantees from passing on any portion of the 25 percent match requirement to any subgrantees who are nonprofit, nongovernmental victim vices programs, even though the statute contains no such prohibition. Because there is no statutory support for these provisions, the Office of Violence Against Women is removing them from the regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/30/03	68 FR 75184
NPRM Comment Period End	02/28/04	
Final Action	12/00/04	

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

Additional Information: This rulemaking continues the action previously reported under RIN 1121-AA67. It was assigned a new RIN to reflect the establishment of the Office on Violence Against Women as a

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component of the Department separate from the Office of Justice Programs.

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RIN: 1105-AB07

Department of Justice (DOJ) Legal Activities (LA)

Long-Term Actions

1960. NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM (NMVTIS) REPORTING REGULATIONS

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

CFR Citation: Not Yet Determined

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1105-AA71

1961. ENHANCED NOTICE AND RELEASE PROCEDURES FOR OWNERS OF SEIZED PROPERTY PURSUANT TO THE CAFRA OF 2000; DISPOSITION OF SEIZED PROPERTY TOO COSTLY TO MAINTAIN; CONSOLIDATION OF DEPARTMENT REGULATIONS

Priority: Other Significant

CFR Citation: 8 CFR 274; 21 CFR 1316; 28 CFR 8 (Revision); 28 CFR 9 (Revision)

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1105-AA74

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

Proposed Rule Stage

1962. PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM

Priority: Other Significant. Major under 5 USC 801.

Legal Authority: 42 USC 3711 et seq

CFR Citation: 28 CFR 32

Legal Deadline: None

Abstract: The Bureau of Justice Assistance will be proposing a major, substantive revision of the existing regulations (28 CFR part 32) that govern the Public Safety Officers' Benefits (PSOB) Program to streamline all aspects of the program and relieve claimants of administrative burdens no longer deemed necessary. Further, the program will need to change as BJA moves into a paperless, electronic, Web-based application/review/payment program. The proposed revised regulations will affect all components of the program: Death benefits, disability benefits, education benefits, and the related administrative components governing hearing officers and independent medical examinations.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1121-AA56

1963. CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 3711

CFR Citation: 28 CFR 23

Legal Deadline: None

Abstract: The purpose of this regulation is to assure that all criminal intelligence systems operating through support under the Omnibus Crime Control and Safe Streets Act of 1968

are used as authorized by law. This revision of 28 CFR part 23 updates the regulation for modern technological advances, and extends the use of criminal intelligence systems for public safety purposes.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

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RIN: 1121-AA59

DOJ—OJP

Proposed Rule Stage

1964. INTERNATIONAL TERRORISM VICTIM EXPENSE REIMBURSEMENT PROGRAM**Priority:** Other Significant**Legal Authority:** 42 USC 10603c, sec 1404c; PL 104–208, Victims of Trafficking and Violence Protection Act of 2000**CFR Citation:** None**Legal Deadline:** None**Abstract:** The Office of Justice Programs (OJP) is developing these regulations to implement the International Terrorism Victim Expense Reimbursement Program provisions contained in the Victims of Trafficking and Violence Protection Act of 2000 (Pub. L. 104-208), which directs OJP to carry out a program to reimburse victims of acts of international terrorism that occur outside the United States, for expenses associated with that victimization.**Timetable:**

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

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Agency Contact:** Barbara Johnson, Program Manager, Department of Justice, Office of Justice Programs, Terrorism and International Victims Unit, Office for Victims of Crime, 810 7th Street NW, Washington, DC 20531 Phone: 202 307–5983**RIN:** 1121–AA63**1965. VICTIMS OF CRIME ACT (VOCA) CRIME VICTIM COMPENSATION PROGRAM REGULATIONS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 10602**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** The Victims of Crime Act (VOCA) Crime Victim Compensation Program regulations provide the parameters under which state agencies may use these funds to reimburse crime victims directly for expenses related to crime. Expenses that must be covered are lost wages, medical and mental health costs, and funeral and burial costs. States, at their discretion, may cover loss of support, crime scene cleanup, and other such expenses.

VOCA funds are obtained from the Crime Victims Fund in the U.S. Treasury, which consists of fines, fees, and bond forfeitures from federal offenders.

Timetable:

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

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

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

Agency Contact: Marie Burke, Chief of Staff, OVC, Department of Justice, Office of Justice Programs, 810 7th Street NW, Washington, DC 20531 Phone: 202 514–5952 Email: marie.burke@usdoj.gov**RIN:** 1121–AA68**1966. VICTIM OF CRIME ACT (VOCA) VICTIM ASSISTANCE PROGRAM****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 10604, sec 1407(a), Victims of Crime Act**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** The Victim Assistance Program Regulations provide the parameters under which State agencies may use these funds to award grants to government and nonprofit organizations to provide direct services to crime victims. Local programs include child abuse, homicide survivor, drunk driving, sexual assault, and domestic violence. More than three million crime victims are served through these grants.

Victims of Crime Act (VOCA) funds are obtained from the Crime Victims Fund in the U.S. Treasury, which consists of fines, fees, and bond forfeitures from Federal offenders.

