



# Federal Register

---

**Thursday,  
November 30, 2000**

---

**Part XI**

**Department of  
Justice**

---

**Semiannual Regulatory Agenda**

**DEPARTMENT OF JUSTICE (DOJ)**

**DEPARTMENT OF JUSTICE**

**8 CFR Ch. I**

**21 CFR Ch. I**

**28 CFR Ch. I**

**Regulatory Agenda**

**AGENCY:** Department of Justice.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Department of Justice is publishing its October 2000 regulatory agenda pursuant to E.O. 12866 “Regulatory Planning and Review,” 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. sections 601-612 (1988).

**FOR FURTHER INFORMATION CONTACT:** Robert Hinchman, Senior Counsel,

Office of Policy Development, Department of Justice, Room 4258, 950 Pennsylvania Avenue NW., Washington, DC 20530, (202) 514-8059.

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

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

upon a substantial number of small entities and are to be reviewed under section 610 of the Act during the succeeding 12 months. This edition of the Department’s Unified Agenda includes one regulation requiring such a review: “Reduction of the Number of Acceptable Documents and Other Changes to Employment Verification Requirements” (RIN 1115-AB73). In accordance with the RFA, comments are specifically invited on this regulation. Those comments should be addressed to the contact person listed in the entry for this item.

**Dated:** September 21, 2000.

**Eleanor D. Acheson,**

*Assistant Attorney General, Office of Policy Development.*

**Bureau of Prisons—Proposed Rule Stage**

Sequence Number	Title	Regulation Identification Number
1935	Drug Abuse Treatment Programs: Disincentives and Enhanced Incentives .....	1120-AA88
1936	Classification and Program Review .....	1120-AA93
1937	Drug Testing Program .....	1120-AA95
1938	Release of Information .....	1120-AA96
1939	Administrative Remedy Program: Applicability to Contract Facilities .....	1120-AA97
1940	Searching and Detaining or Arresting Persons Other Than Inmates: Denial of Visiting .....	1120-AB01
1941	Literacy Program: GED Requirements .....	1120-AB02
1942	Infectious Disease Management .....	1120-AB03
1943	District of Columbia Educational Good Time Credit .....	1120-AB05
1944	Suicide Prevention Program .....	1120-AB06

**Bureau of Prisons—Final Rule Stage**

Sequence Number	Title	Regulation Identification Number
1945	Volunteer Community Service Projects .....	1120-AA03
1946	Intensive Confinement Centers .....	1120-AA11
1947	Incoming Publications .....	1120-AA15
1948	Infectious Diseases .....	1120-AA23
1949	Postsecondary Education Programs .....	1120-AA25
1950	Literacy Program .....	1120-AA33
1951	Telephone Regulations and Inmate Financial Responsibility .....	1120-AA49
1952	Incoming Publications: Nudity and Sexually Explicit Material or Information .....	1120-AA59
1953	Good Conduct Time .....	1120-AA62
1954	Drug Abuse Treatment and Intensive Confinement Center Programs: Early Release Consideration .....	1120-AA66
1955	Administrative Remedy Program: Excluded Matters .....	1120-AA72
1956	Visiting Regulations: Prior Relationship .....	1120-AA77
1957	Smoking/No Smoking Areas .....	1120-AA79
1958	Over-the-Counter (OTC) Medications .....	1120-AA81
1959	Administrative Safeguards for Psychiatric Treatment and Medication; Military Prisoners and District of Columbia Code Violators .....	1120-AA83
1960	Designation of Offenses Subject to Sex Offender Release Notification .....	1120-AA85
1961	Inmate Commissary Account Deposit Procedures .....	1120-AA86
1962	Searches of Housing Units, Inmates, Inmate Work Areas, and Persons Other Than Inmates: Electronic Devices ...	1120-AA90

## DOJ

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

Sequence Number	Title	Regulation Identification Number
1963	Occupational Educational Programs .....	1120-AA92
1964	Correspondence: Inspection of Outgoing General Correspondence .....	1120-AA98
1965	Release Gratuities, Transportation, and Clothing: Aliens .....	1120-AA99
1966	Religious Beliefs and Practices: Nomenclature Change .....	1120-AB04

## Bureau of Prisons—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1967	Telephone Regulations and Inmate Financial Responsibility .....	1120-AA39

## Bureau of Prisons—Completed Actions

Sequence Number	Title	Regulation Identification Number
1968	Inmate Discipline: Prohibited Acts .....	1120-AA78
1969	Civil Contempt of Court Commitments .....	1120-AA87
1970	Federal Tort Claims Act .....	1120-AA94

## Civil Rights Division—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1971	Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities .....	1190-AA44
1972	Nondiscrimination on the Basis of Disability in State and Local Government Services ( <b>Reg Plan Seq. No. 70</b> ) .....	1190-AA46
1973	Nondiscrimination on the Basis of Disability in State and Local Government Services; Public Accommodations and Commercial Facilities; Accessibility Standards; Recreation Facilities .....	1190-AA47
1974	American Competitiveness and Workforce Improvement Act of 1998 Complaint Process; Change to Document Abuse Definition Pursuant to the Illegal Immigration Reform and Immigrant Responsibility Act .....	1190-AA48
1975	Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, and Age in Programs and Activities Receiving Federal Financial Assistance .....	1190-AA49
1976	Nondiscrimination on the Basis of Disability in State or Local Government Facilities; Public Accommodations and Commercial Facilities; Accessibility Standards; Play Areas .....	1190-AA50

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

## Civil Rights Division—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1977	Nondiscrimination on the Basis of Disability in State and Local Government Services .....	1190-AA36

## Civil Rights Division—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1978	Amendment to Nondiscrimination in Federally Assisted Programs and Activities—Implementation of Title VI of the Civil Rights Act of 1964 .....	1190-AA31

## DOJ

## Civil Rights Division—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identification Number
1979	Amendment to Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964 .....	1190-AA32

## Civil Rights Division—Completed Actions

Sequence Number	Title	Regulation Identification Number
1980	Nondiscrimination on the Basis of Sex in Federally Assisted Programs and Activities—Implementation of Title IX of the Education Amendments of 1972 .....	1190-AA28

## Drug Enforcement Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1981	Guidelines for Providing Controlled Substances to Ocean Vessels .....	1117-AA40
1982	Sale by Federal Departments or Agencies of Chemicals Usable to Manufacture a Controlled Substance .....	1117-AA47
1983	Placement of Gamma-Butyrolactone in List I of the Controlled Substances Act (21 U.S.C. 802) .....	1117-AA52
1984	Waiver of Advance Notification Requirement to Import Acetone, 2-Butanone (MEK), and Toluene .....	1117-AA53
1985	Use of Marijuana for Industrial Purposes .....	1117-AA55
1986	Exemption from Import/Export Requirements for Personal Medical Use .....	1117-AA56
1987	Control of Red Phosphorus, White Phosphorus, and Hypophosphorous Acid (and Its Salts) as List I Chemicals ....	1117-AA57

## Drug Enforcement Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1988	Definition and Registration of Disposers .....	1117-AA19
1989	Exemption of Chemical Mixtures .....	1117-AA31
1990	Registration and Reregistration Application Fees .....	1117-AA34
1991	Establishment of Freight Forwarding Facilities for DEA Distributing Registrants .....	1117-AA36
1992	Implementation of the Methamphetamine Control Act; Regulation of Pseudoephedrine, Phenylpropanolamine, and Combination Ephedrine Drug Products; Reports of Certain Transactions to Nonregulated Persons .....	1117-AA44
1993	Chemical Registration and Reregistration Fees .....	1117-AA50
1994	Facsimile Transmission of Prescriptions for Patients Enrolled in Hospice Programs .....	1117-AA54

## Drug Enforcement Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1995	Listed Chemicals; Final Establishment of Thresholds for Iodine and Hydrochloric Gas (Hydrogen Chloride Gas) ....	1117-AA43

## Drug Enforcement Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
1996	Schedules of Controlled Substances: Exempt Anabolic Steroid Products .....	1117-AA51

**DOJ**

## Executive Office for Immigration Review—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1997	Authority of Immigration Judges To Issue Civil Money Penalties .....	1125-AA18
1998	Authorities Delegated to the Director of the Executive Office for Immigration Review .....	1125-AA27
1999	212(c) Relief for Certain Aliens in Deportation Proceedings On or Before April 24, 1996 .....	1125-AA29

## Executive Office for Immigration Review—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2000	Suspension of Deportation and Cancellation of Removal .....	1125-AA25

## Executive Office for Immigration Review—Completed Actions

Sequence Number	Title	Regulation Identification Number
2001	Discipline of Attorneys and Representatives .....	1125-AA13

## Federal Bureau of Investigation—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2002	Implementation of Sections 104 and 109 of the Communications Assistance for Law Enforcement Act .....	1110-AA00
2003	Implementation of the National Stolen Passenger Motor Vehicle Information System (NSPMVIS) .....	1110-AA01

## Federal Bureau of Investigation—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2004	Operation of the National Instant Criminal Background Check System .....	1110-AA02
2005	Implementation of the Pam Lychner Sexual Offender Tracking and Identification Act .....	1110-AA04

## Federal Bureau of Investigation—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2006	Federal Convicted Offender DNA Data Base Program .....	1110-AA03

## Immigration and Naturalization Service—Prerule Stage

Sequence Number	Title	Regulation Identification Number
2007	Expansion of Expedited Removal of Certain Criminal Aliens Held in Federal, State, and Local Jails .....	1115-AF50

## DOJ

## Immigration and Naturalization Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2008	Revised Grounds of Inadmissibility, Waivers for Immigrants and Nonimmigrants, and Exceptions ( <b>Reg Plan Seq. No. 71</b> ) .....	1115-AB45
2009	Nonimmigrant Classes; S Classification; Law Enforcement Initiatives; Alien Witnesses .....	1115-AD86
2010	Establishing Criteria for Determining Countries Whose Citizens are Ineligible for the Transit Without Visa (TWOV) Program .....	1115-AD96
2011	Employment Authorization Document Applications and Process .....	1115-AE06
2012	Inspection of Persons Applying for Admission; International-to-International User Fee .....	1115-AE37
2013	Definition of the Term "Lawfully Present" for Purposes of Eligibility for Public Benefits .....	1115-AE51
2014	Petition for Employment Creation Aliens .....	1115-AE56
2015	Filing Factual Statements About Alien Prostitutes .....	1115-AE60
2016	Use of Parole for Humanitarian Reason or Significant Public Benefit and Report to Congress .....	1115-AE68
2017	Regulations Pertaining to Battered Aliens and to Mail Order Bride Businesses, as Mandated by IIRIRA .....	1115-AE77
2018	En Route Inspections and Reimbursement for Immigration and Naturalization Service Costs .....	1115-AE98
2019	Special Immigrant Juvenile—Petitions .....	1115-AF11
2020	Progressive Clearance Stopovers .....	1115-AF23
2021	Documentary Requirements for Returning Residents .....	1115-AF26
2022	Availability of Material Under Freedom of Information Act and Privacy Act .....	1115-AF32
2023	Dismissal of Asylum Application for Unexcused Failure To Appear and Effect on Eligibility for Employment Authorization .....	1115-AF38
2024	H-1B Nonimmigrant Worker Complaints Regarding U.S. Employer Violations Under the American Competitiveness and Workforce Improvement Act .....	1115-AF40
2025	American Competitiveness and Workforce Improvement Act .....	1115-AF41
2026	Special Immigrant Status for Certain NATO Civilian Employees .....	1115-AF44
2027	Contracts With Transportation Lines .....	1115-AF46
2028	Adjustment of Fees for Services at Land Border Ports-of-Entry .....	1115-AF55
2029	Manifest Requirements and Imposition of Fines Under Section 231 of the Act .....	1115-AF57
2030	Adjustment of Certain Fees of the Immigration Examinations Fee Account .....	1115-AF61
2031	Regulations Regarding Authority to Grant Asylum to Certain Arriving Aliens .....	1115-AF64
2032	Entry Requirements for Citizens of the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau .....	1115-AF65
2033	Inadmissibility To Enter the United States for Former U.S. Citizens Who Renounced Citizenship to Avoid Taxation .....	1115-AF69
2034	Imposition of Fines for Violations of the Immigration and Nationality Act .....	1115-AF70
2035	Petitioning Requirements for the H-1C Nonimmigrant Classification Under Public Law 105-277 .....	1115-AF76
2036	Waivers of Fees .....	1115-AF81
2037	Adjustment of Service Fee for Fingerprinting for Immigration and Naturalization Benefits .....	1115-AF83
2038	Adding Actuaries and Plant Pathologists to Appendix 1603.D.1 of the North American Free Trade Agreement .....	1115-AF85
2039	Power of Attorney General to Terminate Deportation Proceedings and Initiate Renewal Proceedings .....	1115-AF87
2040	Establishment of Fee for Processing Genealogical Research Requests for INS Records .....	1115-AF88
2041	Regulation Concerning Establishing Asylum Eligibility .....	1115-AF92
2042	Concurrent Filing of Form I-140 and Form I-485 .....	1115-AF93

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

## Immigration and Naturalization Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2043	Reduction of the Number of Acceptable Documents and Other Changes to Employment Verification Requirements ( <b>Section 610 Review</b> ) ( <b>Reg Plan Seq. No. 72</b> ) .....	1115-AB73
2044	Adjustment of Status to That of Person Admitted for Permanent Residence: Conditional Residents and Fiance(e)s .....	1115-AC70
2045	Petitions for Employment-Based Immigrants .....	1115-AD55
2046	Fees for Participation in Dedicated Commuter Lanes at Selected Ports of Entry; Collection of Fees Under the Dedicated Commuter Lane Program .....	1115-AD82
2047	Adjustment of Status to That of Person Admitted for Permanent Residence; Temporary Removal of Certain Restrictions on Eligibility .....	1115-AD83
2048	90-Day Modified Inspection of Alien Crew Members .....	1115-AD95
2049	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 .....	1115-AE04

## DOJ

## Immigration and Naturalization Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
2050	Miscellaneous Modifications to Naturalization Regulations .....	1115-AE07
2051	Conditions on Nonimmigrant Status; Disclosure of Information .....	1115-AE17
2052	Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures .....	1115-AE47
2053	Agreement Promising Non-Deportation or Other Immigration Benefits .....	1115-AE50
2054	Petitioning Requirements for the H Nonimmigrant Classification .....	1115-AE52
2055	Affidavit of Support on Behalf of Immigrants .....	1115-AE58
2056	Suspension of Privilege To Transport Aliens to the United States .....	1115-AE59
2057	Implementation of Hernandez v. Reno Settlement Agreement; Certain Aliens Eligible for Family Unity Benefits After Sponsoring Family Member's Naturalization .....	1115-AE72
2058	Certification of Certain Health Care Workers .....	1115-AE73
2059	Establishment of Preinspected Automated Lane (PAL) Program at Immigration and Naturalization Service .....	1115-AE80
2060	Surrender of Aliens Ordered Removed From the United States .....	1115-AE82
2061	Early Release for Removal of Criminal Aliens in State Custody for Nonviolent Offenses .....	1115-AE83
2062	Amendment of the Regulatory Definition of Arriving Alien .....	1115-AE87
2063	Asylum Procedures .....	1115-AE93
2064	Adjustment of Status, Continued Validity of Nonimmigrant Status and Unexpired Employment Authorization for Applicants Maintaining Nonimmigrant H or L Status .....	1115-AE96
2065	Verification of Eligibility for Public Benefits .....	1115-AE99
2066	Fingerprinting Applicants and Petitioners for Immigration Benefits; Establishing a Fee for Fingerprinting by the Service .....	1115-AF03
2067	Processing, Detention, and Release of Juveniles .....	1115-AF05
2068	Suspension of Deportation and Special Rule Cancellation of Removal for Certain Nationals of Guatemala, El Salvador, and Former Soviet Bloc Countries .....	1115-AF14
2069	Change in Business Practices: Collection of Interest, Penalties, and Handling Charges for Delinquent Payment of Employer Sanctions Fines .....	1115-AF17
2070	Powers of the Attorney General To Authorize State or Local Law Enforcement Officers To Carry Out Immigration Enforcement .....	1115-AF20
2071	Elimination of Immigration and Naturalization Service-Issued Mexican and Canadian Border Crossing Cards and Consent to Reapply for Admission After Removal .....	1115-AF24
2072	Filing of Proposals for Designation as a Regional Center Approved To Participate in the Immigrant Investor Pilot Program .....	1115-AF27
2073	Nonimmigrant Visa Exemption for Nationals of the British Virgin Islands Entering the United States Through St. Thomas, United States Virgin Islands .....	1115-AF28
2074	Delegation of the Adjudication of Certain H-2A Petitions to the Department of Labor .....	1115-AF29
2075	Temporary Protected Status Amendments to the Requirements for Employment Authorization Fee and Other Technical Amendments .....	1115-AF37
2076	Regulations Concerning the Convention Against Torture .....	1115-AF39
2077	Interim Designation of Acceptable Receipts for Employment Eligibility Verification .....	1115-AF42
2078	Inadmissibility and Deportability on Public Charge Grounds .....	1115-AF45
2079	Adjustment of Status Under the 1966 Cuban Adjustment Act .....	1115-AF48
2080	Application for Refugee Status; Acceptable Sponsorship Agreement Guaranty of Transportation .....	1115-AF49
2081	Clarification of Parole Authority .....	1115-AF53
2082	Extending the Period of Duration of Status for Certain F and J Nonimmigrant Aliens .....	1115-AF54
2083	Conditional Residence of Lawful Permanent Residence for Certain Alien Spouses and Sons and Daughters; Battered and Abused Conditional Residents .....	1115-AF59
2084	Extension of 25-Mile Limit at Select Arizona Ports-of-Entry .....	1115-AF60
2085	Revoking Grants of Naturalization .....	1115-AF63
2086	Duplication and Electronic Generation of Forms .....	1115-AF66
2087	Registration and Fingerprinting of Aliens in the United States: Control of Employment of Aliens .....	1115-AF71
2088	National Interest Waivers for Second Preference Employment-Based Immigrant Physicians Serving in Medically Underserved Areas or at Department of Veterans' Affairs Facilities .....	1115-AF75
2089	Expansion of Dedicated Commuter Lanes; Clarification of Driver's License Requirement for Applicants to Dedicated Commuter Lanes and Automated Permit Port Programs .....	1115-AF77
2090	Waiving the Fingerprinting Requirement for Certain Disabled Naturalization Applicants .....	1115-AF80
2091	Detention of Aliens Order Removed .....	1115-AF82
2092	Implementation of the Numerical Limit on Asylum Grants and Refugee Admissions Based on Resistance to Coercive Population Control Measures .....	1115-AF84

## DOJ

## Immigration and Naturalization Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
2093	Adjustment of Status to That of Person Admitted for Permanent Residence; Sunset Date Under Section 245(i) of the Immigration and Nationality Act .....	1115-AF91
2094	Powers of Duties of Service Officers; Petition to Classify Alien as Immediate Relative of a U.S. Citizen or Preference Immigrant .....	1115-AF94

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

## Immigration and Naturalization Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2095	Visa Waiver Pilot Program .....	1115-AB93
2096	Employer Sanctions Modifications .....	1115-AE21
2097	Regulations Relating to Temporary Protected Status .....	1115-AE26
2098	Corporate Reorganizations (Mergers and Acquisitions) and E, H, L Nonimmigrant Classification .....	1115-AE55
2099	F-1 Visa Abusers and Foreign Students .....	1115-AE63
2100	Employment Verification by Employers That Are Members of a Multi-Employer Association .....	1115-AE67
2101	Limiting Liability for Certain Technical and Procedural Violations of Paperwork Requirements .....	1115-AE70
2102	Public Charge Bond Pilot Program .....	1115-AE78
2103	Extension of Deadline for Special Immigrant Religious Workers .....	1115-AF12
2104	Authorizing Suspension of Employment Authorization Requirements on the Basis of Severe Economic Hardship for F-1 Students and Emergent Circumstances .....	1115-AF15
2105	Nonimmigrant Classes: Q-2 Irish Peace Process Cultural and Training Program Visitor .....	1115-AF51
2106	Authorizing Collection of Fee Levied on F, J, and M Nonimmigrant Classifications Under Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) .....	1115-AF56
2107	Employment Authorization for Certificate of Citizenship Applicants .....	1115-AF90

## Immigration and Naturalization Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
2108	Admission of Certain Nurses Seeking Nonimmigrant Classification Under the H-1A Category .....	1115-AD74
2109	Rights of Habitual Residence Between the United States and the Governments of the Marshall Islands, Micronesia, and Palau .....	1115-AE61
2110	Collection of Fees Under the Dedicated Commuter Lane Program, Port Passenger Accelerated Service System (PORTPASS) Program .....	1115-AE71
2111	Adjustment of Status for Certain Polish or Hungarian Parolees .....	1115-AE74
2112	Control of Aliens Departing From the United States .....	1115-AE89
2113	Jurisdictional Change for the Los Angeles and San Francisco Asylum Offices .....	1115-AF18
2114	Treatment of Certain H Petitions Filed After the Numerical Cap Is Reached .....	1115-AF47
2115	Adjustment of Fees for the Land Border Inspection Fee Account .....	1115-AF62
2116	Landing Requirements for Passengers Arriving from Cuba .....	1115-AF72
2117	Fingerprinting Certain Applicants for a Replacement Permanent Resident Card (Form I-551) .....	1115-AF74

## Legal Activities—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2118	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 .....	1105-AA62
2119	Waiver for Firearm Prohibition On Non-Immigrant Visa Holders .....	1105-AA66
2120	Motor Vehicle Salvage Regulations .....	1105-AA71

## DOJ

## Legal Activities—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
2121	Claims Under the Radiation Exposure Compensation Act Amendments of 2000: Technical Amendments; Expansion of Coverage to Uranium Mill Workers and Ore Transporters .....	1105-AA75

