Monday,
May 13, 2002

Part XI

Department of
Justice

Semiannual Regulatory Agenda
## DEPARTMENT OF JUSTICE (DOJ)

### DEPARTMENT OF JUSTICE

8 CFR Ch. I

21 CFR Ch. II

28 CFR Ch. I

### Regulatory Agenda

**AGENCY:** Department of Justice.  
**ACTION:** Semiannual regulatory agenda.

### SUMMARY:


FOR FURTHER INFORMATION CONTACT:  
Robert Hinchman, Senior Counsel, Office of Policy Development, Department of Justice, Room 4258, 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: “Reduction of the Number of Acceptable Documents and Other Changes to Employment Verification Requirements” (RIN 1115-AA44), “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 person listed in the entries for these items.

**Dated:** April 4, 2002.  
**Viet D. Dinh,**  
Assistant Attorney General, Office of Legal Policy.

### Bureau of Prisons—Proposed Rule Stage

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<td>Environmental Impact Review Procedures for the VOI/TIS Grant Program</td>
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### Office of Justice Programs—Completed Actions

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### Department of Justice (DOJ)

#### Bureau of Prisons (BOP)

#### 1323. RELEASE OF INFORMATION

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 5 USC 552; 5 USC 552a; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510; 31 USC 3711(f)  
**CFR Citation:** 28 CFR 513  
**Legal Deadline:** None  
**Abstract:** This document revises Bureau regulations implementing the Freedom of Information Act and the Privacy Act in order to simplify the procedures and to eliminate unnecessary regulatory text.
### DOJ—BOP

#### 1324. INFECTIOUS DISEASE MANAGEMENT

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4005; 18 USC 4042; ...  
**CFR Citation:** 28 CFR 549  
**Legal Deadline:** None  
**Abstract:** This document is a proposed rule (split from the interim final rule, RIN 1120-AA23) on the correctional management of tuberculosis, HIV, and hepatitis B. The changes to the regulations address the circumstances under which the Bureau conducts voluntary and involuntary testing.

**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, Room 741, Washington, DC 20534  
Phone: 202 307-6303  
Fax: 202 307-0828  
Email: squreshi@bop.gov  
**RIN:** 1120–AB03

#### 1325. 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; 18 USC 4005; 18 USC 4042; ...  
**CFR Citation:** 28 CFR 549  
**Legal Deadline:** None  
**Abstract:** This document finalizes internal agency procedures that need to be in rules text.

**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, Room 741, Washington, DC 20534  
Phone: 202 307-6303  
Fax: 202 307-0828  
Email: squreshi@bop.gov  
**RIN:** 1120–AB07

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

#### 1326. VOLUNTEER COMMUNITY SERVICE PROJECTS

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 18 USC 1512; 18 USC 5039; 28 USC 509 to 510; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4005; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 4161 to 4166; 18 USC 5006 to 5024  
**CFR Citation:** 28 CFR 551.60  
**Legal Deadline:** None  
**Abstract:** This document finalizes provisions for Volunteer Community Service Projects. A volunteer community service project is a project designed to provide for the public good, which has been developed by local government or by a nonprofit charitable organization for approval by the Bureau.

**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, Room 741, Washington, DC 20534  
Phone: 202 307-6303  
Fax: 202 307-0828  
Email: squreshi@bop.gov  
**RIN:** 1120–AA03

#### 1327. 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.
### 1328. INCOMING PUBLICATIONS

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 5 USC 551; 18 USC 5039; 28 USC 509 to 510; 28 USC 1346(b); 28 USC 2671 to 2680; 5 USC 552a; 18 USC 1791; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4005; 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 540.71  
**Legal Deadline:** None  
**Abstract:** This document amends Bureau regulations on Incoming Publications to require that inmates in medium security, high security, and administrative institutions may receive softcover publications only from the publisher, book club, or bookstore.  
**Timetable:**

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**Regulatory Flexibility Analysis**  
**Required:** No  
**Small Entities Affected:** No

### 1329. INFECTIOUS DISEASES

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4005; 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 549  
**Legal Deadline:** None  
**Abstract:** This document finalizes regulations on the correctional management of tuberculosis, HIV, and hepatitis B.  
**Timetable:**

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**Regulatory Flexibility Analysis**  
**Required:** No  
**Small Entities Affected:** No

### 1330. POSTSECONDARY EDUCATION PROGRAMS

**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  
**Legal Deadline:** None  
**Abstract:** This document revises the Bureau’s regulations on postsecondary education to exclude courses which are offered as part of an occupational education program. Courses which are offered as part of an occupational education program are to be covered by the Bureau’s regulations on occupational education. The inmate is consequently responsible for paying postsecondary education tuition costs either through personal funds, community resources, or scholarships available to the inmate. This revision is intended to simplify the organization of the Bureau’s regulations.  
**Timetable:**

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**Regulatory Flexibility Analysis**  
**Required:** No  
**Small Entities Affected:** No

### 1331. 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:**

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**Regulatory Flexibility Analysis**  
**Required:** No  
**Small Entities Affected:** No

### DOJ—BOP

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534  
**Phone:** 202 307-6303  
**Email:** squireshi@bop.gov

**RIN:** 1120–AA25
DOJ—BOP

Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534 Phone: 202 307-6303 Fax: 202 307-0828 Email: squreshi@bop.gov

RIN: 1120–AA33

1332. 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: This document postpones the effective date for certain provisions of the final rule on telephone regulations and inmate financial responsibility, which was published on April 4, 1994.

Timetable:

Action Date FR Cite
Interim Final Rule 01/02/96 61 FR 90
Interim Final Rule 03/04/96
Comment Period End
Final Action 10/00/02

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, Room 741, Washington, DC 20534 Phone: 202 307-6303 Fax: 202 307-0828 Email: squreshi@bop.gov

RIN: 1120–AA39

1333. 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 in the inmate financial responsibility program. BOP will finalize that portion of its January 1996 NPRM in a separate document (BOP 1102).

Timetable:

BOP 1050
NPRM 01/02/96 (61 FR 92)
NPRM Comment Period End 03/04/96
Final Action 12/28/99 (64 FR 72799)
Final Action Effective 01/27/00

BOP 1102
Final Action 11/00/02
Final Action Effective 01/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534 Phone: 202 307-6303 Fax: 202 307-0828 Email: squreshi@bop.gov

RIN: 1120–AA49

1334. INCOMING PUBLICATIONS: NUDITY AND SEXUALLY EXPLICIT MATERIAL OR INFORMATION

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 551; 18 USC 5039; 28 USC 509 to 510; PL 104-208; 5 USC 552a; 18 USC 1791; 18 USC 3621 to 3622; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024

CFR Citation: 28 CFR 540.70 to 540.72

Legal Deadline: None

Abstract: This rule modifies the Bureau of Prisons rule on Incoming Publications in order to implement the provisions of the Fiscal Year 1997 Omnibus Budget Act (Public Law 104-208) prohibiting use of appropriated funds for distributing or making available to an inmate any commercially published information or material when such information or material is sexually explicit or features nudity.

Timetable:

Action Date FR Cite
Interim Final Rule 11/25/97 61 FR 57568
Interim Final Rule Effective 01/06/97
Interim Final Rule Comment Period End 12/01/96
Final Action 09/00/02

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, Room 741, Washington, DC 20534 Phone: 202 307-6303 Fax: 202 307-0828 Email: squreshi@bop.gov

RIN: 1120–AA50

1335. 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 06/04/97 62 FR 50786
Interim Final Rule Effective 11/03/97
Interim Final Rule Comment Period End 09/26/97
Final Action 09/00/02

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No
1336. ADMINISTRATIVE REMEDY PROGRAM: EXCLUDED MATTERS

**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 540.44

**Legal Deadline:** None

**Abstract:** This document revises regulations on visiting to require that visiting privileges at all institutions ordinarily shall be extended to friends and associates only when the relationship had been established prior to confinement. Previously this requirement was applicable only at Medium Security Level, High Security Level, and Administrative Institutions.

**Timetable:**

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**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, Room 741, Washington, DC 20534

Phone: 202 307-6303
Fax: 202 307-0828
Email: squireshi@bop.gov

**RIN:** 1120–AA81

1339. DESIGNATION OF OFFENSES SUBJECT TO SEX OFFENDER RELEASE NOTIFICATION

**Priority:** Substantive, Nonsignificant

**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 those and other Federal inmates with a sex offense in their criminal history.

**Timetable:**

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**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, Room 741, Washington, DC 20534

Phone: 202 307-6303
Fax: 202 307-0828
Email: squireshi@bop.gov

**RIN:** 1120–AA81

1337. VISITING REGULATIONS: PRIOR RELATIONSHIP

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 551; 28 USC 509 to 510; 5 USC 552a; 18 USC 1791; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039

**CFR Citation:** 28 CFR 540.30 to 549.31

**Legal Deadline:** None

**Abstract:** This document establishes procedures governing inmate access to over-the-counter (OTC) medications. Selected OTC medications are currently available to the inmate population through commissary purchase. The Bureau will continue to dispense OTC medications at sick call only if the inmate does not already have the OTC medications and health services staff determine the inmate has an immediate medical need that needs to be addressed before the inmate’s regularly scheduled commissary visit or that the inmate is without funds.

**Timetable:**

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**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, Room 741, Washington, DC 20534

Phone: 202 307-6303
Fax: 202 307-0828
Email: squireshi@bop.gov

**RIN:** 1120–AA77

1338. OVER-THE-COUNTER (OTC) MEDICATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 3621 to 3622; 28 USC 509 to 510; 18 USC 3624; 18 USC 4001; 18 USC 4005; 18 USC 4045; 18 USC 4081 to 4082; 18 USC 4241 to 4247; 18 USC 5006 to 5024; 18 USC 5039

**CFR Citation:** 28 CFR 549.30 to 549.31

**Legal Deadline:** None

**Abstract:** This document establishes procedures governing inmate access to over-the-counter (OTC) medications. Selected OTC medications are currently available to the inmate population through commissary purchase. The Bureau will continue to dispense OTC medications at sick call only if the inmate does not already have the OTC medications and health services staff determine the inmate has an immediate medical need that needs to be addressed before the inmate’s regularly scheduled commissary visit or that the inmate is without funds.

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**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, Room 741, Washington, DC 20534

Phone: 202 307-6303
Fax: 202 307-0828
Email: squireshi@bop.gov

**RIN:** 1120–AA77

1339. VISITING REGULATIONS: PRIOR RELATIONSHIP

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 551; 28 USC 509 to 510; 5 USC 552a; 18 USC 1791; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039

**CFR Citation:** 28 CFR 540.44

**Legal Deadline:** None

**Abstract:** This document revises regulations on visiting to require that visiting privileges at all institutions ordinarily shall be extended to friends and associates only when the relationship had been established prior to confinement. Previously this requirement was applicable only at Medium Security Level, High Security Level, and Administrative Institutions.

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**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, Room 741, Washington, DC 20534

Phone: 202 307-6303
Fax: 202 307-0828
Email: squireshi@bop.gov

**RIN:** 1120–AA81

**DOJ—BOP**

**Final Rule Stage**
1340. INMATE COMMISSARY ACCOUNT DEPOSIT PROCEDURES

Priority: Substantive, Nonsignificant

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

CFR Citation: 28 CFR 506; 28 CFR 544

Legal Deadline: None

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

Timetable:

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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, Room 741, Washington, DC 20534

Phone: 202 307-6303
Fax: 202 307-0828
Email: squreshi@bop.gov

RIN: 1120–AA85

1341. DRUG ABUSE TREATMENT PROGRAMS: DISINCENTIVES AND ENHANCED INCENTIVES

Priority: Substantive, Nonsignificant

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

CFR Citation: 28 CFR 550

Legal Deadline: None

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

Timetable:

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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, Room 741, Washington, DC 20534

Phone: 202 307-6303
Fax: 202 307-0828
Email: squreshi@bop.gov

RIN: 1120–AA88

1342. SEARCHES OF HOUSING UNITS, INMATES, INMATE WORK AREAS, AND PERSONS OTHER THAN INMATES: ELECTRONIC DEVICES

Priority: Substantive, Nonsignificant

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 on occupational educational programs to remove obsolete or redundant provisions.

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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534

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RIN: 1120–AA89

1343. OCCUPATIONAL EDUCATIONAL PROGRAMS

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

Legal Deadline: None

Abstract: This rule revises the Bureau’s regulations on occupational educational programs to remove obsolete or redundant provisions.

Timetable:

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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534

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RIN: 1120–AA90

1344. 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 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 550

Legal Deadline: None

Abstract: This document establishes disincentives which pertain to the use of electronic devices in searches of inmates and persons other than inmates.

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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534

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RIN: 1120–AA91

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RIN: 1120–AA85
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:**

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**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, Room 741, Washington, DC 20534

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**RIN:** 1120–AA95

1346. RELEASE GRATUITIES, TRANSPORTATION, AND CLOTHING: ALIENS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 3565; 18 USC 3568 to 3569; 18 USC 3582; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 3624; 18 USC 4001; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

**CFR Citation:** 28 CFR 571.21

**Legal Deadline:** None

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

**Timetable:**

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**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, Room 741, Washington, DC 20534

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Email: squreshi@bop.gov

**RIN:** 1120–AA99

1348. DISTRICT OF COLUMBIA EDUCATIONAL GOOD TIME CREDIT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 3565; 18 USC 3621; 18 USC 3622; 18 USC 3624; 18 USC 4001; 18 USC 4081; 18 USC 4082; 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 D.C. Code for D.C. Code 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:

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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, Room 741, Washington, DC 20534 Phone: 202 307-6303 Fax: 202 307-0828 Email: squreshi@bop.gov

RIN: 1120–AB05

1349. 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 which 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:

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534 Phone: 202 307-6303 Fax: 202 307-0828 Email: squreshi@bop.gov

RIN: 1120–AB06

Department of Justice (DOJ)

Civil Rights Division (CRT)

1350. 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 is currently in the process of revising ADAAG, and it published a Notice of Proposed Rulemaking (NPRM) on November 16, 1999. 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 the revisions proposed by the Access Board 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 adoption of revised ADAAG will also serve to address changes to the ADA Standards previously proposed in RIN 1190-AA26 and RIN 1190-AA38, which have been withdrawn. These changes will include technical specifications for facilities designed for use by children and accessibility standards for State and local government facilities that have 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 first stage 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 ADAAG as the ADA Standards for Accessible Design and 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:

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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 20035-6738

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TDD Phone: 800 514-0383
Fax: 202 307-1198

RIN: 1190-AA44

1351. 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 ADA (section 204(c)) requires the Department’s standards to be consistent with the Access Board’s guidelines. Therefore, the Department will publish a Notice of Proposed Rulemaking (NPRM) proposing to adopt the revisions proposed by the Access Board. 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 timetable set forth below refers to the notice of proposed rulemaking that the Department will issue as the first stage 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, this notice will propose to eliminate the Uniform Federal Accessibility Standards (UFAS) as an alternative to the ADA Standards for Accessible Design and to adopt revised ADAAG as the ADA Standards.

Timetable:

1190-AA26 (Completed) NPRM 06/20/94 (59 FR 31808) NPRM Comment Period End 08/19/94 Merged into RIN 1190-AA46 02/15/00 (65 FR 22968)

1190-AA36 (Completed) NPRM 11/27/95 (60 FR 58462) NPRM Comment Period End 01/26/96 NPRM Comment Period Extended to 3/1/1996 02/06/96 (61 FR 4389) Merged into RIN 1190-AA46 03/05/02

1190-AA38 (Completed) NPRM 07/22/96 (61 FR 37964) NPRM Comment Period End 10/21/96 Merged into RIN 1190-AA46 02/15/00 (65 FR 22968)

1190-AA46 (Active) NPRM 12/02/02 NPRM Comment Period End 02/00/03

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Local

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, addresse 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 curb-cut 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 20035-6738
Phone: 800 514-0301
TDD Phone: 800 514-0383
Fax: 202 307-1198

RIN: 1190–AA46

1352. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES; PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES; ACCESSIBILITY STANDARDS; RECRÉATION FACILITIES

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

Legal Authority: 5 USC 301; 28 USC 509 to 510; 42 USC 12134; 42 USC 12186; PL 101-336

CFR Citation: 28 CFR 35; 28 CFR 36

Legal Deadline: None

Abstract: On July 9, 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 ADA (section 204(c)) requires the Department’s standards to be consistent with the Access Board’s guidelines. Therefore, the Department will publish a Notice of Proposed Rulemaking (NPRM) proposing to adopt the revisions proposed by the Access Board. 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 code organizations; 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 timetable set forth below refers to the notice of proposed rulemaking that the Department will issue as the first stage 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, this notice will propose to eliminate the Uniform Federal Accessibility Standards (UFAS) as an alternative to the ADA Standards for Accessible Design and to adopt revised ADAAG as the ADA Standards.

Timetable:

1190-AA26 (Completed) NPRM 06/20/94 (59 FR 31808) NPRM Comment Period End 08/19/94 Merged into RIN 1190-AA46 02/15/00 (65 FR 22968)

1190-AA36 (Completed) NPRM 11/27/95 (60 FR 58462) NPRM Comment Period End 01/26/96 NPRM Comment Period Extended to 3/1/1996 02/06/96 (61 FR 4389) Merged into RIN 1190-AA46 03/05/02

1190-AA38 (Completed) NPRM 07/22/96 (61 FR 37964) NPRM Comment Period End 10/21/96 Merged into RIN 1190-AA46 02/15/00 (65 FR 22968)

1190-AA46 (Active) NPRM 12/02/02 NPRM Comment Period End 02/00/03

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Local

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, addresse 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 curb-cut 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 20035-6738
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Fax: 202 307-1198

RIN: 1190–AA46
Board) published a Notice of Proposed Rulemaking to amend the ADA Accessibility Guidelines (ADAAG), which form the basis of the Department’s ADA Standards for Accessible Design. After receiving public comments, the Access Board published a summary of proposed changes to the guidelines for public comment on July 21, 2000. This Notice of Proposed Rulemaking would, for the first time, establish accessibility guidelines for the design of recreation facilities, such as health clubs, golf courses, and amusement parks. The ADA (sections 204(c) and 306(c)) requires the Department’s accessibility standards to be consistent with the Access Board’s guidelines. Therefore, the Department expects to publish a Notice of Proposed Rulemaking proposing to adopt the revisions proposed by the Access Board and proposing related changes to the Department’s regulations with respect to the operation of recreation facilities.

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

**Timetable:**

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**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** State, Local

**Agency Contact:** John L. Wodatch, Chief, Disability Rights Section, Department of Justice, Civil Rights Division, P.O. Box 66738, Washington, DC 20035-6738

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RIN: 1190–AA47

1353. AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT OF 1998 COMPLAINT PROCESS

**Priority:** Other Significant

**Legal Authority:** 8 USC 1182(n)(5)

**CFR Citation:** 28 CFR 44.500

**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)(2)(C)(iv) and (v)—prohibiting retaliation against H-1B workers who disclose information which they believe indicates their employer has violated the law or regulations pertaining to labor condition applications for nonimmigrants. That rule will also enable an H-1B worker who files a complaint alleging retaliation to remain in the United States and seek authorization to work in the United States for a temporary period while his or her complaint is under review.

Through RIN 1115-AF40 (INS No. 1974-99), INS will implement the ACWIA “whistleblower” protection provisions—codified in the INA at section 212(n)(2)(C)(iv) and (v)—prohibiting retaliation against H-1B workers who disclose information which they believe indicates their employer has violated the law or regulations pertaining to new penalties for employers misrepresenting material facts in an H-1B application. That rule complements regulations issued by the Department of Labor (DOL). It also defines the term “United States employer” and implements other provisions of ACWIA.

**Agency Contact:** Juan Carlos Benitez, Special Counsel, Department of Justice, Civil Rights Division, 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

Larry P. Cote, Department of Justice, Executive Office for Immigration Review, 2400 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041

Phone: 703 305-3172
1354. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE OR LOCAL GOVERNMENT FACILITIES; PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES; ACCESSIBILITY STANDARDS; PLAY AREAS

Priority: Other Significant
Legal Authority: 5 USC 301; 28 USC 509 to 510; 42 USC 12134; 42 USC 12186; PL 101-336
CFR Citation: 28 CFR 35; 28 CFR 36
Legal Deadline: None

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

Operators of play areas will experience increased usage and patronage by persons with disabilities. Designers and manufacturers will have a clear and consistent set of standards with which to work. Establishing uniform standards for accessibility has resulted in innovation and new designs that are cost effective and beneficial to everyone.

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Regulatory Flexibility Analysis Required: Undetermined
Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations
Government Levels Affected: State, Local
Agency Contact: John L. Wodatch, Chief, Disability Rights Section, Department of Justice, Civil Rights Division, P.O. Box 66738, Washington, DC 20035-6738
Phone: 800 514-0301
TDD Phone: 800 514-0383
Fax: 202 307-1198

RIN: 1190–AA48

1355. 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 that certain States and their political subdivisions (covered jurisdictions) obtain “preclearance” from the Federal Government of proposed changes in voting practices and procedures prior to their implementation. Preclearance may be obtained either through litigation in the United States District Court for the District of Columbia or administratively from the Attorney General. In 1971 the Department first issued procedures for the administration of section 5 to inform covered jurisdictions concerning the manner in which they could comply with section 5 in the administrative proceeding before the Attorney General. In subsequent years, the Department has amended these procedures to reflect changes in section 5 law, in the Attorney General’s internal practices, and to make the procedures cleaner and easier to follow. In the 14 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.

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

1356. AMENDMENTS TO COORDINATION OF ENFORCEMENT OF NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS—IMPLEMENTATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 2000d et seq; 29 USC 706; 29 USC 794; EO 12250
CFR Citation: 28 CFR 42.401 to 42.415; 28 CFR 41.1 to 41.58
Legal Deadline: None

Abstract: In 1988, the Civil Rights Restoration Act (CRRRA) added definitions of “program or activity” and “program” to title VI and added a definition of “program or activity” to section 504. The added definitions were designed to clarify the broad scope of coverage of recipients’ programs or activities under these statutes. In a joint rulemaking described at RIN 1190-AA49, the Department and other Federal agencies are conforming their implementation regulations to the CRRRA and to several other statutes.
In the rulemaking described under this RIN (1190-AA52) the Department of Justice proposes to make amendments to its coordination regulations concerning agency enforcement of title VI of the Civil Rights Act of 1964, 28 CFR 42.401 to 42.415, and agency enforcement of section 504 of the Rehabilitation Act of 1972, 28 CFR 41.1 to 41.58. The proposed amendments explicitly incorporate the CRRA’s definition of “program or activity” and “program” into the Department’s title VI and section 504 coordination regulations.

Further, this joint rule will include similar amendments to the regulations of the Department of Defense and the Department of Housing and Urban Development implementing title VI, section 504, and/or the Age Discrimination Act regulations.

1357. PROCEDURES TO REVIEW POLICE DEPARTMENTS FOR A PATTERN OR PRACTICE OF CONDUCT THAT DEPRIVES PERSONS OF RIGHTS, PRIVILEGES, OR IMMUNITIES SECURED OR PROTECTED BY THE CONSTITUTION OR LAWS OF THE U.S.

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 301; 28 USC 509
CFR Citation: Not Yet Determined
Legal Deadline: None
Abstract: Pursuant to the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. section 14141 (“section 14141”), the Attorney General is authorized to file lawsuits seeking court orders to reform police departments engaging in a pattern or practice of unlawful conduct. 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.

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

1358. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, HANDICAP, AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 794; 42 USC 2000d to 2000d-7; 42 USC 6101 to 6107; EO 12250
CFR Citation: 28 CFR 42.101 to 42.112; 28 CFR 42.501 to 42.540; 28 CFR 42.700 to 42.736
Legal Deadline: None
Abstract: The Department of Justice is amending its regulations implementing title VI of the Civil Rights Act of 1964 (title VI), section 504 of the Rehabilitation Act of 1972 (section 504), and the Age Discrimination Act of 1975 (Age Discrimination Act). Together, these statutes prohibit discrimination on the basis of race, color, national origin, disability, and age in programs or activities that receive Federal financial assistance. 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 and the Age Discrimination Act. The added definitions were designed to clarify the broad scope of coverage of recipients’ programs or activities under these statutes. The promulgation of this regulation explicitly incorporates the CRRA’s definition of “program or activity” and “program” into the Department’s title VI, section 504, and Age Discrimination Act regulations. The Department’s regulation will be published as part of a joint final rule involving up to 24 Federal agencies.

