



# Federal Register

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**Monday,  
May 16, 2005**

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**Part XII**

**Department of  
Justice**

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**Semiannual Regulatory Agenda**

DEPARTMENT OF JUSTICE (DOJ)

DEPARTMENT OF JUSTICE

8 CFR Ch. I

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28 CFR Ch. I

Regulatory Agenda

AGENCY: Department of Justice.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Justice is publishing its spring 2005 regulatory agenda pursuant to Executive Order 12866 "Regulatory Planning and Review," 58 FR 51735, and the

Regulatory Flexibility Act, 5 U.S.C. sections 601 to 612 (1988).

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) requires that, each year, the Department publish a list of those regulations that have a significant economic impact upon a substantial number of small entities and are to be reviewed under section 610 of the Act during the succeeding 12 months. This edition of the Department's unified agenda includes three regulations requiring

such a review: "Commerce in Explosives (Including Explosives in the Fireworks Industry)" (RIN 1140-AA01); "Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities" (RIN 1190-AA44); and "Nondiscrimination on the Basis of Disability in State and Local Government Services" (RIN 1190-AA46). In accordance with the RFA, comments are specifically invited on these regulations. Those comments should be addressed to the contact persons listed in the entries for these items.

Dated: April 6, 2005.

Rachel L. Brand,

Acting Assistant Attorney General, Office of Legal Policy.

Bureau of Prisons—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1737	Inmate Discipline—Subpart Revision .....	1120-AB18
1738	Victim/Witness Notification .....	1120-AB25
1739	Autopsies .....	1120-AB26
1740	Searching and Detaining or Arresting Non-Inmates .....	1120-AB28
1741	Incoming Publications: Security Measures .....	1120-AB31
1742	Classification and Program Review .....	1120-AB32
1743	Inmate Work and Performance Pay Program: Reduction in Pay for Drug- and Alcohol-Related Disciplinary Offenses .....	1120-AB33
1744	Administrative Remedy Program—Subpart Revision .....	1120-AB34

Bureau of Prisons—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1745	Intensive Confinement Centers .....	1120-AA11
1746	Literacy Program .....	1120-AA33
1747	Telephone Regulations and Inmate Financial Responsibility .....	1120-AA39
1748	Telephone Regulations and Inmate Financial Responsibility .....	1120-AA49
1749	Good Conduct Time .....	1120-AA62
1750	Designation of Offenses Subject to Sex Offender Release Notification .....	1120-AA85
1751	Searches of Housing Units, Inmates, Inmate Work Areas, and Persons Other Than Inmates: Electronic Devices ...	1120-AA90
1752	Drug Testing Program .....	1120-AA95
1753	Correspondence: Inspection of Outgoing General Correspondence .....	1120-AA98
1754	Infectious Disease Management .....	1120-AB03
1755	District of Columbia Educational Good Time Credit .....	1120-AB05
1756	Suicide Prevention Program .....	1120-AB06
1757	Drug Abuse Treatment Program: Subpart Revision and Clarification .....	1120-AB07
1758	National Security; Prevention of Acts of Violence and Terrorism .....	1120-AB08
1759	Inmate Fees for Health Care Services .....	1120-AB11
1760	Good Conduct Time: Aliens With Confirmed Orders of Deportation, Exclusion, or Removal .....	1120-AB12
1761	Civil Contempt of Court Commitments: Revision To Accommodate Commitments Under the DC Code .....	1120-AB13
1762	Central Inmate Monitoring (CIM) System: Streamlining Rules .....	1120-AB14
1763	Bureau of Prisons Emergencies .....	1120-AB17
1764	Administrative Safeguards for Psychiatric Treatment and Medication .....	1120-AB20

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

Sequence Number	Title	Regulation Identifier Number
1765	Clarifying of Release Gratuities—Release Transportation Regulations To More Closely Conform to Statutory Provisions .....	1120-AB21
1766	Over-the-Counter Medications: Technical Correction .....	1120-AB29

## Bureau of Prisons—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1767	Drug Abuse Treatment Programs: Disincentives and Enhanced Incentives .....	1120-AA88
1768	Release of Information .....	1120-AA96
1769	Community Confinement .....	1120-AB27

## Civil Rights Division—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1770	Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities ( <b>Section 610 Review</b> ) .....	1190-AA44

## Civil Rights Division—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1771	Nondiscrimination on the Basis of Disability in State and Local Government Services ( <b>Section 610 Review</b> ) .....	1190-AA46
1772	American Competitiveness and Workforce Improvement Act of 1998 Complaint Process .....	1190-AA48
1773	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
1774	Amendments to Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs and Implementation of Executive Order 12250 .....	1190-AA52
1775	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

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

Sequence Number	Title	Regulation Identifier Number
1776	Commerce in Explosives—Amended Definition of Propellant Actuated Device .....	1140-AA24

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

Sequence Number	Title	Regulation Identifier Number
1777	27 CFR Part 55 Identification Markings Placed on Imported Explosive Materials .....	1140-AA02
1778	27 CFR 55 Commerce in Explosives—Explosive Pest Control Devices .....	1140-AA03
1779	27 CFR 178 Commerce in Firearms and Ammunition (Omnibus Consolidated Appropriations Act of 1997) .....	1140-AA04

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

Sequence Number	Title	Regulation Identifier Number
1780	Implementation of the Safe Explosives Act, Title XI, Subtitle C, of Public Law 107-296 .....	1140-AA00
1781	27 CFR 55 Commerce in Explosives (Including Explosives in the Fireworks Industry) <b>(Rulemaking Resulting From a Section 610 Review)</b> .....	1140-AA01
1782	27 CFR 178 Residency Requirement for Persons Acquiring Firearms .....	1140-AA05
1783	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
1784	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
1785	27 CFR 178 Implementation of Public Law 105-277 Relating to Secure Gun Storage .....	1140-AA10
1786	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
1787	Commerce in Firearms and Ammunition—Importation of Firearm Frames, Receivers, and Barrels .....	1140-AA22
1788	Machine Guns, Destructive Devices, and Certain Other Firearms—Amended Definition of “Pistol” .....	1140-AA23

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

Sequence Number	Title	Regulation Identifier Number
1789	27 CFR 178 Implementation of Public Law 106-58, Treasury and General Government Appropriations Act, 2000 ..	1140-AA07
1790	Waiver for Firearm Prohibition on Nonimmigrant Visa Holders .....	1140-AA21

## Drug Enforcement Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1791	Guidelines for Providing Controlled Substances to Ocean Vessels .....	1117-AA40
1792	Electronic Prescriptions for Controlled Substances .....	1117-AA61
1793	Reorganization and Clarification of DEA Regulations .....	1117-AA63
1794	Chemical Mixtures Containing Gamma-Butyrolactone .....	1117-AA64
1795	Chemical Mixtures Containing Listed Forms of Phosphorus .....	1117-AA66
1796	Electronic Application for Controlled Substances and Listed Chemical Registration: Technical Amendments .....	1117-AA91
1797	Revision of Reporting Requirements for Imports and Exports of List I and List II Chemicals .....	1117-AA92
1798	Changes in the Regulation of Iodine and Its Chemical Mixtures .....	1117-AA93
1799	Definition of Positional Isomer As It Pertains to the Control of Schedule I Controlled Substances .....	1117-AA94
1800	Controlled Substances and List I Chemical Registration and Reregistration Application Fees .....	1117-AA96

## Drug Enforcement Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1801	Definition and Registration of Reverse Distributors .....	1117-AA19
1802	Exemption of Chemical Mixtures .....	1117-AA31
1803	Chemical Registration Waivers; Exemption From Chemical Registration Fees for Certain Persons .....	1117-AA67
1804	Authority for Practitioners To Dispense or Prescribe Approved Narcotic Substances for Maintenance or Detoxification Treatment .....	1117-AA68
1805	Reports by Registrants of Theft or Significant Loss of Controlled Substances .....	1117-AA73
1806	Preventing the Accumulation of Surplus Controlled Substances at Long-Term Care Facilities .....	1117-AA75
1807	Clarification of Registration Requirements for Individual Practitioners .....	1117-AA89
1808	Control of Sodium Permanganate as a List II Chemical .....	1117-AA90
1809	Implementation of the Anabolic Steroid Control Act of 2004 .....	1117-AA95

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## Drug Enforcement Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1810	Security Requirements for Handlers of Pseudoephedrine, Ephedrine, and Phenylpropanolamine .....	1117-AA62

## Drug Enforcement Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1811	Chemical Registration and Reregistration Fees .....	1117-AA50
1812	Electronic Orders for Schedule I and II Controlled Substances .....	1117-AA60
1813	Recordkeeping and Reporting Requirements for Drug Products Containing Gamma Hydroxybutyric Acid (GHB) ....	1117-AA71
1814	Chemical Registration and Reregistration Fees .....	1117-AA72

## Executive Office for Immigration Review—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1815	Suspension of Deportation and Cancellation of Removal for Certain Battered Spouses and Children; Motions To Reopen for Certain Battered Spouses and Children .....	1125-AA35
1816	International Matchmaking Organizations; Civil Penalties .....	1125-AA45
1817	Implementation of the Numerical Limit on Asylum Grants and Refugee Admission Based on Resistance to Coercive Population Control Measures .....	1125-AA48
1818	Executive Office for Immigration Review; Rules Governing Immigration Proceedings .....	1125-AA53

## Executive Office for Immigration Review—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1819	Suspension of Deportation and Cancellation of Removal .....	1125-AA25
1820	Authorities Delegated to the Director of the Executive Office for Immigration Review and the Chief Immigration Judge .....	1125-AA27
1821	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
1822	Protective Orders in Immigration Administration Proceedings .....	1125-AA38
1823	Executive Office for Immigration Review Attorney/Representative Registry .....	1125-AA39
1824	Transfer of Jurisdiction Over Appeals of Fines From the Board of Immigration Appeals to the Office of the Chief Administrative Hearing Officer .....	1125-AA41
1825	Definitions; Fees; Powers and Authority of DHS Officers in Removal Proceedings .....	1125-AA43
1826	Background and Security Investigation Checks in Proceedings Before Immigration Judges and the Board of Immigration Appeals .....	1125-AA44
1827	Review of Custody Determinations .....	1125-AA47
1828	Reopened Proceedings on Petitions for Alien Entrepreneur Immigrant Classification (EB-5 Visas) .....	1125-AA49
1829	Information Relating to Aliens' Duty To Surrender When Ordered Removed From the United States .....	1125-AA51
1830	Venue in Removal Proceedings .....	1125-AA52
1831	Affidavits of Support on Behalf of Immigrants .....	1125-AA54

## Executive Office for Immigration Review—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1832	Authority of Immigration Judges To Issue Civil Money Penalties .....	1125-AA18

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## Executive Office for Immigration Review—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1833	Asylum Claims Made by Aliens Arriving From Canada at Land-Border Ports-of-Entry .....	1125-AA46
1834	Execution of Removal Orders; Countries to Which Aliens May Be Removed .....	1125-AA50

## Federal Bureau of Investigation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1835	Enhanced Exchange of Criminal History Record and Nonserious Offense Identification Records .....	1110-AA20

