



Federal Register

**Monday,
October 31, 2005**

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 2005 regulatory agenda pursuant to Executive Order 12866 “Regulatory Planning and Review,” 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. sections 601 to 612 (1988).

FOR FURTHER INFORMATION CONTACT: Robert Hinchman, Senior Counsel,

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

SUPPLEMENTARY INFORMATION: For this edition of the Department of Justice’s regulatory agenda, the most important significant regulatory actions 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: August 31, 2005.

Rachel L. Brand,

Assistant Attorney General, Office of Legal Policy.

Bureau of Prisons—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1922	Victim/Witness Notification	1120-AB25
1923	Autopsies	1120-AB26
1924	Searching and Detaining or Arresting Non-Inmates	1120-AB28
1925	Incoming Publications: Security Measures	1120-AB31
1926	Classification and Program Review	1120-AB32
1927	Inmate Work and Performance Pay Program: Reduction in Pay for Drug- and Alcohol-Related Disciplinary Offenses	1120-AB33
1928	Administrative Remedy Program—Subpart Revision	1120-AB34
1929	Limited Communication for Terrorist Inmates	1120-AB35
1930	Possession or Introduction of Personal Firearms Prohibited on Federal Penal or Correctional Institution Grounds ..	1120-AB37
1931	Inmate Electronic Message Program	1120-AB38

Bureau of Prisons—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1932	Intensive Confinement Centers	1120-AA11
1933	Good Conduct Time	1120-AA62
1934	Designation of Offenses Subject to Sex Offender Release Notification	1120-AA85
1935	Searches of Housing Units, Inmates, Inmate Work Areas, and Persons Other Than Inmates: Electronic Devices ...	1120-AA90
1936	Drug Testing Program	1120-AA95
1937	Correspondence: Inspection of Outgoing General Correspondence	1120-AA98
1938	District of Columbia Educational Good Time Credit	1120-AB05
1939	Drug Abuse Treatment Program: Subpart Revision and Clarification	1120-AB07
1940	Good Conduct Time: Aliens With Confirmed Orders of Deportation, Exclusion, or Removal	1120-AB12
1941	Civil Contempt of Court Commitments: Revision To Accommodate Commitments Under the DC Code	1120-AB13
1942	Central Inmate Monitoring (CIM) System: Streamlining Rules	1120-AB14
1943	Inmate Discipline—Subpart Revision	1120-AB18
1944	Administrative Safeguards for Psychiatric Treatment and Medication	1120-AB20
1945	Bureau of Prisons Central Office, Regional Offices, Institutions, and Staff Training Centers: Removal of Addresses from Rules	1120-AB36

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Bureau of Prisons—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1946	Literacy Program	1120-AA33
1947	Telephone Regulations and Inmate Financial Responsibility	1120-AA39
1948	Suicide Prevention Program	1120-AB06
1949	National Security; Prevention of Acts of Violence and Terrorism	1120-AB08

Bureau of Prisons—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1950	Telephone Regulations and Inmate Financial Responsibility	1120-AA49
1951	Infectious Disease Management	1120-AB03
1952	Inmate Fees for Health Care Services	1120-AB11
1953	Bureau of Prisons Emergencies	1120-AB17
1954	Clarifying of Release Gratuities—Release Transportation Regulations To More Closely Conform to Statutory Provisions	1120-AB21
1955	Over-the-Counter Medications: Technical Correction	1120-AB29

Civil Rights Division—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1956	Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities (Section 610 Review) (Reg Plan Seq No. 72)	1190-AA44
1957	Nondiscrimination on the Basis of Disability in State and Local Government Services (Section 610 Review) (Reg Plan Seq No. 73)	1190-AA46
1958	The Failure To Select Cause of Action of the American Competitiveness and Workforce Improvement Act of 1998	1190-AA48
1959	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
1960	Amendments to Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs and Implementation of Executive Order 12250	1190-AA52
1961	Procedures To Review Police Departments for a Pattern or Practice of Conduct That Deprives Persons of Rights, Privileges, or Immunities Secured or Protected by the Constitution or Laws of the U.S.	1190-AA53

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

Civil Rights Division—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1962	Amendments to the Attorney General's Guidelines on Implementation of the Language Minority Provisions of the Voting Rights Act	1190-AA58

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

Sequence Number	Title	Regulation Identifier Number
1963	Commerce in Explosives—Amended Definition of Propellant Actuated Device	1140-AA24

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

Sequence Number	Title	Regulation Identifier Number
1964	27 CFR 55 Commerce in Explosives—Explosive Pest Control Devices	1140-AA03
1965	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
1966	Implementation of the Safe Explosives Act, Title XI, Subtitle C, of Public Law 107-296	1140-AA00
1967	27 CFR 55 Commerce in Explosives (Including Explosives in the Fireworks Industry) (Rulemaking Resulting From a Section 610 Review)	1140-AA01
1968	27 CFR 178 Residency Requirement for Persons Acquiring Firearms	1140-AA05
1969	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
1970	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
1971	27 CFR 178 Implementation of Public Law 105-277 Relating to Secure Gun Storage	1140-AA10
1972	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
1973	Commerce in Firearms and Ammunition—Importation of Firearm Frames, Receivers, and Barrels	1140-AA22
1974	Machine Guns, Destructive Devices, and Certain Other Firearms—Amended Definition of "Pistol"	1140-AA23

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

Sequence Number	Title	Regulation Identifier Number
1975	27 CFR Part 55 Identification Markings Placed on Imported Explosive Materials	1140-AA02

Drug Enforcement Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1976	Guidelines for Providing Controlled Substances to Ocean Vessels	1117-AA40
1977	Electronic Prescriptions for Controlled Substances	1117-AA61
1978	Reorganization and Clarification of DEA Regulations	1117-AA63
1979	Chemical Mixtures Containing Gamma-Butyrolactone	1117-AA64
1980	Chemical Mixtures Containing Listed Forms of Phosphorus	1117-AA66
1981	Electronic Application for Controlled Substances and Listed Chemical Registration: Technical Amendments	1117-AA91
1982	Revision of Reporting Requirements for Imports and Exports of List I and List II Chemicals	1117-AA92
1983	Changes in the Regulation of Iodine and Its Chemical Mixtures	1117-AA93
1984	Definition of Positional Isomer As It Pertains to the Control of Schedule I Controlled Substances	1117-AA94
1985	Controlled Substances and List I Chemical Registration and Reregistration Application Fees	1117-AA96
1986	Limited Exemption for Peyote Use in Traditional Ceremonies With a Traditional Indian Religion by Members of Federally Recognized Indian Tribes	1117-AA97

Drug Enforcement Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1987	Exemption of Chemical Mixtures	1117-AA31
1988	Chemical Registration Waivers; Exemption From Chemical Registration Fees for Certain Persons	1117-AA67
1989	Clarification of Registration Requirements for Individual Practitioners	1117-AA89

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Drug Enforcement Administration—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
1990	Control of Sodium Permanganate as a List II Chemical	1117-AA90
1991	Implementation of the Anabolic Steroid Control Act of 2004	1117-AA95

Drug Enforcement Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1992	Security Requirements for Handlers of Pseudoephedrine, Ephedrine, and Phenylpropanolamine	1117-AA62

Drug Enforcement Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1993	Definition and Registration of Reverse Distributors	1117-AA19
1994	Authority for Practitioners To Dispense or Prescribe Approved Narcotic Substances for Maintenance or Detoxification Treatment	1117-AA68
1995	Reports by Registrants of Theft or Significant Loss of Controlled Substances	1117-AA73
1996	Preventing the Accumulation of Surplus Controlled Substances at Long-Term Care Facilities	1117-AA75

Executive Office for Immigration Review—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1997	Authority of Immigration Judges To Issue Civil Money Penalties	1125-AA18
1998	International Matchmaking Organizations; Civil Penalties	1125-AA45
1999	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
2000	Suspension of Deportation and Cancellation of Removal	1125-AA25
2001	Authorities Delegated to the Director of the Executive Office for Immigration Review and the Chief Immigration Judge	1125-AA27
2002	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
2003	Protective Orders in Immigration Administration Proceedings	1125-AA38
2004	Executive Office for Immigration Review Attorney/Representative Registry	1125-AA39
2005	Transfer of Jurisdiction Over Appeals of Fines From the Board of Immigration Appeals to the Office of the Chief Administrative Hearing Officer	1125-AA41
2006	Definitions; Fees; Powers and Authority of DHS Officers in Removal Proceedings	1125-AA43
2007	Background and Security Investigation Checks in Proceedings Before Immigration Judges and the Board of Immigration Appeals	1125-AA44
2008	Review of Custody Determinations	1125-AA47
2009	Reopened Proceedings on Petitions for Alien Entrepreneur Immigrant Classification (EB-5 Visas)	1125-AA49
2010	Information Relating to Aliens' Duty To Surrender When Ordered Removed From the United States	1125-AA51
2011	Venue in Removal Proceedings	1125-AA52
2012	Affidavits of Support on Behalf of Immigrants	1125-AA54

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Executive Office for Immigration Review—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2013	Suspension of Deportation and Cancellation of Removal for Certain Battered Spouses and Children; Motions To Reopen for Certain Battered Spouses and Children	1125-AA35

Executive Office for Immigration Review—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2014	Implementation of the Numerical Limit on Asylum Grants and Refugee Admission Based on Resistance to Coercive Population Control Measures	1125-AA48

Federal Bureau of Investigation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2015	Enhanced Exchange of Criminal History Record Information	1110-AA20
2016	Inclusion of Nonserious Offense Identification Records	1110-AA25

