



# Federal Register

---

**Monday,  
December 22, 2003**

---

**Part XII**

**Department of  
Justice**

---

**Semiannual Regulatory Agenda**

**DEPARTMENT OF JUSTICE (DOJ)**

**DEPARTMENT OF JUSTICE**

**8 CFR Ch. I**

**21 CFR Ch. I**

**27 CFR Ch. II**

**28 CFR Ch. I**

**Regulatory Agenda**

**AGENCY:** Department of Justice.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Department of Justice is publishing its fall 2003 regulatory agenda pursuant to Executive Order 12866 "Regulatory Planning and Review," 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. sections 601-612 (1988).

**FOR FURTHER INFORMATION CONTACT:** Robert Hinchman, Senior Counsel, Office of Legal Policy, Department of Justice, Room 7236, 950 Pennsylvania Avenue NW., Washington, DC 20530, (202) 514-8059.

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

The Regulatory Flexibility Act (RFA) requires that, each year, the Department publish a list of those regulations that have a significant economic impact upon a substantial number of small

entities and are to be reviewed under section 610 of the Act during the succeeding 12 months. This edition of the Department's unified agenda includes two regulations requiring such a review: "Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities" (RIN 1190-AA44) and "Nondiscrimination on the Basis of Disability in State and Local Government Services" (RIN 1190-AA46). In accordance with the RFA, comments are specifically invited on these regulations. Those comments should be addressed to the contact persons listed in the entries for these items.

**Dated:** October 1, 2003.

**Daniel J. Bryant,**

*Acting Assistant Attorney General, Office of Legal Policy.*

**Bureau of Prisons—Proposed Rule Stage**

Sequence Number	Title	Regulation Identification Number
1922	Drug Abuse Treatment Program: Subpart Revision and Clarification .....	1120-AB07
1923	Inmate Discipline—Subpart Revision .....	1120-AB18
1924	Administrative Safeguards for Psychiatric Treatment and Medication .....	1120-AB20
1925	Progress Reports Rules Revision .....	1120-AB24

**Bureau of Prisons—Final Rule Stage**

Sequence Number	Title	Regulation Identification Number
1926	Intensive Confinement Centers .....	1120-AA11
1927	Literacy Program .....	1120-AA33
1928	Telephone Regulations and Inmate Financial Responsibility .....	1120-AA39
1929	Telephone Regulations and Inmate Financial Responsibility .....	1120-AA49
1930	Good Conduct Time .....	1120-AA62
1931	Designation of Offenses Subject to Sex Offender Release Notification .....	1120-AA85
1932	Inmate Commissary Account Deposit Procedures .....	1120-AA86
1933	Drug Abuse Treatment Programs: Disincentives and Enhanced Incentives .....	1120-AA88
1934	Searches of Housing Units, Inmates, Inmate Work Areas, and Persons Other Than Inmates: Electronic Devices ....	1120-AA90
1935	Drug Testing Program .....	1120-AA95
1936	Correspondence: Inspection of Outgoing General Correspondence .....	1120-AA98
1937	Infectious Disease Management .....	1120-AB03
1938	Religious Beliefs and Practices: Nomenclature Change .....	1120-AB04
1939	District of Columbia Educational Good Time Credit .....	1120-AB05
1940	Suicide Prevention Program .....	1120-AB06
1941	National Security; Prevention of Acts of Violence and Terrorism .....	1120-AB08
1942	Inmate Fees for Health Care Services .....	1120-AB11
1943	Good Conduct Time: Aliens With Confirmed Orders of Deportation, Exclusion, or Removal .....	1120-AB12
1944	Civil Contempt of Court Commitments: Revision To Accommodate Commitments Under the DC Code .....	1120-AB13
1945	Central Inmate Monitoring (CIM) System: Streamlining Rules .....	1120-AB14
1946	Comments on UNICOR Business Operations: Clarification of Addresses .....	1120-AB15
1947	Admission and Orientation Program: Removal From Rules .....	1120-AB16
1948	Bureau of Prisons Emergencies .....	1120-AB17

## DOJ

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

Sequence Number	Title	Regulation Identification Number
1949	Clarifying of Release Gratuities—Release Transportation Regulations To More Closely Conform to Statutory Provisions .....	1120-AB21

## Bureau of Prisons—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1950	Release of Information .....	1120-AA96

## Bureau of Prisons—Completed Actions

Sequence Number	Title	Regulation Identification Number
1951	Postsecondary Education Programs .....	1120-AA25
1952	Over-the-Counter (OTC) Medications .....	1120-AA81
1953	Occupational Educational Programs .....	1120-AA92
1954	Release Gratuities, Transportation, and Clothing: Aliens .....	1120-AA99
1955	District of Columbia Youth Rehabilitation Act (DCYRA) Sentences: No Further Benefit Determinations .....	1120-AB09

## Civil Rights Division—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1956	Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities ( <b>Section 610 Review</b> ) ( <b>Reg Plan Seq No. 75</b> ) .....	1190-AA44
1957	Nondiscrimination on the Basis of Disability in State and Local Government Services ( <b>Section 610 Review</b> ) ( <b>Reg Plan Seq No. 76</b> ) .....	1190-AA46
1958	Nondiscrimination on the Basis of Disability in State and Local Government Services; Public Accommodations and Commercial Facilities; Accessibility Standards; Recreation Facilities .....	1190-AA47
1959	American Competitiveness and Workforce Improvement Act of 1998 Complaint Process .....	1190-AA48
1960	Nondiscrimination on the Basis of Disability in State or Local Government Facilities; Public Accommodations and Commercial Facilities; Accessibility Standards; Play Areas .....	1190-AA50
1961	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
1962	Amendments to Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs; Implementation of Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act 1973 .....	1190-AA52
1963	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—Completed Actions

Sequence Number	Title	Regulation Identification Number
1964	Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, and Age in Programs and Activities Receiving Federal Financial Assistance .....	1190-AA49

## DOJ

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

Sequence Number	Title	Regulation Identification Number
1965	27 CFR 178 Implementation of Public Law 106–58, Treasury and General Government Appropriations Act, 2000 ..	1140-AA07
1966	27 CFR 178 Implementation of Public Law 105–277 Relating to Secure Gun Storage .....	1140-AA10
1967	Commerce in Firearms and Ammunition—Importation of Firearm Frames, Receivers, and Barrels .....	1140-AA22

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

Sequence Number	Title	Regulation Identification Number
1968	27 CFR 55 Commerce in Explosives (Including Explosives in the Fireworks Industry) <b>(Rulemaking Resulting From a Section 610 Review)</b> .....	1140-AA01
1969	27 CFR Part 55 Identification Markings Placed on Imported Explosive Materials .....	1140-AA02
1970	27 CFR 55 Commerce in Explosives—Explosive Pest Control Devices .....	1140-AA03
1971	27 CFR 178 Commerce in Firearms and Ammunition (Omnibus Consolidated Appropriations Act of 1997) .....	1140-AA04
1972	27 CFR 178 Residency Requirement for Persons Acquiring Firearms .....	1140-AA05

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

Sequence Number	Title	Regulation Identification Number
1973	Implementation of the Safe Explosives Act, Title XI, Subtitle C, of Public Law 107–296 .....	1140-AA00
1974	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
1975	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
1976	27 CFR 178 Commerce in Firearms and Ammunition—Annual Inventory .....	1140-AA09
1977	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
1978	Waiver for Firearm Prohibition on Nonimmigrant Visa Holders .....	1140-AA21

## Drug Enforcement Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1979	Guidelines for Providing Controlled Substances to Ocean Vessels .....	1117-AA40
1980	Exemption From Import/Export Requirements for Personal Medical Use .....	1117-AA56
1981	Electronic Prescriptions for Controlled Substances .....	1117-AA61
1982	Security Requirements for Handlers of Pseudoephedrine, Ephedrine, and Phenylpropanolamine .....	1117-AA62
1983	Reorganization and Clarification of DEA Regulations .....	1117-AA63
1984	Chemical Mixtures Containing Listed Forms of Phosphorus .....	1117-AA66
1985	Chemical Registration Waivers; Exemption From Chemical Registration Fees for Certain Persons .....	1117-AA67
1986	Recordkeeping and Reporting Requirements for Drug Products Containing Gamma Hydroxybutyric Acid (GHB) ....	1117-AA71
1987	Chemical Registration and Reregistration Fees .....	1117-AA72
1988	Preventing the Accumulation of Surplus Controlled Substances at Long-Term Care Facilities .....	1117-AA75
1989	Clarification of Registration Requirements for Individual Practitioners .....	1117-AA89

## Drug Enforcement Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1990	Definition and Registration of Reverse Distributors .....	1117-AA19
1991	Exemption of Chemical Mixtures .....	1117-AA31

## DOJ

## Drug Enforcement Administration—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
1992	Chemical Registration and Reregistration Fees .....	1117-AA50
1993	Electronic Orders for Schedule I and II Controlled Substances .....	1117-AA60
1994	Chemical Mixtures Containing Gamma-Butyrolactone .....	1117-AA64
1995	Authority for Practitioners To Dispense or Prescribe Approved Narcotic (Opioid) Substances for Maintenance or Detoxification Treatment .....	1117-AA68
1996	Reports by Registrants of Theft or Significant Loss of Controlled Substances .....	1117-AA73

## Drug Enforcement Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
1997	Sale by Federal Departments or Agencies of Chemicals Usable To Manufacture a Controlled Substance .....	1117-AA47
1998	Placement of Gamma-Butyrolactone in List I of the Controlled Substances Act (21 U.S.C. 802) .....	1117-AA52
1999	Control of Red Phosphorus, White Phosphorus, and Hypophosphorous Acid (and Its Salts) as List I Chemicals .....	1117-AA57
2000	Allowing Central Fill Pharmacies To Fill Prescriptions for Controlled Substances on Behalf of Retail Pharmacies .....	1117-AA58
2001	Implementation of the Methamphetamine Anti-Proliferation Act: Thresholds for Retailers and for Distributors Required To Submit Reports Under 21 U.S.C. 830(b)(3); Changes to Mail Order Reporting .....	1117-AA69
2002	Controlled Substances Registration and Reregistration Application Fees .....	1117-AA70

## Executive Office for Immigration Review—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2003	Authority of Immigration Judges To Issue Civil Money Penalties .....	1125-AA18
2004	Suspension of Deportation and Cancellation of Removal for Certain Battered Spouses and Children; Motions To Reopen for Certain Battered Spouses and Children .....	1125-AA35
2005	Executive Office for Immigration Review Attorney/Representative Registry .....	1125-AA39
2006	Definitions; Powers and Authority of DHS Officers and Employees in Removal Proceedings .....	1125-AA43
2007	Requiring Identity, Background, and Security Checks in Removal Proceedings .....	1125-AA44
2008	International Matchmaking Organizations; Civil Penalties .....	1125-AA45
2009	Asylum Claims Made by Aliens Arriving from Canada at Land-Border Ports-of-Entry .....	1125-AA46
2010	Implementation of the Numerical Limit on Asylum Grants and Refugee Admission Based on Resistance to Coercive Population Control Measures .....	1125-AA48

## Executive Office for Immigration Review—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2011	Suspension of Deportation and Cancellation of Removal .....	1125-AA25
2012	Authorities Delegated to the Director of the Executive Office for Immigration Review .....	1125-AA27
2013	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
2014	Section 212(c) Relief for Aliens With Certain Criminal Convictions Before April 1, 1997 .....	1125-AA33
2015	Protective Orders in Immigration Administration Proceedings .....	1125-AA38
2016	Transfer of Jurisdiction Over Appeals of Fines From the Board of Immigration Appeals to the Office of the Chief Administrative Hearing Officer .....	1125-AA41
2017	Review of Custody Determinations .....	1125-AA47

## DOJ

## Executive Office for Immigration Review—Completed Actions

Sequence Number	Title	Regulation Identification Number
2018	Review of an Arbitrator's Findings and Imposing Remedies Against Employers Hiring H-1B Visa Workers Over Equally or Better Qualified U.S. Workers .....	1125-AA40

## Federal Bureau of Investigation—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2019	Implementation of Sections 104 and 109 of the Communications Assistance for Law Enforcement Act .....	1110-AA00
2020	Implementation of the National Stolen Passenger Motor Vehicle Information System (NSPMVIS) .....	1110-AA01
2021	Regulations Under the Pam Lychner Sexual Offender Tracking and Identification Act .....	1110-AA04
2022	National Instant Criminal Background Check System .....	1110-AA07
2023	Final Notice of Capacity; Supplement To Respond to Remand .....	1110-AA10

## Federal Bureau of Investigation—Completed Actions

Sequence Number	Title	Regulation Identification Number
2024	Claims of Exemptions From Provisions of the Privacy Act as to FBI Records .....	1110-AA08

## Legal Activities—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2025	Motor Vehicle Salvage Regulations .....	1105-AA71
2026	Participation in Justice Department Programs by Faith-Based Organizations; Providing for Equal Treatment of all Justice Department Program Participants .....	1105-AA83