## Federal Bureau of Investigation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1836	Implementation of the National Stolen Passenger Motor Vehicle Information System (NSPMVIS) .....	1110-AA01
1837	Regulations Under the Pam Lychner Sexual Offender Tracking and Identification Act .....	1110-AA04
1838	Final Notice of Capacity; Supplement To Respond to Remand .....	1110-AA10
1839	Implementation of the Private Security Officer Employment Authorization Act of 2004 .....	1110-AA23
1840	Carriage of Concealed Weapons Pursuant to Public Law 108-277, the Law Enforcement Officers Safety Act of 2004 .....	1110-AA24

## Federal Bureau of Investigation—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1841	Communications Assistance for Law Enforcement Act: Definitions of “Replaced” and “Significantly Upgraded or Otherwise Undergone Major Modification” .....	1110-AA21
1842	Implementation of Sections 104 and 109 of the Communications Assistance for Law Enforcement Act—Notice of Actual and Maximum Capacity: Paging, MSS, SMR, and ESMR .....	1110-AA22

## Legal Activities—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1843	Reporting Under the Protection of Children From Sexual Predators Act as Amended .....	1105-AB06

## Legal Activities—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1844	Designation of Agencies To Receive and Investigate Reports Required Under the Protection of Children From Sexual Predators Act .....	1105-AA65
1845	Ethical Standards for Attorneys for the Government .....	1105-AA67
1846	Minimum Qualifications for Annuity Brokers in Connection With Structured Settlements Entered Into by the United States .....	1105-AA82
1847	Inspection of Records Relating to Depiction of Sexually Explicit Performances .....	1105-AB05
1848	STOP Violence Against Women Formula Grant Program and STOP Violence Against Indian Women Discretionary Grant Program: Clarification of Match Requirement .....	1105-AB07
1849	Guidelines for the PROTECT Act Amendments to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act .....	1105-AB08

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## Legal Activities—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
1850	DNA Sample Collection From Federal Offenders Under the Justice for All Act of 2004 .....	1105-AB09
1851	Preservation of Biological Evidence Under 18 U.S.C. 3600A .....	1105-AB10

## Legal Activities—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1852	National Motor Vehicle Title Information System (NMVTIS) Reporting Regulations .....	1105-AA71
1853	Enhanced Notice and Release Procedures for Owners of Seized Property Pursuant to the CAFRA of 2000; Disposition of Seized Property Too Costly To Maintain; Consolidation of Department Regulations .....	1105-AA74

## Office of Justice Programs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1854	Public Safety Officers' Benefits Program .....	1121-AA56
1855	Criminal Intelligence Systems Operating Policies .....	1121-AA59
1856	International Terrorism Victim Expense Reimbursement Program .....	1121-AA63
1857	Victims of Crime Act (VOCA) Crime Victim Compensation Program Regulations .....	1121-AA68
1858	Victim of Crime Act (VOCA) Victim Assistance Program .....	1121-AA69

## Office of Justice Programs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1859	Correctional Facilities on Tribal Lands Grant Program .....	1121-AA41
1860	Bulletproof Vest Partnership Grant Acts of 1998 and 2000 .....	1121-AA48
1861	Environmental Impact Review Procedures for the VOI/TIS Grant Program .....	1121-AA52
1862	Federal Policy for the Protection of Human Subjects .....	1121-AA70

## Office of Justice Programs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1863	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

## 1737. 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

## DOJ—BOP

## Proposed Rule Stage

and unnecessary disciplinary codes and processes.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
Phone: 202 307-2105  
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**RIN:** 1120-AB18

**1738. VICTIM/WITNESS NOTIFICATION**

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

**Legal Authority:** Not Yet Determined

**CFR Citation:** None

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
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**RIN:** 1120-AB25

**1739. AUTOPSIES**

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

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

**CFR Citation:** 28 CFR 549.80

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
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**RIN:** 1120-AB26

**1740. SEARCHING AND DETAINING OR ARRESTING NON-INMATES**

**Priority:** Other Significant

**Legal Authority:** Not Yet Determined

**CFR Citation:** None

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**1741. INCOMING PUBLICATIONS: SECURITY MEASURES**

**Priority:** Other Significant

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

**CFR Citation:** 28 CFR 540

**Legal Deadline:** None

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



## DOJ—BOP

## Proposed Rule Stage

**Timetable:**

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

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

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**RIN:** 1120-AB31**1742. CLASSIFICATION AND PROGRAM REVIEW****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** Not Yet Determined**CFR Citation:** 28 CFR 524**Legal Deadline:** None

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

**Timetable:**

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

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

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

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**RIN:** 1120-AB32**1743. • INMATE WORK AND PERFORMANCE PAY PROGRAM: REDUCTION IN PAY FOR DRUG- AND ALCOHOL-RELATED DISCIPLINARY OFFENSES****Priority:** Substantive, Nonsignificant

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

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

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

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
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**RIN:** 1120-AB33**1744. • ADMINISTRATIVE REMEDY PROGRAM—SUBPART REVISION****Priority:** Other Significant**Unfunded Mandates:** Undetermined

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

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

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

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
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**RIN:** 1120-AB34

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

**Final Rule Stage**

**1745. INTENSIVE CONFINEMENT CENTERS**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 1120-AA11

**1746. LITERACY PROGRAM**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 28 CFR 544.70 to 544.76

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/26/97	62 FR 50791
Interim Final Rule Effective	11/03/97	
Interim Final Rule Comment Period End	11/25/97	
Final Action	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 1120-AA33

**1747. 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	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 1120-AA39

**1748. 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).

## DOJ—BOP

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
Final Action	09/00/05	
Final Action Effective	10/00/05	

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

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**RIN:** 1120-AA49**1749. GOOD CONDUCT TIME****Priority:** Substantive, Nonsignificant

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

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

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/26/97	62 FR 50786
Interim Final Rule Effective	11/03/97	
Interim Final Rule Comment Period End	11/25/97	
Final Action	10/00/05	

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

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**RIN:** 1120-AA62**1750. 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	08/00/05	

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

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**RIN:** 1120-AA85**1751. SEARCHES OF HOUSING UNITS, INMATES, INMATE WORK AREAS, AND PERSONS OTHER THAN INMATES: ELECTRONIC DEVICES****Priority:** Other Significant

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

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	02/25/99	64 FR 9431
NPRM Comment Period End	04/26/99	
Final Action	09/00/05	

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

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**RIN:** 1120-AA90**1752. 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	12/00/05	

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

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## DOJ—BOP

## Final Rule Stage

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**RIN:** 1120-AA95

### 1753. 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	06/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 1120-AA98

### 1754. INFECTIOUS DISEASE MANAGEMENT

**Priority:** Other Significant

**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	05/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 1120-AB03

### 1755. 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	09/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 1120-AB05

### 1756. 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	07/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 1120-AB06

DOJ—BOP

Final Rule Stage

**1757. 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	07/01/04	69 FR 39887
NPRM Comment Period End	08/30/04	
Final Action	08/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** The action previously reported at RIN 1120-AA88 has been merged into this rulemaking.**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534

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**RIN:** 1120-AB07**1758. 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	11/00/05	

**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  
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**RIN:** 1120-AB08**1759. INMATE FEES FOR HEALTH CARE SERVICES****Priority:** Other Significant**Legal Authority:** 5 USC 301; 18 USC 3621 to 3622, 4001, 4005, 4014, 4042, 4045, 4081 to 4082; 18 USC 4161 to 4166, 4241 to 4247, 5006 to 5024, 5039; 28 USC 509 to 510**CFR Citation:** 28 CFR 549**Legal Deadline:** None**Abstract:** In this document, the Bureau of Prisons (Bureau) proposes rules describing procedures we will follow for charging inmates fees for certain kinds of health services, as required under the Federal Prisoner Health Care Copayment Act of 2000 (Pub. L. 106-294, October 12, 2000, 114 Stat. 1038).**Timetable:**

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

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

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**RIN:** 1120-AB11**1760. GOOD CONDUCT TIME: ALIENS WITH CONFIRMED ORDERS OF DEPORTATION, EXCLUSION, OR REMOVAL****Priority:** Substantive, Nonsignificant**Legal Authority:** 28 USC 509 to 510; 5 USC 301; 18 USC 3621 to 3622, 3568, 4001, 4042, 4081 to 4082; 18 USC 4161 to 4166, 5006 to 5024, 5039**CFR Citation:** 28 CFR 523.20**Legal Deadline:** None**Abstract:** In this document, the Bureau of Prisons (Bureau) proposes to amend its rules on Good Conduct Time (GCT). The purpose of this rule is to more

effectively reduce the lengthy General Educational Development (GED) waiting lists and to reevaluate the “satisfactory progress in a literacy program” provision of the Violent Crime Control and Law Enforcement Act of 1994 (VCCLEA) and/or the Prison Litigation Reform Act of 1995 (PLRA) for aliens with confirmed orders of deportation, exclusion, or removal. This rule increases the proportion of our literacy funds and resources that go to inmates who will remain in the United States after release.

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 1120-AB12

**1761. CIVIL CONTEMPT OF COURT COMMITMENTS: REVISION TO ACCOMMODATE COMMITMENTS UNDER THE DC CODE**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 28 CFR 522

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 1120-AB13

**1762. CENTRAL INMATE MONITORING (CIM) SYSTEM: STREAMLINING RULES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 28 CFR 524

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 1120-AB14

## DOJ—BOP

## Final Rule Stage

**1763. BUREAU OF PRISONS EMERGENCIES****Priority:** Other Significant**Legal Authority:** 5 USC 301; 18 USC 3621 to 3622, 3624, 4001, 4042, 4081 to 4082; 18 USC 4161 to 4166, 5006 to 5024, 5039; 28 USC 509 to 510**CFR Citation:** 28 CFR 501.1**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/16/03	68 FR 18544
Interim Final Rule Comment Period End	06/16/03	
Final Action	07/00/05	

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

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**RIN:** 1120-AB17**1764. ADMINISTRATIVE SAFEGUARDS FOR PSYCHIATRIC TREATMENT AND MEDICATION****Priority:** Other Significant**Legal Authority:** 5 USC 301; 10 USC 876b; 18 USC 3621, 3622, 3524, 4001, 4005, 4042, 4045, 4081, 4082; 18 USC 4241 to 4247, 5006 to 5024, 5039; 28 USC 509, 510**CFR Citation:** 28 CFR 549**Legal Deadline:** None

**Abstract:** In this document, the Bureau of Prisons (Bureau) amends its regulations on Psychiatric Treatment and Medication. We make several minor word changes to conform more closely with the language of 18 U.S.C. sections 4241 to 4247 on psychiatric hospitalization. We remove from the rule one element of the standard for determining whether treatment or psychotropic medication is necessary because this element is inconsistent with community standards and case law. We also change the rules to conform with statutory authority regarding military prisoners and District of Columbia (DC) Code violators in Bureau custody. Previously, our procedures for involuntary psychiatric treatment and medication did not apply to military prisoners or DC Code violators. Under new statutory authority, military prisoners who are incompetent to stand trial, or who have been found not guilty by reason of lack of mental responsibility may now be committed to the Bureau's custody. Sentenced DC Code offenders may now be involuntarily committed to a Bureau psychiatric hospital. Such military prisoners and DC Code violators are subject to our regulations. We revise the applicability statement accordingly.

