

# Federal Register

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Monday  
May 13, 1996

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Part XI

## Department of Justice

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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 April 1996 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:**

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**Bureau of Prisons—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
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1675	Postsecondary Education Programs .....	1120-AA25
1676	Inmate Personal Property .....	1120-AA46
1677	Correspondence: Restricted Special Mail Procedures .....	1120-AA48
1678	Correspondence: Pretrial Inmates .....	1120-AA52

**Bureau of Prisons—Final Rule Stage**

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1680	Intensive Confinement Centers .....	1120-AA11
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1682	Incoming Publications/Inmate Legal Activities .....	1120-AA15
1683	Religious Beliefs and Practices .....	1120-AA17
1684	English as a Second Language Program .....	1120-AA19
1685	Infectious Diseases .....	1120-AA23
1686	Plastic Surgery .....	1120-AA26
1687	Fines and Costs .....	1120-AA29
1688	Birth Control, Pregnancy, Child Placement, Abortion .....	1120-AA31
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1691	Postsecondary Education Programs .....	1120-AA35
1692	Drug Abuse Treatment Programs: Early Release Consideration .....	1120-AA36
1693	Special Food .....	1120-AA37
1694	Telephone Regulations and Inmate Financial Responsibility .....	1120-AA39
1695	Use of Force .....	1120-AA41
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1697	Central Inmate Monitoring .....	1120-AA43
1698	Education Tests: Minimum Standards for Administration, Interpretation, and Use .....	1120-AA44
1699	Unescorted Transfers and Voluntary Surrenders .....	1120-AA45
1700	Scope of Rules: National Security Considerations .....	1120-AA47
1701	Telephone Regulations and Inmate Financial Responsibility .....	1120-AA49
1702	Federal Prison Industries (FPI) Work Program .....	1120-AA50
1703	Release Preparation Program .....	1120-AA51

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Sequence Number	Title	Regulation Identifier Number
1704	Administrative Remedy Program .....	1120-AA20
1705	HIV Programs; Notification Provisions .....	1120-AA22
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## Bureau of Prisons—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
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## Civil Rights Division—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1708	Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities; Children's Facilities .....	1190-AA38
1709	Redress Provisions for Persons of Japanese Ancestry: Guidelines under <i>Ishida v. United States</i> .....	1190-AA40
1710	Redress Provisions for Persons of Japanese Ancestry: Guidelines for Those Who Involuntarily Returned to Japan During the War .....	1190-AA42
1711	Americans with Disabilities Act Accessibility Guidelines; Detectable Warnings .....	1190-AA43

## Civil Rights Division—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1712	Nondiscrimination on the Basis of Disability in State and Local Government Services; Public Accommodations and Commercial Facilities; Accessibility Standards .....	1190-AA26
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## Civil Rights Division—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1714	Nondiscrimination on the Basis of Sex in Federally Assisted Programs and Activities—Implementation of Title IX of the Education Amendments of 1972 .....	1190-AA28
1715	Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Financial Assistance; Rescission of Limitation on Participation of the Department of Education .....	1190-AA30
1716	Amendment to Nondiscrimination in Federally Assisted Programs and Activities—Implementation of Title VI of the Civil Rights Act of 1964 .....	1190-AA31
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1718	Unfair Immigration-Related Employment Practices .....	1190-AA33
1719	Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, As Amended .....	1190-AA35
1720	Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups .....	1190-AA39

## Civil Rights Division—Completed Actions

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1721	Americans With Disabilities Act Accessibility Guidelines for Buildings and Facilities; Children's Facilities .....	1190-AA34

## Drug Enforcement Administration—Proposed Rule Stage

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1722	Removal of Restrictions on Employing Certain Individuals .....	1117-AA28
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## Drug Enforcement Administration—Proposed Rule Stage (Continued)

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1726	Removal of Exemption for Products Containing Ephedrine With Guaifenesin (Which Are Lawfully Marketed Under the FDCA) From the Chemical Control Provisions of the CSA .....	1117-AA37
1727	Exemption from Import/Export Requirements for Personal Medical Use .....	1117-AA38

## Drug Enforcement Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1728	Prescriptions for Controlled Substances, Requirements for Use of Automated Data Processing Systems .....	1117-AA03
1729	Definition and Registration of Disposers .....	1117-AA19
1730	Distribution of Chemical Import/Export Declaration .....	1117-AA21
1731	Waiver of Requirements for Distribution of Prescription Drug Products That Contain List I Chemicals .....	1117-AA29
1732	Manufacturer Reporting .....	1117-AA30
1733	Removal of Exemption for Certain Pseudoephedrine Products Marketed Under the Federal Food, Drug, and Cosmetic Act .....	1117-AA32
1734	Consolidation, Elimination, and Clarification of Various Regulations .....	1117-AA33

## Drug Enforcement Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1735	Reporting on Psychotropic Substances .....	1117-AA22

## Drug Enforcement Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1736	Reports of Precursor and Essential Chemical Imports and Exports .....	1117-AA17
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## Executive Office for Immigration Review—Final Rule Stage

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1740	Rules Concerning Conditional Permanent Residence for Alien Entrepreneurs in Deportation Proceedings .....	1125-AA02

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## General Administration—Final Rule Stage

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## Immigration and Naturalization Service—Prerule Stage

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1742	F, J, and M Nonimmigrant Student Requirements for Admission, Tracking, Maintenance of Status and for Employment Authorization .....	1115-AD16
1743	Expansion of Direct Mail Program .....	1115-AD73

## Immigration and Naturalization Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1744	Revised Grounds of Exclusion, Parole of Aliens into the United States, and Waivers of Inadmissibility for Immigrants and Nonimmigrants .....	1115-AB45
1745	Visa Waiver Pilot Program .....	1115-AB93
1746	Adjustment of Status to That of Person Admitted for Permanent Residence: Conditional Residents and Fiance(e)s .....	1115-AC70
1747	Mexican and Canadian Nonresident Alien Border Crossing Cards (BCCs) .....	1115-AD24
1748	J Nonimmigrants: Requirements for Admission and Maintenance of Status; Employment Authorization .....	1115-AD37
1749	Validity of Approved Petitions and Appeal Rights .....	1115-AD45
1750	Standardized Testing for Naturalization; Procedures for Approval of Test Providers .....	1115-AD52
1751	Nonimmigrant Classes; Diplomat and Government Representatives; Transits; Requirements for Admission, Extension and Maintenance of Status .....	1115-AD57
1752	Procedures for Filing a Derivative Petition (Form I-730) for a Spouse and Unmarried Children of a Refugee/Asylee .....	1115-AD59
1753	Executing Final Order of Exclusion or Deportation; Conforming 72-Hour Notice Provisions .....	1115-AD71
1754	Nonimmigrant Classes; S Classification; Law Enforcement Initiatives; Alien Witnesses .....	1115-AD86
1755	Arrival/Departure Records; Retention of Departure Portion of the Form I-94 for Seaports .....	1115-AD94
1756	Inspection of Alien Crew Members; 90-day Waiver .....	1115-AD95
1757	Screening Requirements of Carriers for Reduction, Refund, or Waiver of Fines .....	1115-AD97
1758	Border Services User Fee .....	1115-AE01
1759	Introduction of Secure Employment Authorization Document .....	1115-AE06
1760	Disclosure of Information .....	1115-AE17
1761	Designation of INS Certified Centers .....	1115-AE18
1762	Acquisition of Citizenship; Equal Treatment of Women in Conferring Citizenship to Children Born Abroad .....	1115-AE19
1763	Apprehension, Custody and Detention; Aggravated Felony Convictions .....	1115-AE25
1764	Temporary Protected Status; Designations and Extensions .....	1115-AE26
1765	Eligibility of Persons for Refugee Status and Withholding of Deportation; Elimination of Parole Review Program for Excludable Mariel Cubans .....	1115-AE30
1766	Elimination of Listing of Transportation Lines Signatory to Contracts .....	1115-AE34
1767	Manifest Requirements for In-Transit Passengers .....	1115-AE37
1768	Contracts with Transportation Lines; Limiting Transfers of Transit Without Visa Aliens in the United States to One; Electronic Ticketing .....	1115-AE41
1769	Examinations Fee Account Schedule .....	1115-AE42

## Immigration and Naturalization Service—Final Rule Stage

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1770	Nonimmigrant Classes; Temporary Employees .....	1115-AA25
1771	Arrest and Detention of Aggravated Felons .....	1115-AB19
1772	Nonimmigrant Classes; NATO-1, 2, 3, 4, 5, 6, and 7; Control of Employment of Aliens (Special Requirement for Admission, Extension and Maintenance of Status; NATO) .....	1115-AB52

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

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1774	Nonimmigrant Classes; North American Free Trade Agreement (U.S.-Canada Free-Trade Agreement Amendments) .....	1115-AB72
1775	Control of Employment of Aliens .....	1115-AB73
1776	Petition To Classify Alien as Immediate Relative of a United States Citizen or Preference Immigrant; Adjustment of Status to That of a Person Admitted for Permanent Residence .....	1115-AC43
1777	Conditional Basis of Lawful Permanent Residence for Certain Alien Spouses and Sons and Daughters; Battered and Abused Conditional Residents .....	1115-AC47
1778	Treaty Aliens, E Classification .....	1115-AC51
1779	Release Procedures; Lawful Permanent Residents Convicted of Aggravated Felonies .....	1115-AC60
1780	Temporary Alien Workers Seeking Classification Under the Immigration and Nationality Act .....	1115-AC72
1781	Registration and Fingerprinting of Nonimmigrants Designated by the Attorney General; Removal of Certain Requirements for Nonimmigrants Bearing Iraqi and Kuwaiti Travel Documents .....	1115-AC83
1782	Adjustment of Status to That of Person Admitted for Permanent Residence: Interview .....	1115-AD12
1783	Inspection of Persons Applying for Admission .....	1115-AD17
1784	Classification of Certain Scientists of the Independent States of the Former Soviet Union and Baltic States as Employment-Based Immigrants .....	1115-AD29
1785	Adjustment of Status; Certain Nationals of the Peoples Republic of China .....	1115-AD33
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1787	Revocation of Naturalization .....	1115-AD54
1788	Petitions for Employment-Based Immigrants .....	1115-AD55
1789	INS Forms Available From the Superintendent of Documents .....	1115-AD58
1790	Issuance of Charging Documents by Asylum Officers .....	1115-AD64
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1792	Admission of Certain Nurses Seeking Nonimmigrant Classification Under the H-1A Category .....	1115-AD74
1793	Certification of Designated Fingerprint Services (Outside Entities) To Take Fingerprints .....	1115-AD75
1794	Fees for Participation in Dedicated Commuter Lanes at Selected Ports of Entry; Collection of Fees Under the Dedicated Commuter Lane Program; Port Passenger Accelerated Service System, PORTPASS .....	1115-AD82
1795	Adjustment of Status to That of Person Admitted for Permanent Residence; Temporary Removal of Certain Restrictions on Eligibility .....	1115-AD83
1796	Revocations and Designation of International Airport Status for Ports of Entry for Aliens Arriving by Aircraft .....	1115-AD84
1797	Establishment of Form I-551, Alien Registration Receipt Card, as the Exclusive Form of Registration for Lawful Permanent Residents .....	1115-AD87
1798	Waiver of the Two-Year Home Country Physical Presence Requirement for Certain Foreign Medical Graduates ....	1115-AD89
1799	Fees Assessed for Defaulted Payments .....	1115-AD92
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1801	Waiver of Educational Requirements for Naturalization of Certain Applicants .....	1115-AE02
1802	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
1803	Nationality and Naturalization .....	1115-AE07
1804	Notice to Carriers of the INS Policy on the Requirements of Arrival/Departure Manifests, Form I-94, and Fines Implications Under Section 231(a) .....	1115-AE11
1805	Employer Sanctions Modifications .....	1115-AE21
1806	Priority Dates for Employment-Based Petitions .....	1115-AE24
1807	Amendment to Limitations on Discretion to Grant an Application for Relief Under Section 212(c) .....	1115-AE27
1808	Effect of Parole of Cuban and Haitian Nationals on Resettlement Assistance Eligibility .....	1115-AE29
1809	Regulations Pertaining to Adjudications Processing .....	1115-AE31
1810	Processing of Applicants for Admission to the United States .....	1115-AE32
1811	Orphan Petitions; Petitions To Classify Alien as Immediate Relative of a United States Citizen or Preference Immigrant; Change in Definition of Child .....	1115-AE33
1812	Contracts with Transportation Lines; Signatory Authority .....	1115-AE36
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## Immigration and Naturalization Service—Long-Term Actions

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1815	Termination of Temporary Resident Status .....	1115-AB74
1816	Contracts with Transportation Lines; Increasing the Liquidated damages for Carrier Violations of the TWOV Agreement to \$3000 .....	1115-AC17
1817	Application for the Exercise of Discretion Under 212c, Aggravated Felons .....	1115-AC35
1818	Consent To Reapply for Admission After Deportation, Removal, or Departure at Government Expense .....	1115-AC37
1819	Unavailability of TWOV to Citizens of the Former Socialist Federal Republic of Yugoslavia .....	1115-AC87
1820	Nonimmigrant Classes; B Visitor for Business or Pleasure .....	1115-AC89
1821	Physical and Mental Examination of Arriving Aliens .....	1115-AD10
1822	Citizenship Documents .....	1115-AD51
1823	Administrative Application for Suspension of Deportation Procedure Before a District Director .....	1115-AD78
1824	Regulation Changes Necessitated by the Break-up of the Soviet Union and Czechoslovakia, the Unification of the Two Germanies, and the Name Change of the Democratic Republic of Vietnam .....	1115-AD96
1825	Automated Issuance of Form I-94 Arrival/Departure Record .....	1115-AD99
1826	Cost of Detention of Stowaways .....	1115-AE03
1827	Notice of Policy Regarding Fines Imposed on Carriers Who Bring Aliens to the United States Without Proper Documentation .....	1115-AE09
1828	"Master Exhibits" Currently Available .....	1115-AE14
1829	Immigration and Naturalization Service P-1 Nonimmigrants .....	1115-AE38

## Immigration and Naturalization Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1830	Temporary Protected Status .....	1115-AC30
1831	Applicant Processing for Family Unity Benefits .....	1115-AC39
1832	Appellate Jurisdiction .....	1115-AD41
1833	Issuance of Travel Documents Using Form I-131 .....	1115-AD46
1834	Resubmission of Rejected Applications for Legalization .....	1115-AD49
1835	Temporary Alien Workers Seeking H Classifications for the Purpose of Obtaining Graduate Medical Education or Training .....	1115-AD66
1836	Reorganization of the Immigration and Naturalization Service .....	1115-AD72
1837	Waiver of Certain Types of Visas Unforeseen Emergency .....	1115-AD77
1838	Clarification of Filing Venue, Fees, and Filing Requirements for Certain Applications for Replacement Alien Registration Card, Form I-551 .....	1115-AD81
1839	Immigrant Petitions; Children of Widows and Widowers .....	1115-AD91
1840	Former Citizens of the United States Regaining United States Citizenship .....	1115-AE00
1841	Nonimmigrant Classes; Transits; Requirements for Admission, Extension, and Maintenance of Status .....	1115-AE05
1842	Notice of Policy Regarding Contracts Between the Immigration and Naturalization Service and Transportation Lines .....	1115-AE08
1843	Notice to Carriers of the INS Policy Requesting the U.S. Customs Service (USCS) to Deny or Revoke Permission to Unlade Passengers for Those That Are Delinquent in INS Fines Liquidated Damages .....	1115-AE10
1844	Order To Show Cause and Notice of Hearing: Apprehension, Custody, and Detention .....	1115-AE13
1845	Subpoena Issuance Authority .....	1115-AE15
1846	Renewal of Immigration and Naturalization Service Citizens' Advisory Panel .....	1115-AE28

## Legal Activities—Proposed Rule Stage

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1847	Production or Disclosure of Material or Information .....	1105-AA20
1848	Violent Crime and Drug Emergency Areas .....	1105-AA29
1849	Qualifications for Chapter 13 Standing Trustees .....	1105-AA32
1850	Implementation of Communications Assistance for Law Enforcement Act .....	1105-AA39
1851	False Claims Amendments Act of 1986—Civil Investigative Demands .....	1105-AA42

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Legal Activities—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
1852	Implementation of the National Stolen Passenger Motor Vehicle Information System (NSPMVIS) .....	1105-AA44
1853	Filing of Informational Materials .....	1105-AA45
1854	Child Protection Restoration and Penalties Enhancement Act of 1990 .....	1105-AA46

Legal Activities—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1855	Revision of Regulations Governing the Remission or Mitigation of Civil and Criminal Forfeitures .....	1105-AA23
1856	Qualifications for Trustees .....	1105-AA30
1857	Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed Under 11 USC 330 .....	1105-AA33
1858	Motor Vehicle Theft Prevention Program .....	1105-AA34
1859	Recommendations to the President on Civil Aeronautics Board Decisions .....	1105-AA41

Legal Activities—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1860	Criminal Fines Enforcement .....	1105-AA16
1861	Federal Claims Collection Standards (FCCS) .....	1105-AA31

Legal Activities—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1862	Jacob Wetterling Crimes Against Children and Sexually Violent Offender Guidelines .....	1105-AA36
1863	Use and Examination of Materials Submitted Pursuant to the Antitrust Civil Process Act .....	1105-AA37
1864	Designation of Agencies to Receive and Investigate Reports Required Under the Victims of Child Abuse Act .....	1105-AA38
1865	Procedures for Receipt and Consideration of Written Comments Submitted Under Subsection 2(b) of the Antitrust Procedures and Penalties Act .....	1105-AA40
1866	Revision of Policy Concerning Consent To Try Civil Matters Before Magistrate Judges .....	1105-AA43

Office of Justice Programs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1867	Arrest Policies in Domestic Violence Cases .....	1121-AA35
1868	Private Sector/Prison Industry Enhancement Certification .....	1121-AA36

Office of Justice Programs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1869	State Criminal Alien Assistance Program .....	1121-AA24
1870	Violent Offender Incarceration and Truth in Sentencing Incentive Grant Program .....	1121-AA25
1871	Young American Medals Program .....	1121-AA37

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Office of Justice Programs—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1872	Confidentiality of Identifiable Research and Statistical Information .....	1121-AA33
1873	Criminal Justice Block Grants .....	1121-AA34

Office of Justice Programs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1874	Uniform Administrative Requirements for Grants and Cooperative Agreements to Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations .....	1121-AA18
1875	Victim Assistance Grant Program Guidelines .....	1121-AA30
1876	Criminal Justice Information Systems .....	1121-AA32

**DEPARTMENT OF JUSTICE (DOJ)**  
**Bureau of Prisons (BOP)**

**Proposed Rule Stage**

**1674. RELEASE OF INFORMATION**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 28 CFR 513

**Legal Deadline:** None

**Abstract:** This document consolidates procedures for releasing requested records in the possession of the Bureau of Prisons. The rule has been developed to help ensure that the Bureau of Prisons is in compliance with the statutory requirements of the Freedom of Information Act (5 USC 552) and the Privacy Act (5 USC 552a) and to supplement Department of Justice regulations at 28 CFR 16 implementing those statutes.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/96	
NPRM Comment Period End	10/00/96	
Final Action	02/00/97	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534

Phone: 202 514-6655

**RIN:** 1120-AA21

**1675. POSTSECONDARY EDUCATION PROGRAMS**

**Priority:** Routine and Frequent

**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 restricts eligibility for Bureau payment of tuition for inmates who are refusing participation in the Inmate Financial Responsibility Program and for inmates who have a deportation detainer.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/96	
NPRM Comment Period End	09/00/96	
Final Action	01/00/97	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534

Phone: 202 514-6655

**RIN:** 1120-AA25

**1676. INMATE PERSONAL PROPERTY**

**Priority:** Routine and Frequent

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

**CFR Citation:** 28 CFR 553.10 to 553.15

**Legal Deadline:** None

**Abstract:** This document revises procedures governing the transfer of inmate personal property between institutions.

**Timetable:**

Action	Date	FR Cite
NPRM	04/01/96	61 FR 14440
NPRM Comment Period End	05/31/96	
Final Action	11/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC 754, 320 First Street NW., Washington, DC 20534  
Phone: 202 514-6655

**RIN:** 1120-AA46

**1677. CORRESPONDENCE: RESTRICTED SPECIAL MAIL PROCEDURES**

**Priority:** Substantive, Nonsignificant

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

**DOJ—BOP**

**Proposed Rule Stage**

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

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

**CFR Citation:** 28 CFR 540.18

**Legal Deadline:** None

**Abstract:** This document provides for restricted special mail procedures in instances where the Warden has reason to believe that the special mail may pose or may threaten physical harm to the intended recipient.