## Legal Activities—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2027	Certification and Decertification in Connection With Certain Suits Based Upon Acts or Omissions of Federal Employees and Other Persons .....	1105-AA62
2028	Designation of Agencies To Receive and Investigate Reports Required Under the Protection of Children From Sexual Predators Act .....	1105-AA65
2029	Ethical Standards for Attorneys for the Government .....	1105-AA67
2030	Claims Under the Radiation Exposure Compensation Act Amendments of 2000; Amendments Contained in the Department of Justice Appropriations Authorization Act of 2002 .....	1105-AA75
2031	DNA Sampling of Federal Offenders Under the USA Patriot Act of 2001 .....	1105-AA78
2032	Minimum Qualifications for Annuity Brokers in Connection With Structured Settlements Entered Into by the United States .....	1105-AA82

## Legal Activities—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2033	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

DOJ

Legal Activities—Completed Actions

Sequence Number	Title	Regulation Identification Number
2034	Foreign Agents Registration Act; Regulations Revised and Clarified To Reflect Changes in the Law .....	1105-AA45
2035	Waiver for Firearm Prohibition on Nonimmigrant Visa Holders .....	1105-AA66

Office of Justice Programs—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2036	Public Safety Officers' Benefits Program .....	1121-AA56
2037	Criminal Intelligence Systems Operating Policies .....	1121-AA59
2038	Victims of Crime Act (VOCA) Program Regulations for the Victim Compensation Grant Program and Victim Assistance Program .....	1121-AA61
2039	International Terrorism Victim Compensation Program .....	1121-AA63

Office of Justice Programs—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2040	Correctional Facilities on Tribal Lands Grant Program .....	1121-AA41
2041	Bulletproof Vest Partnership Grant Acts of 1998 and 2000 .....	1121-AA48
2042	Environmental Impact Review Procedures for the VOI/TIS Grant Program .....	1121-AA52
2043	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants) .....	1121-AA57

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

Proposed Rule Stage

**1922. DRUG ABUSE TREATMENT PROGRAM: SUBPART REVISION AND CLARIFICATION**

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

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

**CFR Citation:** 28 CFR 550

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	

Action	Date	FR Cite
NPRM Comment Period End	01/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1120-AB07

**1923. INMATE DISCIPLINE—SUBPART REVISION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 18 USC 3621 to 3622, 4001, 4042, 4081 to 4082;

18 USC 4161 to 4166, 5006 to 5024, 5039; 28 USC 509 to 510

**CFR Citation:** 28 CFR 541

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	

**Regulatory Flexibility Analysis Required:** No

## DOJ—BOP

## Proposed Rule Stage

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1120-AB18

#### 1924. 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	11/00/03	
NPRM Comment Period End	01/00/04	
Final Action	11/00/04	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1120-AB20

#### 1925. ● PROGRESS REPORTS RULES REVISION

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

**Legal Authority:** 5 USC 301 ; 28 USC 509, 510; 21 USC 848; 18 U.S.C. 3521 to 3528; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001, 4042, 4046, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987); 18 USC 5006 to 5024 (Repealed October 12, 1984, as to offenses committed after that)

**CFR Citation:** 28 CFR 524.40

**Legal Deadline:** None

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

#### Timetable:

Action	Date	FR Cite
NPRM	01/00/04	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1120-AB24

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

#### Final Rule Stage

#### 1926. INTENSIVE CONFINEMENT CENTERS

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** This document finalizes procedures for the operation of a specialized program combining features of a military boot camp with the

traditional correctional values of the Bureau of Prisons. Inmates who successfully complete this program may be placed in community-based programs for longer periods of time than ordinarily permitted.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	04/26/96	61 FR 18658
Interim Final Rule Effective	05/28/96	
Interim Final Rule Comment Period End	06/25/96	
Final Action	03/00/04	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1120-AA11



## DOJ—BOP

## Final Rule Stage

**1927. LITERACY PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510**CFR Citation:** 28 CFR 544.70 to 544.76**Legal Deadline:** None**Abstract:** This document makes changes to the Bureau's literacy program regulations for the sake of clarification or simplification.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/26/97	62 FR 50791
Interim Final Rule Effective	11/03/97	
Interim Final Rule Comment Period End	11/25/97	
Final Action	01/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534

Phone: 202 307-2105

Fax: 202 305-4577

Email: squreshi@bop.gov

**RIN:** 1120-AA33**1928. TELEPHONE REGULATIONS AND INMATE FINANCIAL RESPONSIBILITY****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039**CFR Citation:** 28 CFR 540**Legal Deadline:** None**Abstract:** The Bureau of Prisons (Bureau) is withdrawing certain provisions in its rules on telephone regulations and on the inmate financial responsibility program (IFRP) which were published in the Federal Register on April 4, 1994 (59 FR 15812).

In the April 4, 1994, revision of its rules on telephone regulations and on the IFRP, the Bureau delayed the effective date for provisions in sections

540.105(c) and 545.11(d)(10), which imposed limitations on the telephone privileges of inmates refusing to participate in the IFRP. These provisions were to become effective January 3, 1995. Due to ongoing litigation in *Washington v. Reno*, the effective date for these provisions was further delayed until January 4, 1996 (60 FR 240).In accordance with the Court-approved settlement in *Washington v. Reno*, through this rule, the Bureau withdrew these provisions and the reference to the IFRP telephone restrictions in 28 CFR section 540.100(a) and published at 61 FR 92 a new proposed rule to impose a different restriction on the telephone privileges of inmates who refuse to participate in the IFRP. This rule was finalized on December 28, 1999 (64 FR 72798, see RIN 1120-AA49).**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/02/96	61 FR 90
Interim Final Rule Comment Period End	03/04/96	
Final Action	11/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534

Phone: 202 307-2105

Fax: 202 305-4577

Email: squreshi@bop.gov

**RIN:** 1120-AA39**1929. TELEPHONE REGULATIONS AND INMATE FINANCIAL RESPONSIBILITY****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 551; 18 USC 3663; 18 USC 4001; 18 USC 4042; 18 USC 4081; 18 USC 4082; 18 USC 5006 to 5024; 5 USC 552a; 18 USC 1791; 18 USC 3013; 18 USC 3571; 18 USC 3572; 18 USC 3621; 18 USC 3622; 18 USC 3624**CFR Citation:** 28 CFR 540.105; 28 CFR 545.11**Legal Deadline:** None**Abstract:** On January 2, 1996, BOP published an NPRM proposing limitations on telephone privileges and commissary privileges for inmates who refuse to participate in the inmate financial responsibility program (BOP 1050). On December 28, 1999, BOP finalized that portion of the NPRM pertaining to limitations on commissary privileges. BOP is continuing to work on addressing issues raised by its proposed limitations on telephone privileges for inmates who are inmate financial responsibility program refusees. BOP will finalize that portion of its January 1996 NPRM in a separate document (BOP 1102).**Timetable:**

Action	Date	FR Cite
Final Action	11/00/03	
<b>BOP 1050 (1120-AB22)</b>		
NPRM	01/02/96	(61 FR 92)
NPRM Comment Period End	03/04/96	
Final Action	12/28/99	(64 FR 72798)
Final Action Effective	01/27/00	
<b>BOP 1102 (1120-AB23)</b>		
Final Action	11/00/03	
Final Action Effective	01/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534

Phone: 202 307-2105

Fax: 202 305-4577

Email: squreshi@bop.gov

**RIN:** 1120-AA49**1930. 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.

## DOJ—BOP

## Final Rule Stage

**Timetable:**

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

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

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

**RIN:** 1120-AA62**1931. 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	12/00/03	

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

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of

Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
Phone: 202 307-2105  
Fax: 202 305-4577  
Email: squreshi@bop.gov

**RIN:** 1120-AA85**1932. INMATE COMMISSARY ACCOUNT DEPOSIT PROCEDURES****Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 28 CFR 506; 28 CFR 540.23; 28 CFR 540.51**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/23/99	64 FR 20126
NPRM Comment Period End	06/22/99	
Final Action	11/00/03	

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

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

**RIN:** 1120-AA86**1933. DRUG ABUSE TREATMENT PROGRAMS: DISINCENTIVES AND ENHANCED INCENTIVES****Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 3521 to 3528; 18 USC 5006 to 5024; 18 USC 5039;

28 USC 509 to 510; 18 USC 3621; 18 USC 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4046; 18 USC 4081; 18 USC 4082

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/20/00	65 FR 56840
NPRM Comment Period End	11/20/00	
Final Action	12/00/03	

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

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

**RIN:** 1120-AA88**1934. 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

## DOJ—BOP

## Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	04/26/99	
Final Action	02/00/04	

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

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

**RIN:** 1120-AA90**1935. DRUG TESTING PROGRAM****Priority:** Substantive, Nonsignificant

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

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

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

**Timetable:**

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

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

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

**RIN:** 1120-AA95**1936. 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	11/00/03	

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

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

**RIN:** 1120-AA98**1937. INFECTIOUS DISEASE MANAGEMENT****Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4005; 18 USC 4042; ...

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

**Abstract:** This document is a proposed rule (split from the interim final rule, RIN 1120-AA23) on the correctional management of tuberculosis, HIV, and hepatitis B. The changes to the regulations address the circumstances

under which the Bureau conducts voluntary and involuntary testing.

**Timetable:**

Action	Date	FR Cite
NPRM	07/12/02	67 FR 46136
NPRM Comment Period End	09/10/02	
Final Action	03/00/04	

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

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

**RIN:** 1120-AB03**1938. RELIGIOUS BELIEFS AND PRACTICES: NOMENCLATURE CHANGE****Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 28 CFR 548**Legal Deadline:** None

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

**Timetable:**

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

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

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

DOJ—BOP

Final Rule Stage

Email: sureshi@bop.gov

RIN: 1120—AB04

**1939. 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	12/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
Phone: 202 307-2105  
Fax: 202 305-4577  
Email: sureshi@bop.gov

RIN: 1120—AB05

**1940. SUICIDE PREVENTION  
PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 3621, 3622, 3624, 4001, 4042, 4081, 4082, 5006 to 5024, 5039; 28 USC 509 to 510**CFR Citation:** 28 CFR 552**Legal Deadline:** None**Abstract:** This document revises Bureau regulations on the suicide prevention program for the sake of

clarity and in order to remove Agency management procedures that do not need to be stated in regulations. The revised regulations more clearly delineate for the inmate the procedures used to identify and protect inmates deemed to be at risk for suicide.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
Phone: 202 307-2105  
Fax: 202 305-4577  
Email: sureshi@bop.gov

RIN: 1120—AB06

**1941. NATIONAL SECURITY;  
PREVENTION OF ACTS OF VIOLENCE  
AND TERRORISM****Priority:** Other Significant**Legal Authority:** 5 USC 301; 18 USC 3621, 3622, 3624, 4001, 4042, 4081, 4082, 4161 to 4166, 5006 to 5024; 18 USC 5039; 28 USC 509, 510**CFR Citation:** 28 CFR 500, 501**Legal Deadline:** None**Abstract:** Current Bureau of Prisons regulations on institutional management authorize the Bureau to impose special administrative measures with respect to specified inmates, based on information provided by senior intelligence or law enforcement officials, where it has been determined to be necessary to prevent the dissemination either of classified information that could endanger the national security or of other information that could lead to acts of violence and terrorism.

This rule extends the period of time for which such special administrative measures may be imposed from 120 days to up to 1 year and modifies the standards for approving extensions of such special administrative measures for further increments of time. In addition, in those cases where the

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/30/01	66 FR 55062
Interim Final Rule Effective	10/31/01	
Interim Final Rule Comment Period End	12/31/01	
Final Action	03/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
Phone: 202 307-2105  
Fax: 202 305-4577  
Email: sureshi@bop.gov

RIN: 1120—AB08

**1942. INMATE FEES FOR HEALTH  
CARE SERVICES****Priority:** Other Significant**Legal Authority:** 5 USC 301; 18 USC 3621 to 3622, 4001, 4005, 4014, 4042, 4045, 4081 to 4082; 18 USC 4161 to 4166, 4241 to 4247, 5006 to 5024, 5039; 28 USC 509 to 510**CFR Citation:** 28 CFR 549**Legal Deadline:** None**Abstract:** In this document, the Bureau of Prisons (Bureau) proposes rules describing procedures we will follow for charging inmates fees for certain

## DOJ—BOP

## Final Rule Stage

kinds of health services, as required under the Federal Prisoner Health Care Copayment Act of 2000 (Pub. L. 106–294, October 12, 2000, 114 Stat. 1038).

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1120–AB11

### 1943. GOOD CONDUCT TIME: ALIENS WITH CONFIRMED ORDERS OF DEPORTATION, EXCLUSION, OR REMOVAL

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 28 CFR 523.20

**Legal Deadline:** None

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

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

This means that inmate aliens who have confirmed orders of deportation,

exclusion, or removal, but do not have a high school diploma or GED, will not need to demonstrate satisfactory progress toward earning a GED credential to be considered for the full benefits of GCT.