## Legal Activities—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2122	Federal Claims Collection Standards (FCCS) .....	1105-AA31
2123	Foreign Agents Registration Act; Regulations Revised and Clarified To Reflect Changes in the Law .....	1105-AA45
2124	Designation of Agencies To Receive and Investigate Reports Required Under the Protection of Children From Sexual Predators Act .....	1105-AA65
2125	Ethical Standards for Attorneys for the Government .....	1105-AA67
2126	Enhanced Notice and Release Procedures for Owners of Seized Property Pursuant to the CAFRA of 2000; Disposition of Seized Property Too Costly to Maintain; Consolidation of Department Regulations .....	1105-AA74
2127	Access to Documents by Former Employees of the Department .....	1105-AA76

## Legal Activities—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2128	Violent Crime and Drug Emergency Areas .....	1105-AA29
2129	False Claims Amendments Act of 1986—Civil Investigative Demands .....	1105-AA42

## Legal Activities—Completed Actions

Sequence Number	Title	Regulation Identification Number
2130	United States Marshals Service Fee for Services .....	1105-AA64
2131	Accidental Release Prevention Requirements; Risk Management Programs Under the Clean Air Act Section 112(r)(7) Distribution of Off-Site Consequence Analysis Information .....	1105-AA70
2132	Rules Governing Petitions for Executive Clemency: Capital Cases .....	1105-AA72
2133	Rules Governing Executive Clemency: Victim Notification .....	1105-AA73

## Office of Justice Programs—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2134	Grants Program for Indian Tribes .....	1121-AA41
2135	Bulletproof Vest Partnership Grant Act of 1998 .....	1121-AA48
2136	Environmental Impact Review Procedures for the VOI/TIS Grant Program .....	1121-AA52

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

**Proposed Rule Stage**

**1935. 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:**

Action	Date	FR Cite
NPRM	09/20/00	65 FR 56840
NPRM Comment Period End	11/20/00	
Final Action	01/00/01	
Final Action Effective	02/00/01	

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
 Phone: 202 514-6655

**RIN:** 1120-AA88

**1936. CLASSIFICATION AND PROGRAM REVIEW**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 3521 to 3528; 21 USC 848; 28 USC 509 to 510; 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

**CFR Citation:** 28 CFR 524; 28 CFR 571

**Legal Deadline:** None

**Abstract:** This rule revises the Bureau's regulations on classification and program review in order to restate the provisions more plainly and to integrate into the regulations provisions pertinent to the inmate's release preparation needs. This amendment is intended to remove unnecessary

regulations and to ensure that classification and program review procedures adequately address the apparent needs of the inmate.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	
NPRM Comment Period End	01/00/01	
Final Action	04/00/01	
Final Action Effective	05/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
 Phone: 202 514-6655

**RIN:** 1120-AA93

**1937. DRUG TESTING PROGRAM**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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

**CFR Citation:** 28 CFR 550

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/21/00	65 FR 57126
NPRM Comment Period End	11/20/00	
Final Action	02/00/01	
Final Action Effective	03/00/01	

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
 Phone: 202 514-6655

**RIN:** 1120-AA95

**1938. RELEASE OF INFORMATION**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**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.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	
NPRM Comment Period End	12/00/00	
Final Action	02/00/01	
Final Action Effective	02/00/01	

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
 Phone: 202 514-6655

**RIN:** 1120-AA96

**1939. ADMINISTRATIVE REMEDY PROGRAM: APPLICABILITY TO CONTRACT FACILITIES**

**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 542

## DOJ—BOP

## Proposed Rule Stage

**Legal Deadline:** None

**Abstract:** This document revises the Bureau's regulations on the administrative remedy program in order to restate the provisions in plain language and to extend coverage under the program to inmates in contract facilities who have been committed to the custody of the Attorney General or the Director of the Bureau of Prisons.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	
NPRM Comment Period End	01/00/01	
Final Action	02/00/01	
Final Action Effective	03/00/01	

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
Phone: 202 514-6655

**RIN:** 1120-AA97

**1940. SEARCHING AND DETAINING OR ARRESTING PERSONS OTHER THAN INMATES: DENIAL OF VISITING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 751 to 752; 18 USC 1791 to 1793; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4012; 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 511

**Legal Deadline:** None

**Abstract:** Under the current provisions for searching and detaining or arresting persons other than inmates, the Warden may restrict visiting to controlled situations or to more closely supervised visits when there is any suspicion that the visitor is introducing or attempting to introduce contraband, or when there has been a prior incident of such introduction or attempted introduction, or when there is any concern, based upon sound correctional judgment, about the visitor presenting a risk to the orderly running of the visiting room or area. When a controlled or closely supervised visit is not possible, the Warden may deny visiting privileges. The Bureau is proposing to replace the

graduated imposition of sanctions with a more flexible response. A visitor who presents a risk to the orderly running of the visiting room or area could be denied visiting privileges regardless of the feasibility of providing a controlled or closely supervised visit.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	
NPRM Comment Period End	01/00/01	
Final Action	02/00/01	
Final Action Effective	03/00/01	

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
Phone: 202 514-6655

**RIN:** 1120-AB01

**1941. LITERACY PROGRAM: GED REQUIREMENTS**

**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; 28 USC 509 to 510

**CFR Citation:** 28 CFR 520

**Legal Deadline:** None

**Abstract:** This document addresses the relationship between participating in the literacy program and being eligible for good conduct time.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	
NPRM Comment Period End	12/00/00	
Final Action	01/00/01	
Final Action Effective	02/00/01	

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
Phone: 202 514-6655

**RIN:** 1120-AB02

**1942. • 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 number 1120-AA23) on the correctional management of tuberculosis, HIV, and hepatitis B. The changes to the regulations address the circumstances under which the Bureau conducts voluntary and involuntary testing.

**Timetable:**

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

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
Phone: 202 514-6655

**RIN:** 1120-AB03

**1943. • DISTRICT OF COLUMBIA EDUCATIONAL GOOD TIME CREDIT**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 28 CFR 523

**Legal Deadline:** None

**Abstract:** This rule establishes procedures for awarding educational good time credit consistent with the 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.

## DOJ—BOP

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	
NPRM Comment Period End	12/00/00	
Final Action	02/00/01	
Final Action Effective	02/00/01	

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
Phone: 202 514-6655

**RIN:** 1120-AB05**1944. • 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:**

Action	Date	FR Cite
NPRM	11/00/00	
NPRM Comment Period End	12/00/00	
Final Action	02/00/01	
Final Action Effective	03/00/01	

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
Phone: 202 514-6655

**RIN:** 1120-AB06

## Department of Justice (DOJ)

## Final Rule Stage

## Bureau of Prisons (BOP)

**1945. 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.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/19/93	58 FR 5210
Final Action	12/00/00	
Final Action Effective	12/00/00	

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534

Phone: 202 514-6655

**RIN:** 1120-AA03**1946. INTENSIVE CONFINEMENT CENTERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4046; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510**CFR Citation:** 28 CFR 524.31 to 524.34**Legal Deadline:** None

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

**Timetable:**

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

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
Phone: 202 514-6655

**RIN:** 1120-AA11**1947. 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 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024**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:**

Action	Date	FR Cite
NPRM	01/18/94	59 FR 2668

## DOJ—BOP

## Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	03/21/94	59 FR 2668
Final Action	12/00/00	
Final Action Effective	01/00/01	

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
Phone: 202 514-6655

**RIN:** 1120-AA15**1948. 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:**

Action	Date	FR Cite
Interim Final Rule	10/05/95	60 FR 52278
Interim Final Rule Comment Period End	12/04/95	
Final Action	12/00/00	
Final Action Effective	12/00/00	

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
Phone: 202 514-6655

**RIN:** 1120-AA23**1949. POSTSECONDARY EDUCATION PROGRAMS****Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing

Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**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:**

Action	Date	FR Cite
NPRM	07/17/00	65 FR 44400
NPRM Comment Period End	09/15/00	
Final Action	12/00/00	
Final Action Effective	01/00/01	

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
Phone: 202 514-6655

**RIN:** 1120-AA25**1950. 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 implements statutory provisions which make an

inmate's vesting of good conduct time contingent upon the inmate's obtaining or making satisfactory progress toward obtaining a General Educational Degree or high school diploma. Additional changes to the regulations on the Bureau's literacy program are made for the sake of clarification or simplification.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/26/97	62 FR 50791
Interim Final Rule Effective	11/03/97	
Interim Final Rule Comment Period End	11/25/99	
Final Action	12/00/00	
Final Action Effective	01/00/01	

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
Phone: 202 514-6655

**RIN:** 1120-AA33**1951. TELEPHONE REGULATIONS AND INMATE FINANCIAL RESPONSIBILITY****Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 551; 18 USC 3663; 18 USC 4001; 18 USC 4042; 18 USC 4081; 18 USC 4082; 18 USC 5006 to 5024; 5 USC 552a; 18 USC 1791; 18 USC 3013; 18 USC 3571; 18 USC 3572; 18 USC 3621; 18 USC 3622; 18 USC 3624; ...

**CFR Citation:** 28 CFR 540.105; 28 CFR 545.11**Legal Deadline:** None

**Abstract:** On January 2, 1996, BOP published an NPRM proposing limitations on telephone privileges and commissary privileges for inmates who refuse to participate in the inmate financial responsibility program (BOP 1050). On December 28, 1999, BOP finalized that portion of the NPRM pertaining to limitations on commissary privileges. BOP is continuing to work on addressing issues raised by its proposed limitations on telephone privileges for inmates who are inmate financial responsibility program

## DOJ—BOP

## Final Rule Stage

refusees. 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 72798)  
Final Action Effective 01/27/00

**BOP 1102**

Final Action 12/00/00  
Final Action Effective 01/00/01

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
Phone: 202 514-6655

**RIN:** 1120-AA49

**1952. 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 3624; 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	11/06/96	61 FR 57568
Interim Final Rule Effective	12/01/96	
Interim Final Rule Comment Period End	01/06/97	
Final Action	11/00/00	
Final Action Effective	12/00/00	

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
Phone: 202 514-6655

**RIN:** 1120-AA59

**1953. GOOD CONDUCT TIME**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 28 CFR 523

**Legal Deadline:** None

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

**Timetable:**

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

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
Phone: 202 514-6655

**RIN:** 1120-AA62

**1954. DRUG ABUSE TREATMENT AND INTENSIVE CONFINEMENT CENTER PROGRAMS: EARLY RELEASE CONSIDERATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 3521 to 3528; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 848; 28 USC 509; 28 USC 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 524; 28 CFR 550

**Legal Deadline:** None

**Abstract:** This document adjusts criteria for receiving a sentence reduction under the drug abuse treatment program and the intensive confinement center program to demonstrate more clearly the discretion available to the Director of the Bureau of Prisons in making sentence reductions.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	10/09/97	
Interim Final Rule	10/15/97	62 FR 53690
Interim Final Rule Comment Period End	12/15/97	
Final Action	11/00/00	
Final Action Effective	11/00/00	

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
Phone: 202 514-6655

**RIN:** 1120-AA66

**1955. 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 542

**Legal Deadline:** None

**Abstract:** This document amends Bureau regulations on the Administrative Remedy Program to

## DOJ—BOP

## Final Rule Stage

provide for the processing of certain requests or appeals which previously had been excluded. This amendment is intended to comply with provisions of the Prisoner Litigation Reform Act pertaining to exhaustion of available administrative remedies.

**Timetable:**

Action	Date	FR Cite
NPRM	06/27/00	65 FR 39767
NPRM Comment Period End	08/28/00	
Final Action	11/00/00	
Final Action Effective	12/00/00	

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
Phone: 202 514-6655

**RIN:** 1120-AA72

**1956. 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.

**Timetable:**

Action	Date	FR Cite
NPRM	05/18/99	64 FR 27166
NPRM Comment Period End	07/19/99	
Final Action	11/00/00	
Final Action Effective	12/00/00	

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
Phone: 202 514-6655

**RIN:** 1120-AA77

**1957. SMOKING/NO SMOKING AREAS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 1512; 18 USC 5039; 28 USC 509 to 510; EO 13058; 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 551.160 to 551.163

**Legal Deadline:** None

**Abstract:** This document revises the Bureau's regulations on smoking to limit smoking in Bureau facilities to visibly designated outdoor locations, unless an indoor area has been designated as a smoking area to be used exclusively for authorized religious activities.

**Timetable:**

Action	Date	FR Cite
NPRM	11/25/98	63 FR 65502
NPRM Comment Period End	01/25/99	
Second NPRM	05/06/99	64 FR 24468
Second NPRM Comment Period End	07/06/99	
Final Action	11/00/00	
Final Action Effective	11/00/00	

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
Phone: 202 514-6655

**RIN:** 1120-AA79

**1958. 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 which needs to be addressed before the inmate's regularly scheduled commissary visit or that the inmate is without funds.

**Timetable:**

Action	Date	FR Cite
NPRM	03/01/99	64 FR 10094
NPRM Comment Period End	04/30/99	64 FR 10094
Final Action	11/00/00	
Final Action Effective	12/00/00	

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
Phone: 202 514-6655

**RIN:** 1120-AA81

**1959. ADMINISTRATIVE SAFEGUARDS FOR PSYCHIATRIC TREATMENT AND MEDICATION; MILITARY PRISONERS AND DISTRICT OF COLUMBIA CODE VIOLATORS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 10 USC 876b; 18 USC 5006 to 5024; 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 4045; 18 USC 4081 to 4082; 18 USC 4241 to 4247

**CFR Citation:** 28 CFR 549.43

**Legal Deadline:** None

**Abstract:** This document amends the Bureau's regulations on involuntary psychiatric treatment and medication to conform with statutory authority pertaining to military prisoners and

DOJ—BOP

Final Rule Stage

District of Columbia (DC) Code violators.

**Timetable:**

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

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
Phone: 202 514-6655

**RIN:** 1120-AA83**1960. 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 USC 4042(c). The designations ensure that notifications can be made for military offenders, for District of Columbia Code offenders, and for these and other Federal inmates with a sex offense in their criminal history.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/16/98	63 FR 69386
Interim Final Rule Comment Period End	02/16/99	
Final Action	11/00/00	
Final Action Effective	11/00/00	

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534

Phone: 202 514-6655

**RIN:** 1120-AA85**1961. INMATE COMMISSARY ACCOUNT DEPOSIT PROCEDURES****Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/23/99	64 FR 20126
NPRM Comment Period End	06/22/99	
Final Action	01/00/01	
Final Action Effective	02/00/01	

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
Phone: 202 514-6655

**RIN:** 1120-AA86**1962. 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 which pertain to the use of electronic devices in searches of inmates and persons other than inmates.

**Timetable:**

Action	Date	FR Cite
NPRM	02/25/99	64 FR 9431
NPRM Comment Period End	04/26/99	64 FR 9431
Final Action	11/00/00	
Final Action Effective	12/00/00	

**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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
Phone: 202 514-6655

**RIN:** 1120-AA90**1963. 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:**

Action	Date	FR Cite
NPRM	07/17/00	65 FR 44401
NPRM Comment Period End	09/15/00	
Final Action	11/00/00	
Final Action Effective	12/00/00	

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

## DOJ—BOP

## Final Rule Stage

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
Phone: 202 514-6655  
**RIN:** 1120-AA92

#### 1964. CORRESPONDENCE: INSPECTION OF OUTGOING GENERAL CORRESPONDENCE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 551; 5 USC 552a; 18 USC 1791; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

**CFR Citation:** 28 CFR 540.14

**Legal Deadline:** None

**Abstract:** This document amends the Bureau's regulations on correspondence to require that outgoing inmate general correspondence at all institutions may not be sealed and may be read and inspected by staff. This amendment is intended to provide for the continued efficient and secure operation of the institution and to protect the public. The requirement does not apply to special mail.

**Timetable:**

Action	Date	FR Cite
NPRM	07/27/99	64 FR 40718
NPRM Comment Period End	09/27/99	
Final Action	11/00/00	
Final Action Effective	12/00/00	

#### 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, Room 739,

HOLC, 320 First Street NW, Washington, DC 20534  
Phone: 202 514-6655

**RIN:** 1120-AA98

#### 1965. 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 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 4161 to 4166; 18 USC 4201 to 4218; 18 USC 5006 to 5024; 18 USC 5031 to 5042; 28 USC 509 to 510

**CFR Citation:** 28 CFR 571.21

**Legal Deadline:** None

**Abstract:** This document amends the Bureau's regulations on release gratuities, transportation, and clothing to require that aliens being released to immigration authorities for the purpose of release, transfer to a community corrections center, or another processing center, be provided a \$10 gratuity. Aliens being released with an order of deportation, exclusion, or removal, or aliens detained or serving 60 days or less in contract facilities would not receive the gratuity.

**Timetable:**

Action	Date	FR Cite
NPRM	10/04/99	64 FR 53872
NPRM Comment Period End	12/03/99	
Final Action	11/00/00	
Final Action Effective	12/00/00	

#### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, Room 739,

HOLC, 320 First Street NW, Washington, DC 20534  
Phone: 202 514-6655

**RIN:** 1120-AA99

#### 1966. • RELIGIOUS BELIEFS AND PRACTICES: NOMENCLATURE CHANGE

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 28 CFR 548

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/00	
Interim Final Rule Comment Period End	12/00/00	
Interim Final Rule Effective	12/00/00	

#### 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, Room 739, HOLC, 320 First Street NW, Washington, DC 20534  
Phone: 202 514-6655

**RIN:** 1120-AB04

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

### Long-Term Actions

#### 1967. TELEPHONE REGULATIONS AND INMATE FINANCIAL RESPONSIBILITY

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 28 CFR 540

**Timetable:**

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

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sarah N. Qureshi  
Phone: 202 514-6655

**RIN:** 1120-AA39

**Department of Justice (DOJ)**  
**Bureau of Prisons (BOP)**
**Completed Actions****1968. INMATE DISCIPLINE: PROHIBITED ACTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 28 CFR 541.13**Completed:**

Reason	Date	FR Cite
Final Action	10/06/00	65 FR 59724
Final Action Effective	11/06/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Sarah N. Qureshi  
Phone: 202 514-6655**RIN:** 1120-AA78**1969. CIVIL CONTEMPT OF COURT COMMITMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 28 CFR 522**Completed:**

Reason	Date	FR Cite
Final Action	05/26/00	65 FR 34362
Final Action Effective	06/26/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Sarah N. Qureshi  
Phone: 202 514-6655**RIN:** 1120-AA87**1970. FEDERAL TORT CLAIMS ACT****Priority:** Substantive, Nonsignificant**CFR Citation:** 28 CFR 543**Completed:**

Reason	Date	FR Cite
Final Action	05/26/00	65 FR 34363
Final Action Effective	06/26/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Sarah N. Qureshi  
Phone: 202 514-6655**RIN:** 1120-AA94
**Department of Justice (DOJ)**  
**Civil Rights Division (CRT)**
**Proposed Rule Stage****1971. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**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 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 expects to publish a Notice of Proposed Rulemaking (NPRM) in late 1999. In order to maintain consistency between ADAAG and the ADA Standards, the Department anticipates reviewing its ADA regulations during fiscal year 2000. In addition to maintaining the consistency between ADAAG and the Standards, the purpose of 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, and to reflect evolving technologies in areas affected by the Standards.

This rulemaking will also 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 Architectural and Transportation Barriers Compliance Board.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	
NPRM Comment Period End	02/00/01	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None**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-AA44**1972. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES****Regulatory Plan:** This entry is Seq. No. 70 in Part II of this issue of the **Federal Register**.**RIN:** 1190-AA46**1973. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES; PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES; ACCESSIBILITY STANDARDS; RECREATION FACILITIES****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 5 USC 301; 28 USC 509, 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) published a Notice of Proposed Rulemaking (NPRM) to amend the ADA Accessibility Guidelines (ADAAG), which form the basis of the Department's ADA Standards for Accessible Design. This NPRM would, for the first time, establish accessibility guidelines for the design of recreation facilities, such as health clubs, golf

## DOJ—CRT

## Proposed Rule Stage

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 Civil Rights Division expects to publish a NPRM 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 Access Board's ADA Accessibility Guidelines, thereby preventing the confusion that could develop if the Department's regulations were inconsistent with the Access Board guidelines. In addition, amending the Department's ADA regulations will improve the Department's overarching goal of improving access for persons with disabilities. The proposed rule will ensure that new recreation facilities are readily accessible to and usable by individuals with disabilities. As new recreation facilities are designed and constructed to be accessible, individuals with disabilities will enjoy the benefits of these facilities. Operators of recreation facilities will experience increased usage and patronage by individuals with disabilities. Designers and manufacturers will have a clear and consistent set of standards with which to work. Establishing uniform standards for accessibility has resulted in innovation and new designs that are cost effective and beneficial to everyone.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	
NPRM Comment	02/00/01	
Period End		

**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-AA47

**1974. AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT OF 1998 COMPLAINT PROCESS; CHANGE TO DOCUMENT ABUSE DEFINITION PURSUANT TO THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1182(n)(5); 8 USC 1324b(a)(6)

**CFR Citation:** 28 CFR 44.200

**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 1999—made various changes to the Immigration and Nationality Act (the INA) relating to temporary nonimmigrant professionals. In this rule (RIN 1190-AA48), the Civil Rights Division's Office of Special Counsel for Unfair Immigration-Related Employment Practices will implement the ACWIA "failure to select" protections—codified in the INA at section 212(n)(5)—by establishing a process under which U.S. workers may file complaints against employers for denying them employment opportunities by improperly hiring temporary foreign professionals on H-1B visas. Under this process, the Attorney General may receive and review these complaints, and then—if there is reasonable cause to believe the allegations—initiate binding arbitration proceedings through the Federal Mediation and Conciliation Service (FMCS). The Office of the Chief Administrative Hearing Officer of the Executive Office for Immigration Review will issue a rule implementing the Attorney General's authority to review arbitrators' decisions and, where appropriate, award administrative relief. These rules are being coordinated with the Immigration and Naturalization Service (INS) and the Department of Labor (DOL).

This rule also conforms the definition of document abuse under section 274B

of the INA to the amendment enacted in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) by adding an intent element. The amendment requires complainants to prove not only that a respondent requested more or different documents than required for employment eligibility verification or rejected documents that appeared reasonably genuine on their face but also that this action was taken with the purpose or intent of discriminating on the basis of citizenship status or national origin.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** By 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 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.