Timetable:
Action | Date | FR Cite
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NPRM | 12/06/00 | 65 FR 76460

Government Levels Affected: State, Local, Federal
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
1359. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES

Priority: Substantive, Nonsignificant

CFR Citation: 28 CFR 35

Completed: Merged into RIN 1190- AA46

Reason Date FR Cite
Merged into RIN 1190- 03/05/02 AA46

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local

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

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

RIN: 1190–AA36

1360. CHEMICAL MIXTURES CONTAINING GAMMA-BUTYROLACTONE

Priority: Substantive, Nonsignificant

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

CFR Citation: 21 CFR 1310

Legal Deadline: None

Abstract: In previous rulemakings, DEA made gamma-butyrolactone (GBL) a List I chemical and established thresholds for transactions involving this chemical. DEA is requesting information from interested persons in order to propose regulations governing chemical mixtures containing gamma-butyrolactone (GBL), a List I chemical. GBL is used in the illicit manufacture of GHB, a Schedule I controlled substance. Specifically, DEA is seeking information on the types of products containing GBL; the concentration levels of GBL in the product formulations; and the packaging, distribution, use, and commercial availability of these products. This information will help to determine whether there are chemical mixtures containing GBL which should be exempt from the regulations governing listed chemicals.

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-222

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

Related RIN: Related To 1117-AA52
RIN: 1117–AA64

1361. 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, DEA made red phosphorus, white phosphorus, and hypophosphorous acid (and its salts) List I chemicals. DEA is requesting information from interested parties to propose regulations governing chemical mixtures containing the List I chemicals red phosphorus, white phosphorus, and hypophosphorous acid (and its salts).

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-228

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

Related RIN: Related To 1117-AA57
RIN: 1117–AA66
1362. GUIDELINES FOR PROVIDING CONTROLLED SUBSTANCES TO OCEAN VESSELS

Priority: Substantive, Nonsignificant
Legal Authority: 21 USC 871(b)
CFR Citation: 21 CFR 1301

Abstract: DEA is proposing to amend its regulations to provide that a Federal department or agency may not sell from the stocks of the department or agency any chemical which could be used in the manufacture of a controlled substance unless the Administrator of DEA certifies in writing to the head of the department or agency that there is no reasonable cause to believe that the sale of the chemical would result in the illegal manufacture of a controlled substance. The proposed rulemaking provides regulatory guidelines and establishes a procedure for prospective bidder and/or broker to appeal if they are aggrieved by DEA’s failure to provide such certification.

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Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No
Government Levels Affected: None

Additional Information: DEA-142
Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537
Phone: 202 307-7297
RIN: 1117–AA40

1365. ELECTRONIC ORDERS FOR SCHEDULE I AND II CONTROLLED SUBSTANCES

Priority: Substantive, Nonsignificant
Legal Authority: 21 USC 821; 21 USC 827; 21 USC 828; 21 USC 871(b); 21 USC 958(e); 21 USC 965
CFR Citation: 21 CFR 1304; 21 CFR 1305

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

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No
Government Levels Affected: Federal

Additional Information: DEA-192
Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537
Phone: 202 307-7297
RIN: 1117–AA56

1364. EXEMPTION FROM IMPORT/EXPORT REQUIREMENTS FOR PERSONAL MEDICAL USE

Priority: Other Significant
Legal Authority: 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 871(b); 21 USC 875; 21 USC 877; 21 USC 956
CFR Citation: 21 CFR 1301

Abstract: DEA is proposing to amend its regulations to restrict to 50 dosage units the total quantity of Schedule II, III, IV, and V controlled substances that may be imported for personal medical use by United States (U.S.) residents entering the U.S. A dosage unit is considered by DEA to be the basic unit used to quantify the amount to be taken in normal usage. The proposed 50 dosage unit limit would not apply to a U.S. resident who has a valid U.S. practitioner's prescription. This proposed rulemaking implements and extends the provisions of the Controlled Substances Trafficking Prohibition Act of 1998.

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Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No
Government Levels Affected: None

Additional Information: DEA-176
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–AA47

1363. SALE BY FEDERAL DEPARTMENTS OR AGENCIES OF CHEMICALS USABLE TO MANUFACTURE A CONTROLLED SUBSTANCE

Priority: Substantive, Nonsignificant
Legal Authority: 21 USC 802; 21 USC 836; 21 USC 871(b); 21 USC 880; 21 USC 958(f); 21 USC 963; 21 USC 890
CFR Citation: 21 CFR 1310; 21 CFR 1316

Abstract: DEA is proposing to amend its regulations to provide that a Federal departments or agency may not sell from the stocks of the department or agency any chemical which could be used in the manufacture of a controlled substance unless the Administrator of DEA certifies in writing to the head of the department or agency that there is no reasonable cause to believe that the sale of the chemical would result in the illegal manufacture of a controlled substance. The proposed rulemaking provides regulatory guidelines and establishes a procedure for prospective bidder and/or broker to appeal if they are aggrieved by DEA’s failure to provide such certification.

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Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No
Government Levels Affected: None

Additional Information: DEA-192
Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537
Phone: 202 307-7297
RIN: 1117–AA47
Signatures in Global and National Commerce Act.” while maintaining a closed system of distribution of controlled substances and ensuring security and authentication. In addition, DEA is proposing to revise its regulations to permit DEA-registered prescribers to electronically write, sign, and transmit prescriptions.

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Notice: DEA-224

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

Phone: 202 307-7297

Related RIN: Related To 1117-AA61

RIN: 1117–AA60

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**1366. ELECTRONIC PRESCRIPTIONS FOR CONTROLLED SUBSTANCES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 21 CFR 1306

**Legal Deadline:** None

**Abstract:** DEA is proposing to revise its regulations to permit DEA-registered prescribers to electronically write, sign, and transmit prescriptions. These proposed regulations would be an addition to, not a replacement of, the existing rules. These regulations are needed to give pharmacies, hospitals, and practitioners the ability to use modern technology for controlled substance prescriptions, while maintaining the closed system of distribution of controlled substances dispensing. The proposed regulations would reduce paperwork and transaction times for DEA registrants who dispense or prescribe controlled substances. The proposed regulations would also reduce the number of prescription errors caused by illegible handwriting and misunderstood oral prescriptions. They would allow pharmacies and hospitals to integrate prescription records into other medical records more directly, increasing efficiency, and would reduce the time patients spend waiting to have prescriptions filled. These proposed regulations are consistent with paper reduction mandates. These proposed regulations also respond to the requirements of Public Law 106-229, the “Electronic Signatures in Global and National Commerce Act,” while ensuring security and authentication. In addition, 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 USC 801 et seq.).

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**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** DEA 214

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

Phone: 202 307-7297

Related RIN: Related To 1117-AA61

RIN: 1117–AA60

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**1367. SECURITY REQUIREMENTS FOR HANDLERS OF PSEUDEPHEDRINE, EPHEDRINE, AND PHENYLPROPANOLAMINE**

**Priority:** Other Significant

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

**CFR Citation:** 21 CFR 1309

**Legal Deadline:** None

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

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

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

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-211

**Agency Contact:** Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537
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 which 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 proposing the establishment of this essential link in the legitimate distribution chain.

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** 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

**1371. EXEMPTION OF CHEMICAL MIXTURES**

**Priority:** Other Significant

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

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Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: DEA-137

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

Phone: 202 307-7183

RIN: 1117–AA31

1372. REGISTRATION AND REREGISTRATION FEES

Priority: Other Significant

Legal Authority: 21 USC 820; 21 USC 821; 21 USC 822; 21 USC 871(b)

CFR Citation: 21 CFR 1301

Legal Deadline: None

Abstract: In furtherance of the DEA’s 1992 final rule regarding the increase of application fees (57 FR 60148), DEA is publishing this explanation of the components of the diversion control program.

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Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: DEA-185

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

Phone: 202 307-7297

RIN: 1117–AA50

1374. PLACEMENT OF GAMMA-BUTYROLACTONE IN LIST I OF THE CONTROLLED SUBSTANCES ACT (21 U.S.C. 802)

Priority: Substantive, Nonsignificant

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

CFR Citation: 21 CFR 1310

Legal Deadline: None

Abstract: Public Law 106-172, signed into law on February 18, 2000, and known as the “Hillary J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 1999” amends section 102(34) of the Controlled Substances Act as amended (CSA) by designating gamma-butyrolactone (GBL), the precursor to gamma-hydroxybutyric acid (GHB), as a List I chemical. Reflecting this change in statute, the Drug Enforcement Administration (DEA) amended its regulation to reflect the status of GBL as a List I chemical subject to the requirements of the CSA and its regulations. Establishment of a threshold for GBL is the subject of a separate rulemaking. Therefore, unless and until a threshold is established, any distribution of GBL is a regulated transaction as described by 21 CFR 1300.02(b)(28). All handlers of GBL must comply with the CSA regulatory requirements pertaining to List I chemicals as described in the body of this document. Further, DEA is considering regulations regarding exemption of chemical mixtures containing GBL.
The third rule will be an interim rule, which will exempt from application of the CSA and DEA regulations certain industrial "hemp" products. DEA would be issuing this rule to allow the continuation of what have historically been considered legitimate industrial uses of "hemp." Under this rule, industrial "hemp" products such as paper, rope, and clothing may continue to be marketed in the United States without being subject to the CSA. At the same time, in order to protect the public health and safety, the interim rule will not allow "hemp" products that result in THC entering the human body. In this manner, it will remain clear that the only lawful way THC may enter the human body is when a person is using a federally approved drug or when the person is the subject of federally approved research.

DEA interprets the CSA such that any substance containing any amount of THC is a Schedule I controlled substance—even if such substance is made from "hemp."

Agency Contact: Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537
Phone: 202 307-7183
RIN: 1117–AA55
percent of the phosphorus (used domestically) is utilized in its elemental form (i.e., as red phosphorus or white phosphorus) or used to produce all other phosphorus chemicals. Therefore, this regulation will only affect the distribution of less than 2 percent of the industry at the end user level. Further, DEA is considering regulations regarding the exemption of chemical mixtures containing red phosphorus, white phosphorus, and hypophosphorous acid (and its salts).

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-198

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

Phone: 202 307-7183

**Related RIN:** Related To 1117-AA66

**RIN:** 1117–AA57

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1377. ALLOWING CENTRAL FILL PHARMACIES TO FILL PRESCRIPTIONS FOR CONTROLLED SUBSTANCES ON BEHALF OF RETAIL PHARMACIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 21 USC 802; 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 1300; 21 CFR 1301; 21 CFR 1304; 21 CFR 1305; 21 CFR 1306; 21 CFR 1307

**Legal Deadline:** None

**Abstract:** DEA is amending its regulations to provide for the use of central fill pharmacies, also known as refill pharmacies, fulfillment centers, or call centers. Unlike retail pharmacies which dispense controlled substances directly to the patient, central fill pharmacies provide a service to retail pharmacies by preparing and packaging prescriptions for retail pharmacies to dispense to the patient. Prescription information is transmitted from a retail pharmacy to a central fill pharmacy where the prescription is filled or refilled. The filled prescription is delivered to the retail pharmacy for pickup by the patient. Industry has expressed interest in utilizing central fill pharmacy operations to allow for more efficient delivery of prescriptions to patients.

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-208

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1378. CHANGE OF ADDRESS FOR FILING CHEMICAL IMPORT/EXPORT DECLARATIONS (DEA FORM 486), REPORTS FOR THE IMPORTATION OR EXPORTATION OF TABLETING AND ENCAPSULATING MACHINES, AND OTHER RELATED REPORTS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 21 CFR 1310; 21 CFR 1313

**Legal Deadline:** None

**Abstract:** DEA is amending the Code of Federal Regulations to change the address to which certain required chemical-related reports are submitted.

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-229

**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–AA58
Department of Justice (DOJ)

**Drug Enforcement Administration (DEA)**

1379. IMPLEMENTATION OF THE METHAMPHETAMINE CONTROL ACT; REGULATION OF PSEUDOEPHEDRINE, PHENYLPROPANOLAMINE, AND COMBINATION EphEDRINE DRUG PRODUCTS; REPORTS OF CERTAIN TRANSACTIONS TO NONREGULATED PERSONS

**Priority:** Other Significant

**CFR Citation:** 21 CFR 1300; 21 CFR 1309; 21 CFR 1310

**Completed:**

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**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 1117–AA44

**Department of Justice (DOJ)**

Executive Office for Immigration Review (EOIR)

1380. 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 1224-1227; 8 USC 1251; 8 USC 1252 note; 8 USC 1251a; 8 USC 1252b; 8 USC 1324b; 8 USC 1362; 28 USC 509-510; 28 USC 1746; Reorg Plan No. 2 of 1950; 3 CFR 1949-53 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 3; 8 CFR 240

**Legal Deadline:** None

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

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

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

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 1125–AA35

**Department of Justice (DOJ)**

Executive Office for Immigration Review (EOIR)

1381. 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 240

**Legal Deadline:** None

**Abstract:** This rule amends the regulations of the Executive Office for Immigration Review and the Immigration and Naturalization Service by eliminating the conditional grant process at 8 CFR 240.21 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:**

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No
1382. AUTHORITIES DELEGATED TO THE DIRECTOR OF THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

Priority: Info./Admin./Other
Legal Authority: 5 USC 301; 8 USC 1103; 8 USC 1186a; 8 USC 1224-1227; 8 USC 1251; 8 USC 1252 note; 8 USC 1252a; 8 USC 1252b; 28 USC 509 to 510; 28 USC 1746
CFR Citation: 8 CFR 3; 8 CFR 240; 28 CFR
Legal Deadline: None

Abstract: This rule outlines the authorities and powers (and limitations thereto) delegated by the Attorney General to the Director of the Executive Office for Immigration Review (EOIR), the Chairman of the Board of Immigration Appeals (BIA), and the Chief Immigration Judge. These authorities include such managerial responsibilities as: Issuing operational instructions, setting policies, providing for the training of staff, and ensuring the efficient disposition of cases. One of the limitations on the powers of the Director of EOIR, the Chairman of the BIA, and the Chief Immigration Judge is that they cannot direct the result of a case adjudication assigned to someone else. Further, the Director of EOIR cannot adjudicate cases. Additionally, this rule makes technical amendments to better describe EOIR’s components: The Board of Immigration Appeals (BIA), the Office of the Chief Immigration Judge (OCIJ), and the Office of the Chief Administrative Hearing Officer (OCAHO).

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None
Agency Contact: Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041 Phone: 703 305-0470
RIN: 1125–AA27

1383. 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; 8 USC 1186a; 8 USC 1224-1227; 8 USC 1251; 8 USC 1252 note; 8 USC 1252a; 8 USC 1252b; 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 3
Legal Deadline: None

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

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None
Agency Contact: Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041 Phone: 703 305-0470
RIN: 1125–AA31

1384. SECTION 212(C) RELIEF FOR ALIENS WITH CERTAIN CRIMINAL CONVICTIONS BEFORE APRIL 1, 1997

Priority: Substantive, Nonsignificant
Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1224-1227; 8 USC 1251; 8 USC 1252 note; 8 USC 1252a; 8 USC 1252b; 28 USC 509 to 510; 28 USC 1746; Reorg Plan No 2 of 1950 sec 2; 3 cfr 1949 to 1953 Comp, p.1002; 8 USC 1103; 8 USC 1221; 8 USC 1223; 8 USC 1227; 8 USC 1229; 8 USC 1253; 8 USC 1281; 8 USC 1283 to 1286; 8 USC 1322 to 1323; 8

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None
Agency Contact: Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041 Phone: 703 305-0470
RIN: 1125–AA33

1385. BOARD OF IMMIGRATION APPEALS; PROCEDURAL REFORMS TO IMPROVE CASE MANAGEMENT

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 301; 8 USC 1103; 8 USC 1186a; 8 USC 1224-1227; 8 USC 1251; 8 USC 1252 note; 8 USC 1252a; 8 USC 1252b; 28 USC 509 to 510; 28 USC 1746; Reorg Plan No 2 of 1950 sec 2; 3 cfr 1949 to 1953 Comp, p.1002; 8 USC 1103; 8 USC 1221; 8 USC 1223; 8 USC 1227; 8 USC 1229; 8 USC 1253; 8 USC 1281; 8 USC 1283 to 1286; 8 USC 1322 to 1323; 8

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None
Agency Contact: Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041 Phone: 703 305-0470
RIN: 1125–AA33
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.

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 33251

**Final Rule Stage**


**Legal Deadline:** None

**Abstract:** This rule revises the structure and procedures of the Board of Immigration Appeals (Board), provides for an enhanced case management procedure, and expands the number of cases referred to a single Board member for disposition. These procedures are intended to reduce delays in the review process, enable the Board to keep up with its caseload and reduce the existing backlog of cases, and allow the Board to focus more attention on those cases presenting significant issues for resolution by a three-member panel.

The rule incorporates the previously proposed rule published by Attorney General Reno that set forth to clarify and strengthen the management authority of the Director of the Executive Office for Immigration Review (EOIR), the Chairman of the Board, and the Chief Immigration Judge with respect to the efficient disposition of cases pending before the Board and immigration judges. See 65 FR 81434 (Dec. 26, 2000).

In addition, the rule restores grounds for summary dismissal of frivolous appeals. Frivolous appeals include those appeals filed for an improper purpose or appeals that lack an arguable basis in fact or law. The restoration of the summary dismissal grounds allows the EOIR disciplinary counsel to develop a factual record in order to support appropriate disciplinary action against attorneys or representatives who repeatedly file frivolous appeals.

Finally, this rule transfers the Board’s current jurisdiction over appeals from decision by the Immigration and Naturalization Service imposing various kinds of administrative fines (see 8 CFR 280) to the Office of the Chief Administrative Hearing Officer.

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

Phone: 703 305-0470

RIN: 1125–AA36

**Long-Term Actions**

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

**1386. AUTHORITY OF IMMIGRATION JUDGES TO ISSUE CIVIL MONEY PENALTIES**

**Priority:** Other Significant

**CFR Citation:** 8 CFR 1; 8 CFR 3

**Regulatory Flexibility Analysis Required:** No

**Proposed Rule Stage**

**Department of Justice (DOJ)**

**Federal Bureau of Investigation (FBI)**

**1387. 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
30504(a), the regulation will direct junk yard and salvage yard operators and insurance carriers to file monthly reports with the operator of the NMVTIS concerning vehicles in their possession. (See RIN 1105-AA71.)

Agency Contact: Stephen A. Bucar, Domestic Projects Planning Unit, Department of Justice, Federal Bureau of Investigation, CJIS Division, Module C-3, 1000 Custer Hollow Road, Clarksburg, WV 26306
Phone: 304 625-2751
Fax: 304 625-3875
RIN: 1110–AA01

1388. CLAIMS OF EXEMPTIONS FROM PROVISIONS OF THE PRIVACY ACT AS TO FBI RECORDS
Priority: Info./Admin./Other
Legal Authority: 5 USC 552a
CFR Citation: 28 CFR 16.96
Legal Deadline: None
Abstract: This rule clarifies the meaning of 28 CFR 16.96 “Exemption of Federal Bureau of Investigation Systems—Limited Access” by reorganizing the material and amplifying the reasons for exempting various FBI record systems from some provisions of the Privacy Act. The benefits will be greater ease of use by the public and more understandable, targeted claims of exemptions.

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Regulatory Flexibility Analysis
Required: No
Government Levels Affected: None
Agency Contact: Beth Haley, Assistant General Counsel, Department of Justice, Federal Bureau of Investigation, Room 7338, J. Edgar Hoover Building, 935 Pennsylvania Avenue NW., Washington, DC 20535-0001
Phone: 202 324-4523
RIN: 1110–AA08

1389. FEDERAL BUREAU OF INVESTIGATION CRIMINAL JUSTICE INFORMATION SERVICE DIVISION SYSTEMS AND PROCEDURES
Priority: Substantive, Nonsignificant
Legal Authority: 28 USC 534
CFR Citation: 28 CFR 20.3(b); 28 CFR 20.3(g)

Legal Deadline: None
Abstract: The FBI is publishing for public comment and consideration a proposal to amend regulations relating to FBI criminal justice information systems. These changes will include the term “sentencing” in the definition of the administration of criminal justice and to clarify that “sentencing” includes the establishment of sentencing guidelines and related activities.

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Regulatory Flexibility Analysis
Required: No
Government Levels Affected: State, Federal
Agency Contact: Harold M. Sklar, Attorney-Advisor, Department of Justice, Federal Bureau of Investigation, CJIS Division Module E-3, 1000 Custer Hollow Road, Clarksburg, WV 26306
Phone: 304 625-2000
RIN: 1110–AA09

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

1390. IMPLEMENTATION OF SECTIONS 104 AND 109 OF THE COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT
Priority: Other Significant
Legal Authority: PL 103-414
Communications Assistance for Law Enforcement Act; PL 104-208 Omnibus Consolidated Appropriations Act of 1997
CFR Citation: 28 CFR 100
Legal Deadline: Other, Statutory, October 25, 1998, While CALEA required telecommunications carriers to be in compliance with section 103 by October 25, 1998, the FCC exercised, and suggestions for developing reasonable methodologies for characterizing capacity requirements for telecommunications services and technologies other than local exchange, cellular, and broadband PCS.

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

Additionally, CALEA section 104 requires the Attorney General to publish a Notice of Actual and Maximum Capacity in order to provide telecommunications carriers with the information they will need to meet law enforcement’s future simultaneous electronic surveillance requirements. For local exchange, cellular, and broadband PCS, the FBI published an Initial Notice of Capacity on October 16, 1995 (60 FR 53643), and a Second Notice of Capacity on January 14, 1997 (62 FR 1902). The FBI published the Final Notice of Capacity for local exchange, cellular, and broadband PCS on March 12, 1998 (63 FR 12218). Additionally, the FBI published a Notice of Inquiry (NOI) in the Federal Register on December 18, 1998 (63 FR 70160), which solicited information on and suggestions for developing reasonable methodologies for characterizing capacity requirements for telecommunications services and technologies other than local exchange, cellular, and broadband PCS.

Comments were due on February 16, 1999. Information gathered in response to the NOI was used in publishing the Further Notice of Inquiry (FNOI) on
June 30, 2000 (65 FR 40694). Comments were due August 29, 2000. Information gathered in response to the FNOI will be used in the publication of an Initial Notice of Capacity for developing reasonable capacity methodologies for the paging, mobile satellite, specialized mobile radio, and enhanced specialized mobile radio services.

**Timetable:**

- "Significant upgrade or major modification" ANPRM 11/19/96
- 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 09/00/02

**Cost Recovery Rule (Telecom. Carriers)**
- NPRM 05/10/96 (61 FR 21396)
- NPRM Comment Period End 07/09/96
- Final Rule 03/20/97 (62 FR 13307)
- Final Rule Effective 04/21/97

**Notice of Actual and Max. Cap.-local exh, cellular, broadband PCS**
- Initial Notice 10/16/95 (60 FR 53643)
- NPRM Comment Period End 12/16/95
- NPRM 01/11/96 (61 FR 1682)
- NPRM Comment Period End 02/15/96
- NPRM 02/18/96 (61 FR 3974)
- NPRM Comment Period End 03/28/96
- NPRM 04/03/96 (61 FR 20457)
- NPRM Comment Period End 05/19/96
- Final Rule 06/30/00 (65 FR 40694)
- Final Rule Effective 04/21/00

**Notice of Actual and Max. Cap.-paging, MSS, SMR, ESMR**
- Initial Notice 10/16/95 (60 FR 53643)
- NPRM 04/28/98 (63 FR 12217)
- Final Rule 06/30/00 (65 FR 40694)
- Final Rule Effective 04/21/00

**Regulatory Flexibility Analysis**

- Required: Yes
- Small Entities Affected: Businesses
- Government Levels Affected: None

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

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

- Phone: 703 814-4900
- Charles Fogle, SSA, CALEA Implementation Section, Department of Justice, Federal Bureau of Investigation, Suite 300, 14800 Conference Center Drive, Chantilly, VA 20151
- Phone: 703 814-4836

**RIN:** 1110–AA00

1391. 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. On February 16, 1999, at 64 FR 7562, the FBI published a Notice of Proposed Rulemaking (NPRM) on this subject. Comments submitted on the NPRM are currently being reviewed.

**Timetable:**

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**Regulatory Flexibility Analysis**

- Required: No
- Small Entities Affected: No
- Government Levels Affected: Federal, State, Tribal

**Agency Contact:** Venetta Sims, Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Systems Division, Clarksburg, WV 26306
- Phone: 304 625-2000

**RIN:** 1110–AA04

1392. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

**Priority:** Other Significant
**Legal Authority:** 18 USC 922 to 925;
- 5 USC 605(b); EO 12866; EO 13132; 5 USC 804; ...  
- CFR Citation: 28 CFR 25(b)(1); 28 CFR 25(b)(2); 28 CFR 25(b)(3); 28 CFR 25.9(b)(4); 28 CFR 25.2; ...  
- Legal Deadline: Other, Judicial, October 22, 2001. Written comments regarding proposed rule must be submitted on or before.