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/25/03	68 FR 37776
NPRM Comment Period End	08/25/03	
Final Action	06/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1120–AB12

### 1944. 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	02/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1120–AB13

### 1945. 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

## DOJ—BOP

## Final Rule Stage

our staff in these rules will remain a Bureau-wide requirement in our policy. It is important to note that we have not changed the substance of the CIM rules.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1120-AB14

#### 1946. COMMENTS ON UNICOR BUSINESS OPERATIONS: CLARIFICATION OF ADDRESSES

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

**Legal Authority:** 18 USC 4126

**CFR Citation:** 28 CFR 302.1

**Legal Deadline:** None

**Abstract:** In this document, the Bureau of Prisons (Bureau) changes the addresses of the Chief Operating Officer and the Board of Directors of Federal Prison Industries, Inc. (also known as UNICOR), to correct and update them.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1120-AB15

#### 1947. ADMISSION AND ORIENTATION PROGRAM: REMOVAL FROM RULES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 28 CFR 522

**Legal Deadline:** None

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

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

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

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

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

All of these rules consist of our instruction and guidance to Bureau staff. These rules relate solely to internal agency management and

practice and do not impose obligations or confer any benefits upon our regulated entities (the inmates) or the public.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/04/03	68 FR 5563
Interim Final Rule Comment Period End	04/07/03	
Final Action	01/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1120-AB16

#### 1948. BUREAU OF PRISONS EMERGENCIES

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

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

**CFR Citation:** 28 CFR 501.1

**Legal Deadline:** None

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

## DOJ—BOP

## Final Rule Stage

**Timetable:**

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

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1120-AB17

**1949. CLARIFYING OF RELEASE GRATUITIES—RELEASE TRANSPORTATION REGULATIONS TO MORE CLOSELY CONFORM TO STATUTORY PROVISIONS**

Priority: Other Significant

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

CFR Citation: 28 CFR 571.22

Legal Deadline: None

**Abstract:** This document makes a minor clarifying change to the Bureau of Prisons (Bureau) regulations on release gratuities, transportation, and clothing. The amendment will clarify that the Bureau is authorized, upon an inmate's release, to provide transportation to an inmate's place of conviction or his legal residence only within the United States, under 18 U.S.C. 3624(d)(3). We intend this

clarification to remove the misapprehension that the Bureau is authorized to provide transportation outside the United States.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/09/03	68 FR 34301
Interim Final Rule Comment Period End	08/08/03	
Final Action	11/00/03	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1120-AB21

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

## Long-Term Actions

**1950. RELEASE OF INFORMATION**

Priority: Substantive, Nonsignificant

CFR Citation: 28 CFR 513

**Timetable:**

Action	Date	FR Cite
NPRM	05/13/03	68 FR 25545

Action	Date	FR Cite
NPRM Comment Period End	07/14/03	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

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

RIN: 1120-AA96

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

## Completed Actions

**1951. POSTSECONDARY EDUCATION PROGRAMS**

Priority: Substantive, Nonsignificant

CFR Citation: 28 CFR 544

**Completed:**

Reason	Date	FR Cite
Final Action	11/19/03	68 FR 65170
Final Action Effective	12/19/03	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

**Agency Contact:** Sarah N. Qureshi  
Phone: 202 307-2105  
Fax: 202 305-4577

Email: squreshi@bop.gov

RIN: 1120-AA25

**1952. OVER-THE-COUNTER (OTC) MEDICATIONS**

Priority: Substantive, Nonsignificant

CFR Citation: 28 CFR 549.30 to 549.31

**Completed:**

Reason	Date	FR Cite
Final Action	08/12/03	68 FR 47847

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

**Agency Contact:** Sarah N. Qureshi

Phone: 202 307-2105  
Fax: 202 305-4577  
Email: squreshi@bop.gov

RIN: 1120-AA81

**1953. OCCUPATIONAL EDUCATIONAL PROGRAMS**

Priority: Substantive, Nonsignificant

CFR Citation: 28 CFR 544

**Completed:**

Reason	Date	FR Cite
Final Action	11/19/03	68 FR 65169
Final Action Effective	12/19/03	

**Regulatory Flexibility Analysis**

Required: No

## DOJ—BOP

## Completed Actions

**Government Levels Affected:** None**Agency Contact:** Sarah N. Qureshi

Phone: 202 307-2105

Fax: 202 305-4577

Email: squreshi@bop.gov

RIN: 1120-AA92

**1954. RELEASE GRATUITIES, TRANSPORTATION, AND CLOTHING: ALIENS****Priority:** Other Significant**CFR Citation:** 28 CFR 571.21**Completed:**

Reason	Date	FR Cite
Final Action	06/09/03	68 FR 34299

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

Phone: 202 307-2105

Fax: 202 305-4577

Email: squreshi@bop.gov

RIN: 1120-AA99

**1955. DISTRICT OF COLUMBIA YOUTH REHABILITATION ACT (DCYRA) SENTENCES: NO FURTHER BENEFIT DETERMINATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 28 CFR 524**Completed:**

Reason	Date	FR Cite
Withdrawn	08/01/03	

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

Phone: 202 307-2105

Fax: 202 305-4577

Email: squreshi@bop.gov

RIN: 1120-AB09

## Department of Justice (DOJ)

## Civil Rights Division (CRT)

## Proposed Rule Stage

**1956. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES****Regulatory Plan:** This entry is Seq. No. 75 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****Regulatory Plan:** This entry is Seq. No. 76 in part II of this issue of the **Federal Register**.

RIN: 1190-AA46

**1958. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES; PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES; ACCESSIBILITY STANDARDS; RECREATION FACILITIES****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 5 USC 301; 28 USC 509 to 510; 42 USC 12134; 42 USC 12186; PL 101-336**CFR Citation:** 28 CFR 35; 28 CFR 36**Legal Deadline:** None**Abstract:** On September 3, 2002, the U.S. Architectural and Transportation Barriers Compliance Board (Access Board) published Final Guidelines to supplement the ADA Accessibility Guidelines (ADAAG), which form the

basis of the Department's ADA Standards for Accessible Design. The supplement establishes for the first time accessibility guidelines for the design of recreation facilities, such as health clubs, golf courses, and amusement parks. The ADA (sections 204(c) and 306(c)) requires the Department's accessibility standards to be consistent with the Access Board's guidelines. Therefore, the Department expects to publish a Notice of Proposed Rulemaking proposing to adopt the guidelines adopted by the Access Board and proposing related changes to the Department's regulations with respect to the operation of recreation facilities.

Individuals with disabilities cannot participate in the social and economic realms of the Nation without being able to access public entities and public accommodations throughout the country. Promulgating this amendment to the Department's ADA regulations will ensure that the regulations are consistent with the ADAAG, thereby preventing the confusion that could develop if the Department's regulations were inconsistent with the Access Board guidelines. In addition, amending the Department's ADA regulations will improve the Department's overarching goal of improving access for persons with disabilities. The proposed rule will ensure that new recreation facilities are readily accessible to and usable by individuals with disabilities. As new recreation facilities are designed and constructed to be accessible,

individuals with disabilities will enjoy the benefits of these facilities. Operators of recreation facilities will experience increased usage and patronage by individuals with disabilities. Designers and manufacturers will have a clear and consistent set of standards with which to work. Establishing uniform standards for accessibility has resulted in innovation and new designs that are cost effective and beneficial to everyone.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Local, State**Agency Contact:** John L. Wodatch, Chief, Disability Rights Section, Department of Justice, Civil Rights Division, P.O. Box 66738, Washington, DC 20035

Phone: 800 514-0301

TDD Phone: 800 514-0383

Fax: 202 307-1198

RIN: 1190-AA47



## DOJ—CRT

## Proposed Rule Stage

**1959. AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT OF 1998 COMPLAINT PROCESS****Priority:** Other Significant**Legal Authority:** 8 USC 1182(n)(5); 8 USC 1103(a); 8 USC 1182(n); 8 USC 1324b**CFR Citation:** 28 CFR 44.500; 28 CFR 68**Legal Deadline:** None

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

This rule also provides administrative review and the imposition of remedies 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.

**Timetable:**

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

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

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

**RIN:** 1190-AA48**1960. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE OR LOCAL GOVERNMENT FACILITIES; PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES; ACCESSIBILITY STANDARDS; PLAY AREAS****Priority:** Other Significant**Legal Authority:** 5 USC 301; 28 USC 509 to 510; 42 USC 12134; 42 USC 12186; PL 101-336**CFR Citation:** 28 CFR 35; 28 CFR 36**Legal Deadline:** None

**Abstract:** On October 18, 2000, the U.S. Architectural and Transportation Barriers Compliance Board (Access Board) published a final rule to supplement the ADA Accessibility Guidelines (ADAAG), which form the basis of the Department's ADA Standards for Accessible Design. These guidelines establish for the first time accessibility guidelines for the design of play areas. The ADA (sections 204(c) and 306(c)) requires the Department's accessibility standards to be consistent with the Access Board's guidelines. Therefore, the Department expects to publish a Notice of Proposed Rulemaking proposing to adopt the revisions of the Access Board and proposing related changes to the Department's regulations with respect to the operation of play areas.

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

**Timetable:**

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

## DOJ—CRT

## Proposed Rule Stage

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Local, State**Agency Contact:** John L. Wodatch, Chief, Disability Rights Section, Department of Justice, Civil Rights Division, P.O. Box 66738, Washington, DC 20035

Phone: 800 514-0301

TDD Phone: 800 514-0383

Fax: 202 307-1198

**RIN:** 1190-AA50**1961. 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) 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 16 years since the last major amendment to the procedures, there have been significant changes in section 5 law and in the practices employed by the Department in

processing submissions, which are not reflected in the existing Procedures.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/04	
NPRM Comment	07/00/04	
Period End		

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Local, State**Agency Contact:** Joseph D. Rich, Chief, Voting Section, Department of Justice, Civil Rights Division, Room 7254, 1800 G Street NW, Washington, DC 20006  
Phone: 202 307-2870**RIN:** 1190-AA51**1962. AMENDMENTS TO COORDINATION OF ENFORCEMENT OF NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS; IMPLEMENTATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND SECTION 504 OF THE REHABILITATION ACT 1973****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2000d et seq; 29 USC 706; 29 USC 794; EO 12250**CFR Citation:** 28 CFR 42.401 to 42.415; 28 CFR 41.1 to 41.58**Legal Deadline:** None

**Abstract:** In 1988, the Civil Rights Restoration Act (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, the Department and other Federal agencies are conforming their implementation regulations to the CRRRA and to several other statutes.

In the rulemaking described under this RIN (1190-AA52) the Department of Justice proposes to make amendments to its coordination regulations concerning agency enforcement of title VI of the Civil Rights Act of 1964, 28 CFR 42.401 to 42.415, and agency enforcement of section 504 of the Rehabilitation Act of 1972, 28 CFR 41.1 to 41.58. The proposed amendments explicitly incorporate the CRRRA's definition of "program or activity" and "program" into the Department's title

VI and section 504 coordination regulations.

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

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal, Local, State**Agency Contact:** Merrily A. Friedlander, Chief, Coordination and Review Section, Department of Justice, Civil Rights Division, P.O. Box 66560, Washington, DC 20035-6560

Phone: 202 307-2222

TDD Phone: 202 307-2678

Fax: 202 307-0595

Email: merrily.a.friedlander@usdoj.gov

**RIN:** 1190-AA52**1963. PROCEDURES TO REVIEW POLICE DEPARTMENTS FOR A PATTERN OR PRACTICE OF CONDUCT THAT DEPRIVES PERSONS OF RIGHTS, PRIVILEGES, OR IMMUNITIES SECURED OR PROTECTED BY THE CONSTITUTION OR LAWS OF THE U.S.****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 28 USC 509**CFR Citation:** Not Yet Determined**Legal Deadline:** None

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

## DOJ—CRT

## Proposed Rule Stage

procedures by which the Department reviews police departments for a pattern or practice of unlawful conduct.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/04	
NPRM Comment Period End	08/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** Brad Schlozman, Deputy Assistant Attorney General,

Department of Justice, Civil Rights Division, Room 5541, Room 3337, 950 Pennsylvania Avenue NW, Washington, DC 20530

Phone: 202 305-8060

**RIN:** 1190-AA53

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

## Completed Actions

**1964. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, HANDICAP, AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE**

**Priority:** Substantive, Nonsignificant

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

**Completed:**

Reason	Date	FR Cite
Final Action	08/26/03	68 FR 51334
Final Action Effective	09/25/03	

**Regulatory Flexibility Analysis Required:** No

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

**Agency Contact:** Merrily A. Friedlander

Phone: 202 307-2222

TDD Phone: 202 307-2678

Fax: 202 307-0595

Email: merrily.a.friedlander@usdoj.gov

**RIN:** 1190-AA49

## Department of Justice (DOJ)

## Proposed Rule Stage

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

**1965. IMPLEMENTATION OF PUBLIC LAW 106-58, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2000**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 27 CFR 478