**Timetable:**

Action	Date	FR Cite
NPRM	12/29/03	68 FR 74892
NPRM Comment Period End	02/27/04	
Final Action	10/00/05	

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

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**RIN:** 1120-AB20**1765. 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	05/00/05	

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

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

**RIN:** 1120-AB21

DOJ—BOP

Final Rule Stage

**1766. OVER-THE-COUNTER MEDICATIONS: TECHNICAL CORRECTION**

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

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

**CFR Citation:** 28 CFR 549.31

**Legal Deadline:** None

**Abstract:** This document makes a minor technical correction to the Bureau of Prisons (Bureau) regulations on Over-the-Counter (OTC) medications. Previously, our rule

defined an inmate without funds as one who has had an average daily trust fund account balance of less than \$6.00 for the past 30 days. The words “average daily” in that definition resulted in incorrect classifications by the Bureau’s business offices. The more accurate definition of an inmate without funds is one who has not had a trust fund account balance of \$6.00 for the past 30 days. We therefore issue this technical correction.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/03/04	69 FR 53804
Interim Final Rule Effective	09/03/04	

Action	Date	FR Cite
Interim Final Rule Comment Period End	11/02/04	
Final Action	05/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Washington, DC 20534  
 Phone: 202 307-2105  
 Fax: 202 305-4577  
 Email: squireshi@bop.gov  
**RIN:** 1120-AB29

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

Completed Actions

**1767. DRUG ABUSE TREATMENT PROGRAMS: DISINCENTIVES AND ENHANCED INCENTIVES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 28 CFR 550

**Completed:**

Reason	Date	FR Cite
Merged With RIN 1120-AB07	02/23/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1120-AA88

**1768. RELEASE OF INFORMATION**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 28 CFR 513

**Completed:**

Reason	Date	FR Cite
Withdrawn	02/23/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1120-AA96

**1769. COMMUNITY CONFINEMENT**

**Priority:** Other Significant

**CFR Citation:** 28 CFR 570.20 and .21

**Completed:**

Reason	Date	FR Cite
Final Action	01/10/05	70 FR 1659

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1120-AB27

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

Prerule Stage

**1770. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES (SECTION 610 REVIEW)**

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

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

**CFR Citation:** 28 CFR 36

**Legal Deadline:** None

**Abstract:** In 1991, the Department of Justice published regulations to implement title III of the Americans With Disabilities Act of 1990 (ADA). Those regulations include the ADA Standards for Accessible Design, which establish requirements for the design and construction of accessible facilities that are consistent with the ADA

Accessibility Guidelines (ADAAG) published by the U.S. Architectural and Transportation Barriers Compliance Board (Access Board). In the time since the regulations became effective, the Department of Justice and the Access Board have each gathered a great deal of information regarding the implementation of the Standards. The Access Board began the process of revising ADAAG a number of years ago.



## DOJ—CRT

## Prerule Stage

It published new ADAAG in final form on July 23, 2004, after having published guidelines in proposed form in November 1999 and in draft final form in April 2002. In order to maintain consistency between ADAAG and the ADA Standards, the Department is reviewing its title III regulations and expects to propose, in one or more stages, to adopt revised ADA Standards consistent with the final revised ADAAG and to make related revisions to the Department's title III regulations. In addition to maintaining consistency between ADAAG and the Standards, the purpose of this review and these revisions will be to more closely coordinate with voluntary standards; to clarify areas which, through inquiries and comments to the Department's technical assistance phone lines, have been shown to cause confusion; to reflect evolving technologies in areas affected by the Standards; and to comply with section 610 of the Regulatory Flexibility Act, which requires agencies once every 10 years to review rules that have a significant economic impact upon a substantial number of small entities.

The first step in adopting revised Standards is an advance notice of proposed rulemaking that was published in the Federal Register on September 30, 2004, at 69 FR 58768, issued under both title II and title III. The Department believes that the advance notice will simplify and clarify the preparation of the proposed rule to follow. In addition to giving notice that

the proposed rule will adopt revised ADA accessibility standards, the advance notice raises questions for public comment and proposes a framework for the regulatory analysis that will accompany the proposed rule.

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

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

**Timetable:**

Action	Date	FR Cite
ANPRM	09/30/04	69 FR 58768
ANPRM Comment Period End	01/28/05	
ANPRM Comment Period Extended	01/19/05	70 FR 2992
ANPRM Comment Period End	05/31/05	
NPRM	01/00/06	
NPRM Comment Period End	07/00/06	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

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

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

**RIN:** 1190-AA44

**Department of Justice (DOJ)  
Civil Rights Division (CRT)**
**Proposed Rule Stage**
**1771. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES (SECTION 610 REVIEW)**

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

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

**CFR Citation:** 28 CFR 35

**Legal Deadline:** None

**Abstract:** On July 26, 1991, the Department published its final rule implementing title II of the Americans With Disabilities Act (ADA). On November 16, 1999, the U.S. Architectural and Transportation Barriers Compliance Board (Access

Board) issued its first comprehensive review of the ADA Accessibility Guidelines, which form the basis of the Department's ADA Standards for Accessible Design. The Access Board published an Availability of Draft Final Guidelines on April 2, 2002, and published the ADA Accessibility Guidelines in final form on July 23, 2004. The ADA (section 204(c)) requires the Department's standards to be consistent with the Access Board's guidelines. In order to maintain consistency between ADAAG and the Standards, the Department is reviewing its title II regulations and expects to propose, in one or more stages, to adopt revised standards consistent with new

ADAAG. The Department will also, in one or more stages, review its title II regulations for purposes of section 610 of the Regulatory Flexibility Act and make related changes to its title II regulations.

In addition to the statutory requirement for the rule, the social and economic realities faced by Americans with disabilities dictate the need for the rule. Individuals with disabilities cannot participate in the social and economic activities of the Nation without being able to access the programs and services of State and local governments. Further, amending the Department's ADA regulations will improve the format and usability of the ADA

Standards for Accessible Design; harmonize the differences between the ADA Standards and national consensus standards and model codes; update the ADA Standards to reflect technological developments that meet the needs of persons with disabilities; and coordinate future ADA Standards revisions with national standards and model code organizations. As a result, the overarching goal of improving access for persons with disabilities so that they can benefit from the goods, services, and activities provided to the public by covered entities will be met.

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

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

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

**Timetable:**

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

Action	Date	FR Cite
NPRM	07/00/05	
NPRM Comment Period End	10/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Federalism:** This action may have federalism implications as defined in EO 13132.

**Additional Information:** RIN 1190-AA46, which will effect changes to 28 CFR 35 (the Department’s regulation implementing title II of the ADA), is related to another rulemaking of the Civil Rights Division, RIN 1190-AA44, which will effect changes to 28 CFR 36 (the Department’s regulation implementing title III of the ADA). By adopting revised ADAAG, this rulemaking will, among other things, address changes to the ADA Standards previously proposed in RINs 1190-AA26, 1190-AA36, and 1190-AA38, which have been withdrawn and merged into this rulemaking. These changes include accessibility standards for State and local government facilities that had been previously published by the Access Board (RIN 1190-AA26) and the timing for the compliance of State and local governments with the curbside requirements of the title II regulation (RIN 1190-AA36). In order to consolidate regulatory actions implementing title II of the ADA, on February 15, 2000, RINs 1190-AA26 and 1190-AA38 were merged into this rulemaking and on March 5, 2002, RIN 1190-AA36 was merged into this rulemaking.

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

**RIN:** 1190-AA46

**1772. AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT OF 1998 COMPLAINT PROCESS**

**Priority:** Other Significant

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

**CFR Citation:** 28 CFR 44.500; 28 CFR 68

**Legal Deadline:** None

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

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

## DOJ—CRT

## Proposed Rule Stage

review the Arbitrator's findings, if necessary, and to impose remedies against the employer. This rule is being coordinated with EOIR, the Department of Labor (DOL), and the FMCS.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

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

**Agency Contact:** Katherine A. Baldwin, Deputy Special Counsel, Department of Justice, Civil Rights Division, Office of Special Counsel for Unfair Employment Practices, Office of Special Counsel for Immigration-Related Unfair Employment Practices, 950 Pennsylvania Avenue NW, Washington, DC 20530  
Phone: 202 616-5594  
Fax: 202 616-5509

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

**RIN:** 1190-AA48

### 1773. AMENDMENTS TO PROCEDURES ADVISING STATES AND POLITICAL SUBDIVISIONS SPECIALLY COVERED UNDER THE VOTING RIGHTS ACT HOW TO SEEK PRECLEARANCE FROM THE ATTORNEY GENERAL OF PROPOSED VOTING CHANGES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 28 CFR 51

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local, State

**Agency Contact:** 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

### 1774. AMENDMENTS TO COORDINATION OF ENFORCEMENT OF NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS AND IMPLEMENTATION OF EXECUTIVE ORDER 12250

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

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

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

**RIN:** 1190-AA52

## DOJ—CRT

## Proposed Rule Stage

**1775. PROCEDURES TO REVIEW POLICE DEPARTMENTS FOR A PATTERN OR PRACTICE OF CONDUCT THAT DEPRIVES PERSONS OF RIGHTS, PRIVILEGES, OR IMMUNITIES SECURED OR PROTECTED BY THE CONSTITUTION OR LAWS OF THE U.S.****Priority:** Other Significant**Legal Authority:** 5 USC 301; 28 USC 509**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** Pursuant to the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. section 14141 (section

14141), the Attorney General is authorized to file lawsuits seeking court orders to reform police departments engaging in a pattern or practice of conduct that deprives persons of rights, privileges, or immunities secured by the Constitution or laws of the United States. To date, the Department of Justice has conducted reviews of police departments pursuant to section 14141 using informal procedures. The purpose of this rule is to formalize the procedures by which the Department reviews police departments for a pattern or practice of unlawful conduct.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Brad Schlozman, Deputy Assistant Attorney General, Department of Justice, Civil Rights Division, Room 5541, Room 3337, 950 Pennsylvania Avenue NW, Washington, DC 20530

Phone: 202 305-8060

**RIN:** 1190-AA53

## Department of Justice (DOJ)

## Proposed Rule Stage

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

**1776. COMMERCE IN EXPLOSIVES—AMENDED DEFINITION OF PROPELLANT ACTUATED DEVICE****Priority:** Other Significant**Legal Authority:** 18 USC 847**CFR Citation:** 27 CFR 555**Legal Deadline:** None**Abstract:** The Department of Justice is proposing to amend the regulations of the Bureau of Alcohol, Tobacco,

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** James P. Ficaretta, Program Manager, Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 650 Massachusetts Avenue NW, Washington, DC 20226

