

Department of Justice Retrospective Review Report - July 2014

Agency/ Component	RIN/ OMB Control Number	Title of Initiative/ Rule//ICR	Brief Description	Actual or Target Com- pletion Date	Anticipated Savings in cost and/or information collection burdens together with anticipated changes in benefits (please qualify, to the extent feasible, and also specify baseline, time horizon, and affected groups	Progress Updates and Anticipated Accomplish- ments
Regulations under Retrospective Review						
Department of Justice/ Bureau of Alcohol, Tobacco, Firearms, and Explosives	RIN 1140- AA42	Importation of Arms, Ammuni- tion and Implements of War and Machine Guns, Destructive Devices, and Certain Other Firearms; Extending the Term of Import Permits	Final rule amending the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to extend the term of import permits for firearms, ammunition, and defense articles from 1 year to 2 years.	Febru- ary 2014 ✓	If the term of an import permit was extended to 2 years, ATF estimates that the number of permit applications would be reduced by half (4,500), resulting in annual industry savings of approximately \$59,625 and agency savings of \$571,320, and a saving of 2750 hours in paperwork/reporting.	This initiative is complete and is now in place. Final rule published 2/7/2014, 79 FR 7392, eff. 4/8/2014.
Department of Justice/ Executive Office for Immigration Review	RIN 1125- AA71	Retrospective Regulatory Review Under E.O. 13563 of 8 CFR Parts 1003, 1103, 1211, 1212, 1215, 1216, 1235	Advance notice of future rulemaking concerning appeals of DHS decisions (8 C.F.R. part 1103), documentary requirements for aliens (8 C.F.R. parts 1211 and 1212), control of aliens departing from the United States (8 C.F.R. part 1215), procedures governing conditional permanent resident status (8 C.F.R. part 1216), and inspection of individuals applying for admission to the United States (8 C.F.R. part 1235).	2014	We cannot estimate the anticipated savings until we get feedback from the public on what the particular revisions should entail.	The ANPRM was published on 9/28/2012. The comment period closed on 11/27/2012. EOIR is currently in the process of reviewing the comments received and drafting two follow-up NPRMs.

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Department of Justice/ Executive Office for Immigration Review	1125- AA78	Separate Representation for Custody and Bond Proceedings	This rule proposes to amend the Executive Office for Immigration Review (EOIR) regulations relating to the representation of aliens in custody and bond proceedings. Specifically, this rule proposes to allow a representative to enter an appearance in custody and bond proceedings before EOIR without committing to appear on behalf of the alien for all proceedings before the Immigration Court.	FY 2014	This proposed rule will enhance representation of detained aliens by making it easier for aliens who may not be able to afford to hire an attorney for all of their proceedings before the Immigration Court to at least be able to be represented during their custody and bond proceedings. The Department anticipates that this rule will also have a positive economic effect because increasing the number of aliens who are represented in their custody and bond proceedings will enable immigration judges to adjudicate proceedings in a more effective and timely manner.	The proposed rule has been written and is undergoing final Department clearance.
Department of Justice/ Drug Enforcement Administra- tion		Implementation of the International Trade Data System	DEA is continuing to consider possible changes to its existing regulations (e.g., 21 CFR 1312.14, 1312.24) to take account of the submission of import and export permits to U.S. Customs and Border Protection in electronic form.	2015	Pursuant to section 6 of E.O. 13659, DEA been consulting with CBP and is continuing to study possible modifications to its existing regulations, in order to reduce the burdens on importers and exporters while continuing to maintain effective controls against diversion.	