**Legal Deadline:** None

**Abstract:** ATF will amend the regulations to implement the provision of Public Law 106-58, Treasury and General Government Appropriations Act, 2000, relating to the permanent provisions of the Brady Handgun Violence Prevention Act. The new law allows a licensed pawnbroker to contact the national instant criminal background check system (NICS) prior to taking or receiving a firearm in pawn. If NICS advises the pawnbroker that receipt or possession of the firearm would be in violation of the law, the licensee must advise local law enforcement within 48 hours after receipt of information.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1512-AB83

**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-AA07

**1966. IMPLEMENTATION OF PUBLIC LAW 105-277 RELATING TO SECURE GUN STORAGE**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 27 CFR 478

**Legal Deadline:** None

**Abstract:** ATF will issue a notice of proposed rulemaking amending the regulations to implement the provisions of Public Law 105-277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for fiscal year 1999. Regulations are proposed

with regard to: 1) Certification by applicants for dealers' licenses that secure gun storage or safety devices will be available at any place where firearms are sold to nonlicensed individuals and 2) an amended definition of "antique firearm," to include certain muzzle loading firearms.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1512-AC67

**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-AA10

DOJ—ATF

Proposed Rule Stage

**1967. • COMMERCE IN FIREARMS AND AMMUNITION—IMPORTATION OF FIREARM FRAMES, RECEIVERS, AND BARRELS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 18 USC 847; 18 USC 921–931; 44 USC 3504(h)**CFR Citation:** 27 CFR 478**Legal Deadline:** None**Abstract:** This rule amends regulations of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to clarify the provision of the Gun Control Act of 1968 (GCA) that generally

prohibits the importation of any frame, receiver, or barrel of a firearm that would be prohibited if assembled. This rule also amends ATF regulations to permit the importation of nonimportable firearm frames, receivers, or barrels under limited circumstances where the importation is solely for repair or replacement and not for the assembly of a new firearm that would be prohibited if assembled.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	
NPRM Comment Period End	03/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Undetermined**Government Levels Affected:** None**Agency Contact:** James P. Ficaretta, Program Manager, Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 650 Massachusetts Avenue NW, Washington, DC 20226  
Phone: 202 927–8203**RIN:** 1140–AA22**Department of Justice (DOJ)**

Final Rule Stage

**Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)****1968. COMMERCE IN EXPLOSIVES (INCLUDING EXPLOSIVES IN THE FIREWORKS INDUSTRY)****Priority:** Other Significant**Legal Authority:** 18 USC 847**CFR Citation:** 27 CFR 555**Legal Deadline:** None**Abstract:** ATF is proposing to amend the regulations, in part, pursuant to the Regulatory Flexibility Act (RFA), which requires an agency to review within 10 years of publication, rules for which an agency prepared a final regulatory flexibility analysis addressing the impact of the rule on small businesses or other small entities. Based on comments received in response to the RFA analysis, this notice proposes amendments to the explosives regulations relating to fireworks. The notice also proposes amendments to the regulations that have been initiated by ATF, as well as amendments that have been proposed by members of the explosives industry**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	10/00/04	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1512–AB48**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–AA01**1969. IDENTIFICATION MARKINGS PLACED ON IMPORTED EXPLOSIVE MATERIALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 847**CFR Citation:** 27 CFR 555**Legal Deadline:** None**Abstract:** ATF is proposing to amend the regulations to require licensed importers to identify by marking all imported explosive materials. ATF is also proposing to incorporate into the regulations the provisions of ATF Ruling 75–35, relating to methods of marking containers of explosive materials. In addition, ATF is proposing to amend the regulations to remove the requirement that a licensee or permittee file for an amended license or permit in order to change the class of explosive materials described in their license or permit from a lower to a higher classification.**Timetable:**

Action	Date	FR Cite
ANPRM	11/13/00	65 FR 67669
ANPRM Comment Period End	01/12/01	
NPRM	10/16/02	67 FR 63862
NPRM Comment Period End	01/14/03	
Final Action	06/00/04	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1512–AC25**Agency Contact:** James Ficaretta, Program Manager, Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 650 Massachusetts Avenue NW, Washington, DC 20226  
Phone: 202 927–8203**RIN:** 1140–AA02**1970. COMMERCE IN EXPLOSIVES—EXPLOSIVE PEST CONTROL DEVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 847**CFR Citation:** 27 CFR 555**Legal Deadline:** None**Abstract:** ATF is proposing to amend the explosive regulations to provide a limited exemption from the requirements of part 555 for wildlife pest control devices that are used for agricultural and other pest control operations.

## DOJ—ATF

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	01/29/03	68 FR 4402
NPRM Comment Period End	02/28/03	
Final Action	12/00/03	

**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

**1971. 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	04/00/04	

**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

**1972. RESIDENCY REQUIREMENT FOR PERSONS ACQUIRING FIREARMS**

Priority: Other Significant

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

CFR Citation: 27 CFR 478

Legal Deadline: None

**Abstract:** The interim rule amends the regulations to provide for a firearms purchaser's affirmative statement of his

or her State of residence on ATF Form 4473 (Firearms Transaction Record) and ATF Form 5300.35 (Statement of Intent to Obtain a Handgun) in acquiring a firearm from a Federal firearms licensee. The interim rule also amends the regulations to require that aliens purchasing firearms provide proof of residency through the use of substantiating documentation, such as utility bills or a lease agreement. In addition, the regulations were amended to require that licensees examine a photo identification document from aliens purchasing firearms. These regulations implement firearms initiatives intended to protect the American public from gun violence.

**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	07/00/04	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1512-AB66

**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-AA05

## Department of Justice (DOJ)

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

## Long-Term Actions

**1973. 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

Action	Date	FR Cite
Interim Final Rule Comment Period End	06/18/03	
Final Action	02/00/05	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

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

RIN: 1140-AA00

**1974. 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

## DOJ—ATF

## Long-Term Actions

**Timetable:**

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

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** Federal**Agency Contact:** James Ficaretta

Phone: 202 927-8203

RIN: 1140-AA06

**1975. PUBLIC LAW 105-277, MAKING OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FY '99 RELATING TO FIREARMS DISABILITIES FOR NONIMMIGRANT ALIENS****Priority:** Substantive, Nonsignificant**CFR Citation:** 27 CFR 478**Timetable:**

Action	Date	FR Cite
NPRM	02/05/02	67 FR 5428
Interim Final Rule	02/05/02	67 FR 5422
NPRM Comment Period End	05/06/02	
Interim Final Rule Comment Period End	05/06/02	
Final Rule	03/00/05	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** James Ficaretta

Phone: 202 927-8203

RIN: 1140-AA08

**1976. COMMERCE IN FIREARMS AND AMMUNITION—ANNUAL INVENTORY****Priority:** Substantive, Nonsignificant**CFR Citation:** 27 CFR 478**Timetable:**

Action	Date	FR Cite
NPRM	08/28/00	65 FR 52054
NPRM Comment Period End	11/27/00	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** James Ficaretta

Phone: 202 927-8203

RIN: 1140-AA09

**1977. • 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**Legal Authority:** PL 107-296, title XI, subtitle C**CFR Citation:** 27 CFR 555**Legal Deadline:** Final, Statutory, May 24, 2003, Final.

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

**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	02/00/05	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Related to RIN 1140-AA20

**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-AA20

**1978. • WAIVER FOR FIREARM PROHIBITION ON NONIMMIGRANT VISA HOLDERS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** PL 105-277, sec 121; 18 USC 922**CFR Citation:** 28 CFR 478**Legal Deadline:** None

**Abstract:** The Gun Control Act of 1968 established categories of individuals who are prohibited from possessing a firearm. A provision of Public Law 105-277, the Omnibus Appropriations Act of 1999, added aliens in a nonimmigrant classification as an additional prohibited category. In the same Act, the Attorney General was authorized to grant a waiver for individuals disqualified by this new prohibited category. The waiver petition will be granted, inter alia, upon an applicant showing proof of 180 days of residency and a statement of character from the applicant's embassy or consulate and upon a determination by the Attorney General that the waiver should be granted in the interests of justice so as not to jeopardize public safety.

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1105-AA66.

**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-AA21

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

## Proposed Rule Stage

**1979. GUIDELINES FOR PROVIDING CONTROLLED SUBSTANCES TO OCEAN VESSELS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 21 CFR 1301

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
ANPRM	09/18/96	61 FR 49086
ANPRM Comment Period End	11/18/96	
NPRM	12/00/03	
NPRM Comment Period End	02/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-142

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

Phone: 202 307-7297

**RIN:** 1117-AA40

**1980. EXEMPTION FROM IMPORT/EXPORT REQUIREMENTS FOR PERSONAL MEDICAL USE**

**Priority:** Other Significant

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

**CFR Citation:** 21 CFR 1301

**Legal Deadline:** None

**Abstract:** DEA is proposing to amend its regulations to restrict to 50 dosage units the total quantity of Schedule II, III, IV, and V controlled substances that

may be imported for personal medical use by United States (U.S.) residents entering the U.S. A dosage unit is considered by DEA to be the basic unit used to quantify the amount to be taken in normal usage. The proposed 50 dosage unit limit would not apply to a U.S. resident who has a valid U.S. practitioner's prescription. This proposed rulemaking implements and extends the provisions of the Controlled Substances Trafficking Prohibition Act of 1998.

**Timetable:**

Action	Date	FR Cite
NPRM	09/11/03	68 FR 53529
NPRM Comment Period End	11/10/03	
Final Action	03/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-192

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

Phone: 202 307-7297

**RIN:** 1117-AA56

**1981. ELECTRONIC PRESCRIPTIONS FOR CONTROLLED SUBSTANCES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 21 CFR 1306

**Legal Deadline:** None

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

prescription errors caused by illegible handwriting and misunderstood oral prescriptions. They would allow pharmacies and hospitals to integrate prescription records into other medical records more directly, increasing efficiency, and would reduce the time patients spend waiting to have prescriptions filled. These proposed regulations are consistent with paperwork reduction mandates. These proposed regulations also respond to the requirements of Public Law 106-229, the "Electronic Signatures in Global and National Commerce Act," while ensuring security and authentication. In a separate related rulemaking (RIN 1117-AA60), DEA is proposing to revise its regulations to provide the option of ordering Schedule I and II controlled substances electronically in a manner consistent with the requirements of the Controlled Substances Act (CSA)(21 U.S.C. 801 et seq.)

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** None

**Additional Information:** DEA-214

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

Phone: 202 307-7297

**RIN:** 1117-AA61

**1982. SECURITY REQUIREMENTS FOR HANDLERS OF PSEUDOEPHEDRINE, EPHEDRINE, AND PHENYLPROPANOLAMINE**

**Priority:** Other Significant

**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 830

**CFR Citation:** 21 CFR 1309

**Legal Deadline:** None

**Abstract:** DEA is proposing to require that manufacturers, distributors, importers, and exporters of pseudoephedrine, ephedrine, and phenylpropanolamine implement

## DOJ—DEA

## Proposed Rule Stage

security procedures similar to those of Schedules III through V controlled substances to prevent the theft and diversion of these List I chemicals. Pseudoephedrine and ephedrine are used in the illegal manufacture of methamphetamine, and phenylpropanolamine is used in the illegal manufacture of amphetamine.