Federal Bureau of Investigation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2017	Implementation of the National Stolen Passenger Motor Vehicle Information System (NSPMVIS)	1110-AA01
2018	Regulations Under the Pam Lychner Sexual Offender Tracking and Identification Act	1110-AA04
2019	Final Notice of Capacity; Supplement To Respond to Remand	1110-AA10
2020	Implementation of the Private Security Officer Employment Authorization Act of 2004	1110-AA23
2021	Carriage of Concealed Weapons Pursuant to Public Law 108-277, the Law Enforcement Officers Safety Act of 2004	1110-AA24

Federal Bureau of Investigation—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2022	Communications Assistance for Law Enforcement Act: Definitions of “Replaced” and “Significantly Upgraded or Otherwise Undergone Major Modification”	1110-AA21
2023	Implementation of Sections 104 and 109 of the Communications Assistance for Law Enforcement Act—Notice of Actual and Maximum Capacity: Paging, MSS, SMR, and ESMR	1110-AA22

Legal Activities—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2024	Reporting Under the Protection of Children From Sexual Predators Act as Amended	1105-AB06

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Legal Activities—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2025	Designation of Agencies To Receive and Investigate Reports Required Under the Protection of Children From Sexual Predators Act	1105-AA65
2026	Ethical Standards for Attorneys for the Government	1105-AA67
2027	Minimum Qualifications for Annuity Brokers in Connection With Structured Settlements Entered Into by the United States	1105-AA82
2028	STOP Violence Against Women Formula Grant Program and STOP Violence Against Indian Women Discretionary Grant Program: Clarification of Match Requirement	1105-AB07
2029	Guidelines for the PROTECT Act Amendments to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act	1105-AB08
2030	DNA Sample Collection From Federal Offenders Under the Justice for All Act of 2004	1105-AB09
2031	Preservation of Biological Evidence Under 18 U.S.C. 3600A	1105-AB10
2032	Procedures To Promote Compliance With Crime Victims' Rights Obligations	1105-AB11

Legal Activities—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2033	National Motor Vehicle Title Information System (NMVTIS) Reporting Regulations	1105-AA71
2034	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
2035	Procedures for Suspension and Removal of Panel Trustees and Standing Trustees	1105-AB12

Legal Activities—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2036	Inspection of Records Relating to Depiction of Sexually Explicit Performances	1105-AB05

Office of Justice Programs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2037	Criminal Intelligence Systems Operating Policies	1121-AA59
2038	International Terrorism Victim Expense Reimbursement Program	1121-AA63
2039	Victims of Crime Act (VOCA) Crime Victim Compensation Program Regulations	1121-AA68
2040	Victim of Crime Act (VOCA) Victim Assistance Program	1121-AA69

Office of Justice Programs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2041	Correctional Facilities on Tribal Lands Grant Program	1121-AA41
2042	Bulletproof Vest Partnership Grant Acts of 1998 and 2000	1121-AA48
2043	Environmental Impact Review Procedures for the VOI/TIS Grant Program	1121-AA52
2044	Public Safety Officers' Benefits Program	1121-AA56

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Office of Justice Programs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2045	Federal Policy for the Protection of Human Subjects	1121-AA70

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

Proposed Rule Stage

1922. VICTIM/WITNESS NOTIFICATION

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	09/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1120-AB25

1923. AUTOPSIES

Priority: Substantive, Nonsignificant

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

CFR Citation: 28 CFR 549.80

Legal Deadline: None

Abstract: In this document, the Bureau of Prisons (Bureau) streamlines the rule

on autopsies by removing internal agency management procedures that need not be stated in regulation.

Timetable:

Action	Date	FR Cite
NPRM	03/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1120-AB26

1924. 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	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
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RIN: 1120-AB28

1925. INCOMING PUBLICATIONS: SECURITY MEASURES

Priority: Other Significant

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

CFR Citation: 28 CFR 540

Legal Deadline: None

Abstract: In this document, the Bureau of Prisons (Bureau) revises its regulations on incoming publications. This proposed rule streamlines and reorganizes the regulations. The amendment provides that inmates in all Bureau institutions may receive publications, whether hardcover or softcover, only from a publisher, book club, or bookstore. This amendment is necessary to reduce the amount of contraband introduced into Federal prisons through materials sent by mail. The presence of contraband in the prisons, including drugs, weapons, and escape-related materials poses grave dangers to staff, inmates, and the public. We considered alternate solutions to the problem of intercepting contraband, such as the use of technological security devices or increased staffing, but determined that these options were impracticable. This revision also adds advertising mail (advertising brochures, flyers, catalogs, and similar materials whose primary

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purpose is to sell a product or service) as a reason for rejection of an incoming publication. Advertising brochures, flyers, catalogs, and similar materials whose primary purpose is to sell a product(s) or service(s) will not be delivered to the inmate and will be destroyed without further notice to the inmate or sender.

Timetable:

Action	Date	FR Cite
NPRM	07/00/06	

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

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

RIN: 1120-AB31**1926. CLASSIFICATION AND PROGRAM REVIEW****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 28 CFR 524**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	03/00/06	

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

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
Fax: 202 305-4577
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RIN: 1120-AB32**1927. INMATE WORK AND PERFORMANCE PAY PROGRAM: REDUCTION IN PAY FOR DRUG- AND ALCOHOL-RELATED DISCIPLINARY OFFENSES****Priority:** Substantive, Nonsignificant

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

CFR Citation: 28 CFR 545.25**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	04/00/06	

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

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
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RIN: 1120-AB33**1928. ADMINISTRATIVE REMEDY PROGRAM—SUBPART REVISION****Priority:** Other Significant

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

CFR Citation: 28 CFR 542**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	07/00/06	

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

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
Phone: 202 307-2105
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RIN: 1120-AB34**1929. • LIMITED COMMUNICATION FOR TERRORIST INMATES****Priority:** Other Significant

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

CFR Citation: 28 CFR 540**Legal Deadline:** None

Abstract: In this document, the Bureau of Prisons (Bureau) proposes a new rule that allows for limiting the communication opportunities of inmates charged with, convicted of, or detained in relation to an offense under title 18 U.S.C. chapters 113B or 115;

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or are charged with having engaged in, have engaged in, are detained in relation to, or are linked in any way to terrorist-related activity as part of their current or previous offense conduct or conduct while incarcerated. The rule allows for limiting individual inmate's communications when the Warden of the facility, in consultation with the Regional Director and approved by the Assistant Director, Correctional Programs Division, deems it necessary to ensure the safety, security, and good order of the institution; protection of the public; or national security.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** See also RIN 1120-AB08, National Security: Prevention of Acts of Violence and Terrorism.

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
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RIN: 1120-AB35**1930. • POSSESSION OR INTRODUCTION OF PERSONAL FIREARMS PROHIBITED ON FEDERAL PENAL OR CORRECTIONAL INSTITUTION GROUNDS****Priority:** Other Significant

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

1987); 18 USC 5006 to 5024 (Repealed October 12, 1984, as to offenses committed after that date); 28 USC 509, 510; PL 80-772; 18 USC 1791 and 4042; PL 108-277 (18 USC 926B); 28 CFR 6

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

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

Timetable:

Action	Date	FR Cite
NPRM	02/00/06	

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

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534
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RIN: 1120-AB37**1931. • INMATE ELECTRONIC MESSAGE PROGRAM****Priority:** Other Significant

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

CFR Citation: 28 CFR 540, subpart C**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	03/00/06	

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

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RIN: 1120-AB38**Department of Justice (DOJ)
Bureau of Prisons (BOP)****Final Rule Stage****1932. 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 re-evaluates procedures for the Intensive Confinement Centers program. Inmates who successfully complete this program may be placed in community-

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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	03/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AA11

1933. 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	05/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AA62

1934. DESIGNATION OF OFFENSES SUBJECT TO SEX OFFENDER RELEASE NOTIFICATION

Priority: Other Significant

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

CFR Citation: 28 CFR 571

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/16/98	63 FR 69386
Interim Final Rule Comment Period End	02/16/99	
Final Action	09/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AA85

1935. 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	02/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AA90

1936. 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.

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Timetable:

Action	Date	FR Cite
NPRM	09/21/00	65 FR 57126
NPRM Comment Period End	11/20/00	
Final Action	07/00/06	

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

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RIN: 1120-AA95
**1937. 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	01/00/06	

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

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RIN: 1120-AA98
**1938. DISTRICT OF COLUMBIA
EDUCATIONAL GOOD TIME CREDIT**
Priority: Substantive, Nonsignificant

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

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

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

Timetable:

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

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

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RIN: 1120-AB05
**1939. DRUG ABUSE TREATMENT
PROGRAM: SUBPART REVISION AND
CLARIFICATION**
Priority: Substantive, Nonsignificant

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

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

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

Timetable:

Action	Date	FR Cite
NPRM	07/01/04	69 FR 39887
NPRM Comment Period End	08/30/04	
Final Action	06/00/06	

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

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

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RIN: 1120-AB07
**1940. 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

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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 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	12/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AB12

1941. 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	12/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AB13

1942. CENTRAL INMATE MONITORING (CIM) SYSTEM: STREAMLINING RULES

Priority: Substantive, Nonsignificant

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

to 4082; 18 USC 223; 18 USC 5006 to 5024, 5039; 28 USC 509 to 510; ...