**Timetable:**

Action	Date	FR Cite
NPRM	02/14/96	61 FR 5846

Action	Date	FR Cite
NPRM Comment Period End	04/15/96	
Final Action	09/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534  
Phone: 202 514-6655  
**RIN:** 1120-AA48

**1678. • CORRESPONDENCE: PRETRIAL INMATES**

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

**CFR Citation:** 28 CFR 540.14

**Legal Deadline:** None

**Abstract:** This document requires that general correspondence from pretrial inmates may not be sealed and may be read and inspected by staff.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/96	
NPRM Comment Period End	07/00/96	
Final Action	11/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534  
Phone: 202 514-6655  
**RIN:** 1120-AA52

**DEPARTMENT OF JUSTICE (DOJ)  
Bureau of Prisons (BOP)**

**Final Rule Stage**

**1679. VOLUNTEER COMMUNITY SERVICE PROJECTS**

**Priority:** Routine and Frequent

**Legal Authority:** 18 USC 1512; 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; 18 USC 5039; 28 USC 509 to 510

**CFR Citation:** 28 CFR 551.60

**Legal Deadline:** None

**Abstract:** This document establishes provisions for Voluntary 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. This rule provides for the voluntary participation by an inmate in a volunteer community service project. The intent of this rule is to promote the public interest and provide for the security and good order of the institution by reducing inmate idleness.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/19/93	58 FR 5210
Final Action	08/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534  
Phone: 202 514-6655  
**RIN:** 1120-AA03

**1680. 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 establishes 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	05/00/96	
Final Action	12/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534  
Phone: 202 514-6655  
**RIN:** 1120-AA11

**1681. RESEARCH**

**Priority:** Routine and Frequent

**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

## DOJ—BOP

## Final Rule Stage

**CFR Citation:** 28 CFR 512.10 to 512.22

**Legal Deadline:** None

**Abstract:** This document will revise Bureau regulations in conformance with newly issued Departmental regulations on the Protection of Human Subjects. This action is necessary to provide for the establishment and operation of Bureau institutional review boards, to simplify the application process, and to clarify existing policy.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/23/94	59 FR 13860
Final Action	06/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534

Phone: 202 514-6655

**RIN:** 1120-AA14

**1682. INCOMING PUBLICATIONS/INMATE LEGAL ACTIVITIES**

**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; 28 USC 1346(b); 28 USC 2671 to 2680

**CFR Citation:** 28 CFR 540.71; 28 CFR 543.11

**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. A conforming amendment is made to the Bureau's regulations on Inmate Legal Activities.

**Timetable:**

Action	Date	FR Cite
NPRM	01/18/94	59 FR 2668
NPRM Comment Period End	03/21/94	
Final Action	06/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534

Phone: 202 514-6655

**RIN:** 1120-AA15

**1683. RELIGIOUS BELIEFS AND PRACTICES**

**Priority:** Other Significant

**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; 42 USC 1996

**CFR Citation:** 28 CFR 548.10 to 548.20

**Legal Deadline:** None

**Abstract:** This document amends the Bureau's regulations on religious beliefs and practices in order to provide for the uniform implementation of a common fare religious diet menu and to simplify and update procedures relating to religious beliefs and practices.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/06/95	60 FR 46485
Final Action	05/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534

Phone: 202 514-6655

**RIN:** 1120-AA17

**1684. ENGLISH AS A SECOND LANGUAGE PROGRAM**

**Priority:** Routine and Frequent

**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 544.40 to 544.44

**Legal Deadline:** None

**Abstract:** This document incorporates statutory mandatory functional literacy requirements into Bureau regulations. These functional literacy requirements provide that inmates who are not proficient in English must participate

in an English as a Second Language program until they function at the eighth grade level on a nationally recognized test.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/29/94	59 FR 14724
Final Action	06/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534

Phone: 202 514-6655

**RIN:** 1120-AA19

**1685. 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 combines existing regulations on HIV programs with provisions applicable to correctional management of tuberculosis 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	06/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534

Phone: 202 514-6655

**RIN:** 1120-AA23

**1686. PLASTIC SURGERY**

**Priority:** Routine and Frequent

**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

## DOJ—BOP

## Final Rule Stage

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

**Abstract:** This document revises the Bureau's regulations on plastic surgery to allow for approval ordinarily only in cases where plastic surgery is a standard medical treatment for a current condition and for the protection of WITSEC inmate identities.

**Timetable:**

Action	Date	FR Cite
NPRM	10/20/95	60 FR 54288
NPRM Comment Period End	12/19/95	
Final Action	05/00/96	

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

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534

Phone: 202 514-6655

**RIN:** 1120-AA26**1687. FINES AND COSTS****Priority:** Routine and Frequent

**Legal Authority:** 18 USC 3565; 18 USC 3568 to 3569; 18 USC 3621; 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 5031 to 5042; 28 USC 509 to 510

**CFR Citation:** 28 CFR 571.50 to 571.56**Legal Deadline:** None

**Abstract:** This document will revise Bureau regulations to update procedures for processing a fine or costs ordered by the court with respect to an inmate convicted of an offense committed before November 1, 1987.

**Timetable:**

Action	Date	FR Cite
Final Action	07/00/96	
Final Action Effective	07/00/96	

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

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534

Phone: 202 514-6655

**RIN:** 1120-AA29**1688. BIRTH CONTROL, PREGNANCY, CHILD PLACEMENT, ABORTION****Priority:** Routine and Frequent

**Legal Authority:** 18 USC 1512; 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; 28 USC 509 to 510

**CFR Citation:** 28 CFR 551.22 to 551.24**Legal Deadline:** None

**Abstract:** This document removes references to restrictions on Bureau funding of an elective abortion. Removal of these references is necessary to conform to changes in legislative authority. This document also makes various editorial or organizational changes for the sake of clarity.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/06/94	59 FR 62968
Final Action	05/00/96	
Final Action Effective	05/00/96	

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

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534

Phone: 202 514-6655

**RIN:** 1120-AA31**1689. 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	06/00/96	
Final Action	12/00/96	
Final Action Effective	12/00/96	

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

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534

Phone: 202 514-6655

**RIN:** 1120-AA33**1690. INMATE DISCIPLINE (GOOD CONDUCT TIME)****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 541**Legal Deadline:** None

**Abstract:** This document implements provisions of the Violent Crime Control and Law Enforcement Act of 1994 which require that inmates sentenced for crimes of violence display "exemplary compliance" with institution regulations in order to earn good conduct time.

**Timetable:**

Action	Date	FR Cite
NPRM	10/26/95	60 FR 54922
NPRM Comment Period End	12/26/95	
Final Action	07/00/96	
Final Action Effective	07/00/96	

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

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534

Phone: 202 514-6655

**RIN:** 1120-AA34**1691. POSTSECONDARY EDUCATION PROGRAMS****Priority:** Routine and Frequent

**Legal Authority:** 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC

## DOJ—BOP

## Final Rule Stage

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

**CFR Citation:** 28 CFR 544.20 to 544.23

**Legal Deadline:** None

**Abstract:** This document clarifies requirements for tuition funding sources and makes various administrative changes in the operation of the program. The intent of this revision is to provide for the more efficient use of Bureau resources.

**Timetable:**

Action	Date	FR Cite
Final Action	07/00/96	
Final Action Effective	07/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534

Phone: 202 514-6655

**RIN:** 1120-AA35

**1692. DRUG ABUSE TREATMENT PROGRAMS: EARLY RELEASE CONSIDERATION**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 28 CFR 550

**Legal Deadline:** None

**Abstract:** This document implements provisions of the Violent Crime Control and Law Enforcement Act of 1994 which allow for consideration of early release of eligible non-violent offenders who complete a residential drug abuse treatment program.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/25/95	60 FR 27692
Final Action	05/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534

Phone: 202 514-6655

**RIN:** 1120-AA36

**1693. SPECIAL FOOD**

**Priority:** Routine and Frequent

**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 547

**Legal Deadline:** None

**Abstract:** This document clarifies the Bureau's regulations on the introduction of special foods into an institution.

**Timetable:**

Action	Date	FR Cite
NPRM	09/13/95	60 FR 47648
NPRM Comment	11/13/95	
Period End		
Final Action	05/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534

Phone: 202 514-6655

**RIN:** 1120-AA37

**1694. TELEPHONE REGULATIONS AND INMATE FINANCIAL RESPONSIBILITY**

**Priority:** Routine and Frequent

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

**CFR Citation:** 28 CFR 540

**Legal Deadline:** None

**Abstract:** This document postpones the effective date for certain provisions of the final rule on Telephone Regulations and Inmate Financial Responsibility which was published on April 4, 1994.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/02/96	61 FR 90
Final Action	12/00/96	
Final Action Effective	12/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534

Phone: 202 514-6655

**RIN:** 1120-AA39

**1695. USE OF FORCE**

**Priority:** Routine and Frequent

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

**CFR Citation:** 28 CFR 552.24

**Legal Deadline:** None

**Abstract:** This document increases the frequency of staff monitoring of inmates in four-point restraints.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/96	
Final Action Effective	05/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534

Phone: 202 514-6655

**RIN:** 1120-AA41

**1696. INMATE ORGANIZATIONS**

**Priority:** Routine and Frequent

**Legal Authority:** 18 USC 1512; 18 USC 3621; 18 USC 3622; 18 USC 3624; 18 USC 4001; 18 USC 4005; 18 USC 4081; 18 USC 4082; 18 USC 4161 to 4166; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509; 28 USC 510

**CFR Citation:** 28 CFR 551.30 to 551.36

**Legal Deadline:** None

**Abstract:** This document generally revises the regulations governing inmate organizations. The revised provisions prohibit fund-raising activities by inmates and require the orderly disbursement of accumulated funds.

**Timetable:**

Action	Date	FR Cite
NPRM	10/20/95	60 FR 54289
NPRM Comment	12/19/95	
Period End		
Final Action	05/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

## DOJ—BOP

## Final Rule Stage

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534

Phone: 202 514-6655

**RIN:** 1120-AA42

### 1697. CENTRAL INMATE MONITORING

**Priority:** Routine and Frequent

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

**CFR Citation:** 28 CFR 524.70 to 524.78

**Legal Deadline:** None

**Abstract:** This document revises regulations on the Bureau's central inmate monitoring system for general clarity, to remove obsolete categories, to update staff responsibilities, and to make various changes in administrative procedures.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/96	
Final Action Effective	05/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534

Phone: 202 514-6655

**RIN:** 1120-AA43

### 1698. EDUCATION TESTS: MINIMUM STANDARDS FOR ADMINISTRATION, INTERPRETATION, AND USE

**Priority:** Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

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

**CFR Citation:** 28 CFR 544.10 to 544.13

**Legal Deadline:** None

**Abstract:** This document rescinds existing Bureau regulations on testing

requirements, as guidelines established by test publishers are adequate for the administrative processing of education tests.

**Timetable:**

Action	Date	FR Cite
Final Action	06/00/96	
Final Action Effective	06/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534

Phone: 202 514-6655

**RIN:** 1120-AA44

### 1699. UNESCORTED TRANSFERS AND VOLUNTARY SURRENDERS

**Priority:** Other

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

**CFR Citation:** 28 CFR 522.30

**Legal Deadline:** None

**Abstract:** This document updates statutory citations and makes an editorial change in the heading of the subpart.

**Timetable:**

Action	Date	FR Cite
Final Action	06/00/96	
Final Action Effective	06/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534

Phone: 202 514-6655

**RIN:** 1120-AA45

### 1700. SCOPE OF RULES: NATIONAL SECURITY CONSIDERATIONS

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

**CFR Citation:** 28 CFR 501

**Legal Deadline:** None

**Abstract:** This document allows for special administrative measures which may be taken with regard to a specific inmate when necessary to avoid the risk of disclosure of classified information that could endanger national security.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/13/95	60 FR 53490
Final Action	07/00/96	
Final Action Effective	07/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534

Phone: 202 514-6655

**RIN:** 1120-AA47

### 1701. • TELEPHONE REGULATIONS AND INMATE FINANCIAL RESPONSIBILITY

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 28 CFR 540.105; 28 CFR 545.11

**Legal Deadline:** None

**Abstract:** This document establishes limitations on telephone privileges and commissary privileges for inmates who refuse to participate in the inmate financial responsibility program.

**Timetable:**

Action	Date	FR Cite
NPRM	01/02/96	61 FR 92
NPRM Comment Period End	03/04/96	
Final Action	12/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534

## DOJ—BOP

## Final Rule Stage

Phone: 202 514-6655

RIN: 1120-AA49

**1702. • FEDERAL PRISON INDUSTRIES (FPI) WORK PROGRAM**

Priority: Routine and Frequent

Legal Authority: 18 USC 4126

CFR Citation: 28 CFR 345.11

Legal Deadline: None

Abstract: This document clarifies the definition of "FPI Work Status."

## Timetable:

Action	Date	FR Cite
Final Action	06/00/96	
Final Action Effective	06/00/96	

Small Entities Affected: None

Government Levels Affected: None

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534

Phone: 202 514-6655

RIN: 1120-AA50

**1703. • RELEASE PREPARATION PROGRAM**

Priority: Routine and Frequent

**Legal Authority:** 18 USC 3565; 18 USC 3568 to 3569; 18 USC 3582; 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 4201 to 4218; 18 USC 5006 to 5024; 18 USC 5031 to 5042; 28 USC 509 to 510

CFR Citation: 28 CFR 571.10

Legal Deadline: None

**Abstract:** This document provides for exceptions in the operation of the inmate release preparation program at an administrative maximum security institution.

## Timetable:

Action	Date	FR Cite
Final Action	05/00/96	
Final Action Effective	05/00/96	

Small Entities Affected: None

Government Levels Affected: None

**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534

Phone: 202 514-6655

RIN: 1120-AA51

DEPARTMENT OF JUSTICE (DOJ)  
Bureau of Prisons (BOP)

## Completed Actions

**1704. ADMINISTRATIVE REMEDY 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.

CFR Citation: 28 CFR 542

## Completed:

Reason	Date	FR Cite
Final Action	01/02/96	61 FR 86
Final Action Effective	02/05/96	

Small Entities Affected: None

Government Levels Affected: None

**Agency Contact:** Roy Nanovic

Phone: 202 514-6655

RIN: 1120-AA20

**1705. HIV PROGRAMS; NOTIFICATION PROVISIONS**

Priority: Other Significant

CFR Citation: 28 CFR 549.16

## Completed:

Reason	Date	FR Cite
Superseded by RIN 1120-AA23	10/05/95	60 FR 52278

Small Entities Affected: None

Government Levels Affected: None

**Agency Contact:** Roy Nanovic

Phone: 202 514-6655

RIN: 1120-AA22

**1706. INMATE WORK AND PERFORMANCE PAY PROGRAM**

Priority: Routine and Frequent

CFR Citation: 28 CFR 545.20 to 545.31

## Completed:

Reason	Date	FR Cite
Final Action	01/04/96	61 FR 378
Final Action Effective	01/04/96	

Small Entities Affected: None

Government Levels Affected: None

**Agency Contact:** Roy Nanovic

Phone: 202 514-6655

RIN: 1120-AA28

**1707. CORRESPONDENCE**

Priority: Routine and Frequent

CFR Citation: 28 CFR 540

## Completed:

Reason	Date	FR Cite
Final Action	12/18/95	60 FR 65204
Final Action Effective	12/18/95	

Small Entities Affected: None

Government Levels Affected: None

**Agency Contact:** Roy Nanovic

Phone: 202 514-6655

RIN: 1120-AA38

**DEPARTMENT OF JUSTICE (DOJ)**  
**Civil Rights Division (CRT)**
**Proposed Rule Stage**
**1708. AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES; CHILDREN'S FACILITIES**
**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 28 CFR 36

**Legal Deadline:** None

**Abstract:** On July 26, 1991, the Department published its final rules implementing titles II and III of the Americans with Disabilities Act (ADA), which prohibits discrimination on the basis of disability by public entities (title II) and in places of accommodation and commercial facilities (title III). Those regulations included accessibility guidelines but did not specifically include guidelines for facilities designed for children.

This rule amends the ADA Standards for Accessible Design to include guidelines based on children's dimensions and anthropometrics and applies to newly constructed and altered facilities that are designed for use primarily by children. The rule ensures that newly constructed and altered children's facilities are readily accessible to and usable by children with disabilities.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	
NPRM Comment Period End	07/00/96	

**Small Entities Affected:** None

**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: 800 514-0383

Fax: 202 307-1198

**RIN:** 1190-AA38

**1709. ● REDRESS PROVISIONS FOR PERSONS OF JAPANESE ANCESTRY: GUIDELINES UNDER ISHIDA V. UNITED STATES**
**Priority:** Other Significant

**Legal Authority:** 50 USC app. 1989; *Ishida v. United States*, No. 94-5151 (Fed. Cir. July 6, 1995)

**CFR Citation:** 28 CFR 74.3(b)(9)

**Legal Deadline:** None

**Abstract:** This rule revises the Department's regulations governing redress provisions for persons of Japanese ancestry under the Civil Liberties Act of 1988 to make eligible for payments of \$20,000 those persons who were born after their parents "voluntarily" evacuated from the prohibited military zones of the West Coast of the United States as a result of military proclamations issued pursuant to Executive Order 9066. This change is being made as a result of a decision adverse to the Federal government in the Federal Circuit case *Ishida v. United States*.

This rule also makes eligible for redress those persons who were born outside the prohibited military zones in the United States after their parents were released from internment camps during the defined war period and whose parents had resided in the prohibited military zones on the West Coast immediately prior to their internment.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/96	
NPRM Comment Period End	08/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Tink D. Cooper, Attorney, Department of Justice, Civil Rights Division, Office of Redress Administration, P.O. Box 66260, Washington, DC 20035-6260

Phone: 202 219-6900

TDD: 202 219-4710

**RIN:** 1190-AA40

**1710. ● REDRESS PROVISIONS FOR PERSONS OF JAPANESE ANCESTRY: GUIDELINES FOR THOSE WHO INVOLUNTARILY RETURNED TO JAPAN DURING THE WAR**
**Priority:** Other Significant

**Legal Authority:** 50 USC app. 1989 et seq

**CFR Citation:** 28 CFR 74.4(b)

**Legal Deadline:** None

**Abstract:** This rule revises the Department's regulations governing redress provisions for persons of Japanese ancestry under the Civil Liberties Act of 1988 to make eligible

for payments of \$20,000 those persons who were otherwise eligible for redress under these regulations, but who involuntarily relocated (or who lacked the necessary capacity to relocate voluntarily) to Japan during World War II. In practice, this amendment will make potentially eligible those persons who were evacuated, relocated, or interned by the United States Government, and who, as minors, involuntarily relocated (or lacked the capacity to leave the custody and control of their parents or guardians who chose to relocate) to Japan during World War II.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/96	
NPRM Comment Period End	08/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Tink D. Cooper, Attorney, Department of Justice, Civil Rights Division, Office of Redress Administration, P.O. Box 66260, Washington, DC 20035-6260

Phone: 202 219-6900

TDD: 202 219-4710

**RIN:** 1190-AA42

**1711. ● AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES; DETECTABLE WARNINGS**
**Priority:** Substantive, Nonsignificant

**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 Architectural and Transportation Barriers Compliance Board (Access Board) issued the Americans with Disabilities Act Accessibility Guidelines (ADAAG), later codified at 36 CFR part 1191. Sections 1 through 10 of ADAAG were adopted as the accessibility standards for the Americans with Disabilities Act by the Department of Justice, codified at 28 CFR part 36, and by the Department of Transportation, codified at 49 CFR part 37. These Standards for Accessible Design included a requirement that small raised truncated domes be used at curb ramps, hazardous vehicular areas, and certain reflecting pool edges in order to warn

## DOJ—CRT

## Proposed Rule Stage

pedestrians who are blind or who have vision impairments of potential hazards in the circulation path.