By RIN 1115-AF41 (INS No. 1975-99) INS will implement portions of ACWIA pertaining to new penalties for employers misrepresenting material facts in an H-1B application. That rule complements regulations to be issued by the Department of Labor (DOL). It also defines the term "United States employer" and implements other provisions of ACWIA.

**Agency Contact:** John D. Trasvina, Special Counsel, Department of Justice, Civil Rights Division, Office of Special Counsel for Immigration Related Unfair Employment Practices, P.O. Box 27728, Washington, DC 20038-7728  
Phone: 202 616-5594  
Fax: 202 616-5509

Larry P. Cote, Department of Justice, Executive Office for Immigration

## DOJ—CRT

## Proposed Rule Stage

Review, 2400 Skyline Tower, 5107  
Leesburg Pike, Falls Church, VA 22041  
Phone: 703 305-3172  
Fax: 703 305-0443

**RIN:** 1190-AA48

**1975. • 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 proposes to make amendments to 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 proposed 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 proposed regulation will be published as part of a joint Notice of Proposed Rulemaking involving up to 24 Federal agencies.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** 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: 202 307-2678

Email: merrily.a.friedlander@usdoj.gov

**RIN:** 1190-AA49

**1976. • NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE OR LOCAL GOVERNMENT FACILITIES; PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES; ACCESSIBILITY STANDARDS; PLAY AREAS**

**Priority:** Other Significant

**Unfunded Mandates:** 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 April 30, 1998, the United States Architectural and Transportation Barriers Compliance Board (Access Board) published a Notice of Proposed Rulemaking (NPRM) to supplement the ADA Accessibility Guidelines (ADAAG), which form the basis of the Department’s ADA Standards for Accessible Design. This NPRM would, for the first time, establish 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 Civil Rights Division expects to publish a NPRM 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 play areas. The Access Board intends to publish the play areas guidelines in final form in the fall of 2000.

Persons with disabilities cannot participate in the social and economic realms of the Nation without being able

to access public entities and public accommodations throughout the county. Promulgating this amendment to the Department’s ADA regulations will ensure that the regulations are consistent with the Access Board’s ADA Accessibility Guidelines, thereby preventing the confusion that could develop if the Department’s regulations were inconsistent with the Access Board Guidelines. In addition, amending the Department’s ADA regulations will improve the Department’s overarching goal of improving access for persons with disabilities. This rule is designed to ensure that new play areas are readily accessible to and usable by persons with disabilities. As new play areas are designed and constructed to be accessible, persons with disabilities will enjoy the benefits of these areas. Operators of play areas will experience increased usage and patronage by persons with disabilities. Designers and manufacturers will have a clear and consistent set of standards with which to work. Establishing uniform standards for accessibility has resulted in innovation and new designs that are cost effective and beneficial to everyone.

**Timetable:**

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

**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-AA50

**Department of Justice (DOJ)**  
**Civil Rights Division (CRT)**
**Final Rule Stage**
**1977. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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

**CFR Citation:** 28 CFR 35

**Legal Deadline:** None

**Abstract:** This amendment revises the Department's regulation implementing title II to clarify the requirement for installation of curb ramps at existing pedestrian walkways and to extend the time period for compliance beyond the current deadline of January 26, 1995.

This amendment responds to public concerns about the unique and significant capital expense involved in the installation of curb ramps.

The amendment establishes a two-tier system under which public entities would be required to provide access to pedestrian walkways serving government offices, public transportation, public accommodations, places of employment, and the residences of individuals with disabilities by January 26, 2000. Access to existing pedestrian walkways in other areas would be required by January 26, 2005. The rule requires public entities to include a schedule for the implementation of these requirements in their transition plans. (The Civil Rights Division is considering extending the January 26, 2000, deadline to January 26, 2001, in the Final rule.)

**Timetable:**

Action	Date	FR Cite
NPRM	11/27/95	60 FR 58462
NPRM Comment Period End	01/26/96	
NPRM Comment Period Extended to	02/06/96	61 FR 4389
Final Action	03/01/1996	
	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**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-AA36

**Department of Justice (DOJ)**  
**Civil Rights Division (CRT)**
**Long-Term Actions**
**1978. AMENDMENT TO NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES—IMPLEMENTATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

**Priority:** Other Significant

**CFR Citation:** 28 CFR 42.101 to 42.112

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Federalism:** Undetermined

**Agency Contact:** Merrily A. Friedlander

Phone: 202 307-2222  
 TDD Phone: 202 307-2678  
 Fax: 202 307-2678  
 Email: merrily.a.friedlander@usdoj.gov

**RIN:** 1190-AA31

**1979. AMENDMENT TO COORDINATION OF ENFORCEMENT OF NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS—IMPLEMENTATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

**Priority:** Other Significant

**CFR Citation:** 28 CFR 42.401 to 42.415

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Federalism:** Undetermined

**Agency Contact:** Merrily A. Friedlander  
 Phone: 202 307-2222  
 TDD Phone: 202 307-2678  
 Fax: 202 307-2678  
 Email: merrily.a.friedlander@usdoj.gov

**RIN:** 1190-AA32

**Department of Justice (DOJ)**  
**Civil Rights Division (CRT)**
**Completed Actions**
**1980. NONDISCRIMINATION ON THE BASIS OF SEX IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES—IMPLEMENTATION OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972**

**Priority:** Other Significant

**CFR Citation:** 28 CFR 54 (New)

**Completed:**

Reason	Date	FR Cite
Final Action	08/30/00	65 FR 52858
Final Action Effective	09/29/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

**Agency Contact:** Merrily A. Friedlander  
 Phone: 202 307-2222  
 TDD Phone: 202 307-2678  
 Fax: 202 307-2678  
 Email: merrily.a.friedlander@usdoj.gov

**RIN:** 1190-AA28

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

**Proposed Rule Stage**

**1981. GUIDELINES FOR PROVIDING CONTROLLED SUBSTANCES TO OCEAN VESSELS**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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

**CFR Citation:** 21 CFR 1301

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
ANPRM	09/18/96	61 FR 49086
ANPRM Comment Period End	11/18/96	
NPRM	04/00/01	
NPRM Comment Period End	06/00/01	

**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

**1982. SALE BY FEDERAL DEPARTMENTS OR AGENCIES OF CHEMICALS USABLE TO MANUFACTURE A CONTROLLED SUBSTANCE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b); 21 USC 880; 21 USC 958(f); 21 USC 965; 21 USC 890

**CFR Citation:** 21 CFR 1310; 21 CFR 1316

**Legal Deadline:** None

**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.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	
NPRM Comment Period End	02/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**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

**1983. 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 "Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 1999" amends section 102(34) of the Controlled Substance 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 stature, the Drug Enforcement Administration (DEA) is amending its regulation to reflect the status of GBL as a List I chemical subject to the requirements of the CSA and its regulations. Establishments of a threshold for GBL will be 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.

**Timetable:**

**Placement of Gamma-Butyrolactone in List I of the Controlled Substance Act ( 21 U.S.C. 802)**

Final Rule 04/24/00 (65 FR 21645)

**Threshold for Gamma-Butyrolactone**

NPRM 04/00/01

NPRM Comment Period End 06/00/01

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-199, DEA-203

**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-AA52

**1984. • WAIVER OF ADVANCE NOTIFICATION REQUIREMENT TO IMPORT ACETONE, 2-BUTANONE (MEK), AND TOLUENE**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 21 CFR 1313

**Legal Deadline:** None

**Abstract:** DEA is proposing the amendment of its regulations to waive the advance notification requirement to import acetone, 2-Butanone (MEK), and toluene. DEA is also proposing the amendment of its regulations to waive the advance notification requirement to export less than 25.0 grams of ephedrine. DEA has determined that the advance notification requirement is

## DOJ—DEA

## Proposed Rule Stage

not necessary for chemical diversion control. These to the regulations will ease regulatory burdens for both DEA and the regulated industry.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	
NPRM Comment Period End	02/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-197

**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-AA53

**1985. • USE OF MARIJUANA FOR INDUSTRIAL PURPOSES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 21 USC 802; 21 USC 811; 21 USC 812; 21 USC 871(b)

**CFR Citation:** 21 CFR 1308

**Legal Deadline:** None

**Abstract:** DEA is planning to publish three rules simultaneously in the Federal Register regarding the status of products manufactured from the cannabis plant. It is anticipated that the three rules will be as follows.

The first rule will be an interpretive rule, which will provide DEA's interpretation of existing law with respect to the listing of tetrahydrocannabinols (THC) in Schedule I of the Controlled Substances Act (CSA) and DEA regulations. [Please see "Additional Information" for further details].

The second rule will be a proposed rule which will propose to revise the wording of the DEA regulations to more clearly reflect DEA's interpretation of the law as set forth in the interpretive rule. The proposed rule would make clear that the listing of THC in Schedule I includes both natural and synthetic THC and that any substance containing any amount of THC is a Schedule I controlled substance—even if such substance is made from "hemp."

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.

**Timetable:**

**Clarification of Listing of Tetrahydrocannabinols**  
NPRM 11/00/00  
**Exemption from Control of Certain Industrial Products and Material Derived from the Cannabis Plant**  
Interim Final Rule 11/00/00

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** While agencies are not required to include information regarding interpretive rules in the Unified Agenda, DEA is providing a description of this interpretive rule for informational purposes. The interpretive rule will provide DEA's interpretation of existing law with respect to the listing of tetrahydrocannabinols (THC) in Schedule I of the Controlled Substances Act (CSA) and DEA regulations. The rule will further provide DEA's interpretation of the current legal status of products containing THC. In recent months, DEA has received numerous inquiries from members of the public about the legal status of products made from "hemp" (portions of the cannabis plant excluded from the CSA definition of marijuana). As stated in this rule, DEA interprets the CSA such that any substance containing any amount of THC is a Schedule I 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

**1986. • EXEMPTION FROM IMPORT/EXPORT REQUIREMENTS FOR PERSONAL MEDICAL USE**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 21 CFR 1301

**Legal Deadline:** None

**Abstract:** DEA is proposing to amend its regulations to fifty dosage units the 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 fifty dosage unit limit would not apply to a U.S. resident who has a valid U.S. practitioner's prescription. This proposed rulemaking implements the provisions of the Controlled Substances Trafficking Prohibition Act of 1998.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	
NPRM Comment Period End	02/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-192

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

Phone: 202 307-7297

**RIN:** 1117-AA56

## DOJ—DEA

## Proposed Rule Stage

**1987. • CONTROL OF RED PHOSPHORUS, WHITE PHOSPHORUS, AND HYPOPHOSPHOROUS ACID (AND ITS SALTS) AS LIST I CHEMICALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b)**CFR Citation:** 21 CFR 1310**Legal Deadline:** None

**Abstract:** Because of their use and importance in the illicit manufacture of methamphetamine, a Schedule II controlled substance, DEA is proposing the addition of red phosphorus, white phosphorus (also known as yellow phosphorus) and hypophosphorous acid (and its salts) as List I chemicals. These phosphorus chemicals have been identified as being important chemicals for the illicit production of methamphetamine. As List I chemicals, handlers of these materials will be subject to Controlled Substances Act (CSA) chemical regulatory controls including registration, recordkeeping,

reporting, and import/export requirements. DEA has determined that these controls are necessary to prevent the diversion of these chemicals to clandestine drug laboratories.

DEA has conducted an extensive review of the phosphorus industry, publishing an Advanced Notice of Proposed Rulemaking. DEA's review indicated that there are only two domestic producers of white phosphorus and three producers of red phosphorus, or hypophosphorous acid (and its salts). While producers of white phosphorus will be required to register with DEA and maintain records of each regulated transaction (i.e., all transactions of these chemicals), over 98% of the phosphorus produced is converted to a form not impacted by this regulation. The remaining 2% 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% of the of the industry at the end user level.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/02/00	65 FR 4913
ANPRM Comment Period End	04/03/00	
NPRM	09/25/00	65 FR 57577
NPRM Comment Period End	11/24/00	
Final Action	05/00/01	

**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

**RIN:** 1117-AA57**Department of Justice (DOJ)  
Drug Enforcement Administration (DEA)**

## Final Rule Stage

**1988. DEFINITION AND REGISTRATION OF DISPOSERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 871(b); 21 USC 875; 21 USC 877**CFR Citation:** 21 CFR 1301**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	08/23/95	60 FR 43732
NPRM Comment Period End	10/23/95	
Interim Final Rule	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** DEA-108

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

Phone: 202 307-7297

**RIN:** 1117-AA19**1989. EXEMPTION OF CHEMICAL MIXTURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b)**CFR Citation:** 21 CFR 1310**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/16/98	63 FR 49506

## DOJ—DEA

## Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period Extended to 04/16/99	02/12/99	64 FR 7144
NPRM Comment Period End	04/16/99	
Final Rule	04/00/01	

**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

**1990. REGISTRATION AND REREGISTRATION APPLICATION FEES****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 802; 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.**Timetable:**

Action	Date	FR Cite
Final Rule Republished for Further Comment	12/30/96	61 FR 68624
Comment Period End	03/31/97	
Final Rule	04/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** DEA-140**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-AA34

**1991. ESTABLISHMENT OF FREIGHT FORWARDING FACILITIES FOR DEA DISTRIBUTING REGISTRANTS****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 21 USC 821 to 824; 21 USC 827; 21 USC 871(b); 21 USC 875; 21 USC 877; 21 USC 958(d); 21 USC 965**CFR Citation:** 21 CFR 1300; 21 CFR 1304; 21 CFR 1301**Legal Deadline:** None**Abstract:** DEA amended its regulations to define the term Freight Forwarding Facility and to exempt such facilities from the requirement of registration, in response to industry requests for recognition of such facilities. The amendments establish the regulatory guidelines under which registrants may utilize a freight forwarding facility while shipping controlled substances to another registrant.

DEA intended that its use of the term Freight Forwarding Facility would be consistent with industry's use and understanding of that term. However, subsequent to publication of the final rule, DEA learned that the term Freight Forwarding Facility has different meanings to different industry participants and, further, that not all industry participants understand this term in the same way that DEA does. Accordingly, DEA plans an additional rulemaking to clarify the use of this term.

**Timetable:**

Action	Date	FR Cite
NPRM	12/18/96	61 FR 66637
NPRM Comment Period End	02/28/97	
Final Rule	07/19/00	65 FR 44674
Correction	07/25/00	65 FR 45829
Correction	08/14/00	65 FR 49483
Clarifying Rulemaking	02/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** DEA-143**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-AA36

**1992. IMPLEMENTATION OF THE METHAMPHETAMINE CONTROL ACT; REGULATION OF PSEUDOEPHEDRINE, PHENYLPROPANOLAMINE, AND COMBINATION EPHEDRINE DRUG PRODUCTS; REPORTS OF CERTAIN TRANSACTIONS TO NONREGULATED PERSONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 802; 21 USC 821 TO 824; 21 USC 830; 21 USC 871(b); 21 USC 875; 21 USC 877; 21 USC 951; 21 USC 958**CFR Citation:** 21 CFR 1300; 21 CFR 1309; 21 CFR 1310**Legal Deadline:** None**Abstract:** DEA is proposing to amend its regulations to implement the requirements of the Comprehensive Methamphetamine Control Act of 1996 (MCA) establishing pseudoephedrine, phenylpropanolamine, and combination ephedrine drug products as List I chemicals, and the MCA requirement that reports be submitted for certain distributions to nonregulated persons involving pseudoephedrine, phenylpropanolamine, and ephedrine, including drug products containing those chemicals. The MCA establishes pseudoephedrine, phenylpropanolamine, and combination ephedrine products as regulated List I chemicals, and requires that reports of certain distributions to nonregulated persons be reported each month.

To minimize the impact of the new law, DEA is proposing to exempt retail distributors from the registration requirement. This exemption will provide the estimated 750,000 retail distributors with relief from the chemical control requirements of the regulations, including registration. Additionally, the existing exemptions from registration for CSA registrants and for distributors of prescription drug products will help minimize the impact of the requirements on other handlers of the products.

**Timetable:**

Action	Date	FR Cite
NPRM	10/07/97	62 FR 52294

## DOJ—DEA

## Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	12/08/97	62 FR 52294
Final Rule	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** DEA-163

**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-AA44**1993. CHEMICAL REGISTRATION AND REREGISTRATION FEES****Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 21 CFR 1309**Legal Deadline:** None

**Abstract:** The Drug Enforcement Administration (DEA) proposes to amend its application fees for registration and reregistration of manufacturers, distributors, importers, and exporters of List I chemicals, as authorized by section 3(a) of the Domestic Chemical Diversion Control Act of 1993 (DCDCA), reducing the fees from \$595.00 to \$326.00 for initial registration, and the reregistration fees

from \$477.00 to \$171.00. Fees for retail registrants will increase from \$255.00 to \$326.00 for registration, and from \$116.00 to \$171.00 for reregistration. Office of Management and Budget Circular A-25 requires a periodic review of user charges for agency programs. This review will bring fees into alignment with current changes in costs or market values.

**Timetable:**

Action	Date	FR Cite
NPRM	12/01/99	64 FR 67216
NPRM Comment Period End	01/31/00	
Final Rule	12/00/00	

**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**1994. • FACSIMILE TRANSMISSION OF PRESCRIPTIONS FOR PATIENTS ENROLLED IN HOSPICE PROGRAMS****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 amend Title 21, Code of Federal Regulations

(CFR), Section 1306.11 to clearly articulate that prescriptions for Schedule II narcotic substances for patients enrolled in hospice care certified by Medicare under Title XVIII or licensed by the state may be transmitted by facsimile. The regulation as it is currently worded grants this allowance for Schedule II prescriptions for patients "residing in a hospice..." and unintentionally omits the significant number of patients receiving hospice care who reside at home. This rule is intended to clarify industry questions.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/25/00	65 FR 45712
Interim Final Rule Effective	07/25/00	65 FR 45712
Interim Final Rule Comment Period End	09/25/00	
Final Rule	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-190**Sectors Affected:** None

**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-AA54

## Department of Justice (DOJ)

## Drug Enforcement Administration (DEA)

## Long-Term Actions

**1995. LISTED CHEMICALS; FINAL ESTABLISHMENT OF THRESHOLDS FOR IODINE AND HYDROCHLORIC GAS (HYDROGEN CHLORIDE GAS)****Priority:** Substantive, Nonsignificant**CFR Citation:** 21 CFR 1310**Timetable:**

Action	Date	FR Cite
NPRM	09/30/97	62 FR 51072
NPRM Comment Period End	12/01/97	
Final Rule Request Comment	08/02/00	65 FR 47309
Final Rule Effective Correction	08/02/00	08/08/00 65 FR 48546

Comment Period End 09/01/00

Next Action Undetermined

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

**Agency Contact:** Frank Sapienza

Phone: 202 307-7183

**RIN:** 1117-AA43

## Department of Justice (DOJ)

## Completed Actions

## Drug Enforcement Administration (DEA)

**1996. SCHEDULES OF CONTROLLED SUBSTANCES: EXEMPT ANABOLIC STEROID PRODUCTS**

Priority: Substantive, Nonsignificant

CFR Citation: 21 CFR 1308

**Completed:**

Reason	Date	FR Cite
Final Rule	07/14/00	65 FR 43690
Final Rule Effective	07/14/00	65 FR 43690
Republication	08/02/00	65 FR 47306

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Frank Sapienza  
Phone: 202 307-7183

RIN: 1117-AA51

## Department of Justice (DOJ)

## Proposed Rule Stage

## Executive Office for Immigration Review (EOIR)

**1997. AUTHORITY OF IMMIGRATION JUDGES TO ISSUE CIVIL MONEY PENALTIES**

Priority: Other Significant

Legal Authority: 5 USC 301; 3 CFR, 1949 to 1953 Comp, p 1002; 8 USC 1103; 8 USC 1252 note; 8 USC 1252b; 8 USC 1362; 28 USC 509; 28 USC 510; 28 USC 1746; Reorg Plan No 2 of 1950, sec 2

CFR Citation: 8 CFR 1; 8 CFR 3

Legal Deadline: None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Margaret M. Philbin,  
Deputy Director, Department of Justice,  
Executive Office for ImmigrationReview, 2400 Skyline Tower, 5107  
Leesburg Pike, Falls Church, VA 22041  
Phone: 703 305-0470

RIN: 1125-AA18

**1998. AUTHORITIES DELEGATED TO THE DIRECTOR OF THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 8 USC 1103; 8 USC 1252 note; 8 USC 1252b; 8 USC 1362; 28 USC 509-10; 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).

**Timetable:**

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

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Charles Adkins-  
Blanch, General Counsel, Department of  
Justice, Executive Office for  
Immigration Review, 2400 Skyline  
Tower, 5107 Leesburg Pike, Falls  
Church, VA 22041  
Phone: 703 305-0470

RIN: 1125-AA27

**1999. • 212(C) RELIEF FOR CERTAIN ALIENS IN DEPORTATION PROCEEDINGS ON OR BEFORE APRIL 24, 1996**

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 8 USC 1101 note; 8 USC 1103; 8 USC 1252 note; 8 USC 1324b; 8 USC 1362; 28 USC 509 to 510; 28 USC 1746; Reorg Plan No 2 of 1950; 3 CFR, 1949-1953 Comp, p 1002

CFR Citation: 8 CFR 3; 8 CFR 212

Legal Deadline: None

**Abstract:** This rule creates a uniform procedure for applying the law as enacted by the Antiterrorism and Effective Death Penalty Act (AEDPA). This rule allows certain aliens in deportation proceedings that commenced before April 24, 1996, to apply for relief pursuant to section 212(c) of the Immigration and Nationality Act (INA).