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

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

**Timetable:**

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**Regulatory Flexibility Analysis**

- Required: No
- Small Entities Affected: No
- Government Levels Affected: Federal, State, Tribal

**Agency Contact:** Fanny L. Haslebacher, Attorney Advisor, Access Integrity Unit, Department of Justice, Federal Bureau of Investigation, CJIS Division,
1393. **RESTRICTING CITIZENS OF BANGLADESH, INDIA, PAKISTAN, AND SRI LANKA FROM PARTICIPATION IN THE INTERNATIONAL-TO INTERNATIONAL (ITI) PROGRAM**

**Priority:** Substantive, Nonsignificant
**Legal Authority:** Not Yet Determined
**CFR Citation:** 8 CFR Sec 212 part 1(f) [2]
**Legal Deadline:** None

**Abstract:** This regulatory action advises the public that the Immigration and Naturalization Service (Service) is amending its policy that allowed citizens from Bangladesh, India, Pakistan, and Sri Lanka the privilege to participate in the International-to-International (ITI) program despite Service regulations at title 8, section 212, part 1(f) (2) barring the citizens of these countries from participation in the Transit Without Visa (TWOV) and ITI programs. This notice proposes to correct this conflict between policy and regulations.

**Timetable:**
- **Action:** ANPRM
  - **Date:** 10/00/02
  - **FR Cite:**
- **Action:** ANPRM Comment
  - **Date:** 12/00/02
  - **Period End**

**Department of Justice (DOJ)**
**Immigration and Naturalization Service (INS)**

1394. **REVISED GROUNDS OF INADMISSIBILITY, EXCEPTIONS, AND WAIVERS FOR IMMIGRANTS AND NONIMMIGRANTS, AND EXCEPTIONS**

**Priority:** Other Significant. Major under 5 USC 801.
**Legal Authority:** 5 USC 552; 8 USC 1158; 8 USC 1159; 8 USC 1160; 8 USC 1182; 8 USC 1183; 8 USC 1184; 5 USC 552a; 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1157
**CFR Citation:** 8 CFR 103; 8 CFR 207; 8 CFR 208; 8 CFR 210; 8 CFR 212; 8 CFR 240; 8 CFR 244; 8 CFR 245; 8 CFR 245a; 8 CFR 249; 8 CFR 274a; 8 CFR 299; ...
**Legal Deadline:** None

**Abstract:** This rulemaking covers several grounds of inadmissibility applicable to those aliens seeking admission to the United States temporarily or permanently—criminal, security, labor certification, licensure requirements for foreign medical graduates and health care workers, failure to attend a removal proceeding, fraud, improperly issued immigrant visa, permanent ineligibility for U.S. citizenship and miscellaneous grounds. It implements several pieces of legislation. The most significant is the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), signed on September 30, 1996, which substantially revised most grounds of inadmissibility under section 212 of the Act and the waivers available to both immigrants and nonimmigrants.

The original plan was to publish one large regulation. Instead, for logistical and practical reasons, and for ease of reading, the INS will publish an all-encompassing regulation, (consisting of 13 subparts.) Separately, INS will also publish the following regulations which focus on specific issues and include the following proposed rules: “Medical Examination Requirements and Designation of Civil Surgeons” RIN 1115-AG37, INS No. 2165-01; “Consent to Reapply for Admission After Removal” RIN 1115-AG28, INS No. 2147-01; “Waivers of the 2-Year Foreign Residence Requirement for Certain Exchange Visitors” RIN 1115-AG35, INS No. 2156-01; “Illegal Entries, Unlawful Presence, and Automatic Voidance of Nonimmigrant Visas” RIN 1115-AG36, INS No. 2160-01 and “Medical Grounds of Inadmissibility and Waivers” RIN 1115-AG38, INS No. 2167-01.

In addition, the INS will publish one larger rule encompassing these points that were not broken out into separate rules. This larger rule addresses several grounds of inadmissibility including fraud, smuggling, and criminal grounds among others.

**Timetable:**
- **Action:** NPRM
  - **Date:** 01/00/03
  - **FR Cite:**
- **Action:** NPRM Comment
  - **Date:** 03/00/03
  - **Period End**

**Department of Justice (DOJ)**
**Immigration and Naturalization Service (INS)**

**Proposed Rule Stage**

**Regulatory Flexibility Analysis**
**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1413-92

**Consolidated INS Rules 1304, RIN 1115-AC01; 1235, RIN 1115-AB39; 1232, RIN 1115-AB45; and 1648, RIN 1115-AD62.**

**Agency Contact:** Sophia Cox, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
1395. FEES FOR PARTICIPATION IN DEDICATED COMMUTER LANES AT SELECTED PORTS OF ENTRY; COLLECTION OF FEES UNDER THE DEDICATED COMMUTER LANE PROGRAM

Priority: Substantive, Nonsignificant
Legal Authority: 8 USC 1101; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228; 8 USC 1252; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1252b; 8 USC 1304; 8 USC 1356; 8 USC 1182; 8 USC 1183
CFR Citation: 8 CFR 103; 8 CFR 235; 8 CFR 286; 8 CFR 299
Legal Deadline: None
Abstract: These rules provide for the collection of a fee at the time of application for participation in a Dedicated Commuter Lane (DCL), instead of at the time of approval of the application. The DCL program is a pilot project established at selected land border ports of entry to expedite the transborder movement of eligible, pre-screened, low-risk groups through designated traffic lanes. The first interim rule clarifies the requirements for the use of the DCL (INS No. 1675). The second interim rule will set forth the fee required of participants in order to cover the technological costs (INS No. 1794).

INS No. 2058-00 will propose to remove restrictions currently in place that limit the locations where the INS can establish commuter lanes. In addition, the proposed rule will incorporate other projects designed to enhance border security and effective traffic management at port of entry. Finally, the rule may adjust the fee structure in order to administer these projects.

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1396. INSPECTION OF PERSONS APPLYING FOR ADMISSION: INTERNATIONAL-TO-INTERNATIONAL USER FEE

Priority: Substantive, Nonsignificant
Legal Authority: 8 USC 1103; 8 USC 1356
CFR Citation: 8 CFR 286
Legal Deadline: None
Abstract: This rule proposes to amend the Immigration and Naturalization Service (Service) regulations to require air carriers to charge and collect a user fee from every International-to-International (ITI) passenger arriving in the United States, except those individuals exempted under section 286(o)(1) of the Immigration and Nationality Act (Act). This action is necessary since the Service is required to inspect all aliens who are applicants for admission or otherwise seeking admission or readmission to or transit through the United States.

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Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: Federal
Additional Information: INS No. 1757

DOJ—INS

Proposed Rule Stage

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Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: Federal
Additional Information: INS No. 1810-96

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7499
Email: robert.f.hutnick@usdoj.gov
RIN: 1115–AE37

1397. FILING FACTUAL STATEMENTS ABOUT ALIEN PROSTITUTES

Priority: Substantive, Nonsignificant
Legal Authority: 18 USC 2424; PL 104-208
CFR Citation: 28 CFR 94
Legal Deadline: None
Abstract: On September 30, 1996, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) was enacted. This law not only amended significant portions of title 8 of the United States Code, but also changed the provisions of title 18 United States Code (Crimes and Criminal Procedures). Because section 325 amends 18 U.S.C., the Immigration and Naturalization Service will publish an implementing regulation dealing with the filing of statements by individuals who keep, maintain, control, support, or harbor alien prostitutes.

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Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: Federal
Additional Information: INS No. 1810-96

Agency Contact: Elizabeth Goyer, Senior Special Agent, Investigations, Office of Field Operations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536
Phone: 202 616-3722
RIN: 1115–AE60
1398. EMPLOYMENT VERIFICATION BY EMPLOYERS THAT ARE MEMBERS OF A MULTI-EMPLOYER ASSOCIATION

Priority: Other Significant
Legal Authority: 8 USC 1324a; PL 104-208
CFR Citation: 8 CFR 274a
Legal Deadline: None
Abstract: On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). The INS will issue regulations regarding when an employer that is a member of a multi-employer association employing an individual under a collective bargaining agreement entered into between one or more employee organizations and the multi-employer association may rely upon an Employment Eligibility Verification Form (Form I-9) completed upon an Employment Eligibility verification of the individual by a previous employer that is a member of the same multi-employer association.

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

Additional Information: Re INS No. 1817-96; PL 104-208, title 4
Agency Contact: Marguerite Przybylski Kleczek, Attorney, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536 Phone: 202 514-2895
RIN: 1115–AE67

1399. USE OF PAROLE FOR HUMANITARIAN REASONS OR SIGNIFICANT PUBLIC BENEFIT AND REPORT TO CONGRESS

Priority: Substantive, Nonsignificant
Legal Authority: 8 USC 1182
CFR Citation: 8 CFR 212
Abstract: Changes to the current regulations are necessitated by section 602 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. This section has reworded certain parole authority by stipulating parole on a case-by-case basis for urgent humanitarian reasons or significant public benefit.

Abstract: On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Section 343 prohibits the entry of any alien who seeks to enter the U.S. for the purpose of performing labor as a health care worker (other than a physician) without a certificate as to the alien’s qualifications and English ability from the Commission on Graduates of Foreign Nursing Schools (CGFNS) or an equivalent independent organization approved by the Attorney General.

The Service published an interim rule (INS 1879-97) to address shortages in the occupations of nursing and occupational therapy on October 14, 1996. In addition, the Service issued a second interim rule on April 30, 1999, to grant CGFNS authorization to issue certificates to foreign health care workers in the occupations of occupational therapy and physical therapy. This rule also granted the Foreign Credentialing Commission on Physical Therapy the authority to issue certificates to foreign-trained physical therapists. The second interim rule (INS 1979-99) was published under RIN 1115-AF43 and now is consolidated with this Unified Agenda of Federal Regulations entry. A third interim rule (INS 2082-00) was published on January 16, 2001, to address certification requirements for Speech Language Pathologists, Audiologists, Medical Technologists, and Physician Assistants.

The Service will be publishing a proposed rule (INS 2089-02) to fully implement section 343, including solicitation of public comments on the requirements relating to the designation of covered health care occupations, the procedures and requirements for certifying organizations, the content of the certificates, and the process for presentation of the certificates.

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**DOJ—INS**

### 1401. REQUIRING ALIENS ORDERED REMOVED FROM THE UNITED STATES TO SURRENDER TO THE IMMIGRATION AND NATURALIZATION SERVICE FOR REMOVAL

**Priority:** Other Significant  
**Legal Authority:** 8 USC 1103; 8 USC 1254a; 8 USC 1245a note  
**CFR Citation:** 8 CFR 240.13; 8 CFR 240.14; 8 CFR 240.15; 8 CFR 240.16  
**Legal Deadline:** None  
**Abstract:** This rule requires aliens subject to a final order of removal to surrender to the INS. This rule also establishes procedures for surrender and bars persons violating these procedures from obtaining discretionary immigration benefits.

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**Agency Contact:** John Brown, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7435  
**RIN:** 1115–AE73

### 1402. SPECIAL IMMIGRANT JUVENILE PETITIONS

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 8 USC 1103; 8 CFR 2  
**CFR Citation:** 8 CFR 204  
**Legal Deadline:** None  
**Abstract:** The Service proposes to amend its regulations to add eligibility and consent requirements for approvals of special immigrant juvenile petitions (Form I-360). The proposed rule would require petitioners for special immigrant juvenile classification to demonstrate that a dependency order relating to the juvenile beneficiary (juvenile) was granted on account of abuse, neglect, or abandonment and establish that a court has determined that the juvenile should not be returned to the home country. The proposed rule would also provide that a dependency order may not serve as a precondition to the approval of the petition unless the Attorney General gives his express consent. These changes are necessary to conform the regulations to the statutory eligibility changes made by the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1998 (the Appropriations Act of 1998).

**Timetable:**

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**Agency Contact:** Daniel Brown, Assistant General Counsel, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7977  
**RIN:** 1115–AE82

Email: michael.c.biggs@usdoj.gov  
**RIN:** 1115–AF11

### 1403. IMMIGRANT PETITIONS; RELIGIOUS WORKERS

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 CFR 2  
**CFR Citation:** 8 CFR 204  
**Legal Deadline:** None  
**Abstract:** On June 8, 1995, at 60 FR 29751, INS published a final rule that provided that all persons, other than ministers, immigrating to the U.S. as religious workers must immigrate or adjust status to permanent residence before October 1, 1997. By statute this special immigrant category for religious workers expired on October 1, 2000. Congress has extended the category again for an additional 3 years, until October 1, 2003. This regulation will implement the extension of this category and impose additional qualifying employment experience requirements for those persons affected by this provision of immigration regulations.

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**Agency Contact:** Irene Hoffman, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 353-8177  
**RIN:** 1115–AF12

### 1404. DOCUMENTARY REQUIREMENTS FOR RETURNING RESIDENTS

**Priority:** Other Significant  
**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1203; 8 USC 1225; 8 USC 1257

**Agency Contact:** Michael C. Biggs, Assistant Director, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 353-8177  
**RIN:** 1115–AF12

Email: michael.c.biggs@usdoj.gov  
**RIN:** 1115–AF11
CFR Citation: 8 CFR 211
Legal Deadline: None

Abstract: This rule proposes to amend INS regulations to specify how an alien admitted for permanent residence, on returning to the United States, may prove that he or she is not to be considered an applicant for admission. This rule is necessary to implement section 101(a)(13)(C) of the Act and to clarify the responsibility for carriers who transport to the United States aliens who claim to be returning residents. This rule will ensure that aliens who present themselves as lawful permanent residents are properly documented as such.

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No

Additional Information: INS No. 1932-98

Agency Contact: Una Brien, Director, National Fines Office, Inspections Division, Field Operations, Department of Justice, Immigration and Naturalization Service, Suite 425, 1525 Wilson Boulevard, Arlington, VA 22209 Phone: 202 305-7018

RIN: 1115–AF38

1405. DISMISSAL OF ASYLUM APPLICATION FOR UNEXCUSED FAILURE TO APPEAR AND EFFECT ON ELIGIBILITY FOR EMPLOYMENT AUTHORIZATION

Priority: Substantive, Nonsignificant
Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; 8 CFR 2; 8 USC 1101; 8 USC 1329a

CFR Citation: 8 CFR 208; 8 CFR 274a
Legal Deadline: None

Abstract: On December 6, 2000, the Service published a final rule to implement the asylum provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). This rule proposes to amend the current rule to clarify that dismissal of an asylum application will result in ineligibility for asylum-based employment authorization.

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No

Additional Information: INS No. 1932-98

Agency Contact: Una Brien, Director, National Fines Office, Inspections Division, Field Operations, Department of Justice, Immigration and Naturalization Service, Suite 425, 1525 Wilson Boulevard, Arlington, VA 22209 Phone: 202 305-7018

RIN: 1115–AF38

1406. SPECIAL IMMIGRANT STATUS FOR CERTAIN NATO CIVILIAN EMPLOYEES

Priority: Substantive, Nonsignificant
Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154

CFR Citation: 8 CFR 204; 8 CFR 214; 8 CFR 245; 8 CFR 274

Legal Deadline: None

Abstract: This rule amends the Immigration and Naturalization Service regulations by establishing procedures for certain North Atlantic Treaty Organization (NATO) civilian employees and their family members to receive special immigrant status in the U.S. and become lawful permanent residents of this country. This rule also offers nonimmigrant status to any parent or child of a NATO civilian employee who has been granted special immigrant status. This rule is intended to ensure the qualifying NATO employees and their family members are aware of their opportunity to acquire special immigrant status and adjustment of status or otherwise obtain corresponding nonimmigrant status.

Timetable:

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No

Additional Information: INS No. 1932-98

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Justice,
1408. ADJUSTMENT OF STATUS UNDER THE 1966 CUBAN ADJUSTMENT ACT

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1255; PL 105-100, sec 202; ...

CFR Citation: 8 CFR 245

Legal Deadline: None

Abstract: This interim rule specifies that sufficient funds are available to service present and future applicants. The fees collected from persons filing those documents are deposited into the Immigration Examinations Fee Account (IEFA).

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Regulatory Flexibility Analysis

Required: No
Small Entities Affected: None
Government Levels Affected: None

Additional Information: INS No. 2007-99
Agency Contact: Suzanne H Wilson, Chief, Border Management Branch, Department of Justice, Immigration and Naturalization Service, Room 5307, 425 I Street, Washington, DC 20536
Phone: 202 514-4742
Email: suzanne.wilson@usdoj.gov

RIN: 1115–AF69

1411. IMPOSITION OF FINES FOR VIOLATIONS OF THE IMMIGRATION AND NATIONALITY ACT

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1221; 8 USC 1223; 8 USC 1227; 8 USC 1229

CFR Citation: 8 CFR 280

Legal Deadline: None

Abstract: This rule proposes to amend the Immigration and Naturalization Service’s (Service) regulations to reflect the actual process used to recommend and impose fines for violations of the Immigration and Nationality Act (Act). Since the publication of 8 CFR part 280, the Service had centralized the fines process and made some adjustments to certain procedures. The 8 CFR part 280 will be renumbered sequentially and reordered to group related issues in one section. This part will also be expanded to provide for fines imposed under section 231A(3)(2) and 274D of the Act and will introduce procedures for detaining vessels and posting bonds, as well as giving the expatriate alien inadmissible to the United States under section 212(a)(10)(E) of the Immigration and Nationality Act. This ground of inadmissibility relates to former U.S. citizens who renounced U.S. citizenship on or after September 30, 1996, and the Attorney General has determined that such renunciation was done for the purpose of avoiding taxation by the United States.
1412. ESTABLISHMENT OF FEE FOR PROCESSING GENEALOGICAL RESEARCH REQUESTS FOR INS RECORDS

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1103; 8 USC 1201; 8 USC 1252; 8 USC 1252b

CFR Citation: 8 CFR 103; 8 CFR 299

Legal Deadline: None

Abstract: Under the Freedom of Information Act and Privacy Act the Immigration and Naturalization Service (Service) processes all requests for Service records including historical and genealogical records. This rule proposes to amend the Service’s regulations by establishing the Historical Records Services (HRS) Program to process requests for the Service’s historical records. The Service will charge a fee to recover the cost of searching, locating, retrieving, copying, reviewing, and mailing these records to the requester. The HRS program is necessary to provide a more timely response to requests for genealogical and historical records.

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2041-00

Agency Contact: Una Brien, Director, National Fines Office, Inspections Division, Field Operations, Department of Justice, Immigration and Naturalization Service, Suite 425, 1525 Wilson Boulevard, Arlington, VA 22209 Phone: 202 305-7018

RIN: 1115–AF70

1413. INTERCOUNTRY ADOPTIONS

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641; 8 CFR 2

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: The Immigration and Naturalization Service (Service) proposes to amend its regulations regarding the immigration of children of foreign states adopted by United States citizens. The proposed rule would establish a new definition of child to include children adopted from countries which have implemented the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Convention). The proposed rule would also change evidentiary requirements for the immigration of adopted children to state that a certificate of adoption or custody issued by the Secretary of State of the United States is conclusive evidence of the relationship between an adoptive parent and the adoptive child. These changes are necessary to conform the regulations to the Intercountry Adoption Act of 2000 (IAA). (Pub. L. 106-279) The proposed rule would also make other technical changes.

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: Yes

Government Levels Affected: None

Additional Information: INS No. 2041-00

Agency Contact: Marian L. Smith, Historian, Office of Files and Forms Management, Department of Justice, Immigration and Naturalization Service, Room 1100, 425 I Street NW, Washington, DC 20536 Phone: 202 514-2837 Fax: 202 305-8251

RIN: 1115–AF88

1414. ACADEMIC HONORARIUM FOR B NONIMMIGRANT ALIENS

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-277; 8 USC 1182; 8 USC 1184

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: The Immigration and Naturalization Service is proposing to amend its regulations relating to the acceptance of academic honoraria by nonimmigrant aliens admitted to the United States as a B visa visitor status. This is necessary to implement changes to section 212 of the Immigration and Nationality Act made by the American Competitiveness and Workforce Improvement Act of 1998. The amendment outlines the proposed procedures necessary for a nonimmigrant alien visiting the United States in valid B visa status to accept honoraria in connection with usual academic activities.

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2100-00

Agency Contact: Craig S. Howie, Senior Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536 Phone: 202 616-7867 Fax: 202 514-0198

RIN: 1115–AF96
1415. TIME LIMIT FOR APPEAL FROM DENIAL OF RELATIVE VISA PETITION

Priority: Substantive, Nonsignificant
Legal Authority: 8 USC 1103; 8 CFR 2
CFR Citation: 8 CFR 204
Legal Deadline: None

Abstract: In this rule, the Immigration and Naturalization Service proposes to amend the regulations to provide a 15-day time-limit for an appeal to the Board of Immigration Appeals from the denial of a relative visa petition. Previously, the regulation specified a 15-day limit for such appeal. However, in 1992, that time-limit was inadvertently omitted from an amendment to the regulation, although the form for filing such an appeal, Form EOIR-29, Notice of Appeal to the Board of Immigration Appeals for Decision of the Director still states that there is a 15-day limit. Nevertheless, the Board of Immigration Appeals has allowed appeals filed at any time after the denial on the ground that the regulations do not specify a time-limit. A time-limit is needed so that appeals may not be filed years after a denial and so that decisions will become final within a reasonable time period.

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Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2105-00

Agency Contact: Michael C. Biggs, Assistant Director, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street, NW, Washington, DC 20536
Phone: 202 535-7705
Email: michael.c.biggs@usdoj.gov

RIN: 1115–AG04

1416. ADOPTION OF SIBLINGS, ADOPTED ALIEN CHILDREN LESS THAN 18 YEARS OF AGE CONSIDERED A “CHILD”

Priority: Substantive, Nonsignificant
Legal Authority: PL 106-139; 8 USC 1103; 8 CFR 2
CFR Citation: 8 CFR 204
Legal Deadline: None

Abstract: This proposed rule changes the definition of an adopted “child” or “orphan” from 16 years old to 18 years old in cases where the alien has a younger sibling, under the age of 16, who is also the subject of an orphan petition held by the same U.S. citizen or lawful permanent resident. The change is necessary to conform the regulations to the statutory eligibility changes made by Public Law 106-139. This change allows natural siblings, who might otherwise be separated, to be adopted together into the family of a citizen or lawful permanent resident of the United States.

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Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2110-01

Agency Contact: Michael C. Biggs, Assistant Director, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street, NW, Washington, DC 20536
Phone: 202 535-7705
Email: michael.c.biggs@usdoj.gov

RIN: 1115–AF99

1417. ADJUSTMENT TO LAWFUL RESIDENT STATUS OF CERTAIN CLASS ACTION PARTICIPANTS WHO ENTERED BEFORE JANUARY 1, 1982, UNDER THE LEGAL IMMIGRATION AND FAMILY ACT (LIFE ACT)

Priority: Other Significant
Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1255a; 8 USC 1225a note
CFR Citation: 8 CFR 245a
Legal Deadline: None

Abstract: This interim rule (INS No. 2115-01) implements section 1104 of the Legal Immigration Family Equity Act (LIFE Act) and LIFE Act Amendments pertaining to adjustment of status of certain class action participants (specifically, Catholic Social Services v. Meese (CSS), 509 U.S. 43 (1993), League of United Latin American Citizens v. INS (LULAC), 509 U.S. 43 (1993), and Zambrano v. INS, 509 U.S. 918 (1993) class applicants) who entered before January 1, 1982, to that of person admitted for lawful residence. This rule establishes procedures for a 1-year application period to allow CSS, LULAC, and Zambrano class applicants to apply for adjustment of status to that of lawful permanent residence.

INS No. 2145-01 proposes to amend the Service’s regulations by establishing procedures to apply for Family Unity benefits for certain spouses and unmarried children of aliens who adjusted to lawful permanent resident (LPR) status pursuant to section 1104 of the Legal Immigration Family Equity (LIFE) Act — known as the LIFE Legalization provision. It applies to those persons who are no longer present in the United States to allow them to apply for Family Unity benefits pursuant to section 1504 of the LIFE Act Amendments. This rule also establishes procedures for certain spouses and unmarried children who previously were granted Family Unity benefits pursuant to section 1504 of the LIFE Act Amendments to apply for an extension of their Family Unity benefits. This rule is necessary to ensure that those aliens eligible to apply for, and extend, Family Unity benefits under the provisions of the LIFE Act Amendments are able to do so in a timely manner.

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<td>Interim Notice (INS 2145 Family Unity Benefits)</td>
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1418. PROCEDURES FOR CHECKING JUVENILE CRIMINAL RECORDS AND SUBMITTING FINGERPRINTS OF THAT ADDITIONAL CLASS OF ALIENS INELIGIBLE FOR FAMILY UNITY

Priority: Substantive, Nonsignificant
Legal Authority: 18 USC 5031
CFR Citation: 8 CFR 236
Legal Deadline: None

Abstract: This rule describes procedures necessary for INS Service Centers, District Offices, and Application Support Centers to follow when checking juvenile criminal records and fingerprints of aliens who committed a specific act of juvenile delinquency that, if committed by an adult, would be classified as a felony “crime of violence against another individual.” Section 383 of Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) provides that aliens who committed a specific act of juvenile delinquency, as defined in 18 U.S.C. 5031, are ineligible for benefits under the Family Unity Program.