CFR Citation: 28 CFR 524

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AB14

1943. INMATE DISCIPLINE—SUBPART REVISION

Priority: Other Significant

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

CFR Citation: 28 CFR 541

Legal Deadline: None

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

Timetable:

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

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

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RIN: 1120-AB18**1944. 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	03/00/06	

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

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RIN: 1120-AB20**1945. • BUREAU OF PRISONS CENTRAL OFFICE, REGIONAL OFFICES, INSTITUTIONS, AND STAFF TRAINING CENTERS: REMOVAL OF ADDRESSES FROM RULES**

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

Legal Authority: 5 USC 301; 18 USC 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987); 18 USC 5006 to 5024 (Repealed October 12, 1984, as to offenses committed after that date); 28 USC 509, 510, 1346(b), 2671 to 2680; 28 CFR 0.95 to 0.99, 0.172, 14.1-11

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

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

Timetable:

Action	Date	FR Cite
Final Action	01/00/06	
Final Action Effective	03/00/06	

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

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RIN: 1120-AB36

Department of Justice (DOJ)
Bureau of Prisons (BOP)
Long-Term Actions
1946. LITERACY PROGRAM
Priority: Substantive, Nonsignificant

CFR Citation: 28 CFR 544.70 to 544.76

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/26/97	62 FR 50791
Interim Final Rule Effective	11/03/97	
Interim Final Rule Comment Period End	11/25/97	
Final Action	10/00/06	

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AA33

1947. TELEPHONE REGULATIONS AND INMATE FINANCIAL RESPONSIBILITY
Priority: Substantive, Nonsignificant

CFR Citation: 28 CFR 540

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/02/96	61 FR 90

Action	Date	FR Cite
Interim Final Rule Comment Period End	03/04/96	
Final Action	12/00/06	

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AA39

1948. SUICIDE PREVENTION PROGRAM
Priority: Substantive, Nonsignificant

CFR Citation: 28 CFR 552

Timetable:

Action	Date	FR Cite
NPRM	11/13/00	65 FR 67670
NPRM Comment Period End	01/12/01	
Final Action	11/00/06	

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AB06

1949. NATIONAL SECURITY; PREVENTION OF ACTS OF VIOLENCE AND TERRORISM
Priority: Other Significant

CFR Citation: 28 CFR 500, 501

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/30/01	66 FR 55062
Interim Final Rule Effective	10/31/01	
Interim Final Rule Comment Period End	12/31/01	
Final Action	10/00/06	

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

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RIN: 1120-AB08

Department of Justice (DOJ)
Bureau of Prisons (BOP)
Completed Actions
1950. 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
Merged With	07/01/05	
	1120-AB39	

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AA49

1951. INFECTIOUS DISEASE MANAGEMENT
Priority: Other Significant

CFR Citation: 28 CFR 549

Completed:

Reason	Date	FR Cite
Final Action	05/20/05	70 FR 29191
Final Action Effective	06/20/05	

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Government Levels Affected: None

DOJ—BOP

Completed Actions

Agency Contact: Sarah N. Qureshi
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RIN: 1120-AB03

1952. INMATE FEES FOR HEALTH CARE SERVICES

Priority: Other Significant
CFR Citation: 28 CFR 549
Completed:

Reason	Date	FR Cite
Final Action	07/26/05	70 FR 43047
Final Action Effective	10/03/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AB11

1953. BUREAU OF PRISONS EMERGENCIES

Priority: Other Significant
CFR Citation: 28 CFR 501.1

Completed:

Reason	Date	FR Cite
Final Action	05/20/05	70 FR 29195
Final Action Effective	06/20/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AB17

1954. CLARIFYING OF RELEASE GRATUITIES—RELEASE TRANSPORTATION REGULATIONS TO MORE CLOSELY CONFORM TO STATUTORY PROVISIONS

Priority: Other Significant
CFR Citation: 28 CFR 571.22
Completed:

Reason	Date	FR Cite
Final Action	05/20/05	70 FR 29195
Final Action Effective	06/20/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi
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RIN: 1120-AB21

1955. OVER-THE-COUNTER MEDICATIONS: TECHNICAL CORRECTION

Priority: Info./Admin./Other
CFR Citation: 28 CFR 549.31

Completed:

Reason	Date	FR Cite
Final Action	05/20/05	70 FR 29194
Final Action Effective	06/20/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1120-AB29

**Department of Justice (DOJ)
Civil Rights Division (CRT)****Proposed Rule Stage****1956. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES (SECTION 610 REVIEW)**

Regulatory Plan: This entry is Seq. No. 72 in part II of this issue of the **Federal Register**.

RIN: 1190-AA44

1957. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES (SECTION 610 REVIEW)

Regulatory Plan: This entry is Seq. No. 73 in part II of this issue of the **Federal Register**.

RIN: 1190-AA46

1958. THE FAILURE TO SELECT CAUSE OF ACTION OF THE AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT OF 1998

Priority: Other Significant

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

CFR Citation: 28 CFR 44.500; 28 CFR 68

Legal Deadline: None

Abstract: The American Competitiveness and Workforce Improvement Act (ACWIA)—enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1998—made various changes to the Immigration and Nationality Act (the INA) relating to temporary nonimmigrant professionals. In this rule (RIN 1190-AA48), the Department's Office of Special Counsel

for Immigration-Related Unfair Employment Practices (OSC) will implement the ACWIA "failure to select" protections—codified in the INA at section 212(n)(5)—by establishing a process under which U.S. workers may file complaints against certain employers deemed "H-1B dependent" that deny them employment opportunities by improperly hiring temporary foreign professionals on H-1B visas. Under this process, OSC may receive and review these complaints, and then—if there is reasonable cause to believe the allegations—initiate binding arbitration proceedings through the Federal Mediation and Conciliation Service (FMCS). Although this cause of action, originally enacted in ACWIA, sunset on October 1, 2003, it was revived in the H-1B Visa Reform Act of 2004.

This rule also changes regulations of the Office of the Chief Administrative Hearing Officer (OCAHO) of the

DOJ—CRT

Proposed Rule Stage

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	03/00/06	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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

Agency Contact: Katherine A. Baldwin, Deputy Special Counsel, Department of Justice, Civil Rights Division, Office of Special Counsel for 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, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041
Phone: 703 305-0470
Email: eoir.regs@usdoj.gov

RIN: 1190-AA48

1959. AMENDMENTS TO PROCEDURES ADVISING STATES AND POLITICAL SUBDIVISIONS SPECIALLY COVERED UNDER THE VOTING RIGHTS ACT HOW TO SEEK PRECLEARANCE FROM THE ATTORNEY GENERAL OF PROPOSED VOTING CHANGES

Priority: Substantive, Nonsignificant

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

CFR Citation: 28 CFR 51

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	01/00/06	
NPRM Comment Period End	03/00/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Local, State

Agency Contact: John K. Tanner, Chief, Voting Section, Department of Justice, Civil Rights Division, Room 7254, 1800 G Street NW, Washington, DC 20006

Phone: 202 514-2386

RIN: 1190-AA51

1960. 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	11/00/05	
NPRM Comment Period End	01/00/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal, Local, State

Agency Contact: Merrily A. Friedlander, Chief, Coordination and Review Section, Department of Justice, Civil Rights Division, P.O. Box 66560, Washington, DC 20035-6560

DOJ—CRT

Proposed Rule Stage

Phone: 202 307-2222
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 Email: merrily.a.friedlander@usdoj.gov
 RIN: 1190-AA52

1961. 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	01/00/06	
NPRM Comment Period End	03/00/06	

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)**

Final Rule Stage

1962. • AMENDMENTS TO THE ATTORNEY GENERAL'S GUIDELINES ON IMPLEMENTATION OF THE LANGUAGE MINORITY PROVISIONS OF THE VOTING RIGHTS ACT

Priority: Other Significant

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

CFR Citation: 28 CFR 55

Legal Deadline: None

Abstract: The language minority provisions of the Voting Rights Act, sections 4(f)(4) and 203, require that certain States and political subdivisions of States (covered jurisdictions) provide materials and information about elections and voting in one or more languages other than English. Under section 203, coverage determinations are based on Census data, made by the Director of the Census, become effective

upon publication in the Federal Register and are not subject to judicial review. In 1976, the Department first issued guidelines on implementation of the language minority provisions of the Voting Rights Act to assist jurisdictions in understanding how the Department measures compliance and enforces these provisions. A table listing jurisdictions covered by both section 4(f)(4) and section 203, as well as the language minority group or groups for which each is covered, is included as an Appendix to the guidelines. In subsequent years, the Department has amended these guidelines to reflect changes enacted in the section 203 coverage formula and new section 203 determinations by the Director of the Census, which have made after each decennial census. The last such revision to the guidelines were published as a final rule without notice or comment period (58 FR 35371; July 1, 1993). On July 26, 2002, the Director

of the Census published in the Federal Register new section 203 determinations based on 2000 Census data (67 FR 48871; July 26, 2002). The appendix should be updated to reflect these determinations currently in effect. The section 4(f)(4) determinations have not changed.

Timetable:

Action	Date	FR Cite
Final Action	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: John K. Tanner, Chief, Voting Section, Department of Justice, Civil Rights Division, Room 7254, 1800 G Street NW, Washington, DC 20006
 Phone: 202 514-2386

RIN: 1190-AA58

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

Proposed Rule Stage

1963. COMMERCE IN EXPLOSIVES—AMENDED DEFINITION OF PROPELLANT ACTUATED DEVICE

Priority: Other Significant

Legal Authority: 18 USC 847

CFR Citation: 27 CFR 555

Legal Deadline: None

Abstract: The Department of Justice is proposing to amend the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to clarify that the term "propellant actuated device" does not include

hobby rocket motors or rocket-motor reload kits consisting of or containing ammonium perchlorate composite propellant (APCP), black powder, or other similar low explosives.