Phone: 202 927-8203

**RIN:** 1140-AA24

## Department of Justice (DOJ)

## Final Rule Stage

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

**1777. IDENTIFICATION MARKINGS PLACED ON IMPORTED EXPLOSIVE MATERIALS****Priority:** Other Significant**Legal Authority:** 18 USC 847**CFR Citation:** 27 CFR 555**Legal Deadline:** None**Abstract:** The Department of Justice is amending the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to require licensed importers to identify by marking all imported explosive materials. The Department is also incorporating into the regulations the provisions of ATF Ruling 75-35, relating to methods of marking containers of explosive materials. In addition, the Department is amending 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	08/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1512-AC25**Agency Contact:** James Ficaretta, Program Manager, Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 650 Massachusetts Avenue NW, Washington, DC 20226Phone: 202 927-8203  
**RIN:** 1140-AA02**1778. COMMERCE IN EXPLOSIVES—EXPLOSIVE PEST CONTROL DEVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 847**CFR Citation:** 27 CFR 555**Legal Deadline:** None**Abstract:** The Department of Justice is amending the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to provide a limited exemption from the requirements of

## DOJ—ATF

## Final Rule Stage

part 555 for wildlife pest control devices that are used for agricultural and other pest control operations.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1512-AC80

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

**RIN:** 1140-AA03

**1779. 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	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1512-AB64

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

**RIN:** 1140-AA04

## Department of Justice (DOJ)

## Long-Term Actions

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

**1780. IMPLEMENTATION OF THE SAFE EXPLOSIVES ACT, TITLE XI, SUBTITLE C, OF PUBLIC LAW 107-296**

**Priority:** Other Significant

**CFR Citation:** 27 CFR 555

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

**RIN:** 1140-AA00

**1781. COMMERCE IN EXPLOSIVES (INCLUDING EXPLOSIVES IN THE FIREWORKS INDUSTRY) (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)**

**Priority:** Other Significant

**CFR Citation:** 27 CFR 555

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

**RIN:** 1140-AA01

**1782. RESIDENCY REQUIREMENT FOR PERSONS ACQUIRING FIREARMS**

**Priority:** Other Significant

**CFR Citation:** 27 CFR 478

**Timetable:**

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

Action	Date	FR Cite
Interim Final Rule	04/21/97	62 FR 19442
NPRM Comment Period End	07/21/97	
Interim Final Rule Comment Period End	07/21/97	
Final Action	09/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

**RIN:** 1140-AA05

**1783. IMPLEMENTATION OF PUBLIC LAW 104-208, THE OMNIBUS CONSOLIDATED APPROPRIATIONS ACT OF 1997, RELATING TO THE ESTABLISHMENT OF A NATIONAL REPOSITORY FOR ARSON AND EXPLOSIVES INFORMATION**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 27 CFR 555

**Timetable:**

Action	Date	FR Cite
NPRM	11/15/01	66 FR 57404

## DOJ—ATF

## Long-Term Actions

Action	Date	FR Cite
NPRM Comment	02/13/02	
Period End		
Final Rule	08/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** James Ficareta

Phone: 202 927-8203

RIN: 1140-AA06

**1784. 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	05/06/02	
Period End		
Interim Final Rule	05/06/02	
Comment Period		
End		
Final Rule	08/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** James Ficareta

Phone: 202 927-8203

RIN: 1140-AA08

**1785. IMPLEMENTATION OF PUBLIC LAW 105-277 RELATING TO SECURE GUN STORAGE****Priority:** Substantive, Nonsignificant**CFR Citation:** 27 CFR 478**Timetable:**

Action	Date	FR Cite
NPRM	09/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** James Ficareta

Phone: 202 927-8203

RIN: 1140-AA10

**1786. IMPLEMENTATION OF THE SAFE EXPLOSIVES ACT, TITLE XI, SUBTITLE C, OF PUBLIC LAW 107-296—DELIVERY OF EXPLOSIVE MATERIALS BY COMMON OR CONTRACT CARRIER****Priority:** Other Significant**CFR Citation:** 27 CFR 555**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/11/03	68 FR 53509
Interim Final Rule	09/11/03	
Effective		
Interim Final Rule	10/14/03	
Comment Period		
End		
Final Action	05/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** James P. Ficareta

Phone: 202 927-8203

RIN: 1140-AA20

**1787. COMMERCE IN FIREARMS AND AMMUNITION—IMPORTATION OF FIREARM FRAMES, RECEIVERS, AND BARRELS****Priority:** Other Significant**CFR Citation:** 27 CFR 478**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** James P. Ficareta

Phone: 202 927-8203

RIN: 1140-AA22

**1788. MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS—AMENDED DEFINITION OF "PISTOL"****Priority:** Other Significant**CFR Citation:** 27 CFR 479**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** James P. Ficareta

Phone: 202 927-8203

RIN: 1140-AA23

## Department of Justice (DOJ)

## Completed Actions

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

**1789. IMPLEMENTATION OF PUBLIC LAW 106-58, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2000****Priority:** Substantive, Nonsignificant**CFR Citation:** 27 CFR 478**Completed:**

Reason	Date	FR Cite
Withdrawn	03/04/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** James Ficareta

Phone: 202 927-8203

RIN: 1140-AA07

**1790. WAIVER FOR FIREARM PROHIBITION ON NONIMMIGRANT VISA HOLDERS****Priority:** Substantive, Nonsignificant**CFR Citation:** 27 CFR 478**Completed:**

Reason	Date	FR Cite
Merged With	03/02/05	
1140-AA10		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** James P. Ficareta

Phone: 202 927-8203

RIN: 1140-AA21

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

**Proposed Rule Stage**

**1791. GUIDELINES FOR PROVIDING CONTROLLED SUBSTANCES TO OCEAN VESSELS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 21 CFR 1301

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
ANPRM	09/18/96	61 FR 49086
ANPRM Comment Period End	11/18/96	
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-142

**URL For Public Comments:**

dea.diversion.policy@usdoj.gov

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

Phone: 202 307-7297

**RIN:** 1117-AA40

**1792. ELECTRONIC PRESCRIPTIONS FOR CONTROLLED SUBSTANCES**

**Priority:** Other Significant

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

**CFR Citation:** 21 CFR 1306

**Legal Deadline:** None

**Abstract:** DEA is proposing to revise its regulations to permit DEA-registered prescribers to electronically write, sign, and transmit prescriptions. These proposed regulations would be an addition to, not a replacement of, the existing rules. These regulations are needed to give pharmacies, hospitals, and practitioners the ability to use modern technology for controlled substance prescriptions, while maintaining the closed system of

distribution of controlled substances dispensing. The proposed regulations would reduce paperwork and transaction times for DEA registrants who dispense or prescribe controlled substances. The proposed regulations would also reduce the number of prescription errors caused by illegible handwriting and misunderstood oral prescriptions. They would allow pharmacies and hospitals to integrate prescription records into other medical records more directly, increasing efficiency, and would reduce the time patients spend waiting to have prescriptions filled. These proposed regulations are consistent with paperwork reduction mandates. These proposed regulations also respond to the requirements of Public Law 106-229, the "Electronic Signatures in Global and National Commerce Act," while ensuring security and authentication.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/05/01	66 FR 13274
NPRM	09/00/05	
NPRM Comment Period End	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** DEA-214

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

**URL For Public Comments:**

dea.diversion.policy@usdoj.gov

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

Phone: 202 307-7297

**Related RIN:** Related to 1117-AA60

**RIN:** 1117-AA61

**1793. REORGANIZATION AND CLARIFICATION OF DEA REGULATIONS**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-221

**URL For Public Comments:**

dea.diversion.policy@usdoj.gov

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

Phone: 202 307-7297

**RIN:** 1117-AA63

**1794. 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)

## DOJ—DEA

## Proposed Rule Stage

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

**Timetable:**

Action	Date	FR Cite
ANPRM	07/19/02	67 FR 47493
Correction	08/19/02	67 FR 53842
Correction	09/05/02	67 FR 56776
ANPRM Comment Period End	09/17/02	
NPRM	12/00/05	
NPRM Comment Period End	02/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-222

**URL For Public Comments:**

dea.diversion.policy@usdoj.gov

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

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

**RIN:** 1117-AA64

### 1795. CHEMICAL MIXTURES CONTAINING LISTED FORMS OF PHOSPHORUS

**Priority:** Other Significant

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

**CFR Citation:** 21 CFR 1310

**Legal Deadline:** None

**Abstract:** In a previous rulemaking, (RIN 1117-AA57) DEA made red phosphorus, white phosphorus, and hypophosphorous acid (and its salts) List I chemicals. By this rulemaking (1117-AA66), DEA is planning to propose regulations governing chemical mixtures containing the List I chemicals red phosphorus, white phosphorus, and hypophosphorous

acid (and its salts). Currently, all chemical mixtures containing red phosphorus, white phosphorus, and hypophosphorous acid (and its salts) are exempt from regulation. These mixtures will remain exempt until publication of rulemakings regarding chemical mixtures (see RIN 1117-AA31). These three List I chemicals are used industrially and have multiple commercial purposes. They are also used in the illicit production of methamphetamine and amphetamine. Based on information available, DEA will determine whether there are chemical mixtures containing red phosphorus, white phosphorus, and hypophosphorous acid (and its salts), which should be exempt from the regulations governing listed chemicals.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/31/03	68 FR 4968
ANPRM Comment Period End	04/01/03	
NPRM	12/00/05	
NPRM Comment Period End	02/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-228

**URL For Public Comments:**

dea.diversion.policy@usdoj.gov

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

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

**RIN:** 1117-AA66

### 1796. ELECTRONIC APPLICATION FOR CONTROLLED SUBSTANCES AND LISTED CHEMICAL REGISTRATION: TECHNICAL AMENDMENTS

**Priority:** Other Significant

**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 830; 21 USC 871(b); 21 USC 875; 21 USC 877; 21 USC 958

**CFR Citation:** 21 CFR 1301; 21 CFR 1309

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-256

**URL For Public Comments:**

dea.diversion.policy@usdoj.gov

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

**RIN:** 1117-AA91

### 1797. REVISION OF REPORTING REQUIREMENTS FOR IMPORTS AND EXPORTS OF LIST I AND LIST II CHEMICALS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 21 CFR 1313

**Legal Deadline:** None

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



## DOJ—DEA

## Proposed Rule Stage

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-255**URL For Public Comments:**

dea.diversion.policy@usdoj.gov

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

Phone: 202 307-7297

**RIN:** 1117-AA92**1798. CHANGES IN THE REGULATION OF IODINE AND ITS CHEMICAL MIXTURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b); 21 USC 890**CFR Citation:** 21 CFR 1310**Legal Deadline:** None

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

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

with the Drug Enforcement Administration.