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-211

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

Phone: 202 307-7297

**RIN:** 1117-AA62

**1983. REORGANIZATION AND CLARIFICATION OF DEA REGULATIONS**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/04	
NPRM Comment	08/00/04	
Period End		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-221

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

Phone: 202 307-7297

**RIN:** 1117-AA63

**1984. CHEMICAL MIXTURES CONTAINING LISTED FORMS OF PHOSPHORUS**

**Priority:** Other Significant

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

**CFR Citation:** 21 CFR 1310

**Legal Deadline:** None

**Abstract:** In a previous rulemaking, (RIN 1117-AA57) DEA made red phosphorus, white phosphorus, and hypophosphorous acid (and its salts)

List I chemicals. By this rulemaking (1117-AA66), DEA is requesting information from interested parties to propose regulations governing chemical mixtures containing the List I chemicals red phosphorus, white phosphorus, and hypophosphorous acid (and its salts). Currently, all chemical mixtures containing red phosphorus, white phosphorus, and hypophosphorous acid (and its salts) are exempt from regulation. These mixtures will remain exempt until publication of rulemakings regarding chemical mixtures (see RIN 1117-AA31). These three List I chemicals are used industrially and have multiple commercial purposes. They are also used in the illicit production of methamphetamine and amphetamine. Information sought will help determine whether there are chemical mixtures containing red phosphorus, white phosphorus, and hypophosphorous acid (and its salts), which should be exempt from the regulations governing listed chemicals.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-228

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

Phone: 202 307-7183

**RIN:** 1117-AA66

**1985. 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



## DOJ—DEA

## Proposed Rule Stage

**Legal Deadline:** None

**Abstract:** DEA is proposing amending its regulations to waive the requirement of registration for contract processors, medical/first aid kit providers, distributors of sample packages of drug products, and distributors of research/reference standards. These actions are being taken in response to industry comments and suggestions. DEA has determined that requiring registration for these activities is not necessary for effective enforcement under the Controlled Substances Act (CSA) and waiving the requirement of registration will ease regulatory burdens for the affected industries. DEA is also proposing exempting charitable organizations and 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	10/00/04	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

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

**Additional Information:** DEA-189

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

**RIN:** 1117-AA67

### 1986. RECORDKEEPING AND REPORTING REQUIREMENTS FOR DRUG PRODUCTS CONTAINING GAMMA HYDROXYBUTYRIC ACID (GHB)

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** The Drug Enforcement Administration (DEA) is publishing a

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/25/03	68 FR 66048
NPRM Comment Period End	01/26/04	
Final Action	07/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** DEA-234

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

**RIN:** 1117-AA71

### 1987. CHEMICAL REGISTRATION AND REREGISTRATION FEES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 21 CFR 1309

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-235

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

**RIN:** 1117-AA72

## DOJ—DEA

## Proposed Rule Stage

**1988. PREVENTING THE ACCUMULATION OF SURPLUS CONTROLLED SUBSTANCES AT LONG-TERM CARE FACILITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 802; 21 USC 821; 21 USC 822; 21 USC 871(b)**CFR Citation:** 21 CFR 1300; 21 CFR 1301; 21 CFR 1304; 21 CFR 1307**Legal Deadline:** None

**Abstract:** To address the accumulation of excess controlled substances at long-term care facilities (LTCFs), the Drug Enforcement Administration (DEA) is proposing to permit the use of automated dispensing systems operated by provider pharmacies. Specifically, this proposed rule would permit a DEA-registered pharmacy to register at a LTCF (without any additional registration fees) and to store controlled substances in the automated dispensing system at the LTCF. The use of automated dispensing systems would allow dispensing of single dosage units of prescribed controlled substances, provide electronic records of each dispensing, and mitigate the problem of excess stocks of controlled substances at the LTCF and the disposal of those stocks.

**Timetable:**

Action	Date	FR Cite
NPRM	11/03/03	68 FR 62255

Action	Date	FR Cite
NPRM Comment Period End	01/02/04	
Final Action	08/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-240**Agency Contact:** Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

**RIN:** 1117-AA75**1989. • CLARIFICATION OF REGISTRATION REQUIREMENTS FOR INDIVIDUAL PRACTITIONERS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**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	01/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-224**Agency Contact:** Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

**RIN:** 1117-AA89**Department of Justice (DOJ)  
Drug Enforcement Administration (DEA)**

## Final Rule Stage

**1990. DEFINITION AND REGISTRATION OF REVERSE DISTRIBUTORS****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 871(b); 21 USC 875; 21 USC 877**CFR Citation:** 21 CFR 1301**Legal Deadline:** None

**Abstract:** In years past, most pharmaceutical manufacturers and wholesalers, as a service to their customers, accepted returns of outdated/damaged merchandise. Also, agencies such as DEA and State Boards of Pharmacy accepted surrendered drugs or witnessed their disposal by controlled substance registrants. Over the past several years, environmental concerns and regulations have

eliminated many of the disposal options that had been available. As a result, drug producers and government agencies alike are increasingly reluctant to be involved in the disposal process. Due to these factors and the time and resources expended by DEA and manufacturers, DEA is establishing this essential link in the legitimate distribution chain.

**Timetable:**

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

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

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** DEA-108**Agency Contact:** Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

**RIN:** 1117-AA19

DOJ—DEA

Final Rule Stage

**1991. EXEMPTION OF CHEMICAL MIXTURES****Priority:** Other Significant**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b)**CFR Citation:** 21 CFR 1310**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/04	
<b>Exemption Chemical Mixtures (1117-AA76)</b>		
NPRM	09/16/98	63 FR 49506
NPRM Comment Period End	04/16/99	
NPRM Comment Period Extended	09/12/99	64 FR 7144
Final Action	05/00/04	
<b>Exemption of Chemical Mixtures Containing the List I Chemicals Ephedrine, N-Methylephedrine, N-Methylpseudoephedrine, Norpseudoephedrine, Phenylpropanolamine, and Pseudoephedrine (1117-AA77)</b>		
NPRM	09/16/98	63 FR 49506
NPRM Comment Period End	04/06/99	
NPRM Comment Period Extended	09/12/99	64 FR 7144
Final Action	05/01/03	68 FR 23195
Final Action Effective	06/02/03	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** DEA-137**Agency Contact:** Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Department of Justice, Drug Enforcement Administration, Office of

Diversion Control, Washington, DC 20537

Phone: 202 307-7183

**RIN:** 1117-AA31**1992. CHEMICAL REGISTRATION AND REREGISTRATION FEES****Priority:** Other Significant**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 830; 21 USC 871 (b); 21 USC 875; 21 USC 877; 21 USC 958**CFR Citation:** 21 CFR 1309**Legal Deadline:** None

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

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

publishes a new NPRM fee rule (see RIN 1117-AA72).

**Timetable:**

Action	Date	FR Cite
NPRM	12/01/99	64 FR 67216
NPRM Comment Period End	01/31/00	
Notice Withdrawing Rulemaking	04/00/04	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** DEA-185**Agency Contact:** Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537  
Phone: 202 307-7297**RIN:** 1117-AA50**1993. ELECTRONIC ORDERS FOR SCHEDULE I AND II CONTROLLED SUBSTANCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 821; 21 USC 827; 21 USC 828; 21 USC 871(b); 21 USC 958(e); 21 USC 965**CFR Citation:** 21 CFR 1304; 21 CFR 1305**Legal Deadline:** None

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

## DOJ—DEA

## Final Rule Stage

Signatures in Global and National Commerce Act," while maintaining a closed system of distribution of controlled substances and ensuring security and authentication. In a separate related rulemaking (RIN 1117-AA61), DEA is proposing to revise its regulations to permit DEA-registered prescribers to electronically write, sign, and transmit prescriptions.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/04	
<b>Electronic Orders for Schedule I and II Controlled Substances (1117-AA86)</b>		
ANPRM	03/05/01	66 FR 13274
NPRM	06/27/03	68 FR 38558
NPRM Comment Period End 09/25/03		
Final Action 04/00/04		
<b>Notice of Intent To Conduct Performance Verification Testing of Public Key Infrastructure Enabled Controlled Substance Orders (1117-AA87)</b>		
Notice 01/11/02 (67 FR 1507)		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** ANPRM: DEA-214

NPRM: DEA 217

Notice: DEA-224

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

Phone: 202 307-7297

**RIN:** 1117-AA60

### 1994. CHEMICAL MIXTURES CONTAINING GAMMA-BUTYROLACTONE

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 21 CFR 1310

**Legal Deadline:** None

**Abstract:** In previous rulemakings, DEA made gamma-butyrolactone (GBL) a List I chemical and established thresholds for transactions involving this chemical. DEA has requested information from interested persons in order to establish regulations governing chemical mixtures containing gamma-butyrolactone (GBL), a List I chemical. Currently, all chemical mixtures

containing GBL are exempt from regulation. These mixtures will remain exempt until publication of rulemakings regarding chemical mixtures (see RIN 1117-AA31). GBL is used in the illicit manufacture of GHB, a Schedule I controlled substance. Specifically, DEA sought information on the types of products containing GBL; the concentration levels of GBL in the product formulations; and the packaging, distribution, use, and commercial availability of these products. This information will help to determine whether there are chemical mixtures containing GBL which should be exempt from the regulations governing listed chemicals.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/19/02	67 FR 47493
Correction	08/19/02	67 FR 53842
Correction	09/05/02	67 FR 56776
ANPRM Comment Period End	09/17/02	
Interim Final Rule	01/00/04	
Interim Final Rule Comment Period End	03/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-222

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

Phone: 202 307-7183

**RIN:** 1117-AA64

### 1995. AUTHORITY FOR PRACTITIONERS TO DISPENSE OR PRESCRIBE APPROVED NARCOTIC (OPIOID) SUBSTANCES FOR MAINTENANCE OR DETOXIFICATION TREATMENT

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 21 CFR 1301; 21 CFR 1306

**Legal Deadline:** None

**Abstract:** DEA is proposing amendments to its regulations to

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

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/24/03	68 FR 37429
NPRM Comment Period End	09/23/03	
Final Action	05/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-202

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

Phone: 202 307-7297

**RIN:** 1117-AA68

DOJ—DEA

Final Rule Stage

**1996. REPORTS BY REGISTRANTS OF THEFT OR SIGNIFICANT LOSS OF CONTROLLED SUBSTANCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 871(b); 21 USC 875; 21 USC 877; ...**CFR Citation:** 21 CFR 1301**Legal Deadline:** None**Abstract:** DEA is amending its regulations to clarify its policy regarding reports by registrants of theft or significant loss of controlled substances. There has been some

confusion as to what constitutes a significant loss, and when and how initial notice of a theft or loss should be provided to DEA. This Notice of Proposed Rulemaking proposes the clarification of DEA regulations and provides guidance to registrants regarding the theft, significant loss, and explained loss of controlled substances.

**Timetable:**

Action	Date	FR Cite
NPRM	07/08/03	68 FR 40576
NPRM Comment Period End	09/08/03	
Final Action	03/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA 196**Agency Contact:** Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537  
Phone: 202 307-7297**RIN:** 1117-AA73**Department of Justice (DOJ)  
Drug Enforcement Administration (DEA)**

Completed Actions

**1997. SALE BY FEDERAL DEPARTMENTS OR AGENCIES OF CHEMICALS USABLE TO MANUFACTURE A CONTROLLED SUBSTANCE****Priority:** Substantive, Nonsignificant**CFR Citation:** 21 CFR 1310; 21 CFR 1316**Completed:**

Reason	Date	FR Cite
NPRM	05/08/03	68 FR 24689
Final Action	11/06/03	68 FR 62735
Final Action Effective	12/08/03	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Agency Contact:** Patricia M. Good  
Phone: 202 307-7297**RIN:** 1117-AA47**1998. PLACEMENT OF GAMMA-BUTYROLACTONE IN LIST I OF THE CONTROLLED SUBSTANCES ACT (21 U.S.C. 802)****Priority:** Substantive, Nonsignificant**CFR Citation:** 21 CFR 1310**Completed:**

Reason	Date	FR Cite
Final Action	09/10/03	68 FR 53290

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Frank Sapienza  
Phone: 202 307-7183**RIN:** 1117-AA52**1999. CONTROL OF RED PHOSPHORUS, WHITE PHOSPHORUS, AND HYPOPHOSPHOROUS ACID (AND ITS SALTS) AS LIST I CHEMICALS****Priority:** Substantive, Nonsignificant**CFR Citation:** 21 CFR 1310**Completed:**

Reason	Date	FR Cite
Final Action	06/24/03	68 FR 37411
Final Action Effective	06/24/03	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Frank Sapienza  
Phone: 202 307-7183**RIN:** 1117-AA57**2000. ALLOWING CENTRAL FILL PHARMACIES TO FILL PRESCRIPTIONS FOR CONTROLLED SUBSTANCES ON BEHALF OF RETAIL PHARMACIES****Priority:** Substantive, Nonsignificant**CFR Citation:** 21 CFR 1300; 21 CFR 1301; 21 CFR 1304; 21 CFR 1305; 21 CFR 1306; 21 CFR 1307**Completed:**

Reason	Date	FR Cite
Final Action	06/24/03	68 FR 37405
Final Action Effective	07/24/03	

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

Phone: 202 307-7297

**RIN:** 1117-AA58**2001. IMPLEMENTATION OF THE METHAMPHETAMINE ANTI-PROLIFERATION ACT: THRESHOLDS FOR RETAILERS AND FOR DISTRIBUTORS REQUIRED TO SUBMIT REPORTS UNDER 21 U.S.C. 830(B)(3); CHANGES TO MAIL ORDER REPORTING****Priority:** Substantive, Nonsignificant**CFR Citation:** 21 CFR 1300; 21 CFR 1309; 21 CFR 1310**Completed:**

Reason	Date	FR Cite
Final Action	10/07/03	68 FR 57799
Final Action Effective	11/06/03	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Patricia M. Good  
Phone: 202 307-7297**RIN:** 1117-AA69**2002. CONTROLLED SUBSTANCES REGISTRATION AND REREGISTRATION APPLICATION FEES****Priority:** Other Significant**CFR Citation:** 21 CFR 1301**Completed:**

Reason	Date	FR Cite
Final Action	10/10/03	68 FR 58587
Final Action Effective	12/01/03	

## DOJ—DEA

## Completed Actions

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None  
**Agency Contact:** Patricia M. Good

Phone: 202 307-7297  
**RIN:** 1117-AA70

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

## Proposed Rule Stage

**2003. 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 proposes to amend the regulations by implementing the statutory authority given to Immigration Judges to sanction by civil money penalty any action or inaction in contempt of the Judge's proper exercise of authority. This statutory authority is derived from section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104-208 (IIRIRA), September 30, 1996. This rule sets forth the types of conduct for which civil money penalty sanctions may be imposed, the procedures for imposing these sanctions, the affirmative defenses which may excuse the imposition of a civil money penalty sanction, and the procedures for appealing such sanctions. The rule also adds an additional ground for disciplinary sanctions under 8 CFR section 3.102 for engaging in a pattern and practice of conduct which has been found to be in contempt of the Immigration Judge's proper exercise of authority.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/04	
NPRM Comment Period End	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

Phone: 703 305-0470  
**RIN:** 1125-AA18

**2004. SUSPENSION OF DEPORTATION AND CANCELLATION OF REMOVAL FOR CERTAIN BATTERED SPOUSES AND CHILDREN; MOTIONS TO REOPEN FOR CERTAIN BATTERED SPOUSES AND CHILDREN**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 8 CFR 1003; 8 CFR 1240

**Legal Deadline:** None

**Abstract:** This rule amends Department regulations by establishing procedures incorporating the amended requirements of cancellation of removal for battered spouses and children under 240A(b)(2) of the Immigration and Nationality Act (Act), and suspension of deportation under former section 244(a)(3) of the Act (as it existed before April 1, 1997), which were amended by section 1504 of the Battered Immigrant Women Protection Act of 2000.