DOJ—ATF

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

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)

1964. COMMERCE IN EXPLOSIVES—EXPLOSIVE PEST CONTROL DEVICES

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 847

CFR Citation: 27 CFR 555

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1512-AC80

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

RIN: 1140-AA03

1965. 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	05/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1512-AB64

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

1966. 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	12/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 1140-AA00

1967. 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	12/00/06	

Regulatory Flexibility Analysis Required: No

DOJ—ATF

Long-Term Actions

Government Levels Affected: None

Agency Contact: James Ficareta
Phone: 202 927-8203

RIN: 1140-AA01

1968. RESIDENCY REQUIREMENT FOR PERSONS ACQUIRING FIREARMS

Priority: Other Significant

CFR Citation: 27 CFR 478

Timetable:

Action	Date	FR Cite
NPRM	04/21/97	62 FR 19446
Interim Final Rule	04/21/97	62 FR 19442
NPRM Comment Period End	07/21/97	
Interim Final Rule Comment Period End	07/21/97	
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: James Ficareta
Phone: 202 927-8203

RIN: 1140-AA05

1969. 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	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: James Ficareta
Phone: 202 927-8203

RIN: 1140-AA06

1970. PUBLIC LAW 105-277, MAKING OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FY '99 RELATING TO FIREARMS RELIABILITIES 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	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James Ficareta
Phone: 202 927-8203

RIN: 1140-AA08

1971. 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	11/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James Ficareta
Phone: 202 927-8203

RIN: 1140-AA10

1972. 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
Interim Final Rule Effective	09/11/03	
Interim Final Rule Comment Period End	10/14/03	
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1140-AA20

1973. COMMERCE IN FIREARMS AND AMMUNITION—IMPORTATION OF FIREARM FRAMES, RECEIVERS, AND BARRELS

Priority: Other Significant

CFR Citation: 27 CFR 478

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 1140-AA22

1974. MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS—AMENDED DEFINITION OF "PISTOL"

Priority: Other Significant

CFR Citation: 27 CFR 479

Timetable:

Action	Date	FR Cite
NPRM	04/07/05	70 FR 17624
NPRM Comment Period End	05/09/05	
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1140-AA23

Department of Justice (DOJ)

Completed Actions

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

1975. IDENTIFICATION MARKINGS PLACED ON IMPORTED EXPLOSIVE MATERIALS

Priority: Other Significant

CFR Citation: 27 CFR 555

Completed:

Reason	Date	FR Cite
Final Action	05/27/05	70 FR 30626
Final Action Effective	07/26/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: James Ficaretta
Phone: 202 927-8203

RIN: 1140-AA02

Department of Justice (DOJ)

Proposed Rule Stage

Drug Enforcement Administration (DEA)

1976. 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	03/00/06	
NPRM Comment Period End	05/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-142

URL For Public Comments:

dea.diversion.policy@usdoj.gov

Agency Contact: 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

1977. ELECTRONIC PRESCRIPTIONS FOR CONTROLLED SUBSTANCES

Priority: Other Significant

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

CFR Citation: 21 CFR 1306

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.

Timetable:

Action	Date	FR Cite
ANPRM	03/05/01	66 FR 13274
NPRM	02/00/06	
NPRM Comment Period End	04/00/06	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: DEA-214

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

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

URL For Public Comments:

dea.diversion.policy@usdoj.gov

Agency Contact: 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

1978. REORGANIZATION AND CLARIFICATION OF DEA REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 871(b)

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

Legal Deadline: None

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

DOJ—DEA

Proposed Rule Stage

Timetable:

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

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**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**1979. CHEMICAL MIXTURES CONTAINING GAMMA-BUTYROLACTONE****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b)**CFR Citation:** 21 CFR 1310**Legal Deadline:** None

Abstract: In previous rulemakings, DEA made gamma-butyrolactone (GBL) a List I chemical and established thresholds for transactions involving this chemical. This rule establishes a concentration limit for chemical mixtures containing GBL. Currently, all chemical mixtures containing GBL are exempt from regulation. These mixtures will remain exempt until publication of a Final Rule. GBL is used in the illicit manufacture of gamma-hydroxybutyric acid (GHB), a Schedule I controlled substance.

Timetable:

Action	Date	FR Cite
ANPRM	07/19/02	67 FR 47493
Correction	08/19/02	67 FR 53842
Correction	09/05/02	67 FR 56776
ANPRM Comment Period End	09/17/02	
NPRM	02/00/06	
NPRM Comment Period End	04/00/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-222**URL For Public Comments:**

dea.diversion.policy@usdoj.gov

Agency Contact: 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**1980. 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 planning 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. Based on information available, DEA will determine whether there are chemical mixtures containing red phosphorus, white phosphorus, and hypophosphorous acid (and its salts), which should be exempt from the regulations governing listed chemicals.

Timetable:

Action	Date	FR Cite
ANPRM	01/31/03	68 FR 4968
ANPRM Comment Period End	04/01/03	
NPRM	03/00/06	
NPRM Comment Period End	05/00/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-228**URL For Public Comments:**

dea.diversion.policy@usdoj.gov

Agency Contact: 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**1981. ELECTRONIC APPLICATION FOR CONTROLLED SUBSTANCES AND LISTED CHEMICAL REGISTRATION: TECHNICAL AMENDMENTS****Priority:** Other Significant**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 830; 21 USC 871(b); 21 USC 875; 21 USC 877; 21 USC 958**CFR Citation:** 21 CFR 1301; 21 CFR 1309**Legal Deadline:** None

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

Timetable:

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

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

DOJ—DEA

Proposed Rule Stage

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

Phone: 202 307-7297

RIN: 1117-AA91

1982. 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	03/00/06	
NPRM Comment Period End	05/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-255

URL For Public Comments:

dea.diversion.policy@usdoj.gov

Agency Contact: 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

1983. 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 percent 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	01/00/06	
NPRM Comment Period End	03/00/06	
Final Action	10/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-257

URL For Public Comments:

dea.diversion.policy@usdoj.gov

Agency Contact: 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

1984. DEFINITION OF POSITIONAL ISOMER AS IT PERTAINS TO THE CONTROL OF SCHEDULE I CONTROLLED SUBSTANCES

Priority: Substantive, Nonsignificant

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

CFR Citation: 21 CFR 1300

Legal Deadline: None

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

The CSA states that the term "isomers" as it pertains to Schedule I hallucinogens shall include "optical, positional and geometric isomers." This rule adds a specific, technical definition for the term "positional isomer" as it relates to Schedule I hallucinogens. The definition includes precise language that will allow for an unambiguous determination of which isomers of Schedule I hallucinogenic substances are considered to be "positional," and therefore subject to Schedule I control.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

dea.diversion.policy@usdoj.gov

Agency Contact: Christine A. Sannerud Ph.D., Chief, Drug and

DOJ—DEA

Proposed Rule Stage

Chemical Evaluation Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration, Washington, DC 20537
Phone: 202 307-7183

RIN: 1117-AA94

1985. CONTROLLED SUBSTANCES AND LIST I CHEMICAL REGISTRATION AND REREGISTRATION APPLICATION FEES

Priority: Other Significant

Legal Authority: USC 821; USC 822; USC 830; USC 871(f); USC 886a; USC 952; USC 953; USC 958(f)

CFR Citation: CFR 1301; CFR 1309

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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-AA96

1986. • LIMITED EXEMPTION FOR PEYOTE USE IN TRADITIONAL CEREMONIES WITH A TRADITIONAL INDIAN RELIGION BY MEMBERS OF FEDERALLY RECOGNIZED INDIAN TRIBES

Priority: Substantive, Nonsignificant

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

CFR Citation: 21 CFR 1306.31

Legal Deadline: None

Abstract: The Drug Enforcement Administration (DEA) is amending its regulation addressing the use of peyote to clarify that the possession, transportation, and use of peyote is lawful only when such activities are engaged in by a member of a federally recognized Indian tribe for bona fide

traditional ceremonial purposes in connection with the practice of a traditional Indian religion. This rule is designed to bring the language of DEA's regulatory exemption for the limited use of peyote into harmony with the historical purpose for the regulatory exemption and to comport with the language of the American Indian Religious Freedom Act Amendments of 1994. Use, possession, and transportation of peyote, as well as the cultivation, harvesting, and distribution of peyote, other than as permitted by the American Indian Religious Freedom Act amendments, is permissible only pursuant to a DEA registration and in accordance with the Controlled Substances Act and applicable State laws.

Timetable:

Action	Date	FR Cite
NPRM	02/00/06	
NPRM Comment	04/00/06	
Period End		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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-AA97

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

Final Rule Stage

1987. 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. The Final Rule implementing these regulations provided an exemption from the recordkeeping and reporting requirements both domestic and import transactions in mixtures containing the List II chemicals acetone, ethyl ether, 2-butanone, and toluene which had not been discussed as part of the Notice of Proposed Rulemaking. As this exemption was implemented on an

interim basis, DEA must publish a Final Rule regarding this exemption.