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

**Timetable:**

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

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

dea.diversion.policy@usdoj.gov

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

**RIN:** 1117-AA93**1799. ● DEFINITION OF POSITIONAL ISOMER AS IT PERTAINS TO THE CONTROL OF SCHEDULE I CONTROLLED SUBSTANCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 802; 21 USC 871(b); 21 USC 951; 21 USC 958(f)**CFR Citation:** 21 CFR 1300**Legal Deadline:** None

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

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

**Timetable:**

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

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

dea.diversion.policy@usdoj.gov

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

Phone: 202 307-7183

**RIN:** 1117-AA94**1800. ● CONTROLLED SUBSTANCES AND LIST I CHEMICAL REGISTRATION AND REREGISTRATION APPLICATION FEES****Priority:** Economically Significant. Major under 5 USC 801.**Unfunded Mandates:** This action may affect the private sector under PL 104-4.**Legal Authority:** USC 821; USC 822; USC 830; USC 871(f); USC 886a; USC 952; USC 953; USC 958(f)**CFR Citation:** CFR 1301; CFR 1309**Legal Deadline:** None

**Abstract:** DEA is adjusting the fee schedule for DEA registration and reregistration application fees relating to the registration and control of the manufacture, distribution and dispensing of controlled substances and listed chemicals to appropriately reflect all costs associated with its Diversion Control Program as mandated by 21

## DOJ—DEA

## Proposed Rule Stage

U.S.C. 822. Specifically, DEA is revising the fee schedule for controlled substances and List I chemical handlers so that all manufacturers, distributors, importers, exporters, and dispensers of controlled substances and of List I chemicals pay an annual fee, by registrant category, irrespective of whether they handle controlled substances or List I chemicals. This action responds to recent amendments to the Diversion Control Fee Account provisions in the Controlled Substances

Act (CSA) and will bring DEA's fee collections into line with the new requirements.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For Public Comments:**

dea.diversion.policy@usdoj.gov

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

Phone: 202 307-7297

**Related RIN:** Related to 1117-AA50

**RIN:** 1117-AA96

## Department of Justice (DOJ)

## Final Rule Stage

## Drug Enforcement Administration (DEA)

**1801. DEFINITION AND REGISTRATION OF REVERSE DISTRIBUTORS**

**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

**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	
Interim Final Rule Comment Period End	09/09/03	
Final Action	05/00/05	

**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

**1802. EXEMPTION OF CHEMICAL MIXTURES**

**Priority:** Other Significant

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

**CFR Citation:** 21 CFR 1310

**Legal Deadline:** None

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

law. Comments received on the proposed regulations are currently being reviewed.

**Timetable:**

Action	Date	FR Cite
NPRM	09/16/98	63 FR 49506
NPRM Comment Period End	04/16/99	
NPRM Comment Period Extended	09/12/99	64 FR 7144
Final Rule	12/15/04	69 FR 74957
Correction	01/04/05	70 FR 294
Comment Period End	01/14/05	
Final Rule Effective	01/14/05	
Temporary Waiver	02/04/05	70 FR 5925
Final Action	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-137

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

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

**RIN:** 1117-AA31

DOJ—DEA

Final Rule Stage

**1803. CHEMICAL REGISTRATION WAIVERS; EXEMPTION FROM CHEMICAL REGISTRATION FEES FOR CERTAIN PERSONS****Priority:** Other Significant**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 830; 21 USC 871(b); 21 USC 875; 21 USC 877; 21 USC 958**CFR Citation:** 21 CFR 1309; 21 CFR 1310**Legal Deadline:** None

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

**Timetable:**

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

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

dea.diversion.policy@usdoj.gov

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

Phone: 202 307-7297

**RIN:** 1117-AA67**1804. AUTHORITY FOR PRACTITIONERS TO DISPENSE OR PRESCRIBE APPROVED NARCOTIC SUBSTANCES FOR MAINTENANCE OR DETOXIFICATION TREATMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 829; 21 USC 871(b); 21 USC 875; 21 USC 877; 21 USC 956**CFR Citation:** 21 CFR 1301; 21 CFR 1306**Legal Deadline:** None

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

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/24/03	68 FR 37429
NPRM Comment Period End	09/23/03	
Final Action	06/00/05	
Final Action Effective	07/00/05	

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

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

Phone: 202 307-7297

**RIN:** 1117-AA68**1805. 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:** This rule amends DEA's 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 final rule clarifies 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	06/00/05	
Final Action Effective	07/00/05	

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

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

Phone: 202 307-7297

**RIN:** 1117-AA73

DOJ—DEA

Final Rule Stage

**1806. PREVENTING THE ACCUMULATION OF SURPLUS CONTROLLED SUBSTANCES AT LONG-TERM CARE FACILITIES****Priority:** Other Significant**Legal Authority:** 21 USC 802; 21 USC 821; 21 USC 822; 21 USC 871(b)**CFR Citation:** 21 CFR 1300; 21 CFR 1301; 21 CFR 1304; 21 CFR 1307**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/03/03	68 FR 62255
NPRM Comment Period End	01/02/04	
Final Action	05/00/05	
Final Action Effective	06/00/05	

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

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

**RIN:** 1117-AA75**1807. CLARIFICATION OF REGISTRATION REQUIREMENTS FOR INDIVIDUAL PRACTITIONERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 821 ; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 871 (b); ...**CFR Citation:** 21 CFR 1301**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/07/04	69 FR 70576
NPRM Comment Period End	02/07/05	
Final Action	10/00/05	

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

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

**RIN:** 1117-AA89**1808. CONTROL OF SODIUM PERMANGANATE AS A LIST II CHEMICAL****Priority:** Other Significant**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b); 21 USC 890**CFR Citation:** 21 CFR 1310**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	03/01/05	70 FR 9889
NPRM Comment Period End	05/02/05	
Final Action	11/00/05	

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

dea.diversion.policy@usdoj.gov

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

**RIN:** 1117-AA90**1809. • IMPLEMENTATION OF THE ANABOLIC STEROID CONTROL ACT OF 2004****Priority:** Other Significant**Legal Authority:** 21 USC 802; 21 USC 811; 21 USC 812; 21 USC 871(b); 21 USC 951; 21 USC 958(f)**CFR Citation:** 21 CFR 1300; 21 CFR 1308**Legal Deadline:** None

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

Additionally, the Act lists 59 specific substances as being anabolic steroids.

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(Some of these substances were contained in the previous definition of “anabolic steroid.”) As such, these substances and their salts, esters, and ethers are Schedule III controlled substances. In this regard, the statute is self-implementing; the changes became effective January 20, 2005.

**Timetable:**

Action	Date	FR Cite
Final Action	07/00/05	
Final Action Effective	08/00/05	

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

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

**RIN:** 1117-AA95

## Department of Justice (DOJ)

## Long-Term Actions

## Drug Enforcement Administration (DEA)

**1810. SECURITY REQUIREMENTS FOR HANDLERS OF PSEUDOEPHEDRINE, EPHEDRINE, AND PHENYLPROPANOLAMINE**
**Priority:** Other Significant**CFR Citation:** 21 CFR 1309**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Patricia M. Good  
Phone: 202 307-7297**RIN:** 1117-AA62

## Department of Justice (DOJ)

## Completed Actions

## Drug Enforcement Administration (DEA)

**1811. CHEMICAL REGISTRATION AND REREGISTRATION FEES**
**Priority:** Other Significant**CFR Citation:** 21 CFR 1309**Completed:**

Reason	Date	FR Cite
Withdrawn	03/24/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Patricia M. Good  
Phone: 202 307-7297**Related RIN:** Related to 1117-AA72, Related to 1117-AA96**RIN:** 1117-AA50

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 also allow this electronic system to be used for controlled substances in Schedules III, IV, and V. These regulations will be in addition to, not a replacement of, the existing rules. These regulations are needed to give manufacturers, distributors, importers, exporters, pharmacies, and hospitals the option to use modern technology for controlled substance transactions. The regulations will reduce paperwork and transaction times for DEA registrants who distribute, purchase, or handle controlled substances. They are consistent with paperwork reduction mandates. These regulations also respond to the requirements of Public Law 106-229, the “Electronic Signatures in Global and National Commerce Act,” while maintaining a closed system of distribution of controlled substances and ensuring security and authentication.

**Timetable:**

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

Action	Date	FR Cite
Final Action	04/01/05	70 FR 16919
Final Action Effective	05/31/05	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** ANPRM: DEA-214

NPRM: DEA 217

Notice: DEA-224

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

RELATED RIN: 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.

**Agency Contact:** Patricia M. Good, Chief, Liaison and Policy Section,
**1812. ELECTRONIC ORDERS FOR SCHEDULE I AND II CONTROLLED SUBSTANCES**
**Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 21 USC 821; 21 USC 827; 21 USC 828; 21 USC 871(b); 21 USC 958(e); 21 USC 965**CFR Citation:** 21 CFR 1304; 21 CFR 1305**Legal Deadline:** None**Abstract:** DEA is revising its regulations to provide the option of

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## Completed Actions

Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537  
Phone: 202 307-7297

**Related RIN:** Related to 1117-AA61

**RIN:** 1117-AA60

**1813. RECORDKEEPING AND REPORTING REQUIREMENTS FOR DRUG PRODUCTS CONTAINING GAMMA HYDROXYBUTYRIC ACID (GHB)**

**Priority:** Other Significant

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

**Completed:**

Reason	Date	FR Cite
Final Action	01/04/05	70 FR 291
Final Action Effective	02/03/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1117-AA71

**1814. CHEMICAL REGISTRATION AND REREGISTRATION FEES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 21 CFR 1309

**Completed:**

Reason	Date	FR Cite
Withdrawn	02/28/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Related RIN:** Related to 1117-AA50

**RIN:** 1117-AA72

**Department of Justice (DOJ)**

**Proposed Rule Stage**

**Executive Office for Immigration Review (EOIR)**

**1815. SUSPENSION OF DEPORTATION AND CANCELLATION OF REMOVAL FOR CERTAIN BATTERED SPOUSES AND CHILDREN; MOTIONS TO REOPEN FOR CERTAIN BATTERED SPOUSES AND CHILDREN**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

This rule also amends Department regulations by establishing procedures for certain battered spouses and children to reopen their removal or

deportation proceedings to apply for the relief of cancellation of removal or suspension of deportation under 240(c)(6)(C)(iv) of the Act (as amended by section 1506 of the Battered Immigrant Women Protection Act of 2000).