Reducing Reporting and Paperwork Burdens

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Department of Justice/ Bureau of Alcohol, Tobacco, and Firearms	OMB 1140- 0003	Electronic ATF Form 3310.4 - Report of Multiple Sale or Other Disposition of Pistols and Revolvers	Information collection on ATF 3310.4 must be completed by a licensee whenever the licensee sells or otherwise disposes of, at one time or during any five consecutive business days, two or more pistols, or revolvers, or any combination of pistols or revolvers totaling two or more, to an unlicensed person. By linking this form with the electronic Form 4473, the majority of the form will self-populate with the information provided in the electronic Form 4473. As a result, it will take less than a third of the time to complete the multiple sales form when completed electronically.	Novem ber 2012 ✓	The current estimated total responses are 198,424 and the current total annual burden hours are 49,606. If 10% of the forms are electronically completed, there will be a reduction in burden hours from 49,606 to 46,292 (reduction of 3,314). It will also result in approximately \$38,240 in savings to the industry. The estimated cost savings is based on the cost of fewer stamps.	This initiative is complete and is now in place.
Department of Justice/ Bureau of Alcohol, Tobacco, and Firearms	OMB 1140- 0015	eForm 5 – Application for Tax Exempt Transfer and Registration of Firearms (2012R-6T)	Currently, there is no electronic version of the Form 5 (5320.5) that is required to apply for the tax exempt transfer and registration of a National Firearms Act (NFA) firearm.	Decem ber 2012 ✓	ATF estimates that there are 10,500 respondents and an estimated burden of 8,925. With the electronic version of this collection, the burden is estimated to reduce to 6,562.5 (reduction of 2,362.5 burden hours), with approximately \$38,509 in savings to the industry. The estimated cost savings is based on the cost of fewer stamps.	This initiative is complete and is now in place.

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Department of Justice/ Bureau of Prisons		FOIA Status Tracking	The Federal Bureau of Prisons (BOP) developed a FOIA status tracking application to reduce the paper burden for both the public and BOP staff. The application is available via the BOP's public website, www.bop.gov and enables the public to receive an electronic status update as to where their FOIA request is in the queue. The public benefits from the instant status access as the program eliminates the need to mail in status requests, compose email status requests, and attempts to phone for status requests during business hours.	Sep- tember 2012 ✓	30,000 hours of paperwork/reporting eliminated	This initiative is complete and is now in place. It went live September 12, 2012.
Department of Justice/ Executive Office for Immigration Review	1125- 0005	Electronic Submission of Notice of Entry of Appearance before the Immigration Court (Form EOIR-28)	An attorney or representative must file a Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court (Form EOIR-28) to notify the Immigration Court of the representation. If this form is submitted electronically, the data required to complete the Form EOIR-28 may be automatically drawn from the data entered into the Registry system.	FY 2013	12,421 hours of paperwork/reporting eliminated. The projected cost savings to the government is not yet known. There are 165,614 annual submissions of this form; as this form is a notice of appearance before the immigration court, EOIR estimates that the majority of respondents file this form in person at the immigration court. EOIR conservatively estimates that 20% of these annual respondents, or 33,122.8, would file this form electronically, resulting in aggregate cost savings to the public of \$14,905.26 savings in postage and \$6,624.56 savings in printing costs.	

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Department of Justice/ Executive Office for Immigration Review	1125- 0006	Electronic Submission of Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals (Form EOIR-27)	An attorney or representative must file a Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals (Form EOIR-27) to notify the Board of Immigration Appeals of the representation. If this form is submitted electronically, the data required to complete the Form EOIR-27 may be automatically drawn from the data entered into the Registry system. EOIR began accepting electronic submission of Forms EOIR-27 as of June 10, 2013.	June 2013 ✓	2,165 hours of paperwork/reporting eliminated. The projected savings to the government is not yet known. There are 28,868 annual submissions of this form; as this form is a notice of appearance before the Board of Immigration Appeals, located in Falls Church, VA, EOIR estimates that the majority of respondents file this form using the postal service. EOIR conservatively estimates that 90% of these annual respondents, or 25,981.2, would file this form electronically, resulting in aggregate cost savings to the public of \$11,691.54 savings in postage and \$5,196.24 savings in printing costs	This initiative is complete and is now in place. It went live on June 10, 2013.
Department of Justice/ Executive Office for Immigration Review	1125- 0001	Electronic Submission of Application for Cancellation of Removal: Form EOIR-42A (Application for Cancellation of Removal for Certain Perma- nent Residents) and Form EOIR- 42B (Applica- tion for Cancel- lation of Removal and Adjustment of Status for Cert- ain Nonperma- nent Residents)	This information collection is necessary to determine the statutory eligibility of individual aliens who have been determined to be removable from the United States for cancellation of their removal, as well as to provide information relevant to a favorable exercise of discretion.	FY 2017	29,881 hours of paperwork/reporting eliminated. The projected savings to the government is not yet known. There are 25,627 annual submissions of this form; as this form requires submission of documentary evidence, EOIR estimates that the majority of respondents file this form in person at the immigration court. EOIR conservatively estimates that 20% of these annual respondents, or 5,125.4, would file this form electronically, resulting in aggregate cost savings to the public of \$2,306.43 savings in postage and \$6,663.02 savings in printing costs.	