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

Additionally, this rule establishes procedures which must be followed by EOIR when an alien applies for a domestic violence victim waiver under

section 237(a)(7) of the Act (as amended by section 1505(b) of the Battered Immigrant Women Protection Act of 2000).

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 1125-AA35

**2005. 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 proposed 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 proposed 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

## DOJ—EOIR

## Proposed Rule Stage

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	03/00/04	
NPRM Comment Period End	05/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1125-AA39

**2006. • DEFINITIONS; POWERS AND AUTHORITY OF DHS OFFICERS AND EMPLOYEES IN REMOVAL PROCEEDINGS**

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

**Legal Authority:** 8 USC 1101, 1103, 1182, 1221, 1225, 1226, 1229, 1251, 1252, 1357

**CFR Citation:** 8 CFR 1001; 8 CFR 1239; 8 CFR 1287

**Legal Deadline:** None

**Abstract:** This final rule amends the regulations of the Executive Office for Immigration Review (EOIR) to conform to final regulations issued by the Department of Homeland Security (DHS) in chapter I of title 8 of the CFR (68 FR 35273, 6-13-03). The corresponding DHS regulation amended certain definitions and outlined the powers and authorities of DHS employees to issue charging documents and subpoenas in removal proceedings. Accordingly, this regulation is promulgated to ensure that the changes made by DHS are reflected in chapter V of title 8 of the CFR, relating to the jurisdiction and procedures of EOIR.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1125-AA43

**2007. • REQUIRING IDENTITY, BACKGROUND, AND SECURITY CHECKS IN REMOVAL PROCEEDINGS**

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

**Legal Authority:** 5 USC 301; 8 USC 1101 note, 1103, 1182, 1186a, 1224, 1225, 1226, 1227, 1251, 1252 note, 1252a, 1252b, 1324b, 1362; 28 USC

509, 510, 1746; sec 2, Reorg Plan No 2 of 1950; 3 CFR, 1949 to 1953 Comp, p 1002; secs 202 and 203 of PL 105-100, 111 Stat 2160, 2193, 2196-200; sec 902, PL 105-277, 112 Stat 2681; secs 1506 and 1510 of PL 106-386, 114 Stat 1527-29, 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 interim rule amends regulations governing the Executive Office for Immigration Review to ensure completion of identity, background, and security checks before the immigration judges and the Board adjudicate applications for lawful permanent resident status have expired or are otherwise incomplete. This rule is necessary to ensure that all such applicants are not otherwise inadmissible to or deportable from the United States and are eligible for relief from removal, before becoming an asylee or a lawful permanent resident in the United States and to minimize the threats an asylee or lawful permanent resident may present to public safety or national security.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/04	
NPRM Comment Period End	04/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1125-AA44

**2008. • INTERNATIONAL MATCHMAKING ORGANIZATIONS; CIVIL PENALTIES**

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

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

## DOJ—EOIR

## Proposed Rule Stage

**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	02/00/04	
NPRM Comment Period End	04/00/04	

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

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

**RIN:** 1125-AA45

### 2009. • ASYLUM CLAIMS MADE BY ALIENS ARRIVING FROM CANADA AT LAND-BORDER PORTS-OF-ENTRY

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

**Legal Authority:** 5 USC 301; 8 USC 1101 note, 1102, 1103, 1158, 1182 and note, 1184, 1186a, 1187, 1224, 1225, 1226, 1227, 1228, 1251, 1252, 1252a, 1252b, 1282, 1324b, 1362 ; 28 USC 509, 510, 1746; sec 2, Reorg Plan No 2 of 1950; 3 CFR, 1949 to 1953 Comp, p 1002; sec 202 and 203 of P L 105-100, 111 Stat 2196-200; secs 1506 and 1510 of PL 106-386, 114 Stat 1527-29, 1531-32; sec 1505 of P L 106-554, 114

Stat 2763A-326 to 2763A-328; sec 902, PL 105-277, 112 Stat 2681

**CFR Citation:** 8 CFR 1003; 8 CFR 1208; 8 CFR 1212; 8 CFR 1240

**Legal Deadline:** None

**Abstract:** This proposed rule amends the rules governing removal proceedings and the review of the Department of Homeland Security determinations to implement the terms of a recently signed Safe Third Country Agreement between the United States and Canada. The terms of that Agreement provide that certain categories of aliens arriving from Canada at land border ports of entry or in transit from Canada will be returned to Canada for adjudication of their claims rather than having those claims heard in the United States. This proposed rule would establish the authority of immigration judges to apply this Agreement in removal proceedings and in reviewing negative determinations made by asylum officers.

**Timetable:**

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

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

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

**RIN:** 1125-AA46

### 2010. • IMPLEMENTATION OF THE NUMERICAL LIMIT ON ASYLUM GRANTS AND REFUGEE ADMISSION BASED ON RESISTANCE TO COERCIVE POPULATION CONTROL MEASURES

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

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

**CFR Citation:** 8 CFR 1208**Legal Deadline:** None

**Abstract:** Section 601(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) provides that, for any fiscal year, not more than a total of 1,000 refugees may be admitted or granted asylum based solely on resistance to coercive population control measures. This rule authorizes the Department of Homeland Security and the Executive Office for Immigration Review to make conditional grants of asylum in those cases in which an applicant is found to merit asylum solely on the basis of resistance to coercive population control measures and establishes a mechanism for converting no more than 1,000 conditional grants per fiscal year to final asylum grants. The rule also establishes procedures for administering a waiting list in those years that the number of conditional grants exceeds the statutory limit for final grants, reserves a certain number of authorization numbers for purposes of refugee admission, and addresses procedures for administering derivative conditional grants, terminating conditional grants, and other procedures specific to this rule.

**Timetable:**

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

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

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

**RIN:** 1125-AA48



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

**Final Rule Stage**

**2011. 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	04/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1125-AA25

**2012. AUTHORITIES DELEGATED TO THE DIRECTOR OF THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

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

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

**CFR Citation:** 8 CFR 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), the Chairman of the Board of Immigration Appeals (BIA), and the Chief Immigration Judge. These authorities include such managerial responsibilities as: Issuing operational instructions, setting policies, providing for the training of staff, and ensuring the efficient disposition of cases. One of the limitations on the powers of the Director of EOIR, the Chairman of the BIA, and the Chief Immigration Judge is that they cannot direct the result of a case adjudication assigned to someone else.

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/26/00	65 FR 81434
NPRM Comment Period End	02/26/01	
Final Action	02/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 1125-AA27

**2013. 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:** The rule amends the regulations of the Executive Office for Immigration Review (EOIR) by establishing a special procedure for the filing and adjudication of motions to reopen to apply for suspension of deportation and cancellation of removal pursuant to section 1505(c) of the Legal Immigration Family Equity Act Amendments of 2000 (LIFE Act Amendments). Motions to reopen under this rule must have been filed on or before October 16, 2001.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/17/01	66 FR 37119
Interim Final Rule Comment Period End	09/17/01	
Final Action	02/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 1125-AA31

**2014. SECTION 212(C) RELIEF FOR ALIENS WITH CERTAIN CRIMINAL CONVICTIONS BEFORE APRIL 1, 1997**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 8 CFR 1003

**Legal Deadline:** None

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

## DOJ—EOIR

## Final Rule Stage

Supreme Court decision in *INS v. St. Cyr*, 121 (S. Ct. 2271 (2001)).

**Timetable:**

Action	Date	FR Cite
NPRM	08/13/02	67 FR 52627
Correction	08/22/02	67 FR 54360
NPRM Comment Period End	10/15/02	
Final Rule	03/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 1125-AA33

**2015. 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; section 203 of PL 105-100, 111 Stat 2196-200; sections 1506 and 1510 of PL 106-386, 114 Stat 1527-29, 1531-32; section 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	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1125-AA38

**2016. 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 280 of title 8 CFR, and transfers that authority to Office of the Chief Administrative Hearing Officer (OCAHO). Part 280 governs the administration 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	05/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Phone: 703 305-0470

**RIN:** 1125-AA41

**2017. • REVIEW OF CUSTODY DETERMINATIONS**

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

**Legal Authority:** 5 USC 301 ; 8 USC 1101 note, 1103, 1252 note, 1252b, 1282, 1324b, 1362; 28 USC 509, 510, 1746; sec 2, Reorg Plan No 2 of 1950; 3 CFR, 1949 to 1953 Comp, p 1002; sec 203 of PL 105-100, 111 Stat 2196-200; secs 1506 and 1510 of PL 106-386; 114 Stat 1527-29, 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 the regulations of the Executive Office for Immigration Review, by expanding 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	05/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Previously reported under RIN 1115-AG41

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

**RIN:** 1125-AA47

**Department of Justice (DOJ)**  
**Executive Office for Immigration Review (EOIR)**
**Completed Actions**
**2018. REVIEW OF AN ARBITRATOR'S FINDINGS AND IMPOSING REMEDIES AGAINST EMPLOYERS HIRING H-1B VISA WORKERS OVER EQUALLY OR BETTER QUALIFIED U.S. WORKERS**
**Priority:** Substantive, Nonsignificant

**CFR Citation:** 28 CFR 44
**Completed:**

Reason	Date	FR Cite
Merged With RIN 1190-AA48	09/11/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 1125-AA40

**Department of Justice (DOJ)**  
**Federal Bureau of Investigation (FBI)**
**Final Rule Stage**
**2019. IMPLEMENTATION OF SECTIONS 104 AND 109 OF THE COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT**
**Priority:** Other Significant

**Legal Authority:** PL 103-414

Communications Assistance for Law Enforcement Act; PL 104-208 Omnibus Consolidated Appropriations Act of 1997

**CFR Citation:** 28 CFR 100

**Legal Deadline:** Other, Statutory, October 25, 1998, Other.

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

Additionally, CALEA section 104 requires the Attorney General to publish a Notice of Actual and Maximum Capacity in order to provide telecommunications carriers with the information they will need to meet law enforcement's future simultaneous electronic surveillance requirements. For local exchange, cellular, and

broadband PCS, the FBI published an Initial Notice of Capacity on October 16, 1995 (60 FR 53643), and a Second Notice of Capacity on January 14, 1997 (62 FR 1902). The FBI published the Final Notice of Capacity for local exchange, cellular, and broadband PCS on March 12, 1998 (63 FR 12218). Additionally, the FBI published a Notice of Inquiry (NOI) in the Federal Register on December 18, 1998 (63 FR 70160), which solicited information on and suggestions for developing reasonable methodologies for characterizing capacity requirements for telecommunications services and technologies other than local exchange, cellular, and broadband PCS. Comments were due on February 16, 1999. Information gathered in response to the NOI was used in publishing the Further Notice of Inquiry (FNOI) on June 30, 2000 (65 FR 40694). Comments were due August 29, 2000. Information gathered in response to the FNOI will be used in the publication of an Initial Notice of Capacity for developing reasonable capacity methodologies for the paging, mobile satellite, specialized mobile radio, and enhanced specialized mobile radio services.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/03	
<b>"Significant upgrade or major modification" (1110-AA12)</b>		
ANPRM 11/19/96	61 FR 58799	
ANPRM Comment Period End 12/19/96		
NPRM 04/28/98	63 FR 23231	
NPRM Comment Period End 06/29/98		
Supplemental NPRM Proposing Definitions 10/05/01	66 FR 50931	
Supplemental NPRM Comment Period End 12/04/01		
Final Action 12/00/03		
<b>Cost Recovery Rule (Telecom. Carriers) (1110-AA11)</b>		
NPRM 05/10/96	61 FR 21396	
NPRM Comment Period End 07/09/96		
Final Rule 03/20/97	62 FR 13307	
Final Rule Effective 04/21/97		

**Notice of Actual and Max. Cap.—local exch, cellular, broadb PCS (1110-AA14)**

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

**Notice of Actual and Max. Cap.—paging, MSS, SMR, ESMR (1110-AA13)**

 Notice of Inquiry (Cap Methodology) 12/18/98 (63 FR 70160)  
 Further Notice of Inquiry (Cap Methodology) 06/30/00 (65 FR 40694)  
 Initial Notice of Capacity 10/00/04

**Regulatory Flexibility Analysis**
**Required:** Yes

**Government Levels Affected:** None

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

Transferred from RIN 1105-AA39.