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Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: None
Additional Information: INS No. 2120-01
Agency Contact: Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Justice,
Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754
RIN: 1115–AG10
1421. CONSTRUCTION WORK AND THE B NONIMMIGRANT VISA CLASSIFICATION

Priority: Substantive, Nonsignificant
Legal Authority: Not Yet Determined
CFR Citation: 8 CFR 214
Legal Deadline: None
Abstract: The INS is soliciting comments from the public on the issue of aliens admitted to the U.S. as B nonimmigrant visitors whose intent is to engage in construction work during the alien’s stay. In particular the Service is exploring the feasibility of defining the term construction as it relates to B nonimmigrant visitors. A standard definition of construction may be that employment opportunities by improperly hiring temporary foreign professionals on H-1B visas. Under that process, the Attorney General is to receive and review these complaints and then — where there is reasonable cause to believe a complainant’s allegations — initiate binding arbitration proceedings through Federal Mediation and Conciliation Service.

Agency Contact: Irene Hoffman, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7435
Deborah Misir, Attorney, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536
Phone: 202 514-1980

RIN: 1115-AG11

1422. ADJUSTMENT OF FEES FOR DEDICATED COMMUTER LANES AND SECURE ELECTRONIC NETWORK FOR TRAVELERS’ RAPID INSPECTION (SENTRI) PROGRAMS AT LAND BORDER PORTS OF ENTRY

Priority: Other Significant
Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1104; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1201; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1252; 8 USC 1252a; 8 USC 1255; 22 USC 7101; 22 USC 7105; ...
CFR Citation: 8 CFR 204; 8 CFR 214; 8 CFR 245
Legal Deadline: None
Abstract: This rule proposes to adjust the fees for the Land Border Inspection Fee Account (LBIFA) for the Form I-823, Application for Alternative Inspection Services at land border ports of entry and related systems cost fees for participants in the Dedicated Commuter Lane (DCL) program. The Secure Electronic Network for Travelers’ Rapid Inspection (SENTRI) Program at certain assigned POEs is part of the overall DCL program.

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Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2031-99
Agency Contact: Suzanne H Wilson, Chief, Border Management Branch, Department of Justice, Immigration and Naturalization Service, Room 5307, 425 I Street, Washington, DC 20536
Phone: 202 514-4721
Email: suzanne.wilson@usdoj.gov

RIN: 1115-AG18

1423. REMOVAL AND ADJUSTMENT PROCEDURES FOR VICTIMS OF TRAFFICKING AND CERTAIN CRIMINAL ACTIVITIES

Priority: Other Significant
Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1104; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1201; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1252; 8 USC 1252a; 8 USC 1255; 22 USC 7101; 22 USC 7105; ...
CFR Citation: 8 CFR 204; 8 CFR 214; 8 CFR 245
Legal Deadline: None
Abstract: This rule sets forth measures by which certain victims of severe forms of trafficking and victims of certain crimes who have been granted T or U nonimmigrant status may apply for adjustment to permanent resident status in accordance with Public Law 106-386, the Victims of Trafficking and Violence Protection Act of 2000.

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Regulatory Flexibility Analysis
Required: No
1424. DEFINITIONS OF NOTICE TO APPEAR AND ARREST WARRANT

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 CFR 2

CFR Citation: 8 CFR 1

Legal Deadline: None

Abstract: This proposed rule adds definitions for the terms Notice to Appear and Arrest Warrant. This proposed revision clarifies what is meant by those terms as they relate to the administration of immigration law. The action is necessary to improve the efficiency of the INS and to clarify how those terms as they relate to the Immigration and Nationality Act differ from such documents issued under another statute.

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 2140-01

Agency Contact: Donna Kay Barnes, Acting Special Assistant, Office of Field Operations, Department of Justice, Immigration and Naturalization Service, Room 7110, 425 I Street NW, Washington, DC 20536 Phone: 202 616-7488

Related RIN: Related To 1115-AG22

RIN: 1115–AG21

1425. VISA WAIVER PROGRAM: GUAM VISA WAIVER PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1184; 8 USC 1187; ...

CFR Citation: 8 CFR 103; 8 CFR 208; 8 CFR 212; 8 CFR 217; 8 CFR 233; ...

Legal Deadline: None

Abstract: On October 30, 2000, the Visa Waiver Permanent Program Act, Public Law 106-396 made the Visa Waiver Pilot Program (VWPP) permanent with some modifications. The VWPP permits nationals from participating countries to apply for admission to the U.S. for 90 days or less as nonimmigrant visitors for business or pleasure without first obtaining a nonimmigrant visa. The proposed rule will clarify and explain the new VWP requirements as well as ensure that the VWP removal provisions apply fairly and equally to all inadmissible nonimmigrants regardless of nationality. This rule also proposes to amend the Guam Visa Waiver program regulations to allow asylum applicants arriving on Guam under section 212(l) of the Immigration and Nationality Act to have their case heard before an immigration judge without having to proceed through a credible fear interview.

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 2142-01

Agency Contact: Nik Maravich, Detention and Deportation Officer, Department of Justice, Immigration and Naturalization Service, Room 920, Detention and Deportation Division, Office of Programs, 801 I Street NW., Washington, DC 20536 Phone: 202 514-4099

RIN: 1115–AG26

1426. PROCEDURES FOR DETAINEE HUNGER STRIKES

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1251; 8 USC 1253; ...

CFR Citation: 8 CFR 241.19

Legal Deadline: None

Abstract: This rule proposes standards and procedures for responding to hunger strikes by individuals detained by the Service. All proposed medical treatments in this regulation conform to accepted medical practice. Also, this rule would supersede the INS Detention Standard on Hunger Strikes.

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 2142-01

Agency Contact: Donna Kay Barnes, Acting Special Assistant, Office of Field Operations, Department of Justice, Immigration and Naturalization Service, Room 7110, 425 I Street NW, Washington, DC 20536 Phone: 202 616-7488

Related RIN: Related To 1115-AG22

RIN: 1115–AG24

1427. CONSENT TO REAPPLY AFTER REMOVAL

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1223; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252

CFR Citation: 8 CFR 212; 8 CFR 299

Legal Deadline: None

Abstract: This rule proposes to amend the provisions regarding consent to reapply after removal to conform with the requirements of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). This rulemaking intends to remove the provisions contained in 8 CFR 212.2(l) relating to a request for consent to reapply in conjunction with an
application for admission at a port-of-entry or with an application for adjustment of status. The proposed removal of section 212.2(i) reflects the overall scope of the changes made by IIRIRA and congressional intent to impose severe penalties on aliens who enter illegally or otherwise violate the U.S. immigration laws, by restricting the relief available to them in the U.S.

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2147-01

**Agency Contact:** Kevin J. Cummings, Assistant Director, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536

**Phone:** 202 514-4754

**RIN:** 1115–AG28

1428. WAIVERS OF THE 2-YEAR FOREIGN RESIDENCE REQUIREMENT FOR CERTAIN EXCHANGE VISITORS

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; ... 8 USC 20536

**CFR Citation:** 8 CFR 212 and 299

**Legal Deadline:** None

**Abstract:** This rule proposes to amend the Immigration and Naturalization Service (Service) regulations relating to the 2-year foreign residence requirement under section 212(e) of the Immigration and Nationality Act (Act). The proposed changes would conform to the requirements of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), and the Department of Justice Appropriations Act, 2000. The proposed rulemaking would affect aliens who enter the United States as J-1 or J-2 nonimmigrant exchange visitors and who are subject to the requirement of section 212(e) of the Act, which stipulates that they must return to their home country for a period of 2 years before they are eligible to change to a different nonimmigrant classification or apply for lawful permanent residence in the United States.

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No 2158-01

**Agency Contact:** Kevin J. Cummings, Assistant Director, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536

**Phone:** 202 514-4754

**RIN:** 1115–AG31

1429. EXTENSION OF THE VALIDITY PERIOD FOR EMPLOYMENT AUTHORIZATION DOCUMENTS FOR ALIENS SEEKING ADJUSTMENT OF STATUS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; ... 8 USC 20536

**CFR Citation:** 8 CFR 247.12 (c) (9)

**Legal Deadline:** None

**Abstract:** This rule proposes to amend the Immigration and Naturalization Service (Service) regulations by enabling the INS to issue Employment Authorization Documents (EADs) for those applying for work authorization under 8 CFR 274a.12(c) (9) for a validity period of up to 2 years. This category is reserved for those applying for adjustment of status, having filed Form I-485, Application to Register Permanent Residence or Adjust Status with the Service. The rule change would give INS the flexibility to issue EADs for the length of time it anticipates that adjudication of a given case will take.

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No 2152-01

**Agency Contact:** Michael Hardin, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536

**Phone:** 202 514-4754

**RIN:** 1115–AG32

1430. ILLEGAL ENTRIES, UNLAWFUL PRESENCE, AND AUTOMATIC VOIDING OF NONIMMIGRANT VISAS

**Priority:** Other Significant

**Legal Authority:** 5 USC 552; 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; ...

**CFR Citation:** 8 CFR 103; 8 CFR 212; 8 CFR 299

**Legal Deadline:** None

**Abstract:** This proposed rule defines the categories of aliens who are not eligible to be issued a visa or be admitted if: they are in the U.S. illegally because they entered without proper inspection at a port-of-entry (section 212(a)(6)(A) of the Act); they accumulated certain periods of unlawful presence because they entered the U.S. illegally or stayed in the U.S. longer than authorized (sections 212(a)(9)(B) of the Act); or they entered the U.S. illegally (or attempted an illegal entry) after they accumulated unlawful presence or after they were removed (section 212(a)(9)(C) of the Act). This proposed rule also describes how a nonimmigrant visa becomes automatically void, as provided under section 222(g) of the Act. This proposed rule also explains when the provisions for unlawful presence (sections 212(a)(9)(B) and (C) of the Act) do not apply, and the legal and documentary requirements for a waiver.

Promulgation of this rule ensures that the admission to the U.S. of any ineligible alien would not adversely affect the national welfare, safety, or security of the U.S.

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1431. MEDICAL EXAMINATION REQUIREMENTS AND DESIGNATION OF CIVIL SURGEONS
Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 552; 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1222; ...
CFR Citation: 8 CFR parts 103, 232, and 299
Legal Deadline: None
Abstract: This proposed rule defines the medical examination requirements for arriving aliens. It also overhauls the civil surgeon program to create standards for designation, procedures for periodic review of the civil surgeon designation, and specific provisions for revocation, when necessary.
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1432. MEDICAL GROUNDS OF INADMISSIBILITY AND WAIVERS
Priority: Substantive, Nonsignificant
Legal Authority: 8 CFR 212; 8 CFR 214; 8 CFR 299
CFR Citation: 8 CFR parts 103, 212, and 291.
Legal Deadline: None
Abstract: This proposed rule describes the medical grounds of inadmissibility under section 212(a)(1) of the Immigration and Nationality Act (Act). It also describes which medical grounds of inadmissibility can be waived and the requirements for those waivers (including conditions for compliance).
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Related RIN 1115-AB45, “Revised Grounds of Inadmissibility, Waivers for Immigrants and Nonimmigrants, and Exceptions.”
Agency Contact: Sophia Cox, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754
RIN: 1115–AG37

1433. NEW CLASSIFICATION FOR VICTIMS OF CERTAIN CRIMINAL ACTIVITY; ELIGIBILITY FOR THE U NONIMMIGRANT STATUS
Priority: Other Significant
Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1101 note; 8 USC 1102; ...
CFR Citation: 8 CFR 103; 8 CFR 204; 8 CFR 212; 8 CFR 214; 8 CFR 299
Legal Deadline: None
Abstract: This rule sets forth application requirements for a new nonimmigrant status. The U classification is for non-United States Citizen/Lawful Permanent Resident victims of certain crimes who cooperate with an investigation or prosecution of those crimes. There is a limit of 10,000 principals per year.
This rule establishes the procedures to be followed in order to petition for the U nonimmigrant classifications. Specifically, the rule addresses: the essential elements that must be demonstrated to receive the nonimmigrant classification; procedures that must be followed to make an application; and evidentiary guidance to assist in the petitioning process. Eligible victims will be allowed to remain in the United States.
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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: Federal, State, Local
Agency Contact: Pearl Chang, Branch Chief, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
RIN: 1115–AG38
1434. ● LIMITING THE PERIOD OF ADMISSION FOR B NONIMMIGRANT ALIENS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1101; 8 USC 1101 note; 8 USC 1102; 8 USC 1103; 8 USC 1182; ...

CFR Citation: 8 CFR 214; 8 CFR 235; 8 CFR 248

Legal Deadline: None

Abstract: This rule eliminates the minimum admission period of a B-2 visitor for pleasure, reducing the maximum admission period of B-1 and B-2 visitors from 1 year to 6 months, and establishing greater control over a B visitor's ability to extend the status or to change status to that of a nonimmigrant student. These changes will enhance the Service's authority under sections 214(a) and 248 of the Immigration and Nationality Act (Act) and will help lessen the probability that alien visitors will establish permanent ties in the United States and thus remain in the country illegally.

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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: INS No. 2176-01

Agency Contact: Craig S. Howie, Senior Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7867
Fax: 202 514-0198
Email: craig.s.howie@usdoj.gov

RIN: 1115–AG43

1435. ● ESTABLISHMENT OF A $3 IMMIGRATION USER FEE FOR CERTAIN COMMERCIAL VESSEL PASSENGERS PREVIOUSLY EXEMPT

Priority: Other Significant. Major under 5 USC 801.

Legal Authority: 8 USC 1356; PL 107-77

CFR Citation: 8 CFR 286

Legal Deadline: None

Abstract: The rule removes the current exemption for cruise ship passengers whose journeys originated in Canada, Mexico, a territory or possession of the United States and adjacent islands and will allow the Immigration and Naturalization Service to collect a $3 fee for passengers, according to the Department of Justice Appropriation Act (Public Law 107-77), dated November 28, 2001. Also, the regulations will be modified to exempt passengers of Great Lakes International ferries or vessels on the Great Lakes or connecting waterways when they operate on a regular schedule. This fee will be used to pay for inspection services and other related activities.

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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2180-01

Agency Contact: Georgia Mayers, Chief of Cash Management, Department of Justice, Immigration and Naturalization Service, Room 6034, 425 I Street NW, Washington, DC 20536
Phone: 202 305-1200
Email: georgia.a.mayers@usdoj.gov

Jennifer Beasley, Budget Analyst, Department of Justice, Immigration and Naturalization Service, Room 5236, 425 I Street NW, Washington, DC 20536
Phone: 202 514-8294
Email: jennifer.beasley@usdoj.gov

RIN: 1115–AG47

1436. ● JUDICIAL REVIEW OF THE DECISIONS OF THE IMMIGRATION AND NATURALIZATION SERVICE

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552; 5 USC 552(a); 5 USC 704; 8 USC 1101; 8 USC 1103; ...

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: This rule proposes to amend the Immigration and Naturalization Service (Service) regulations to clarify that, if the Administrative Procedure Act (APA) provides the authority for judicial review, a person must exhaust all administrative appeals available as a matter of right before the person may seek judicial review of a Service decision under the Immigration and Nationality Act (Act) that is within the appellate jurisdiction of the Board of Immigration Appeals or of the Associate Commissioner for Examinations. This amendment is necessary to prevent the filing of premature lawsuits, by ensuring that the proper administrative appellate authority has the opportunity to review and correct any errors in the original decision before the party may seek judicial review.

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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1785-96.

1115-AE46 was the old RIN assigned to this rule when it was final; it then changed to a proposed rule.

Agency Contact: Janice B. Podolny, Associate General, Chief Examinations Division, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536
Phone: 202 514-2895

RIN: 1115–AG49
1437. ● REVISION OF THE REGULATIONS CONCERNING F, J, AND M NONIMMIGRANT CLASSIFICATIONS

Priority: Other Significant
Legal Authority: 5 USC 552, 552(a); 8 USC 1101, 1103, 1201, 1252 note, 1252(b), 1304, 1356; 31 USC 9701; EO 12356; 8 USC part 2; ...
CFR Citation: 8 CFR 103; 8 CFR 214
Legal Deadline: None

Abstract: This rule proposes to amend the Immigration and Naturalization Service (Service) regulations governing the retention and reporting of information about F, J, and M nonimmigrants. This rule will implement the Student Visitor Information System (SEVIS), and establish a process for electronic reporting by designated school officials of information required by the Service. This is needed to improve and streamline the reporting and recording of F, J, and M nonimmigrants.

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

Additional Information: INS No. 2185-02 (See also RIN 1115-AF56, INS No. 1991-99 which amends Service regulations to establish a fee for F, J, and M nonimmigrants.)

Agency Contact: Maura Deadrick, Adjudications Officer, Adjudication Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 353-8177

RIN: 1115-AG55

1438. ● LIMITING THE NUMBER OF TRANSIT WITHOUT VISA (TWOV) STOPS IN THE UNITED STATES TO ONE

Priority: Substantive, Nonsignificant
Legal Authority: 8 USC 1101, 1103, 1182, 1184, 1186a, 1187, 1221, 1281, 1282

CFR Citation: 8 CFR 214.2 (c)
Legal Deadline: None

Abstract: The Office of Inspector General (OIG) recently completed a follow-up review of the Immigration and Naturalization Service’s (Service) efforts to improve security of the Transit Without Visa (TWOV) program. The OIG report found that several security concerns described in the original 1993 report continue to exist, specifically 1) the continued allowance for TWOV passengers to make two stops in the United States, with the second stop being a domestic arrival; and 2) lack of carrier standards and accountability for supervising TWOV passengers waiting for their connecting flights in public, domestic areas. This proposed rule informs the public that the Service intends to amend its regulations by limiting the number of transit stops in the United States for TWOV passengers to one stop. These TWOV program modifications will enhance U.S. national security while still providing the traveling public TWOV privileges.

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

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7499
Email: robert.f.hutnick@usdoj.gov

RIN: 1115-AG59

1439. ● ADDRESS NOTIFICATION TO BE FILED WITH DESIGNATED APPLICATIONS

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1304; ...
CFR Citation: 8 CFR 103; 8 CFR 299
Legal Deadline: None

Abstract: The Board of Immigration Appeals’ decision in Matter of G-Y-R-23 I&N Dec. 181 (BIA 2001) focused on the issue of constructive notice of the initiation of removal proceedings in a case where the INS knew that the subject alien did not actually receive the Notice to Appear (Form I-862) because it was returned by the Postal Service as undeliverable. In that circumstance, the Board held that an in absentia order or removal is inappropriate, because the record reflected that the alien did not actually receive, and could not be charged with receiving the Notice to Appear informing the alien of the statutory address obligations associated with removal proceedings and of the consequences of failing to provide a current address.

This rule will provide a mechanism for the Service to provide notice to aliens of their legal obligations to provide a current address to the Attorney General within 10 days of a change of address, and for the aliens to acknowledge that they have received this notification in amended INS benefit request forms.

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

Additional Information: INS No. 2198-02
Agency Contact: Barry O’Melinn, Chief, Appellate Counsel, Department of Justice, Immigration and Naturalization Service, 200, 5113 Leesburg Pike, Falls Church, VA 22041
Phone: 703 756-6257

RIN: 1115-AG61
1440. REDUCTION OF THE NUMBER OF ACCEPTABLE DOCUMENTS AND OTHER CHANGES TO EMPLOYMENT VERIFICATION REQUIREMENTS (SECTION 610 REVIEW)

Priority: Other Significant. Major under 5 USC 801.

Legal Authority: 8 USC 1324a; PL 104-208

CFR Citation: 8 CFR 274a

Legal Deadline: Final, Statutory, March 31, 1998. An interim rule, published September 30, 1997, makes the minimal changes required by statute. The provisions will remain in effect until completion of this rulemaking.

Abstract: On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). Section 412(a) of IIRIRA requires a reduction in the number of documents that may be accepted in the employment verification process. Section 412(d) clarifies the applicability of section 274A to the Federal Government. Section 610 of the Regulatory Flexibility Act requires agencies to review rules that have a significant economic impact on a substantial number of small entities every 10 years. The Service is conducting this review in conjunction with IIRIRA implementation. The proposed rulemaking published 2/12/98 implements sections 212(a) and (d) of IIRIRA and proposes other changes to the employment verification process identified through that review. A revised Form I-9 was included with the proposed rulemaking.

The comment period closed on 4/3/98. The Service is analyzing the comments and taking into consideration issues raised by the Alien Registration (MD) Local, Tribal, Federal Government Levels Affected: State, Local, Tribal, Federal Governmental Jurisdictions, Organizations.

Additional Information: The deadline for implementing section 412(a) of IIRIRA was extended to March 31, 1998, by Public Law 105-54. This rulemaking has been delayed by the need to coordinate implementation with other provisions of IIRIRA, by several complex policy and regulatory issues that have taken time to resolve, and by the review required by section 610 of the Regulatory Flexibility Act. INS No. 1890-97; PL 104-208, title 4.

INS Nos. 1399 and 1399S-94, Control of Employment of Aliens, Supplemental Rule; Action for INS Nos. 1399 and 1399S is canceled as a result of IIRIRA requirements.

Interim Rule INS No. 1818 was published on 9/30/97 at 62 FR 51001 to maintain the status quo as much as possible until the Service completes the more comprehensive document reduction initiative designated by INS No. 1890-97.

Agency Contact: Felicia Colvin, Director, Business Liaison Branch, Immigration Services Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536 Phone: 202 305-2529 Fax: 202 305-2523

RIN: 1115-AB73

1441. ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE: CONDITIONAL RESIDENTS AND FIANCE(E)S

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1257; 8 CFR 2

CFR Citation: 8 CFR 245

Legal Deadline: None

Abstract: This rule clarifies procedures for fiance(e)s who marry after the 90-day period of fiance(e) admission has ended and also clarifies that persons who have had conditional residence terminated are not eligible to adjust status.

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: INS No. 1353-91

Agency Contact: Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536 Phone: 202 514-4754

RIN: 1115–AC70
1442. NONIMMIGRANT CLASSES; S CLASSIFICATION; LAW ENFORCEMENT INITIATIVES; ALIEN WITNESSES

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 USC 1324a; 8 CFR 2; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252

CFR Citation: 8 CFR 212; 8 CFR 214; 8 CFR 274a; 8 CFR 299; 8 CFR 103

Legal Deadline: None

Abstract: Two regulatory initiatives dealing with the processing of alien witnesses have been prepared by the INS. INS No. 1683-94 provides the application and approval process for the admission of aliens in S nonimmigrant classification. It provides guidance to the various law enforcement agencies needing alien witnesses and informants to complete critical law enforcement initiatives in the United States. INS No. 1705-95 establishes a fee for the processing of Form I-854, Inter-Agency Alien Witness and Informant Record, for Law Enforcement Agency (LEA) requests for S nonimmigrant classification for eligible alien witnesses and informants. The fee recovers the costs of the processing of requests for immigration benefits and is needed to comply with specific Federal immigration laws and Federal user fee statute and regulations.

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Local, Tribal, Federal

Additional Information: INS No. 1683-94; and INS No. 1728-95.

Agency Contact: Gregory S. Bednarz, Deputy Assistant Commissioner, Investigations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536

Phone: 202 633-2997

RIN: 1115–AD86

1443. ESTABLISHING CRITERIA FOR DETERMINING COUNTRIES WHOSE CITIZENS ARE INELIGIBLE FOR THE TRANSIT WITHOUT VISA (TWOV) PROGRAM

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 USC 1221; 8 USC 1229

CFR Citation: 8 CFR 212; 8 CFR 234.2

Legal Deadline: None

Abstract: This rule proposes to amend Service regulations by removing the list of those countries that are ineligible to participate in the TWOV program from the regulation. In its place the Service proposes to publish and update the list of countries that are ineligible to participate in the TWOV program by Federal Register notice. This rule also sets forth a non-exhaustive list of factors that may be considered in determining those countries whose citizens or nationals are ineligible countries and provides for a regular review of all countries to determine their eligibility for participation in the TWOV program. The TWOV program allows the Service, acting jointly with the Department of State, to waive the passport and visa requirement for aliens from certain countries who request immediate and continuous transit privileges through the United States.

Timetable:

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: INS No. 1705-95, See RIN 1115-AB73

Agency Contact: Laura J. Dawkins, Branch Chief, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536

Phone: 202 307-4754

Email: laura.dawkins@usdoj.gov

RIN: 1115–AD96

1444. PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A U.S. CITIZEN OR AS A PREFERENCE IMMIGRANT; SELF-PETITIONING FOR CERTAIN BATTERED OR ABUSED ALIEN SPOUSES AND CHILDREN

Priority: Other Significant

Legal Authority: 8 USC 1101; PL 103-322; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: The INS intends to finalize the interim rule published on 3/26/96. This final rule allows battered and abused spouses and children of United States citizens and lawful permanent residents to petition for immigrant classification. The consent of the abuser would not be required. The final rule uses the term abused to mean either battered or subjected to extreme cruelty.