By a joint final rule published on April 12, 1994, at 59 FR 17442, the Access Board, the Department of Justice (RIN 1190-AA25) and the Department of Transportation, suspended this requirement until July 26, 1996, in order to permit the Access Board to conduct further studies on the effectiveness of these detectable warnings. As a result of that initial

study, the Access Board has determined that further research is needed. Therefore, the Department of Justice, the Access Board, and the Department of Transportation jointly propose to extend the suspension of this detectable warning requirement until July 26, 1998.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	
NPRM Comment Period End	06/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Janet L. Blizard, Supervisory Attorney, Department of Justice, Civil Rights Division, Disability Rights Section, P.O. Box 66738, Washington, DC 20035-6738

Phone: 202 514-0301

TDD: 800 514-0383

Fax: 202 307-1198

**RIN:** 1190-AA43

**DEPARTMENT OF JUSTICE (DOJ)  
Civil Rights Division (CRT)**

## Final Rule Stage

**1712. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES; PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES; ACCESSIBILITY STANDARDS**

**Priority:** Other Significant

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

**CFR Citation:** 28 CFR 35; 28 CFR 36; 28 CFR 37; 28 CFR 38

**Legal Deadline:** None

**Abstract:** On July 26, 1991, the Department published its final rules implementing titles II and III of the Americans with Disabilities Act (ADA), which prohibits discrimination on the basis of disability by public entities (title II) and in places of public accommodation and commercial facilities (title III). Those regulations included accessibility guidelines required for facilities covered by title III -- The ADA Standards for Accessible Design -- but did not specifically include guidelines for facilities covered by title II, such as courthouses or prisons. Title II entities now have the option of using the ADA standards (without certain exceptions applicable only to title III facilities) or another existing standard, the Uniform Federal Accessibility Standards.

The final rule will amend titles II and III to adopt a revised version of the ADA Standards, which incorporates new guidelines for facilities typically covered by title II. The new guidelines were issued as the interim final ADA Accessibility Guidelines by the Access Board and were published on the same day as the Department's proposed rule.

**Timetable:**

Action	Date	FR Cite
NPRM	06/20/94	59 FR 31808
NPRM Comment Period End	08/19/94	
Final Action	09/00/96	

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

**Government Levels Affected:** State, Local

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

Phone: 800 514-0301

TDD: 800 514-0383

Fax: 202 307-1198

**RIN:** 1190-AA26

**1713. 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 proposed amendment would revise 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 would establish 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 proposed rule would require public entities to include a schedule for the implementation of these requirements in their transition plans.

**Timetable:**

Action	Date	FR Cite
NPRM	11/27/95	60 FR 58462
NPRM Comment Period End	01/26/96	
Comment Period Extended to 3/1/96	02/06/96	61 FR 4389
Final Action	04/00/96	

**Small Entities Affected:** None

**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: 800 514-0383

Fax: 202 307-1198

**RIN:** 1190-AA36

**DEPARTMENT OF JUSTICE (DOJ)**  
**Civil Rights Division (CRT)**
**Long-Term Actions**
**1714. 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 42 subpart J (New)

**Timetable:** Next Action Undetermined

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** State, Local

**Agency Contact:** Merrily A. Friedlander

Phone: 202 307-2222

TDD: 202 307-2678

Fax: 202 307-0595

**RIN:** 1190-AA28

**1715. PROCEDURES FOR COMPLAINTS OF EMPLOYMENT DISCRIMINATION FILED AGAINST RECIPIENTS OF FEDERAL FINANCIAL ASSISTANCE; RESCISSION OF LIMITATION ON PARTICIPATION OF THE DEPARTMENT OF EDUCATION**

**Priority:** Other

**CFR Citation:** 28 CFR 42; 29 CFR 1691

**Timetable:** Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Merrily A. Friedlander

Phone: 202 307-2222

TDD: 202 307-2678

**RIN:** 1190-AA30

**1716. 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

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Merrily A. Friedlander

Phone: 202 307-2222

TDD: 202 307-2678

Fax: 202 307-0595

**RIN:** 1190-AA31

**1717. 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

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Merrily A. Friedlander

Phone: 202 307-2222

TDD: 202 307-2678

Fax: 202 307-0595

**RIN:** 1190-AA32

**1718. UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 28 CFR 44.100 to 44.305

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/14/91	56 FR 40247
Interim Final Rule Effective	08/14/91	
Interim Final Rule Comment Period End	10/15/91	
Next Action Undetermined		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** James S. Angus

Phone: 202 616-5594

TDD: 202 616-5525

Fax: 202 616-5509

**RIN:** 1190-AA33

**1719. PROCEDURES FOR THE ADMINISTRATION OF SECTION 5 OF THE VOTING RIGHTS ACT OF 1965, AS AMENDED**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 28 CFR 51

**Timetable:** Next Action Undetermined

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** State, Local

**Agency Contact:** George A. Schneider  
Phone: 202 307-3153

**RIN:** 1190-AA35

**1720. IMPLEMENTATION OF THE PROVISIONS OF THE VOTING RIGHTS ACT REGARDING LANGUAGE MINORITY GROUPS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 28 CFR 55

**Timetable:** Next Action Undetermined

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** State, Local

**Agency Contact:** Susanna C. Lorenzo-Giguere

Phone: 202 514-9822

Fax: 202 307-3961

**RIN:** 1190-AA39

**DEPARTMENT OF JUSTICE (DOJ)**  
**Civil Rights Division (CRT)**

Completed Actions

**1721. AMERICANS WITH DISABILITIES  
 ACT ACCESSIBILITY GUIDELINES  
 FOR BUILDINGS AND FACILITIES;  
 CHILDREN'S FACILITIES**

Completed:

Reason	Date	FR Cite
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Duplicate of RIN 1190- AA38	03/29/96	
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RIN: 1190-AA34

**DEPARTMENT OF JUSTICE (DOJ)**  
**Drug Enforcement Administration (DEA)**

Proposed Rule Stage

**1722. REMOVAL OF RESTRICTIONS  
 ON EMPLOYING CERTAIN  
 INDIVIDUALS**
**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 822**CFR Citation:** 21 CFR 1301.76(a)**Legal Deadline:** None**Abstract:** This rule removes certain restrictions on the employment by registrants of individuals convicted of a felony offense relating to controlled substances, persons denied DEA registration or who had it revoked for cause.**Timetable:**

Action	Date	FR Cite
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NPRM	04/00/96	
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**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Additional Information:** DEA-118**Agency Contact:** G. Thomas Gitchel, Chief, Liaison and Policy Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration, Washington, DC 20537  
Phone: 202 307-7297

RIN: 1117-AA28

**1723. EXEMPTION OF CHEMICAL  
 MIXTURES**
**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 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. These proposed regulations establish the new provisions regarding the exemption of chemical mixtures. Based on extensive consultations with industry, the regulations are intended to establish the least possible burden on industry while remaining consistent with the requirements of the law.**Timetable:**

Action	Date	FR Cite
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NPRM	04/00/96	
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**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** DEA-137**Agency Contact:** Howard McClain, Jr., Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration  
Phone: 202 307-7183

RIN: 1117-AA31

**1724. DIVERSION CONTROL FEE  
 ACCOUNT**
**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
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NPRM	04/00/96	
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**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** DEA Number 140P**Agency Contact:** G. Thomas Gitchel, Chief, Liaison and Policy Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration  
Phone: 202 307-7297

RIN: 1117-AA34

**1725. • ESTABLISHMENT OF FREIGHT  
 FORWARDING FACILITIES**
**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

## DOJ—DEA

## Proposed Rule Stage

**CFR Citation:** 21 CFR 1301; 21 CFR 1304

**Legal Deadline:** None

**Abstract:** DEA is proposing to amend 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 proposed amendments will establish the regulatory guidelines under which registrants may utilize a freight forwarding facility while shipping controlled substances to another registrant.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** DEA Number 143P

**Agency Contact:** G. Thomas Gitchel, Chief, Liaison and Policy Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration  
Phone: 202 307-7297  
Fax: 202 307-8570

**RIN:** 1117-AA36

**1726. • REMOVAL OF EXEMPTION FOR PRODUCTS CONTAINING EPHEDRINE WITH GUAIFENESIN (WHICH ARE LAWFULLY MARKETED UNDER THE FDCA) FROM THE CHEMICAL CONTROL PROVISIONS OF THE CSA**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 21 USC 802; 21 USC 811; 21 USC 830; 21 USC 871(b)

**CFR Citation:** 21 CFR 1309; 21 CFR 1310; 21 CFR 1313

**Legal Deadline:** None

**Abstract:** DEA is proposing to remove the exemption for certain products containing ephedrine in combination with guaifenesin (which are lawfully marketed under the Federal Food, Drug and Cosmetic Act (FDCA) from the provisions of the CSA. Due to the large-scale utilization of FDA-approved over-the-counter (OTC)

ephedrine/guaifenesin products for the clandestine manufacture of controlled substances, DEA has determined that such products should be subject to the chemical control provisions of the CSA to prevent their diversion.

The Domestic Chemical Diversion Control Act of 1993 removed the exemption for single-entity ephedrine products lawfully marketed under the FDCA. In response to that, laboratory operators have searched for alternate sources of precursor material. This has led to the illicit use of OTC pseudoephedrine and ephedrine/guaifenesin products. The illicit use of pseudoephedrine is the subject of a Federal Register Notice published on 10/31/95 (60 FR 55348).

This action proposes to make certain products containing ephedrine and guaifenesin subject to the requirements of the CSA.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** DEA Number 141P

**Agency Contact:** Howard McClain, Jr., Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration  
Phone: 202 307-7183

Fax: 202 307-8570

**RIN:** 1117-AA37

**1727. • EXEMPTION FROM IMPORT/EXPORT REQUIREMENTS FOR PERSONAL MEDICAL USE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 21 USC 952; 21 USC 956 to 958

**CFR Citation:** 21 CFR 1311

**Legal Deadline:** None

**Abstract:** DEA is amending the exemption from the import/export requirements of the Controlled Substances Act (CSA) for individuals carrying personal use quantities of controlled substances into or out of the United States. The exemption is being amended to restrict the exemption to only those drugs that may be marketed or distributed exemption to only those controlled substances that may be marketed or distributed lawfully under the Federal Food, Drug and Cosmetic Act (FDCA). If a controlled substance is not approved under the FDCA, it will be subject to the import/export requirements of the CSA.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** DEA Number 146I

**Agency Contact:** G. Thomas Gitchel, Chief, Liaison and Policy Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration  
Phone: 202 307-7297  
Fax: 202 307-8570

**RIN:** 1117-AA38

**DEPARTMENT OF JUSTICE (DOJ)  
Drug Enforcement Administration (DEA)**

**Final Rule Stage**

**1728. PRESCRIPTIONS FOR CONTROLLED SUBSTANCES, REQUIREMENTS FOR USE OF AUTOMATED DATA PROCESSING SYSTEMS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 21 CFR 1306.21; 21 CFR 1306.22; 21 CFR 1306.26; 21 CFR 1306.31

**Legal Deadline:** None

**Abstract:** This rule will amend existing regulations concerning the maintenance and retrieval of controlled substance prescription information stored in

automated data processing systems. The rule is intended to clarify and simplify existing requirements. Some of these requirements are being met in another rule concerning the facsimile transmission of prescriptions.

This rule will be withdrawn, the remaining proposed amendments have

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## Final Rule Stage

been superseded by amendments made in the pending NPRM entitled Consolidation, Elimination, and Clarification of Various Regulations (RIN 1117-AA33).

**Timetable:**

Action	Date	FR Cite
NPRM	09/05/89	54 FR 36815
NPRM Comment Period End	11/24/89	54 FR 43436
Final Action	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** G. Thomas Gitchel, Chief, State and Industry Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration, Washington, DC 20537  
Phone: 202 307-7297

**RIN:** 1117-AA03

**1729. 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, a disposer registration has become an essential link in the legitimate distribution chain. Therefore, DEA is proposing the establishment of a new category of controlled substance registrant as a disposer.

**Timetable:**

Action	Date	FR Cite
NPRM	08/23/95	60 FR 43732

Action	Date	FR Cite
NPRM Comment Period End	10/23/95	
Final Action	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** DEA 108

**Agency Contact:** James A. Pacella, Chief, Policy Unit, Office of Diversion Control, Department of Justice, Drug Enforcement Administration, Washington, DC 20537  
Phone: 202 307-7297

**RIN:** 1117-AA19

**1730. DISTRIBUTION OF CHEMICAL IMPORT/EXPORT DECLARATION**

**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 802; 21 USC 830; 21 USC 871(b); 21 USC 971

**CFR Citation:** 21 CFR 1313

**Legal Deadline:** None

**Abstract:** The DEA is amending its regulations concerning the disposition of Copy 3 of the Precursor and Essential Chemical Import/Export Declaration (DEA Form 486). The amendment is being made to eliminate confusion between the regulation and the instructions set forth on the reporting form.

**Timetable:**

Action	Date	FR Cite
NPRM	09/23/93	58 FR 49455
NPRM Comment Period End	11/22/93	
Final Action	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** DEA 110

**Agency Contact:** James A. Pacella, Chief, Policy Unit, Office of Diversion Control, Department of Justice, Drug Enforcement Administration, Washington, DC 20537  
Phone: 202 307-7297

**RIN:** 1117-AA21

**1731. WAIVER OF REQUIREMENTS FOR DISTRIBUTION OF PRESCRIPTION DRUG PRODUCTS THAT CONTAIN LIST I CHEMICALS**

**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 802; 21 USC 822; 21 USC 871(b)

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

**Legal Deadline:** None

**Abstract:** This rule would amend 21 CFR, parts 1309 and 1310, to waive the requirement for registration, and allow the use of records required to be kept under FDA regulations in lieu of maintaining separate DEA records, for the distribution of drug products that are subject to regulation as List I chemicals.

**Timetable:**

Action	Date	FR Cite
NPRM	09/26/95	60 FR 49527
NPRM Comment Period End	11/27/95	
Final Action	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** DEA-133

**Agency Contact:** G. Thomas Gitchel, Chief, Liaison and Policy Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration  
Phone: 202 307-7297

**RIN:** 1117-AA29

**1732. MANUFACTURER REPORTING**

**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 802; 21 USC 830; 21 USC 871(b)

**CFR Citation:** 21 CFR 1310

**Legal Deadline:** None

**Abstract:** This rule specifies the reporting requirements for bulk

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## Final Rule Stage

chemical manufacturers, as required by the Domestic Chemical Diversion Control Act of 1993. The rule provides that existing reports may be used to satisfy the reporting requirement.

Regulations concerning this requirement were previously proposed in the NPRM re: Implementation of the Domestic Chemical Diversion Control Act of 1993 (1117-AA23). Following industry comments, the reporting provisions were withdrawn for further consideration and consultation with industry. Based on consultations with industry new regulations are now being proposed.

**Timetable:**

Action	Date	FR Cite
NPRM	09/26/95	60 FR 49529
NPRM Comment Period End	11/27/95	
Final Action	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** DEA-135

**Agency Contact:** Howard McClain, Jr., Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration  
Phone: 202 307-7183

**RIN:** 1117-AA30

### 1733. REMOVAL OF EXEMPTION FOR CERTAIN PSEUDOEPHEDRINE PRODUCTS MARKETED UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 21 USC 802; 21 USC 811; 21 USC 830; 21 USC 871(b)

**CFR Citation:** 21 CFR 1309; 21 CFR 1310; 21 CFR 1313

**Legal Deadline:** None

**Abstract:** DEA is proposing to remove certain pseudoephedrine products from the exemption granted to drug products that are marketed under the Federal Food, Drug, and Cosmetic Act, based on evidence that the products are being diverted for the illicit manufacture of controlled substances. DEA is proposing to limit the regulation of these products to the distribution level through waiver of the registration requirement for retailers and establishment of a threshold that will not require recordkeeping and reporting for sales of personal use quantities to legitimate users. Further, the number of products to be regulated has been limited.

**Timetable:**

Action	Date	FR Cite
NPRM	10/31/95	60 FR 55347
NPRM Comment Period End	01/02/96	
Final Action	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** DEA-138

**Agency Contact:** Howard McClain, Jr., Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration  
Phone: 202 307-7183

**RIN:** 1117-AA32

### 1734. CONSOLIDATION, ELIMINATION, AND CLARIFICATION OF VARIOUS 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:** 21 USC 802; 21 USC 871(b)

**CFR Citation:** 21 CFR 1301; 21 CFR 1302; 21 CFR 1304; 21 CFR 1305; 21 CFR 1306; 21 CFR 1307; 21 CFR 1310; 21 CFR 1311; 21 CFR 1316

**Legal Deadline:** None

**Abstract:** Consistent with the White House National Performance Review initiative, DEA has conducted a review of Title 21, Code of Federal Regulations, Parts 1300 to End. In the course of this review, DEA has identified a number of areas in the regulations where steps can be taken to eliminate outdated requirements, consolidate related sections, and otherwise streamline the regulations. This action should reduce the regulations and provide a more consistent and easily understood framework of guidelines for industry to follow in complying with the requirements of the Controlled Substances Act.

**Timetable:**

Action	Date	FR Cite
NPRM	03/05/96	61 FR 8503
Correction	03/21/96	61 FR 11594
NPRM Comment Period End	07/31/96	61 FR 8503
Final Action	10/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** DEA Number 139P

**Agency Contact:** G. Thomas Gitchel, Chief, Liaison and Policy Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration  
Phone: 202 307-7297

**RIN:** 1117-AA33

## DEPARTMENT OF JUSTICE (DOJ)

## Long-Term Actions

## Drug Enforcement Administration (DEA)

### 1735. REPORTING ON PSYCHOTROPIC SUBSTANCES

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 21 CFR 1304

**Timetable:**

Action	Date	FR Cite
NPRM	10/18/93	58 FR 53680
NPRM Comment Period End	12/17/93	
Next Action Undetermined		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** James A. Pacella  
Phone: 202 307-7297

**RIN:** 1117-AA22

**DEPARTMENT OF JUSTICE (DOJ)**  
**Drug Enforcement Administration (DEA)**
**Completed Actions**
**1736. REPORTS OF PRECURSOR AND ESSENTIAL CHEMICAL IMPORTS AND EXPORTS**

**Priority:** Substantive, Nonsignificant

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

**Completed:**

Reason	Date	FR Cite
Withdrawn Prior to NPRM	12/31/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** James A. Pacella  
Phone: 202 307-7297

**RIN:** 1117-AA17

**1737. INFORMATION FOR EXPORTS OF PRECURSOR AND ESSENTIAL CHEMICALS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 21 CFR 1313

**Completed:**

Reason	Date	FR Cite
Withdrawn	12/31/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** James A. Pacella  
Phone: 202 307-7297

**RIN:** 1117-AA18

**DEPARTMENT OF JUSTICE (DOJ)**  
**Executive Office for Immigration Review (EOIR)**
**Proposed Rule Stage**
**1738. • DISCIPLINE OF ATTORNEYS AND REPRESENTATIVES**

**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 1252b; 8 USC 1362

**CFR Citation:** 8 CFR 3; 8 CFR 292

**Legal Deadline:** None

**Abstract:** This rule amends 8 CFR parts 3 and 292 by changing both the present procedures for disciplining attorneys and representatives who practice before the Executive Office for Immigration Review, which includes the Board of Immigration Appeals, and the

Immigration Courts and the procedures for disciplining attorneys and representatives who practice before the Immigration and Naturalization Service (INS). This rule also includes a provision which as promulgated as an interim rule on April 6, 1992, pursuant to section 545 of the Immigration Act of 1990, Public Law 101-649 (IMMACT), concerning sanctions against attorneys or representatives who engage in frivolous behavior in immigration proceedings. This rule outlines the authority of EOIR to investigate and impose disciplinary sanctions against attorneys and representatives who practice before its tribunals. The rule clarifies the authority of the INS to investigate complaints regarding attorneys and representatives who practice before the INS and outlines the procedures by

which the INS may initiate disciplinary proceedings before EOIR against practitioners who before the INS.