Timetable:

Action	Date	FR Cite
NPRM	09/16/98	63 FR 49506
NPRM Comment	04/16/99	
Period End		
NPRM Comment	09/12/99	64 FR 7144
Period Extended		
Final Rule	12/15/04	69 FR 74957
Correction	01/04/05	70 FR 294
Comment Period End	01/14/05	

DOJ—DEA

Final Rule Stage

Action	Date	FR Cite
Final Rule Effective	01/14/05	
Temporary Waiver	02/04/05	70 FR 5925
Final Action	01/00/06	

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

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

Agency Contact: 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**1988. 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 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 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	08/00/06	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal, Local, State**Additional Information:** DEA-189**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-AA67**1989. 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	12/07/04	69 FR 70576
NPRM Comment Period End	02/07/05	
Final Action	02/00/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-224**URL For Public Comments:**
dea.diversion.policy@usdoj.gov

Agency Contact: 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**1990. CONTROL OF SODIUM PERMANGANATE AS A LIST II CHEMICAL****Priority:** Other Significant**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b); 21 USC 890**CFR Citation:** 21 CFR 1310**Legal Deadline:** None

Abstract: DEA is 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	03/01/05	70 FR 9889
NPRM Comment Period End	05/02/05	
Final Action	01/00/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-254**URL For Public Comments:**
dea.diversion.policy@usdoj.gov

Agency Contact: Christine A. Sannerud Ph.D., Chief, Drug and

DOJ—DEA

Final Rule Stage

Chemical Evaluation Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration, Washington, DC 20537
Phone: 202 307-7183

RIN: 1117-AA90

1991. IMPLEMENTATION OF THE ANABOLIC STEROID CONTROL ACT OF 2004

Priority: Other Significant

Legal Authority: 21 USC 802; 21 USC 811; 21 USC 812; 21 USC 871(b); 21 USC 951; 21 USC 958(f)

CFR Citation: 21 CFR 1300; 21 CFR 1308

Legal Deadline: None

Abstract: This rulemaking codifies provisions of the Anabolic Steroid Control Act of 2004, which amends the Controlled Substances Act by replacing the existing definition of “anabolic steroid” with a new definition. This new definition alters the basis for all future administrative scheduling actions relating to the control of anabolic steroids as Schedule III controlled substances by eliminating the requirement to prove muscle growth.

Additionally, the Act lists 59 specific substances as being anabolic steroids. (Some of these substances were contained in the previous definition of “anabolic steroid.”) As such, these substances and their salts, esters, and ethers are Schedule III controlled substances. In this regard, the statute

is self-implementing; the changes became effective January 20, 2005.

Timetable:

Action	Date	FR Cite
Final Action	11/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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-AA95

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

Long-Term Actions

1992. SECURITY REQUIREMENTS FOR HANDLERS OF PSEUDOEPHEDRINE, EPHEDRINE, AND PHENYLPROPANOLAMINE

Priority: Other Significant

CFR Citation: 21 CFR 1309

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1117-AA62

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

Completed Actions

1993. DEFINITION AND REGISTRATION OF REVERSE DISTRIBUTORS

Priority: Other Significant

CFR Citation: 21 CFR 1301

Completed:

Reason	Date	FR Cite
Final Action	05/02/05	70 FR 22591
Final Action Effective	05/02/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 1117-AA19

1994. AUTHORITY FOR PRACTITIONERS TO DISPENSE OR PRESCRIBE APPROVED NARCOTIC SUBSTANCES FOR MAINTENANCE OR DETOXIFICATION TREATMENT

Priority: Substantive, Nonsignificant

CFR Citation: 21 CFR 1301; 21 CFR 1306

Completed:

Reason	Date	FR Cite
Final Action	06/23/05	70 FR 36338
Final Action Effective	07/25/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1117-AA68

1995. REPORTS BY REGISTRANTS OF THEFT OR SIGNIFICANT LOSS OF CONTROLLED SUBSTANCES

Priority: Substantive, Nonsignificant

CFR Citation: 21 CFR 1301

Completed:

Reason	Date	FR Cite
Final Action	08/12/05	70 FR 47094
Final Action Effective	09/12/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1117-AA73

DOJ—DEA

Completed Actions

1996. PREVENTING THE ACCUMULATION OF SURPLUS CONTROLLED SUBSTANCES AT LONG-TERM CARE FACILITIES**Priority:** Other Significant**CFR Citation:** 21 CFR 1300; 21 CFR 1301; 21 CFR 1304; 21 CFR 1307**Completed:**

Reason	Date	FR Cite
Final Action	05/13/05	70 FR 25462
Final Action Effective	06/13/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Patricia M. Good
Phone: 202 307-7297**RIN:** 1117-AA75**Department of Justice (DOJ)****Executive Office for Immigration Review (EOIR)****Proposed Rule Stage****1997. AUTHORITY OF IMMIGRATION JUDGES TO ISSUE CIVIL MONEY PENALTIES****Priority:** Other Significant**Legal Authority:** 5 USC 301; 3 CFR, 1949 to 1953 Comp, p 1002; 8 USC 1103; 8 USC 1252 note; 8 USC 1101 note; 8 USC 1362; 28 USC 509; 8 USC 1324b; 28 USC 510; 28 USC 1746; Reorg Plan No 2 of 1950, sec 2**CFR Citation:** 8 CFR 1003**Legal Deadline:** None

Abstract: This rule amends the Department's regulations by implementing the statutory authority given to immigration judges to sanction by civil money penalty any action or inaction in contempt of the judge's proper exercise of authority. This statutory authority is derived from section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104-208 (IIRIRA), September 30, 1996. This rule sets forth the types of conduct for which civil money penalty sanctions may be imposed, the procedures for imposing these sanctions, the affirmative defenses which may excuse the imposition of a civil money penalty sanction, and the procedures for appealing such sanctions. The rule also adds an additional ground for disciplinary sanctions under 8 CFR section 1003.102 for engaging in a pattern and practice of conduct which has been found to be in contempt of the immigration judge's proper exercise of authority.

Timetable:

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

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

Agency Contact: Mary Beth Keller, General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041
Phone: 703 305-0470
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RIN: 1125-AA18**1998. INTERNATIONAL MATCHMAKING ORGANIZATIONS; CIVIL PENALTIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101, 1103, 1324a, 1324b, 1324c, 1375b; PL 101-410, 104 Stat 890, as amended by PL 104-134, 110 Stat 1321; 5 USC 301, 554**CFR Citation:** 8 CFR 1270**Legal Deadline:** None

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

Timetable:

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

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

Agency Contact: Mary Beth Keller, General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041
Phone: 703 305-0470
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Related RIN: Related to 1615-AA11**RIN:** 1125-AA45**1999. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; RULES GOVERNING IMMIGRATION PROCEEDINGS****Priority:** Other Significant**Legal Authority:** 5 USC 301; 8 USC 1101, note; 8 USC 1103; 8 USC 1229; 8 USC 1229a; 8 USC 1231; 8 USC 1231, note; 8 USC 1245; 8 USC 1324b; 8 USC 1362; 28 USC 509 to 519; 28 USC 1746; sec 2 Reorg Plan No 2 of 1950, 3 CFR 1949 to 1953 Comp, p 1002; PL 105-100, sec 203; PL 106-386, sec 1506; PL 106-386, sec 1510; PL 106-554, sec 1505; PL 106-554, sec 1510**CFR Citation:** 8 CFR 1003; 8 CFR 1161; 8 CFR 1171**Legal Deadline:** None

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

DOJ—EOIR

Proposed Rule Stage

Timetable:

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

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Mary Beth Keller, General Counsel, Department of Justice,Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041
Phone: 703 305-0470

Email: eoir.regs@usdoj.gov

RIN: 1125-AA53**Department of Justice (DOJ)****Final Rule Stage****Executive Office for Immigration Review (EOIR)****2000. 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	08/00/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Mary Beth Keller, General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041
Phone: 703 305-0470
Email: eoir.regs@usdoj.gov**RIN:** 1125-AA25**2001. AUTHORITIES DELEGATED TO THE DIRECTOR OF THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW AND THE CHIEF IMMIGRATION JUDGE****Priority:** Info./Admin./Other**Legal Authority:** 5 USC 301; 8 USC 1103; 8 USC 1252 note; 8 USC 1252b; 8 USC 1362; 28 USC 509 to 510; 28 USC 1746**CFR Citation:** 8 CFR 1003; 8 CFR 1240**Legal Deadline:** None**Abstract:** This rule outlines the authorities and powers (and limitations thereto) delegated by the Attorney General to the Director of the Executive Office for Immigration Review (EOIR) and the Chief Immigration Judge. These authorities include such managerial responsibilities as: Issuing operational instructions, setting policies, providing for the training of staff, and ensuring the efficient disposition of cases. One of the limitations on the powers of the Director of EOIR and the Chief Immigration Judge is that they cannot direct the result of a case adjudication assigned to someone else.**Timetable:**

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

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Mary Beth Keller, General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041
Phone: 703 305-0470
Email: eoir.regs@usdoj.gov**RIN:** 1125-AA27**2002. MOTIONS TO REOPEN FOR SUSPENSION OF DEPORTATION AND SPECIAL RULE CANCELLATION OF REMOVAL PURSUANT TO SECTION 1505(C) OF THE LIFE ACT AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 8 USC 1103, 1252 note, 1252b, 1324b, 1362; 28 USC 509 to 510; 28 USC 1746; sec 203 of PL 105-100; secs 1506 and 1510 of PL 106-386; sec 1505 of PL 106-554**CFR Citation:** 8 CFR 1003**Legal Deadline:** None**Abstract:** This rule amends the regulations of the Executive Office for Immigration Review (EOIR) by establishing a special procedure for the filing and adjudication of motions to reopen to apply for suspension of deportation and cancellation of removal pursuant to section 1505(c) of the Legal Immigration Family Equity Act Amendments of 2000 (LIFE Act Amendments). Motions to reopen under this rule must have been filed on or before October 16, 2001. EOIR will be publishing a final rule to respond to comments and complete this rulemaking.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/17/01	66 FR 37119
Interim Final Rule Comment Period End	09/17/01	
Final Action	03/00/06	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Mary Beth Keller, General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041
Phone: 703 305-0470
Email: eoir.regs@usdoj.gov**RIN:** 1125-AA31