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 1125-AA35

**1816. INTERNATIONAL MATCHMAKING ORGANIZATIONS; CIVIL PENALTIES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 8 CFR 1270

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	
NPRM Comment Period End	01/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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## Proposed Rule Stage

**Government Levels Affected:** None

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

**Related RIN:** Related to 1615-AA11

**RIN:** 1125-AA45

### 1817. IMPLEMENTATION OF THE NUMERICAL LIMIT ON ASYLUM GRANTS AND REFUGEE ADMISSION BASED ON RESISTANCE TO COERCIVE POPULATION CONTROL MEASURES

**Priority:** Substantive, Nonsignificant

**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	02/00/06	
NPRM Comment Period End	04/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Mary Beth Keller, General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041  
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**Related RIN:** Split from 1615-AA37

**RIN:** 1125-AA48

### 1818. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; RULES GOVERNING IMMIGRATION PROCEEDINGS

**Priority:** Other Significant

**Legal Authority:** 5 USC 301; 8 USC 1101, note; 8 USC 1103; 8 USC 1229; 8 USC 1229a; 8 USC 1231; 8 USC 1231, note; 8 USC 1245; 8 USC 1324b; 8 USC 1362; 28 USC 509 to 519; 28 USC 1746; sec 2 Reorg Plan No 2 of 1950, 3 CFR 1949 to 1953 Comp, p 1002; PL

105-100, sec 203; PL 106-386, sec 1506; PL 106-386, sec 1510; PL 106-554, sec 1505; PL 106-554, sec 1510

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

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Mary Beth Keller, General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041  
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**RIN:** 1125-AA53

## Department of Justice (DOJ)

## Final Rule Stage

## Executive Office for Immigration Review (EOIR)

### 1819. 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	03/00/06	

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

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

**RIN:** 1125-AA25**1820. AUTHORITIES DELEGATED TO THE DIRECTOR OF THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW AND THE CHIEF IMMIGRATION JUDGE****Priority:** Info./Admin./Other

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

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

**Abstract:** This rule outlines the authorities and powers (and limitations thereto) delegated by the Attorney General to the Director of the Executive Office for Immigration Review (EOIR) and the Chief Immigration Judge. These authorities include such managerial responsibilities as: issuing operational instructions, setting policies, providing for the training of staff, and ensuring the efficient disposition of cases. One of the limitations on the powers of the Director of EOIR and the Chief Immigration Judge is that they cannot direct the result of a case adjudication assigned to someone else.

**Timetable:**

Action	Date	FR Cite
NPRM	12/26/00	65 FR 81434
NPRM Comment Period End	02/26/01	
Final Action	11/00/05	

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

**Agency Contact:** Mary Beth Keller, General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041  
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**RIN:** 1125-AA27**1821. MOTIONS TO REOPEN FOR SUSPENSION OF DEPORTATION AND SPECIAL RULE CANCELLATION OF REMOVAL PURSUANT TO SECTION 1505(C) OF THE LIFE ACT AMENDMENTS****Priority:** Substantive, Nonsignificant

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

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

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

**Timetable:**

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

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

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

**RIN:** 1125-AA31**1822. PROTECTIVE ORDERS IN IMMIGRATION ADMINISTRATION PROCEEDINGS****Priority:** Substantive, Nonsignificant

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

sec 1505 of PL 106-554, 114 Stat 2763A-326 to 2763A-328

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

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/28/02	67 FR 36799
Interim Final Rule Comment Period End	07/29/02	
Final Action	03/00/06	

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

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

**RIN:** 1125-AA38**1823. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW ATTORNEY/REPRESENTATIVE REGISTRY****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1362**CFR Citation:** 8 CFR 1001.1; 8 CFR 1003.0**Legal Deadline:** None

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

The rule arises out of EOIR's electronic government initiatives which, when



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

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/30/03	68 FR 75160
NPRM Comment Period End	03/01/04	
Final Action	03/00/06	

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

**Agency Contact:** Mary Beth Keller, General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041  
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**RIN:** 1125-AA39**1824. TRANSFER OF JURISDICTION OVER APPEALS OF FINES FROM THE BOARD OF IMMIGRATION APPEALS TO THE OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 8 CFR 1003; 8 CFR 1103; 8 CFR 1280**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	02/19/02	67 FR 7309
NPRM Comment Period End	03/21/02	
Final Rule	11/00/05	

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

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

**Related RIN:** Split from 1125-AA36**RIN:** 1125-AA41**1825. DEFINITIONS; FEES; POWERS AND AUTHORITY OF DHS OFFICERS IN REMOVAL PROCEEDINGS****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101, 1103, 1182, 1221, 1225, 1226, 1251, 1252, 1357, 1362, 1304, 13246, 1356; 28 USC 509, 510, 1746; 5 USC 301; . . .**CFR Citation:** 8 CFR 1003; 8 CFR 1103**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/28/04	69 FR 44903
Interim Final Rule Effective	07/28/04	
Interim Final Rule Comment Period End	08/27/04	
Final Action	10/00/05	

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

**Agency Contact:** Mary Beth Keller, General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041  
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**RIN:** 1125-AA43**1826. BACKGROUND AND SECURITY INVESTIGATION CHECKS IN PROCEEDINGS BEFORE IMMIGRATION JUDGES AND THE BOARD OF IMMIGRATION APPEALS****Priority:** Other Significant**Legal Authority:** 5 USC 301; 8 USC 1101 note, 1103, 1182, 1186a, 1224, 1225, 1226, 1227, 1251, 1252 note,

## DOJ—EOIR

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1252a, 1252b, 1324b, 1362; 28 USC 509, 510, 1746; sec 2, Reorg Plan No 2 of 1950; 3 CFR, 1949 to 1953 Comp, p 1002; secs 202 and 203 of PL 105–100, 111 Stat 2160, 2193, 2196–200; sec 902, PL 105–277, 112 Stat 2681; secs 1506 and 1510 of PL 106–386, 114 Stat 1527 to 1529, 1531 to 1532; sec 1505 of PL 106–554, 114 Stat 2763A–326 to 2763A–328

**CFR Citation:** 8 CFR 1003

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	01/31/05	70 FR 4743
Interim Final Rule Effective	04/01/05	
Interim Final Rule Comment Period End	04/01/05	
Interim Final Rule Comment Period Extended	03/31/05	70 FR 16398
Interim Final Rule Comment Period End	05/02/05	
Final Action	09/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1125–AA44

**1827. REVIEW OF CUSTODY DETERMINATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 8 USC 1101 note, 1103, 1252 note, 1252b, 1282, 1324b, 1362; 28 USC 509, 510, 1746; sec 2, Reorg Plan No 2 of 1950; 3 CFR, 1949 to 1953 Comp, p 1002; sec 203 of PL 105–100, 111 Stat 2196–200; secs 1506 and 1510 of PL

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

**CFR Citation:** 8 CFR 1003

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	10/29/01	66 FR 54909
Interim Final Rule	10/31/01	66 FR 54909
Interim Final Rule Comment Period End	12/31/01	
Final Action	11/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1125–AA47

**1828. REOPENED PROCEEDINGS ON PETITIONS FOR ALIEN ENTREPRENEUR IMMIGRANT CLASSIFICATION (EB–5 VISAS)**

**Priority:** Other Significant

**Legal Authority:** 8 USC 11866

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

**Legal Deadline:** None

**Abstract:** This rule amends the regulations of the Executive Office for Immigration Review (EOIR) of the Department of Justice (Department) to implement time sensitive changes made by the 21st Century Department of Justice Appropriations Authorization Act of 2001, Public Law 107–273 (November 2, 2002) to the EB-5 Alien

Entrepreneur immigrant classification. This rule will be published in conjunction with a corresponding rule of the Department of Homeland Security (DHS) that addresses changes to their part of the adjudication. The Department rule provides in section 1216 for certain aliens, who are seeking immigrant status as alien entrepreneurs, the right to challenge in EOIR proceedings adverse determinations on the removal of the condition on permanent resident status made by United States Citizenship and Immigration Services (CIS), a component of DHS. In addition to proceedings on adverse determinations, this rule also establishes procedures for aliens who have received favorable determinations on the removal of the condition on permanent resident status and who have final orders of deportation or removal or who have cases that are pending or administratively closed before EOIR.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For Public Comments:**

www.regulations.gov

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

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

**RIN:** 1125–AA49

**1829. INFORMATION RELATING TO ALIENS' DUTY TO SURRENDER WHEN ORDERED REMOVED FROM THE UNITED STATES**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103

**CFR Citation:** 8 CFR 1240; 8 CFR 1241

**Legal Deadline:** None

**Abstract:** The Department of Justice published an NPRM in 1998 and a supplemental NPRM in 2002 (RIN 1115-AE82) to establish that aliens who become subject to a final order of

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removal have a legal obligation to surrender for removal.

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

**Timetable:**

Action	Date	FR Cite
NPRM (RIN 1115-AE82)	09/04/98	63 FR 47205
NPRM Comment Period End (RIN 1115-AE82)	11/03/98	
Supplemental NPRM (RIN 1115-AE82)	05/09/02	67 FR 31157
Supplemental NPRM Comment Period End	06/10/02	
Final Action	12/00/05	

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

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

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

**RIN:** 1125-AA51

**1830. VENUE IN REMOVAL PROCEEDINGS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 8 CFR 1003.20(a)

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/00/05	
Interim Final Rule Comment Period End	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

**RIN:** 1125-AA52

**1831. • AFFIDAVITS OF SUPPORT ON BEHALF OF IMMIGRANTS**

**Priority:** Substantive, Nonsignificant

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

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

**CFR Citation:** 8 CFR 1205; 8 CFR 1240

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/20/97	62 FR 54346
Interim Final Rule Comment Period End	02/07/98	
Final Action	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1125-AA54

## Department of Justice (DOJ)

## Long-Term Actions

## Executive Office for Immigration Review (EOIR)

**1832. AUTHORITY OF IMMIGRATION JUDGES TO ISSUE CIVIL MONEY PENALTIES****Priority:** Other Significant**CFR Citation:** 8 CFR 1003**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Mary Beth Keller  
Phone: 703 305-0470  
Email: eoir.regs@usdoj.gov**RIN:** 1125-AA18

## Department of Justice (DOJ)

## Completed Actions

## Executive Office for Immigration Review (EOIR)

**1833. ASYLUM CLAIMS MADE BY ALIENS ARRIVING FROM CANADA AT LAND-BORDER PORTS-OF-ENTRY****Priority:** Other Significant**CFR Citation:** 8 CFR 1003; 8 CFR 1208; 8 CFR 1212; 8 CFR 1240**Completed:**

Reason	Date	FR Cite
Final Action	11/29/04	69 FR 69490

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Mary Beth Keller  
Phone: 703 305-0470  
Email: eoir.regs@usdoj.gov**Related RIN:** Related to 1615-AA91**RIN:** 1125-AA46**1834. EXECUTION OF REMOVAL ORDERS; COUNTRIES TO WHICH ALIENS MAY BE REMOVED****Priority:** Other Significant**CFR Citation:** 8 CFR 1240; 8 CFR 1241**Completed:**

Reason	Date	FR Cite
Final Action	01/05/05	70 FR 661

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Mary Beth Keller  
Phone: 703 305-0470  
Email: eoir.regs@usdoj.gov**Related RIN:** Related to 1653-AA41**RIN:** 1125-AA50

## Department of Justice (DOJ)

## Proposed Rule Stage

## Federal Bureau of Investigation (FBI)

**1835. ENHANCED EXCHANGE OF CRIMINAL HISTORY RECORD AND NONSERIOUS OFFENSE IDENTIFICATION RECORDS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 28 USC 534; 42 USC 14614(c); 42 USC 14615; PL 92-544; PL 99-169; PL 99-569; PL 101-410**CFR Citation:** 28 CFR 20**Legal Deadline:** None**Abstract:** This rule (1) clarifies that the FBI's authority to exchange Criminal History Record Information (CHRI) with officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions includes the exchange of CHRI on individuals other than banking

institution employees when the purpose of the background check is reasonably related to maintaining or promoting the security of federally chartered or insured banking institutions and (2) permits the retention and exchange of information on nonserious offenses (NSOs) if provided to the FBI for retention by the submitting jurisdiction.