Timetable:

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: INS No. 1705-95, See RIN 1115-AB73

Agency Contact: Laura J. Dawkins, Branch Chief, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536

Phone: 202 307-4754

Email: laura.dawkins@usdoj.gov

RIN: 1115–AE04
1445. CONDITIONS ON
NONIMMIGRANT STATUS;
DISCLOSURE OF INFORMATION

Priority: Other Significant
Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186A; 8 USC 1187; 8 USC 1221; 8 USC 1281; 8 USC 1282
CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This rule removes the current regulatory language conditioning an alien’s nonimmigrant status on his or her providing full and truthful information requested by the INS, regardless of the requested information’s materiality. This rule would clarify that the nonimmigrant’s stay is conditioned on, among other things, the provision of all information deemed necessary to ensure that the alien has acquired, and is maintaining, lawful nonimmigrant status during the entire period of his or her stay, or is eligible to receive any other benefit under the INA.

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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1732-95

Agency Contact: Michael Hardin, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115–AE17

1446. EMPLOYER SANCTIONS
MODIFICATIONS

Priority: Substantive, Nonsignificant
Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1324a; 8 CFR 2
CFR Citation: 8 CFR 274a

Legal Deadline: None

Abstract: The Service is considering further changes to streamline the verification and enforcement process requirements related to the Employer Sanctions provisions of the Immigration Reform and Control Act.

INS No. 1738 will allow INS to issue and serve a Warning Notice upon an alleged violator after the INS has determined that a person or entity has violated section 274a of the Act. This rule will also allow interested parties to electronically generate blank copies of the Employment Eligibility Verification Form (Form I-9).

Comments from the public were received in response to the publication of the interim rule. The response to the comments and the writing of the final rule are currently on hold.

On September 30, 1996, IIRIRA was enacted. Section 411(a) of IIRIRA allows employers who have made a good faith attempt to comply with a particular employment verification requirement to correct technical or procedural failures before such failures are deemed to be violations of the INA. INS issued a proposed rule on April 7, 1998, INS No. 1819, to implement this provision and is in the process of preparing a final rule. Because the issuance of Warning Notices requires that violation determinations be made, it is being examined in conjunction with INS No. 1819 in light of section 411(a) of IIRIRA. The anticipated publication date of a final rule will not be determined until issues regarding implementation of section 411(a) of IIRIRA are resolved.

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Additional Information: INS Nos. 1737 and 1738.

Agency Contact: Angelo Sorrento, Special Agent, Investigations Enforcement, Office Field of Operations, Department of Justice, Immigration and Naturalization Service, Room 1000, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7487

RIN: 1115–AE21

1447. INSPECTION AND EXPEDITED
REMOVAL OF ALIENS; DETENTION
AND REMOVAL OF ALIENS;
CONDUCT OF REMOVAL
PROCEEDINGS

Priority: Other Significant
Legal Authority: 5 USC 301; 8 USC 1182; 8 USC 1183; 8 USC 1184; 8 USC 1185; 8 USC 1186a; 8 USC 1187; 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1154; 8 USC 1181

CFR Citation: 8 CFR 1; 8 CFR 213; 8 CFR 214; 8 CFR 216; 8 CFR 217; 8 CFR 221; 8 CFR 223; 8 CFR 3; 8 CFR 103; 8 CFR 204; 8 CFR 207; 8 CFR 209; 8 CFR 211; 8 CFR 212; ...

Legal Deadline: Other, Statutory, March 1, 1997: The statute requires the Attorney General to promulgate implementing regulations by March 1, 1997.

Abstract: Many of the provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) became effective April 1, 1997. Some provisions of the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) that were not superseded by IIRIRA became effective November 1, 1996. On March 6, 1997, INS and EOIR published an interim rule revising the asylum process; providing a mechanism for the determination and review of certain applicants who demonstrate a credible fear of persecution if returned to their own country; defining the inspection and admission process including new expedited removal proceedings for aliens attempting to enter the United States through fraud or misrepresentation by apprehension, detention, and removal of aliens; addressing conduct of removal proceedings; and revising many other sections of the regulations to conform with the new laws. On December 6, 2000, INS published the rule “Asylum Procedures” (INS No. 1865-97; RIN 1115-AB93) which finalized the asylum portions of this interim rule. INS still intends to publish a final rule under RIN 1115-AE47 to finalize the portions of this rulemaking relating to inspection and expedited removal of aliens, detention and deportation and
removal of aliens, and the conduct of removal proceedings.

**Timetable:**

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NPRM-INS No. 1788-96 | 01/03/97 | 62 FR 444 96 Comment Period  
End 2/3/97 | 03/06/97 | 62 FR 10312 No. 1788-96  
Comment Period | 04/01/97 | 62 FR 15362 |
| Interim Final Rule-INS | End 7/15/97 | 1788-96  
Correction (Effective | 04/09/97 | 62 FR 17048 No. 1788-96  
Correction | 07/22/98 | 63 FR 39217 1920-98 |
| Final Rule-INS No. | 01/00/03 | 1788-96  
Final Action INS No. | 03/22/96 | 61 FR 11717 969-94 |

**Additional Information:**

| Agency Contact: | Linda Loveless, Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536 Phone: 202 616-7489  
Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041 Phone: 703 305-0470 |
| RIN: | 1115–AE47 |

**1449. DEFINITION OF THE TERM “LAWFULLY PRESENT” FOR PURPOSES OF ELIGIBILITY FOR PUBLIC BENEFITS**

**Priority:** Other Significant

**Legal Authority:** 5 USC 552; 31 USC 9701; EO 12356; 47 FR 14874 to 15557; 3 CFR 1982 comp; 8 CFR 2; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1252B; 8 USC 1304; 8 USC 1356

**CFR Citation:** 8 CFR 103

**Legal Deadline:** None

**Abstract:** Section 401(a) of the Personal Responsibility and Work Reconciliation Act of 1996 (PRWORA) provides that, with limited exceptions, only qualified aliens, as defined under section 431, may receive certain Federal public benefits. Section 401(b)(2) provides an exception which allows aliens who are "lawfully present in the United States" as determined by the Attorney General to receive social security benefits under title II of the Social Security Act. PRWORA, and other laws, use the term "lawfully present" in other benefit-related contexts as well. The interim final rule published September 6, 1996, amended the Immigration and Naturalization Service (Service) regulations to define the term "an alien who is lawfully present in the United States" so that the Social Security Administration may determine which aliens are eligible for benefits under title II of the Social Security Act.

**Timetable:**

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**Additional Information:**

| Agency Contact: | Joan S. Lieberman, Attorney, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536 Phone: 202 514-2895 |
| RIN: | 1115–AE50 |

**INS No. 1792-96**
1450. AFFIDAVIT OF SUPPORT ON BEHALF OF IMMIGRANTS

Priority: Other Significant
Legal Authority: 8 USC 1183a; PL 104-208; PL 104-193; 8 CFR 2
CFR Citation: 8 CFR 213a; 8 CFR 299
Legal Deadline: None
Abstract: This rule amends the INS regulations by establishing that an individual (the sponsor) who files an affidavit of support under section 213A of the Immigration and Nationality Act (INA) on behalf of an intending immigrant incurs an obligation that may be enforced by a civil action. This rule also specifies the requirements that Federal, State, or local agencies or private entities must meet to request reimbursement from the sponsor for provision of means-tested public benefits and provides procedures for imposing the civil penalty provided for under section 213A of the INA, if the sponsor fails to give notice of any change of address. This rule is necessary to ensure that sponsors of aliens meet their obligations under section 213A of the INA.

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

Additional Information: INS No. 1807-96; PL 104-208, title IV; and PL 104-193, title IV
Agency Contact: Lisa Roney, Policy Analyst, Office of Policy and Planning, Department of Justice, Immigration and Naturalization Service, Room 6052, 425 I Street NW, Washington, DC 20536 Phone: 202 514-3242

Michael Hardin, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536 Phone: 202 514-4754

RIN: 1115–AE51

1451. SUSPENSION OF PRIVILEGE TO TRANSPORT ALIENS TO THE UNITED STATES

Priority: Other Significant
Legal Authority: 8 USC 1101; 8 USC 1252; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1227
CFR Citation: 8 CFR 103; 8 CFR 273
Legal Deadline: None
Abstract: The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) added a provision to the Immigration and Nationality Act that allows INS to suspend a commercial airline’s privilege to transport aliens to the United States if the carrier has a record of bringing in aliens who have fraudulent documents. After consultation with other interested Government agencies, INS is proposing to implement appropriate standards and procedures governing the use of this power to suspend a carrier’s privilege to transport aliens to the United States.

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

Additional Information: This rule required coordination with several other Government agencies. INS No. 1809-96.
Agency Contact: Una Brien, Director, National Fines Office, Inspections Division, Field Operations, Department of Justice, Immigration and Naturalization Service, Suite 425, 1525 Wilson Boulevard, Arlington, VA 22209 Phone: 202 305-7018

RIN: 1115–AE59

1452. LIMITING LIABILITY FOR CERTAIN TECHNICAL AND PROCEDURAL VIOLATIONS OF PAPERWORK REQUIREMENTS

Priority: Substantive, Nonsignificant
Legal Authority: 8 USC 1324a; PL 104-208
CFR Citation: 8 CFR 274a
Legal Deadline: None
Abstract: On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). This rule will implement section 411 of IIRIRA which allows employers that have made a good faith attempt to comply with a particular employment verification requirement to correct technical or procedural failures to meet the requirement before such failures are deemed to be violations of the Act. This rule will explain the good faith rule, define the term technical or procedural failure to meet such requirement, and explain how an employer can correct technical or procedural failures.

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Regulatory Flexibility Analysis Required: No
Government Levels Affected: None
Additional Information: INS No. 1819-96 and Public Law 104-208, title IV.
Agency Contact: Marguerite Przybyski Kleczek, Attorney, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536 Phone: 202 514-2895

RIN: 1115–AE70

1453. IMPLEMENTATION OF HERNANDEZ V. RENO SETTLEMENT AGREEMENT; CERTAIN ALIENS ELIGIBLE FOR FAMILY UNITY BENEFITS AFTER SPONSORING FAMILY MEMBER’S NATURALIZATION

Priority: Other Significant
Legal Authority: 8 USC 1225a; PL 104-208
CFR Citation: 8 CFR 236.23
Legal Deadline: None
BIARRA [1996] included a number of
provisions relating to battered aliens and to mail order bride businesses. The INS
anticipates rulemaking in the following areas:

INS document No. 1838-97, an advance
notice of proposed rulemaking, is to solicit
public input into the regulation of certain
functions of the international
matchmaking industry (also referred to as
“mail order bride businesses”), as
required by section 652 of IIRIRA, was
published on 7/16/97 (62 FR 38041).

This rule amends the
removal of certain types of public
benefits for those aliens who have
made a prima facie case for eligibility
pursuant to the INS interim rule on
self-petitions by battered aliens,
published at 61 FR 13061 (March 26,
1995; INS No. 1705-95). This new rule
will define what constitutes a prima
facie case.
changes in the ordering of 1.1(q) to use language that is clearer and more consistent with the wording of the statute.

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<td>09/10/99</td>
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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State, Federal

Additional Information: INS No.1848-97

Agency Contact: Joan S. Lieberman, Attorney, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536
Phone: 202 514-2895

Ron Dodson, Supervisory Special Agent, Headquarters Investigations, Department of Justice, Immigration and Naturalization Service, Room 1000, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7310

RIN: 1115–AE83

1458. ADJUSTMENT OF STATUS, CONTINUED VALIDITY OF NONIMMIGRANT STATUS AND UNEXPIRED EMPLOYMENT AUTHORIZATION FOR APPLICANTS MAINTAINING NONIMMIGRANT H OR L STATUS

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 USC 1282; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1255; 8 USC 1281

CFR Citation: 8 CFR 214; 8 CFR 245

Legal Deadline: None

Abstract: Over the last several years, the Service has issued numerous policy statements regarding its position on employment authorization, advance parole, and extension of nonimmigrant status for certain skilled nonimmigrant workers who have filed for adjustment to permanent resident status. This rulemaking intends to: (1) Codify existing Service policy statements by incorporating them into the Service’s regulations and (2) eliminate the requirement for service permission for overseas travel for adjustment applicants who are maintaining H-1 or L nonimmigrant status.

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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1881-97

Agency Contact: Michael Valverde, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-2763
Email: michael.valverde@justice.usdoj.gov
RIN: 1115–AE96

1459. VERIFICATION OF ELIGIBILITY FOR PUBLIC BENEFITS

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1642

CFR Citation: 8 CFR 104

Legal Deadline: NPRM, Statutory, November 3, 1997, Final, Statutory, February 22, 1998, Statutory deadline to promulgate regulations for State and local public benefits was previously 11/03/98. Deadline for regulations for Federal public benefits was 02/22/98.

Abstract: This regulatory action requires entities (other than nonprofit charitable organizations) providing Federal public benefits (with certain exceptions) to verify by examining documents and using an INS automated verification system that alien applicants are eligible for the benefits under Federal benefit reform legislation. This rule also sets forth provisions by which State or local governments can verify whether aliens applying for State or local public benefits are eligible for such benefits under Federal laws. In addition, the rule establishes procedures for verifying the U.S. nationality of individuals applying for benefits in a fair and nondiscriminatory manner.

The Interim Verification Guidelines were published as a notice on 11/17/97
at 62 FR 61344. The guidelines set forth procedures that benefit-granting agencies can use to verify U.S. citizens, non-citizen nationals, and qualified aliens for eligibility under title IV of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) prior to issuance of final regulations.

The proposed rule for the Verification of Eligibility for Public Benefits was published on 8/04/98 at 63 FR 41662. The changes made in response to the comments received on the proposed rule were significant enough and dealt with complex and important issues that another opportunity to comment is warranted. The next version of the rule will be issued as an interim rule, rather than a final rule, in order to implement the statutory directive to promulgate verification regulations and start the subsequent 2-year period in which Federal public benefit-granting agencies must come into compliance. The interim rule is in the concurrence process and has not yet been published.

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** INS No. 1902-98 should be referenced for any inquiries concerning this rulemaking action.

**Agency Contact:** John Nahan, Director, SAVE Branch, Files and Forms Management Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Ullico Building, 1st Floor, Washington, DC 20536

Phone: 202 514-2317

**RIN:** 1115–AE99

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1460. **FINGERPRINTING APPLICANTS AND PETITIONERS FOR IMMIGRATION BENEFITS; ESTABLISHING A FEE FOR FINGERPRINTING BY THE SERVICE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1252b; 8 USC 1304; 8 USC 1356

**CFR Citation:** 8 CFR 103; 8 CFR 299; 8 CFR 316; 8 CFR 335

**Legal Deadline:** None

**Abstract:** This rule amends the Immigration and Naturalization Service regulations relating to fingerprinting applicants and petitioners for benefits under the Immigration and Nationality Act by: Canceling the Designated Fingerprinting Service program; requiring applicants and petitioners for benefits to be fingerprinted at either a Service Office, a State or local law enforcement agency, or at a United States consular or military office; establishing a fee for fingerprinting by the Service; and requiring confirmation from the Federal Bureau of Investigation (FBI) that a full criminal background check has been completed before adjudication of a naturalization application is completed.

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

**Additional Information:** INS No. 1891-97

**Agency Contact:** Pamela T. Wallace, Staff Officer, Immigration Services Division, Department of Justice, Immigration and Naturalization Service, Room 980, 801 K Street NW, Washington, DC 20536

Phone: 202 305-1229

**RIN:** 1115–AF03

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1461. **PROCESSING, DETENTION, AND RELEASE OF JUVENILES**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1362

**CFR Citation:** 8 CFR 236.3

**Legal Deadline:** Final, Judicial, July 31, 1998.

The court-approved settlement agreement in Flores v. Reno (C.D. Cal.) required INS to initiate action to publish regulations in July 1998. However, the changes brought by AEDPA and IIRIRA delayed issuance of regs. The INS later re-published the rule for comments. The comment period expires March 15, 2002.

**Abstract:** The rule amends the Immigration and Naturalization Service regulations by establishing the procedures for processing alien juveniles from custody and the detention of unreleased juveniles in State-licensed programs and detention facilities. This rule also governs the transportation and transfer of juveniles in Service custody.

**Timetable:**

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<td>07/24/98</td>
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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1906-98.

**Agency Contact:** Mark A. Matese, Director of Juvenile Affairs, Department of Justice, Immigration and Naturalization Service, 8th Floor, Office of Field Operations, 801 I Street, NW, Washington, DC 20536

Phone: 202 514-2162

**RIN:** 1115–AF05
1462. SUSPENSION OF DEPORTATION AND SPECIAL RULE CANCELLATION OF REMOVAL FOR CERTAIN NATIONALS OF GUATEMALA, EL SALVADOR, AND FORMER SOVIET BLOC COUNTRIES

Priority: Other Significant

Legal Authority: 5 USC 552; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1251; 8 USC 1252 note; 8 USC 1252a; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1186a; 8 USC 1224

CFR Citation: 8 CFR 103; 8 CFR 208; 8 CFR 240; 8 CFR 246; 8 CFR 274a; ...

Legal Deadline: None

Abstract: This rule implements section 203 of the Nicaraguan Adjustment and Central American Relief Act (NACARA), enacted as title II of Public Law No. 105-100, 111 Stat. 2160, 2193 (1997) (as amended by Technical Corrections to the Nicaraguan Adjustment and Central American Relief Act (NACARA), Public Law 105-139, Stat. 2644 (1997)). Section 203 of NACARA provides that certain Guatemalans, Salvadorans, and nationals of former Soviet Bloc countries are eligible to apply for cancellation of removal under the standards for suspension of deportation similar to those that existed prior to enactment of Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). The rule establishes the authority of INS asylum officers to adjudicate certain applications under section 203 of NACARA, provides application and adjudication procedures, identifies factors and standards relevant to eligibility, and establishes a rebuttable presumption of extreme hardship for certain NACARA beneficiaries.

Timetable:

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Government Levels Affected: Federal

Additional Information: INS No. 1915-98

Agency Contact: Joanna Ruppel, Supervisor for Asylum Operations, International Affairs, Department of Justice, Immigration and Naturalization Service, 245 I Street NW, Attn: Ullico Building 3rd Floor, Washington, DC 20536

Phone: 202 305-2663

RIN: 1115-9F20

1463. POWERS OF THE ATTORNEY GENERAL TO AUTHORIZE STATE OR LOCAL LAW ENFORCEMENT OFFICERS TO CARRY OUT IMMIGRATION ENFORCEMENT

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552; 8 USC 1101; 8 USC 1103; 8 USC 1201

CFR Citation: 28 CFR 65

Legal Deadline: None

Abstract: In order to provide a more effective and efficient response to a mass migration event, this rule implements provisions in the Immigration and Nationality Act allowing the Attorney General to authorize certain State and local law enforcement officers to perform various functions related to the enforcement of the immigration laws during the period of an actual or imminent mass influx of aliens. This rule would place designated State/local law enforcement officers under the direction of the INS when enforcing immigration law. This rule also allows the Commissioner to enter into advance written agreements with State and local law enforcement officials setting forth the terms and conditions of the functions to be performed during a Federal response to a mass influx of aliens, including reimbursement of expenses.

Timetable:

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Local

Additional Information: INS No. 1924

Agency Contact: Ron Dodson, Supervisory Special Agent, Headquarters Investigations, Department of Justice, Immigration and Naturalization Service, Room 1000, 425 I Street NW, Washington, DC 20536

Phone: 202 616-7310

RIN: 1115–AF20

1464. ELIMINATION OF IMMIGRATION AND NATURALIZATION SERVICE-ISSUED MEXICAN AND CANADIAN BORDER CROSSING CARDS

Priority: Other Significant

Legal Authority: 5 USC 552; 8 USC 1228; 8 USC 1252; 8 USC 1304; 8 USC 1356; 8 USC 1304; 8 USC 1356; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1201; 8 USC 1225; 8 USC 1226; 8 USC 1227

CFR Citation: 8 CFR 103; 8 CFR 212; 8 CFR 214; 8 CFR 235; 8 CFR 247; 8 CFR 264; 8 CFR 286; 8 CFR 299


Abstract: This rule amends the Immigration and Naturalization Service (Service) regulations to eliminate the use of Form I-175, Application for Nonresident Alien Canadian Border Crossing Card, and Form I-190, Application for Nonresident Alien Mexican Border Crossing Card. It also terminates the production of Form I-185, Nonresident Alien Canadian Border Crossing Card, and Form I-586, Nonresident Alien Mexican Border Crossing Card. In addition, this rule prohibits the use of Form I-186 (previous version of Mexican Border Crossing Card), Form I-185 and Form I-586 Border Crossing Cards (BCCs) after September 30, 2001, or whatever other date may be enacted for required use of a card containing a machine readable biometric identifier for entry (such as the fingerprint or handprint of the alien). Under the provisions of this rulemaking, an alien seeking entry into the United States by presentation of a BCC must complete a biometric verification upon each entry.

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Regulatory Flexibility Analysis Required: No
### 1465. FILING OF PROPOSALS FOR DESIGNATION AS A REGIONAL CENTER APPROVED TO PARTICIPATE IN THE IMMIGRANT INVESTOR PILOT PROGRAM

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1154; 8 USC 1182; 8 USC 1186a  
**CFR Citation:** 8 CFR 204  
**Legal Deadline:** None  
**Abstract:** This rule amends the Immigration and Naturalization Service’s regulations to allow nonimmigrant visitors for business or pleasure who are nationals of the British Virgin Islands to apply for admission to the United States without a visa at the ports-of-entry of St. Thomas, United States Virgin Islands. Since visas are no longer issued from the British Virgin Islands by the Department of State, all persons needing a nonimmigrant visa have to either travel or mail their applications to Barbados, the nearest visa-issuing location. The Service’s action will facilitate travel to the United States for nationals of the British Virgin Islands while still ensuring that the proper application provisions of the I&NA are met.

**Timetable:**

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

### 1466. NONIMMIGRANT VISA EXEMPTION FOR NATIONALS OF THE BRITISH VIRGIN ISLANDS ENTERING THE UNITED STATES THROUGH ST. THOMAS, UNITED STATES VIRGIN ISLANDS

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 8 USC 1101; 8 USC 1252; 8 USC 1102; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228  
**CFR Citation:** 8 CFR 212  
**Legal Deadline:** None  
**Abstract:** This rule amends the Immigration and Naturalization Service’s regulations to allow nonimmigrant visitors for business or pleasure who are nationals of the British Virgin Islands entering the United States through St. Thomas, United States Virgin Islands to apply for admission without a visa at the ports-of-entry of St. Thomas, United States Virgin Islands.

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

### 1467. DELEGATION OF THE ADJUDICATION OF CERTAIN H-2A PETITIONS TO THE DEPARTMENT OF LABOR

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1258; 8 USC 1281; 8 USC 1282; 8 CFR 2  
**CFR Citation:** 8 CFR 103; 8 CFR 214; 8 CFR 248; 8 CFR 264  
**Legal Deadline:** None  
**Abstract:** This rule amends the Immigration and Naturalization Service’s regulations by delegating the adjudication of certain H-2A petitions to the United States Department of Labor (DOL). The Service has made these changes in order to streamline the existing H-2A petitioning process for certain foreign agricultural workers. This rule will make it easier and less burdensome for United States employers to file petitions for foreign agricultural workers.

A related proposed rule, INS No. 2059-00, will require alien workers to sign a petition request for change of status or extension of stay. It also provides that all petition requests including extension of stay and change of status petitions must be filed with the DOL and provides that the current Service petition fee will be collected by DOL as part of a combined fee. These changes will further streamline the H-2A petitioning process.

**Timetable:**

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**INS No. 1946-98**  
NPRM 12/07/98 (63 FR 67431)  
NPRM Comment Period End 02/05/99  
Final Action 07/13/00 (65 FR 43527)  
Final Action-Delay of effective date to 10/01/2001 11/30/00 (65 FR 67616)  
Final Action-Delay of effective date to 10/1/2002 09/28/01 (66 FR 49514)  
**INS No. 2059-00**  
NPRM 07/13/00 (65 FR 43535)  
NPRM Comment Period End 08/14/00  
NPRM Comment Period End-Extended Date 08/17/00 (65 FR 50166)  
Final Action 10/00/02

**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** Businesses  
**Government Levels Affected:** State, Local, Federal
1468. REGULATIONS CONCERNING THE CONVENTION AGAINST TORTURE

Priority: Other Significant
Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282
CFR Citation: 8 CFR 3; 8 CFR 208; 8 CFR 235; 8 CFR 238; 8 CFR 240; 8 CFR 241

Abstract: This rule implements Article 3 of the United Nations Convention Against Torture or Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment for persons who may be subject to removal from the United States under the provisions of the Immigration and Nationality Act.

Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: None
Additional Information: INS No. 1946-98
Agency Contact: Irene Hoffman, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7435
RIN: 1115–AF29

1469. APPLICATION FOR REFUGEE STATUS; ACCEPTABLE SPONSORSHIP AGREEMENT GUARANTEE OF TRANSPORTATION

Priority: Substantive, Nonsignificant
Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1158; ...
CFR Citation: 8 CFR 207
Legal Deadline: None

Abstract: Section 207 of the Immigration and Nationality Act authorizes the Attorney General to admit refugees to the United States under certain conditions, including those provided for by regulation. The Immigration and Naturalization Service regulations require that sponsorship agreements be secured before an applicant is granted admission as a refugee at a U.S. port-of-entry (POE). The determination of whether or not someone is classified as a refugee is described in the Act as a separate decision from whether a refugee may be admitted to the United States in refugee status. This rule amends the Service regulations by removing language that erroneously implies that the Service requires a sponsorship agreement and guarantee of transportation prior to determining whether an applicant is a refugee. This rule is necessary to clarify issues that may appear ambiguous in the existing regulation, and provides more advantageous treatment for the limited number of applicants for refugee status who have their Service interviews before sponsorship agreements have been secured.

Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: None
Additional Information: INS No. 1999-99
Agency Contact: Kathleen Thompson, Director, Refugee Branch, Office of International Affairs, Department of Justice, Immigration and Naturalization Service, Office of International Affairs, 425 I Street NW, 3rd Floor, Ullico Bldg., Washington, DC 20536
Phone: 202 305-2662
RIN: 1115–AF49

1470. NONIMMIGRANT CLASSES: Q-2 IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM VISITOR

Priority: Substantive, Nonsignificant
Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186; 8 USC 1187; ...
CFR Citation: 8 CFR 214; 8 CFR 245; 8 CFR 248; 8 CFR 274
Legal Deadline: None

Abstract: This rule amends the regulations to establish a new visa classification, Q-2. Public Law 105-319, also known as the Irish Peace Process Cultural and Training Program Act of 1998, provides the basis for this regulatory change. The Q-2 visa classification identifies those visitors from Northern Ireland and certain designated counties in the Republic of Ireland to come to the United States temporarily for training employment and to experience coexistence and conflict resolution in a diverse society.

Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: None
Additional Information: INS No. 2000-99
Agency Contact: Donna Crump, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 353-8177
RIN: 1115–AF51
1471. CLARIFICATION OF PAROLE AUTHORITY

Priority: Info./Admin./Other
Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; ...
CFR Citation: 8 CFR 212
Legal Deadline: None

Abstract: This rule amends the Immigration and Naturalization Service (Service) regulations concerning the authority to grant the parole of aliens from Service custody by specifically identifying the scope of that authority to include the Commissioner, the Deputy Commissioner, the Executive Associate Commissioner for Field Operations, and regional directors. This action is being taken to clarify which individuals are authorized by the Attorney General, acting through the Commissioner, to grant parole from Service custody.

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

Additional Information: INS No. 2004-99
(See Also 1115-AE68)

Agency Contact: Kenneth Leutbecker, Director, Parole and Humanitarian Assistance Branch, Office of International Affairs, Department of Justice, Immigration and Naturalization Service, Attn: ULLICO Bldg, Third Floor, 111 Massachusetts Avenue NW, Washington, DC 20001
Phone: 202 305-2670
RIN: 1115–AF53

1472. BATTERED AND ABUSED CONDITIONAL RESIDENTS: TERMINATION OF MARRIAGE BY CONDITIONAL RESIDENTS

Priority: Other Significant
Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1154; 8 USC 1184; 8 USC 1186a
CFR Citation: 8 CFR 216; 8 CFR 299
Legal Deadline: None

Abstract: Enacted on November 10, 1986, the Immigration Marriage Fraud Amendments of 1986 (IMFA) made a number of changes to the Act to deter aliens from marrying solely to obtain immigration benefits. IMFA established a conditional resident status for aliens who obtained lawful permanent resident status based upon a marriage of less than 2 years duration. The interim rule published on May 16, 1991, established procedures to allow a conditional resident who married in good faith but whose marriage was terminated by the United States citizen or lawful permanent resident spouse to seek a waiver of the joint filing requirement. The interim rule published on 5/16/91 also was necessary to provide a method by which a battered conditional resident, or a conditional resident parent of an abused conditional resident child, may apply for removal of the conditional basis of resident status without filing a joint petition. This interim rule implements certain technical changes made by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and addresses comments received in response to the interim rule published on 5/16/91.

Timetable:

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

Additional Information: Interim Rule for INS No. 1423-91 that was published on 5/16/1991.

Agency Contact: Pearl Chang, Branch Chief, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7440

Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754
RIN: 1115–AF59

1473. EXTENSION OF 25-MILE LIMIT AT SELECT ARIZONA PORTS-OF-ENTRY

Priority: Substantive, Nonsignificant
Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1183; 8 USC 1201; ...
CFR Citation: 8 CFR 235
Legal Deadline: None

Abstract: This rule amends the Immigration and Naturalization Service regulations to extend the distance Mexican nationals with border crossing cards to travel into the United States without obtaining additional immigration documentation at selected ports-of-entry (POEs) along the United States and Mexico border. The selected POEs are located in the State of Arizona at Sasabe, Nogales, Mariposa, Douglas, and Naco. Once visitors to Arizona meet the inspection requirements of legal entry to the United States, they will be able to travel within the 75-mile border region of Arizona. This rule is intended to promote commerce in the Southern Arizona border area while still ensuring that sufficient safeguards are in place to prevent illegal entry to the United States.

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

Additional Information: INS No. 2026-99

Agency Contact: Frances De Choudens, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service,
1474. REVOKING GRANTS OF NATURALIZATION  

Priority: Substantive, Nonsignificant  
Legal Authority: 8 USC 1103; 8 USC 1443  
CFR Citation: 8 CFR 340  
Legal Deadline: None  

Abstract: This rule amends the INS regulations relating to administrative revocation of naturalization by changing the burden of proof the INS must satisfy in order to administratively revoke a grant of naturalization and clarifying the 180-day period for the rendering of the district director’s decision. This rule provides that INS will only initiate revocation proceedings based on clear, unequivocal, and convincing evidence with the burden of proof remaining with INS throughout the administrative process and through the issuance of the final decision. This rule clarifies the issues raised by the promulgation of the final rule that was published in 1996 at 61 FR 5550. A final rule requesting comments was published in the Federal Register on October 28, 1996, at 61 FR 5550.

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

Additional Information: INS No.1858-97  
Agency Contact: Michael Neifach, Attorney, Office of the General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-2895  
RIN: 1115–AF63

1475. ENTRY REQUIREMENTS FOR CITIZENS OF THE REPUBLIC OF THE MARSHALL ISLANDS, THE FEDERATED STATES OF MICRONESIA, AND PALAU  

Priority: Other Significant  
Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1181; 8 USC 1128; 8 USC 1203; 8 USC 1225; 8 USC 1257; 8 CFR 2  
CFR Citation: 8 CFR 211; 8 CFR 212  
Legal Deadline: None  

Abstract: This rule amends the Immigration and Naturalization Service regulations by adding documentary requirements for a naturalized citizen of the Marshall Islands, the Federated States of Micronesia, or Palau (Compact Countries) to enter into the United States, lawfully engage in occupations, accept employment, and establish residence as a nonimmigrant in the United States and its territories and possessions. This rule also clarifies the documentary requirements for an adopted child from Compact Countries who is immigrating to the United States. Without clarification of the documentary requirements for an adopted child from the Compact Countries, the Compact Countries may not consent to the adoption of children by U.S. citizens and legal permanent residents.

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

Additional Information: INS No. 2047-00  
Agency Contact: Michael C. Biggs, Assistant Director, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street, NW, Washington, DC 20536  
Phone: 202 353-7705  
Email: michael.c.biggs@usdoj.gov  
RIN: 1115–AF65

1476. REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES: CONTROL OF EMPLOYMENT OF ALIENS  

Priority: Other Significant  
Legal Authority: 8 USC 1103; 8 USC 1201; 8 USC 1201a; 8 USC 1301; 8 USC 1305  
CFR Citation: 8 CFR 264; 8 CFR 274a  
Legal Deadline: None  

Abstract: This rule amends the Immigration and Naturalization Service regulations governing applications for renewal of 10-year Permanent Resident Cards upon their expiration. This rule adds documents to the acceptable list of registration requirements and clarifies the requirements for Lawful Permanent Resident (LPRs) to file Form I-90, Application to Replace Alien Registration Card, if they are also applying for naturalization. This rule also provides additional methods to verify employment eligibility for those in the process of renewing their expired or expiring Form I-551, Permanent Resident Card. These changes are necessary to facilitate the 10-year Form I-551 renewal process. This rule also clarifies the fingerprinting requirements for lawful permanent residents who reach the age of 14 years.

Timetable:  

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

Additional Information: INS No.2042-00  
Agency Contact: Michael Hardin, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street, NW, Washington, DC 20536  
Phone: 202 514-4754  
RIN: 1115–AF71
1477. NATIONAL INTEREST WAIVERS FOR SECOND PREFERENCE EMPLOYMENT-BASED IMMIGRANT PHYSICIANS SERVING IN MEDICALLY UNDERSERVED AREAS OR AT DEPARTMENT OF VETERANS AFFAIRS FACILITIES

Priority: Other Significant
Legal Authority: PL 106-113; 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641
CFR Citation: 8 CFR 204; 8 CFR 245
Legal Deadline: None
Abstract: On November 29, 1999, Public Law 106-113 was enacted. Section 117 amended the Immigration and Nationality Act (Act) at section 203 to provide national interest waivers to alien physicians agreeing to practice 5 years in designated medically underserved areas or at Veterans Affairs facilities. The Service proposes an amendment to 8 CFR 204 and 245 in order to implement the new statutory provisions. The Service issued an interim regulation so that applicants may begin to take advantage of the new provisions.

Timetable:

Action Date FR Cite
Interim Final Rule 09/06/00 65 FR 53889
Correction to Interim Final Rule 09/27/00 65 FR 57943
Interim Final Rule Effective 10/06/00
Correction to Interim Final Rule 10/20/00 65 FR 63118
Interim Final Rule Comment Period End 11/06/00
Final Rule 10/00/02

1478. PETITIONING REQUIREMENTS FOR THE H-1C NONIMMIGRANT CLASSIFICATION UNDER PUBLIC LAW 106-95

Priority: Substantive, Nonsignificant
Legal Authority: 8 USC 1101; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187;
CFR Citation: 8 CFR 214.2
Legal Deadline: None
Abstract: On November 12, 1999, the Nursing Relief for Disadvantaged Areas Act (NRDAA) was enacted creating a new H-1C nonimmigrant nurse category. This rule amends the Service’s regulations in order to implement the NRDAA as it relates to the adjudication petitions for H-1C classification. This rule will facilitate the hiring of alien registered nurses to reduce the shortage of nurses in certain areas of the United States while protecting the rights of U.S. nurses.

Timetable:

Action Date FR Cite
Interim Final Rule 06/11/01 66 FR 31107
Comment Period End 08/10/01
Final Action 12/00/02

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Additional Information: INS No. 2050-00
Agency Contact: Irene Hoffman, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7435
RIN: 1115–AF76

1479. EXPANSION OF DEDICATED COMMUTER LANES; CLARIFICATION OF DRIVER’S LICENSE REQUIREMENT FOR APPLICANTS TO DEDICATED COMMUTER LANES AND AUTOMATED PERMIT PORT PROGRAMS

Priority: Substantive, Nonsignificant
Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1183; 8 USC 1201;
CFR Citation: 8 CFR 235
Legal Deadline: None
Abstract: Currently, all naturalization applicants filing Form N-400, Application for Naturalization, are required to be fingerprinted on Form FD-258 Applicant Card for the purpose of conducting criminal background checks by the Federal Bureau of Investigation (FBI). This rule amends the Immigration and Naturalization Service regulations by providing a
fingerpointing waiver for naturalization applicants who, because of a permanent impairment, are unable to provide any fingerprints. It also provides an alternative method for collecting the required background clearances.

**Timetable:**

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**Agency Contact:** Pamela T. Wallace, Adjudications Officer, Immigration Services Division, Department of Justice, Immigration and Naturalization Service, Room 980, 801 I Street NW, Washington, DC 20536

Phone: 202 514-9475

**RIN:** 1115–AF80

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**1481. UPDATE OF LIST OF COUNTRIES WHOSE CITIZENS OR NATIONALS ARE INELIGIBLE FOR TRANSIT WITHOUT VISA (TWOV) PRIVILEGES TO THE UNITED STATES UNDER THE TWOV PROGRAM**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1221; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1229; 8 USC 1252

**CFR Citation:** 8 CFR 212; 8 CFR 233

**Legal Deadline:** None

**Abstract:** This interim rule (INS No. 2060-00) updates the list of those countries that the Service, acting on behalf of the Attorney General and jointly with the Department of State, has determined to be ineligible for participation in the TWOV program. This rule also removes certain countries from the ineligible listing so that aliens from these countries can have their passport and visa requirements waived. This rule is intended to benefit the traveling public by expanding the number of countries whose citizens or nationals may transit the United States without a visa while preventing an increase in the abuse of the TWOV program by citizens or nationals of countries placed on the ineligible list.

**Timetable:**

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**Agency Contact:** Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536

Phone: 202 616-7499

Email: robert.f.hutnick@usdoj.gov

**RIN:** 1115–AF81

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**1482. IMPLEMENTATION OF THE NUMERICAL LIMIT ON ASYLUM GRANTS AND REFUGEE ADMISSIONS BASED ON RESISTANCE TO COERCIVE POPULATION CONTROL MEASURES**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1157; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; 8 CFR 2

**CFR Citation:** 8 CFR 208; 8 CFR 274a

**Legal Deadline:** None

**Abstract:** This rule authorizes the Immigration and Naturalization Service 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. This rule 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:**

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**Agency Contact:** Joanna Ruppel, Supervisor for Asylum Operations, International Affairs, Department of Justice, Immigration and Naturalization Service, 3rd Floor, 111 Massachusetts Avenue NW, Washington, DC 20536

Phone: 202 305-2663

**RIN:** 1115–AF84

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**1483. ADDING ACTUARIES AND PLANT PATHOLOGISTS TO APPENDIX 1603.D.1 OF THE NORTH AMERICAN FREE TRADE AGREEMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1281; 8 USC 1282

**CFR Citation:** 8 CFR 2

**Legal Deadline:** None
Abstract: The rule proposes to amend 8 CFR 214.6 by adding the occupations of actuary and plant pathologists to Appendix 1603.D.1. This rule proposes to modify the licensure requirements for Canadian citizens seeking admission to the U.S. as a TN nonimmigrant category alien. These amendments are being proposed to reflect the agreements made among the three parties to the North American Free Trade Agreement.

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2083-00

Agency Contact: Irene Hoffman, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536

Phone: 202 616-7435

RIN: 1115–AF85

1484. POWER OF ATTORNEY GENERAL TO TERMINATE DEPORTATION PROCEEDINGS AND INITIATE REMOVAL PROCEEDINGS

Priority: Substantive, Nonsignificant
Legal Authority: PL 104-208
CFR Citation: 8 CFR 309
Legal Deadline: None

Abstract: This rule proposes to implement section 309(c)(3) of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) by affording certain aliens rendered ineligible for relief from deportation by recent changes in the law the opportunity to have their deportation proceedings terminated and removal proceedings initiated in order to apply for relief. Certain permanent resident aliens rendered ineligible for section 212(c) relief by the Antiterrorism and Effective Death Penalty Act (AEDPA) and certain non-permanent resident aliens rendered ineligible for suspension of deportation by the stop-time rule in IIRIRA may apply for "repapering" (as it is commonly known) under this rule. This process would not apply to aliens eligible for 212(c) relief pursuant to the procedures described in the Executive Office for Immigration Review (EOIR) rulingmakings (RIN 1125-AA29).

Timetable:

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2083-00

Agency Contact: Kyle D. Latimer, Associate General Counsel, Department of Justice, Immigration and Naturalization Service, Office of the General Counsel, Room 6100, 425 I Street NW, Washington, DC 20536

Phone: 202 616-2604

RIN: 1115–AF87

1485. EMPLOYMENT AUTHORIZATION FOR CERTIFICATE OF CITIZENSHIP APPLICANTS

Priority: Other Significant
Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1324a; 8 USC 1443; 8 USC 1448; 8 CFR 2
CFR Citation: 8 CFR 274a, 8 CFR 341
Legal Deadline: None

Abstract: This interim rule amends the Immigration and Naturalization Service regulations by providing a procedure under which aliens who, believing they are actually citizens, have filed applications for certificates of citizenship (Forms N-600) may obtain employment authorization while their applications are pending. This interim rule is necessary to establish a uniform procedure to accommodate Form N-600 applicants, without creating a strong incentive for aliens to file applications in bad faith, seeking simply to obtain employment authorization.

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No.2076-00

Agency Contact: Richard Sheridan, Staff Officer, Immigration Services Division, Department of Justice, Immigration and Naturalization Service, Room 980, 801 I Street NW, Washington, DC 20536

Phone: 202 616-0583

RIN: 1115–AF90

1486. ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE; TEMPORARY REMOVAL OF CERTAIN RESTRICTIONS OF ELIGIBILITY

Priority: Substantive, Nonsignificant
Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252; 8 USC 1252b; 8 USC 1304; 8 USC 1356
CFR Citation: 8 CFR 103; 8 CFR 205; 8 CFR 245
Legal Deadline: None

Abstract: The Immigration and Naturalization Service is amending its regulations governing eligibility for adjustment of status under section 245(i) of the Immigration and Nationality Act to conform the regulations to existing policy and procedures and to remove language that has been superseded by subsequent legislation. Specifically, this interim rule conforms the regulations to include the changes made by Public Law 105-119 and Public Law 106-544. It also provides for the changes contained in the Legal Immigration Family Equity Act of 2000 (LIFE ACT). As required by the Life Act, this rule changes the sunset date of section 245(i) of the Immigration and Naturalization Act to the new date of April 30, 2001, for filing of qualifying petitions or applications that enable the applicant to apply to adjust status using section 245(i) and clarifies the effect of the new sunset date on eligibility. This means that in order to preserve the ability to apply for adjustment of status under section 245(i), an alien must be the beneficiary of a visa petition for classification under section 204 of the Act or application for labor certification properly filed on or before April 30, 2001, and determined to have approval.
when filed. This rule also provides guidance on the standard for review of filing for immigrant visa petitions and applications for labor certification on or before April 30, 2001.

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2078-00; This rulemaking supersedes RIN 1115-AD83.

**Agency Contact:** Michael Valverde, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536

**Additional Information:** INS No. 2092-00

**Agency Contact:** Dorthea Lay, Attorney, Office of the General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536

**Abstract:** This rule proposes to amend the Department regulations that govern establishing asylum eligibility. This rule is intended to provide guidance on certain issues that have arisen in the context of asylum adjudications. The amendments focus on portions of the regulations that deal with the definitions of persecution, membership in a particular social group, and State action. This rule codifies long-standing concepts of the definition of persecution. It clarifies that gender can be a basis for membership in a particular social group. It also clarifies that a person who has suffered or fears domestic violence may be considered a member of a particular social group. The Department of Justice believes this issue required further examination after the Board of Immigration Appeals decision, Matter of R-A. This rule also clarifies that the factors considered in Ninth Circuit case law regarding membership in a particular social group are non-determinative. Finally, the rule offers further guidance on what is required to show a State’s inability or unwillingness to control a persecutor.

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No 2092-00

**Agency Contact:** Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536

**Abstract:** This rule implements title I of the Child Citizenship Act of 2000 (CCA), Public Law 106-395. First, it amends the Immigration and Naturalization Service (Service) regulations by adding a new part which addresses application procedures for foreign-born children residing in the United States pursuant to a lawful admission for permanent residence, who acquire citizenship automatically under section 320 of the Immigration and Nationality Act (Act), as amended. This rule established procedures for these foreign-born children, including adopted children, to obtain certificates of citizenship. Second, this rule also addresses application procedures for foreign-born children residing outside the United States, who can acquire citizenship under section 322 of the Act, as amended, by approval of an application and taking the oath of allegiance.

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While the Form I-485 is pending.

Advance parole authorization (Form I-765, Application for Employment Authorization) will also allow the alien worker to apply for employment authorization, as well as customer service. This rule amends the Service’s regulations by allowing the Forms I-140 and I-485 to be filed concurrently when a visa is immediately available, thereby improving the efficiency of the system, as well as customer service. This rule will also allow the alien worker to apply for employment authorization (Form I-765, Application for Employment Authorization) and advance parole authorization (Form I-131, Application for Travel Document) while the Form I-485 is pending.

Regulatory Flexibility Analysis

Required: No
Small Entities Affected: No
Government Levels Affected: None
Additional Information: INS No. 2101-00

Agency Contact: Richard Sheridan, Staff Officer, Immigration Services Division, Department of Justice, Immigration and Naturalization Service, Room 980, 801 I Street NW, Washington, DC 20536
Phone: 202 616-0583
RIN: 1115–AF98

1490. ALLOWING FOR THE FILING OF FORM I-140 VISA PETITION CONCURRENTLY WITH A FORM I-485 APPLICATION IN CERTAIN CIRCUMSTANCES

Priority: Substantive, Nonsignificant
Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641
CFR Citation: 8 CFR 204; 8 CFR 245
Legal Deadline: None

Abstract: The current regulations provide that an alien worker who wants to apply for permanent residence by filing the appropriate Form I-485, Application To Register Permanent Residence or Adjust Status, cannot do so until he or she obtains approval of the underlying petition, Form I-140, Immigrant Petition for Alien Worker. This procedure has resulted in aliens experiencing unnecessary delays due to the heavy backlog created by increasing numbers of cases received by the Immigration and Naturalization Service. This rule amends the Service’s regulations by allowing the Forms I-140 and I-485 to be filed concurrently when a visa is immediately available, thereby improving the efficiency of the system, as well as customer service. This rule will also allow the alien worker to apply for employment authorization (Form I-765, Application for Employment Authorization) and advance parole authorization (Form I-131, Application for Travel Document) while the Form I-485 is pending.

Regulatory Flexibility Analysis

Required: No
Small Entities Affected: No
Government Levels Affected: None
Additional Information: INS No. 2104-00

Agency Contact: Maurice R. Berez, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 353-8177
Fax: 202 353-8158
Email: maurice.berez@uscis.doj.gov
RIN: 1115–AG00

1491. SPECIAL IMMIGRANT VISA FOR FOURTH PREFERENCE EMPLOYMENT-BASED BROADCASTERS

Priority: Substantive, Nonsignificant
Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641
CFR Citation: 8 CFR 204
Legal Deadline: None

Abstract: This interim rule amends the Immigration and Naturalization Service regulations by establishing the procedure under which the International Broadcasting Bureau of the United States Broadcasting Board of Governors (BBG), or a BBG grantee organization, may file special fourth preference immigrant petitions for alien broadcasters. This rule explains the requirements the alien broadcaster must meet in order to be the beneficiary of an immigrant visa petition. This regulatory change is necessary in order to assist the BBG in fulfilling its statutory obligation to hire alien broadcasters.

Regulatory Flexibility Analysis

Required: No
Small Entities Affected: No
Government Levels Affected: None
Additional Information: INS No. 2104-00

Agency Contact: Maurice R. Berez, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 353-8177
Fax: 202 353-8158
Email: maurice.berez@uscis.doj.gov
RIN: 1115–AG00

1492. ESTABLISHING PREMIUM PROCESSING SERVICE FOR EMPLOYMENT-BASED PETITIONS AND APPLICATIONS

Priority: Substantive, Nonsignificant
Legal Authority: 8 USC 1101; 8 USC 1103
CFR Citation: 8 CFR 103; 8 CFR 299
Legal Deadline: None

Abstract: This rule changes the Immigration and Naturalization Service regulations to establish premium processing service for certain employment-based petitions and applications. If an individual pays a fee for premium processing service, the INS will process the petition or application in 15 days. Premium Processing Service will give American businesses an option to pay for more rapid processing of petitions and applications to meet their needs for foreign workers.

Regulatory Flexibility Analysis

Required: No
Small Entities Affected: No
Government Levels Affected: None
Additional Information: INS No. 2108-01

Agency Contact: Cindy Keiss, Adjudications Officer, Immigration Services Division, Department of Justice, Immigration and Naturalization Service, Room 980, 801 I Street NW, Washington, DC 20536
Phone: 202 616-0583
Fax: 202 616-0572
Email: cindy.keiss@uscis.doj.gov
RIN: 1115–AG00
1493. NONIMMIGRANT CLASSES; SPOUSES AND CHILDREN OF LAWFUL PERMANENT RESIDENTS; V CLASSIFICATION

Priority: Substantive, Nonsignificant
Legal Citation: 8 USC 1102; PL 106-553
CFR Citation: 8 CFR 103; 8 CFR 204; 8 CFR 212; 8 CFR 214; 8 CFR 245; 8 CFR 248; 8 CFR 299
Legal Deadline: None

Abstract: Section 1102 of the LIFE Act of 2000 amends the Immigration and Nationality Act to create a new nonimmigrant classification V for the spouses and children of lawful permanent residents awaiting the availability of an immigrant visa number in the appropriate preference category in accordance with the State Department's monthly Visa Bulletin. Eligible spouses and children of lawful permanent residents residing abroad that obtain the V nonimmigrant visa from the Department of State may work and reside in the United States on the basis of the V classification until they can apply for adjustment of status to that of lawful permanent resident. Certain eligible spouses and children of lawful permanent residents already present in the United States may be granted V classification until they can apply to adjust status to that of lawful permanent resident. This rule sets forth eligibility criteria and procedures for obtaining the V visa classification and related employment authorization.