DOJ—EOIR

Final Rule Stage

2003. 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	08/00/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Mary Beth Keller, General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041
Phone: 703 305–0470
Email: eoir.regs@usdoj.gov**RIN:** 1125–AA38**2004. 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	09/00/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Mary Beth Keller, General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041
Phone: 703 305–0470
Email: eoir.regs@usdoj.gov**RIN:** 1125–AA39**2005. TRANSFER OF JURISDICTION OVER APPEALS OF FINES FROM THE BOARD OF IMMIGRATION APPEALS TO THE OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 8 CFR 1003; 8 CFR 1103; 8 CFR 1280**Legal Deadline:** None**Abstract:** This final rule removes the Board of Immigration Appeals' (Board) jurisdiction over appeals of Department of Homeland Security (DHS) decisions involving administrative fines under part 1280 of title 8 CFR, and transfers that authority to Office of the Chief Administrative Hearing Officer (OCAHO). Part 1280 governs the imposition and collection of fines under a variety of provisions of the Immigration and Nationality Act (INA), most of which pertain to common carriers. Most of the appeals are fines imposed under section 273 of the INA. The transfer is essentially a reallocation of agency resources within the Executive Office for Immigration Review to improve caseload management by substituting a different set of decision makers, the OCAHO for the Board, while preserving the same procedures for the adjudication of appeals.**Timetable:**

Action	Date	FR Cite
NPRM	02/19/02	67 FR 7309
NPRM Comment Period End	03/21/02	
Final Rule	07/00/06	

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

DOJ—EOIR

Final Rule Stage

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

Related RIN: Split from 1125-AA36

RIN: 1125-AA41

2006. DEFINITIONS; FEES; POWERS AND AUTHORITY OF DHS OFFICERS IN REMOVAL PROCEEDINGS

Priority: Info./Admin./Other

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

CFR Citation: 8 CFR 1003; 8 CFR 1103

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1125-AA43

2007. BACKGROUND AND SECURITY INVESTIGATION CHECKS IN PROCEEDINGS BEFORE IMMIGRATION JUDGES AND THE BOARD OF IMMIGRATION APPEALS

Priority: Other Significant

Legal Authority: 5 USC 301; 8 USC 1101 note, 1103, 1182, 1186a, 1224, 1225, 1226, 1227, 1251, 1252 note, 1252a, 1252b, 1324b, 1362; 28 USC 509, 510, 1746; sec 2, Reorg Plan No 2 of 1950; 3 CFR, 1949 to 1953 Comp, p 1002; secs 202 and 203 of PL 105-100, 111 Stat 2160, 2193, 2196-200; sec 902, PL 105-277, 112 Stat 2681; secs 1506 and 1510 of PL 106-386, 114 Stat 1527 to 1529, 1531 to 1532; sec 1505 of PL 106-554, 114 Stat 2763A-326 to 2763A-328

CFR Citation: 8 CFR 1003

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1125-AA44

2008. REVIEW OF CUSTODY DETERMINATIONS

Priority: Substantive, Nonsignificant

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

CFR Citation: 8 CFR 1003

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	10/29/01	66 FR 54909
Interim Final Rule	10/31/01	66 FR 54909
Interim Final Rule Comment Period End	12/31/01	
Final Action	03/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1125-AA47

2009. REOPENED PROCEEDINGS ON PETITIONS FOR ALIEN ENTREPRENEUR IMMIGRANT CLASSIFICATION (EB-5 VISAS)

Priority: Other Significant

Legal Authority: 8 USC 11866

CFR Citation: 8 CFR 1003; 8 CFR 1216; 8 CFR 1240

DOJ—EOIR

Final Rule Stage

Legal Deadline: None

Abstract: This rule amends the regulations of the Executive Office for Immigration Review (EOIR) of the Department of Justice (Department) to implement changes made by the 21st Century Department of Justice Appropriations Authorization Act of 2001, Public Law 107-273 (November 2, 2002) to the EB-5 Alien Entrepreneur immigrant classification. This rule will be published in conjunction with a corresponding rule of the Department of Homeland Security (DHS) that addresses changes to their part of the adjudication. In order to be eligible, an alien must have filed a motion to reopen with the former Immigration and Naturalization Service on or before January 2, 2003, seeking reconsideration of his or her case under this new law. This rule provides the process by which certain aliens, who are seeking immigrant status as alien entrepreneurs, may obtain EOIR review of adverse determinations on the removal of the condition on permanent resident status made by United States Citizenship and Immigration Services (USCIS), a component of DHS. In addition, this rule also establishes procedures for aliens who have received favorable determinations on the removal of the condition on permanent resident status and who have final orders of deportation or removal or who have cases that are pending or administratively closed before EOIR.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/00/06	
Interim Final Rule Comment Period End	04/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

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

RIN: 1125-AA49

2010. INFORMATION RELATING TO ALIENS' DUTY TO SURRENDER WHEN ORDERED REMOVED FROM THE UNITED STATES

Priority: Other Significant

Legal Authority: 8 USC 1103

CFR Citation: 8 CFR 1240; 8 CFR 1241

Legal Deadline: None

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

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

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

Agency Contact: Mary Beth Keller, General Counsel, Department of Justice, Executive Office for Immigration

Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041
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Email: eoir.regs@usdoj.gov

RIN: 1125-AA51

2011. 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	05/00/06	
Interim Final Rule Comment Period End	07/00/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

RIN: 1125-AA52

2012. AFFIDAVITS OF SUPPORT ON BEHALF OF IMMIGRANTS

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1251; 8 USC 1252 note; 8 USC 1252a; 8 USC 1252b; 8 USC 1362; PL 105-110

DOJ—EOIR

Final Rule Stage

, sec 202; PL 105–277, sec 902; PL 105–100, sec 203; PL 105–277, sec 902

CFR Citation: 8 CFR 1205; 8 CFR 1240

Legal Deadline: None

Abstract: Under section 212(a)(4) of the Immigration and Nationality Act (Act), as amended by section 531(a) of the Immigration Reform and Immigrant Responsibility Act, an alien may be deemed inadmissible, as likely to become a public charge, unless the alien is the beneficiary of an affidavit of support under section 213A of the Act. On October 20, 1997, the former Immigration and Naturalization Service published an interim rule implementing the requirements of section 213A of the Act with respect to affidavits of support. The interim rule, however, did not address the

authority of an immigration judge to adjudicate the sufficiency of an affidavit of support executed on behalf of an applicant for admission or adjustment of status. This rule amends the Department's regulations by expressly authorizing immigration judges to adjudicate the sufficiency of such affidavits in removal proceedings. This rule is being published as a joint rule with the Department of Homeland Security, which is finalizing the remaining portions of the 1997 Interim Rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/20/97	62 FR 54346
Interim Final Rule Comment Period End	02/07/98	
Final Action	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

1615-AA06.

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

RIN: 1125–AA54

Department of Justice (DOJ)

Long-Term Actions

Executive Office for Immigration Review (EOIR)

2013. 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

CFR Citation: 8 CFR 1003; 8 CFR 1240

Timetable:

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

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–AA35

Department of Justice (DOJ)

Completed Actions

Executive Office for Immigration Review (EOIR)

2014. IMPLEMENTATION OF THE NUMERICAL LIMIT ON ASYLUM GRANTS AND REFUGEE ADMISSION BASED ON RESISTANCE TO COERCIVE POPULATION CONTROL MEASURES

Priority: Substantive, Nonsignificant

CFR Citation: 8 CFR 1208

Completed:

Reason	Date	FR Cite
Withdrawn Superseded by Legislation	08/01/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mary Beth Keller
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Related RIN: Split from 1615–AA37

RIN: 1125–AA48

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

Proposed Rule Stage

2015. ENHANCED EXCHANGE OF CRIMINAL HISTORY RECORD INFORMATION

Priority: Other Significant

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

CFR Citation: 28 CFR 20

Legal Deadline: None

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

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

Timetable:

Action	Date	FR Cite
NPRM	02/00/06	
NPRM Comment Period End	04/00/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: A portion of this action (RIN 1110-AA20; FBI Docket

No. 110) previously reported under this RIN relating to the retention and exchange criminal history record information relating to non-serious offenses has been transferred to RIN 1120-AA25; FBI Docket No. 111.

Agency Contact: Harold M. Sklar, Attorney-Advisor, Department of Justice, Federal Bureau of Investigation, CJIS Division Module E-3, 1000 Custer Hollow Road, Clarksburg, WV 26306
 Phone: 304 625-2000
 Fax: 304 625-3944
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RIN: 1110-AA20

2016. • INCLUSION OF NONSERIOUS OFFENSE IDENTIFICATION RECORDS

Priority: Other Significant

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

CFR Citation: 28 CFR 20

Legal Deadline: None

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

The amendment broadens the definition of includable offenses to permit the retention of information relating to currently excluded non-serious offenses (NSOs) as well as information relating to "serious and/or significant adult or juvenile offenses." The revised regulation will permit the

retention and exchange of fingerprints and CHRI relating to NSOs when provided by the submitting jurisdiction for retention by the FBI. Such NSO information is currently maintained only at the State and local levels.

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	
NPRM Comment Period End	02/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Agency Contact: Harold M. Sklar, Attorney-Advisor, Department of Justice, Federal Bureau of Investigation, CJIS Division Module E-3, 1000 Custer Hollow Road, Clarksburg, WV 26306
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RIN: 1110-AA25

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

Final Rule Stage

2017. 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

DOJ—FBI

Final Rule Stage

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	06/00/06	

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

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

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

RIN: 1110-AA01**2018. 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.