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Harold M. Sklar, Attorney-Advisor, Department of Justice, Federal Bureau of Investigation, CJIS Division Module E-3, 1000 Custer Hollow Road, Module E-3, Clarksburg, WV 26306  
Phone: 304 625-2000  
Fax: 304 625-3944  
Email: enexreg@leo.gov**RIN:** 1110-AA20

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

Final Rule Stage

**1836. IMPLEMENTATION OF THE NATIONAL STOLEN PASSENGER MOTOR VEHICLE INFORMATION SYSTEM (NSPMVIS)**

**Priority:** Other Significant

**Legal Authority:** 49 USC 33109 to 33111

**CFR Citation:** 28 CFR 89

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

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

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

**RIN:** 1110-AA01

**1837. REGULATIONS UNDER THE PAM LYCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** PL 104-236, sec 9

**CFR Citation:** Not Yet Determined

**Legal Deadline:** Other, Statutory, October 3, 1999, The Act does not distinguish between NPRM and final regulations.

**Abstract:** The FBI is issuing regulations to carry out the Pam Lychner Sexual Offender Tracking and Identification Act of 1996. These regulations include guidelines as to the operation and use of the national sex offender registry established by the FBI and the notice to be provided to the FBI in the event a registered sex offender moves interstate.

**Timetable:**

Action	Date	FR Cite
NPRM	02/16/99	64 FR 7562
NPRM Comment Period End	04/19/99	
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

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

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

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

**RIN:** 1110-AA04

**1838. FINAL NOTICE OF CAPACITY; SUPPLEMENT TO RESPOND TO REMAND**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** None

**Legal Deadline:** None

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

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

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

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

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**Timetable:**

Action	Date	FR Cite
Supplement to Final Notice of Capacity Responding to Remand	12/05/03	68 FR 68112
Comment Period on Supplement End	02/03/04	
Finalization of Supplement to Final Notice of Capacity Responding to Remand	09/00/05	

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

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

**RIN:** 1110-AA10**1839. • IMPLEMENTATION OF THE PRIVATE SECURITY OFFICER EMPLOYMENT AUTHORIZATION ACT OF 2004****Priority:** Other Significant**Legal Authority:** 18 USC 534; PL 108-456, sec 6402**CFR Citation:** Not Yet Determined**Legal Deadline:** Final, Statutory, June 15, 2005, Statutorily required final rule within 180 days of enactment (enacted 12/17/2004).**Abstract:** The Private Security Officer Employment Authorization Act of 2004, Public Law 108-458, Section 6402(d)(2),

(the Act) requires the Attorney General to issue rules to regulate the security, confidentiality, accuracy, use, submission, dissemination, destruction of information and audits, and record keeping of the criminal history record information and related information; standards for qualifying an authorized employer; and the imposition of fees. This rule amends Title 28 of the Code of Federal Regulations to implement the Act. The rule authorizes access to FBI-maintained justice information systems to authorize a fingerprint-based check of state and national criminal history records to screen prospective and current private security officers.

**Timetable:**

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

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

**Agency Contact:** Harold M. Sklar, Attorney-Advisor, Department of Justice, Federal Bureau of Investigation, CJIS Division Module E-3, 1000 Custer Hollow Road, Module E-3, Clarksburg, WV 26306  
Phone: 304 625-2000  
Fax: 304 625-3944  
Email: enexreg@leo.gov

**RIN:** 1110-AA23**1840. • CARRIAGE OF CONCEALED WEAPONS PURSUANT TO PUBLIC LAW 108-277, THE LAW ENFORCEMENT OFFICERS SAFETY ACT OF 2004****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** PL 108-277**CFR Citation:** 20 CFR 20**Legal Deadline:** None

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

**Timetable:**

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

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

**Agency Contact:** Harold M. Sklar, Attorney-Advisor, Department of Justice, Federal Bureau of Investigation, CJIS Division Module E-3, 1000 Custer Hollow Road, Module E-3, Clarksburg, WV 26306  
Phone: 304 625-2000  
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**RIN:** 1110-AA24**Department of Justice (DOJ)  
Federal Bureau of Investigation (FBI)****Long-Term Actions****1841. COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT: DEFINITIONS OF "REPLACED" AND "SIGNIFICANTLY UPGRADED OR OTHERWISE UNDERGONE MAJOR MODIFICATION"****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**CFR Citation:** 28 CFR 100**Timetable:**

Action	Date	FR Cite
ANPRM	11/19/96	61 FR 58799
ANPRM Comment Period End	12/19/96	
NPRM	04/28/98	63 FR 23231
NPRM Comment Period End	06/29/98	

Supplemental NPRM Proposing Definitions	10/05/01	66 FR 50931
Supplemental NPRM Comment Period End	12/04/01	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses

## DOJ—FBI

## Long-Term Actions

**Government Levels Affected:** None**Agency Contact:** Eric Mason

Phone: 703 814-4791

Fax: 703 814-4750

**RIN:** 1110-AA21**1842. IMPLEMENTATION OF SECTIONS 104 AND 109 OF THE COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT—NOTICE OF ACTUAL AND MAXIMUM CAPACITY: PAGING, MSS, SMR, AND ESMR****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**CFR Citation:** 28 CFR 100**Timetable:**

Action	Date	FR Cite
Notice of Inquiry (Cap Methodology)	12/18/98	63 FR 70160

Action	Date	FR Cite
Further Notice of Inquiry (Cap Methodology)	06/30/00	65 FR 40694
Notice of Capacity	To Be Determined	

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

Phone: 703 814-4791

Fax: 703 814-4750

**RIN:** 1110-AA22

## Department of Justice (DOJ)

## Proposed Rule Stage

## Legal Activities (LA)

**1843. REPORTING UNDER THE PROTECTION OF CHILDREN FROM SEXUAL PREDATORS ACT AS AMENDED****Priority:** Other Significant**Legal Authority:** 42 USC 13032**CFR Citation:** 28 CFR 81**Legal Deadline:** None

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

As amended by the Consolidated Appropriations Act, 2000, Public Law No. 106-113, the PCSPA requires providers to report such incidents to the Cyber Tipline at the National Center for Missing and Exploited Children (NCMEC), which shall forward that report to a law enforcement agency or agencies designated by the Attorney General. As amended by the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003, Public Law No. 108-066, the PCSPA also requires providers to report incidents of child pornography involving violations of section 2252B of title 18, United States Code, and incidents of violations of section 1466A, title 18, United States Code, and permits NCMEC to forward reports to State and local law enforcement agencies where appropriate. A notice of proposed rulemaking is being prepared that will provide guidance to the providers, NCMEC, and the designated law enforcement agencies on the content of such reports and how the reports will be processed.

In a related matter, RIN 1105-AA65, “Designation of Agencies To Receive and Investigate Reports Required Under the Protection of Children from Sexual Predators Act,” interim final rule published November 4, 2003, 68 FR 62370, the Department designated four law enforcement agencies to receive and investigate such reports.

**Timetable:**

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

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

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

**RIN:** 1105-AB06

## Department of Justice (DOJ)

## Final Rule Stage

## Legal Activities (LA)

**1844. DESIGNATION OF AGENCIES TO RECEIVE AND INVESTIGATE REPORTS REQUIRED UNDER THE PROTECTION OF CHILDREN FROM SEXUAL PREDATORS ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 13032**CFR Citation:** 28 CFR 81**Legal Deadline:** NPRM, Statutory, April 28, 1999.

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

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

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States Code, to the appropriate Federal agency. In order to facilitate effective reporting, the PCSPA requires the Attorney General to “designate an agency” to receive and investigate such reports of child pornography. The proposed rule previously published set forth the Attorney General’s proposed designations and certain other matters covered by the PCSPA’s reporting requirements.

On November 29, 1999, as part of the Consolidated Appropriations Act, 2000, Public Law 106-113, 113 Stat. 1501, Congress amended 42 U.S.C. 13032 to require providers to report such incidents to the Cyber Tipline at the National Center for Missing and Exploited Children (NCMEC), which shall forward that report to a law enforcement agency or agencies designated by the Attorney General. As amended by the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003, Public Law No. 108-066, the PCSPA also requires providers to report incidents of child pornography involving violations of section 2252B of title 18, United States Code, and incidents of violations of section 1466A, title 18, United States Code, and permits NCMEC to forward reports to State and local law enforcement agencies where appropriate. On November 4, 2003, an interim final rule was published designating four Federal law enforcement agencies that will receive reports pursuant to 42 U.S.C. 13032. These include the Federal Bureau of Investigation, the Bureau of Immigration and Customs Enforcement, the U.S. Postal Inspection Service, and the U.S. Secret Service.

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

**Timetable:**

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

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

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

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

**RIN:** 1105-AA65**1845. ETHICAL STANDARDS FOR ATTORNEYS FOR THE GOVERNMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 28 USC 530B**CFR Citation:** 28 CFR 77**Legal Deadline:** Final, Statutory, April 19, 1999.

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/19/99	64 FR 19273
Interim Final Rule	06/21/99	
Comment Period End		
Final Action	10/00/05	

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

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

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

**RIN:** 1105-AA67**1846. MINIMUM QUALIFICATIONS FOR ANNUITY BROKERS IN CONNECTION WITH STRUCTURED SETTLEMENTS ENTERED INTO BY THE UNITED STATES****Priority:** Other Significant**Legal Authority:** PL 107-273, sec 11015**CFR Citation:** 28 CFR 50**Legal Deadline:** Final, Statutory, May 2, 2003.

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

To be considered for inclusion on the initial list to be transmitted to all United States Attorneys, annuity brokers must submit the Declaration set forth on the Civil Division website to the Department of Justice’s Torts Branch. (A copy of the Declaration is also included as an appendix to this rule, but will not be included in the Code of Federal Regulations, as it may be revised later. The most current version of the Declaration will be available for download on the Civil Division’s website.) The list will be revised periodically, but not more often than twice every calendar year, beginning with calendar year 2004. Each calendar year, a new list will be



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transmitted. For each calendar year, a broker must submit a new declaration to be included on the list.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/15/03	68 FR 18119
Interim Final Rule Comment Period End	07/14/03	
Final Action	08/00/05	

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

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

**RIN:** 1105-AA82

### 1847. INSPECTION OF RECORDS RELATING TO DEPICTION OF SEXUALLY EXPLICIT PERFORMANCES

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

**Abstract:** In the Child Protection and Obscenity Enforcement Act of 1998, Public Law No. 100-690, as amended by the Child Protection Restoration and Penalties Enhancement Act of 1990, Public Law No. 101-647, and the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003, Public Law No. 108-21, Congress set forth requirements at section 2257, title 18, United States Code, concerning recordkeeping requirements for producers of sexually explicit material. Section 2257 of title 18, United States Code, specifies steps that must be taken by persons who produce materials depicting sexually explicit conduct to determine the names and dates of birth of persons depicted in those materials, lists records that must be kept by persons producing those materials, and requires that notices as to the location of those records be affixed to those materials.