See also RIN 1110-AA10.

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

Phone: 703 814-4900

DOJ—FBI

Final Rule Stage

Leslie M. Szwajkowski, Unit Chief,  
Department of Justice, Federal Bureau  
of Investigation, Suite 300, 14800  
Conference Center Drive, Chantilly, VA  
20151  
Phone: 703 814-4800  
Fax: 703 814-4750

RIN: 1110-AA00

#### 2020. IMPLEMENTATION OF THE NATIONAL STOLEN PASSENGER MOTOR VEHICLE INFORMATION SYSTEM (NSPMVIS)

Priority: Other Significant

Legal Authority: 49 USC 33109 to  
33111

CFR Citation: 28 CFR 89

Legal Deadline: None

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

#### Timetable:

Action	Date	FR Cite
NPRM	04/09/02	67 FR 17027
NPRM Comment Period End	06/10/02	
Final Action	11/00/03	

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

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

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

**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

#### 2021. 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, Other.

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

#### Timetable:

Action	Date	FR Cite
NPRM	02/16/99	64 FR 7562
NPRM Comment Period End	04/19/99	
Final Action	01/00/04	

**Regulatory Flexibility Analysis  
Required:** No

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

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

**Agency Contact:** Janet Chanaki,  
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

#### 2022. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

Priority: Other Significant

Legal Authority: 18 USC 922 to 925;  
5 USC 605(b); EO 12866; EO 13132; 5  
USC 804; ...CFR Citation: 28 CFR 25(b)(1); 28 CFR  
25(b)(2); 28 CFR 25(b)(3); 28 CFR  
25.9(b)(4); 28 CFR 25.2; ...Legal Deadline: Other, Judicial,  
October 22, 2001, Other.

**Abstract:** The Department promulgated regulations to govern the National Instant Criminal Background Check System (NICS) in 1998 when the NICS became operational and adopted amendments which became effective on July 3, 2001.

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

#### Timetable:

Action	Date	FR Cite
NPRM	07/06/01	66 FR 35567
NPRM Comment Period End	09/04/01	
NPRM Comment Period Reopened	09/20/01	66 FR 48390
NPRM Reopened Comment Period End	10/22/01	
Final Action	12/00/03	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

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

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

RIN: 1110-AA07

## DOJ—FBI

## Final Rule Stage

**2023. FINAL NOTICE OF CAPACITY; SUPPLEMENT TO RESPOND TO REMAND****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 1003(a)(1)**CFR Citation:** None**Legal Deadline:** None

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

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

the numbers of surveillance historically conducted at the same time in every region throughout the country.

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

This Supplemental Notice provides further explanation for the FBI's interpretation of the term "simultaneously," and sets forth a new method of interpreting the existing capacity requirements that will allow carriers to break out the number of communications interceptions from the total requirement. The Supplement also sets forth new guidance that will

reduce the requirements for simultaneous communications interceptions applicable to carriers operating in regions with high capacity requirements. This is being done to reduce the concerns raised by the Court of Appeals that such carriers could be unduly burdened with requirements to accommodate an unduly high number of simultaneous interceptions.

**Timetable:**

Action	Date	FR Cite
Final Rule	11/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** See also RIN 1110-AA00.

**Agency Contact:** Leslie M. Szwajkowski, Unit Chief, Department of Justice, Federal Bureau of Investigation, Suite 300, 14800 Conference Center Drive, Chantilly, VA 20151  
Phone: 703 814-4800  
Fax: 703 814-4750

**RIN:** 1110-AA10
**Department of Justice (DOJ)**  
**Federal Bureau of Investigation (FBI)**

## Completed Actions

**2024. CLAIMS OF EXEMPTIONS FROM PROVISIONS OF THE PRIVACY ACT AS TO FBI RECORDS****Priority:** Info./Admin./Other**CFR Citation:** 28 CFR 16.96**Completed:**

Reason	Date	FR Cite
Withdrawn	09/11/03	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Beth Haley  
Phone: 202 324-4523David M. Hardy  
Phone: 202 324-3000**RIN:** 1110-AA08
**Department of Justice (DOJ)**  
**Legal Activities (LA)**

## Proposed Rule Stage

**2025. MOTOR VEHICLE SALVAGE REGULATIONS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 49 USC 30504**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** The Attorney General is required to issue regulations directing junk yard and salvage yard operators and insurance carriers to file monthly reports with the operator of the

National Motor Vehicle Title Information System (NMVTIS) concerning vehicles in their possession. The reports are required by statute, 49 U.S.C. section 30504(a) and (b), to provide the vehicle identification numbers, the date on which the vehicle was obtained, and the name of the individual or entity from whom the vehicle was obtained. Salvage and junk yard operators are also required to provide a statement of whether the automobile was crushed or disposed of for sale or other purposes. Insurance carriers are also required to provide the

name of the owner of the automobile at the time the report is filed.

**Timetable:**

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

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

DOJ—LA

Proposed Rule Stage

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

**Agency Contact:** Deborah Sorkin, Trial Attorney, Department of Justice, Office of Enforcement Operations, Criminal Division, 1301 New York Avenue NW, Washington, DC 20530  
Phone: 202 305-4023  
Fax: 202 305-0562

**RIN:** 1105-AA71

**2026. • PARTICIPATION IN JUSTICE DEPARTMENT PROGRAMS BY FAITH-BASED ORGANIZATIONS; PROVIDING FOR EQUAL TREATMENT OF ALL JUSTICE DEPARTMENT PROGRAM PARTICIPANTS**

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

**Legal Authority:** EO 13279; 5 USC 301; 8 USC 4001 ; 18 USC 4042; 18 USC 5040; 20 USC 1152; 21 USC 87; 25 USC 3681; 28 USC 509; 42 USC 3701 et seq; 42 USC 3711 et seq; 42 USC 3751; 42 USC 3753; 42 USC 3762b; 42 USC 3782; 42 USC 3796dd-1; 42 USC 3796h ; 42 USC 3797u et seq; 42 USC 3797w; 42 USC 5601 et seq; 42 USC 5611; 42 USC 5672; 42 USC 10604; 42 USC 13705 et seq; 42 USC 14071; 42 USC 3796dd-1 ; 42 USC 3796gg-0b; 42 USC 3796gg-1; 42 USC 3796gg-3; 42 USC 3796ii-2; 42 USC 3797u-3

**CFR Citation:** 28 CFR 31; 28 CFR 33; 28 CFR 38; 28 CFR 90; 28 CFR 91; 28 CFR 93

**Legal Deadline:** None

**Abstract:** This rule implements Justice Department policy that, within the framework of constitutional church-state guidelines, faith-based and community organizations should be able to compete on an equal footing with other organizations for the Department's funding. The Justice Department supports the participation of faith-based and community organizations in its programs. Religious organizations, including religiously affiliated organizations, are an important part of the social services network of the United States, offering a multitude of social services to those in need. In addition to places of worship, religious organizations include small nonprofit organizations created to provide one program or multiple services, as well as neighborhood groups formed to respond to a crisis or to lead community renewal. Religious groups everywhere, either acting alone or as partners with other service providers and government programs, serve the poor, help to reduce crime, addiction, and delinquency, and help to strengthen families and rebuild communities.

All too often, however, Federal policy and programs have not recognized religious groups as resources for providing social assistance. Federal, State, and local governments have often imposed barriers to the participation of religious organizations in social service programs, including unwarranted regulatory barriers.

President Bush has directed Federal agencies, including the Justice Department, to take steps to ensure that Federal policy and programs are fully open to faith-based and community groups in a manner that is consistent with the Constitution. The Administration believes that religiously affiliated, or faith-based groups, possess an under-appreciated ability to meet the needs of poor Americans and revitalize distressed neighborhoods. The Administration believes that there should be an equal opportunity for all organizations—both religious and nonreligious—to participate as partners in Federal programs.

**Timetable:**

Action	Date	FR Cite
NPRM	09/30/03	68 FR 56410
NPRM Comment Period End	12/01/03	
Final Action	02/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Organizations

**Government Levels Affected:** Federal

**Agency Contact:** Patrick Purtill, Director, Department of Justice, Task Force for Faith-Based and Community Initiatives, 950 Pennsylvania Avenue NW, Room 4409, Washington, DC 20530

Phone: 202 305-8283

TDD Phone: 800 877-8339

**RIN:** 1105-AA83

Department of Justice (DOJ)

Final Rule Stage

Legal Activities (LA)

**2027. CERTIFICATION AND DECERTIFICATION IN CONNECTION WITH CERTAIN SUITS BASED UPON ACTS OR OMISSIONS OF FEDERAL EMPLOYEES AND OTHER PERSONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 28 USC 2679(b)

**CFR Citation:** 28 CFR 15

**Legal Deadline:** None

**Abstract:** This rule revises 28 CFR part 15, pertaining to the defense of certain suits against Federal employees, to conform the regulations to changes made by the Federal Employee Liability Reform and Tort Compensation Act,

Public Law 100-694. Under prior law, the defense of suits against Federal employees for torts committed in the scope of their employment was limited to claims involving the operation of motor vehicles. Public Law 100-694 expanded the coverage of the immunity provisions to include all common law torts committed by Federal employees in the scope of their employment. This rule conforms the Department's regulations to the expanded coverage of the statute.

**Timetable:**

Action	Date	FR Cite
NPRM	10/22/02	67 FR 64844
NPRM Comment Period End	12/23/02	
Final Action	12/00/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Additional Information:** CIV 102

**Agency Contact:** James G. Touhey Jr., Trial Attorney, Torts Branch, Department of Justice, P.O. Box 888,

DOJ—LA

Final Rule Stage

Benjamin Franklin Station, Washington, DC 20004

Phone: 202 616-4292

RIN: 1105-AA62

**2028. 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, NPRM.

**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. An interim final rule is being prepared that will reflect the change in the Agency to receive the reports and designating law enforcement agencies with whom NCMEC may share 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

Action	Date	FR Cite
Interim Final Rule Effective	12/04/03	
Interim Final Rule Comment Period End	01/05/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

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

RIN: 1105-AA65

**2029. 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, Final.

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/19/99	64 FR 19273
Interim Final Rule Comment Period End	06/21/99	
Final Action	03/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

Suite 500, National Theatre Building, 1325 Pennsylvania Avenue NW, Washington, DC 20530

Phone: 202 514-0458

Fax: 202 353-7491

RIN: 1105-AA67

**2030. CLAIMS UNDER THE RADIATION EXPOSURE COMPENSATION ACT AMENDMENTS OF 2000; AMENDMENTS CONTAINED IN THE DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT OF 2002**

**Priority:** Other Significant

**Legal Authority:** 42 USC 2210 note, Radiation Exposure Compensation Act; PL 106-245, Radiation Exposure Compensation Act Amendments of 2000; PL 106-553; PL 107-273, 21st Century Department of Justice Appropriations Authorization Act

**CFR Citation:** 28 CFR 79

**Legal Deadline:** Final, Statutory, January 6, 2001, Final.

**Abstract:** Several recent legislative enactments have revised provisions of the Radiation Exposure Compensation Act, both procedurally and substantively. Many of the revisions have required the issuance of proposed regulations for public notice and comment—other revisions have been technical in nature and have been implemented in a final rulemaking.

On November 2, 2002, the President signed the 21st Century Department of Justice Appropriations Authorization Act (Pub. L. 107-273). Section 11007 of Public Law 107-273 contains amendments to the Radiation Exposure Compensation Act (RECA), that are technical in nature. Although conforming changes need to be made to the regulations implementing RECA to reflect those technical changes, Public Law 107-273 does not impose a deadline for issuing regulations implementing the changes.

On August 7, 2002, the Department issued two related rulemakings to implement amendments to RECA, enacted on July 10, 2000. The first is a final rule (CIV 100) which made changes consistent with the 2000 law. This final rule expands the list of diseases that are compensable for “downwinder” and “onsite participant” claimants; eliminates smoking distinctions; amends the list of geographical areas to provide additional

DOJ—LA

Final Rule Stage

radiation-affected areas for “downwinder” claimants; modifies the burden of proof for purposes of claims processing; allows claimants who have previously been denied compensation to file up to three times; and makes other technical revisions consistent with the changes to the law. As a result of the passage of Public Law 107–273 on November 2, 2002, this final rule requires additional revisions.