Timetable:

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

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

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

RIN: 1110-AA04**2019. FINAL NOTICE OF CAPACITY; SUPPLEMENT TO RESPOND TO REMAND****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 1003(a)(1)**CFR Citation:** None**Legal Deadline:** None

Abstract: As required by section 104 of the Communications Assistance for Law Enforcement Act (CALEA), the FBI published a Notice of Actual and Maximum Capacity in order to provide telecommunications carriers with the information they will need to meet law enforcement's future simultaneous electronic surveillance requirements. The FBI published the Final Notice of Capacity for local exchange, cellular, and broadband PCS on March 12, 1998 (63 FR 12218).

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

After its issuance, telecommunications carriers and trade associations challenged the Final Notice on a number of grounds, primarily alleging that the numbers of surveillance stated therein were too high. To summarize, the FBI was directed by the Court of Appeals to provide further explanation

on two issues: (1) The decision to treat as "simultaneous" any two or more historical surveillance on the same day and (2) the decision to set forth only one "actual" and one "maximum" capacity requirement number per region, rather than separate requirements for each type of surveillance.

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

Timetable:

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

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

Agency Contact: 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

DOJ—FBI

Final Rule Stage

2020. IMPLEMENTATION OF THE PRIVATE SECURITY OFFICER EMPLOYMENT AUTHORIZATION ACT OF 2004**Priority:** Other Significant**Legal Authority:** 18 USC 534; PL 108-456, sec 6402**CFR Citation:** Not Yet Determined**Legal Deadline:** Final, Statutory, June 15, 2005, Statutorily required final rule within 180 days of enactment (enacted 12/17/2004).**Abstract:** The Private Security Officer Employment Authorization Act of 2004, Public Law 108-458, section 6402(d)(2), (the Act) requires the Attorney General to issue rules to regulate the security, confidentiality, accuracy, use, submission, dissemination, destruction of information and audits, and recordkeeping of the criminal history record information and related information; standards for qualifying an authorized employer; and the imposition of fees. This rule amends title 28 of the Code of Federal Regulations to implement the Act. The rule authorizes access to FBI-maintained justice information systems to authorize a fingerprint-based check of State and national criminal history records to screen prospective and current private security officers.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/00/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Agency Contact:** Harold M. Sklar, Attorney-Advisor, Department of Justice, Federal Bureau of Investigation, CJIS Division Module E-3, 1000 Custer Hollow Road, Clarksburg, WV 26306
Phone: 304 625-2000
Fax: 304 625-3944
Email: enexreg@leo.gov**RIN:** 1110-AA23**2021. CARRIAGE OF CONCEALED WEAPONS PURSUANT TO PUBLIC LAW 108-277, THE LAW ENFORCEMENT OFFICERS SAFETY ACT OF 2004****Priority:** Other Significant**Legal Authority:** PL 108-277**CFR Citation:** 28 CFR 20**Legal Deadline:** None**Abstract:** The Law Enforcement Officers Safety Act of 2004, Public Law 108-277, (the Act) exempts qualified current and former law enforcement

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Agency Contact:** Harold M. Sklar, Attorney-Advisor, Department of Justice, Federal Bureau of Investigation, CJIS Division Module E-3, 1000 Custer Hollow Road, Clarksburg, WV 26306
Phone: 304 625-2000
Fax: 304 625-3944
Email: enexreg@leo.gov**RIN:** 1110-AA24

Department of Justice (DOJ)

Long-Term Actions

Federal Bureau of Investigation (FBI)

2022. COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT: DEFINITIONS OF "REPLACED" AND "SIGNIFICANTLY UPGRADED OR OTHERWISE UNDERGONE MAJOR MODIFICATION"**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**CFR Citation:** 28 CFR 100**Timetable:**

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

Action	Date	FR Cite
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Supplemental NPRM Comment Period End	12/04/01	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Eric Mason
Phone: 703 814-4791
Fax: 703 814-4750**RIN:** 1110-AA21**2023. IMPLEMENTATION OF SECTIONS 104 AND 109 OF THE COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT—NOTICE OF ACTUAL AND MAXIMUM CAPACITY: PAGING, MSS, SMR, AND ESMR****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**CFR Citation:** 28 CFR 100**Timetable:**

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

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Eric Mason

DOJ—FBI

Long-Term Actions

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RIN: 1110-AA22

Department of Justice (DOJ)
Legal Activities (LA)

Proposed Rule Stage

2024. REPORTING UNDER THE PROTECTION OF CHILDREN FROM SEXUAL PREDATORS ACT AS AMENDED
Priority: Other Significant**Legal Authority:** 42 USC 13032**CFR Citation:** 28 CFR 81**Legal Deadline:** None

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

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

In a related matter, RIN 1105-AA65, “Designation of Agencies To Receive and Investigate Reports Required Under 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	02/00/06	
NPRM Comment Period End	04/00/06	

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
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RIN: 1105-AB06

Department of Justice (DOJ)
Legal Activities (LA)

Final Rule Stage

2025. DESIGNATION OF AGENCIES TO RECEIVE AND INVESTIGATE REPORTS REQUIRED UNDER THE PROTECTION OF CHILDREN FROM SEXUAL PREDATORS ACT
Priority: Substantive, Nonsignificant**Legal Authority:** 42 USC 13032**CFR Citation:** 28 CFR 81**Legal Deadline:** NPRM, Statutory, April 28, 1999.

Abstract: On October 30, 1998, Congress passed the Protection of Children From Sexual Predators Act of 1998 (PCSPA). The PCSPA requires providers of an electronic communication service or a remote computing service to the public, through a facility or means of interstate or foreign commerce, to report

incidents of child pornography as defined by sections 2251, 2251A, 2252, 2252A, or 2260 of title 18, United States Code, to the appropriate Federal agency. In order to facilitate effective reporting, the PCSPA requires the Attorney General to “designate an agency” to receive and investigate such reports of child pornography. The proposed rule previously published set forth the Attorney General’s proposed designations and certain other matters covered by the PCSPA’s reporting requirements.

On November 29, 1999, as part of the Consolidated Appropriations Act, 2000, Public Law 106-113, 113 Stat. 1501, Congress amended 42 U.S.C. 13032 to require providers to report such incidents to the Cyber Tipline at the

National Center for Missing and Exploited Children (NCMEC), which shall forward that report to a law enforcement agency or agencies designated by the Attorney General. As amended by the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003, Public Law No. 108-21, the PCSPA also requires providers to report incidents of child pornography involving violations of section 2252B of title 18, United States Code, and incidents of violations of section 1466A, title 18, United States Code, and permits NCMEC to forward reports to State and local law enforcement agencies where appropriate. On November 4, 2003, an interim final rule was published designating four Federal

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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	
Interim Final Rule Comment Period End	01/05/04	
Final Action	05/00/06	

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
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RIN: 1105-AA65**2026. ETHICAL STANDARDS FOR ATTORNEYS FOR THE GOVERNMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 28 USC 530B**CFR Citation:** 28 CFR 77**Legal Deadline:** Final, Statutory, April 19, 1999.

Abstract: This rule supersedes the Department of Justice regulations relating to Communications with Represented Persons and implements 28 U.S.C. 530B pertaining to ethical standards for attorneys for the Government. Under that provision, an attorney for the Government shall be subject to State laws and rules, and local Federal court rules governing attorneys in each State where such attorney engages in that attorney's duties, to the same extent and in the

same manner as other attorneys in that State. This rule fulfills the Attorney General's obligation under section 530B and provides guidance to all Department of Justice employees who are subject to section 530B regarding their obligations and responsibilities under this new provision.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/19/99	64 FR 19273
Interim Final Rule Comment Period End	06/21/99	
Final Action	07/00/06	

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

Agency Contact: Barbara Kammerman, Acting Director, Professional Responsibility Advisory Office, Department of Justice, Suite 500, National Theatre Building, 1325 Pennsylvania Avenue NW, Washington, DC 20530
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RIN: 1105-AA67**2027. 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:** None

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. (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 website.) 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	12/00/05	

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
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RIN: 1105-AA82**2028. STOP VIOLENCE AGAINST WOMEN FORMULA GRANT PROGRAM AND STOP VIOLENCE AGAINST INDIAN WOMEN DISCRETIONARY GRANT PROGRAM: CLARIFICATION OF MATCH REQUIREMENT****Priority:** Substantive, Nonsignificant**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;

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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 VAIW 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 services 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	01/00/06	

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

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RIN: 1105-AB07

2029. GUIDELINES FOR THE PROTECT ACT AMENDMENTS TO THE JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDER REGISTRATION ACT

Priority: Info./Admin./Other

Legal Authority: 42 USC 14071; PL 108-21

CFR Citation: None

Legal Deadline: None

Abstract: Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law No. 103-322, 108 Stat. 1796, 2038 (codified at 42 U.S.C. 14071) contains the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (the "Wetterling Act"). The Wetterling Act sets minimum national standards for State sex offender registration and community notification programs and directs the Attorney General to issue guidelines for such programs. The main set of current Wetterling Act guidelines was published on January 5, 1999, in the Federal Register (64 FR 572, with corrections at 64 FR 3590), and a supplementary set of guidelines for the Campus Sex Crimes Prevention Act amendment to the Wetterling Act was published on October 25, 2002, in the

Federal Register (67 FR 65598). States that fail to comply with the Wetterling Act's requirements (as implemented and explained in the Attorney General's guidelines) are subject to a mandatory 10 percent reduction of the formula grant funding available under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program (42 U.S.C. 3756), which is administered by the Bureau of Justice Assistance of the Department of Justice.