**Timetable:**

Action	Date	FR Cite
NPRM Comment Period End	05/00/96	
Interim Final Rule	07/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Margaret M. Philbin,  
General Counsel, Department of Justice,  
Executive Office for Immigration  
Review, 5107 Leesburg Pike, Suite  
2400, Falls Church, VA 22041  
Phone: 703 305-0470

**RIN:** 1125-AA13

**DEPARTMENT OF JUSTICE (DOJ)**  
**Executive Office for Immigration Review (EOIR)**
**Final Rule Stage**
**1739. MOTIONS AND APPEALS IN IMMIGRATION PROCEEDINGS**

**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 301; 8 USC 1103; 8 USC 1252 note; 8 USC 1252b; 8 USC 1362; 28 USC 509; 28 USC 510; 28 USC 1746; Sec. 2, Reorg. Plan No. 2 of 1950; 3 CFR, 1949 to 1953 Comp, p 1002

**CFR Citation:** 8 CFR 1; 8 CFR 3; 8 CFR 103; 8 CFR 208; 8 CFR 212; 8 CFR 242

**Legal Deadline:** NPRM, Statutory, June 1991.

**Abstract:** Proposed regulations were published in the Federal Register on June 7, 1994 (59 FR 29386) (hereinafter referred to as the June proposed rulemaking), concerning motions and appeals in immigration proceedings and on May 13, 1994 (59 FR 24977) (hereinafter referred to as the May proposed rulemaking), concerning fees. The June proposed rulemaking was promulgated to implement section 545 of the Immigration Act of 1990, Public Law 101-649, which requires both time and number limitations on motions to reopen and reconsider and changes in the substantive and procedural aspects

of motion and appeal practice. The May proposed rulemaking was promulgated to establish an alternative procedure for filing proof of fee payments with the Board of Immigration Appeals (Board).

Since the publication of these two proposed rules, the agency has further examined its current appeal procedures and has decided to establish a uniform central system for filing and tracking appeals before the Board. Under the proposed procedure, parties would file a notice of appeal from a decision of an Immigration Judge and remit the appeal fee or fee waiver petition with the notice of appeal directly to the Board. The rule would also require that motions to reopen and motions to

**DOJ—EOIR**

**Final Rule Stage**

reconsider decisions of the Board be filed directly with the Board accompanied by the appropriate fee or fee waiver petition. This rule would supersede the May and June proposed rulemakings.

This proposed centralization of the appeals procedure, published as a proposed rule, merges merges these substantive and procedural proposals into one rule with some changes to clarify certain provisions and to reflect many of the commenters' concerns. This rule addresses both the language of section 545(d) of the Immigration Act of 1990 and new procedural changes to the filing of appeals, motions, and their concomitant fees with the Board.

**Timetable:**

Action	Date	FR Cite
NPRM	06/07/94	59 FR 29386
NPRM Comment Period End	08/08/94	
Second NPRM	05/09/95	60 FR 24573
Final Action	05/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** EOIR-102P

**Agency Contact:** Margaret M. Philbin, General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2400, Falls Church, VA 22041  
Phone: 703 305-0470

**RIN:** 1125-AA01

**1740. RULES CONCERNING  
CONDITIONAL PERMANENT  
RESIDENCE FOR ALIEN  
ENTREPRENEURS IN DEPORTATION  
PROCEEDINGS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 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; 3 CFR, 1949 to 1953 Comp, p 1002

**CFR Citation:** 8 CFR 3

**Legal Deadline:** None

**Abstract:** The Immigration Act of 1990 provides that an alien entrepreneur and his or her family may obtain lawful permanent residence on a conditional basis, subject to the requirements of a

timely petition and interview for removal of the condition two years after obtaining such status. Termination of such status is made reviewable in deportation proceedings before an Immigration Judge. This rule sets forth the procedures that an Immigration Judge will follow in reviewing the termination by the Immigration and Naturalization Service of conditional permanent resident status of alien entrepreneurs and their families.

**Timetable:**

Action	Date	FR Cite
NPRM	11/12/93	58 FR 59953
NPRM Comment Period End	12/13/93	
Final Action	05/00/96	
Final Action Effective	07/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Margaret M. Philbin, General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2400, Falls Church, VA 22041  
Phone: 703 305-0470

**RIN:** 1125-AA02

**DEPARTMENT OF JUSTICE (DOJ)  
General Administration (DOJADM)**

**Final Rule Stage**

**1741. SUPPLEMENTAL STANDARDS  
OF ETHICAL CONDUCT FOR  
EMPLOYEES OF THE DEPARTMENT  
OF JUSTICE**

**Priority:** Other

**Legal Authority:** 5 USC 301; 5 USC 7301; 5 USC app, Ethics in Government Act of 1978, as amended; 18 USC 207(h)(1); 18 USC 208; 28 USC 528; EO 12674; EO 12731; 5 CFR 735; 5 CFR 2634; 5 CFR 2635; 5 CFR 2641; DOJ Ord 1735.1

**CFR Citation:** 5 CFR 3801 (New); 28 CFR 45 (Removal)

**Legal Deadline:** None

**Abstract:** This rule would supplement the uniform Standards of Ethical Conduct for Employees of the Executive Branch for employees of the Department of Justice. This supplement is necessary because it addresses statutory requirements and issues that are unique to the Department. In addition, the rule would remove the existing Department standard-of-conduct regulations from 28 CFR part 45.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Sectors Affected:** None

**Agency Contact:** Rafael Alberto Madan, Attorney Advisor, Justice Management Division, Department of Justice, 10th & Constitution Avenue NW., Washington, DC 20530  
Phone: 202 514-3452

**RIN:** 1103-AA25

**DEPARTMENT OF JUSTICE (DOJ)**  
**Immigration and Naturalization Service (INS)**

**Prerule Stage**

**1742. F, J, AND M NONIMMIGRANT STUDENT REQUIREMENTS FOR ADMISSION, TRACKING, MAINTENANCE OF STATUS AND FOR EMPLOYMENT AUTHORIZATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a; 8 USC 1324a

**CFR Citation:** 8 CFR 214; 8 CFR 274a

**Legal Deadline:** None

**Abstract:** This rule amends title 8 of the Code of Federal Regulations to clarify current regulations affecting F-1, J-1, and M-1 nonimmigrant students and their dependants; and to make necessary changes regarding controls over all foreign students in the United States.

This regulation re-engineers existing policies and procedures affecting the control and tracking of foreign students and the schools which are authorized to admit them. It will establish effective controls for monitoring and tracking of all nonimmigrant students (F, J, and M classifications). (INS 1458)

A pilot test will be conducted to ascertain the practical feasibility and viability of the student/school re-engineering effort. (INS 1762)

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Eff. 7-20-92; Com. Due 9-18-92	07/20/92	57 FR 31954
Notice of Pilot Program (INS 1762)	09/00/96	

Action	Date	FR Cite
2nd Interim Final Rule (INS 1458)	12/00/96	
<b>Small Entities Affected:</b> None		
<b>Government Levels Affected:</b> Federal		
<b>Additional Information:</b> INS Nos. 1458 and 1762		
<b>Agency Contact:</b> Maurice Berez, Adjudications Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536 Phone: 202 514-3228 <b>RIN:</b> 1115-AD16		

**1743. EXPANSION OF DIRECT MAIL 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 1103; 8 USC 1101; 8 USC 1182; 8 USC 1255; 8 USC 1255a; 8 USC 1201; 8 USC 1201a; 8 USC 1301; 8 USC 1302; 8 USC 1303; 8 USC 1304; 8 USC 1305; 8 USC 1324a; 8 CFR 2; 8 USC 1356

**CFR Citation:** 8 CFR 103; 8 CFR 245; 8 CFR 264; 8 CFR 274a; 8 CFR 245a

**Legal Deadline:** None

**Abstract:** This rule conveys changes in filing procedures for certain petitions or applications for immigration benefits

under the direct mail program. Filing will be done directly with the service centers rather than with the district offices thereby facilitating more expeditious processing of applications and/or petitions. (INS 1660)

The Service also will announce the expansion of the direct mail program to include the filing of Form N-400, Application for Naturalization. The Los Angeles, Miami, Chicago, and New York District Offices will be the pilot sites for this expanded program. Forms will be mailed to one of four Service Centers in an effort to expedite processing. (INS 1745)

**Timetable:**

Action	Date	FR Cite
Interim Final Rule INS No. 1660 Direct Mail Prog. Expansion Eff. 7-1-94; Com. Due 8-30-94	07/01/94	59 FR 33903
Final Rule INS No. 1660 Direct Mail Prog. Expansion	12/00/96	
Notice INS No. 1745	12/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1660 and 1745

**Agency Contact:** Maurice Berez, Adjudications Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536  
Phone: 202 514-5014

**RIN:** 1115-AD73

**DEPARTMENT OF JUSTICE (DOJ)**  
**Immigration and Naturalization Service (INS)**

**Proposed Rule Stage**

**1744. REVISED GROUNDS OF EXCLUSION, PAROLE OF ALIENS INTO THE UNITED STATES, AND WAIVERS OF INADMISSIBILITY FOR IMMIGRANTS AND NONIMMIGRANTS**

**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 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 USC

1201; 8 USC 1304; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1186A; 8 USC 1255; 8 CFR 2

**CFR Citation:** 8 CFR 212; 8 CFR 214; 8 CFR 238; 8 CFR 103; 8 CFR 204; 8 CFR 207; 8 CFR 208; 8 CFR 209; 8 CFR 210; 8 CFR 213; 8 CFR 223a; 8 CFR 235; 8 CFR 236; 8 CFR 238; 8 CFR 239;

...

**Legal Deadline:** None

**Abstract:** This regulation provides changes to the grounds of exclusion applicable to those seeking admission to the US either on a temporary or permanent basis, and sets forth the

circumstances under which discretionary waivers of excludability are available. The amendments reflect statutory changes made by section 601 of the Immigration Act of 1990, IMMACT 90, as well as subsequent technical amendments to the statute. The rule is necessary to ensure implementation of, and regulatory compliance with, the statute as enacted by Congress.

This rule also changes language in 8 CFR 209.2(b) that pertains to the adjustment of status of aliens who, though granted asylum, are determined

## DOJ—INS

## Proposed Rule Stage

to be inadmissible aliens pursuant to the provisions set forth in IMMACT.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

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

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

**Agency Contact:** Sophia Cox, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536

Phone: 202 514-5014

**RIN:** 1115-AB45

**1745. VISA WAIVER PILOT PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1356; 8 USC 1187; 8 USC 1103; 8 CFR 2

**CFR Citation:** 8 CFR 217

**Legal Deadline:** None

**Abstract:** The Visa Waiver Pilot Program allows nationals of designated countries to apply for admission to the US at land border ports, air and sea ports and to enter the US for business or pleasure for up to 90 days without first obtaining a nonimmigrant visa.

INS 1755 permits nationals of Argentina, the Czech Republic and Slovenia to participate in this program.

INS 1447 permits nationals of 13 additional designated countries, Andorra, Austria, Belgium, Denmark, Finland, Iceland, Liechtenstein, Luxembourg, Monaco, New Zealand, Norway, Spain, and San Marino to apply for admission for 90 days or less as nonimmigrant visitors for business or pleasure without first obtaining a nonimmigrant visa.

INS 1447R amends section 217 by removing Andorra, Austria, Italy, and Monaco as countries participating in the Visa Waiver Pilot Program. This action is necessary because these countries no longer meet the criteria for continued participation in the program.

INS 1674 provided notice of the Congressional extension of the VWPP through 9-30-96.

INS No. 1685 extends the VWPP to nationals of Ireland and also allows nationals of designated countries whose method of arrival at port-of-entry had previously precluded them from participating in the VWPP to now participate.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule (INS No. 1447) Eff. 10-1-91; Com. Due 10-15-91	09/13/91	56 FR 46716
Public Notice (INS No. 1674) Eff. 10-25-94, Cut-off date 9-30-96	02/21/95	60 FR 9699
Interim Final Rule (INS No. 1685) Eff. 4/1/95; Com. due 5/30/95	03/28/95	60 FR 15855
Final Rule (INS No. 1447)	10/00/96	
Final Rule (INS No. 1685)	10/00/96	
Interim Final Rule (1755)	10/00/96	
NPRM (INS No. 1447R)	10/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1447-91, 1447R-93, 1674-94, 1685-95, and 1755-96

Final action pending (INS No. 1447 and 1447R); awaiting State Department review of concurrent regulations.

Interim rule will be promulgated upon DOJ and DOS joint designation of the countries cited in INS 1755.

The Visa Waiver Pilot Program is scheduled to expire on September 30, 1996 unless extended by Congress.

**Agency Contact:** Tom Graber, Assistant Chief Inspector, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536

Phone: 202 616-7496

**RIN:** 1115-AB93

**1746. ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE: CONDITIONAL RESIDENTS AND FIANCE(E)S**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1154; 8 USC

1182; 8 USC 1186a; 8 USC 1255; 8 USC 1257; 8 CFR 2

**CFR Citation:** 8 CFR 245

**Legal Deadline:** None

**Abstract:**

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

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

**Agency Contact:** Rita A. Arthur, Adjudications Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536

Phone: 202 514-5014

**RIN:** 1115-AC70

**1747. MEXICAN AND CANADIAN NONRESIDENT ALIEN BORDER CROSSING CARDS (BCCS)**

**Priority:** Routine and Frequent

**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 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 USC 1183; 8 USC 1201; 8 USC 1102; 8 USC 1201a; 8 USC 1301; 8 USC 1305; 8 CFR 2

**CFR Citation:** 8 CFR 212; 8 CFR 264; 8 CFR 299

**Legal Deadline:** None

**Abstract:** This rule standardizes guidelines for the issuance of border crossing cards on the northern and southern borders to aliens who are citizens and residents of Mexico and Canada.

This rule will have minimal impact and should standardize guidelines for issuance of BCCs.

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## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	02/06/96	61 FR 4374
NPRM Comment Period End	04/08/96	
Final Action	08/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1390

**Agency Contact:** Michael Jaromin, Chief Inspector, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536

Phone: 202 514-2694

**RIN:** 1115-AD24

**1748. J NONIMMIGRANTS: REQUIREMENTS FOR ADMISSION AND MAINTENANCE OF STATUS; EMPLOYMENT AUTHORIZATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1184; 8 USC 1324a

**CFR Citation:** 8 CFR 214; 8 CFR 274a

**Legal Deadline:** None

**Abstract:** The United States Information Agency (USIA) published regulations at 22 CFR 514 on March 19, 1993 (58 FR 15180) which made significant changes to the administration of the international educational and cultural exchange visitor category (J), including Service procedures for monitoring the authorized stay of program participants and authorizing employment for J aliens. 8 CFR 214.1, 214.2, and 274a.12 will be changed to implement these procedures and eliminate burdensome paperwork for both the Service and public.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1610

USIA published final ruling 3/19/93. INS awaiting inter-agency Memorandum of Understanding from USIA.

**Agency Contact:** Maurice Berez, Adjudications Examiner, Examinations, Department of Justice, Immigration and

Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536

Phone: 202 514-5014

**RIN:** 1115-AD37

**1749. VALIDITY OF APPROVED PETITIONS AND APPEAL RIGHTS**

**Priority:** Routine and Frequent

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

**CFR Citation:** 8 CFR 204

**Legal Deadline:** None

**Abstract:** This rule reinstates and clarifies procedures which determine when a relative petition remains valid or becomes invalid and ceases to convey a priority date. It also reinstates and revises procedures relating to a petitioner's appellate rights by extending the period in which an appeal may be filed from 15 to 30 days. This will standardize the filing period given petitioners who file appeals with the Board of Immigration Appeals by conforming them with the 30-day filing period given applicants who appeal with the Service's Administrative Appeals Division.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1619-93

**Agency Contact:** Ramonia Law-Hill, Adjudications Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536

Phone: 202 514-5014

**RIN:** 1115-AD45

**1750. STANDARDIZED TESTING FOR NATURALIZATION; PROCEDURES FOR APPROVAL OF TEST PROVIDERS**

**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 1423; 8 USC 1443; 8 USC 1447; 8 USC 1448

**CFR Citation:** 8 CFR 312

**Legal Deadline:** None

**Abstract:** The Immigration and Naturalization Service (Service) is proposing a change in the criteria currently used for approving testing entities to administer standardized United States government, history and written and oral English testing for persons applying to become naturalized United States citizens. Dramatic increases in the number of individuals filing to become citizens and the need to strengthen the approval criteria in order to prevent fraud necessitate this change. After implementation, this rule will provide permanent procedures for approving testing entities to administer the written English language, history and government test and will allow the Service to focus manpower resources of naturalization interviews warranting greater investigation. The rule will also implement provisions mandated by the 1994 Technical Corrections Act regarding 312 exemptions for persons with certain disabilities.