**Timetable:**

Action	Date	FR Cite
NPRM	07/18/00	65 FR 44476
NPRM Comment Period End	08/17/00	
NPRM Comment Period Extended	10/00/00	
NPRM Comment Period Reopened	10/00/00	
Final Action	11/00/00	

**Regulatory Flexibility Analysis**

Required: No

DOJ—EOIR

Proposed Rule Stage

**Government Levels Affected:** None  
**Additional Information:** EOIR 127

**Agency Contact:** Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2400 Skyline

Tower, 5107 Leesburg Pike, Falls Church, VA 22041  
 Phone: 703 305-0470  
**RIN:** 1125-AA29

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

Final Rule Stage

**2000. SUSPENSION OF DEPORTATION AND CANCELLATION OF REMOVAL**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1224 to 1227; 8 USC 1251 to 1252; 8 USC 1362; PL 105-100, sec 202  
**CFR Citation:** 8 CFR 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:**

Action	Date	FR Cite
Interim Final Rule	09/30/98	63 FR 52134
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** This rule supersedes rule published October 3, 1997, in the Federal Register at 62 FR 51760 through 51762 (RIN 1125-AA19).

**Agency Contact:** Charles Adkins-Blanch, Acting General Counsel, Department of Justice, Executive Office for Immigration Review, 2400 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041  
 Phone: 703 305-0470  
**RIN:** 1125-AA25

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

Completed Actions

**2001. DISCIPLINE OF ATTORNEYS AND REPRESENTATIVES**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 8 CFR 3; 8 CFR 292

**Completed:**

Reason	Date	FR Cite
Final Action	06/27/00	65 FR 39513
Final Action Effective	07/27/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Jennifer Barnes  
 Phone: 703 305-0470  
**RIN:** 1125-AA13

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

Proposed Rule Stage

**2002. 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 has since

exercised (continued in Additional Information).

**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.”

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

## DOJ—FBI

## Proposed Rule Stage

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 radio services.

**Timetable:****“Significant upgrade or major modification”**

NPRM Soliciting Input on Term 11/19/96 (61 FR 58799)

NPRM Comment Period End 12/19/96  
NPRM Proposing Definition 04/28/98 (63 FR 23231)

NPRM Comment Period End 06/29/98  
Supplemental NPRM Proposing Definitions 12/00/00

**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 exch, cellular, broadb PCS**

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

**Notice of Actual and Max. Cap.-paging, MSS, SMR, ESMR**

Notice of Inquiry (Cap Methodology) 12/18/98 (63 FR 70160)  
Further Notice of Inquiry (Cap Methodology) 06/30/00 (65 FR 40694)  
Initial Notice of Capacity 10/00/01

**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 telecommunications 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 an extension of up to two years. Additionally, as a result of the publication of the Final Notice of Capacity for local exchange, cellular and broadband PCS carriers, these carriers must be in compliance with section 104 by March 12, 2001.

Transferred from RIN 1105-AA39.

**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**2003. IMPLEMENTATION OF THE NATIONAL STOLEN PASSENGER MOTOR VEHICLE INFORMATION SYSTEM (NSPMVIS)****Priority:** Substantive, Nonsignificant**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 USC

33109 to 33111). The FBI is coordinating efforts in this matter and, under delegated authority from the Attorney General, the FBI is issuing this rule to establish a national system to verify the theft status of major motor vehicle component parts and junk or salvage vehicles. The system will include certain information about each passenger motor vehicle reported to a law enforcement agency as stolen and not recovered. The rule provides how an individual or entity may obtain information from the system on whether a vehicle or part is listed as stolen. The rule also provides verification procedures to be followed by insurance carriers and certain motor vehicle part businesses. In order to verify the theft status of a part or junk or salvage vehicle, an identification number will have to be obtained from the part or vehicle.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	
NPRM Comment Period End	06/00/01	

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

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

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

**Agency Contact:** 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

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

**Final Rule Stage**

**2004. OPERATION OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM**

**Priority:** Other Significant

**Legal Authority:** 18 USC 922 to 925  
 Brady Handgun Violence Prevention Act

**CFR Citation:** 28 CFR 16; 28 CFR 20; 28 CFR 25

**Legal Deadline:** Other, Statutory, November 30, 1998, The Brady Handgun Violence Prevention Act requires the NICS be established not later than 60 months after enactment (11/30/93).

**Abstract:** This rule notifies State and local law enforcement agencies and Federal Firearms Licensees of the establishment of the National Instant Check System (NICS). On June 4, 1998, the FBI published an NPRM setting forth the policies and procedures regarding use of the system, including regulations pertaining to the security and privacy of information.

On August 8, 1998, the FBI published an NPRM proposing the user fee to be charged for use of the NICS. On October 30, 1998 the FBI published a final rule noting that the user fee would not be charged pursuant to congressional action. The final rule also provides that, by February 28, 1999, the Department will issue a notice of proposed revision of the regulation setting forth a further reduced period of retention of information relating to approved transfers. On March 3, 1999 the FBI published an NPRM proposing a reduced period of record retention.

**Timetable:**

**NICS Privacy & Security Policies**

NPRM 06/04/98 (63 FR 30430)  
 NPRM Comment Period End 09/02/98

**NICS User Fee**

NPRM 08/17/98 (63 FR 43893)  
 NPRM Comment Period End 09/16/98

**Privacy & Security Policies and User Fee**

Final Rule 10/30/98 (63 FR 58303)

**Reduction of Retention Period**

NPRM 03/03/99 (64 FR 10262)  
 NPRM Comment Period End 06/01/99 (64 FR 10262)  
 Interim Final Rule 11/00/00  
 Interim Final Rule Comment Period End 01/00/01

**Regulatory Flexibility Analysis**

**Required:** No

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

**Additional Information:** Transferred from RIN 1105-AA51.

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

Phone: 304 625-2000

**RIN:** 1110-AA02

**2005. IMPLEMENTATION OF 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. It is anticipated that this regulation will be finalized by January 2001.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

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

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

**Agency Contact:** Charles Marciano, Assistant General Counsel, Department of Justice, Federal Bureau of Investigation, J. Edgar Hoover Building, 935 Pennsylvania Avenue NW, Washington, DC 20530  
 Phone: 202 324-4523

**RIN:** 1110-AA04

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

**Long-Term Actions**

**2006. FEDERAL CONVICTED OFFENDER DNA DATA BASE PROGRAM**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** Not Yet Determined

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

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

**Agency Contact:** Melissa Anne Smrz  
 Phone: 202 324-4354  
 Email: lab-fssu@fbi.gov

**RIN:** 1110-AA03

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

Prerule Stage

**2007. EXPANSION OF EXPEDITED REMOVAL OF CERTAIN CRIMINAL ALIENS HELD IN FEDERAL, STATE, AND LOCAL JAILS**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 212; 8 CFR 235

**Legal Deadline:** None

**Abstract:** This notice advises the public that the Immigration and Naturalization Service intends to apply the expedited removal provisions of section 235(b)(1) of the Immigration and Nationality Act on a pilot basis to certain criminal aliens being held in three correctional facilities in the State of Texas. This action will not become effective until the Service evaluates and addresses public comments and informs the public by notice in the Federal Register when the expedited

removal provisions will be implemented. This pilot program will last for a period of 180 days, and will be followed with an evaluation of the program. The Service believes that implementing the expedited removal provisions to persons who have been found by a Federal judge to be guilty of illegal entry and are serving short criminal sentences will result in faster removal of those criminal aliens. This will ensure prompt immigration determinations in those cases and consequently will save Service detention space and immigration judge and trial attorney resources.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/22/99	64 FR 51338
ANPRM Comment Period End	11/22/99	
Second ANPRM	02/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** INS No. 1998-99

**Agency Contact:** Ms. Isabelle Chewning, Detention and Deportation Officer, Department of Justice, Immigration and Naturalization Service, Suite 800, 801 I Street NW, Washington, DC 20536  
 Phone: 202 616-7797

Robert Evans, Detention and Deportation Officer, Detention and Deportation Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, 3rd Floor, Washington, DC 20536  
 Phone: 202 353-7218

**RIN:** 1115-AF50

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

Proposed Rule Stage

**2008. REVISED GROUNDS OF INADMISSIBILITY, WAIVERS FOR IMMIGRANTS AND NONIMMIGRANTS, AND EXCEPTIONS**

**Regulatory Plan:** This entry is Seq. No. 71 in Part II of this issue of the **Federal Register**.

**RIN:** 1115-AB45

witnesses and informants to complete critical law enforcement initiatives in the United States. INS No. 1728-95 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.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule-INS No. 1683 Eff. 8/25/95; Comment Period End 12/4/95	08/25/95	60 FR 44260
Interim Final Rule-INS No. 1683 Correction	10/05/95	60 FR 52068
Interim Final Rule-INS No. 1683 Correction	10/05/95	60 FR 52248
NPRM-INS No. 1728	03/00/01	
Final Action-INS No. 1683	03/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

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

**Agency Contact:** Song Park, Adjudications Division, Department of Justice, Immigration and Naturalization Service, 3214, 425 I Street NW, Washington, DC 20536  
 Phone: 202 353-8177

**RIN:** 1115-AD86

**2009. 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

**2010. 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 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; 8 USC 1221; 8 USC 1229

**CFR Citation:** 8 CFR 212; 8 CFR 234.2

**Legal Deadline:** None

**Abstract:** This rule amends regulations by removing the list of countries ineligible to participate in the Transit Without Visa (TWOV) Program at 212.1(f)(2) and (3). Instead, the Service proposes to publish and update future lists of countries ineligible to TWOV by Federal Register notice. The rule

DOJ—INS

Proposed Rule Stage

also establishes new criteria for determining countries whose nationals are ineligible for the TWOV program. This rule will allow the Service to waive the passport and visa requirement for citizens of former Soviet Socialist Republics and former Warsaw Pact countries who request transit privileges through the United States under the TWOV program. This rule proposes that the citizens of the following countries now restricted from using the TWOV program be allowed to apply for TWOV privileges: Albania, Armenia, Azerbaijan, Bulgaria, Croatia, the Czech Republic, Estonia, Georgia, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, The Former Yugoslav Republic of Macedonia, Moldova, Mongolia, Poland, Romania, Slovakia, Slovenia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, and Vietnam. This rule also makes citizens of certain other countries ineligible for TWOV privileges because of that country's past abuse of the TWOV program, high nonimmigrant visa refusal rate by the department of State, instability or insurrection, lack of reciprocity, high level of crime and/or narcotics production, state sponsor of terrorism, or restrictions imposed by the President of the United States because the entry of its citizens would be detrimental to the interests of the United States. Therefore the citizens of the following countries would be added to the list of countries restricted from using the TWOV program for the aforementioned reasons: Angola, Burma, Burundi, Central African Republic, Congo (Brazzaville), Nigeria, Sierra Leone, Somalia, and Sudan. Lastly, this rule amends the Service regulations to reflect changes to the Immigration and Nationality Act by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 which changed section 238 of the Act to new section 233 of the Act.

**Timetable:**

Action	Date	FR Cite
Proposed Rule	03/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1696-95

Negotiations are under way between the Department of State and the Immigration and Naturalization Service.

**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-AD96

### 2011. EMPLOYMENT AUTHORIZATION DOCUMENT APPLICATIONS AND PROCESS

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1324a; 8 CFR 2

**CFR Citation:** 8 CFR 274a

**Legal Deadline:** None

**Abstract:** A final rule (INS No. 1399-96) introducing and authorizing centralized production of a new, more secure, and fraud-resistant EAD Card or Form I-766 was published in the Federal Register at 61 FR 46534 on September 4, 1996. Centralized production of this new EAD card will be performed by one or more INS Service Centers. Also, an employment authorization document (EAD) application and proposed rule is planned pending Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) regulatory initiatives and related policy actions. The proposed rule (INS No. 1707-95) will provide a more efficient process for centralized production of the new EAD card.

**Timetable:**

Action	Date	FR Cite
Proposed Rule	01/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Additional Information:** The employment authorization document (EAD) applications and process proposed rule (INS No. 1707-95) has been pending for some time due to document reduction issues. The Service published a proposed rule (I-9) on 2/2/98 at 63 FR 5287. The remaining policy issues on the I-765 proposed rule are expected to be resolved during the next few months.

**Agency Contact:** Michael Hardin, Adjudications Division, Department of Justice, Immigration and Naturalization Service, 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 305-8807

**RIN:** 1115-AE06

### 2012. 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(e)(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.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1757

**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

### 2013. 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;

## DOJ—INS

## Proposed Rule Stage

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. It is necessary to define "lawfully present" for broader purposes than just the title II benefits. Therefore, rather than issue a final rule pertaining to title VI only, the Service intends to publish a proposed rule covering all other applications of the term as well. The resulting final rule, after notice and comment, will include title II within the rule's broader coverage.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/06/96	61 FR 47039
Interim Final Rule Comment Period End	11/05/96	
NPRM	02/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** INS No. 1792-96

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

John W. Brown, Staff Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 353-8177  
Fax: 202 514-0198

**RIN:** 1115-AE51

**2014. PETITION FOR EMPLOYMENT CREATION ALIENS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1186b; 8 USC 1201; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1183; 8 USC 1184; 8 USC 1186a

**CFR Citation:** 8 CFR 204; 8 CFR 216; 8 CFR 235

**Legal Deadline:** None

**Abstract:** The Service solicits comments on necessary policy and administrative procedure for resolving current regulatory concerns regarding immigrant investors. (INS No. 1798-98)  
The Service will also solicit comments on proposed regulations for regional center participation in the Immigrant Investor Pilot Program for employment creation immigrants who seek to invest in approved regional centers. This rule is obtaining significant pre-clearance comment and is subject to the results of the Agency's review of the Immigrant Investor Pilot Program. (INS No. 1969-98)

**Timetable:**

Action	Date	FR Cite
NPRM-INS No. 1969-98	03/00/01	
NPRM-INS No. 1798-96	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** This rule will be divided into two separate rulemakings, INS No. 1798-98 pertaining to the petition for employment-creation aliens and the other INS No. 1969-98 pertaining to regional centers. Both rules will have information collections.

**Agency Contact:** Katharine A. Lorr, Adjudications Division, Department of Justice, Immigration and Naturalization

Service, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-3228

**RIN:** 1115-AE56

**2015. FILING FACTUAL STATEMENTS ABOUT ALIEN PROSTITUTES**

**Priority:** Other Significant

**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 USC, 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.

**Timetable:**

Action	Date	FR Cite
NPRM-INS No. 1810-96	01/00/01	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1810-96

**Agency Contact:** Elizabeth L. Dolan, Senior Special Agent, Headquarters Investigations, Department of Justice, Immigration and Naturalization Service, Room 1000, 425 I Street NW, Washington, DC 20536  
Phone: 202 307-0557

**RIN:** 1115-AE60

**2016. USE OF PAROLE FOR HUMANITARIAN REASON OR SIGNIFICANT PUBLIC BENEFIT AND REPORT TO CONGRESS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1182

**CFR Citation:** 8 CFR 212

**Legal Deadline:** NPRM, Statutory, September 11, 1997.

## DOJ—INS

## Proposed Rule Stage

**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.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/01	
Final Rule-INS No. 1817-96	04/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

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

**Additional Information:** INS No. 1840-97

This rule effects the following section of the I&NA - section 212, as amended by sections 602 IIRIRA.

(See also RIN 1115-AF53)

**Agency Contact:** Yvette LaGonterie, Director, Parole Branch, Office of Field Operations, Department of Justice, Immigration and Naturalization Service, Attn: ULLICO Bldg, Third Floor, 111 Massachusetts Avenue NW, Washington, DC 20001  
Phone: 202 305-2674

**RIN:** 1115-AE68

### 2017. REGULATIONS PERTAINING TO BATTERED ALIENS AND TO MAIL ORDER BRIDE BUSINESSES, AS MANDATED BY IIRIRA

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1641(c); PL 104-208

**CFR Citation:** 8 CFR 204

**Legal Deadline:** None

**Abstract:** The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) included a number of provisions relating to battered aliens and to mail order bride businesses. At present, INS anticipates rulemaking in the following areas.

INS No. 1845-97 is necessitated by the section 501 of IIRIRA, which provides 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.

INS No. 1838-97, an advance notice of proposed rulemaking 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).

**Timetable:**

Action	Date	FR Cite
ANPRM-INS No. 1838-97 Comments Due 09/15/97	07/16/97	62 FR 38041
Interim Rule-INS No. 1845-97	11/13/97	62 FR 60769
NPRM-INS No. 1838-97	12/00/00	
Final Rule-INS No. 1845-97	04/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1838-97. The Service submitted its report on international matchmaking organizations which can be found on the INS website. The Service is currently preparing the informational brochures which the organizations will be required to provide to women recruits.

**Agency Contact:** Karen FitzGerald, Adjudications Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-4754

**RIN:** 1115-AE77

### 2018. EN ROUTE INSPECTIONS AND REIMBURSEMENT FOR IMMIGRATION AND NATURALIZATION SERVICE COSTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1356(i)

**CFR Citation:** 8 CFR 235

**Legal Deadline:** None

**Abstract:** This rule amends the Immigration and Naturalization Service (Service) regulations to define an en route inspection. The rule will also notify all affected parties that the Service will begin to bill cruise ship, train, and bus lines or other modes of

transportation, or their designated shipping agents or representatives, for all expenditures of Government funds which the Service obligates in connection with the performance of en route inspections on board transportation carriers. This action is necessary in order for the Service to more accurately account for the costs associated with providing special immigration inspection services on an en route basis and to ensure their full recoupment.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1784-96

**Agency Contact:** Sam Farmer, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536  
Phone: 202 305-8153

**RIN:** 1115-AE98

### 2019. SPECIAL IMMIGRANT JUVENILE—PETITIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1103; 8 CFR 2

**CFR Citation:** 8 CFR 204

**Legal Deadline:** None

**Abstract:** This rule amends the Service's existing regulations by clarifying the special immigrant juvenile provisions. This rule limits the juvenile courts from considering dependency orders that would qualify juveniles for special immigrant status, without the expressed consent of the Attorney General. This rule also limits the jurisdiction of juvenile courts to consider the custody status for placement of an alien in the actual custody of the Attorney General, unless the Attorney General specifically consents to such jurisdiction.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

## DOJ—INS

## Proposed Rule Stage

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1948-98

**Agency Contact:** Michael C. Biggs, Adjudications Division, Department of Justice, Immigration and Naturalization Service, 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-4754

**RIN:** 1115-AF11

### 2020. PROGRESSIVE CLEARANCE STOPOVERS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1221; 8 USC 1228; 8 USC 1229

**CFR Citation:** 8 CFR 231.1; 8 CFR 231.4

**Legal Deadline:** None

**Abstract:** This rule proposes to amend the Immigration and Naturalization Service (Service) regulations by establishing passenger and carrier requirements with regard to progressive clearance and stopovers. This includes passenger and carrier obligations and liabilities and the charging and collection of a user fee for each subsequent inspection of stopover passengers. This rule is intended to facilitate travel while continuing to ensure the welfare, safety and security of the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Additional Information:** INS No. 1930-98

**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-AF23

### 2021. 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

**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 to be returning residents. This rule will ensure that aliens who present themselves as lawful permanent residents are properly documented as such.

**Timetable:**

Action	Date	FR Cite
NPRM-INS No. 1932-98	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1932-98

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

**RIN:** 1115-AF26

### 2022. AVAILABILITY OF MATERIAL UNDER FREEDOM OF INFORMATION ACT AND PRIVACY ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 552; 8 USC 552a; 8 USC 1101; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252

**CFR Citation:** 8 CFR 103

**Legal Deadline:** None

**Abstract:** This revised regulation is necessary to amend the Immigration and Naturalization Service regulations by providing procedures implementing the new provisions of the Electronic

Freedom of Information Act (EFOIA) Amendments of 1996. New provisions implementing EFOIA require that we maintain, and provide to the public, a record in either paper or electronic format and maintain an electronic reading room. It further updates the timing of responses to requests by extending the response time from 10 to 20 working days. This regulation reflects current Service procedures for the public to request and obtain access to Service records through the Freedom of Information Act and Privacy Act. It is being updated to include the handling of requests referred from another agency to ensure that requesters are not penalized by waiting in another agency's backlog, and reflects the Department of Justice's updated cost for calculating and changing fees. It further contains new provisions that implement the new Federal discretionary release policy.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Additional Information:** INS No.1942-98

**Agency Contact:** Mildred Carter, FOIA/PA Program Specialist, Files and Forms Management, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-1722

**RIN:** 1115-AF32

### 2023. 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 March 6, 1997, the Service published an interim rule to implement the asylum provisions of the

DOJ—INS

Proposed Rule Stage

Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). The interim regulation amended provisions regarding the effect of unexcused failure to appear for an asylum interview or hearing before an immigration judge on eligibility for employment authorization and also provided that unexcused failure to appear may result in dismissal of an asylum application on eligibility for employment authorization. This rule amends the current interim rule to clarify that dismissal of an asylum application will result in ineligibility for asylum-based employment authorization.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/01	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2011-99

**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-AF38

#### 2024. H-1B NONIMMIGRANT WORKER COMPLAINTS REGARDING U.S. EMPLOYER VIOLATIONS UNDER THE AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT

**Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1182; 8 USC 1184; 8 USC 1255; 8 USC 1258; 8 USC 1324**CFR Citation:** 8 CFR 214; 8 CFR 248; 8 CFR 274a; 8 CFR 212; 8 CFR 245**Legal Deadline:** Section 413 of Public Law 105-277 was effective upon enactment, October 21, 1998.

**Abstract:** The American Competitiveness and Workforce Improvement Act (ACWIA), enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999, made various changes to the Immigration and Nationality Act (INA) relating to nonimmigrant temporary workers. By

this rule (RIN 1115-AF40, INS No. 1974-99), INS will amend certain parts of regulation to implement the ACWIA “whistleblower” provision, codified at INA 212 (n)(C)(iv) and (v), that prohibit retaliation against H-1B workers who disclose information that their U.S. employer has violated the law or regulations pertaining to labor condition applications filed with the DOL. This rule will describe the process established by the INS and DOL jointly to enable an H-1B nonimmigrant who files a complaint alleging intimidation, coercion, threats, blacklisting, or other discrimination to remain temporarily in the United States and seek employment authorization. The DOL will amend its regulations, as necessary, to implement its role in this process.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	
NPRM Comment	02/00/01	
Period End		

**Regulatory Flexibility Analysis**

Required: No

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

**Additional Information:** By a related rule (RIN 1115-AF41, INS No. 1975-99), INS will be implementing those portions of ACWIA pertaining to new penalties for employers misrepresenting material facts in an H-1B application. That rule complements regulations to be issued by the Department of Labor (DOL). It also defines the term “United States employer” and implements other provisions of ACWIA.