Subsequent to the publication of the current Wetterling Act guidelines, the Wetterling Act was amended by sections 604 and 605 of the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003, or PROTECT Act, Public Law 108-21, 117 Stat. 650, 688 (2003). These amendments provide that the means by which a State provides information to the public concerning registered sex offenders must include an Internet site and add child pornography production and distribution offenses to the list of crimes against children for which registration is required under the Wetterling Act's standards. Supplementary guidelines are necessary to take account of the PROTECT Act amendments to the Wetterling Act.

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

Timetable:

Action	Date	FR Cite
Notice of Proposed Guidelines	03/15/05	70 FR 12721
Proposed Guidelines Comment Period End	05/16/05	
Final Guidelines	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

DOJ—LA

Final Rule Stage

Agency Contact: David J. Karp, Senior Counsel, Department of Justice, Office of Legal Policy, 950 Pennsylvania Avenue NW, Room 4503, Washington, DC 20530

Phone: 202 514-3273

RIN: 1105-AB08

2030. DNA SAMPLE COLLECTION FROM FEDERAL OFFENDERS UNDER THE JUSTICE FOR ALL ACT OF 2004

Priority: Other Significant

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

CFR Citation: 28 CFR 28

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/05	70 FR 4763
Interim Final Rule Effective	01/31/05	
Interim Final Rule Comment Period End	04/01/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: David J. Karp, Senior Counsel, Department of Justice, Office of Legal Policy, 950 Pennsylvania Avenue NW, Room 4503, Washington, DC 20530

Phone: 202 514-3273

RIN: 1105-AB09

2031. PRESERVATION OF BIOLOGICAL EVIDENCE UNDER 18 U.S.C. 3600A

Priority: Other Significant

Legal Authority: 18 USC 3600A

CFR Citation: 28 CFR 28

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

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/28/05	70 FR 21951
Interim Final Rule Comment Period End	06/27/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: David J. Karp, Senior Counsel, Department of Justice, Office of Legal Policy, 950 Pennsylvania Avenue NW, Room 4503, Washington, DC 20530

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RIN: 1105-AB10

2032. ● PROCEDURES TO PROMOTE COMPLIANCE WITH CRIME VICTIMS' RIGHTS OBLIGATIONS

Priority: Other Significant

Legal Authority: 5 USC 301; 5 USC 7301; 18 USC 207; 18 USC 3771; 28 USC 503; 28 USC 528; DOJ Order 1735.1

CFR Citation: 28 CFR 45

Legal Deadline: None

Abstract: This rule implements the Justice for All Act (the Act), which became effective October 30, 2004. Section 102 of the Act, 18 U.S.C. 3771 (section 3771), codifies crime victims' rights, requires officers and employees of the Department of Justice (the Department) and other Government departments and agencies to exercise best efforts to accord victims those rights, establishes enforcement measures for those rights, and requires the Attorney General to promulgate regulations within 1 year of the Act's effective date to promote compliance by responsible Department of Justice officials with their obligations regarding victims' rights.

Pursuant to the Act, this rule: a) Designates an administrative authority within the Department to receive and investigate complaints relating to the provision or violation of the rights of a crime victim by Department employees; b) requires a course of training for Department employees and offices who fail to comply with their obligations regarding victims' rights; c) contains disciplinary sanctions for willful and wanton failure to comply with obligations regarding victims' rights; and d) provides that the Attorney General or his designee shall be the final arbiter of a complaint.

This rule also creates the office of the Victims' Rights Ombudsman (VRO) within the Executive Office for United States Attorneys (EOUSA) and designates the VRO as the administrative authority within the Department to receive and investigate complaints relating to the provision or violation of the rights of a crime victim. The rule authorizes the VRO to designate points of contact (POCs) in each office of the Department to perform initial investigations and review of complaints, in order to allow for complaints to be addressed at the most local level.

Timetable:

Action	Date	FR Cite
NPRM	07/07/05	70 FR 39206
NPRM Comment Period End	09/06/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

DOJ—LA

Final Rule Stage

Agency Contact: Mary Beth Buchanan,
Director, Department of Justice,

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Attorneys, Washington, DC 20530

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RIN: 1105-AB11

Department of Justice (DOJ)

Long-Term Actions

Legal Activities (LA)

2033. 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

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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Maury V. Taylor

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RIN: 1105-AA74

2035. • PROCEDURES FOR SUSPENSION AND REMOVAL OF PANEL TRUSTEES AND STANDING TRUSTEES

Priority: Other Significant

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

CFR Citation: 28 CFR 58

Legal Deadline: None

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

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1105-AB12

2034. 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)

Department of Justice (DOJ)

Completed Actions

Legal Activities (LA)

2036. INSPECTION OF RECORDS RELATING TO DEPICTION OF SEXUALLY EXPLICIT PERFORMANCES

Priority: Other Significant

CFR Citation: 28 CFR 75

Completed:

Reason	Date	FR Cite
Final Action	05/24/05	70 FR 29607
Final Action Effective	06/23/05	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Andrew Oosterbaan

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RIN: 1105-AB05

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

Proposed Rule Stage

2037. 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	03/00/06	
NPRM Comment Period End	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: George Pruden, Senior Counsel, Office of the General Counsel, Department of Justice, Office of Justice Programs, Room 5341, 810 Seventh Street NW, Washington, DC 20531-0001
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RIN: 1121-AA59

2038. INTERNATIONAL TERRORISM VICTIM EXPENSE REIMBURSEMENT PROGRAM

Priority: Other Significant

Legal Authority: 42 USC 10603c, sec 1404c; PL 104-208, Victims of Trafficking and Violence Protection Act of 2000

CFR Citation: None

Legal Deadline: None

Abstract: The Office of Justice Programs (OJP) is developing these regulations to implement the International Terrorism Victim Expense Reimbursement Program provisions contained in the Victims of Trafficking and Violence Protection Act of 2000 (Pub. L. 104-208), which directs OJP to carry out a program to reimburse victims of acts of international

terrorism that occur outside the United States, for expenses associated with that victimization.

Timetable:

Action	Date	FR Cite
NPRM	08/24/05	70 FR 49518
NPRM Comment Period End	10/24/05	
Final Action	03/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Agency Contact: Barbara Walker, Program Manager, Department of Justice, Office of Justice Programs, Terrorism and International Victims Unit, Office for Victims of Crime, 810 7th Street NW, Washington, DC 20531
 Phone: 202 305-1696

RIN: 1121-AA63

2039. 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	05/00/06	
NPRM Comment Period End	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information:

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

Agency Contact: Timothy Hagle, Deputy Director, Office for Victims of Crime, Department of Justice, Office of Justice Programs, 810 7th Street NW, Washington, DC 20531
 Phone: 202 305-1209
 Email: timothy.hagle@usdoj.gov

RIN: 1121-AA68

2040. 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	06/00/06	
NPRM Comment Period End	08/00/06	

Regulatory Flexibility Analysis Required: No

DOJ—OJP

Proposed Rule Stage

Small Entities Affected: No
Government Levels Affected: State
Additional Information:
 TRANSFERRED RIN: This rulemaking 1121-AA69 continues the rulemaking previously listed as “child” RIN 1121-AA65 under “parent” RIN 1121-AA61. This rulemaking has been transferred to

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

Agency Contact: Timothy Hagle, Deputy Director, Office for Victims of Crime, Department of Justice, Office of Justice Programs, 810 7th Street NW, Washington, DC 20531
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RIN: 1121-AA69

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

Final Rule Stage

2041. 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 Comment Period End	10/24/96	
Second Interim Final Rule	01/15/04	69 FR 2298
Second Interim Final Rule Comment Period End	03/15/04	
Final Action	01/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Tribal

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RIN: 1121-AA41

2042. BULLETPROOF VEST PARTNERSHIP GRANT ACTS OF 1998 AND 2000

Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 3796ll
CFR Citation: 28 CFR 33
Legal Deadline: NPRM, Statutory, September 14, 1998.

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

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/23/98	63 FR 50759
Interim Final Rule Effective	09/23/98	
Interim Final Rule Comment Period End	11/23/98	
Second Interim Final Rule	02/00/06	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Tribal

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RIN: 1121-AA48

2043. 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.

DOJ—OJP

Final Rule Stage

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	01/00/06	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal, Local, State, Tribal**Agency Contact:** Steve Antkowiak, Special Projects Manager, Department of Justice, Office of Justice Programs, 810 7th Street NW, Washington, DC 20531

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RIN: 1121-AA52**2044. PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM****Priority:** Other Significant**Legal Authority:** 42 USC 3711 et seq**CFR Citation:** 28 CFR 32**Legal Deadline:** None

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

and the related administrative components governing hearing officers and independent medical examinations.

Timetable:

Action	Date	FR Cite
NPRM	07/26/05	70 FR 43078
NPRM Comment Period End	09/26/05	
Final Action	01/00/06	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Hope Janke, Counsel to the Director, BJA, Department of Justice, Office of Justice Programs, 810 7th Street NW, Washington, DC 20531

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RIN: 1121-AA56**Department of Justice (DOJ)****Office of Justice Programs (OJP)****Completed Actions****2045. FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS****Priority:** Info./Admin./Other**CFR Citation:** 28 CFR 46**Completed:**

Reason	Date	FR Cite
Final Action	06/23/05	70 FR 36325
Final Action Effective	06/23/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Philip Merkle

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RIN: 1121-AA70

[FR Doc. 05-18112 Filed 10-28-05; 8:45 am]

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