This rule while adding a section to 8 CFR, will assist the public by controlling the authorization of local testing centers, thereby eliminating fraud which is now plaguing the system.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1275-93

**Agency Contact:** Craig Howie, Adjudications Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536

Phone: 202 514-5014

**RIN:** 1115-AD52

## DOJ—INS

## Proposed Rule Stage

**1751. NONIMMIGRANT CLASSES; DIPLOMAT AND GOVERNMENT REPRESENTATIVES; TRANSITS; REQUIREMENTS FOR ADMISSION, EXTENSION AND MAINTENANCE OF STATUS****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1221; 8 USC 1281; 8 USC 1282**CFR Citation:** 8 CFR 214**Legal Deadline:** None

**Abstract:** This rule clarifies status, employment, control, and travel limitations for diplomats and representatives of international organizations, including the United Nations. The rule will be undertaken as a result of a working relationship between the INS and the Department of State. The United States Mission to the United Nations will participate in drafting regulations pertaining to the United Nations Headquarters District.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/96	
Final Action	06/00/97	

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** INS No. 1631 INS No. 1706 (RIN 1115-AE05) will be incorporated in this rulemaking.**Agency Contact:** Katharine A. Lorr, Adjudications Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536

Phone: 202 514-5014

**RIN:** 1115-AD57**1752. PROCEDURES FOR FILING A DERIVATIVE PETITION (FORM I-730) FOR A SPOUSE AND UNMARRIED CHILDREN OF A REFUGEE/ASYLEE****Priority:** Routine and Frequent

**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 1151; 8 USC 1157; 8 USC 1159; 8 USC 1182; 8 USC 1158; 8 USC

1226; 8 USC 1252; 8 USC 1282; 8 CFR 2; 31 USC 9701

**CFR Citation:** 8 CFR 207; 8 CFR 208**Legal Deadline:** None

**Abstract:** This rule responds to the family reunification needs of refugees by establishing an equitable and consistent following-to-join policy for refugees which parallels the current following-to-join procedures for asylees. This rule also proposes to amend asylum regulations by removing children born to or legally adopted by the principal alien and spouse after approval of the principal alien's asylum application from qualified relationship.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/96	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Additional Information:** INS No. 1639**Agency Contact:** Ramonia Law-Hill, Adjudications Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536

Phone: 202 514-5014

**RIN:** 1115-AD59**1753. EXECUTING FINAL ORDER OF EXCLUSION OR DEPORTATION; CONFORMING 72-HOUR NOTICE PROVISIONS****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 1227; 8 USC 1255; 8 USC 1253**CFR Citation:** 8 CFR 237; 8 CFR 243**Legal Deadline:** None

**Abstract:** This rule streamlines the regulatory process for executing a final order of exclusion by sliding forward the 72-hour waiting period, which currently falls after the Service assumes custody of the alien pursuant to a notice to surrender or arrest, to the period immediately after service of the decision upon the alien, in conformity to the current deportation procedure. The rule also eliminates the subsequent

step of obtaining the alien's specific consent or request to waive the 72-hour period when the alien has already waived appeal of the Immigration Judge's exclusion or deportation order on the record of proceeding before the Immigration Judge. These revisions are necessary in order to eliminate unnecessary detention costs to the taxpayer and potential delays resulting from the current 72-hour provision.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/96	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Additional Information:** INS No. 1661-94

Additional INS contact: Robert K. Bingham

**Agency Contact:** Cristina Hamilton, Associate General Counsel, General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6100, Washington, DC 20536  
Phone: 202 514-2895**RIN:** 1115-AD71**1754. NONIMMIGRANT CLASSES; S CLASSIFICATION; LAW ENFORCEMENT INITIATIVES; ALIEN WITNESSES****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 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 1324a; 8 CFR 2**CFR Citation:** 8 CFR 212; 8 CFR 214; 8 CFR 274a; 8 CFR 299; 8 CFR 103**Legal Deadline:** None

**Abstract:** Three regulatory initiatives dealing with the processing of alien witnesses have been prepared by the INS. INS No. 1683-94 provides the application and approval process for the admission of aliens in S nonimmigrant classification. It provides guidance to the various law enforcement agencies needing alien witnesses and informants to complete critical law enforcement initiatives in the United States. INS no. 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

## DOJ—INS

## Proposed Rule Stage

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. INS No. 1731 establishes procedures for temporary parole of witnesses using B-1 visa classification or the Attorney General's parole authority.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule (INS No. 1683) Eff. 8-25-95; Com. due 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)	04/00/96	
NPRM (INS No. 1731)	06/00/96	
Final Rule (INS No. 1683)	10/00/96	

**Small Entities Affected:** None

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

**Additional Information:** INS No. 1683-94; INS No. 1728-95; INS No. 1731-95

**Agency Contact:** Katherine Lorr, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 1000, Washington, DC 20536  
Phone: 202 616-7446

**RIN:** 1115-AD86

### 1755. ARRIVAL/DEPARTURE RECORDS; RETENTION OF DEPARTURE PORTION OF THE FORM I-94 FOR SEAPORTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1221; 8 USC 1228; 8 USC 1229; 8 USC 1183; 8 USC 1201; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1252

**CFR Citation:** 8 CFR 235; 8 CFR 231

**Legal Deadline:** None

**Abstract:** This rule will allow the alien passenger to retain the departure Form I-94 while on vessels at sea instead of turning it in and having to prepare a new one for every entry into the US after departing from contiguous territory or adjacent islands. It is

necessary to reduce INS resources expended on the inspection of non-immigrant aliens traveling on cruise vessels which originated in the US. It will reduce the cost to the INS while facilitating the entry of bona fide travelers, and enhance the image of the INS with the tourism industry.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1694-95

**Agency Contact:** Tom Graber, Assistant Chief Inspector, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536

Phone: 202 616-7496

**RIN:** 1115-AD94

### 1756. INSPECTION OF ALIEN CREW MEMBERS; 90-DAY WAIVER

**Priority:** Substantive, Nonsignificant

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

**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 ninety-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	10/00/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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

**Agency Contact:** Tom Graber, Assistant Chief Inspector, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536

Phone: 202 616-7496

**RIN:** 1115-AD95

### 1757. SCREENING REQUIREMENTS OF CARRIERS FOR REDUCTION, REFUND, OR WAIVER OF FINES

**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

**CFR Citation:** 8 CFR 273

**Legal Deadline:** None

**Abstract:** This rule sets forth the requirements that a carrier must satisfy in order that the INS may reduce, refund, or waive a fine incurred by the carrier for the transportation of an improperly documented alien to the US. The rule notifies the public of the requirements the INS expects the carriers to implement at ports of embarkation to satisfy the INS that they have properly screened all passengers on their vessel or aircraft bound for the US. The rule also notifies the public of the circumstances under which the INS may reduce, refund, or waive fines imposed on the carrier for the boarding of improperly documented aliens.

Certain qualified carriers that have achieved an Acceptable Performance Level (APL) in the number of improperly documented aliens brought to the United States, as determined by the INS, and having a satisfactory fines payment record, will be eligible for fines mitigation, the extent of the mitigation being determined by the carrier's APL.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

## DOJ—INS

## Proposed Rule Stage

**Additional Information:** INS No. 1697

**Agency Contact:** Robert Hutnick, Assistant Chief Inspector, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536  
Phone: 202 514-3019

**RIN:** 1115-AD97

### 1758. BORDER SERVICES USER FEE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1103; 8 USC 1356; 8 CFR 2

**CFR Citation:** 8 CFR 286

**Legal Deadline:** None

**Abstract:** Legislation currently pending would provide for the establishment of a border services user fee which would be applied to border-related services and enforcement. The fee is proposed to be \$1.50 for each non-commercial conveyance and \$0.75 for each pedestrian, for every land border entry, including persons arriving via ferries. This rule will, among other things, develop special discounted fee programs for frequent border crossers and establish penalties for non-payment of fees.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INS No. 1700-95

**Agency Contact:** Michael Jaromin, Assistant Chief Inspector, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7223, Washington, DC 20536  
Phone: 202 514-3019

**RIN:** 1115-AE01

### 1759. INTRODUCTION OF SECURE EMPLOYMENT AUTHORIZATION DOCUMENT

**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:** This rule would provide for the centralized production of all

employment authorization documents (EADs) at one or more service centers. Centralization will allow the INS to utilize new technology to produce more secure EADs. This will benefit employers, aliens with employment authorization and the INS.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** INS No. 1707

**Agency Contact:** Mayburn Deboe, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3040, Washington, DC 20536  
Phone: 202 514-3156

**RIN:** 1115-AE06

### 1760. DISCLOSURE OF INFORMATION

**Priority:** Other

**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	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INS No. 1732-95

**Agency Contact:** Miriam Jawitz Hetfield, Senior Adjudications Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536  
Phone: 202 514-5014

**RIN:** 1115-AE17

### 1761. DESIGNATION OF INS CERTIFIED CENTERS

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1252b; 8 USC 1362; 8 USC 1421; 8 USC 1443; 8 USC 1447; 8 USC 1448; 8 CFR 2.1

**CFR Citation:** 8 CFR 292; 8 CFR 310

**Legal Deadline:** None

**Abstract:** This regulatory change is part of the Immigration and Naturalization (INS) "Citizenship USA" Project to make the naturalization process more accessible to eligible immigrants. The change is intended to increase the availability of high-quality, low-cost assistance to applicants for naturalization and other immigration benefits. It will reduce the burden of current regulations and will clarify some regulatory provisions which have been confusing to affected parties. It will also expand the partnership between INS and organizations in local communities.

This rule amends INS regulations by providing procedures by which non-profit agencies, community-based organizations, and other special interest groups may be designated as INS Certified Centers on a provisional basis for the purpose of informing and assisting those eligible to apply for various immigration benefits.

**Timetable:**

Action	Date	FR Cite
NPRM (INS 1735)	08/00/96	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1735

**Agency Contact:** Jodi Martin, Adjudications Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536

## DOJ—INS

## Proposed Rule Stage

Phone: 202 514-5014

RIN: 1115-AE18

**1762. ACQUISITION OF CITIZENSHIP; EQUAL TREATMENT OF WOMEN IN CONFERRING CITIZENSHIP TO CHILDREN BORN ABROAD**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1401

**CFR Citation:** 8 CFR 301

**Legal Deadline:** None

**Abstract:** This interim rule implements the Immigration and Nationality Technical Corrections Act of 1994, by establishing procedures for certain United States women to confer citizenship to their foreign-born children. The purpose of the rule is to ensure that all women receive equal treatment under laws relating to nationality. Implementation of the rule would allow for the issuance of certificates of citizenship to certain foreign-born children previously ineligible to acquire citizenship from their U.S. citizen mothers.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INS No. 1736-95

**Agency Contact:** Jane Barker, Adjudications Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, Room 3214

Phone: 202 514-5014

RIN: 1115-AE19

**1763. • APPREHENSION, CUSTODY AND DETENTION; AGGRAVATED FELONY CONVICTIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1251; 8 USC 1252; 8 USC 1252 note; 8 USC 1252a; 8 USC 1252b; 8 USC 1254; 8 USC 1362; 8 CFR 2

**CFR Citation:** 8 CFR 242

**Legal Deadline:** None

**Abstract:** This rule amends existing INS regulations by incorporating decisions of the Board of Immigration

Appeals (BIA) and the courts that heighten bond test under section 242(a)(2)(B) of the Immigration and Nationality Act which applies retroactively to any aggravated felony conviction occurring before, on, or after November 18, 1988. (The rule will add the word "before" to the phrase which previously cited convictions occurring on or after November 18, 1988).

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1747-96

**Agency Contact:** Ira Frank, Senior Special Agent, Investigations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 1000, Washington, DC 20536

Phone: 202 514-0747

RIN: 1115-AE25

**1764. • TEMPORARY PROTECTED STATUS; DESIGNATIONS AND EXTENSIONS**

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

**Legal Authority:** 8 USC 1103; 8 USC 1254a; 8 USC 1254a note; 8 USC 1362; 8 USC 1324a; 8 USC 1101; 8 USC 1303; 8 USC 2; 5 USC 301; 5 USC 552; 5 USC 552a; 8 USC 1201; 28 USC 509; 31 USC 9701

**CFR Citation:** 8 CFR 103; 8 CFR 240; 8 CFR 299

**Legal Deadline:** None

**Abstract:** Regulations published under this RIN implement provisions of the Immigration and Nationality Act as established by section 302 of the Immigration Act of 1990, Pub. L. 101-649, which allow for the establishment and implementation of Temporary Protected Status (TPS).

Previously published TPS regulations were cited by RIN 1115-AC30.

Recent regulatory actions:

INS No. 1608 provides for exceptions to deadlines for registering for TPS and updates the application process.

INS No. 1612 provides for the removal of obsolete TPS language.

INS No. 1746 provides for the extension of designation of Liberia for TPS through 3-28-97.

**Timetable:**

**Exceptions to Registration**

TPS Final Rule (INS No. 1608) 00/00/00

**Liberia TPS (INS No. 1746)**

Desig. Exten. 3-29-96 to 3-28-97; 03/01/96 (61 FR 8076)

**8 CFR Part 240 Removal of Obsolete TPS Language (INS No. 1612)**

Proposed Rule 06/00/96

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** The Attorney General may designate other countries for TPS.

INS Nos. 1608, 1612, and 1746

Cross reference other TPS actions under RIN 1115-AC30.

**Agency Contact:** Ronald S. Chirlin, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536  
Phone: 202 514-5014

RIN: 1115-AE26

**1765. • ELIGIBILITY OF PERSONS FOR REFUGEE STATUS AND WITHHOLDING OF DEPORTATION; ELIMINATION OF PAROLE REVIEW PROGRAM FOR EXCLUDABLE MARIEL CUBANS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228; 8 USC 1252; 8 USC 1282; 8 CFR 2; 31 USC 9701

**CFR Citation:** 8 CFR 208; 8 CFR 1212

**Legal Deadline:** None

**Abstract:** This rule would amend two of the existing sections of 8 CFR governing eligibility for refugee status and one of the sections governing eligibility for withholding of deportation. It also would modify sections pertaining to the parole review program for excludable Mariel Cubans.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	

**Small Entities Affected:** Undetermined

## DOJ—INS

## Proposed Rule Stage

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1752

Additional INS contact Bo Cooper

**Agency Contact:** Scott Busby, Assistant General Counsel, General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6100, Washington, DC 20536

Phone: 202 514-2895

**RIN:** 1115-AE30

### 1766. • ELIMINATION OF LISTING OF TRANSPORTATION LINES SIGNATORY TO CONTRACTS

**Priority:** Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

**Legal Authority:** 8 USC 1103; 8 USC 1228; 8 CFR 2

**CFR Citation:** 8 CFR 238

**Legal Deadline:** None

**Abstract:** This rule amends the Service regulations by removing the list of transportation lines signatory to the Immediate and Continuous Transit Agreement, also known as the TWOV agreement, or the preinspection agreement, from the Code of Federal Regulations. This will permit the Service to rapidly add or delete transportation lines signatory to these agreements to or from a list to be maintained at the Services's Headquarters Office of Inspections.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INS No. 1760

**Agency Contact:** Robert F. Hutnick, Assistant Chief Inspector, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536  
Phone: 202 616-7499

**RIN:** 1115-AE34

### 1767. • MANIFEST REQUIREMENTS FOR IN-TRANSIT PASSENGERS

**Priority:** Routine and Frequent

**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

**Legal Deadline:** None

**Abstract:** This rule will delete part 231, section 1(b) from title 8 of the Code of Federal Regulations. The rule will require the carrier to present an Arrival/Departure Manifest as required under Section 231 of the Immigration and Naturalization Act. This will necessitate the carrier to present an Arrival/Departure Record, Form I-94T, for each in-transit passenger coming to the United States. Under the current regulations, carriers are exempt presentation if the in-transit passenger arrives and departs on the same aircraft on a direct through flight. The rule will eliminate this exemption. The change is necessary so that the Service can identify and intercept those passengers who are listed in federal lookout systems as being ineligible for admission to the United States or wanted for past criminal action by a law enforcement agency.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/96	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1757

**Agency Contact:** Robert F. Hutnick, Assistant Chief Inspector, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536  
Phone: 202 616-7499

**RIN:** 1115-AE37

### 1768. • CONTRACTS WITH TRANSPORTATION LINES; LIMITING TRANSFERS OF TRANSIT WITHOUT VISA ALIENS IN THE UNITED STATES TO ONE; ELECTRONIC TICKETING

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1103; 8 USC 1228; 8 CFR 2

**CFR Citation:** 8 CFR 238

**Legal Deadline:** None

**Abstract:** This rule will limit the number of stops for Transit Without

Visa (TWOV) applicants in the United States to one. It will allow TWOV passengers to present other than airline tickets to inspectors as evidence of continued transit through the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/96	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1766

**Agency Contact:** Robert Hutnick, Assistant Chief Inspector, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536  
Phone: 202 514-2694

**RIN:** 1115-AE41

### 1769. • EXAMINATIONS FEE ACCOUNT SCHEDULE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1356; PL 100-459; 31 USC 9701

**CFR Citation:** 8 CFR 103

**Legal Deadline:** Final, Statutory, October 1, 1997.

**Abstract:** INS No. 1767 proposes to adjust the INS' Immigration Examinations Fee Account fee schedule to include a surcharge to fund the Cuban-Haitian Entrant Program. The fee adjustment is necessary to comply with a Congressional directive to transfer funding of the Program from the Community Relations Service to the Immigration Examinations Fee Account. Implementation of this rule will ensure that sufficient revenue is generated through the various Immigration examinations Fee Account fees to fund the Cuban-Haitian Entrant Program.

INS No. 1768 proposes to adjust the Immigration Examinations Fee account to reflect the cost of providing immigration and naturalization services, plus surcharges for the Asylum Program, as directed by Congress. The fee adjustment is necessary to comply with Federal statutes and Federal cost accounting standards. Implementation of this rule will ensure that sufficient funds are available for immigration and naturalization services, the Asylum

## DOJ—INS

## Proposed Rule Stage

Program, and to improve the quality of services provided to users.

**Timetable:**

Action	Date	FR Cite
NPRM (INS No. 1767)	05/00/96	
NPRM (INS No. 1768)	11/00/96	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** INS Nos. 1767 and 1768

**Agency Contact:** Michael Natchuras, Chief, Fee Policy and Rate Setting

Branch, Budget, Office of Management, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6240, Washington, DC 20536

Phone: 202 616-2754

**RIN:** 1115-AE42

## DEPARTMENT OF JUSTICE (DOJ)

## Final Rule Stage

## Immigration and Naturalization Service (INS)

**1770. NONIMMIGRANT CLASSES; TEMPORARY EMPLOYEES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1258

**CFR Citation:** 8 CFR 214

**Legal Deadline:** None

**Abstract:** The Immigration Reform and Control Act of 1986 (IRCA) imposed sanctions against employers who hire aliens not authorized to work. Since many of the nation's agricultural employers have become dependent upon such workers to meet production and harvesting needs, Congress created the Special Agricultural Workers (SAW) Program and the Replenishment Agricultural Workers (RAW) Program to grant permanent resident status to certain agricultural workers. To clarify the process through which employers can employ nonimmigrant seasonal and temporary agricultural workers, Congress moved agricultural employment from H-2 classification into a separate H-2A class, and incorporated a labor certification process into the statute. This rule established special H-2A regulatory criteria, and supplemented the Department of Labor's rules covering the temporary agricultural labor certification process. This rule has amended Service regulations which pertain to temporary alien workers seeking classification under section 101(a)(15)(H) of the Immigration and Nationality Act.

**Timetable:**

Action	Date	FR Cite
NPRM; Com. Due 10-7-86	08/08/86	51 FR 28576
Interim Final Rule Eff. 6-1-87; Com. Due 7-31-87	06/01/87	52 FR 20554
2nd Interim Final Rule	06/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1302-90

Rule contingent upon Department of Labor final regulations.

Cross reference INS No. 1008-88

**Agency Contact:** Helen V. deThomas, Adjudications Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536

Phone: 202 514-5014

**RIN:** 1115-AA25

**1771. ARREST AND DETENTION OF AGGRAVATED FELONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1251; 8 USC 1252; 8 USC 1254; 8 USC 1362; 8 CFR 2

**CFR Citation:** 8 CFR 212; 8 CFR 242; 8 CFR 244

**Legal Deadline:** None

**Abstract:** Changes to the current regulations are necessitated by the Anti-Drug Abuse Act of 1988 provisions relating to aliens convicted of aggravated felonies. The regulations delineate when a warrant of deportation may be used in lieu of a warrant of arrest to take an alien into custody.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule; Eff. 6-19-90; Com. Due 7-19-90	06/19/90	55 FR 24858
Final Action	07/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1209

**Agency Contact:** Ira L. Frank, Senior Special Agent, Investigations Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 1000, Washington, DC 20536

Phone: 202 514-0747

**RIN:** 1115-AB19

**1772. NONIMMIGRANT CLASSES; NATO-1, 2, 3, 4, 5, 6, AND 7; CONTROL OF EMPLOYMENT OF ALIENS (SPECIAL REQUIREMENT FOR ADMISSION, EXTENSION AND MAINTENANCE OF STATUS; NATO)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a

**CFR Citation:** 8 CFR 214; 8 CFR 274a; 8 CFR 248; 8 CFR 299

**Legal Deadline:** None

**Abstract:** Collaborative effort with INS, DOS, DOD and NATO on revising Service regulations relating to employment authorization for dependents of certain principal aliens in NATO status. The revision is necessary in order to expand and secure employment opportunities on the basis of reciprocity for dependents of US citizens in NATO status in NATO member countries and to make NATO dependent employment provisions conform with those of A and G nonimmigrants.

**Timetable:**

Action	Date	FR Cite
NPRM	02/07/94	59 FR 5533
NPRM Comment Period End	03/09/94	
Final Action	08/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1328-93

DOJ—INS

Final Rule Stage

**Agency Contact:** Katharine A. Lorr, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536  
Phone: 202 514-5014  
**RIN:** 1115-AB52

**1773. FIELD OFFICERS; POWERS AND DUTIES; SUBPOENA**

**Priority:** Routine and Frequent

**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

**Legal Deadline:** None

**Abstract:** This rule permits service of a subpoena to be made by an immigration officer except when the subpoena is issued by an immigration judge on behalf of a party other than the INS. The rule permits an immigration officer to ask for a subpoena from an immigration judge. It deletes the Regional Director, Office of Professional Responsibility, as an official who may issue a subpoena and/or designate service of same. The rule specifically permits the subpoenaing of demonstrative evidence.