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No
Government Levels Affected: None

1494. K NONIMMIGRANT CLASSIFICATION, LEGAL IMMIGRATION FAMILY EQUITY ACT (LIFE)

Priority: Substantive, Nonsignificant
Legal Citation: PL 106-553
CFR Citation: 8 CFR 212; 8 CFR 214; 8 CFR 245; 8 CFR 248; 8 CFR 274a

Abstract: Section 1103 of the Legal Immigration Family Equity Act (LIFE), Public Law 106-553, creates a new nonimmigrant classification under INA 101(a)(15)(K) for the spouses and children of U.S. citizens who have pending immigrant visa applications. This rule establishes this classification in the INS regulations, including creating filing and adjudication procedures, as well as procedures for adjusting status from this new nonimmigrant classification to that of a lawful permanent resident.

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No
Government Levels Affected: None

Additional Information: LIFE creates another separate nonimmigrant classification V and also amends the INA for other purposes. Each of these will be addressed in a separate rule. [INS No. 2127-01]

Agency Contact: Michael Valverde, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754
RIN: 1115–AG03

1495. ADJUSTMENT OF STATUS FOR CERTAIN SYRIAN NATIONALS GRANTED ASYLUM IN THE UNITED STATES

Priority: Substantive, Nonsignificant
Legal Citation: None
CFR Citation: None
Legal Deadline: None

Abstract: On October 27, 2000, the President signed into law Public Law 106-378, which provides for the adjustment of status to lawful permanent resident of certain Syrian nationals, without regard to the annual numerical limitation requirement. This interim rule discusses eligibility and sets forth application procedures for persons wishing to adjust status on the basis of Public Law 106-378. The INS has issued this action as an interim rule because Public Law 106-378 provided for a 1-year application period, which will end on October 26, 2001. Publication of the interim rule ensures that applicants were provided with as much time as possible to apply for the benefits under Public Law 106-378. The Service is now reviewing comments and is drafting a final rule.

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No
Government Levels Affected: None

Agency Contact: Michael Hardin, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754
RIN: 1115–AG12
1496. ADJUSTMENT OF STATUS OF CERTAIN ALIENS FROM VIETNAM, CAMBODIA, AND LAOS IN THE UNITED STATES

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1255

CFR Citation: 8 CFR 245

Abstract: On November 6, 2000, the President signed into law Public Law 106-429, the Foreign Operations Appropriations Act of 2001, section 586 of which provides for the adjustment of status for certain aliens from Vietnam, Cambodia, and Laos. To apply for adjustment under this provision, eligible applicants must have been physically present in the United States since October 1, 1997, and inspected and paroled into the United States from Vietnam under the Orderly Departure Program from a refugee camp in East Asia or from a displaced persons camp administered by the United Nations in Thailand. This rule further discusses eligibility, sets forth application procedures, and amends Service regulations to provide for adjustments of status on the basis of section 586 of Public Law 106-429.

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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2124-01

Agency Contact: Michael Valverde, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536

Phone: 202 514-4754

RIN: 1115–AG14

1497. ADDING COLOMBIA TO THE LIST OF COUNTRIES WhOSE CITIZENs OR NATIONALs ARE INElIGIBLE FOR TRANSIT WITHOUT VISA (TWOV) PRIVILEGES TO THE UNITED STATES UNDER THE TWOV PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228; 8 USC 1252; 8 USC 1255

CFR Citation: 8 CFR 212

Legal Deadline: None

Abstract: The Transit Without Visa program allows certain aliens to transit the United States en route to a specified foreign country without a passport or visa provided they are traveling on a carrier signatory to an agreement with the Immigration and Naturalization Service in accordance with section 233(c) of the Act. This interim rule adds Colombia to the list of those countries that the Service, acting on behalf of the Attorney General and jointly with the Department of State, has determined to be ineligible for participation in the TWOV program.

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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No 2129-01

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536

Phone: 202 616-7499

Email: robert.f.hutnick@usdoj.gov

RIN: 1115–AG16

1498. NEW CLASSIFICATION FOR VICTIMS OF SEVERE FORMS OF TRAFFICKING IN PERSONS ELIGIBLE FOR THE T NONIMMIGRANT STATUS

Priority: Other Significant

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1104; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1201; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1252; 8 USC 1252a; 22 USC 7101; 22 USC 7105; ...

CFR Citation: 8 CFR 103; 8 CFR 212; 8 CFR 214; 8 CFR 274a; 8 CFR 299

Legal Deadline: None

Abstract: This rule sets forth application requirements for a new nonimmigrant classification. The T classification was created by 107(e) of the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), Public Law 106-386. The T nonimmigrant classification was designed for eligible victims of severe forms of trafficking in persons who aid the Government with their case against the traffickers and who can establish that they would suffer extreme hardship involving unusual and severe harm if they were removed from the United States after having completed their assistance to law enforcement. The rule establishes application procedures and responsibilities for the Immigration and Naturalization Service (Service) and provides guidance to the public on how to meet certain requirements to obtain T nonimmigrant status.

There is a statutory cap for T nonimmigrant status for victims of a severe form of trafficking (principals), which is set at 5,000 per annum. The law also provides that certain family members can derive T status through the principal’s application.

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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State, Federal

Additional Information: INS No. 2132-01; AG Order No. 2554-2002
1499. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING
Priority: Other Significant
Unfunded Mandates: Undetermined
Legal Authority: 5 USC 552; 5 USC 525a; 8 USC 1101; 8 USC 1103; 8 USC 1104; 8 USC 1252; 22 USC 7101; 22 USC 7105; ...
CFR Citation: 28 CFR 1100
Abstract: This rule amends 28 CFR and sets forth implementing guidance for section 107(c) of the Victims of Trafficking and Violence Protection Act of 2000. The Attorney General and the Secretary of State are promulgating these regulations for law enforcement, Immigration, and Department of State (DOS) officials regarding the protection of victims of severe forms of trafficking who are in custody, the access of such victims to information about their rights and translation services, and the training of appropriate Department of Justice and DOS personnel in identifying and protecting such victims. The rule also addresses the authority of Federal law enforcement officials to permit the continued presence in the United States of certain victims of severe forms of trafficking who are potential witnesses in order to aid prosecutions.
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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: Federal
Federalism: Undetermined
Additional Information: INS No. 2133-01

Agency Contact: Mark Mullins, Acting Director, Program Strategy and Development Branch, Department of Justice, Immigration and Naturalization Service, Investigations Division, 425 I Street NW, Washington, DC 20536 Phone: 202 514-3479
RIN: 1115–AG20

1500. REMOVING RUSSIA FROM THE LIST OF COUNTRIES WHOSE CITIZENS OR NATIONALS ARE INELIGIBLE FOR TRANSIT WITHOUT VISA (TWOV) PRIVILEGES TO THE UNITED STATES UNDER THE TWOV PROGRAM
Priority: Substantive, Nonsignificant
Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; ...
CFR Citation: 8 CFR 212
Legal Deadline: None
Abstract: The Transit Without Visa (TWOV) Program allows certain aliens to transit the United States en route to a specified foreign country without a passport or visa provided they are traveling on a carrier signatory to an agreement with the Immigration and Naturalization Service (Service) in accordance with section 233 (c) of the Immigration and Nationality Act (Act). This interim rule removes Russia from the list of those countries that the Service, acting on behalf of the Attorney General and jointly with the Department of State, has determined to be eligible for participation in the TWOV program.
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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Additional Information: INS No. 2144-01
Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536 Phone: 202 616-7499
RIN: 1115–AG27

Email: robert.f.hutnick@usdoj.gov

1501. DETENTION OF ALIENS SUBJECT TO FINAL ORDERS OF REMOVAL
Priority: Other Significant
Legal Authority: 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1231; 8 USC 1253; ...
CFR Citation: 8 CFR 241
Legal Deadline: None
Abstract: This rule amends the custody review process governing the detention of aliens who are the subject of a final order of removal, deportation or exclusion (see 8 CFR 241.4) in light of the decision of the U.S. Supreme Court in Zadvydas v. Davis, 533 U.S., 121 S. Ct. 2491 (2001). This rule adds new provisions governing cases for the Immigration and Naturalization Service (Service) to determine whether there is a significant likelihood that an alien will be removed from the United States in the reasonably foreseeable future, and cases where there are special circumstances justifying the continued detention of certain aliens. This rule also makes conforming changes to the existing post-removal period detention regulations, and provides procedures to implement the statutory provision for the extension of the removal period beyond 90 days if the alien conspires or acts to prevent his or her removal or fails or refuses to assist the Service in obtaining documents necessary to his or her removal.
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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Additional Information: INS No 2156-01
Agency Contact: Joan S. Lieberman, Attorney, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536 Phone: 202 514-2895
RIN: 1115–AG29

Email: joan.s.lieberman@usdoj.gov

RIN: 1115–AG27
1502. ALLOWING CITIZENS AND NATIONALS OF THE PEOPLE’S REPUBLIC OF CHINA LIMITED TRANSIT WITHOUT VISA (TWOV) PRIVILEGES AT TWOV-DESIGNATED ALASKA INTERNATIONAL AIRPORTS

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; ...

CFR Citation: 8 CFR part 212

Legal Deadline: None

Abstract: The Transit Without Visa (TWOV) Program allows certain aliens to transit the United States en route to a specified foreign country without passport or visa provided they are traveling on a carrier signatory to an agreement with the Immigration and Naturalization Service (Service) in accordance with section 233(c) of the Act and meet certain other requirements as enumerated in Service regulations at 8 CFR 212.1(f) and 214.2(c). This interim rule allows citizens and nationals of the People’s Republic of China limited TWOV privileges at TWOV-designated Alaska international airports provided they meet additional requirements enumerated in the rule. This rule is intended to benefit the economy of Alaska by allowing citizens and nationals of the People’s Republic of China to transit the United States without a visa at TWOV-designated Alaska international airports while limiting the risk of abuse of the TWOV program by citizens or nationals of the People’s Republic of China by restricting this policy to certain Alaskan ports of entry.

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2160-01

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7499
Email: robert.f.hutnick@usdoj.gov
RIN: 1115–AG33

1503. CUSTODY PROCEDURES

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; ...

CFR Citation: 8 CFR part 287

Legal Deadline: None

Abstract: This rule amends the Immigration and Naturalization Service (Service) regulations on the period of time after an alien’s arrest within which the Service must make a determination whether the alien will be continued in custody or released on bond or recognizance and whether to issue a notice to appear and warrant of arrest. This rule provides that unless voluntary departure has been granted, the Service must make such determinations within 48 hours of arrest, except in the event of emergency or other extraordinary circumstance in which case the Service must make such determinations within an additional reasonable period of time.

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No 2171-01

Agency Contact: Daniel Brown, Assistant General Counsel, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7977
RIN: 1115–AG40

1504. CONTROL OF ALIENS DEPARTING FROM THE UNITED STATES

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1103; 8 USC 1158

CFR Citation: 8 CFR 215

Legal Deadline: None

Abstract: The Immigration and Naturalization Service (Service) provides Prevent Departure Lists (PDLs) to airlines, cruise ship companies, bus companies and other carriers, business entities and hard copies only to individuals. The PDLs consist of the names of individuals that the Federal Bureau of Investigation (FBI) has determined need to be interviewed before being permitted to depart the United States. These interviews will be done by the Service and/or the FBI.

To improve the Service’s efficiency, it is amending its regulations affecting the controls of aliens departing the United States by allowing (PDLs) to be distributed by electronic mail and computer disks instead of hard-copy delivery. However, the Service will continue to send a hard copy of the PDLs to the carrier or other business entity that does not have electronic mail or the capability to use the information on computer disk.

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2175-01

Agency Contact: Cindy N. Lechner, Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536
Phone: 202 514-8592
RIN: 1115–AG42
1505. • DOCUMENTARY REQUIREMENTS FOR CERTAIN TEMPORARY RESIDENTS

Priorities: Other Significant
Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1203; 8 USC 1225; 8 USC 1257; 8 CFR part 2
CFR Citation: 8 CFR 211
Legal Deadline: None
Abstract: This final rule adds a document to the list of documents that may be presented by certain returning temporary residents in lieu of an immigrant visa. This rule will allow the Form I-797, Notice of Action, issued to certain aliens who have adjusted to temporary resident status pursuant to 8 CFR 245a to be used as an entry document at a port-of-entry. This rule is necessary to ensure that those temporary resident aliens eligible to reenter the United States with a Form I-797 are able to do so.

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Agency Contact: Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754
RIN: 1115-AG48

1506. • CHANGE IN BUSINESS PRACTICES; ACCEPTANCE OF PAYMENTS OF FEES BY CREDIT CARD AND OTHER ELECTRONIC MEANS WHERE POSSIBLE

Priorities: Substantive, Nonsignificant
Unfunded Mandates: Undetermined
Legal Authority: PL 98-369; 31 USC 3720
CFR Citation: 8 CFR 103.7
Legal Deadline: None
Abstract: The Immigration and Naturalization Service proposes to expand the acceptance of credit cards and other electronic means to collect fees from the public. The Service currently accepts fees at seven locations in three of its 33 districts. The Service proposes to implement credit card acceptance at 16 of these districts by the end of FY 2002 with full implementation by the end of FY 2003. The intended benefit is two-fold: To provide the Service with a faster, more efficient collection and record keeping mechanism while affording the customer a convenient alternative payment method.

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Agency Contact: Francis Joseph Maguire, Management and Program Analyst, Department of Justice, Immigration and Naturalization Service, Room 6034, 425 I Street NW, Washington, DC 20536
Phone: 202 514-2700
Fax: 202 514-7860
Email: francis.j.maguire@usdoj.gov
RIN: 1115-AG48

1507. • ADDING AND REMOVING INSTITUTIONS TO AND FROM THE LIST OF RECOGNIZED AMERICAN INSTITUTIONS OF RESEARCH

Priorities: Substantive, Nonsignificant
Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1203; 8 USC 1225; 8 USC 1257; 8 USC 1182; 8 USC 1443; 8 USC 1447
CFR Citation: 8 CFR 316
Legal Deadline: None
Abstract: This rule amends the Immigration and Naturalization Service’s (Service) regulations by adding the Rutgers, Indiana and Harvard Universities to the list of American institutions of research located in section 316 of the Immigration and Naturalization Act, recognized by the Attorney General for the purpose of preserving residence in the United States for naturalization eligibility. This rule also removes the recently dissolved Harvard Institute for International Development from the same list.

Timetable:

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<th>Action</th>
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Government Levels Affected: None
Additional Information: INS No. 2182-01
Agency Contact: Michael J. Flemmi, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536
Phone: 202 305-9247
RIN: 1115–AG57

1509. • REQUIRING CHANGE OF STATUS FROM B TO F-1 OR M-1 NONIMMIGRANT PRIOR TO PURSUING A COURSE OF STUDY
Priority: Other Significant. Major under 5 USC 801.
Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1258; 8 CFR Part 2
CFR Citation: 8 CFR 214; 8 CFR 248
Legal Deadline: None
Abstract: The interim rule amends the Immigration and Naturalization Service (Service) regulation by eliminating the current provision allowing a nonimmigrant visitor for business or pleasure to enroll in a Service-approved school without first obtaining approval of a change of nonimmigrant status request from the Service. The amendment will ensure that no B nonimmigrant is allowed to begin taking classes until the Service has approved the alien’s request to change nonimmigrant status to that of F or M student.

Timetable:

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1510. • REENGINEERING OF PART 214, NONIMMIGRANT CLASSES TO CLARIFY AND RESTATE ADMISSION REQUIREMENTS
Priority: Other Significant
Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186; ... 8 CFR 214; 8 CFR 252
Legal Deadline: None
Abstract: The purpose of this regulation is to reorganize, streamline and rewrite 8 CFR 214 and to move certain provisions into several newly created parts of title 8 (parts 131, 132, 133, 134, 135, 136, and 137). This is an administrative action only, making no substantive changes to the requirements for nonimmigrant admission or status.

The current regulation has grown in size and complexity, especially during the past 15 years, as Congress has added at least 10 new nonimmigrant classes and expanded the requirements and restrictions on many of the existing classes. The regulatory outline for part 214 has become extremely complicated, making the placement and revision of new materials and even the identification of correct paragraph citations exceedingly difficult. The INS plans to break up the existing part 214 by adding additional parts, one for each nonimmigrant classification.

Timetable:

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Department of Justice (DOJ)
Immigration and Naturalization Service (INS)

1511. VISA WAIVER PROGRAM
Priority: Substantive, Nonsignificant
CFR Citation: 8 CFR 217

Timetable:

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<td>07/18/91</td>
<td>56 FR 32952</td>
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<td>56 FR 46716</td>
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<td>07/29/93</td>
<td>58 FR 40581</td>
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<td>Public Notice-INS No. 1674 Eff. 10/25/94, Comment Period End 09/30/96</td>
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Long-Term Actions

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<td>60 FR 15855</td>
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<td>07/08/96</td>
<td>61 FR 35598</td>
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<td>07/29/96</td>
<td>61 FR 39721</td>
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<td>Interim Final Rule-INS No. 1786-96 With Comments (Slovenia)</td>
<td>03/30/97</td>
<td>62 FR 50998</td>
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### 1512. REGULATIONS RELATING TO TEMPORARY PROTECTED STATUS

**Priority:** Other Significant

**CFR Citation:** 8 CFR 103; 8 CFR 244; 8 CFR 299

**Timetable:**

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<td>61 FR 47667</td>
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<td>TPS Notice (INS No. 1832-97) Extension and Redesignation of Liberia</td>
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<td>62 FR 16608</td>
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<td>TPS Notice (INS No. 1883-97) Extension of Somalia</td>
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<td>62 FR 41421</td>
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<td>62 FR 45685</td>
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<tr>
<td>TPS Notice (INS No. 1775-96) TPS Designation of Burundi</td>
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### Regulatory Flexibility Analysis

**Required:** No

**Agency Contact:** Marty Newingham
Phone: 202 616-7992

**RIN:** 1115—AB93
## DOJ—INS

### Long-Term Actions

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<td>TPS Notice (INS 2163- 08/31/01) Extension of the Designation of Sierra Leone under TPS</td>
<td>06/31/01</td>
<td>66 FR 46029</td>
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<td>65 FR 52789</td>
<td>TPS Notice (INS 2164- 08/31/01) Extension of the Designation of Sudan under TPS</td>
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<td>65 FR 58806</td>
<td>TPS Notice (INS 2151- 09/04/01) Extension of the Designation of Somalia under TPS</td>
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<td>TPS Notice (INS 2114- 07/03/01) Automatic Ext. of Work Authorization for Hondurans &amp; Nicaraguans Under TPS</td>
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### Regulatory Flexibility Analysis

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### 1515. INTERIM DESIGNATION OF ACCEPTABLE RECEIPTS FOR EMPLOYMENT ELIGIBILITY VERIFICATION

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### 1516. INADMISSIBILITY AND DEPORTABILITY ON PUBLIC CHARGE GROUNDS

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### 1517. EXPANSION OF EXPEDITED REMOVAL OF CERTAIN CRIMINAL ALIENS HELD IN FEDERAL, STATE, AND LOCAL JAILS

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#### Regulatory Flexibility Analysis

Required: No

#### Government Levels Affected:

State, Local, Federal

#### Agency Contact:

Robert Evans  
Phone: 202 353-7218

RIN: 1115–AF50

### 1518. EXTENDING THE PERIOD OF DURATION OF STATUS FOR CERTAIN F AND J NONIMMIGRANT ALIENS

#### Priority:

Substantive, Nonsignificant

#### CFR Citation:

8 CFR 214

#### Timetable:

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#### Regulatory Flexibility Analysis

Required: No

#### Government Levels Affected:

None

#### Agency Contact:

Irene Hoffman  
Phone: 202 616-7435

Efren Hernandez  
Phone: 202 353-8177

RIN: 1115–AF56

### 1519. AUTHORIZING COLLECTION OF FEE LEVIED ON F, J, AND M NONIMMIGRANT CLASSIFICATIONS UNDER ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT (IIRIRA)

#### Priority:

Other Significant

#### CFR Citation:

8 CFR 103; 8 CFR 214; 8 CFR 299

#### Timetable:

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#### Regulatory Flexibility Analysis

Required: No

#### Government Levels Affected:

None

#### Agency Contact:

Maura Deadrick  
Phone: 202 353-8183

RIN: 1115–AF56

### 1520. WAIVER OF FEES

#### Priority:

Substantive, Nonsignificant

#### CFR Citation:

8 CFR 103; 8 CFR 244

#### Timetable:

Next Action Undetermined

#### Regulatory Flexibility Analysis

Required: No

#### Government Levels Affected:

None

#### Agency Contact:

Irene Hoffman  
Phone: 202 616-7435

RIN: 1115–AG02

### Department of Justice (DOJ)

#### Immigration and Naturalization Service (INS)

#### 1523. ADJUSTMENT OF CERTAIN FEES OF THE IMMIGRATION EXAMINATIONS FEE ACCOUNT

#### Priority:

Other Significant

#### CFR Citation:

8 CFR 103

#### Completed:

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#### Regulatory Flexibility Analysis

Required: No

#### Government Levels Affected:

None

#### Agency Contact:

Paul Schlesinger  
Phone: 202 616-2754

RIN: 1115–AF61

### 1524. INCREASING IMMIGRATION USER FEE AT PORTS-OF-ENTRY

#### Priority:

Other Significant

#### Legal Authority:

8 USC 1356; PL 107-77, sec 109

#### CFR Citation:

8 CFR 286

#### Legal Deadline:

None

#### Abstract:

This rule amends Immigration User Fee regulations so they comply with the 2002 Department of Justice Appropriations Act. This act revises the fee structure of the Immigration User Fee by increasing the current $6 fee to $7. The $7 immigration will be collected from every passenger arriving at a port-of-entry in the United States or for the reinspection of a passenger at a place outside the United States prior to such arrival, aboard a commercial aircraft or commercial vessel, except those individuals exempted under section 286(e)(1) of the Immigration and Nationality Act (Act) or under title 8, part 286 of the Immigration and Naturalization Act. This increase does
not apply to immigration inspection at designated ports-of-entry for passengers arriving by the following vessels, when operating on a regular schedule: Great Lakes international ferries, or Great Lakes Vessels on the Great Lakes and connecting waterways.

### Timetable:

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### Regulatory Flexibility Analysis

**Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Additional Information:** INS No. 2179-01  
**Agency Contact:** Georgia Mayers, Chief of Cash Management, Department of Justice, Immigration and Naturalization Service, Room 6034, 425 I Street NW, Washington, DC 20536  
**Phone:** 202 616-4292  
**Email:** georgia.a.mayers@usdoj.gov  
**RIN:** 1105–AA62

### Department of Justice (DOJ)

#### Legal Activities (LA)

#### 1525. REVISION OF 28 CFR PART 15 PERTAINING TO THE DEFENSE OF CERTAIN SUITS AGAINST FEDERAL EMPLOYEES TO CONFORM TO THE FEDERAL EMPLOYEES LIABILITY REFORM AND TORT COMPENSATION ACT

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 28 USC 2679(b)  
**CFR Citation:** 28 CFR 15  
**Legal Deadline:** None  
**Abstract:** This rule revises 28 CFR part 15, pertaining to the defense of certain suits against Federal employees, to conform the regulations to changes made by the Federal Employee Liability Reform and Tort Compensation Act, Public Law 100-694. Under prior law, the defense of suits against Federal employees for torts committed in the scope of their employment was limited to claims involving the operation of motor vehicles. Public Law 100-694 expanded the coverage of the immunity provisions to include all common law torts committed by Federal employees in the scope of their employment. This rule conforms the Department’s regulations to the expanded coverage of the statute.  
**Timetable:**

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**Regulatory Flexibility Analysis**

**Required:** No  
**Government Levels Affected:** Federal  
**Additional Information:** GIV 102  
**Agency Contact:** James G. Touhey Jr., Trial Attorney, Torts Branch, Department of Justice, P.O. Box 888, Benjamin Franklin Station, Washington, DC 20004  
**Phone:** 202 616-4292  
**Email:** jennifer.beasley@usdoj.gov  
**RIN:** 1105–AA62

#### 1526. 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 computing service to the public, through a facility or means of interstate or foreign commerce, to report incidents of child pornography as defined by sections 2251, 2251A, 2252, 2252A, or 2260 of title 18, United States Code, to the appropriate Federal agency. In order to facilitate effective reporting, the PCSPA requires the Attorney General to “designate an agency” to receive and investigate such reports of child pornography. The proposed rule previously published set forth the Attorney General’s proposed designations and certain other matters covered by the PCSPA’s reporting requirements. On November 29, 1999, as part of the Consolidated Appropriations Act, 2000, Public Law 106-113, 113 Stat. 1501, Congress amended 42 U.S.C. 13032 to require providers to report such incidents to the Cyber Tipline at the National Center for Missing and Exploited Children, which shall forward that report to a law enforcement agency or agencies designated by the Attorney General. A second proposed rule is being prepared for publication that will reflect the change in the Agency to receive the reports.  
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**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  
**Email:** andrew.oosterbaan@usdoj.gov  
**RIN:** 1105–AA65

#### 1527. MOTOR VEHICLE SALVAGE REGULATIONS

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.  
**Unfunded Mandates:** Undetermined  
**Legal Authority:** 49 USC 30504  
**CFR Citation:** Not Yet Determined  
**Legal Deadline:** None  
**Abstract:** The Attorney General is required to issue regulations directing...
junk yard and salvage yard operators and insurance carriers to file monthly reports with the operator of the National Motor Vehicle Title Information System (NMVTIS) concerning vehicles in their possession. The reports are required by statute, 49 U.S.C. section 30504(a) and (b), to provide the vehicle identification numbers, the date on which the vehicle was obtained, and the name of the individual or entity from whom the vehicle was obtained. Salvage and junk yard operators are also required to provide a statement of whether the automobile was crushed or disposed of for sale or other purposes. Insurance carriers are also required to provide the name of the owner of the automobile at the time the report is filed.