The second rulemaking issued on August 7, 2002, is a proposed rule (CIV 101). The public comment period which initially closed on October 7, 2002, was extended for an additional period. That period expired on January 27, 2003. Over 100 comments were received by the Department. The proposed rule describes the expanded population of eligible uranium mine workers created by lowering the radiation exposure threshold for miners; identifies the new uranium mining states with respect to which miners may be eligible for compensation; includes provisions for compensation to aboveground miners; sets forth employment eligibility criteria for the new claimant categories (millers and ore transporters); describes the documentation that would be required to establish proof of employment in a uranium mine or mill or as an ore transporter; describes the medical documentation necessary to establish the existence of renal cancer and chronic renal disease; and revises the provision concerning representation of claimants before the Department with respect to claims brought under the Act. As with the final rule discussed above, passage of Public Law 107–273 on November 2, 2002, requires additional revisions to this proposed rule.

In light of the further technical changes that need to be made to implement Public Law 107–273, the Department intends to issue one final rule that will accomplish several goals: (1) Requisite technical revisions will be made to CIV 100 consistent with Public Law 107–273; (2) discuss comments received on the proposed rule (CIV 101); and (3) reflect relevant changes made by the Department in connection with those comments.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/03	

**CIV 100—Technical Amendments (1105—AB02)**

Final Action 08/07/02 (67 FR 51422)

**CIV 101—Expansion of Coverage (1105—AB03)**

NPRM 08/07/02 (67 FR 51440)

NPRM Comment Period End 10/07/02

NPRM Comment Period Reopened

11/27/02 (67 FR 70892)

NPRM Extension of Comment Period End

01/27/03

Final Action 11/00/03

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

**Agency Contact:** Dianne S. Spellberg, Senior Counsel, Civil Division, Torts Branch, Department of Justice, Room 3123, Room 3144, 1425 New York Avenue NW, Washington, DC 20005  
Phone: 202 616–4129  
Fax: 202 616–4313  
Email: dianne.spellberg@usdoj.gov

**RIN:** 1105-AA75**2031. DNA SAMPLING OF FEDERAL OFFENDERS UNDER THE USA PATRIOT ACT OF 2001****Priority:** Other Significant

**Legal Authority:** 28 USC 509; 28 USC 510; 42 USC 14132; 41 USC 14135a; 42 USC 14135b; 10 USC 1565; PL 106–546

**CFR Citation:** 28 CFR 28

**Legal Deadline:** Other, Statutory, April 18, 2001, Other.  
Final, Statutory, June 17, 2001, Final.

**Abstract:** Section 3 of Public Law 106–546, the DNA Analysis Backlog Elimination Act of 2000 (the Act), requires the collection of DNA samples from certain categories of Federal offenders. In addition, the Act details the responsibilities of the Bureau of Prisons and Federal probation offices to collect DNA samples from offenders in their custody or supervision, and the responsibility of the FBI to analyze and index DNA samples.

On June 28, 2001, the Department of Justice published an interim rule to implement section 3 and related provisions of Public Law 106–546, the DNA Analysis Backlog Elimination Act of 2000 (66 FR 34363; June 28, 2001). That rule, in part, specified the federal offenses that are treated as “qualifying Federal offenses” for purposes of collecting DNA samples from federal offenders.

Subsequent to the publication of that interim rule, Congress enacted Public Law 107–56, the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) Act of 2001. Section 503 of the USA PATRIOT Act added three new categories of qualifying Federal offenses for purposes of DNA sample collection: (1) Any offense listed in section 2332b(g)(5)(B) of title 18, United States Code; (2) any crime of violence (as defined in section 16 of title 18, United States Code); and (3) any attempt or conspiracy to commit any of the above offenses. Section 503 authorized the Attorney General to determine which offenses are included in these additional categories. On March 11, 2003, the Department published a proposed rule (68 FR 11481) to revise a section of the existing regulations, 28 CFR 28.2, to add the offenses in these three new categories. The next action to be published by the Department under this rulemaking will be a final rule which will finalize both the June 28, 2001 interim rule and the March 11, 2003 proposed rule.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/28/01	66 FR 34363
Interim Final Rule	08/27/01	
Comment Period End		
NPRM	03/11/03	68 FR 11481
NPRM Comment Period End	04/10/03	
Final Action	12/00/03	

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

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

**RIN:** 1105-AA78**2032. 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



## DOJ—LA

## Final Rule Stage

**Legal Deadline:** Final, Statutory, May 2, 2003, Final.

**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 web site to the Department of Justice's Torts Branch at the address provided below by no later than April 24, 2003. (A copy of the Declaration is also included as an appendix to this rule, but will not be included in the Code of Federal Regulations, as it may be revised later. The most current version of the Declaration will be available for download on the Civil Division's Web site.) Submissions received after April 24, 2003, will be considered for inclusion in the next update of the list. The list will be revised periodically, but not more often than twice every

calendar year, beginning with calendar year 2004.

**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	03/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Kenneth L. Zwick, Director, Office of Management Programs, Department of Justice, Civil Division, Room 3140, 950 Pennsylvania Avenue NW, Washington, DC 20530  
Phone: 202 514-4552  
TDD Phone: 888 560-8044

**RIN:** 1105-AA82

## Department of Justice (DOJ)

## Long-Term Actions

## Legal Activities (LA)

**2033. ENHANCED NOTICE AND RELEASE PROCEDURES FOR OWNERS OF SEIZED PROPERTY PURSUANT TO THE CAFRA OF 2000; DISPOSITION OF SEIZED PROPERTY TOO COSTLY TO MAINTAIN; CONSOLIDATION OF DEPARTMENT REGULATIONS**

**Priority:** Other Significant

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

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** John Hieronymus  
Phone: 202 307-7636

Maury V. Taylor

Phone: 202 324-9700

**RIN:** 1105-AA74

## Department of Justice (DOJ)

## Completed Actions

## Legal Activities (LA)

**2034. FOREIGN AGENTS REGISTRATION ACT; REGULATIONS REVISED AND CLARIFIED TO REFLECT CHANGES IN THE LAW**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 28 CFR 5.5(d)(10); 28 CFR 5.203(a); 28 CFR 5.204(a); 28 CFR 5.205(a); 28 CFR 5.206(b); 28 CFR 5.304(c); 28 CFR 5.306(a); 28 CFR 5.5(d)(11); 28 CFR 5.100(c); 28 CFR 5.100(d); 28 CFR 5.200(b); 28 CFR 5.201(a)(1); 28 CFR 5.201(a)(2); 28 CFR 5.202(b); 28 CFR 5.202(e); ...

**Completed:**

Reason	Date	FR Cite
Final Action	06/05/03	68 FR 33629
Final Action Effective	07/07/03	

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** None

**Agency Contact:** Marshall R. Williams  
Phone: 202 514-1216

**RIN:** 1105-AA45

**2035. WAIVER FOR FIREARM PROHIBITION ON NONIMMIGRANT VISA HOLDERS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 28 CFR 25

**Completed:**

Reason	Date	FR Cite
Merged With 1140-AA21	09/09/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Frank A.S. Campbell

DOJ—LA

Completed Actions

Phone: 202 514-2283

RIN: 1105-AA66

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

Proposed Rule Stage

**2036. PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM**

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

**Legal Authority:** 42 USC 3711 et seq

**CFR Citation:** 28 CFR 32

**Legal Deadline:** None

**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	09/00/04	
NPRM Comment	11/00/04	
Period End		

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Camille Cain, Deputy Director for Programs, Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, 810 7th Street NW, Washington, DC 20531  
Phone: 202 616-6500

**RIN:** 1121-AA56

**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, extends the use of criminal intelligence systems for public safety purposes, and is drafted in plainer language.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/04	
NPRM Comment	07/00/04	
Period End		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Agency Contact:** Alan M. Fisher, Attorney—Advisor, Department of Justice, Office of Justice Programs, Room 5341, Office of the General Counsel, 810 Seventh Street NW, Washington, DC 20531-0001  
Phone: 202 616-3540  
Fax: 202 307-1419  
Email: fisheral@ojp.usdoj.gov

**RIN:** 1121-AA59

**2038. VICTIMS OF CRIME ACT (VOCA) PROGRAM REGULATIONS FOR THE VICTIM COMPENSATION GRANT PROGRAM AND VICTIM ASSISTANCE PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 10604, sec 1407(a), Victims of Crime Act

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

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

The program regulations for the Victim Compensation Grant Program provide the parameters under which State agencies may use these funds to reimburse crime victims directly for expenses related to crime. Expenses

that must be covered are lost wages, medical and mental health costs, and funeral and burial costs. States, at their discretion, may cover loss of support, crime scene cleanup, and other such expenses.

The Victim Assistance Program Regulations provide the parameters under which State agencies may use these funds to award grants to government and nonprofit organizations to provide direct services to crime victims. Local programs include child abuse, homicide survivor, drunk driving, sexual assault, and domestic violence. More than three million crime victims are served through these grants. Costs to States are limited, as the VOCA grant provides for administrative costs for these programs.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/04	
<b>OJP-1350 VOCA: Program Regulations for Victim Compensation Grant Program (1121-AA66)</b>		
NPRM	06/00/04	
NPRM Comment Period End 08/00/04		
<b>OJP-1405 VOCA Victim Assistance Program Regulations (1121-AA65)</b>		
NPRM	06/00/04	
NPRM Comment Period End 08/00/04		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Agency Contact:** Carol Watkins, Director, Department of Justice, Office of Justice Programs, State Compensation and Assistance Division, 810 7th Street NW, Washington, DC 20531  
Phone: 202 514-4696

**RIN:** 1121-AA61

**2039. INTERNATIONAL TERRORISM VICTIM COMPENSATION PROGRAM**

**Priority:** Other Significant

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

**CFR Citation:** None

## DOJ—OJP

## Proposed Rule Stage

**Legal Deadline:** None

**Abstract:** The Office of Justice Programs (OJP) will develop these regulations to implement the International Terrorism Victim Compensation Program provisions contained in the Victims of Trafficking and Violence Protection Act of 2000 (Pub. L. 104–208), which directs OJP to carry out a program to compensate victims of acts of international terrorism that occur outside the United

States, for expenses associated with that victimization.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Agency Contact:** Barbara Johnson, Program Manager, Department of Justice, Office of Justice Programs, Terrorism and International Victims Unit, Office for Victims of Crime, 810 7th Street NW, Washington, DC 20531  
Phone: 202 307–5983

**RIN:** 1121–AA63

## Department of Justice (DOJ)

## Final Rule Stage

## Office of Justice Programs (OJP)

**2040. CORRECTIONAL FACILITIES ON TRIBAL LANDS GRANT PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 13701 et seq

**CFR Citation:** 28 CFR 91

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/24/96	61 FR 49969
Correction	10/18/96	61 FR 54333
Interim Final Rule Comment Period End	10/24/96	
Second Interim Final Rule	12/00/03	
Second Interim Final Rule Comment Period End	02/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Tribal

**Agency Contact:** Philip Merkle, Special Advisor to the Director, Department of Justice, Office of Justice Programs, Correction Program Office, 810 7th Street NW, Washington, DC 20531

Phone: 202 305–2550

**RIN:** 1121–AA41

**2041. 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, NPRM.

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

On September 23, 1998, BJA published an interim final rule, with a request for comments (63 FR 50759). The interim final rule established the process by which BJA would implement the Bulletproof Vest Partnership Grant Act of 1998. BJA did not receive any comments in response to the interim final rule. Nevertheless, BJA initiated

numerous outreach efforts, in the form of focus groups and beta testing, to ensure that all affected parties had ample opportunity to review and participate in the program’s design and development.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/23/98	63 FR 50759
Interim Final Rule Effective	09/23/98	
Interim Final Rule Comment Period End	11/23/98	
Final Rule	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** Yes

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

**Agency Contact:** Robert T. Watkins, Program Manager, Department of Justice, Office of Justice Programs, 810 7th Street NW, Washington, DC 20053  
Phone: 202 514–3447

**RIN:** 1121–AA48

**2042. 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

DOJ—OJP

Final Rule Stage

to comply with the environmental impact review procedures mandated by the National Environmental Policy Act, the Council on Environmental Quality's implementing regulations, and other related Federal environmental impact review requirements.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/08/00	65 FR 48592
Interim Final Rule Effective	08/08/00	
Interim Final Rule Comment Period End	10/10/00	
Final Action	04/00/04	

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

**Agency Contact:** Philip Merkle, Special Advisor to the Director, Department of Justice, Office of Justice Programs, Correction Program Office, 810 7th Street NW, Washington, DC 20531

Phone: 202 305-2550

**RIN:** 1121-AA52

**2043. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)**

**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 103-355, sec 2455; EO 12549**CFR Citation:** Not Yet Determined**Legal Deadline:** None

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

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

**Timetable:**

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

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

**Agency Contact:** Linda Fallowfield, Attorney-Advisor, Department of Justice, Office of Justice Programs, Office of the General Counsel, 810 7th Street NW, Washington, DC 20531  
Phone: 202 305-2534

**RIN:** 1121-AA57

[FR Doc. 03-27064 Filed 12-19-03; 8:45 am]

**BILLING CODE 4410-BP-S**