**Timetable:**

Action	Date	FR Cite
NPRM	09/26/91	56 FR 48766
NPRM Comment Period End	10/28/91	
Final Action	06/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1242

**Agency Contact:** Ira L. Frank, Senior Special Agent, Investigations Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 1000, Washington, DC 20536  
Phone: 202 514-0747

**RIN:** 1115-AB63

**1774. NONIMMIGRANT CLASSES; NORTH AMERICAN FREE TRADE AGREEMENT (U.S.-CANADA FREE-TRADE AGREEMENT AMENDMENTS)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 CFR 2

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

**Legal Deadline:** None

**Abstract:** This regulation provides amendments to part 214 in order to bring it into conformance with procedural changes effected by INS in the past year and provisions of the North American Free Trade Agreement.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule; Eff. 1-1-94; Com. Due 2-28-94	12/30/93	58 FR 69205
Interim Final Rule; Correction	01/13/94	59 FR 1992
Final Action	04/00/96	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1611-93

Cross reference INS No. 1310 and INS No. 1258.

**Agency Contact:** Helen V. deThomas, Adjudications Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536  
Phone: 202 514-5014

**RIN:** 1115-AB72

**1775. CONTROL OF EMPLOYMENT OF ALIENS**

**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 1255a; 8 USC 1255a note; 8 USC 1324a; 8 USC 1160; 8 CFR 2

**CFR Citation:** 8 CFR 210; 8 CFR 245a; 8 CFR 274a

**Legal Deadline:** None

**Abstract:** The document reduction rule (INS No. 1399-93) reduces the number of Immigration and Naturalization Service (INS)-issued documents that are acceptable for purposes of completing the Employment Eligibility Verification Form (Form I-9). This rule proposes to further simplify compliance with the employment eligibility verification requirements and address the concerns

of employers who allege confusion created by the multiplicity of acceptable documents on the Form I-9.

A supplemental proposed rule published on June 22, 1995, at 60 FR 32472 proposed creating a requirement on the part of the employee to sign an attestation in section 3 of Form I-9, during the reverification process indicating that they are still authorized to work in the United States (INS No. 1399S-94). The supplemental rule also proposed the elimination of Federal identification cards as acceptable List B identity documents.

**Timetable:**

Action	Date	FR Cite
NPRM (INS 1399); Comment Period End 12/23/93	11/23/93	58 FR 61846
Supplemental NPRM (INS 1339S) Comment Period End 7/24/95	06/22/95	60 FR 32472
Final Rule (INS 1399)	05/00/96	
<b>Public Notice Pilot Demonstration Program (INS 1713)</b>		
Applications Due 1-29-96	11/30/95	(60 FR 61630)
Appl. Extension Through 3-8-96	02/06/96	(61 FR 4378)

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

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

**Additional Information:** INS No. 1399-92

INS No. 1399S-94, Control of Employment of Aliens Supplemental Rule.

INS No. 1713-95, Demonstration Project for Electronic I-9s, contact Robert Atwater, 202-514-2998.

**Agency Contact:** Dea Carpenter, Associate General Counsel, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6100, Washington, DC 20536  
Phone: 202 514-2895

**RIN:** 1115-AB73

DOJ—INS

Final Rule Stage

**1776. PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR PREFERENCE IMMIGRANT; ADJUSTMENT OF STATUS TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 9 USC 1255; 8 CFR 2

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

**Legal Deadline:** None

**Abstract:** This regulation allows a citizen or lawful permanent resident petitioner, or an alien applicant for permanent resident status, to seek an exemption from the general prohibition against approval of immigration benefits based upon a marriage entered into while the beneficiary or applicant was under deportation or exclusion proceedings. This regulation allows persons who have bona fide marriages to be excused from meeting the 2 year foreign residency requirement.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule, Eff. 6-20-91; Com. Due 7-22-91	06/20/91	56 FR 28311
Final Action	06/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1419-91

**Agency Contact:** Rita Arthur, Adjudications Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536  
Phone: 202 514-5014

**RIN:** 1115-AC43

**1777. CONDITIONAL BASIS OF LAWFUL PERMANENT RESIDENCE FOR CERTAIN ALIEN SPOUSES AND SONS AND DAUGHTERS; BATTERED AND ABUSED CONDITIONAL RESIDENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1154; 8 USC 1184; 8 USC 1186a; 8 CFR 2

**CFR Citation:** 8 CFR 216

**Legal Deadline:** None

**Abstract:** This rule amends the existing waiver provisions and establishes a third basis for waiving the joint filing requirement to remove the conditional basis of lawful permanent residence for certain alien spouses, sons, and daughters. This rule also allows battered or abused conditional residents to request removal of conditions without filing a joint petition with the abuser.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule, Eff. 5-16-91; Com. Due 6-17-91	05/16/91	56 FR 22635
Final Action	09/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1423-91

**Agency Contact:** Rita Arthur, Adjudications Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536  
Phone: 202 514-5014

**RIN:** 1115-AC47

**1778. TREATY ALIENS, E CLASSIFICATION**

**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 1103; 8 USC 1184; 8 CFR 2

**CFR Citation:** 8 CFR 214

**Legal Deadline:** None

**Abstract:** This rule codifies existing policy guidelines on the classification of nonimmigrant treaty aliens. The regulation is necessary to fulfill U.S. treaty obligations, avoid confusion and ensure uniform adjudication of applications, and to facilitate change of status and stay of business traders and investors.

The rule responds to the need for uniformity between the Immigration and Naturalization Service and the Department of State, which have dual jurisdiction over E treaty aliens. Both the Service and the Department of State

will use the same form for processing requests for E classification. It will encourage trade and investment in the United States by citizens of countries with whom the United States has treaties and ensure fair and consistent adjudication and enforcement by Service field offices throughout the United States and in the reviewing courts.

**Timetable:**

Action	Date	FR Cite
NPRM	08/30/91	56 FR 42952
NPRM Comment Period End	10/15/91	
Final Action	07/00/96	

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

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1427-91

**Agency Contact:** Katharine A. Lorr, Adjudications Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536  
Phone: 202 514-5014

**RIN:** 1115-AC51

**1779. RELEASE PROCEDURES; LAWFUL PERMANENT RESIDENTS CONVICTED OF AGGRAVATED FELONIES**

**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 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1251; 8 USC 1252; 8 USC 1252 note; 8 USC 1252b; 8 USC 1254; 8 USC 1362; 8 CFR 2

**CFR Citation:** 8 CFR 242

**Legal Deadline:** None

**Abstract:** This regulation provides the procedures to be followed in determining release conditions for lawfully admitted aliens who are in deportation proceedings and who have been convicted of aggravated felonies as defined in section 101(a)(43) of the Immigration and Nationality Act.

## DOJ—INS

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Eff. 5-21-91; Com. Due 6-20-91	05/21/91	56 FR 23214
2nd Interim Final Rule	05/00/96	

**Small Entities Affected:** None

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

**Additional Information:** INS No. 1439

**Agency Contact:** Leonard Loveless, Special Programs Branch, Detention & Deportation Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3008, Washington, DC 20536

Phone: 202 514-2871

**RIN:** 1115-AC60

### 1780. TEMPORARY ALIEN WORKERS SEEKING CLASSIFICATION UNDER THE IMMIGRATION AND NATIONALITY ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186A; 8 USC 1187; 8 CFR 2; 8 USC 1104; 8 USC 1182; 8 USC 1221; 8 USC 1281; 8 USC 1282

**CFR Citation:** 8 CFR 214

**Legal Deadline:** None

**Abstract:** These regulations implement provisions of the Immigration Act of 1990 (IMMACT), Pub. L. 101-649, as they relate to temporary alien workers seeking nonimmigrant classification and admission to the US under sections 101(a)(15)(H),(L),(O), and (P) of the Immigration and Nationality Act (Act).

INS Regulation No. 1653 proposes to bring the H, O, and P Classification regulations into conformity with the employer sanctions provisions of Section 274a of the Act. It precludes foreign employers from filing petitions for O and P nonimmigrant aliens. Prospective foreign employers seeking to utilize these classifications will be required to employ the services of an established US agent in order to file a petition for an O or P nonimmigrant. The rule also would amend the H nonimmigrant regulations by requiring foreign employers seeking to petition for H-2B nonimmigrants to also utilize the services of an established US agent.

**Timetable:**

Action	Date	FR Cite
NPRM (INS 1653-94) Com. Due 10-14-94	08/15/94	59 FR 41843
Final Action (INS 1653-94)	07/00/96	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1653-94

**Agency Contact:** John Brown, Adjudications Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536

Phone: 202 514-3240

**RIN:** 1115-AC72

### 1781. REGISTRATION AND FINGERPRINTING OF NONIMMIGRANTS DESIGNATED BY THE ATTORNEY GENERAL; REMOVAL OF CERTAIN REQUIREMENTS FOR NONIMMIGRANTS BEARING IRAQI AND KUWAITI TRAVEL DOCUMENTS

**Priority:** Other

**Legal Authority:** 8 USC 1103; 8 USC 1201; 8 USC 1201a; 8 USC 1301; 8 USC 1302; 8 USC 1303; 8 USC 1304; 8 USC 1305

**CFR Citation:** 8 CFR 264

**Legal Deadline:** None

**Abstract:** INS No. 1606-93 provides for the removal of the requirement for the registration and fingerprinting of certain nonimmigrants bearing Iraqi and Kuwaiti travel documents who apply for admission to the United States. The rule also permits the Immigration and Naturalization Service, through the publication of a public notice in the Federal Register, to require the registration and fingerprinting of certain nonimmigrants.

This rule makes final an interim regulation which provides the Service with regulatory flexibility to respond swiftly to national security emergencies. It removes a requirement from the CFR and permits the Service to modify practice by Public Notice.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule (INS No. 1606) Eff. 12-23-93; Com. Due 1-24-94	12/23/93	58 FR 68024
Final Action (INS No. 1606)	07/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1606-93

**Agency Contact:** Virginia Gorman, Assistant Chief Inspector, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536

Phone: 202 514-3019

**RIN:** 1115-AC83

### 1782. ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE: INTERVIEW

**Priority:** Other

**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:** Existing regulations require that most applicants for adjustment of status to that of permanent residence be interviewed by an immigration officer. This interim rule will amend the interview requirement to allow the Service to waive the requirement where it is determined that an interview is not necessary. This action is necessary to ease the burden of unproductive interviews on the Service and the public.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Eff. 11-2-92; Com. Due 12-2-92	11/02/92	57 FR 49374
Final Action	06/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1373-92

**Agency Contact:** Gerard Casale, Adjudications Officer, Examinations, Department of Justice, Immigration and

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## Final Rule Stage

Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536-0002

Phone: 202 514-5014

RIN: 1115-AD12

### 1783. INSPECTION OF PERSONS APPLYING FOR ADMISSION

**Priority:** Routine and Frequent

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1183; 8 USC 1201; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228; 8 USC 1252; 8 USC 1353a; 8 USC 1353b; 31 USC 9701

**CFR Citation:** 8 CFR 235

**Legal Deadline:** None

**Abstract:** This rule provides for the reimbursement to the INS for certain direct salary costs and administrative overhead charges in its overtime billing for arriving trains and vessels under 8 USC 1353b, for all immigration inspection services rendered to crews, and for services rendered to passengers not exempt under 8 USC 1353b or 1356(g).

**Timetable:**

Action	Date	FR Cite
Proposed Rule Com. Due 1-21-93	12/22/92	57 FR 60741
2nd Proposed Rule	06/00/96	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1512-92

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

RIN: 1115-AD17

### 1784. CLASSIFICATION OF CERTAIN SCIENTISTS OF THE INDEPENDENT STATES OF THE FORMER SOVIET UNION AND BALTIC STATES AS EMPLOYMENT-BASED IMMIGRANTS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 8 CFR 204

**Legal Deadline:** None

**Abstract:** This rule implements the provisions of the Soviet Scientists Immigration Act of 1992 (PL 102-509) by providing petitioning procedures to establish eligibility as immigrants for certain qualifying scientists.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Eff. 5-27-93; Com. Due 6-28-93	05/27/93	58 FR 30699
2nd Interim Final Rule, Eff. 10-19-95; Com. Due 12-18-95	10/19/95	60 FR 54027
Final Action	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1602-92

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

Phone: 202 514-3228

RIN: 1115-AD29

### 1785. ADJUSTMENT OF STATUS; CERTAIN NATIONALS OF THE PEOPLES REPUBLIC OF CHINA

**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

**CFR Citation:** 8 CFR 245

**Legal Deadline:** None

**Abstract:** This regulation implements the provisions of Public Law 102-404, the Chinese Student Protection Act of 1992, by providing adjustment of status procedures for certain nationals of the Peoples Republic of China. This regulation allows qualified nationals of the Peoples Republic of China to become lawful permanent residents.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Eff. 7-1-93; Com. Due 8-2-93	07/01/93	58 FR 35832
Final Action	08/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1607-93

**Agency Contact:** Rita A. Arthur, Adjudications Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536

Phone: 202 514-5014

RIN: 1115-AD33

### 1786. PRIVILEGE OF COMMUNICATION

**Priority:** Other

**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1252; 8 CFR 2

**CFR Citation:** 8 CFR 242

**Legal Deadline:** None

**Abstract:** This rule updates the list of countries with which the United States has existing treaties requiring immediate communication with appropriate consular or diplomatic officers whenever nationals of those countries are detained in exclusion or expulsion proceedings.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/29/95	60 FR 16042
Interim Final Rule Effective	03/29/95	
Interim Final Rule Comment Period End	05/30/95	
Final Action	06/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1616

**Agency Contact:** Ira L. Frank, Senior Special Agent, Investigations, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 1000, Washington, DC 20536  
Phone: 202 514-0747

RIN: 1115-AD50

### 1787. REVOCATION OF NATURALIZATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1103; 8 USC 1443

**CFR Citation:** 8 CFR 340

**Legal Deadline:** None

**Abstract:** This rule will standardize procedures to be followed by the Service when revoking naturalization, or reopening naturalization decisions.

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## Final Rule Stage

This rule will bring Service procedures into conformance with changes brought about by the Immigration Act of 1990.

The rule specifies the administrative process by which the Attorney General may reopen and reconsider applications for naturalization pursuant to section 340(h) of the Immigration and Nationality Act. The rule will conform applicable regulations to the statutory changes made by the Immigration Act of 1990. The rule also clarifies the procedures by which the Service recommends judicial revocation of naturalization pursuant to section 340(a).

**Timetable:**

Action	Date	FR Cite
NPRM Comments Due 9-26-94	07/28/94	59 FR 38381
Final Action	07/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1634-93

**Agency Contact:** Ronald Chirlin, Adjudications Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536

Phone: 202 514-5014

**RIN:** 1115-AD54

**1788. PETITIONS FOR EMPLOYMENT-BASED IMMIGRANTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186A; 8 USC 1255; 8 CFR 2; 8 USC 1153(b)

**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	08/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

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

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

Phone: 202 514-5014

**RIN:** 1115-AD55

**1789. INS FORMS AVAILABLE FROM THE SUPERINTENDENT OF DOCUMENTS**

**Priority:** Routine and Frequent

**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 282; 8 CFR 299; 8 CFR 499

**Legal Deadline:** None

**Abstract:** This rule updates the listing of INS forms, including information related to current edition dates, OMB control numbers, stock numbers for forms available from the Superintendent of documents, and general information concerning the reproduction of forms by private parties. The rule provides a direct benefit to the public by establishing standards which allow for the electronic generation of immigration forms. This effort will provide an alternative means to manually completing various applications/petitions. It will also ensure that the INS officials are aware of the standards and acceptability of certain electronically reproduced forms.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Eff. 5-17-94; Com. Due 7-18-94	05/17/94	59 FR 25555
Final Action	05/00/96	

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

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

**Additional Information:** INS No. 1638-93

**Agency Contact:** Richard Sloan, Director, Policy Directives and Instructions Branch, Office of Policy and Planning, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 5307, Washington, DC 20536

Phone: 202 514-3291

**RIN:** 1115-AD58

**1790. ISSUANCE OF CHARGING DOCUMENTS BY ASYLUM OFFICERS**

**Priority:** Other Significant

**Legal Authority:** 5 USC 552; 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; 31 USC 9701

**CFR Citation:** 8 CFR 103; 8 CFR 208; 8 CFR 236; 8 CFR 242; 8 CFR 274a

**Legal Deadline:** None

**Abstract:** INS No. 1343 established procedures to be used in filing for asylum under section 208, and withholding of deportation under section 243(h) of the Immigration and Nationality Act, as amended by the Refugee Act of 1980, PL 96-212. The rule modifies the final rule on asylum adjudication published on July 27, 1990 at 55 FR 30674. It establishes seven Asylum Offices and their jurisdictions; and also indicated how asylum and withholding of deportation applications should be filed by mail with these offices instead of with Service district offices and suboffices.

INS No. 1343 was further modified by INS No. 1651N (2-22-95, 60 FR 9774) which eliminated several of the practices established by the interim rule. This final rule solely delineates the issuance of charging documents by supervisory asylum officers, which is an essential step in the asylum reform process established by INS No. 1651/1651N.

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## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
Interim Rule (INS 1343) Eff. 10/09/91	10/01/95	56 FR 50810
Final Rule (INS 1343)	06/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1651-93 (Procedures for Adjudication of Applications for Asylum and for Withholding of Deportation and for Employment Authorization)

INS No. 1651N-94 (Form I-589, Request for Asylum and for Withholding of Deportation in the United States: Establishment of Compliance Date)

INS No. 1343-94 (Issuance of Charging Documents in Exclusion and Deportation Proceedings by Supervisory Asylum Officers), cross reference RIN 1115-AC67.

**Agency Contact:** Christine Davidson, Senior Policy Analyst, Asylum, International Affairs, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., ULLICO 3rd Floor, Washington, DC 20536  
Phone: 202 633-4389

**RIN:** 1115-AD64

### 1791. REQUESTS FOR ADDITIONAL EVIDENCE TO SUPPORT IMMIGRANT VISA PETITIONS

**Priority:** Other

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

**CFR Citation:** 8 CFR 204

**Legal Deadline:** None

**Abstract:** This rule amends Immigration and Naturalization Service regulations by providing a petitioner in an immigrant visa petition proceeding with a period of 12 weeks to respond to the Service's request for additional information and/or documentation.

**Timetable:**

Action	Date	FR Cite
NPRM Com. Due 9-19-94	07/19/94	59 FR 36729
Final Action	12/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INS No. 1659-94

**Agency Contact:** Maurice Berez, Adjudication Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536

Phone: 202 514-5014

**RIN:** 1115-AD70

### 1792. ADMISSION OF CERTAIN NURSES SEEKING NONIMMIGRANT CLASSIFICATION UNDER THE H-1A CATEGORY

**Priority:** Routine and Frequent

**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 1282

**CFR Citation:** 8 CFR 214

**Legal Deadline:** None

**Abstract:** This rule amended existing regulations concerning admission of certain nurses seeking nonimmigrant classification under the H-1A category. This rule is necessary due to a change in the method that the National Council of State Boards of Nursing (NCLEX) uses to administer the permanent state licensure examination. With the change in testing procedures the rule will provide that nurses entering the US, on the basis of a temporary license issued by the state of intended employment, pass the NCLEX within 6 months after the date of their initial admission to the US.

(This class no longer exists and a final rule will be published to remove applicable reference).

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Eff. 10/07/94 Com. due 12/06/94	10/07/94	59 FR 51101
Final Action	10/00/96	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal  
**Additional Information:** INS No. 1663-94.

Cross Reference INS No. 1654-94, RIN 1115-AD66

**Agency Contact:** John Brown, Adjudications Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536

Phone: 202 514-3240

**RIN:** 1115-AD74

### 1793. CERTIFICATION OF DESIGNATED FINGERPRINT SERVICES (OUTSIDE ENTITIES) TO TAKE FINGERPRINTS

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1253 note; 8 USC 1252b; 8 USC 1304; 8 USC 1356

**CFR Citation:** 8 CFR 103

**Legal Deadline:** None

**Abstract:** This regulation would certify designated fingerprint services to take fingerprints of applicants for immigration benefits. The regulation would require the designated fingerprint services to receive training and to verify the identity of the applicants. The certification process would place the fingerprint services under INS oversight and protect the integrity of the fingerprinting process.