In RIN 1190-AA48, the Civil Rights Division, in cooperation with DOL, will implement the ACWIA “failure to select” protections—codified in the INA at section 212(n)(5)—by establishing a process under which United States workers may file complaints against employers for denying them employment opportunities by improperly hiring temporary foreign professionals on H-1B visas. Under that process, the Attorney General may receive and review these complaints, and then—if there is reasonable cause to believe the allegations—initiate binding arbitration proceedings through the Federal Mediation and Conciliation Service (FMCS).

INS No. 2021-99

**Agency Contact:** Jacquelyn A. Bednarz, Special Assistant, Office of Programs, Department of Justice, Immigration and Naturalization Service, Room 7309, 425 I Street NW, Washington, DC 20536 Phone: 202 514-8223

**RIN:** 1115-AF40

#### 2025. AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT

**Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1281; 8 USC 1282**CFR Citation:** 8 CFR 214.2(h); 8 CFR 103.7**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 1999—made various changes to the Immigration and Nationality Act (the INA) relating to nonimmigrant skilled workers. This rule (RIN 1115-AF41; INS No. 1975-99) implements those portions of ACWIA pertaining to new penalties for employers misrepresenting material facts in an H-1B application. This rule complements regulations to be issued by the Department of Labor (DOL). It also defines the term “United States employer” and implements other provisions of ACWIA.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Additional Information:** By a related rule (RIN 1115-AF40; INS 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 that 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

## DOJ—INS

## Proposed Rule Stage

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.

In 1190-AA48, the Civil Rights Division, in cooperation with DOL, will implement in the Justice Department's regulations the ACWIA "failure to select" protections—codified in the INA at section 212(n)(5)—by establishing a process under which United States workers may file complaints against employers for denying them 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 the Federal Mediation and Conciliation Service (FMCS).

**Agency Contact:** Irene Hoffman, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-5014

**RIN:** 1115-AF41

#### 2026. 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:

Action	Date	FR Cite
NPRM	03/00/01	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1984-99

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

**RIN:** 1115-AF44

#### 2027. CONTRACTS WITH TRANSPORTATION LINES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1103; 8 USC 1228

**CFR Citation:** 8 CFR 233

**Legal Deadline:** None

**Abstract:** This rule proposes to amend INS regulations by providing signature authority for forms I-420, Agreement (Land-Border) Between Transportation Line and the U.S., I-425, Agreement (Pre-Inspection) Between Transportation Line and the U.S. (At Places Outside U.S.), and I-426, Immediate and Continuous Transit Agreement Between a Transport Line & U.S., to the Commissioner or her delegated representative. This change is required by section 308 of IIRIRA which amended section 233 (a) of the I&NA, by requiring carriers transporting aliens to the U.S. from all "foreign territory and adjacent islands" to enter into a contract with the U.S. prior to transportation of such aliens. Another change is to remove the signature authority of the Associate Commissioner for Examinations for the aforementioned Agreements because the position was abolished.

#### Timetable:

Action	Date	FR Cite
NPRM	02/00/01	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No.1994-99

**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-AF46

#### 2028. ADJUSTMENT OF FEES FOR SERVICES AT LAND BORDER PORTS-OF-ENTRY

**Priority:** Other Significant

**Legal Authority:** PL 100-459; 8 USC 1356(m),(n); PL 101-515; PL 82-137; 31 USC 9701

**CFR Citation:** 8 CFR 239; 8 CFR 287

**Legal Deadline:** None

**Abstract:** This rule proposes to adjust the fees charged by the INS for services provided in the processing and issuance of documents at land border ports-of-entry. The fee adjustment is necessary to ensure that full costs are recovered and that sufficient funds are available to service present and future applicants. The fees collected from persons filing those documents are deposited into the Immigrations Examination Fee Account (IEFA).

#### Timetable:

Action	Date	FR Cite
NPRM	12/00/00	
NPRM Comment Period End	02/00/01	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2007-99

**Agency Contact:** Paul Schlesinger, Fee Policy and Rate Setting Branch, Department of Justice, Immigration and Naturalization Service, Room 6240, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-2754

**RIN:** 1115-AF55

#### 2029. MANIFEST REQUIREMENTS AND IMPOSITION OF FINES UNDER SECTION 231 OF THE ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1221; 8 USC 1228

DOJ—INS

Proposed Rule Stage

**CFR Citation:** 8 CFR 231**Legal Deadline:** None

**Abstract:** With the passage the of Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Congress required the Immigration and Naturalization Service to improve the accuracy of data collected on nonimmigrants entering the United States and stored in the Nonimmigrant Information System (NIIS). This rule proposes to 1) require carriers to submit Form I-94 (Arrival and Departure Record) for all arriving and departing alien passengers including legal permanent residents of the United States, first-time immigrants, and in-transit passengers. Manifests will also be required for all flights and vessels, even those arriving from and departing to contiguous territory; 2) provide criteria and procedures for imposing fines for failure to submit a properly completed arrival or departure manifest; and 3) define alternative methods for submitting Form I-94 data.

This rule will codify the imposition of fines against carriers for failure to provide correct and accurate passenger manifests, Form I-94. It will also clarify what category of passengers will be required to present Form I-94 on inspection.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2008-99

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

**RIN:** 1115-AF57**2030. ADJUSTMENT OF CERTAIN FEES OF THE IMMIGRATION EXAMINATIONS FEE ACCOUNT****Priority:** Other Significant

**Legal Authority:** PL 100-459; PL 101-515; PL 82-137; PL 101-576; 8 USC 1356; 31 USC 902; 31 USC 9701

**CFR Citation:** 8 CFR 103**Legal Deadline:** None

**Abstract:** This rule proposes to adjust the fee schedule of the Immigration Examinations Fee Account (IEFA) for certain immigration adjudication and naturalization applications and petitions. Fees collected from persons filing these applications and petitions are deposited into the IEFA and used to fund the cost of processing immigration adjudication and naturalization applications and petitions and associated support services; the cost of providing similar services to asylum and refugee applicants; and the cost of similar services provided to other immigrants at no charge. Federal agencies are required to review their fees bi-annually. This rule is necessary to ensure that the fees that fund the IEFA generate sufficient revenue to recover the full cost of processing immigration and adjudication and naturalization applications, petitions, the cost of asylum, refugee and other immigrant services provided at no charge to the applicant.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	
NPRM Comment	02/00/01	
Period End		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2072-00**Sectors Affected:** None

**Agency Contact:** Paul Schlesinger, Fee Policy and Rate Setting Branch, Department of Justice, Immigration and Naturalization Service, Room 6240, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-2754

**RIN:** 1115-AF61**2031. REGULATIONS REGARDING AUTHORITY TO GRANT ASYLUM TO CERTAIN ARRIVING ALIENS****Priority:** Other Significant

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

**CFR Citation:** 8 CFR 203.30**Legal Deadline:** None

**Abstract:** This proposed rule amends the Department of Justice (Department) regulations that govern requests for asylum submitted by arriving aliens who are placed in expedited removal under section 235(a)(2) of the Immigration and Nationality Act and who are found to have credible fear of persecution. The Department proposed to extend authority to the Immigration and Naturalization Service Office of International Affairs to grant asylum to such aliens who establish to an asylum officer that they meet the requirements for asylum eligibility as defined at section 208 of the Act.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2034-99**Sectors Affected:** None

**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-AF64**2032. 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 1182; 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, lawfully engage in occupations, and establish residence as a nonimmigrant in the United States and its territories and possessions. This rule also clarifies the

## DOJ—INS

## Proposed Rule Stage

documentary requirements for an adopted child from Compact Countries who is immigrating to the United States. Adopted children from Compact Countries are considered immigrants and must follow the standard procedures for immigration and subsequent naturalization. Clarification of these conditions required by the Compacts between the United States and the Compact Countries is necessary in order to continue to allow U.S. citizens and legal permanent residents to adopt children from the Compact Countries.

INS will provide a 30 day comment period in order to expedite compliance with the Compacts. This will allow INS to proceed with final rulemaking in a quicker manner so that the agency can clarify the documentary requirements for adopted children from Compact Countries. In addition, the agency's plans to expedite final rulemaking will control the orderly and proper admission of nonimmigrants from Compact Countries into the U.S.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2047-00

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

**RIN:** 1115-AF65**2033. INADMISSIBILITY TO ENTER THE UNITED STATES FOR FORMER U.S. CITIZENS WHO RENOUNCED CITIZENSHIP TO AVOID TAXATION****Priority:** Other Significant**Legal Authority:** 8 USC 1182(a)(10); PL 104-208**CFR Citation:** 8 CFR 212**Legal Deadline:** None

**Abstract:** This rule amends the Immigration and Naturalization Service regulations by establishing regulatory

procedures to be followed by Service personnel and Department of State personnel in determining whether or not an expatriate alien is inadmissible to the United States under section 212(9)(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.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2039-99**Sectors Affected:** None

**Agency Contact:** Kevin J. Cummings, Adjudications Division, Department of Justice, Immigration and Naturalization Service, 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-4754

**RIN:** 1115-AF69**2034. 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(d)(2) and 274D of the Act and will introduce procedures for detaining vessels and

posting bonds, as well as giving the Commissioner discretion in requiring bonds.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2041-00**Sectors Affected:** None

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

**RIN:** 1115-AF70**2035. PETITIONING REQUIREMENTS FOR THE H-1C NONIMMIGRANT CLASSIFICATION UNDER PUBLIC LAW 105-277****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 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
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2050-00**Sectors Affected:** None

## DOJ—INS

## Proposed Rule Stage

**Agency Contact:** John W. Brown, Staff Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 353-8177  
Fax: 202 514-0198

**RIN:** 1115-AF76

**2036. • WAIVERS OF FEES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252; 8 USC 1252(b); 8 USC 1252 (note); 8 USC 1304; 8 USC 1356

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

**Legal Deadline:** None

**Abstract:** This rule proposes to amend the INS regulations concerning the adjudication of requests for fee waivers filed by applicants for Service benefits pursuant to 8 CFR 103.7(c). This applies to a waiver of fees by an immigration judge for benefit applications, petitions, appeals, motions or requests in any case when an alien substantiates that they cannot pay the fee. When implemented, this rule will facilitate the adjudication of these requests. This rule also proposes to amend 8 CFR 244.20, which is a waiver of fees for Temporary Protected Status (TPS) applicants, for the same reasons as stated in 8 CFR 103.7(c). The rule will also be implemented in conjunction with the new Form I-912, Request for Fee Waiver Form.

**Timetable:**

Action	Date	FR Cite
Proposed Rule	04/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2091-00

**Sectors Affected:** None

**Agency Contact:** Irene Hoffman, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-5014

**RIN:** 1115-AF81

**2037. • ADJUSTMENT OF SERVICE FEE FOR FINGERPRINTING FOR IMMIGRATION AND NATURALIZATION BENEFITS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 532; 5 USC 532a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note

**CFR Citation:** 8 CFR 103

**Legal Deadline:** None

**Abstract:** This rule proposes to amend the Immigration and Naturalization Service regulations by increasing the fee the Service charges for fingerprinting applicants for certain immigration and naturalization benefits, for example, green card replacement, adjustment of status, family unity, temporary protected status, and naturalization. The fee collected from persons fingerprinted in connection with an application or petition for immigration and naturalization benefits are deposited into the Immigration Examinations Fee Account (IEFA). The IEFA funds the full cost of the Application Support Centers. The current fee for fingerprinting needs to be increased, according to the Service, to recover the full cost of fingerprinting applicants for certain immigration and naturalization benefits.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No 2061-00

**Agency Contact:** Ann Palmer, Immigration and Naturalization Services Division, Department of Justice, Immigration and Naturalization Service, Room 900, 801 I Street NW  
Phone: 202 305-1229

**RIN:** 1115-AF83

**2038. • 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. Also, this rule will facilitate travel to the U.S. and benefit U.S. businesses.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2068-00

**Sectors Affected:** None

**Agency Contact:** John W. Brown, Staff Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 353-8177  
Fax: 202 514-0198

**RIN:** 1115-AF85

**2039. • POWER OF ATTORNEY GENERAL TO TERMINATE DEPORTATION PROCEEDINGS AND INITIATE RENEWAL 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

## DOJ—INS

## Proposed Rule Stage

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) rulemaking in response to the "Soriano" case (RIN 1125-AA29).

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2083-00

**Sectors Affected:** None

**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

#### 2040. • 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.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2074-00

**Sectors Affected:** None

**Agency Contact:** Marian L. Smith, Historian, 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

#### 2041. • REGULATION CONCERNING ESTABLISHING ASYLUM ELIGIBILITY

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 8 CFR 208

**Legal Deadline:** None

**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.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	
NPRM Comment Period End	02/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS 2092-00

**Sectors Affected:** None

**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  
Phone: 202 305-8414  
Fax: 202 514-0455

**RIN:** 1115-AF92

#### 2042. • CONCURRENT FILING OF FORM I-140 AND FORM I-485

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101

**CFR Citation:** 8 CFR 204; 8 CFR 245; 8 CFR 274a

**Legal Deadline:** NPRM, Statutory, February 28, 2000.

**Abstract:** This rule amend INS regulations to allow employment-based immigrants to concurrently file Form I-140 (Visa Petition) with Form I-485 (Application for Adjustment of Status). This change will conform the treatment of employment based immigrants with family-based immigrants. Both classes can concurrently file if an immigrant visa is immediately available. This rule will mitigate the effects of INS processing time on affected individuals.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1115-AF93

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

Final Rule Stage

**2043. REDUCTION OF THE NUMBER OF ACCEPTABLE DOCUMENTS AND OTHER CHANGES TO EMPLOYMENT VERIFICATION REQUIREMENTS (SECTION 610 REVIEW)**

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

**RIN:** 1115-AB73

**2044. ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE: CONDITIONAL RESIDENTS AND FIANC(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.

**Timetable:**

Action	Date	FR Cite
NPRM	08/20/96	61 FR 43028
NPRM Comment Period End	10/21/96	61 FR 43028
Final Action	03/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1353-91

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

Karen FitzGerald, Adjudications Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-4754

**RIN:** 1115-AC70

**2045. PETITIONS FOR EMPLOYMENT-BASED IMMIGRANTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1153(b); 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; 8 CFR 214

**Legal Deadline:** None

**Abstract:** This proposed rule will make changes to the regulations governing employment-based immigrant petitions. These regulations were promulgated in November of 1991. Since then, the Service has discovered certain provisions in the regulations which need clarification or revision. The Service also needs to incorporate certain changes made by the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 into the regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	06/06/95	60 FR 29771
NPRM Comment Period End	08/07/95	
Final Action	03/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1633-93

**Agency Contact:** John Brown, Adjudications Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536

Phone: 202 616-7435

Craig S. Howie, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 353-8177

**RIN:** 1115-AD55

**2046. FEES FOR PARTICIPATION IN DEDICATED COMMUTER LANES AT SELECTED PORTS OF ENTRY; COLLECTION OF FEES UNDER THE DEDICATED COMMUTER LANE PROGRAM**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing

Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**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 rule clarifies the requirements for the use of the DCL (INS No. 1675). A second rule will set forth the fee required of participants in order to cover the technological costs (INS No. 1794).

INS No. 1820 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 ports-of-entry. Finally, the rule may adjust the fee structure in order to administer these projects.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule-INS No. 1675 Eff. 9/29/95; Comment Period End 11/28/95	09/29/95	60 FR 50386
Interim Rule-INS No. 1794	10/11/96	61 FR 53303
Final Rule-INS No.1675-94 Effective 10/16/96	10/16/96	61 FR 53830
Final Rule-INS No. 1794-96	02/00/01	
NPRM-INS No. 1820-96	06/00/01	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Organizations

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1675 and 1794-96

## DOJ—INS

## Final Rule Stage

**Agency Contact:** Thomas C. Campbell, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4214, 425 I Street NW, Washington, DC 20536  
Phone: 202 305-9246

**RIN:** 1115-AD82

**2047. ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE; TEMPORARY REMOVAL OF CERTAIN RESTRICTIONS ON ELIGIBILITY**

**Priority:** Other Significant

**Legal Authority:** 5 USC 552; 8 USC 1102; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 5 USC 552(a); 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 212; 8 CFR 217; 8 CFR 245

**Legal Deadline:** None

**Abstract:** This rule allows certain persons in the United States to adjust status to that of a lawful permanent resident if the application was filed before November 25, 1997, or if the adjustment application is based on a visa petition or labor certification filed between November 26, 1997, and January 14, 1998. These persons, although eligible for immigrant visa issuance abroad, have been barred from adjustment of status because they had entered the United States without inspection or had violated the conditions of temporary nonimmigrant status. The rule allows prospective lawful permanent or conditional residents to avoid the difficulties and expense of travel to a U.S. consulate or embassy abroad. It continues to penalize these violators of the immigration laws by requiring most adult applicants to pay an additional sum in excess of the standard adjustment filing fee. After adjusting status, they may lawfully live and work in the United States and may later be eligible to seek United States citizenship through naturalization. This rule also implements the new section 245(k) of the INA, which permits certain employment-based immigrants who are out of status to file for adjustment under section 245(a) of 8 CFR.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Eff. 10/01/94; Com. Due 12/06/94	10/07/94	59 FR 51091
Interim Final Rule Correction	10/20/94	59 FR 53020
Interim Rule-INS No. 1676-94 Effective 07/23/97	07/23/97	62 FR 39417
Final Rule	03/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1676 EOIR Interim Rule published 9/30/97 at 62 FR 50999. For more information, see RIN 1125-AA20.

**Agency Contact:** Michael Valverde, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-2763

Frances A. Murphy, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-4754

**RIN:** 1115-AD83

**2048. 90-DAY MODIFIED INSPECTION OF ALIEN CREW MEMBERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1228; 8 USC 1252; 8 USC 1184; 8 USC 1258; 8 USC 1281; 8 USC 1282; 8 USC 1103; 8 USC 1182; 8 USC 1183; 8 USC 1201; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227

**CFR Citation:** 8 CFR 235; 8 CFR 252

**Legal Deadline:** None

**Abstract:** This rule proposes to amend the Immigration and Naturalization Service (the Service) regulations by establishing a procedure whereby bona fide alien crewmen actively serving on board a maritime ferry or a maritime commercial cruise ship may, at the discretion of the Service, be inspected one time during every 90-day period during which the cruise ship conducts operations between Ports-of-Entry (POEs) in the United States and a foreign country. This rule is necessary in order for the Service to formally

codify the long-standing practice of authorizing certain maritime crewmen landing privileges in the United States without further inspection during the intervening time between 90-day full-crew inspections.

**Timetable:**

Action	Date	FR Cite
NPRM	08/15/97	62 FR 43676
NPRM Comment Period End	10/14/97	
Final Action	04/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1695-95

**Agency Contact:** Sam Farmer, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536  
Phone: 202 305-8153

**RIN:** 1115-AD95

**2049. 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:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**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; 8 CFR 2

**CFR Citation:** 8 CFR 204

**Legal Deadline:** None

**Abstract:** This 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.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/26/96	61 FR 13061
Interim Final Rule Effective	03/26/96	

DOJ—INS

Final Rule Stage

Action	Date	FR Cite
Interim Final Rule Comment Period End	05/28/96	
Final Rule	02/00/01	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** INS No. 1705-95**Agency Contact:** Karen FitzGerald, Adjudications Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536

Phone: 202 514-4754

**RIN:** 1115-AE04**2050. MISCELLANEOUS  
MODIFICATIONS TO  
NATURALIZATION REGULATIONS****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 8 USC 1103; 8 USC 1433; 8 USC 1443; 8 USC 1448**CFR Citation:** 8 CFR 322; 8 CFR 337**Legal Deadline:** None**Abstract:** These regulations implement provisions of the Immigration and Nationality Technical Amendments Act of 1994.

INS No. 1712 implements changes to 8 CFR 322 by establishing procedures for a U.S. citizen parent to apply for the expeditious naturalization of his or her children born outside the U.S. It allows certain U.S. parents who do not meet physical presence requirements to use the physical presence of their U.S. parent (the child's U.S. grandparent). The purpose of the rule is to relax the requirements of U.S. citizenship for children born to or adopted by U.S. citizens abroad.

**Timetable:**

Action	Date	FR Cite
NPRM-INS No. 1712	09/10/96	61 FR 47690
NPRM Comment Period End-INS No. 1712	11/12/96	
Final Rule-INS No. 1712	03/00/01	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** INS No. 1712

Contact, Jody Marten

INS No. 1764

**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-AE07**2051. CONDITIONS ON  
NONIMMIGRANT STATUS;  
DISCLOSURE OF INFORMATION****Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**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.**Timetable:**

Action	Date	FR Cite
NPRM	06/14/96	61 FR 30188
NPRM Comment Period End	08/13/96	
Final Action	03/00/01	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1732-95**Agency Contact:** Miriam Hetfield, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Rm. 3214, 425 I Street NW, Washington, DC 20536

Phone: 202 514-4754

**RIN:** 1115-AE17**2052. INSPECTION AND EXPEDITED  
REMOVAL OF ALIENS; DETENTION  
AND REMOVAL OF ALIENS;  
CONDUCT OF REMOVAL  
PROCEEDINGS; ASYLUM  
PROCEDURES****Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**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 1158; 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 208; 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 procedures for aliens attempting to enter the United States through fraud

## DOJ—INS

## Final Rule Stage

or misrepresentation 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. INS is circulating internally and with other DOJ components a draft final rule.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1788-96 (Final Action)

**CFR CITATIONS CONT:** 8 CFR 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 248, 251, 252, 253, 274a, 286, 287, 292, 299, 316, 318 and 329.

**LEGAL AUTHORITY CONT:** 8 USC 1186b, 1187, 1201, 1203, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1251, 1252, 1252 note, 1252a, 1252b, 1253, 1254, 1254a note, 1255, 1256, 1258, 1259, 1281, 1282, 1304, 1324a, 1330, 1356, 1357, 1362, 1429, 1440, 1443, 1447; 28 USC 509, 510, 1746; 31 USC 9701; 3 CFR, 1982 Comp, p 166; 8 CFR part 2.