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

Timetable:

Action	Date	FR Cite
NPRM	02/00/05	
NPRM Comment Period End	04/00/05	

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

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

Agency Contact: Marie Burke, Chief of Staff, OVC, Department of Justice, Office of Justice Programs, 810 7th Street NW, Washington, DC 20531 Phone: 202 514–5952 Email: marie.burke@usdoj.gov**RIN:** 1121–AA69

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

Final Rule Stage

1967. CORRECTIONAL FACILITIES ON TRIBAL LANDS GRANT PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 13701 et seq

CFR Citation: 28 CFR 91

Legal Deadline: None

Abstract: The Office of Justice Programs is issuing this rulemaking to amend the title and the definitions of "Indian tribe" and "construction" within 28 CFR part 91, subpart C (which outlines the requirements and procedures to award grants to Indian tribes for constructing jails on tribal lands for the incarceration of offenders subject to tribal jurisdiction). Congress has mandated a new definition of "Indian tribe," and with this broader definition, Federal funds through the Office of Justice Programs are now available to a larger universe of tribal entities. The amendment to the definition of "construction" is simply to expand and clarify the existing definition to assist applicants and grantees in better understanding the allowable scope a project may take.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/24/96	61 FR 49969
Correction	10/18/96	61 FR 54333
Interim Final Rule	10/24/96	
Comment Period End		
Second Interim Final Rule	01/15/04	69 FR 2298
Second Interim Final Rule Comment Period End	03/15/04	
Final Action	02/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Tribal

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RIN: 1121-AA41

1968. BULLETPROOF VEST PARTNERSHIP GRANT ACTS OF 1998 AND 2000

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 3796ll

CFR Citation: 28 CFR 33

Legal Deadline: NPRM, Statutory, September 14, 1998.

Abstract: The Bureau of Justice Assistance (BJA) is publishing final regulations implementing the Bulletproof Vest Partnership Grant Acts of 1998 and 2000, which authorize BJA funds to eligible States, units of local government, and Indian tribes to purchase armored vests for use by law enforcement officers. This final rule reflects the revised process by which eligible jurisdictions may register, apply, and request funding under BJA's Internet-Based Bulletproof Vest Partnership Grant Program.

On September 23, 1998, BJA published an interim final rule, with a request for comments (63 FR 50759). The interim final rule established the process by which BJA would implement the Bulletproof Vest Partnership Grant Act of 1998. BJA did not receive any comments in response to the interim final rule. Nevertheless, BJA initiated numerous outreach efforts, in the form of focus groups and beta testing, to ensure that all affected parties had ample opportunity to review and participate in the program's design and development.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/23/98	63 FR 50759
Interim Final Rule Effective	09/23/98	
Interim Final Rule Comment Period End	11/23/98	
Final Rule	01/00/05	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Tribal

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RIN: 1121-AA48

1969. ENVIRONMENTAL IMPACT REVIEW PROCEDURES FOR THE VOI/TIS GRANT PROGRAM

Priority: Substantive, Nonsignificant

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

CFR Citation: 28 CFR 91

Legal Deadline: None

Abstract: The Office of Justice Programs is issuing this final rule to set forth the procedures that it and the States that are awarded Federal funds under the Violent Offender Incarceration/Truth-in-Sentencing Grants Program must follow in order to comply with the environmental impact review procedures mandated by the National Environmental Policy Act, the Council on Environmental Quality's implementing regulations, and other related Federal environmental impact review requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/08/00	65 FR 48592
Interim Final Rule Effective	08/08/00	
Interim Final Rule Comment Period End	10/10/00	
Final Action	08/00/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal, Local, State, Tribal

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RIN: 1121-AA52

1970. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

Priority: Substantive, Nonsignificant

Legal Authority: PL 103-355, sec 2455; EO 12549

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Department of Justice will be adopting the proposed common

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rule on debarment and suspension. The rule, as adopted, would limit the mandatory lower-tier application of an exclusion to the first procurement level under a nonprocurement covered transaction. Second, this proposed common rule on debarment and suspension would set the dollar threshold on prohibited lower-tier procurement transactions with excluded persons at \$25,000. Third, both this proposed rule on debarment and suspension and the proposed rule on drug-free workplace requirements would eliminate the mandate for agencies and participants to obtain written certifications from awardees or

persons with whom they propose to enter into covered transactions. Fourth, the proposed rule on drug-free workplace requirements would be separated from this proposed rule on debarment and suspension.

Timetable:

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3344
NPRM Comment Period End	03/25/02	
Interim Final Rule	11/26/03	68 FR 66354
Interim Final Rule Comment Period End	01/26/04	
Final Action	01/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, State

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RIN: 1121-AA57

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

Completed Actions

1971. STOP VIOLENCE AGAINST WOMEN FORMULA GRANT PROGRAM AND STOP VIOLENCE AGAINST INDIAN WOMEN DISCRETIONARY GRANT PROGRAM: CLARIFICATION OF MATCH REQUIREMENT

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

CFR Citation: 28 CFR 90

Completed:

Reason	Date	FR Cite
Transferred to RIN 1105-AB07	09/30/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1121-AA67

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