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Department of Justice/ Executive Office for Immigration Review	1125- 0002	Electronic Submission of Notice of Appeal from a Decision of an Immigration Judge (Form EOIR-26)	A party affected by a decision of an Immigration Judge may appeal that decision to the Board, provided the Board has jurisdiction pursuant to 8 C.F.R. 1003.1(b). An appeal from an Immigration Judge's decision is taken by completing the Form EOIR-26 and submitting it to the Board.	FY 2017	1,920 hours of paperwork/reporting eliminated. The projected savings to the government is not yet known. There are 19,201 annual submissions of this form; as this form is a notice of appeal that must be filed with the Board of Immigration Appeals, located in Falls Church, VA, EOIR estimates that the majority of respondents file this form using the postal service. EOIR conservatively estimates that 90% of these annual respondents, or 17,280.9, would file this form electronically, resulting in aggregate cost savings to the public of \$7,776.41 savings in postage and \$10,368.54 savings in printing costs.	
Department of Justice/ Executive Office for Immigration Review	1125- 0003	Electronic Submission of Fee Waiver Request Form (Form EOIR- 26A)	The information on the fee waiver request form is used by the Board of Immigration Appeals to determine whether the requisite fee for a motion or appeal will be waived due to an individual's financial situation.	FY 2017	1,194 hours of paperwork/reporting eliminated. The projected savings to the government is not yet known. There are 5,970 annual submissions of this form; as this form is a notice of appeal that must be filed with the Board of Immigration Appeals, located in Falls Church, VA, EOIR estimates that the majority of respondents file this form using the postal service. EOIR conservatively estimates that 90% of these annual respondents, or 5,373, would file this form electronically, resulting in aggregate cost savings to the public of \$2,417.85 savings in postage and \$537.30 savings in printing costs.	

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Department of Justice/ Executive Office for Immigration Review	1125-0012	Electronic Submission of Request for Recognition of a Non-profit Religious, Charitable, Social Service, or Similar Organization (Form EOIR-31)	This information collection is necessary to determine whether the organization meets the regulatory and relevant case law requirements for recognition by the Board as a legal service provider, which then would allow its designated representative or representatives to seek full or partial accreditation to practice before EOIR and/or the Department of Homeland Security.	FY 2017	44 hours of paperwork/reporting eliminated. The projected savings to the government is not yet known. There are 105 annual submissions of this form; as this form is a request for recognition that must be filed with the Board of Immigration Appeals, located in Falls Church, VA, EOIR estimates that the majority of respondents file this form using the postal service. EOIR conservatively estimates that 90% of these annual respondents, or 94.5, would file this form electronically, resulting in aggregate cost savings to the public of \$42.53 savings in postage and \$28.35 savings in printing costs.	

Executive Order 13659

Executive Order 13659, “Streamlining the Export/Import Process for America’s Businesses,” provided new directives for agencies to improve the technologies, policies, and other controls governing the movement of goods across our national borders. This includes additional steps to implement the International Trade Data System as an electronic information exchange capability, or “single window,” through which businesses will transmit data required by participating agencies for the importation or exportation of cargo.

At the Department of Justice, stakeholders must obtain pre-import and pre-export authorizations from the Drug Enforcement Administration (DEA) (relating to controlled substances and listed chemicals), or from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) (relating to firearms, ammunition, and explosives). The ITDS “single window” will work in conjunction with these pre-import and pre-export authorizations.

The pre-import/export requests for both agencies occur before the goods are at the border or port of entry, thus allowing adequate time for the respective agency to review the request and pertinent data relating to the request, and contact interested parties and/or foreign counterparts on the stakeholder’s request. Stakeholders seeking to import or export commodities regulated by these agencies will continue to utilize the established application process at each agency. DEA has electronic filing systems for most import and export authorizations, and ATF allows optional electronic filing for import and export authorizations. DEA and ATF systems then supply, by batch, license and permit information to CBP to facilitate validation of licenses and permits for imported or exported goods at the border.

Pursuant to section 6 of E.O. 13659, DEA and ATF have been consulting with CBP and are continuing to study whether some modifications or technical changes to their existing regulations are needed to achieve the goals of E.O. 13659. The agencies anticipate completing this review and reporting with respect to any planned modifications in the Department's subsequent retrospective review report.