INS Rule No. 1920-98 makes a technical correction to the services regulations that govern the documentary requirements for immigrants and corresponding waivers.

**Agency Contact:** Linda Loveless, Assistant 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, 2400 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041  
Phone: 703 305-0470

**RIN:** 1115-AE47

**2053. AGREEMENT PROMISING NON-DEPORTATION OR OTHER IMMIGRATION BENEFITS**

**Priority:** Other Significant

**Legal Authority:** 5 USC 301; 28 USC 509; 28 USC 510; 28 USC 515; 28 USC 516; 28 USC 517; 28 USC 518; 28 USC 519

**CFR Citation:** 28 CFR 0.197

**Legal Deadline:** None

**Abstract:** This final rule requires Federal prosecutors, law enforcement agencies, and other officials to obtain written consent from the Immigration and Naturalization Service when entering into a plea agreement, cooperation agreement, or similar agreement promising an alien favorable treatment by the Service. This rule ensures that favorable treatment under the Immigration laws is extended only after a full consideration of its affect on overall immigration enforcement, alleviates confusion over the authority to enforce the immigration laws, and prevents the Service from being bound by agreements undertaken without its knowledge and approval. The rule codifies a long-standing position of the Department of Justice.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/13/96	61 FR 48405
Interim Final Rule Comment Period End	11/12/96	
Final Action	01/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1791-96

**Agency Contact:** Ron Dodson, Investigator, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7310

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

**2054. PETITIONING REQUIREMENTS FOR THE H NONIMMIGRANT CLASSIFICATION**

**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 214; 8 CFR 274

**Legal Deadline:** None

**Abstract:** This rule amends the INS regulations to accommodate the need of certain U.S. employers relative to the filing of new and amended petitions for H-1B nonimmigrant workers. This rule amends the Service's regulations relative to the submission of itineraries with certain H-1B petitions. In addition, it amends the Service's regulations regarding the H-1B classification by allowing petitioners to obtain and submit the required certified labor condition application after the petition is filed with the Service but before the petition is adjudicated. Finally, the rule revokes approved H petitions where the beneficiary is no longer employed by the petitioner.

**Timetable:**

Action	Date	FR Cite
NPRM	06/04/98	63 FR 30419
NPRM Comment Period End	08/03/98	
Interim Rule	01/00/01	

**Regulatory Flexibility Analysis**

**Required:** Yes

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

**Government Levels Affected:** None

**Additional Information:** INS No. 1769-96

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

**RIN:** 1115-AE52

**2055. AFFIDAVIT OF SUPPORT ON BEHALF OF IMMIGRANTS**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1183a; PL 104-208; PL 104-193; 8 CFR 2

## DOJ—INS

## Final Rule Stage

**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 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.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule - INS No. 1807-96; Comment Period End 02/7/98	10/20/97	62 FR 52346
Final Rule	04/00/01	

**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

Miriam Hetfield, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Rm. 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-4754

**RIN:** 1115-AE58

**2056. 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.

**Timetable:**

Action	Date	FR Cite
NPRM	10/23/98	63 FR 56869
NPRM Comment Period End	12/22/98	
Final Rule	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** This rule has required coordination with several other government agencies. INS No. 1809-96

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

**RIN:** 1115-AE59

**2057. 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 note; PL 104-208

**CFR Citation:** 8 CFR 236.23

**Legal Deadline:** None

**Abstract:** On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The INS will publish a regulation implementing a new basis of

ineligibility for Family Unity benefits for certain juvenile offenders.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule-INS No. 1823-96	07/14/00	65 FR 43677
Interim Final Rule Comment Period End	09/12/00	
Final Rule-INS No. 1823-96	09/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1823-96; PL 104-208, title III, section 38; and this regulation will affect 8 CFR 242.5 that will be renumbered 8 CFR 236.25.

**Agency Contact:** Joanna London, 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-AE72

**2058. CERTIFICATION OF CERTAIN HEALTH CARE WORKERS**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1182(a)(5); PL 104-208

**CFR Citation:** 8 CFR 204; 8 CFR 212; 8 CFR 214.2; 8 CFR 245; 8 CFR 248

**Legal Deadline:** None

**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, 1998. 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

## DOJ—INS

## Final Rule Stage

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. Litigation over the implementation of this rule has led to a decision to publish an interim rule granting temporary authority to issue certificates.

The Service will be publishing a proposed rule (INS 1824) to fully implement section 343, including 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.

INS No. 2089-00 adds five additional occupation categories for foreign health care workers.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule-INS 1879	10/14/98	63 FR 55007
Interim Final Rule Effective-INS 1879	12/14/98	
Interim Final Rule Comment Period End-INS 1879	02/11/99	
Interim Final Rule-INS 1979-99	04/30/99	64 FR 23174
Interim Final Rule Comment Period End-INS 1979-99	06/29/99	
Interim Final Rule Effective-INS 1979-99	06/29/99	
Interim Final Rule-INS 2089-00	12/00/00	
NPRM-INS 1824-98	06/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2089-000

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

**RIN:** 1115-AE73

### 2059. ESTABLISHMENT OF PREINSPECTED AUTOMATED LANE (PAL) PROGRAM AT IMMIGRATION AND NATURALIZATION SERVICE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 CFR 2

**CFR Citation:** 8 CFR 287; 8 CFR 299

**Legal Deadline:** None

**Abstract:** This rule amends the Immigration and Naturalization Service regulation by establishing a Preinspected Automated Lane (PAL) Program for the use of eligible persons and vehicles at immigration checkpoints within the United States.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule With Request for Comments by 06/17/97	04/18/97	62 FR 19024
Final Rule	03/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1830-97

**Agency Contact:** William H. Carter, Border Patrol Agent, Office of Enforcement, Office of Field Operations, Department of Justice, Immigration and Naturalization Service, Room 4226, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-3072

**RIN:** 1115-AE80

### 2060. SURRENDER OF ALIENS ORDERED REMOVED FROM THE UNITED STATES

**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:** Although there is no formal legal deadline, the rule is an integral part of implementing PL 104-208.

**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.

**Timetable:**

Action	Date	FR Cite
NPRM	09/04/98	63 FR 47205
NPRM Comment Period End	11/03/98	
Final Rule	01/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1847-97

**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

### 2061. EARLY RELEASE FOR REMOVAL OF CRIMINAL ALIENS IN STATE CUSTODY FOR NONVIOLENT OFFENSES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1251; 8 USC 1253; 8 USC 1255; 8 USC 1330; 8 CFR 2

**CFR Citation:** 8 CFR 241

**Legal Deadline:** None

**Abstract:** The final rule will amend the INS regulations relating to the apprehension and removal of aliens under section 241 of the Immigration and Nationality Act (Act). This regulatory action establishes an administrative process whereby criminal aliens in State custody convicted of nonviolent offenses may be removed prior to completion of their sentence of imprisonment. The rule will implement the authority contemplated by Congress to enhance the ability of the United States to remove criminal aliens.

**Timetable:**

Action	Date	FR Cite
NPRM-INS No. 1848-97	07/12/99	64 FR 37461
NPRM Comment Period End	09/10/99	
Final Action-INS No. 1848-97	02/00/01	

**Regulatory Flexibility Analysis Required:** No

DOJ—INS

Final Rule Stage

**Small Entities Affected:** No**Government Levels Affected:** Federal, State**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: 202 514-2895Ron Dodson, Headquarters Investigation, Department of Justice, Immigration and Naturalization Service, Room 1000, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7310**RIN:** 1115-AE83**2062. AMENDMENT OF THE REGULATORY DEFINITION OF ARRIVING ALIEN****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 CFR 2**CFR Citation:** 8 CFR 1**Legal Deadline:** None

**Abstract:** This rule amends the INS regulations by changing the regulatory definition of an arriving alien. Under section 235(b)(1)(A)(i) of the Immigration and Nationality Act (Act), which was effective on April 1, 1997, certain arriving aliens are subject to expedited removal procedures. The existing regulatory definition of arriving aliens includes parolees. As a matter of policy, the Department has decided that it is appropriate to exempt from the new expedited removal procedures aliens who were paroled into the United States before April 1997. This rule clarifies that aliens who were paroled before April 1, 1997, will not be subjected to expedited removal. The rule also makes several changes in the wording of 1.1(q) to use language that is clearer and more consistent with the wording of the statute.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/20/98	63 FR 19382
Interim Final Rule Comment Period End	06/19/98	
Final Action	06/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Re: INS No. 1868-97**Agency Contact:** Linda Loveless, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7489**RIN:** 1115-AE87**2063. ASYLUM PROCEDURES****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; 8 CFR 2**CFR Citation:** 8 CFR 208**Legal Deadline:** None

**Abstract:** This rule proposes to amend the Immigration and Naturalization Services regulations that govern asylum and withholding of removal. This rule clarifies that, in cases where the applicant has established past persecution, the Attorney General may deny asylum in the exercise of discretion, if it is established by a preponderance of the evidence that the applicant does not face a reasonable possibility of future persecution in the applicant's country of nationality or, if stateless, the applicant's country of last habitual residence.

**Timetable:**

Action	Date	FR Cite
NPRM-INS No. 1865-97)	06/11/98	63 FR 31945
NPRM Comment Period Extended to 09/11/98	08/04/98	63 FR 41478
Final Rule-INS No. 1865-97)	04/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1865-97; AG Order No. 2164-98**Agency Contact:** Joanna Ruppel, Supervisor for Asylum Operations, International Affairs, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Attn: Ullico Building 3rd Floor, Washington, DC 20536

Phone: 202 305-2663

**RIN:** 1115-AE93**2064. ADJUSTMENT OF STATUS, CONTINUED VALIDITY OF NONIMMIGRANT STATUS AND UNEXPIRED EMPLOYMENT AUTHORIZATION FOR APPLICANTS MAINTAINING NONIMMIGRANT H OR L STATUS****Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 8 USC 1101; 8 USC 1282; 8 CFR 2; 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.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/01/99	64 FR 29208
Interim Final Rule Comment Period End	08/02/99	
Final Rule	03/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1881-97**Agency Contact:** Frances A. Murphy, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536

## DOJ—INS

## Final Rule Stage

Phone: 202 514-4754

Michael Valverde, 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

**2065. 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 is 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 PRWORA prior to issuance of final regulations.

**Timetable:**

Action	Date	FR Cite
NPRM-INS No. 1902-98	08/04/98	63 FR 41662
NPRM Comment Period End	10/05/98	

Action	Date	FR Cite
Final Rule-INS No. 1902-98	04/00/01	

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

**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

**2066. 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:**

Action	Date	FR Cite
Interim Final Rule	03/17/98	63 FR 12979
Interim Final Rule Effective	03/29/98	63 FR 12979

Action	Date	FR Cite
Interim Final Rule Correction	04/09/98	63 FR 17489
Final Action	04/00/01	

**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 I Street NW, Washington, DC 20536  
Phone: 202 305-1229

RIN: 1115-AF03

**2067. 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 publish regulations in July 1998. However, the changes brought by AEDPA and IIRIRA delayed issuance of regs.

**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:**

Action	Date	FR Cite
NPRM-INS No. 1906-98	07/24/98	63 FR 39759
NPRM Comment Period End	09/22/98	
Final Rule	03/00/01	

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

## DOJ—INS

## Final Rule Stage

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

**Agency Contact:** Arthur Srathern, III, Attorney, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7975

John J. Pogash, Juvenile Coordinator (Headquarters), Department of Justice, Immigration and Naturalization Service, Room 3008, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-1970

**RIN:** 1115-AF05

**2068. 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 Pub. L. No. 105-100, 111 Stat. 2160, 2193 (1997) (as amended by Technical Corrections to the Nicaraguan Adjustment and Central American Relief Act (NACARA), Pub. L. 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 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:**

Action	Date	FR Cite
NPRM-INS No. 1915-98	11/24/98	63 FR 64895
NPRM Comment Period End-INS No. 1915-98	01/25/99	63 FR 64895
Interim Rule-INS No. 1915-98	05/21/99	64 FR 27856
Interim Rule Comment Period End	07/20/99	
Final Rule	06/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**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, 425 I Street NW, Attn: Ullico Building 3rd Floor, Washington, DC 20536  
Phone: 202 305-2663

**RIN:** 1115-AF14

**2069. CHANGE IN BUSINESS PRACTICES: COLLECTION OF INTEREST, PENALTIES, AND HANDLING CHARGES FOR DELINQUENT PAYMENT OF EMPLOYER SANCTIONS FINES**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1324(b)

**CFR Citation:** 8 CFR 274

**Legal Deadline:** None

**Abstract:** This rule amends the Immigration and Naturalization Service regulations by subjecting employers who are delinquent in paying employer sanctions fines, to charges for interest, handling costs, and penalties associated with late payments of the fines. The Service has previously imposed fines against employers who violate section 274A of the Immigration and Nationality Act, but has yet to charge the employer for interest and handling costs, or to impose penalties for failure to promptly pay the fines. Accordingly, to ensure consistency and comprehensive implementation of the provisions contained in the Debt Collection Improvement Act (DCIA), the Service will begin to issue bills for the fines assessed against employers

who violate section 274a of the Act, and impose charges for interest, handling costs, and penalties associated with late payments of the fines.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1875-97

**Agency Contact:** Brenda Garland, Office of Financial Management, Department of Justice, Immigration and Naturalization Service, Room 6010, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7683

**RIN:** 1115-AF17

**2070. POWERS OF THE ATTORNEY GENERAL TO AUTHORIZE STATE OR LOCAL LAW ENFORCEMENT OFFICERS TO CARRY OUT IMMIGRATION ENFORCEMENT**

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

**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 any State and local law enforcement officer to perform certain 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 and ties such reimbursement to the Immigration Emergency Fund as the primary source of such funding.

DOJ—INS

Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	04/08/99	64 FR 17128
NPRM Comment Period End	06/07/99	
Final Rule	03/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Additional Information:** INS No. 1924

**Agency Contact:** Ron Dodson, Headquarters Investigation, Department of Justice, Immigration and Naturalization Service, Room 1000, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7310

**RIN:** 1115-AF20

### 2071. ELIMINATION OF IMMIGRATION AND NATURALIZATION SERVICE- ISSUED MEXICAN AND CANADIAN BORDER CROSSING CARDS AND CONSENT TO REAPPLY FOR ADMISSION AFTER REMOVAL

**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

**Legal Deadline:** Final, Statutory, October 1, 2001.

**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 (BCC's) 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. This rule also amends the provisions regarding consent to reapply after removal to conform with the requirements of IIRIRA.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1931-98

**Agency Contact:** Paul M. Morris, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536  
Phone: 202 305-2970

**RIN:** 1115-AF24

### 2072. 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 regulation changes the location for the filing, and adjudication of, proposals to participate in the Immigrant Investor Pilot Program from Headquarters, Adjudication to the Texas and California Service Centers. This change is necessary to ensure the uniform and effective adjudication of these complex proposals related to economic development, export trade, and job creation. Full regulation development is pending legislative action.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** INS No. 1944-98

**Agency Contact:** Katharine A. Lorr, Adjudications Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536

Phone: 202 514-3228

**RIN:** 1115-AF27

### 2073. 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 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 INA are met.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/18/99	64 FR 7989
Interim Final Rule Comment Period End	04/18/99	64 FR 7989
Final Action	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local**Additional Information:** INS No. 1956-98

DOJ—INS

Final Rule Stage

**Agency Contact:** Marty Newingham, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7992

**RIN:** 1115-AF28

#### 2074. 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 1184; 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 Department of Labor (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:**

##### **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 Effective 11/13/00

##### **INS No. 2059-00**

NPRM 07/13/00 (65 FR 43535)  
NPRM Comment Period End 08/14/00  
NPRM Comment Period Extended 08/17/00 (65 FR 50166)  
Final Action 04/00/01

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

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

**Additional Information:** INS No. 1946-98

**Agency Contact:** John W. Brown, Staff Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 353-8177  
Fax: 202 514-0198

**RIN:** 1115-AF29

#### 2075. TEMPORARY PROTECTED STATUS AMENDMENTS TO THE REQUIREMENTS FOR EMPLOYMENT AUTHORIZATION FEE AND OTHER TECHNICAL AMENDMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1103; 8 USC 1254; 8 USC 1254a

**CFR Citation:** 8 CFR 244

**Legal Deadline:** None

**Abstract:** This rule amends the INS regulations by removing outdated language that certain El Salvadorans must pay a fee for temporary protected status (TPS)-related employment authorization documents (EADs). Removing this language will make INS regulations conform to current INS policy as provided in the instructions to the form I-765. The instructions on the form I-765 instruct all applicants for TPS who desire employment authorization to pay the fee.

#### **Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/01/99	64 FR 4780
Interim Final Rule	04/02/99	
Comment Period End		
Final Rule	03/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1972-99

**Agency Contact:** Michael Valverde, 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-AF37

#### 2076. 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

**Legal Deadline:** Other, Statutory, February 18, 1999, The Act requires promulgation by 02/18/99.

**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.

#### **Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/19/99	64 FR 8478
Interim Final Rule	03/22/99	
Effective		
Interim Final Rule	03/22/99	64 FR 13881
Corrections		
Interim Final Rule	04/20/99	
Comment Period End		
Final Rule	04/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1976-99

**Agency Contact:** Kelly Ryan, Chief, Refugee and Asylum Branch, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-2895

Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2400 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041  
Phone: 703 305-0470

**RIN:** 1115-AF39

DOJ—INS

Final Rule Stage

**2077. INTERIM DESIGNATION OF ACCEPTABLE RECEIPTS FOR EMPLOYMENT ELIGIBILITY VERIFICATION****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1324a; 8 CFR 2**CFR Citation:** 8 CFR 274a**Legal Deadline:** None

**Abstract:** The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) made several amendments to the employment eligibility verification provisions of the INA. An Interim Rule implementing some of these amendments was issued on September 30, 1997. This rule included amendments to the "Receipt Rule," which permits employees to present a "Receipt" in lieu of a document listed on the Employment Eligibility Verification form (Form I-9). Circumstances that have become apparent since publication of the September 30, 1997, rule required that rule to be amended by this Interim Rule. This Interim Rule was also necessary to facilitate employer and employee compliance with the regulations. The rule revised the amount of time a receipt remains valid where the employee presents a Form I-94 marked with a temporary I-551 stamp and containing a photograph of the bearer. Where the employee presents a Form I-94 marked with a refugee admission stamp, the rule adds Form I-688B to the list of documents that the employee can present at the end of the receipt validity period.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/09/99	64 FR 6187
Interim Final Rule Comment Period End	04/12/99	64 FR 6187
Final Action	04/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** This rule was published in the Federal Register as RIN 1115-AE94. This RIN has now been changed to 1115-AF42, INS No. 1947-98.**Agency Contact:** Marguerite Przbyski, Attorney, Office of General Counsel, Department of Justice, Immigration andNaturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-2895**RIN:** 1115-AF42**2078. INADMISSIBILITY AND DEPORTABILITY ON PUBLIC CHARGE GROUNDS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1183; ...**CFR Citation:** 8 CFR 212; 8 CFR 237**Legal Deadline:** None

**Abstract:** This rule amends the Immigration and Naturalization Service regulations to establish clear standards governing a determination that an alien is admissible or ineligible to adjust status, or has become deportable, on public charge grounds. This rule is necessary to alleviate growing public confusion over the meaning of the currently undefined term public charge in immigration law and its relationship to the receipt of Federal, State, or local public benefits. By defining public charge the Service seeks to reduce the negative public health consequences generated by the existing confusion and to provide aliens with better guidance as to the types of public benefits that will and will not be considered in public charge determinations.

**Timetable:**

Action	Date	FR Cite
NPRM	05/26/99	64 FR 28676
NPRM Comment Period End	07/26/99	
Final Action	03/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** INS No. 1989-99**Agency Contact:** Michael C. Biggs, Adjudications Division, Department of Justice, Immigration and Naturalization Service, 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-4754**RIN:** 1115-AF45**2079. 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 what effect an alien's arrival in the United States at a place other than an open port-of-entry will have on the alien's ability to obtain permanent residence under section 1 of the Cuban Adjustment Act of 1966, as amended. This rule is necessary to establish uniform rules relating to both the alien's eligibility for this relief and to the proper exercise of the discretion to grant or deny this relief.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1966-99**Agency Contact:** Miriam Hetfield, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Rm. 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-4754**RIN:** 1115-AF48**2080. APPLICATION FOR REFUGEE STATUS; ACCEPTABLE SPONSORSHIP AGREEMENT GUARANTY OF TRANSPORTATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1157; 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

DOJ—INS

Final Rule Stage

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 guaranty 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.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/21/99	64 FR 27660
Interim Final Rule Comment Period End	07/20/99	
Final Rule	02/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1999-99**Sectors Affected:** None

**Agency Contact:** Kathleen Thompson, Staff Officer, 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**2081. 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.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2004

(See Also 1115-AE68)

**Agency Contact:** Yvette LaGonterie, Director, Parole Branch, Office of International Affairs, Division Field Operations, Department of Justice, Immigration and Naturalization Service, ULLICO Bldg., Third Floor, 111 Massachusetts Avenue NW, Washington, DC 20001

Phone: 202 305-2670

**RIN:** 1115-AF53**2082. EXTENDING THE PERIOD OF DURATION OF STATUS FOR CERTAIN F AND J NONIMMIGRANT ALIENS****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186; ...**CFR Citation:** 8 CFR 214**Legal Deadline:** None

**Abstract:** This interim rule amends the Immigration and Naturalization Service regulations to provide that the Commissioner may publish a notice to extend the duration of status, under specified conditions, of certain F-1 and J-1 nonimmigrant aliens who may be affected adversely because the numerical limit (cap) on H-1B nonimmigrant aliens has been reached prior to the end of a given fiscal year. This rule is a necessary stop-gap measure because of large number of F-1 and J-1 nonimmigrant aliens seek a change of nonimmigrant status to that of H-1B after completion of their studies or their program. However,

many of these aliens will be unable to change their nonimmigrant status for the remainder of a given fiscal year because of the cap on H-1B petitions. This rule will allow such aliens to avoid a lapse in their status because of a circumstance that is not under their control.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/15/99	64 FR 32146
Interim Final Rule Comment Period End	08/16/99	
Final Action	10/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1992-99

**Agency Contact:** John W. Brown, Staff Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 353-8177  
Fax: 202 514-0198

Efren Hernandez, Adjudications Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536  
Phone: 202 353-8177

**RIN:** 1115-AF54**2083. CONDITIONAL RESIDENCE OF LAWFUL PERMANENT RESIDENCE FOR CERTAIN ALIEN SPOUSES AND SONS AND DAUGHTERS; BATTERED AND ABUSED 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**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,

## DOJ—INS

## Final Rule Stage

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 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. The final 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.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/16/91	56 FR 22635
Final Action	03/00/01	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Final Action for INS No. 1423-91 that was published on 5/16/1991.