28 CFR part 75 currently contains recordkeeping and inspection requirements implementing section 2257, title 18, United States Code. This

rule amends these requirements to bring the regulations up to date with current law and will make the inspection process effective for the purposes set by Congress in enacting section 2257.

The Department is currently reviewing public comments received on the proposed rule and drafting a final rule.

**Timetable:**

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

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

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

**RIN:** 1105-AB05

### 1848. STOP VIOLENCE AGAINST WOMEN FORMULA GRANT PROGRAM AND STOP VIOLENCE AGAINST INDIAN WOMEN DISCRETIONARY GRANT PROGRAM: CLARIFICATION OF MATCH REQUIREMENT

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

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

The STOP grants are awarded to States and territories to develop and strengthen the criminal justice system's

response to violence against women and to support and enhance services for victims. The STOP VAIW grants are intended to develop and strengthen tribal law enforcement and prosecution efforts to combat violence against Indian women and to develop and enhance services for victims of such crimes.

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/30/03	68 FR 75184
NPRM Comment Period End	02/28/04	
Final Action	07/00/05	

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

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

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**Agency Contact:** Ms. Marnie Shiels,  
Department of Justice, Office on  
Violence Against Women, Washington,  
DC 20405  
Phone: 202 305-2981  
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**RIN:** 1105-AB07

**1849. • GUIDELINES FOR THE PROTECT ACT AMENDMENTS TO THE JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDER REGISTRATION ACT**

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

**Legal Authority:** 42 USC 14071; PL 108-21

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law No. 103-322, 108 Stat. 1796, 2038 (codified at 42 U.S.C. 14071) contains the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (the “Wetterling Act”). The Wetterling Act sets minimum national standards for state sex offender registration and community notification programs, and directs the Attorney General to issue guidelines for such programs. The main set of current Wetterling Act guidelines was published on January 5, 1999, in the Federal Register (64 FR 572, with corrections at 64 FR 3590), and a supplementary set of guidelines for the Campus Sex Crimes Prevention Act amendment to the Wetterling Act was published on October 25, 2002, in the Federal Register (67 FR 65598). States that fail to comply with the Wetterling Act’s requirements (as implemented and explained in the Attorney General’s guidelines) are subject to a mandatory 10% reduction of the formula grant funding available under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program (42 U.S.C. 3756), which is administered by the Bureau of Justice Assistance of the Department of Justice.

Subsequent to the publication of the current Wetterling Act guidelines, the Wetterling Act was amended by sections 604 and 605 of the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003, or PROTECT Act, Public Law 108-21, 117

Stat. 650, 688 (2003). These amendments provide that the means by which a state provides information to the public concerning registered sex offenders must include an Internet site, and add child pornography production and distribution offenses to the list of crimes against children for which registration is required under the Wetterling Act’s standards. Supplementary guidelines are necessary to take account of the PROTECT Act amendments to the Wetterling Act.

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

**Timetable:**

Action	Date	FR Cite
Notice of Proposed Guidelines	03/15/05	70 FR 12721
Proposed Guidelines Comment Period End	05/16/05	
Final guidelines	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

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

**RIN:** 1105-AB08

**1850. • DNA SAMPLE COLLECTION FROM FEDERAL OFFENDERS UNDER THE JUSTICE FOR ALL ACT OF 2004**

**Priority:** Other Significant

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

**CFR Citation:** 28 CFR 28

**Legal Deadline:** None

**Abstract:** The Department of Justice is publishing this rule to implement section 203(b) of Public Law 108-405,

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/31/05	70 FR 4763
Interim Final Rule Effective	01/31/05	
Interim Final Rule Comment Period End	04/01/05	
Final Action	08/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1105-AB09

**1851. • PRESERVATION OF BIOLOGICAL EVIDENCE UNDER 18 U.S.C. 3600A**

**Priority:** Other Significant

**Legal Authority:** 18 USC 3600A

**CFR Citation:** 28 CFR 28

**Legal Deadline:** Other, Statutory, April 25, 2005, Implementing regulations required within 180 days of enactment.

**Abstract:** The Department of Justice is publishing this rule to implement 18 U.S.C. 3600A. That statute requires the Federal Government to preserve biological evidence in Federal criminal cases in which defendants are under sentences of imprisonment, subject to certain limitations and exceptions. Subsection (e) of the statute requires the Attorney General to promulgate

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regulations to implement and enforce the statute. This rule adds a new subchapter C to 28 CFR part 28 to effect the required implementation and enforcement of 18 U.S.C. 3600A. The new provisions added by this rule explain and interpret the evidence preservation requirement of 18 U.S.C. 3600A, and include provisions concerning sanctions for violations of that requirement.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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

**RIN:** 1105-AB10

## Department of Justice (DOJ)

## Long-Term Actions

## Legal Activities (LA)

**1852. NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM (NMVTIS) REPORTING REGULATIONS**

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

**CFR Citation:** Not Yet Determined

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Deborah Sorkin

Phone: 202 305-4023

Fax: 202 305-0562

**RIN:** 1105-AA71

**1853. 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)

## Proposed Rule Stage

## Office of Justice Programs (OJP)

**1854. PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM**

**Priority:** Other Significant

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

**CFR Citation:** 28 CFR 32

**Legal Deadline:** None

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

components governing hearing officers and independent medical examinations.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/05	
NPRM Comment	09/00/05	
Period End		

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Hope Janke, Counsel to the Director, BJA, Department of Justice, Office of Justice Programs, 810 7th Street NW, Washington, DC 20531  
Phone: 202 307-2858  
Email: hope.janke@usdoj.gov

**RIN:** 1121-AA56

**1855. CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 3711

**CFR Citation:** 28 CFR 23

**Legal Deadline:** None

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

**Timetable:**

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

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## Proposed Rule Stage

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**Agency Contact:** John J. Wilson, Senior Counsel, Office of the General Counsel, Department of Justice, Office of Justice Programs, Room 5341, 810 Seventh Street NW, Washington, DC 20531-0001

Phone: 202 616-3627

Fax: 202 307-1419

Email: john.wilson.2@usdoj.gov

**RIN:** 1121-AA59**1856. INTERNATIONAL TERRORISM VICTIM EXPENSE REIMBURSEMENT PROGRAM****Priority:** Other Significant**Legal Authority:** 42 USC 10603c, sec 1404c; PL 104-208, Victims of Trafficking and Violence Protection Act of 2000**CFR Citation:** None**Legal Deadline:** None**Abstract:** The Office of Justice Programs (OJP) is developing these regulations to implement the International Terrorism Victim Expense Reimbursement Program provisions contained in the Victims of Trafficking and Violence Protection Act of 2000 (Pub. L. 104-208), which directs OJP to carry out a program to reimburse victims of acts of international terrorism that occur outside the United States, for expenses associated with that victimization.**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Agency Contact:** Barbara Johnson, Program Manager, Department of Justice, Office of Justice Programs, Terrorism and International Victims Unit, Office for Victims of Crime, 810 7th Street NW, Washington, DC 20531  
Phone: 202 307-5983**RIN:** 1121-AA63**1857. VICTIMS OF CRIME ACT (VOCA) CRIME VICTIM COMPENSATION PROGRAM REGULATIONS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 10602**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** The Victims of Crime Act (VOCA) Crime Victim Compensation Program regulations provide the parameters under which state agencies may use these funds to reimburse crime victims directly for expenses related to crime. Expenses that must be covered are lost wages, medical and mental health costs, and funeral and burial costs. States, at their discretion, may cover loss of support, crime scene cleanup, and other such expenses.

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

**Timetable:**

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

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

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

**Agency Contact:** Marie Burke, Chief of Staff, OVC, Department of Justice, Office of Justice Programs, 810 7th Street NW, Washington, DC 20531  
Phone: 202 514-5952  
Email: marie.burke@usdoj.gov**RIN:** 1121-AA68**1858. VICTIM OF CRIME ACT (VOCA) VICTIM ASSISTANCE PROGRAM****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 10604, sec 1407(a), Victims of Crime Act**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** The Victim Assistance Program Regulations provide the parameters under which State agencies may use these funds to award grants to government and nonprofit organizations to provide direct services to crime victims. Local programs include child abuse, homicide survivor, drunk driving, sexual assault, and domestic violence. More than three million crime victims are served through these grants.

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

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

**Timetable:**

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

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

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

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

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

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**1859. CORRECTIONAL FACILITIES ON TRIBAL LANDS GRANT PROGRAM**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 28 CFR 91

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/24/96	61 FR 49969
Correction	10/18/96	61 FR 54333
Interim Final Rule Comment Period End	10/24/96	
Second Interim Final Rule	01/15/04	69 FR 2298
Second Interim Final Rule Comment Period End	03/15/04	
Final Action	07/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Tribal

**Agency Contact:** Maria Pressley, Special Projects Manager, BJA, Department of Justice, Office of Justice Programs, 810 7th Street NW, Washington, DC 20531  
 Phone: 202 353-8643  
 Fax: 2023544126  
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**RIN:** 1121-AA41

**1860. BULLETPROOF VEST PARTNERSHIP GRANT ACTS OF 1998 AND 2000**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 3796ll

**CFR Citation:** 28 CFR 33

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

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

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/23/98	63 FR 50759
Interim Final Rule Effective	09/23/98	
Interim Final Rule Comment Period End	11/23/98	
Second Interim Final Rule	08/00/05	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**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

**1861. ENVIRONMENTAL IMPACT REVIEW PROCEDURES FOR THE VOI/TIS GRANT PROGRAM**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 28 CFR 91

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

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

**Agency Contact:** Steve Antkowiak, Special Projects Manager, Department of Justice, Office of Justice Programs, 810 7th Street NW, Washington, DC 20531  
 Phone: 202 514-7663  
 Email: steve.antkowiak@usdoj.gov

**RIN:** 1121-AA52

**1862. • FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS**

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

**Legal Authority:** 5 USC 301; 28 USC 509; 28 USC 510; 42 USC 300v-1(b)

**CFR Citation:** 28 CFR 46

**Legal Deadline:** None

**Abstract:** The Department of Justice is participating with other Federal agencies to amend the Federal Policy for the Protection of Human Subjects, which was published in the Federal Register on June 18, 1991, to change

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all references to the Office for Protection from Research Risks (OPRR) to the Office for Human Research Protections (OHRP); revise the footnote found at the end of § \_\_\_\_ .101(i) by deleting references to research involving fetuses, pregnant women, or human in vitro fertilization and subpart B of 45 CFR part 46; and update the Control Number for the approval by the

Office of Management and Budget (OMB) of the information collection requirements of this Federal Policy.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Phone: 202 305-2550

**RIN:** 1121-AA70

## Department of Justice (DOJ)

## Completed Actions

## Office of Justice Programs (OJP)

**1863. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 28 CFR 67; 28 CFR 83

**Completed:**

Reason	Date	FR Cite
Final Action	03/11/05	70 FR 12141
Final Action Effective	04/11/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal, State

**Agency Contact:** Linda Fallowfield

Phone: 202 305-2534

**RIN:** 1121-AA57

[FR Doc. 05-7661 Filed 05-13-05; 8:45 am]

**BILLING CODE 4410-BP-S**