This rule will improve the integrity of the fingerprint collection system and relieve resources strains on the Service.

**Timetable:**

Action	Date	FR Cite
NPRM	05/15/95	60 FR 25856
NPRM Comment Period End	07/14/95	
Final Action	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INS 1666-94

The rule previously referred to "designated outside entities"; the new terminology used in the text is "designated fingerprint services."

**Agency Contact:** Jack Rasmussen, Adjudication Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536  
Phone: 202 514-3240

**RIN:** 1115-AD75

**1794. FEES FOR PARTICIPATION IN DEDICATED COMMUTER LANES AT SELECTED PORTS OF ENTRY; COLLECTION OF FEES UNDER THE DEDICATED COMMUTER LANE PROGRAM; PORT PASSENGER ACCELERATED SERVICE SYSTEM, PORTPASS**

**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 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1252b; 8 USC 1304; 8 USC 1356; 8 USC 1182; 8 USC 1183; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228; 8 USC 1252

**CFR Citation:** 8 CFR 103; 8 CFR 235; 8 CFR 286; 8 CFR 299

**Legal Deadline:** None

**Abstract:** This rule allows 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 rule clarifies the fee requirements for use of the DCL. (INS No. 1675)

A second rule will be promulgated which will formalize application procedures and eligibility requirements as well as fee requirements for participants in the INSPASS Program. This rule is necessary to facilitate the entry of authorized travelers at Ports of Entry to the United States while enhancing the ability of the Service to deny entry to inadmissible travelers. (INS No. 1756)

**Timetable:**

Action	Date	FR Cite
Interim Final Rule (INS 1675) Eff. 9/29/95; Com. due 11/28/95	09/29/95	60 FR 50386
Interim Final Rule (INS 1756)	05/00/96	
Final Rule (INS 1675)	07/00/96	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1675 and 1756

(INS contact for rulemaking 1756 is Ronald Hays)

**Agency Contact:** Robert Mocny, Assistant Chief Inspector, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536  
 Phone: 202 514-3275

**RIN:** 1115-AD82

**1795. 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; 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; 8 USC 1102; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228

**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 US to adjust status to that of a lawful permanent resident before October 1, 1997. These persons, although eligible for immigrant visa issuance abroad, have been barred from adjustment of status because they had entered the US 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 US 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 US and may later be eligible to seek US citizenship through naturalization.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Eff. 10-1-94; Com. Due 12-6-94	10/07/94	59 FR 51091
Interim Final Rule Correction	10/20/94	59 FR 53020
Final Action	08/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1676

**Agency Contact:** Rita Arthur, Adjudications Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536  
 Phone: 202 514-5014

**RIN:** 1115-AD83

**1796. REVOCATIONS AND DESIGNATION OF INTERNATIONAL AIRPORT STATUS FOR PORTS OF ENTRY FOR ALIENS ARRIVING BY AIRCRAFT**

**Priority:** Other

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

**CFR Citation:** 8 CFR 100

**Legal Deadline:** None

**Abstract:** This rule removes Eagle Pass, TX from the port of entry lists for aliens arriving by vessel, land transportation or by aircraft. Future Texas transactions will be handled at Maverick County Airport.

This rule will have a minimal impact on the public and merely transfers workload from some location to another location.

**Timetable:**

Action	Date	FR Cite
NPRM	03/27/95	60 FR 15703
NPRM Comment Period End	05/26/95	
Final Rule	04/00/96	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Federal

**Additional Information:** INS NO. 1677-94

**Agency Contact:** Andrea Sickler, Assistant Chief Inspector, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536  
 Phone: 202 514-3275

**RIN:** 1115-AD84

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**1797. ESTABLISHMENT OF FORM I-551, ALIEN REGISTRATION RECEIPT CARD, AS THE EXCLUSIVE FORM OF REGISTRATION FOR LAWFUL PERMANENT RESIDENTS****Priority:** Other**Legal Authority:** 8 USC 1103; 8 USC 1201; 8 USC 1201a; 8 USC 1301; 8 USC 1302; 8 USC 1303; 8 USC 1304; 8 USC 1305**CFR Citation:** 8 CFR 264**Legal Deadline:** None

**Abstract:** The rule would remove the obsolete Form I-151, Alien Registration Receipt Card, from the listing of forms recognized by the Service as evidence of registration for lawful permanent residence in 8 CFR 264.1. (A previous final rule, published on 9/20/93 at 58 FR 48775, had already removed I-151 from the list of prescribed Service forms in 8 CFR 299.) By removing from the regulations the last reference to Form I-151 as a valid document, this rule would complete the Services declared policy of establishing the current Form I-551 as the exclusive form of registration for lawful permanent residents.

**Timetable:**

Action	Date	FR Cite
NPRM	05/24/95	60 FR 27441
NPRM Comment Period End	07/24/95	
Final Action	05/00/96	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Additional Information:** INS No. 1686-95

**Agency Contact:** Gerard Casale, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20356

Phone: 202 514-5014

RIN: 1115-AD87

**1798. WAIVER OF THE TWO-YEAR HOME COUNTRY PHYSICAL PRESENCE REQUIREMENT FOR CERTAIN FOREIGN MEDICAL GRADUATES****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 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 CFR 2; 8 USC 1255; 8 USC 1187; 8 USC 1258**CFR Citation:** 8 CFR 212; 8 CFR 245; 8 CFR 248**Legal Deadline:** Final, Statutory, October 25, 1994.

Pub. L. 103-416, Section 220, statutory provisions in effect upon approval.

**Abstract:** This rule implements changes to INS regulations resulting from recent legislative changes instituted by the Immigration and Nationality Technical Corrections Act, Public Law 103-416. The changes allow certain foreign medical graduates who entered the US in J-1 status, and their J-2 dependent spouse and children to obtain a waiver of the 2 year home country physical presence requirement pursuant to a request by a State Department of Public Health, or its equivalent, thus allowing them to work at a health care facility in an area designated by the Secretary, Health and Human Services, as having a shortage of health care professionals. This rule will allow foreign medical graduates to change their nonimmigrant status in the US from J-1 exchange visitor to H-1B specialty occupation worker.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/18/95	60 FR 26676
Interim Final Rule Effective 05/18/95; Comm. due 07/17/95	05/18/95	
Interim Final Rule Correction to Interim Rule	05/24/95	60 FR 27598
Final Rule	09/00/96	

**Small Entities Affected:** None**Government Levels Affected:** State, Federal**Additional Information:** INS No. 1688-95

**Agency Contact:** Sophia Cox, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536

Phone: 202 514-5014

RIN: 1115-AD89

**1799. FEES ASSESSED FOR DEFAULTED PAYMENTS****Priority:** Other**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1252b; 8 USC 1304; 8 USC 1356; 5 USC 552; 5 USC 552a; 31 USC 9701; EO 12356, 47 FR 14874, 15557; 3 CFR, 1982 Comp., p 166; 8 CFR 2**CFR Citation:** 8 CFR 103**Legal Deadline:** None

**Abstract:** This document proposes to amend existing Immigration and Naturalization Service (Service) regulations to increase the fee imposed when a check submitted to the Service in payment of a fee is not honored by the bank upon which it is drawn, from \$5.00 to \$30.00. The purpose of the proposed change is to enable the Service to recoup the administrative costs incurred in processing all returned checks and other defaulted payments. This action will result in the Service no longer losing money as a result of bad check activity. The rule will apply to all returned checks, including Immigration User Fee payments bounce, fines, penalties, etc. The rule is necessary in order for the INS to recover the entire cost associated with the processing of defaulted payments.

**Timetable:**

Action	Date	FR Cite
NPRM	09/28/95	60 FR 50145
NPRM Comment Period End	11/27/95	
Final Action	04/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** INS No. 1692-95

**Agency Contact:** Allen Sinsheimer, Systems Accountant, Office of Finance Management, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6010, Washington, DC 20536

Phone: 202 616-7683

RIN: 1115-AD92

**1800. PREINSPECTION SERVICES FOR AIRCRAFT, VESSELS, AND TRAINS OUTSIDE THE UNITED STATES (PREINSPECTION)****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1183; 8 USC

1201; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228; 8 USC 1252

**CFR Citation:** 8 CFR 235

**Legal Deadline:** None

**Abstract:** This rule addresses preinspection in other than adjacent islands and contiguous territories and also provides the regulatory authority to preinspect trains. The Service has expanded preinspection to Ireland which is neither a contiguous territory nor an adjacent island and plans to preinspect trains in Vancouver, B.C., Canada.

**Timetable:**

Action	Date	FR Cite
Proposed Rule; Comments due 6/19/95	05/18/95	60 FR 26696
Final Action	07/00/96	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1698-95

**Agency Contact:** Virginia Gorman, Assistant Chief Inspector, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536  
Phone: 202 514-3019

**RIN:** 1115-AD98

**1801. WAIVER OF EDUCATIONAL REQUIREMENTS FOR NATURALIZATION OF CERTAIN APPLICANTS**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1423; 8 USC 1443; 8 USC 1447; 8 USC 1448; PL 103-416

**CFR Citation:** 8 CFR 312

**Legal Deadline:** Final, Statutory, March 1, 1995.  
PL 103-416, section 108

**Abstract:** This rule exempts persons over 65 years of age, who have been lawful permanent residents residing in the United States at least 20 years, from US history and government knowledge testing. The exemption would be the same as that which currently exists for the English language requirement. The rule would also exempt those persons unable to comply there with from all testing due to a physical or developmental disability or mental

impairment. Provisions of this proposed rule have been incorporated into a policy statement expected to be released before the end of the calendar year. This agency decision has eliminated the need for an addition to 8 CFR.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Additional Information:** INS No. 1702  
Additional INS contact Pearl Chang

**Agency Contact:** Craig S. Howie, Adjudications Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536  
Phone: 202 514-5014

**RIN:** 1115-AE02

**1802. 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; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 CFR 2; PL 103-322

**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	
Interim Final Rule Comment Period End	05/28/96	
Final Action	12/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1705-95

**Agency Contact:** Rita Arthur, Senior Adjudications Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536  
Phone: 202 514-5014

**RIN:** 1115-AE04

**1803. NATIONALITY AND NATURALIZATION**

**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:** Other, Statutory, October 25, 1994.  
PL 103-416

**Abstract:** These regulations implement provisions of the Immigration and Nationality Technical Amendments Act of 1994.

INS No. 1763 implements changes to 8 CFR 322 by establishing procedures for a US citizen parent to apply for the expeditious naturalization of his or her children born outside the US. The purpose of the rule is to relax the requirements of US citizenship for children born to or adopted by US citizens abroad.

INS No. 1712 allows children born to US citizen parents who do not meet residence retention requirements to derive citizenship from their US citizen grandparents if they meet the residence retention requirements.

INS No. 1764 reverses the authority to schedule all administrative oath-taking ceremonies with the District Director. The rule will not impact the Immigration Judges authority to administer the oath at ceremonies conducted by the Service.

Various other issues addressed in these rulemakings include: procedures for obtaining citizenship for children born abroad to one or more US citizens;

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requirements and procedures for regaining citizenship; revision to Naturalization Certificate wording to reflect that naturalization eligibility no longer requires an intent to reside in the US permanently; changes in terminology relating to expatriation; administrative and judicial determinations relating to the loss of citizenship; and condition under which US Passports and Consular Reports of Birth may be cancelled.

**Timetable:**

Action	Date	FR Cite
Final Rule (INS 1764)	05/00/96	
Interim Final Rule (INS 1763)	05/00/96	
Proposed Rule (INS 1712)	12/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS Nos. 1763 and 1712 Contact, Jane Barker

INS No. 1764 Contact, Susan Arroyo

**Agency Contact:** Jane Barker, Adjudications Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536

Phone: 202 514-5014

**RIN:** 1115-AE07

#### 1804. NOTICE TO CARRIERS OF THE INS POLICY ON THE REQUIREMENTS OF ARRIVAL/DEPARTURE MANIFESTS, FORM I-94, AND FINES IMPLICATIONS UNDER SECTION 231(A)

**Priority:** Other

**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

**Legal Deadline:** None

**Abstract:** This rule makes modifications to the current regulations at 8 CFR 231.1 regarding fines against carriers for violation of section 231(a) of the Act regarding the submission of properly completed arrival/departure manifests, Forms I-94. This rule modifies the criteria the INS will use to fine carriers under section 231 of the Act.

New criteria put forth in this policy notice will clarify the requirements regarding the carrier's submission of

properly completed arrival/departure manifest Forms I-94, allowing the INS and carriers to improve cooperation to achieve rapid facilitation of the traveling public.

**Timetable:**

Action	Date	FR Cite
Notice of Policy with 30 day comment period	05/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1711-95

**Agency Contact:** Robert Hutnick, Assistant Chief Inspector, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536  
Phone: 202 514-3019

**RIN:** 1115-AE11

#### 1805. EMPLOYER SANCTIONS MODIFICATIONS

**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 1103; 8 USC 1324a; 8 CFR 2

**CFR Citation:** 8 CFR 274a

**Legal Deadline:** None

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

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

INS No. 1737 will allow the INS to discontinue its practice of providing any person or entity required to retain Forms I-9 with at least 3 days notice prior to an inspection of the Forms I-9. This practice is not mandated by law, and the INS believes that it may

have impeded investigations by giving employers the opportunity to make changes or corrections to form or to fraudulently create or destroy Forms I-9.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule (INS 1738)	04/00/96	
Proposed Rule (INS 1737)	04/00/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** INS Nos. 1737 and 1738

**Agency Contact:** Angelo Sorrento, Special Agent, Investigations, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 1000, Washington, DC 20536  
Phone: 202 514-0747

**RIN:** 1115-AE21

#### 1806. • PRIORITY DATES FOR EMPLOYMENT-BASED PETITIONS

**Priority:** Other

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

**CFR Citation:** 8 CFR 204

**Legal Deadline:** None

**Abstract:** This rule eliminates the requirement that an application for labor certification filed with a State employment office before October 1, 1991, must be filed with the Service in connection with a petition filed under section 203(B) of the Immigration and Nationality Act before October 1, 1993, in order to maintain a pre-October 1, 1991 priority date. This rule implements section 218 of the Immigration and Nationality Technical Corrections Act of 1994, Public Law 102-232, which amended section 161(C)(1) of the Immigration Act of 1990, Public Law 102-649.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/96	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** INS NO. 1647-95

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

Phone: 202 514-5014

**RIN:** 1115-AE24

**1807. • AMENDMENT TO LIMITATIONS ON DISCRETION TO GRANT AN APPLICATION FOR RELIEF UNDER SECTION 212(C)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228; 8 USC 1252; 8 CFR 2

**CFR Citation:** 8 CFR 212

**Legal Deadline:** None

**Abstract:** This rule amends part 212 of title 8 of the Code of Federal Regulations which apply to limitations on discretion to grant an application for relief under section 212(c) of the Immigration and Nationality Act. The changes will expand the class of aliens eligible for 212(c) relief. The rule allows an alien who has adjusted status pursuant to section 245A or section 210 of the Act to use the combined period of his or her status as a temporary permanent resident and lawful permanent resident to establish seven (7) years of continuous physical presence in the United States. The change will provide uniformity between the regulation and case law.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/96	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1748-96

**Agency Contact:** David Dixon, Appellate Counsel, General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6100, Washington, DC 20536

Phone: 703 756-6257

**RIN:** 1115-AE27

**1808. • EFFECT OF PAROLE OF CUBAN AND HAITIAN NATIONALS ON RESETTLEMENT ASSISTANCE ELIGIBILITY**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228; 8 USC 1252; 8 CFR 2

**CFR Citation:** 8 CFR 212

**Legal Deadline:** None

**Abstract:** This regulation amends language in 8 CFR 212 to clarify that nationals of Cuba or Haiti who were paroled into the United States since October 1, 1991, are to be considered to have been paroled in a status that makes them eligible for assistance under Section 501 of the Refugee Education Assistance Act of 1980, as amended. This rule is necessary to ensure that these aliens are not inadvertently denied benefits for which they are eligible.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/96	

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

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

**Additional Information:** INS No. 1751-96

Additional INS contact: Michael Sheridan

**Agency Contact:** Janice Podolny, Associate General Counsel, General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6100, Washington, DC 20536

Phone: 202 514-2895

**RIN:** 1115-AE29

**1809. • REGULATIONS PERTAINING TO ADJUDICATIONS PROCESSING**

**Priority:** Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

**Legal Authority:** 5 USC 552; 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; 31 USC 9701; EO 12356, 47 FR 14874, 15557; 3 CFR, 1982 Comp., p. 166; 8 CFR 2

**CFR Citation:** 8 CFR 103; 8 CFR 204

**Legal Deadline:** None

**Abstract:** This rulemaking revises existing regulations by eliminating obsolete sections, and by reducing other sections through elimination of duplication and deletion of references to purely internal procedural matters and streamlining. All changes made are editorial and non-substantive in nature and have no impact on governmental or nongovernmental entities.

**Timetable:**

Action	Date	FR Cite
Final Action	06/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1753

**Agency Contact:** Lawrence J. Weinig, Director, Field Management Project, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536

Phone: 202 616-7425

**RIN:** 1115-AE31

**1810. • PROCESSING OF APPLICANTS FOR ADMISSION TO THE UNITED STATES**

**Priority:** Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1203; 8 USC 1225; 8 USC 1257; 8 USC 1183; 8 USC 1201; 8 USC 1224; 8 USC 1226; 8 USC 1227; 8 USC 1228; 8 USC 1252; 8 USC 1221; ...

**CFR Citation:** 8 CFR 211; 8 CFR 235; 8 CFR 251; 8 CFR 252

**Legal Deadline:** None

**Abstract:** This rulemaking revises existing regulations by eliminating obsolete sections and by reducing other sections through elimination of duplication, deletion of references to purely internal procedural matters and streamlining. All changes are considered to be editorial and non-substantive in nature and have no impact on governmental or nongovernmental entities.

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**Timetable:**

Action	Date	FR Cite
Final Action	06/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1754

**Agency Contact:** Lawrence J. Weinig, Director, Field Manual Project, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NQ, Room 3214, Washington, DC 20536  
Phone: 202 616-7425

**RIN:** 1115-AE32

**1811. • ORPHAN PETITIONS; PETITIONS TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR PREFERENCE IMMIGRANT; CHANGE IN DEFINITION OF CHILD**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 104-51

**CFR Citation:** 8 CFR 204

**Legal Deadline:** None

**Abstract:** This rule amends the Service's existing regulations by replacing the phrase "legitimate child" with "child born in wedlock". This change also makes the criteria for immigration, based on orphan classification and on certain other parent-child relationships, much easier to understand and apply.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1761 (Additional INS contact Ramonia Law-Hill)

**Agency Contact:** Rita Arthur, Adjudications Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536

Phone: 202 514-5014

**RIN:** 1115-AE33

**1812. • CONTRACTS WITH TRANSPORTATION LINES; SIGNATORY AUTHORITY**

**Priority:** Other

**Legal Authority:** 8 USC 1103; 8 USC 1228; 8 CFR 2

**CFR Citation:** 8 CFR 238

**Legal Deadline:** None

**Abstract:** This rule updates the list of transportation lines signatory to the immediate and continuous transit agreement with the Service. This agreement allows the carrier to transport aliens in-transit through the United States who are not in possession of a valid nonimmigrant visa or who are not exempt presentation of one. This rule is routine and will not impact any entities adversely.