**Agency Contact:** Anne Gyemant, 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

**2084. 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 may 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 border area while still ensuring that sufficient safeguards are in place to prevent illegal entry to the United States.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/08/99	64 FR 68616
Interim Final Rule	02/07/00	
Comment Period		
End		
Final Action	01/00/01	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2026-99**Sectors Affected:** None

**Agency Contact:** Paul M. Morris, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536  
Phone: 202 305-2970

RIN: 1115-AF60

**2085. 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 directors 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 55550.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/31/00	65 FR 17127
Interim Final Rule	05/30/00	
Comment Period		
End		
Final Rule	02/00/01	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No.1858-97**Sectors Affected:** None

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

RIN: 1115-AF63

**2086. DUPLICATION AND ELECTRONIC GENERATION OF FORMS****Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 CFR 2**CFR Citation:** 8 CFR 299**Legal Deadline:** None

**Abstract:** This rule amends the Immigration and Naturalization Service regulations regarding duplication and electronic generation of public use forms by public and private entities. This rule eliminates the requirement that duplicated and electronically generated forms be produced on the same color paper and in the same printing configuration that is used for the official Service forms. The Service is eliminating these requirements to make it easier for public and private entities to take advantage of existing technology in the marketplace and on Service's Internet Website.

## DOJ—INS

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
Final Rule	12/00/00	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2017-99**Sectors Affected:** None

**Agency Contact:** Pamela T. Wallace, Staff Officer, Immigration Services Division, Department of Justice, Immigration and Naturalization Service, Room 980, 801 I Street NW, Washington, DC 20536  
Phone: 202 305-1229

**RIN:** 1115-AF66

### 2087. 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. An interim is necessary because the I-90 program must be implemented as the 10 year I-551 begin to filed with INS. A proposed rulemaking will not allow the INS to meet its program requirement, and it will be burdensome on the public as it will create a class of aliens

who have expired Alien Registration Cards with no means to renew their I-551.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/00/01	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No.2042-00

**Agency Contact:** Michael Hardin, Adjudications Divison, Department of Justice, Immigration and Naturalization Service, 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 305-8807

**RIN:** 1115-AF71

### 2088. 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 is issuing 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	

Action	Date	FR Cite
Interim Final Rule	11/06/00	
Comment Period End		
Final Action	06/00/01	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2048-00

**Agency Contact:** Craig S. Howie, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 353-8177

**RIN:** 1115-AF75

### 2089. • 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:** This interim rule amends the Immigration and Naturalization and Naturalization Service regulations governing the Dedicated Commuter Lanes and Automated Permit Port programs by providing for the establishment of DCLs along the northern borders of the United states by clarifying that non-driving passengers who do not have a driver's license (for example, children, certain elderly people, and others who are ineligible to drive or otherwise choose not to drive) are not required to have or present a drivers license before their application is approved.

**Timetable:**

Action	Date	FR Cite
Interim Rule	03/00/01	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2058-00

DOJ—INS

Final Rule Stage

**Sectors Affected:** None

**Agency Contact:** Thomas C. Campbell, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4214, 425 I Street NW, Washington, DC 20536  
Phone: 202 305-9246

**RIN:** 1115–AF77

### 2090. • WAIVING THE FINGERPRINTING REQUIREMENT FOR CERTAIN DISABLED NATURALIZATION APPLICANTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1443; 8 USC 1447; 29 USC 794(a), The Rehabilitation Act of 1973

**CFR Citation:** 8 CFR 316; 8 CFR 335**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 fingerprinting 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:**

Action	Date	FR Cite
Interim Final Rule With Request for Comments	04/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2060-00**Sectors Affected:** None

**Agency Contact:** Pamela T. Wallace, Adjudications Officer, Department of Justice, Immigration and Naturalization Service, 980, 801 I Street NW, Washington, DC 20536  
Phone: 202 514-9475

**RIN:** 1115–AF80

### 2091. • DETENTION OF ALIENS ORDER REMOVED

**Priority:** Other Significant**Legal Authority:** 8 USC 1251; ...**CFR Citation:** 8 CFR 212.13; 8 CFR 236.1; 8 CFR 241.4**Legal Deadline:** NPRM, Statutory, July 30, 2000.

**Abstract:** This rule proposes to amend the Immigration and Naturalization Service (Service) regulations by providing a uniform review process governing the detention of criminal, inadmissible and other aliens, excluding Mariel Cubans, who have received a final administrative removal order but whose departure has not been effected within the 90-day removal period. This is necessary to ensure periodic custody reviews for post-order cases and consistency in decision-making.

**Timetable:**

Action	Date	FR Cite
NPRM	06/30/00	65 FR 40540
NPRM Comment Period End	07/31/00	
NPRM Comment Period Extended	08/01/00	
Extended Comment Period End	08/11/00	
Final Rule	02/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2029-00**Sectors Affected:** None

**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–AF82

### 2092. • 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:** Section 601(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), provides that, for any fiscal year, not more than a total of 1,000 refugees may be admitted or granted asylum based solely on resistance to coercive population control measures. This rule authorizes the 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 and established a mechanism for converting no more than 1,000 conditional grants per fiscal year to final asylum grants. The rule also establishes procedures for administering a waiting list in those years that the number of conditional grants exceeds the statutory limit for final grants, reserves a certain number of authorization numbers for purposes of refugee admission, and addresses procedures for administering derivative conditional grants, terminating conditional grants and other procedures specific to this rule.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule With Request for Comments	03/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2067-00**Sectors Affected:** None

**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

DOJ—INS

Final Rule Stage

**2093. • ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE; SUNSET DATE UNDER SECTION 245(I) OF THE IMMIGRATION AND NATIONALITY ACT****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 proposes to amend its regulations on eligibility for adjustment of status under section 245(i) of the Immigration and Nationality Act to add the January 15, 1998, sunset date set by Public Law 105-119. In so doing the Service adopts the "alien based reading" which grandfathers the alien rather than a visa petition or application for labor certification properly filed prior to the sunset date. Section 245(i) of the Immigration and Nationality Act allows an alien who entered the United States without inspection or who is in violation of section 245(c) of the Act to adjust status if the alien is the beneficiary of a visa petition filed with the Attorney General, or an application for labor certification filed with the Secretary of labor, prior to January 15, 1998, upon payment of a penalty fee of \$1,000.00.

This rule provides guidance on the standard for review of the pre-January 15, 1998, filings for both family and employment-based immigrant visa petitions well as applications for labor certification, and clarifies the effect of the January 15, 1998, sunset date on eligibility to apply as a grandfathered alien. Finally, this rule provides guidance concerning eligibility for and the acceptance of applications for

adjustment of status under section 245(k) of the Act. Section 245(k) of the Act states that an alien who is eligible to receive an immigration visa may request an adjustment of status upon the following conditions: (1) if the alien, on the date of filing an application for adjustment of status, is present in the United States pursuant to a lawful admission, and (2) if the alien, subsequent to such lawful admission has not, for an aggregate period exceeding 180 days failed to maintain continuously a lawful status, engage in unauthorized employment or otherwise violated the terms and conditions of the alien's admission.

**Timetable:**

Action	Date	FR Cite
--------	------	---------

Interim Final Rule With Comments	03/00/01	
----------------------------------	----------	--

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2078-00**Sectors Affected:** None

**Agency Contact:** Frances A. Murphy, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-4754

**RIN:** 1115-AF91**2094. • POWERS OF DUTIES OF SERVICE OFFICERS; PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A U.S. CITIZEN OR PREFERENCE IMMIGRANT****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; ...**CFR Citation:** 8 CFR 204; 8 CFR 245**Legal Deadline:** None

**Abstract:** This rule allows approval of certain relative petitions and applications for adjustment of status based on marriage during deportation, exclusion, or related proceedings. It authorizes conferral of these benefits based on a clearly bona fide marriage although the alien has not lived abroad for two or more years after the marriage. This rule eliminates hardships to the alien and to citizen or permanent family members by permitting the alien to become a permanent resident without having fulfilled the foreign residency requirement.

**Timetable:**

Action	Date	FR Cite
--------	------	---------

Final Action	12/00/00	
--------------	----------	--

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** See INS No. 1419-91

**Agency Contact:** Ruthie Amoyal, Management Analyst, Office of Policy and Planning, Department of Justice, Immigration and Naturalization Service, Room 5307, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-3048

Michael C. Biggs, Adjudications Division, Department of Justice, Immigration and Naturalization Service, 3214, 425 I Street NW, Washington, DC 20536

Phone: 202 514-4754

**RIN:** 1115-AF94**Department of Justice (DOJ)  
Immigration and Naturalization Service (INS)****Long-Term Actions****2095. VISA WAIVER PILOT PROGRAM****Priority:** Substantive, Nonsignificant**CFR Citation:** 8 CFR 217**Timetable:**

Action	Date	FR Cite
--------	------	---------

NPRM-INS No. 1406-91 Comment Period End 5/22/91	05/07/91	56 FR 21101
---	----------	-------------

Final Rule-INS No. 1406-91 Eff. 7/18/91*	07/18/91	56 FR 32952
--	----------	-------------

Interim Final Rule-INS 09/13/91 56 FR 46716 No. 1447 Eff. 10/1/91; Comment Period End 10/15/91

## DOJ—INS

## Long-Term Actions

Interim Final Rule- 07/29/93 58 FR 40581  
1622-93; Eff.  
7/29/93; Com. End  
8/30/93; (To be  
merged with 1447R-  
93)\*

Public Notice-INS No. 02/21/95 60 FR 9699  
1674 Eff. 10/25/94,  
Comment Period  
End 09/30/96

Interim Final Rule-INS 03/28/95 60 FR 15855  
No. 1685 Eff. 4/1/95;  
Comment Period  
End 5/30/95

Interim Final Rule-INS 07/08/96 61 FR 35598  
No. 1777

Interim Final Rule-INS 07/29/96 61 FR 39721  
No. 1782-96 With  
Comments  
(Australia)

Interim Final Rule-INS 09/30/97 62 FR 50998  
1786-96 With  
Comments  
(Slovenia)

Final Rule-INS No. 12/30/98 63 FR 71726  
1799

Interim Final Rule-INS 08/03/99 64 FR 42006  
2002-99 With  
Comments  
(Portugal,  
Singapore, and  
Uruguay)

Next Action Undetermined

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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

**RIN:** 1115-AB93

## 2096. EMPLOYER SANCTIONS MODIFICATIONS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 8 CFR 274a

### Timetable:

Action	Date	FR Cite
Interim Final Rule-INS No. 1738	10/07/96	61 FR 52235
Correction (Final Rule)	10/29/96	61 FR 55840
Next Action Undetermined		

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Angelo Sorrento  
Phone: 202 514-0747

**RIN:** 1115-AE21

## 2097. REGULATIONS RELATING TO TEMPORARY PROTECTED STATUS

**Priority:** Other Significant

**CFR Citation:** 8 CFR 103; 8 CFR 240;  
8 CFR 299

### Timetable:

Action	Date	FR Cite
TPS Final Rule (INS No. 1612) Removal of Obsolete Sections Covering TPS for Salvadorans	09/10/96	61 FR 47667
TPS Notice (INS No. 1832-97) Designation of Liberia	04/07/97	62 FR 16608
TPS Notice (INS No. 1853-97) Designation of Rwanda Eff. 06/07/97	06/19/97	62 FR 33442
TPS Notice (INS No. 1862-97) Designation of Bosnia- Hercegovina	08/01/97	62 FR 41420
TPS Notice (INS No. 1863-97) Designation of Somalia	08/01/97	62 FR 41421
TPS Notice (INS No. 1878-97) TPS Designation of Montserrat	08/28/97	62 FR 45685
TPS Notice (INS No. 1775-96) TPS Designation of Burundi	11/04/97	62 FR 59735
TPS Notice (INS No. 1877-97) TPS Designation of Sierra	11/04/97	62 FR 59736
TPS Notice (INS No. 1780-97) TPS Designation of Sudan	11/04/97	62 FR 59737
TPS Notice (INS No. 1910-98) Termination of Designation of Liberia	03/31/98	63 FR 15437
TPS Notice (INS No. 1929-98) TPS Designation of Kosovo	06/09/98	63 FR 31527
TPS Notice (INS No. 1945-98) Extension of Designation of Somalia	09/28/98	63 FR 51602
TPS Notice (INS No. 1953-98) Redesignation of Liberia	09/29/98	63 FR 51958

Action	Date	FR Cite
TPS Notice (INS No. 1957-98) TPS Extension of Designation of Burundi	11/03/98	63 FR 59334
TPS Notice (INS No. 1958-98) TPS Extension of Designation of Sierra Leone	11/03/98	63 FR 59336
TPS Notice (INS No. 1959-98) Extension of Designation of Sudan	11/03/98	63 FR 59337
Final Action	11/16/98	63 FR 63593
TPS Notice (INS No. 1964-98) TPS Designation of Honduras	01/05/99	64 FR 524
TPS Notice (INS No. 1965-98) TPS Designation of Nicaragua	01/05/99	64 FR 526
TPS Notice (INS No. 1960-98) TPS Designation of Guinea-Bissau	03/11/99	64 FR 12181
TPS Notice (INS No. 1986-99) TPS Redesignation of the Province of Kosovo	06/08/99	64 FR 30542
TPS Notice (INS No. 1953-99) Termination of TPS Designation of Liberia	07/30/99	64 FR 41463
TPS Notice (INS No. 2009-99) Extension of the TPS Registration Period for Hondurans and Nicaraguans	08/06/99	64 FR 42991
TPS Notice (INS No. 2006-99) Extension of TPS Designation of Bosnia- Hercegovina	08/11/99	64 FR 43720
TPS Notice (INS No. 2010-99) Extension of TPS Designation of Montserrat	09/02/99	64 FR 48190
TPS Notice (INS No. 2015-99) Extension of TPS Designation of Somalia	09/13/99	64 FR 49511
TPS Notice (INS No. 2022-99) Extension and Redesignation of Burundi Under Temporary Protected Status	11/09/99	64 FR 61123
TPS Notice (INS No. 2024-99) Extension and Redesignation of Sierra Leone Under Temporary Protected S	11/09/99	64 FR 61125

## DOJ—INS

## Long-Term Actions

Action	Date	FR Cite
TPS Notice (INS No. 2023-99) Extension and Redesignation of Sudan Under the Temporary Protected Stat	11/09/99	64 FR 61128
TPS Notice (INS No. 2043-00) Extension and Termination of Designation of Guinea-Bissau Under TPS	03/20/00	65 FR 15016
TPS Notice (INS No. 2044-00) Designation of Angola Under TPS	03/29/00	65 FR 16634
TPS Notice (INS No. 2065-00) Extension of Designation of Hondurans	05/11/00	65 FR 30438
TPS Notice (INS No. 2064-00) Extension of Nicaragua Designation	05/11/00	65 FR 30440
TPS Notice (INS No. 2066-00) Termination of the Kosovo...	05/23/00	65 FR 33356
TPS Notice (INS No. 2065R-00) Extension of Re-Registration for Hondurans	06/09/00	65 FR 36719
TPS Notice (INS No. 2064R-00) Extension of Re-Registration for Nicaraguans	06/09/00	65 FR 36729
TPS Notice (INS No. 2079-00) Termination of Bosnia-Herzegovina	08/30/00	65 FR 52789
TPS Notice (INS No. 2087-00) Extension of Designation of Montserrat Under Temporary Protected Status	10/02/00	65 FR 58806

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Michael Valverde  
Phone: 202 514-2763  
Email:  
michael.valverde@justice.usdoj.gov

**RIN:** 1115-AE26

### 2098. CORPORATE REORGANIZATIONS (MERGERS AND ACQUISITIONS) AND E, H, L NONIMMIGRANT CLASSIFICATION

**Priority:** Other Significant

**CFR Citation:** 8 CFR 214.1(h)

**Timetable:**

Action	Date	FR Cite
ANPRM With Request for Comments	12/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Irene Hoffman

Phone: 202 514-5014

**RIN:** 1115-AE55

### 2099. F-1 VISA ABUSERS AND FOREIGN STUDENTS

**Priority:** Other Significant

**CFR Citation:** 8 CFR 214.1; 8 CFR 214.2 (f); 8 CFR 214.3; 8 CFR 214.4; 8 CFR 221.1; 8 CFR 235; 8 CFR 236; 8 CFR 248

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sophia Cox

Phone: 202 514-3228

Maurice R. Berez

Phone: 202 353-8177

**RIN:** 1115-AE63

### 2100. EMPLOYMENT VERIFICATION BY EMPLOYERS THAT ARE MEMBERS OF A MULTI-EMPLOYER ASSOCIATION

**Priority:** Other Significant

**CFR Citation:** 8 CFR 274a

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Marguerite Przblyski

Phone: 202 514-2895

**RIN:** 1115-AE67

### 2101. LIMITING LIABILITY FOR CERTAIN TECHNICAL AND PROCEDURAL VIOLATIONS OF PAPERWORK REQUIREMENTS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 8 CFR 274a

**Timetable:**

Action	Date	FR Cite
NPRM	04/07/98	63 FR 16909
NPRM Comment Period End	06/08/98	

Final Rule To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Marguerite Przblyski

Phone: 202 514-2895

**RIN:** 1115-AE70

### 2102. PUBLIC CHARGE BOND PILOT PROGRAM

**Priority:** Other Significant

**CFR Citation:** 8 CFR 213

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Suzy Nguyen

Phone: 202 514-4754

Lisa Roney

Phone: 202 514-3242

**RIN:** 1115-AE78

### 2103. EXTENSION OF DEADLINE FOR SPECIAL IMMIGRANT RELIGIOUS WORKERS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 8 CFR 204

**Timetable:**

Action	Date	FR Cite
Final Rule-INS No. 1436-94	10/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

## DOJ—INS

## Long-Term Actions

**Agency Contact:** Irene Hoffman  
Phone: 202 514-5014

**RIN:** 1115-AF12

**2104. AUTHORIZING SUSPENSION OF EMPLOYMENT AUTHORIZATION REQUIREMENTS ON THE BASIS OF SEVERE ECONOMIC HARDSHIP FOR F-1 STUDENTS AND EMERGENT CIRCUMSTANCES**

**Priority:** Other Significant

**CFR Citation:** 8 CFR 214

**Timetable:**

Action	Date	FR Cite
Interim Final Rule-INS No. 1914-98	06/10/98	63 FR 31871
Interim Final Rule Comment Period End	08/10/98	
Final Action	12/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Song Park  
Phone: 202 353-8177

**RIN:** 1115-AF15

**2105. NONIMMIGRANT CLASSES: Q-2 IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM VISITOR**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 8 CFR 214; 8 CFR 245; 8 CFR 248; 8 CFR 274

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/17/00	65 FR 14774
Interim Final Rule Effective	03/17/00	

Action	Date	FR Cite
Interim Final Rule Comment Period End	05/16/00	
Final Rule	12/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Donna Crump  
Phone: 202 353-8177

**RIN:** 1115-AF51

**2106. AUTHORIZING COLLECTION OF FEE LEVIED ON F, J, AND M NONIMMIGRANT CLASSIFICATIONS UNDER ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT (IIRIRA)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 8 CFR 103; 8 CFR 214; 8 CFR 299

**Timetable:**

Action	Date	FR Cite
NPRM	12/21/99	64 FR 71323
NPRM Comment Period End	02/22/00	
Final Rule	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Song Park  
Phone: 202 353-8177

**RIN:** 1115-AF56

**2107. • 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.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No.2076-00

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

**RIN:** 1115-AF90

## Department of Justice (DOJ)

## Completed Actions

## Immigration and Naturalization Service (INS)

**2108. ADMISSION OF CERTAIN NURSES SEEKING NONIMMIGRANT CLASSIFICATION UNDER THE H-1A CATEGORY**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 8 CFR 214

**Completed:**

Reason	Date	FR Cite
Merged With 1115-AF76	09/21/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** John Brown  
Phone: 202 616-7435

**RIN:** 1115-AD74

**2109. RIGHTS OF HABITUAL RESIDENCE BETWEEN THE UNITED STATES AND THE GOVERNMENTS OF THE MARSHALL ISLANDS, MICRONESIA, AND PALAU**

**Priority:** Other Significant

**CFR Citation:** 8 CFR 204; 8 CFR 214.2

## DOJ—INS

## Completed Actions

**Completed:**

Reason	Date	FR Cite
Final Action	09/19/00	65 FR 56463
Final Action Effective	09/19/00	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Craig S. Howie  
Phone: 202 353-8177

RIN: 1115-AE61

**2110. COLLECTION OF FEES UNDER THE DEDICATED COMMUTER LANE PROGRAM, PORT PASSENGER ACCELERATED SERVICE SYSTEM (PORTPASS) PROGRAM****Priority:** Other Significant**CFR Citation:** 8 CFR 103; 8 CFR 235; 8 CFR 286; 8 CFR 299**Completed:**

Reason	Date	FR Cite
Withdrawn- Consolidated into RIN 1115-AD82	09/15/00	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Thomas C. Campbell  
Phone: 202 305-9246

RIN: 1115-AE71

**2111. ADJUSTMENT OF STATUS FOR CERTAIN POLISH OR HUNGARIAN PAROLEES****Priority:** Substantive, Nonsignificant**CFR Citation:** 8 CFR 245**Completed:**

Reason	Date	FR Cite
Final Rule-INS No. 1825-97	04/12/00	65 FR 20069
Final Rule Effective	05/15/00	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Michael Valverde  
Phone: 202 514-2763

RIN: 1115-AE74

**2112. CONTROL OF ALIENS DEPARTING FROM THE UNITED STATES****Priority:** Substantive, Nonsignificant**CFR Citation:** 8 CFR 215**Completed:**

Reason	Date	FR Cite
Withdrawn	07/31/00	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** State, Local**Agency Contact:** Andrew Taub  
Phone: 202 514-3019

RIN: 1115-AE89

**2113. JURISDICTIONAL CHANGE FOR THE LOS ANGELES AND SAN FRANCISCO ASYLUM OFFICES****Priority:** Substantive, Nonsignificant**CFR Citation:** 8 CFR 100**Completed:**

Reason	Date	FR Cite
Final Action-INS No. 1949-98	06/23/00	65 FR 39071

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Marta Rothwarf  
Phone: 202 305-2792

RIN: 1115-AF18

**2114. TREATMENT OF CERTAIN H PETITIONS FILED AFTER THE NUMERICAL CAP IS REACHED****Priority:** Substantive, Nonsignificant**CFR Citation:** 8 CFR 214**Completed:**

Reason	Date	FR Cite
Merged With 1115- AF41	07/09/00	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** John W. Brown  
Phone: 202 353-8177  
Fax: 202 514-0198

RIN: 1115-AF47

**2115. ADJUSTMENT OF FEES FOR THE LAND BORDER INSPECTION FEE ACCOUNT****Priority:** Other Significant**CFR Citation:** 8 CFR 103**Completed:**

Reason	Date	FR Cite
Withdrawn - Duplicate of 1115-AF55	09/21/00	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Paul Schlesinger  
Phone: 202 616-2754

RIN: 1115-AF62

**2116. LANDING REQUIREMENTS FOR PASSENGERS ARRIVING FROM CUBA****Priority:** Other Significant**CFR Citation:** 8 CFR 234**Completed:**

Reason	Date	FR Cite
Final Action	10/03/00	65 FR 58902
Final Action Effective	10/03/00	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Elizabeth Tisdale  
Phone: 202 514-0912

RIN: 1115-AF72

**2117. • FINGERPRINTING CERTAIN APPLICANTS FOR A REPLACEMENT PERMANENT RESIDENT CARE (FORM I-551)****Priority:** Other Significant**Legal Authority:** PL 105-119**CFR Citation:** 8 CFR 264**Legal Deadline:** None

**Abstract:** This rule is necessary to correct an inadvertent error in the regulations INS published on March 17, 1998, at 62 FR 12979. On that date, INS published an interim rule implementing a new program to fingerprint applicants and petitioners for immigration benefits. The program removed the requirement for applicants and petitioners to file applications and petitions with a completed Fingerprint Card (FD-258). Instead, INS would notify applicants or petitioners after they filed to appear at an Application Support Center or other INS-designated location to be fingerprinted.