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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

**RIN:** 1105–AA71

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**1528. CLAIMS UNDER THE RADIATION EXPOSURE COMPENSATION ACT AMENDMENTS OF 2000: TECHNICAL AMENDMENTS; EXPANSION OF COVERAGE TO URANIUM MILL WORKERS AND ORE TRANSPORTERS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 2210 note, Radiation Exposure Compensation Act; PL 106-245, Radiation Exposure Compensation Act Amendments of 2000; PL 106-553, Consolidated Appropriations Act for Fiscal Year 2001

**CFR Citation:** 28 CFR 79

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

**Abstract:** The Department is amending existing regulations to implement the Radiation Exposure Compensation Act Amendments of 2000, enacted on July 10, 2000. The Department is issuing two related rulemakings under this RIN to implement the Act. The first of the two related rulemakings is a final rule, technical in nature, providing conforming amendments (CIV 100). These technical revisions: (1) Expand the list of radiogenic and chronic diseases that are currently compensable for “downwinder” and “onsite participant” claimants; (2) lower the radiation exposure threshold for “uranium miner” claimants; (3) enlarge the number of uranium mining states where miners may be eligible for compensation; (4) include “aboveground” miners within the definition of “uranium miner”; (5) eliminate smoking distinctions for all claimants; (6) amend the list of geographical areas to provide additional radiation-affected areas for “downwinder” claimants; (7) modify the burden of proof for purposes of claims processing; (8) allow claimants who have previously been denied compensation to file up to three times; and (9) make other technical revisions consistent with the amended Act. The second related rulemaking under this RIN is a proposed rule (CIV 101) expanding compensation to two new claimant categories: Uranium mill workers and individuals involved in the transport of uranium ore or vanadium-uranium ore. These amendments: (1) Set forth eligibility criteria for the new claimant categories; (2) provide definitions explaining the types of mill-related and ore-transporting employment that would be compensable under the Act; (3) describe the documentation that would be required to establish proof of employment in a uranium mill or as an ore transporter; (4) determine the medical documentation necessary to establish the existence of renal cancer and chronic renal disease; and (5) provide clarification of the attorney fee provision contained in section 9 of the amended law.

On March 22, 1999, the Department published a final rule in the Federal Register, 64 FR 13686, amending its existing regulations to allow the use of pathology reports of tissue biopsies as evidence of disease; include “in situ” lung cancers under the definition of primary cancers of the lung; and to allow claimants whose claims had been denied prior to the implementation of the regulations to file another three times. Both rulemakings (CIV 100 and CIV 101) will make changes to Department regulations in addition to the changes that had been made by the 1999 final rule.

**Timetable:**

| CIV 100 - Technical Amendments | Final Action | 06/00/02 |
| CIV 101 - Expansion of Coverage | NPRM | 06/00/02 |

| NPRM Comment Period End | 08/00/02 |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Dianne S. Spellberg, Trial Attorney, Department of Justice, Room 3123, 1425 New York Avenue NW, Washington, DC 20005 Phone: 202 616-4129 Fax: 202 616-4313 Email: dianne.spellberg@usdoj.gov

**RIN:** 1105–AA75
1529. FOREIGN AGENTS REGISTRATION ACT; REGULATIONS REVISED AND CLARIFIED TO REFLECT CHANGES IN THE LAW

Priority: Substantive, Nonsignificant
Legal Authority: 22 USC 611 et seq
Foreign Agents Registration Act of 1938

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

Legal Deadline: None
Abstract: As a result of the passage of the Lobbying Disclosure Act of 1995 (LDA) and the Lobbying Disclosure Technical Amendments Act of 1998 (LDTAA), the Foreign Agents Registration Unit of the Criminal Division is issuing new regulations concerning changes in the Foreign Agents Registration Act (FARA), as amended, 22 U.S.C. 611, et seq. These regulations replace the term "political propaganda" in the existing regulations with "informational materials" as provided in the LDA and make other changes to the FARA regulations required by the passage of the LDA and the LDTAA. The regulations also make other modifications to the existing regulations to facilitate the administration of FARA.

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

Additional Information: CFR CITATIONS CONT: 28 CFR 5.307; 28 CFR 5.400(a) to (c); 28 CFR 5.401; 28 CFR 5.402(a) to (g); 28 CFR 5.500(a)(4); 28 CFR 5.600; 28 CFR 5.601(a); 28 CFR 5.601(b).

Agency Contact: Marshall R. Williams, Chief, Registration Unit, Internal Security Section, Criminal Division, Department of Justice, Room 9300, 1400 New York Avenue NW, Washington, DC 20530
Phone: 202 514-1216
RIN: 1105–AA45

1530. 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 the 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.

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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
disproportionately high storage and maintenance costs for seized property pending forfeiture.

Third, this rule consolidates previously existing forfeiture regulations of the INS, DEA, and the FBI in order to achieve greater consistency and promote overall fairness in the administrative forfeiture process by avoiding unnecessary differences in component procedures.

Fourth, the rule updates the forfeiture regulations by adding 18 U.S.C. section 981 seizure-forfeiture authority for INS in light of CAFRA’s expansion of 18 U.S.C. section 981(a)(1)(C) forfeiture authority, which now includes proceedings of Immigration and Nationality Act offenses and visa and passport fraud offenses. The rule also adds seizure-forfeiture authority for FBI and INS in 18 U.S.C. section 1594 cases (forfeiture of property involved inpeonage and slavery (P.L. 106-386; 114 Stat. 1464 (October 28, 2000)). In addition, to reflect reorganization of INS, the rule replaces references to INS Regional Directors with references to the INS Director, Asset Forfeiture Office.

Fifth, the rule modifies the regulations at 28 CFR part 9 governing petitions for remission or mitigation of forfeiture to refer only to DEA’s “Forfeiture Counsel” as the pertinent official in DEA’s forfeiture cases; to replace the reference to “INS Regional Directors” with “INS Director Asset Forfeiture Office or designee,” as the pertinent official with authority to grant remission or mitigation in INS administrative forfeiture cases; to incorporate where applicable CAFRA’s statutory criteria for innocent ownership; and to provide discretionary authority for the Ruling Officer to waive the payment of forfeiture-related costs and expenses as a condition of remission in cases in which the petitioner is a victim of the underlying offense.

This rule also proposes that private prisoner transport companies comply with minimum standards for the use of restraints while transporting violent prisoners, and establishes categories of violent offenders required to wear identifying clothing. Further, the rule proposes a minimum guard-to-offender ratio that must be observed while transporting violent prisoners, and proposes that private prisoner transport companies comply with standards regarding employee uniforms and employee identification.

In addition, the rule proposes to require private prisoner transport companies to notify local law enforcement officials 24 hours in advance of any scheduled stops in their jurisdiction when transporting violent prisoners. In the event of an escape by a violent offender, the proposed rule requires the private prisoner transport company personnel immediately to notify appropriate law enforcement officials in the jurisdiction where the escape occurs, as well as the governmental entity that contracted with the private prisoner transport company for the transport of the escaped violent prisoner.

Finally, the rule proposes that private prisoner transport companies adopt certain minimum standards in order to protect the safety of violent prisoners in accordance with applicable Federal and State law.

1532. ESTABLISHMENT OF MINIMUM SAFETY AND SECURITY STANDARDS FOR PRIVATE COMPANIES THAT TRANSPORT VIOLENT PRISONERS

Priority: Other Significant

Legal Authority: PL 106-560

CFR Citation: 20 CFR 97


Abstract: This rule proposes to implement the Interstate Transportation of Dangerous Criminals Act of 2000, Public Law 106-560 (114 Stat. 2784) (enacted December 21, 2000). In that Act, Congress found that State and local jurisdictions are increasingly turning to private companies to transport their violent prisoners, and that escapes have occurred. Congress determined that minimum regulations for the private prisoner transport industry were necessary to provide protection against risks to the public that are inherent in the transportation of violent prisoners and to assure the safety of those being transported.

Accordingly, this rule proposes that private prisoner transport companies comply with minimum standards for background checks and preemployment drug testing for potential employees, provide minimum standards for the length and type of employee training, and establish restrictions on the number of hours that transportation employees can be on duty during a given time period.

This rule proposes that private prisoner transport companies comply with minimum standards for the use of restraints while transporting violent prisoners, and establishes categories of violent offenders required to wear identifying clothing. Further, the rule proposes a minimum guard-to-offender ratio that must be observed while transporting violent prisoners, and proposes that private prisoner transport companies comply with standards regarding employee uniforms and employee identification.

In addition, the rule proposes to require private prisoner transport companies to notify local law enforcement officials 24 hours in advance of any scheduled stops in their jurisdiction when transporting violent prisoners. In the event of an escape by a violent offender, the proposed rule requires the private prisoner transport company personnel immediately to notify appropriate law enforcement officials in the jurisdiction where the escape occurs, as well as the governmental entity that contracted with the private prisoner transport company for the transport of the escaped violent prisoner.

Finally, the rule proposes that private prisoner transport companies adopt certain minimum standards in order to protect the safety of violent prisoners in accordance with applicable Federal and State law.

1533. REGULATIONS UNDER THE DNA ANALYSIS BACKLOG ELIMINATION ACT OF 2000

Priority: Other Significant

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

CFR Citation: 28 CFR 28

Legal Deadline: Other, Statutory, April 18, 2001, Determination of qualifying Federal offenses.

Final, Statutory, June 17, 2001, Commencement of collection of DNA samples.

Abstract: This rule implements section 3 of Public Law 106-546, the DNA Analysis Backlog Elimination Act of 2000 (the Act). The rule specifies the Federal offenses that will be treated as qualifying offenses for purposes of collecting DNA samples from Federal offenders, sets forth the responsibilities of the Bureau of Prisons for collecting DNA samples from individuals in its custody, and sets forth related responsibilities of the Federal Bureau of Investigation for analyzing and indexing DNA samples.

All 50 States authorize the collection and analysis of DNA samples from convicted State offenders and entry of resulting information into the Combined DNA Index System (CODIS), which the Federal Bureau of Investigation (FBI) has established pursuant to 42 U.S.C. 14132. Until recently, however, there was no statutory authorization to collect DNA samples from convicted Federal, military, and District of Columbia offenders. Congress acted to fill this gap in the DNA identification system through provisions of the Act.

Section 3 of the Act addresses the categories of Federal offenders from whom DNA samples will be collected, the responsibility of the Bureau of Prisons (BOP) and Federal probation offices to collect DNA samples from offenders in their custody or supervision, and the responsibility of the FBI to analyze and index DNA samples. This rule is issued pursuant to subsection (e) of section 3, which provides that, with the exception of the activities of the probation offices, the section shall be carried out under regulations prescribed by the Attorney General. The rule also addresses certain responsibilities of BOP and the FBI under other sections of the Act, which are closely related to the matters addressed in section 3.

The rule adds a new part 28 to title 28 of the Code of Federal Regulations relating to the DNA identification system. The new part contains subparts A and B, which relate respectively to the Federal offenses for which DNA samples will be collected and the responsibilities of BOP and the FBI in collecting, analyzing, and indexing DNA samples.

Further, section 503 of the USA PATRIOT Act, Public Law 107-56, 115 Stat. 272, amended the DNA Analysis Backlog Elimination Act of 2000 to include terrorism crimes and crimes of violence generally as qualifying offenses for the purpose of collecting DNA samples from federal offenders. The Department will be publishing second interim rule to reflect this statutory expansion of DNA sample collection.

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Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

RIN: 1105-AA78

1534. SCREENING OF ALIENS AND OTHER DESIGNATED INDIVIDUALS SEEKING FLIGHT TRAINING

Priority: Other Significant

Legal Authority: PL 107-71, sec 113

CFR Citation: 28 CFR 105

Legal Deadline: None

Abstract: On November 19, 2001, Congress enacted the Aviation and Transportation Security Act (ATSA), Public Law 107-71. Upon enactment, section 113 of ATSA, 49 U.S.C. 44939, imposed notification and reporting requirements on certain persons who provide aviation training to aliens and other specified individuals. Under this section, certain aviation training providers subject to regulation by the Federal Aviation Administration (FAA) are prohibited from providing training to aliens and other designated individuals in the operation of aircraft with a maximum certificated takeoff weight of 12,500 pounds or more, unless they provide prior notification to the Attorney General. This interim rule implements a process by which aviation training providers may provide the required notification and resume instruction for candidates who do not appear to pose a risk to aviation and national security.

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Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Keith E. Halsey, Department of Justice, Federal Bureau of Investigation, Mailbox 27, Washington, DC 20535
Phone: 703 414-9535

RIN: 1105-AB80

1535. GUIDELINES FOR THE CAMPUS SEX CRIMES PREVENTION ACT AMENDMENT TO THE JACOB WETERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDER REGISTRATION ACT

Priority: Info./Admin./Other

Legal Authority: 42 USC 14071

CFR Citation: None

Legal Deadline: None

Abstract: These guidelines implement an amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act enacted by the Campus Sex Crimes Prevention Act (CSCPA), Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 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 current Wetterling Act guidelines were published on January 5, 1999, in the
Federal Register (64 FR 572, with corrections at 64 FR 3590), States that fail to comply with the Wetterling Act’s requirements (as implemented and explained in the Attorney General’s guidelines) are subject to a mandatory 10 percent reduction of the formula grant funding available under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program (42 U.S.C. 3756), which is administered by the Bureau of Justice Assistance of the Department of Justice.

Subsequent to the publication of the current Wetterling Act guidelines, the Wetterling Act was amended by the Campus Sex Crimes Prevention Act (the CSCPA), Public Law 106-386, div. B, section 1601, 114 Stat. 1464, 1537 (2000). The CSCPA provides special requirements relating to registration and community notification for sex offenders who are enrolled in or work at institutions of higher education. These supplementary guidelines are necessary to take account of the CSCPA amendment to the Wetterling Act. The deadline for state compliance with the CSCPA amendment is October 27, 2002.

The CSCPA provisions appear in subsection (j) of the Wetterling Act (42 U.S.C. 14071(j)). As provided in subsection (j), any person required to register under a State sex offender registration program must notify the State concerning each institution of higher education (i.e., post-secondary school) in the State at which the person is a student or works, and of each change in enrollment or employment status of the person at such an institution.

**Timetable:**

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**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–AA81

**Department of Justice (DOJ)**

**Legal Activities (LA)**

1536. WAIVER FOR FIREARM PROHIBITION ON NONIMMIGRANT VISA HOLDERS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 28 CFR 25

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Timetable:** Next Action Undetermined

1537. SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001

**Priority:** Economically Significant. Major under 5 USC 601.

**Legal Authority:** Title IV of PL 107-42; 49 USC 40101, note

**CFR Citation:** 28 CFR 104

**Legal Deadline:** Other, Statutory. December 21, 2001, Interim final regulations.

**Abstract:** Shortly after the September 11, 2001, terrorist attacks, the President signed the “September 11th Victim Compensation Fund of 2001” (the Fund) into law as title IV of Public Law 107-42 (“Air Transportation Safety and System Stabilization Act”) (the Act). The Act authorizes compensation to any individual (or the personal representative of a deceased individual) who was physically injured or killed as a result of the terrorist-related aircraft crashes on that day. The Department, in consultation with the Special Master, issued certain procedural rules so the Special Master could commence operations of the program as soon as practicable. In order to allow the Special Master to begin distributing funds, the Department issued these rules as an Interim Final Rule on December 21, 2001 at 66 FR 66274. As part of the Interim Rule, the Department and the Special Master solicited public comments.

**Timetable:**

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Regulatory Flexibility Analysis  
**Required:** No  
**Government Levels Affected:** Federal, State, Local  
**Agency Contact:** Paul Clinton Harris  
Sr., Deputy Assistant Attorney General,  
Civil Division, Department of Justice,  
Main Building, Room 3129, 950  
Pennsylvania Avenue NW, Washington,  
DC 20530  
**Phone:** 202 514-5421  
**Fax:** 202 514-8071  
**Email:** paulharris@usdoj.gov  
**RIN:** 1105–AA79

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

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

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<tr>
<th>Action</th>
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<tr>
<td>Interim Final Rule</td>
<td>09/24/96</td>
<td>61 FR 49969</td>
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<td>Correction</td>
<td>10/18/96</td>
<td>61 FR 54333</td>
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<td>10/24/96</td>
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**Regulatory Flexibility Analysis**  
**Required:** No  
**Small Entities Affected:** Governmental Jurisdictions  
**Government Levels Affected:** Tribal  
**Agency Contact:** Philip Merkle, Special Advisor to the Director, Department of Justice, Office of Justice Programs, Correction Program Office, 810 7th Street NW, Washington, DC 20531  
**Phone:** 202 305-2550  
**RIN:** 1121–AA41

<table>
<thead>
<tr>
<th>1539. PUBLIC SAFETY OFFICERS’ BENEFITS PROGRAM</th>
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<tbody>
<tr>
<td><strong>Priority:</strong> Economically Significant. Major under 5 USC 801.</td>
</tr>
<tr>
<td><strong>Legal Authority:</strong> 42 USC 3711 et seq</td>
</tr>
<tr>
<td><strong>CFR Citation:</strong> 28 CFR 32</td>
</tr>
<tr>
<td><strong>Legal Deadline:</strong> None</td>
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<tr>
<td><strong>Abstract:</strong> 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. As the result of the 9/11/01 terrorist attacks, the PSOB program is expected to make awards totaling more than $100 million this year.</td>
</tr>
</tbody>
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**Timetable:**

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<td>Regulatory Flexibility Analysis Required</td>
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<td><strong>Government Levels Affected:</strong> None</td>
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<tr>
<td><strong>Agency Contact:</strong> Harri J. Kramer, Deputy Director, Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, 810 7th Street, NW, Washington, DC 20531</td>
<td></td>
<td></td>
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<tr>
<td><strong>Phone:</strong> 202 616-6500</td>
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| **RIN:** 1121–AA56

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<tr>
<th>1540. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)</th>
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<tbody>
<tr>
<td><strong>Priority:</strong> Substantive, Nonsignificant</td>
</tr>
<tr>
<td><strong>Legal Authority:</strong> PL 103-355, sec 2455; EO 12549</td>
</tr>
<tr>
<td><strong>CFR Citation:</strong> Not Yet Determined</td>
</tr>
<tr>
<td><strong>Legal Deadline:</strong> None</td>
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<tr>
<td><strong>Abstract:</strong> The Department of Justice will be adopting the proposed common rule on debarment and suspension, as promulgated by another agency, as a cost-saving and efficiency matter. The rule, as adopted, would limit the mandatory lower-tier application of an exclusion to the first procurement level under a nonprocurement covered transaction. Second, this proposed common rule on debarment and suspension would set the dollar threshold on prohibited lower-tier procurement transactions with excluded persons at $25,000. Third, both this proposed rule on debarment and suspension, and the proposed rule on drug-free workplace requirements, would eliminate the mandate for agencies and participants to obtain written certifications from awardees or persons with whom they propose to enter into covered transactions. Fourth, the proposed rule on drug-free workplace requirements would be separated from this proposed rule on debarment and suspension.</td>
</tr>
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**Timetable:**

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<td>Regulatory Flexibility Analysis Required</td>
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### 1542. VICTIMS OF CRIME ACT (VOCA) PROGRAM REGULATIONS FOR THE VICTIM COMPENSATION GRANT PROGRAM; AND VICTIM ASSISTANCE PROGRAM

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 10604, sec 1407(a), Victims of Crime Act  
**CFR Citation:** Not Yet Determined  

**Abstract:** Victims of Crime Act (VOCA) funds are obtained from the Crime Victims Fund in the U.S. Treasury, which consists of fines, fees, and bond forfeitures from Federal offenders. The program regulations for the Victim Compensation Grant Program provide the parameters under which State agencies may use these funds to reimburse crime victims directly for expenses related to crime. Expenses that must be covered are lost wages, medical and mental health costs, and funeral and burial costs. States, at their discretion, may cover loss of support, crime scene cleanup, and other such expenses. The Victim Assistance Program Regulations provide the parameters under which State agencies may use these funds to provide direct services to crime victims. Local programs include child abuse, homicide survivor, drunk driving, sexual assault, and domestic violence. More than 3 million crime victims are served through these grants. Costs to States are limited, as the VOCA grant provides for administrative costs for these programs.  

**Timetable:**  

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**Regulatory Flexibility Analysis Required:** No  

**Small Entities Affected:** No  

**Government Levels Affected:** State

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### 1543. VIOLENCE AGAINST WOMEN GRANT PROGRAMS

**Priority:** Economically Significant. Major under 5 USC 801.  
**Legal Authority:** PL 106-386, Violence Against Women Act of 2000  
**CFR Citation:** 28 CFR 90  

**Abstract:** This proposed rule updates the existing regulations for the STOP (Services, Training, Officers, Prosecutors) Violence Against Women Formula Grant Program, the STOP Violence Against Indian Women Discretionary Grant Program, the Grants to Encourage Arrest Policies Program, and the Grants to Combat Violent Crimes Against Women on Campuses Program, to incorporate statutory changes pursuant to the Violence Against Women Act of 2000. The purpose of the original Violence Against Women Act of 1994 was to improve the criminal justice system's response to domestic violence, sexual assault, and stalking, and to increase the availability of services to victims of these crimes. VAWA 2000 reauthorized existing grant programs created under VAWA 1994, established new grant programs, and strengthened various provisions of Federal law. These grant programs are expected to award a total of over $100 million per year.  

**Timetable:**  

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**Regulatory Flexibility Analysis Required:** No  

**Small Entities Affected:** No  

**Government Levels Affected:** No

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**Agency Contact:** Linda Fallowfield, Attorney-Advisor, Department of Justice, Office of Justice Programs, Office of the General Counsel, 810 7th Street NW, Washington, DC 20531  
**Phone:** 202 305-2534  
**RIN:** 1121–AA57

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**Agency Contact:** Alan M. Fisher, Attorney Advisor, Department of Justice, Office of Justice Programs, Office of the General Counsel, 810 Seventh Street NW, Room 5341, Washington, DC 20531  
**Phone:** 202 616-3540  
**Fax:** 202 307-1419  
**Email:** fisheral@ojp.usdoj.gov  
**RIN:** 1121–AA59

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**Agency Contact:** Marnie Shiels, Attorney-Advisor, Department of Justice, Office of Justice Programs, Violence Against Women Office, 810 7th Street NW, Washington, DC 20531  
**Phone:** 202 514-6383  
**RIN:** 1121–AA61
### Department of Justice (DOJ)
#### Office of Justice Programs (OJP)

**1544. 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 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:**

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**RIN:** 1121–AA48

**1545. 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

**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

**End of Comment Period**

**RIN:** 1121–AA52

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

**1546. INTERNATIONAL TERRORISM VICTIM COMPENSATION PROGRAM**

**Priority:** Other Significant  
**Legal Authority:** 42 USC 10603c, sec 1404c; PL 104-208, (Victims of Trafficking and Violence Protection Act of 2000)  
**CFR Citation:** None  
**Legal Deadline:** None

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

**Timetable:**

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**Regulatory Flexibility Analysis**  
**Required:** No

**End of Comment Period**

**RIN:** 1121–AA63
1547. EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE

Priority: Substantive, Nonsignificant

CFR Citation: 28 CFR 32

Completed:

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Regulatory Flexibility Analysis
Required: No

Government Levels Affected: State

Agency Contact: Linda Fallowfield
Phone: 202 305-2534

RIN: 1121–AA60

[FR Doc. 02–8713 Filed 05–10–02; 8:45 am]

BILLING CODE 4410–BP–S