The March 1998 interim rule inadvertently changed the regulations to require all applicants for a replacement or renewal of an Alien Registration Receipt card—now, a Permanent Resident Card—to be fingerprinted. This final rule will correct that error by amending the regulations to provide that INS will fingerprint an applicant filing Form I-90 for replacement or

## DOJ—INS

## Completed Actions

renewal of a Permanent Resident Card only if the applicant is applying for a replacement card because he or she has reached 14 years of age.

**Timetable:**

Action	Date	FR Cite
Final Action	09/26/00	65 FR 57723
Final Action Effective	09/26/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2040-00 This action is being split from RIN 1115-AF03.**Sectors Affected:** None**Agency Contact:** Pamela T. Wallace, Adjudications Officer, Department of Justice, Immigration and Naturalization Service, 980, 801 I Street NW, Washington, DC 20536  
Phone: 202 514-9475**RIN:** 1115-AF74

## Department of Justice (DOJ)

## Proposed Rule Stage

## Legal Activities (LA)

**2118. 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, PL 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. PL 100-694 expanded the coverage of the immunity provisions to include all common law torts committed by Federal employees in the scope of their employment. This rule conforms the Department's regulations to the expanded coverage of the statute.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	
NPRM Comment Period End	08/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Additional Information:** CIV 102**Agency Contact:** James G. Touhey Jr., Trial Attorney, Torts Branch, Department of Justice, P.O. Box 888, Benjamin Franklin Station, Washington, DC 20004  
Phone: 202 616-4292**RIN:** 1105-AA62**2119. WAIVER FOR FIREARM PROHIBITION ON NON-IMMIGRANT VISA HOLDERS****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** PL 105-277, sec 121; 18 USC 922**CFR Citation:** 28 CFR 25**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Frank A.S. Campbell, Deputy Assistant Attorney General, Office of Policy Development, Department of Justice, Room 4248, Main Building, 950 Pennsylvania Avenue NW, Washington, DC 20530  
Phone: 202 514-2283**RIN:** 1105-AA66**2120. 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.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	
NPRM Comment Period End	02/00/01	

**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 Motor Vehicle

DOJ—LA

Proposed Rule Stage

Information System (NSPMVIS). (See RIN 1110-AA01.)

**Agency Contact:** Deborah Sorokin, 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

**2121. • 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

**CFR Citation:** 28 CFR 79

**Legal Deadline:** Final, Statutory, January 6, 2001, Publication of CIV 100 and CIV 101.

Pursuant to statute, the Department must issue conforming amendments by January 6, 2001. These amendments will be implemented by publishing two related rulemakings; CIV 100 and CIV 101.

**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 amendments expand the list of radiogenic and chronic diseases that are currently compensable, lower the amount of radiation exposure required in certain cases, enlarge the number of uranium mining states eligible for compensation, amend the list of geographical areas to provide additional compensable radiation-affected areas, and revise other eligibility criteria 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. The amendments establish eligibility criteria for the new claimant categories, define evidence that will be considered, and develop other requirements necessary to expand compensation to eligible mill workers and ore-transporters.

On March 22, 1999, the Department published a final rule in the Federal

Register, 64 FR 13686, amending its existing regulations to allow claimants to submit affidavits to establish smoking and alcohol use histories where no other records exist; allow the use of pathology reports of tissue biopsies as evidence of disease; amend the definitions of “smoker” and “non-smoker”; 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 01/00/01

**CIV 101 - Expansion of Coverage**

NPRM 01/00/01

NPRM Comment Period End 03/00/01

**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

**Department of Justice (DOJ)**

**Legal Activities (LA)**

**Final Rule Stage**

**2122. FEDERAL CLAIMS COLLECTION STANDARDS (FCCS)**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 31 USC 3711(d)(2); PL 104-316

**CFR Citation:** 4 CFR Chapter II; 31 CFR 900 to 904

**Legal Deadline:** None

**Abstract:** The Federal Claims Collection Standards (FCCS) are issued jointly by the Secretary of the Treasury and the Attorney General. These

regulations prescribe the standards for the administrative collection, compromise, termination of agency collection, and the referral to the Department of Justice for litigation of civil claims by the Federal Government for money or property. The Department of Justice and the Department of the Treasury are issuing this rule to revise and update the FCCS in order to reflect changes in the substantive law and in Government procedures that have taken place since the standards were last issued in March 1984.

The General Accounting Office Act of 1996, PL 104-316 removed the Comptroller General as a co-promulgator of the FCCS. By a related rule, titled “Federal Claims Collection Standards—Removal of Obsolete

Chapter”, Justice and the General Accounting Office are amending title 4 of the CFR to remove the now obsolete chapter II.

**Timetable:**

**Justice - GAO rulemaking**

Final Action 11/00/00

**Justice - Treasury rulemaking**

NPRM 12/31/97 (62 FR 68476)

NPRM Comment Period End 03/02/98

Final Action 11/00/00

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal, State

**Agency Contact:** Kathleen A. Haggerty, Director, Debt Collection Management, Department of Justice, Liberty Place

DOJ—LA

Final Rule Stage

Building Second Floor South, 325 7th Street NW, Washington, DC 20530  
Phone: 202 514-5343

RIN: 1105-AA31

### 2123. FOREIGN AGENTS REGISTRATION ACT; REGULATIONS REVISED AND CLARIFIED TO REFLECT CHANGES IN THE LAW

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

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**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 of 1938, as amended, 22 USC 611, et seq. (FARA). 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.

#### Timetable:

Action	Date	FR Cite
NPRM	07/09/99	64 FR 37065
NPRM Comment Period End	09/07/99	
Final Action	11/00/00	

**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

### 2124. DESIGNATION OF AGENCIES TO RECEIVE AND INVESTIGATE REPORTS REQUIRED UNDER THE PROTECTION OF CHILDREN FROM SEXUAL PREDATORS ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 13032

**CFR Citation:** 28 CFR 81

**Legal Deadline:** NPRM, Statutory, April 28, 1999.

**Abstract:** On October 30, 1998, Congress passed the Protection of Children from Sexual Predators Act of 1998 (PCSPA). The PCSPA requires providers of an electronic communication service or a remote computing service to the public, through a facility or means of interstate or foreign commerce, to report incidents of child pornography as defined by sections 2251, 2251A, 2252, 2252A, or 2260 of title 18, United States Code, to the appropriate Federal agency. In order to facilitate effective reporting, the PCSPA requires the Attorney General to "designate an agency" to receive and investigate such reports of child pornography. The proposed rule previously published set forth the Attorney General's proposed designations and certain other matters covered by the PCSPA's reporting requirements.

On November 29, 1999, as part of the Consolidated Appropriations Act, 2000, Public Law 106-113, 113 Stat. 1501, Congress amended 42 USC 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 final rule is being prepared for

publication that will reflect the change in the agency to receive the reports.

#### Timetable:

Action	Date	FR Cite
NPRM	05/26/99	64 FR 28422
NPRM Comment Period End	07/26/99	
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Terry R. Lord, Chief, Child Exploitation and Obscenity Section, Department of Justice, 1331 F Street NW, 6th Floor, Washington, DC 20530

Phone: 202 514-5780

RIN: 1105-AA65

### 2125. ETHICAL STANDARDS FOR ATTORNEYS FOR THE GOVERNMENT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 28 USC 530B

**CFR Citation:** 28 CFR 77

**Legal Deadline:** Final, Statutory, April 19, 1999.

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

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	04/19/99	64 FR 19273
Interim Final Rule Comment Period End	06/21/99	
Final Action	11/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

DOJ—LA

Final Rule Stage

**Agency Contact:** Claudia J. Flynn, Director, Professional Responsibility Advisory Office, Department of Justice, Suite 600, National Theatre Building, 1325 Pennsylvania Avenue NW, Washington, DC 20530  
Phone: 202 514-0458  
Fax: 202 353-7483

**RIN:** 1105-AA67

**2126. • ENHANCED NOTICE AND RELEASE PROCEDURES FOR OWNERS OF SEIZED PROPERTY PURSUANT TO THE CAFRA OF 2000; DISPOSITION OF SEIZED PROPERTY TOO COSTLY TO MAINTAIN; CONSOLIDATION OF DEPARTMENT REGULATIONS**

**Priority:** Other Significant

**Legal Authority:** 5 USC 301; 8 USC 1103; 8 USC 1324(b); 15 USC 1177; 17 USC 509; 18 USC 981 to 983; 18 USC 1467; 18 USC 1955; 18 USC 1963; 18 USC 2253 to 2254; 18 USC 2513; 19 USC 1606 to 1608; 19 USC 1610; 19 USC 1612(b); 19 USC 1613; 19 USC 1618; 21 USC 822; 21 USC 853; 21 USC 871 to 872; 21 USC 880 to 881; 21 USC 958; 21 USC 965; 22 USC 401; 28 USC 509 to 510; 28 USC 524; PL 100-690, sec 6079

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

**Legal Deadline:** Final, Statutory, August 23, 2000, CAFRA applies to all forfeiture actions commenced on or after 8/23/00.

**Abstract:** By this rule, the Department does four things.

First, the Department is implementing new forfeiture procedures required by the recently enacted Civil Asset Forfeiture Reform Act of 2000 (CAFRA). CAFRA's procedural changes enhance the ability of property owners to contest the forfeiture of seized property. CAFRA also makes other changes beneficial to property owners. In particular: 1) the requirement to file a bond for costs with a claim is eliminated; 2) the time for filing a claim is extended; and 3) the release of seized property is required under various circumstances. Congress made CAFRA's changes applicable to forfeiture proceedings commenced on or after August 23, 2000.

Second, the Department is adding a provision allowing the pre-forfeiture disposition of seized property when the expense of holding the property is

disproportionate to its value. This provision is needed to implement the pre-existing authority

of 19 U.S.C. section 1612(b)—one of the customs laws procedural statutes incorporated by reference in forfeiture statutes enforced by the Department. This provision will enable the Department to use the authority of section 1612(b) in appropriate cases to avoid 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 modifies the regulations at 28 CFR Part 9 governing petitions for remission or mitigation of forfeiture to refer to DEA's Forfeiture Counsel and not to DEA's Office of Chief Counsel as the pertinent DEA official in DEA forfeiture cases; to incorporate where applicable CAFRA's statutory criteria for innocent ownership; and to provide discretionary authority for the Ruling Official 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.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Joseph T. Donnelly, Acting Director, Department of Justice, Immigration and Naturalization Service, Office of Asset Forfeiture, Room 1040, CAB Building, 425 I Street NW, Washington, DC 20536  
Phone: 202 305-8303

John Hieronymus, Forfeiture Counsel, Department of Justice, Drug Enforcement Administration, Office of Domestic Operations, Asset Forfeiture Section, Caller Number 91017, Arlington, VA 22202  
Phone: 202 307-7636

Stephen J. Jobe, Acting Forfeiture Counsel, Department of Justice, Legal Forfeiture Unit, FBI, Office of the General Counsel, J. Edgar Hoover Building, 935 Pennsylvania Avenue NW, Washington, VA 20535  
Phone: 202 324-9700

**RIN:** 1105-AA74

**2127. • ACCESS TO DOCUMENTS BY FORMER EMPLOYEES OF THE DEPARTMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** DOJ Order 2710.8A

**CFR Citation:** 28 CFR 16

**Legal Deadline:** None

**Abstract:** Under DOJ Order 2710.8A, Removal and Maintenance of Documents, officials departing the Department of Justice may not take any copies of nonpublic documents, unless they have specific approval from the head of the component or the Assistant Attorney General for Administration, and they have executed a non-disclosure agreement. The DOJ Order absolutely prohibits the removal of certain categories of documents, such as documents covered by the Privacy Act, where disclosure of such documents is prohibited by law. In addition, it is to be expected that under the specific approval procedure of the DOJ Order, there will be many privileged documents that the Department will not allow departing officials to take.

One of the basic concerns that motivates departing officials to request permission to take documents when they leave is that they are uncertain whether they will be able to have access to the documents at a later date when they may need to refresh their memories in order to respond to inquiries, such as governmental investigative inquiries, into their handling of matters at the Department.

This regulation establishes a procedure for former employees to obtain access to documents that they originated, reviewed, or signed while at the Department, in limited circumstances where they demonstrate a particular need for such access.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/00	

**Regulatory Flexibility Analysis Required:** No

DOJ—LA

Final Rule Stage

**Government Levels Affected:** None  
**Agency Contact:** Evelyn Tang,  
 Attorney-Advisor, Department of  
 Justice, Office of the General Counsel,

Justice Management Division, National  
 Place Building, Suite 520 North, 1331  
 Pennsylvania Avenue NW, Washington,  
 DC 20530

Phone: 202 514-3452

RIN: 1105-AA76

## Department of Justice (DOJ) Legal Activities (LA)

## Long-Term Actions

### 2128. VIOLENT CRIME AND DRUG EMERGENCY AREAS

**Priority:** Other Significant**CFR Citation:** 28 CFR 92 (New)**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis  
 Required:** Yes**Small Entities Affected:** Governmental  
 Jurisdictions**Government Levels Affected:** Federal,  
 State, Local, Tribal**Agency Contact:** Robert Hinchman  
 Phone: 202 514-8059

Email: robert.hinchman@usdoj.gov

RIN: 1105-AA29

### 2129. FALSE CLAIMS AMENDMENTS ACT OF 1986—CIVIL INVESTIGATIVE DEMANDS

**Priority:** Info./Admin./Other**CFR Citation:** 28 CFR 28**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis  
 Required:** No**Government Levels Affected:** Federal**Agency Contact:** Michael F. Hertz  
 Phone: 202 514-7179

RIN: 1105-AA42

## Department of Justice (DOJ) Legal Activities (LA)

## Completed Actions

### 2130. UNITED STATES MARSHALS SERVICE FEE FOR SERVICES

**Priority:** Substantive, Nonsignificant**CFR Citation:** 28 CFR 0.114 (Revision)**Completed:**

Reason	Date	FR Cite
Final Action	08/04/00	65 FR 47859
Final Action Effective	09/05/00	

**Regulatory Flexibility Analysis  
 Required:** No**Government Levels Affected:** None**Agency Contact:** Joe Lazar  
 Phone: 202 307-9054

RIN: 1105-AA64

### 2131. ACCIDENTAL RELEASE PREVENTION REQUIREMENTS; RISK MANAGEMENT PROGRAMS UNDER THE CLEAN AIR ACT SECTION 112(R)(7) DISTRIBUTION OF OFF-SITE CONSEQUENCE ANALYSIS INFORMATION

**Priority:** Other Significant**CFR Citation:** 40 CFR 68**Completed:**

Reason	Date	FR Cite
NPRM	04/27/00	65 FR 24853
Final Action	08/04/00	65 FR 48108
Final Action Effective	08/04/00	

**Regulatory Flexibility Analysis  
 Required:** No**Government Levels Affected:** State,  
 Local, Tribal**Agency Contact:** Stephen Koch  
 Phone: 202 514-0849

RIN: 1105-AA70

### 2132. • RULES GOVERNING PETITIONS FOR EXECUTIVE CLEMENCY: CAPITAL CASES

**Priority:** Substantive, Nonsignificant**Legal Authority:** U.S. Constitution, Art  
 II, sec 2; 28 USC 509; 28 USC 510**CFR Citation:** 28 CFR 1**Legal Deadline:** None

**Abstract:** This rule supplements the existing regulations on executive clemency to provide specific procedures to be used in seeking clemency by persons sentenced to death by a United States District Court for an offense against the United States. This rule sets forth a deadline for filing a clemency request in a capital case and the general procedures the Department will follow in processing the request. These procedures also provide an opportunity for defendant's counsel and victims' families each to make an oral presentation to the Pardon Attorney, if they wish to do so.

**Timetable:**

Action	Date	FR Cite
Final Action	08/08/00	65 FR 48379
Final Action Effective	08/02/00	

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

**Agency Contact:** Susan M. Kuzma,  
 Deputy Pardon Attorney, Department of  
 Justice, Suite 400, 500 First Street NW,  
 Washington, DC 20530  
 Phone: 202 616-6070

RIN: 1105-AA72

### 2133. • RULES GOVERNING EXECUTIVE CLEMENCY: VICTIM NOTIFICATION

**Priority:** Substantive, Nonsignificant**Legal Authority:** U.S. Constitution, Art  
 II, sec 2; 28 USC 509; 28 USC 510**CFR Citation:** 28 CFR 1**Legal Deadline:** None

**Abstract:** This rule amends the existing regulations on executive clemency to codify the Attorney General's practice of providing notice to the victims of the crime when an offender convicted of a federal felony files a petition for executive clemency. Under these procedures, the Department will invite victims to submit comments, if they

DOJ—LA

Completed Actions

wish to do so, and inform them of the President's final decision on the clemency request. This rule also defines the term "victim" for purposes of such notifications, and lists criteria considered in determining in what circumstances such victim notification is warranted.

**Timetable:**

Action	Date	FR Cite
Final Action	09/28/00	65 FR 58223
Final Action Effective	09/28/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Susan M. Kuzma, Deputy Pardon Attorney, Department of Justice, Suite 400, 500 First Street NW, Washington, DC 20530  
Phone: 202 616-6070

**RIN:** 1105-AA73

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

Final Rule Stage

**2134. GRANTS PROGRAM FOR INDIAN TRIBES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 28 CFR 91

**Legal Deadline:** None

**Abstract:** This rule outlines the requirements and procedures to award grants to Indian tribes for purposes of constructing jails on tribal lands for the incarceration of offenders subject to tribal jurisdiction. This rule implements provisions of the Violent Offender Incarceration and Truth-In-Sentencing Grants Program for Indian tribes as required by section 114 of the Fiscal Year 1998 Omnibus Consolidated Rescissions and Appropriations Act.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/24/96	61 FR 49969
Correction	10/18/96	61 FR 54333
Interim Final Rule	10/24/96	
Comment Period		
End		
Final Action	05/00/01	

**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: 202 307-2550

**RIN:** 1121-AA41

**2135. BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 1998**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 3796ll

**CFR Citation:** 28 CFR 33

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

**Abstract:** This part proposes the process by which BJA will provide funds to eligible States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/23/98	63 FR 50759
Interim Final Rule	09/23/98	63 FR 50759
Effective		
Interim Final Rule	11/23/98	
Comment Period		
End		
Final Action	05/00/01	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

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

**Agency Contact:** Lluana McCann, Program Manager, Department of Justice, Office of Justice Programs, 810 7th Street NW, Washington, DC 20053  
Phone: 202 305-1772

**RIN:** 1121-AA48

**2136. • ENVIRONMENTAL IMPACT REVIEW PROCEDURES FOR THE VOITIS GRANT PROGRAM**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 28 CFR 91

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/08/00	65 FR 48592
Interim Final Rule	08/08/00	65 FR 48592
Effective		
Interim Final Rule	10/10/00	
Comment Period		
End		
Final Action	05/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal, State, Local, 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: 202 307-2550

**RIN:** 1121-AA52

[FR Doc. 00-25801 Filed 11-29-00]

**BILLING CODE 4410-BP-S**