**Timetable:**

Action	Date	FR Cite
Final Action	06/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INS No. 1758

**Agency Contact:** Robert F. Hutnick, Assistant Chief Inspector, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536

Phone: 202 616-7499

**RIN:** 1115-AE36

**1813. • ADDING SANFORD, FLORIDA TO THE LIST OF PORTS OF ENTRY TO ACCEPT APPLICATIONS FOR DIRECT TRANSIT WITHOUT VISAS (TWOV)**

**Priority:** Other

**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; 8 CFR 2

**CFR Citation:** 8 CFR 214

**Legal Deadline:** None

**Abstract:** This rule adds Sanford, Florida to the list of ports of entry where, except for transit from one part of foreign contiguous territory to another part of the same territory, an alien must make application for admission to the United States as a direct transit without visa. This change is made because of increased international commerce serving Sanford, Florida.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1765

**Agency Contact:** Robert Hutnick, Assistant Chief Inspector, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536  
Phone: 202 514-2694

**RIN:** 1115-AE40

## DEPARTMENT OF JUSTICE (DOJ)

## Long-Term Actions

## Immigration and Naturalization Service (INS)

**1814. SEIZURE AND FORFEITURE OF CONVEYANCES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 8 CFR 274

**Timetable:** Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Joseph Travis

Phone: 202 616-2737

**RIN:** 1115-AA95

**1815. TERMINATION OF TEMPORARY RESIDENT STATUS**

**Priority:** Other

**CFR Citation:** 8 CFR 210

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Eff.	04/05/90	55 FR 12629
	4-5-90; Com. Due 5-7-90	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Michael W. Straus

## DOJ—INS

## Long-Term Actions

Phone: 202 514-5014

RIN: 1115-AB74

**1816. CONTRACTS WITH TRANSPORTATION LINES; INCREASING THE LIQUIDATED DAMAGES FOR CARRIER VIOLATIONS OF THE TWOV AGREEMENT TO \$3000**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 8 CFR 238

**Timetable:** Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Agency Contact:** Robert Hutnick  
Phone: 202 514-2694

RIN: 1115-AC17

**1817. APPLICATION FOR THE EXERCISE OF DISCRETION UNDER 212C, AGGRAVATED FELONS**

**Priority:** Routine and Frequent

**CFR Citation:** 8 CFR 212

**Timetable:**

Action	Date	FR Cite
Interim Final Rule, Eff. 10-3-91; Com. Due 11-4-91	10/03/91	56 FR 50033

Next Action Undetermined

**Small Entities Affected:** None

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

**Agency Contact:** Sophia Cox  
Phone: 202 514-5014

RIN: 1115-AC35

**1818. CONSENT TO REAPPLY FOR ADMISSION AFTER DEPORTATION, REMOVAL, OR DEPARTURE AT GOVERNMENT EXPENSE**

**Priority:** Routine and Frequent

**CFR Citation:** 8 CFR 212

**Timetable:**

Action	Date	FR Cite
Interim Final Rule, Eff. 5-21-91; Com. Due 6-20-91	05/21/91	56 FR 23212

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Sophia Cox  
Phone: 202 514-5014

RIN: 1115-AC37

**1819. UNAVAILABILITY OF TWOV TO CITIZENS OF THE FORMER SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA**

**Priority:** Other

**CFR Citation:** 8 CFR 212

**Timetable:**

Action	Date	FR Cite
Interim Final Rule (INS 1397R) Eff. 8-16-93; Com. Due 9-15-93	08/16/93	58 FR 43438

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Robert Hutnick  
Phone: 202 514-2694

RIN: 1115-AC87

**1820. NONIMMIGRANT CLASSES; B VISITOR FOR BUSINESS OR PLEASURE**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 8 CFR 214; 8 CFR 274a

**Timetable:**

Action	Date	FR Cite
NPRM	11/05/93	58 FR 58982
NPRM Comment Period End	12/06/93	

Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Helen V. deThomas  
Phone: 202 514-5014

RIN: 1115-AC89

**1821. PHYSICAL AND MENTAL EXAMINATION OF ARRIVING ALIENS**

**Priority:** Routine and Frequent

**CFR Citation:** 8 CFR 234

**Timetable:** Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Sophia Cox  
Phone: 202 514-5014

RIN: 1115-AD10

**1822. CITIZENSHIP DOCUMENTS**

**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.

**CFR Citation:** 8 CFR 341; 8 CFR 342; 8 CFR 343; 8 CFR 343a; 8 CFR 343b; 8 CFR 343c

**Timetable:** Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Pearl Chang  
Phone: 202 514-5014

RIN: 1115-AD51

**1823. ADMINISTRATIVE APPLICATION FOR SUSPENSION OF DEPORTATION PROCEDURE BEFORE A DISTRICT DIRECTOR**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 8 CFR 244

**Timetable:** Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Robert Finkelstein  
Phone: 202 514-3197

RIN: 1115-AD78

**1824. REGULATION CHANGES NECESSITATED BY THE BREAK-UP OF THE SOVIET UNION AND CZECHOSLOVAKIA, THE UNIFICATION OF THE TWO GERMANIES, AND THE NAME CHANGE OF THE DEMOCRATIC REPUBLIC OF VIETNAM**

**Priority:** Other

**CFR Citation:** 8 CFR 212

**Timetable:** Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Robert Hutnick  
Phone: 202 514-3019

RIN: 1115-AD96

**1825. AUTOMATED ISSUANCE OF FORM I-94 ARRIVAL/DEPARTURE RECORD**

**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.

**CFR Citation:** 8 CFR 231

**Timetable:** Next Action Undetermined

## DOJ—INS

## Long-Term Actions

**Small Entities Affected:** Businesses  
**Government Levels Affected:** Federal  
**Agency Contact:** Claire Seglem  
 Phone: 202 514-0912  
**RIN:** 1115-AD99

**1826. COST OF DETENTION OF STOWAWAYS**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 8 CFR 235; 8 CFR 237; 8 CFR 253  
**Timetable:** Next Action Undetermined  
**Small Entities Affected:** None  
**Government Levels Affected:** Federal  
**Agency Contact:** Linda Loveless  
 Phone: 202 514-3019  
**RIN:** 1115-AE03

**1827. NOTICE OF POLICY REGARDING FINES IMPOSED ON CARRIERS WHO BRING ALIENS TO THE UNITED STATES WITHOUT PROPER DOCUMENTATION**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 8 CFR 273  
**Timetable:** Next Action Undetermined  
**Small Entities Affected:** None  
**Government Levels Affected:** Federal  
**Agency Contact:** Robert Hutnick  
 Phone: 202 514-3019  
**RIN:** 1115-AE09

**1828. "MASTER EXHIBITS" CURRENTLY AVAILABLE**

**Priority:** Other  
**CFR Citation:** 8 CFR 208  
**Timetable:**

Action	Date	FR Cite
Notice (to be published upon availability of new exhibits)	00/00/00	

**Small Entities Affected:** Organizations  
**Government Levels Affected:** Federal  
**Agency Contact:** John Evans  
 Phone: 202 633-1040  
**RIN:** 1115-AE14

**1829. • IMMIGRATION AND NATURALIZATION SERVICE P-1 NONIMMIGRANTS**

**Priority:** 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:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1282; 8 CFR 2  
**CFR Citation:** 8 CFR 214  
**Legal Deadline:** None  
**Abstract:** The Service is establishing a P-1 Nonimmigrant Advisory Committee

for the purpose of examining the question of whether United States based entertainment groups seeking to employ alien entertainers may file P-1 nonimmigrant petitions. The Advisory committee will also provide input regarding the appropriate use of the P-1 nonimmigrant classification as it relates to the employment of non-United States based circus personnel.

The result of this Committees effort may be the promulgation of revised Service regulations.

**Timetable:**

Action	Date	FR Cite
Notice of Establishment of an Advisory Committee; Statement of qualifications due 5-7-96	03/08/96	61 FR 9498

Next Action Undetermined

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Federal  
**Additional Information:** INS No. 1741

Proposed rulemaking action undetermined.

**Agency Contact:** John Brown, Senior Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3215, Washington, DC 20536  
 Phone: 202 514-5014

**RIN:** 1115-AE38

## DEPARTMENT OF JUSTICE (DOJ)

## Completed Actions

## Immigration and Naturalization Service (INS)

**1830. TEMPORARY PROTECTED STATUS**

**Priority:** 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.

**CFR Citation:** 8 CFR 3; 8 CFR 103; 8 CFR 240; 8 CFR 274a; 8 CFR 299

**Completed:**

Reason	Date	FR Cite
All actions final; new actions and actions still pending are reported under RIN 1115-AE26	01/30/96	61 FR 3053

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

**Agency Contact:** Ronald S. Chirlin  
 Phone: 202 514-5014

**RIN:** 1115-AC30

**1831. APPLICANT PROCESSING FOR FAMILY UNITY BENEFITS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 8 CFR 242; 8 CFR 103; 8 CFR 264; 8 CFR 274a; 8 CFR 299

**Completed:**

Reason	Date	FR Cite
Final Action	12/21/95	60 FR 66062
Final Action Effective	12/21/95	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Jack Hartsoch  
 Phone: 202 514-3156

**RIN:** 1115-AC39

## DOJ—INS

## Completed Actions

**1832. APPELLATE JURISDICTION****Priority:** Substantive, Nonsignificant**CFR Citation:** 8 CFR 3; 8 CFR 103; 8 CFR 204; 8 CFR 212; 8 CFR 236; 8 CFR 280**Completed:**

Reason	Date	FR Cite
Final Action by INS Program Office and General Counsel	03/29/96	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Agency Contact:** Terrance M. O'Reilly  
Phone: 202 786-4256**RIN:** 1115-AD41**1833. ISSUANCE OF TRAVEL DOCUMENTS USING FORM I-131****Priority:** Routine and Frequent**CFR Citation:** 8 CFR 103; 8 CFR 212; 8 CFR 299**Completed:**

Reason	Date	FR Cite
Withdrawn by INS Program Office	02/20/96	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Agency Contact:** Michael Straus  
Phone: 202 514-5014**RIN:** 1115-AD46**1834. RESUBMISSION OF REJECTED APPLICATIONS FOR LEGALIZATION****Priority:** Other**CFR Citation:** 8 CFR 245a**Completed:**

Reason	Date	FR Cite
Withdrawn by INS Program Office	03/28/96	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Agency Contact:** Michael W. Straus  
Phone: 202 514-5014**RIN:** 1115-AD49**1835. TEMPORARY ALIEN WORKERS SEEKING H CLASSIFICATIONS FOR THE PURPOSE OF OBTAINING GRADUATE MEDICAL EDUCATION OR TRAINING****Priority:** Routine and Frequent**CFR Citation:** 8 CFR 214**Completed:**

Reason	Date	FR Cite
Final Action	12/04/95	60 FR 62021
Final Action Effective	12/04/95	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** John W. Brown  
Phone: 202 514-3240**RIN:** 1115-AD66**1836. REORGANIZATION OF THE IMMIGRATION AND NATURALIZATION SERVICE****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.**CFR Citation:** 8 CFR 100**Completed:**

Reason	Date	FR Cite
Final Action (INS No. 1682)	11/14/95	60 FR 57165
Final Action Effective	11/14/95	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Agency Contact:** Janet Taylor  
Phone: 202 514-1989**RIN:** 1115-AD72**1837. WAIVER OF CERTAIN TYPES OF VISAS UNFORESEEN EMERGENCY****Priority:** Substantive, Nonsignificant**CFR Citation:** 8 CFR 212**Completed:**

Reason	Date	FR Cite
Final Action	03/22/96	61 FR 11717
Final Action Effective	03/22/96	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Agency Contact:** Robert Hutnick  
Phone: 202 514-3019**RIN:** 1115-AD77**1838. CLARIFICATION OF FILING VENUE, FEES, AND FILING REQUIREMENTS FOR CERTAIN APPLICATIONS FOR REPLACEMENT ALIEN REGISTRATION CARD, FORM I-551****Priority:** Substantive, Nonsignificant**CFR Citation:** 8 CFR 264; 8 CFR 299; 8 CFR 204; 8 CFR 211; 8 CFR 223; 8 CFR 235; 8 CFR 251; 8 CFR 252; 8 CFR 274a; 8 CFR 316; 8 CFR 334**Completed:**

Reason	Date	FR Cite
Withdrawn by INS Program Office	03/28/96	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Agency Contact:** Gerard Casale  
Phone: 202 514-5014**RIN:** 1115-AD81**1839. IMMIGRANT PETITIONS; CHILDREN OF WIDOWS AND WIDOWERS****Priority:** Substantive, Nonsignificant**CFR Citation:** 8 CFR 204**Completed:**

Reason	Date	FR Cite
Final Action	02/27/96	61 FR 7206
Final Action Effective	02/27/96	

**Small Entities Affected:** None**Government Levels Affected:** State, Federal**Agency Contact:** Ramonia Law-Hill  
Phone: 202 514-5014**RIN:** 1115-AD91**1840. FORMER CITIZENS OF THE UNITED STATES REGAINING UNITED STATES CITIZENSHIP****Priority:** Other**CFR Citation:** 8 CFR 324**Completed:**

Reason	Date	FR Cite
Withdrawn by INS Program Office	03/08/96	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Agency Contact:** Pearl Chang  
Phone: 202 514-5014**RIN:** 1115-AE00

## DOJ—INS

## Completed Actions

**1841. NONIMMIGRANT CLASSES; TRANSITS; REQUIREMENTS FOR ADMISSION, EXTENSION, AND MAINTENANCE OF STATUS****Priority:** Routine and Frequent**CFR Citation:** 8 CFR 214**Completed:**

Reason	Date	FR Cite
Withdrawn by INS Program Office; merged with RIN 1115-AD57, INS 1631	02/20/96	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Agency Contact:** Katharine Lorr  
Phone: 202 514-5014**RIN:** 1115-AE05**1842. NOTICE OF POLICY REGARDING CONTRACTS BETWEEN THE IMMIGRATION AND NATURALIZATION SERVICE AND TRANSPORTATION LINES****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.**CFR Citation:** 8 CFR 238**Completed:**

Reason	Date	FR Cite
Final Action	02/12/96	61 FR 5410
Final Action Effective	03/13/96	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Agency Contact:** Robert Hutnick  
Phone: 202 514-3019**RIN:** 1115-AE08**1843. NOTICE TO CARRIERS OF THE INS POLICY REQUESTING THE U.S. CUSTOMS SERVICE (USCS) TO DENY OR REVOKE PERMISSION TO UNLADE PASSENGERS FOR THOSE THAT ARE DELINQUENT IN INS FINES LIQUIDATED DAMAGES****Priority:** Substantive, Nonsignificant**CFR Citation:** 19 CFR 122**Completed:**

Reason	Date	FR Cite
Withdrawn by Program Office due to external policy change by USCS.	02/07/96	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Agency Contact:** Robert Hutnick  
Phone: 202 514-3019**RIN:** 1115-AE10**1844. ORDER TO SHOW CAUSE AND NOTICE OF HEARING: APPREHENSION, CUSTODY, AND DETENTION****Priority:** Other**CFR Citation:** 8 CFR 242**Completed:**

Reason	Date	FR Cite
Final Action	03/06/96	61 FR 8858
Final Action Effective	03/06/96	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Ira L. Frank  
Phone: 202 514-0747**RIN:** 1115-AE13**1845. SUBPOENA ISSUANCE AUTHORITY****Priority:** Other**CFR Citation:** 8 CFR 287**Completed:**

Reason	Date	FR Cite
Final Action	11/13/95	60 FR 56936
Final Action Effective	12/13/95	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Agency Contact:** Alan R. Conroy  
Phone: 202 514-3073**RIN:** 1115-AE15**1846. • RENEWAL OF IMMIGRATION AND NATURALIZATION SERVICE CITIZENS' ADVISORY PANEL****Priority:** Other**Legal Authority:** 00 USC 00**CFR Citation:** 00 CFR 00**Legal Deadline:** None**Abstract:** The Service, in accordance with the provisions of the Federal Advisory Committee Act, with the concurrence of the Attorney General, is renewing, for a 2-year period of time, the Citizens' Advisory Panel (CAP). The CAP will provide recommendations to the Attorney General on ways to reduce the number of complaints of abuse made against employees of the Service and, most importantly, to minimize or eliminate the causes for those complaints. The CAP is seeking to address the complaints of impropriety by making recommendations on community policing and training initiatives for law enforcement personnel in order to strengthen the relationship between the Service and all members of the community.**Timetable:**

Action	Date	FR Cite
Final Action	03/20/96	61 FR 11432

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** State, Local, Tribal, Federal**Additional Information:** INS No. 1749

Notice establishing the CAP was published on 2-11-94 at 59 FR 6658 (RIN 1115-AD68)

**Agency Contact:** Susan Wilt, Coordinator, CAP, Internal Audit, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3260, Washington, DC 20536

Phone: 202 514-2373

**RIN:** 1115-AE28

## DEPARTMENT OF JUSTICE (DOJ)

## Proposed Rule Stage

## Legal Activities (LA)

**1847. PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION****Priority:** 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:** 5 USC 552; 5 USC 552a**CFR Citation:** 28 CFR 16 subparts A and D**Legal Deadline:** None**Abstract:** Updating and revision of Department of Justice regulations implementing the Freedom of Information Act and the Privacy Act of 1974.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	
NPRM Comment Period End	06/00/96	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Agency Contact:** Janice Galli McLeod, Attorney, Department of Justice, Office of Information & Privacy, Flag Building, Suite 570, Washington, DC 20530  
Phone: 202 514-4453  
Fax: 202 514-1009**RIN:** 1105-AA20**1848. VIOLENT CRIME AND DRUG EMERGENCY AREAS****Priority:** Other Significant**Legal Authority:** PL 103-322, sec 90107 Violent Crime Cntl & Law Enf Act of 1994**CFR Citation:** 28 CFR 92 (New)**Legal Deadline:** NPRM, Statutory, January 11, 1995.**Abstract:** This rule provides consolidated procedures for requests for designations of violent crime or drug emergency areas and appropriate Federal Assistance under section 90107 of the Violent Crime Control and Law Enforcement Act of 1994. In general, section 90107 provides that the chief executive of a State or local government may make a written request to the Attorney General that the President designate a state or part of a state to be a "violent crime or drug emergency area." This rule specifies the

information to be submitted in support of such a request, sets forth the procedures to be followed by the requesters, and provides the process and criteria for Attorney General review of such requests. Section 90107 also provides the President may (1) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted it under Federal law in support of State or local assistance efforts and (2) provide technical and advisory assistance, including communications support and law enforcement-related intelligence information.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/96	
NPRM Comment Period End	12/00/96	

**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** State, Local, Tribal, Federal**Agency Contact:** Robert Hinchman, Attorney-Advisor, Department of Justice, Office of Policy Development, Room 4256, 10th Street & Constitution Avenue NW., Washington, DC 20530  
Phone: 202 514-8059  
Fax: 202 514-8639**RIN:** 1105-AA29**1849. QUALIFICATIONS FOR CHAPTER 13 STANDING TRUSTEES****Priority:** Routine and Frequent**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:** 28 USC 586(e)(1)**CFR Citation:** 28 CFR 58**Legal Deadline:** None**Abstract:** United States Trustees have the authority to appoint one or more individuals to serve as chapter 13 standing trustees in a judicial district if the number of chapter 13 cases warrants the appointment. Under 28 USC section 586(b) standing trustees receive a percentage of all funds paid under chapter 13 plans to pay for their compensation and actual necessary expenses. The Director of the Executive Office for United States Trustees, by virtue of authority delegated by the

Attorney General, fixes each standing trustee's percentage fee and the maximum annual compensation. 28 USC section 586(e)(1). This rule is designed to eliminate conflicts of interest, curb unnecessary expenses, and ensure financial and management accountability.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	
NPRM Comment Period End	06/00/96	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Esther I. Estryn, Deputy General Counsel, Department of Justice, Executive Office for United States Trustees, 901 E Street NW., Washington, DC 20530  
Phone: 202 307-1399**RIN:** 1105-AA32**1850. IMPLEMENTATION OF COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT****Priority:** Other Significant**Legal Authority:** PL 103-414 Communications Assistance for Law Enforcement Act**CFR Citation:** 28 CFR 100**Legal Deadline:** None**Abstract:** The FBI intends to publish a notice of proposed rulemaking setting forth the Cost Recovery Regulations implementing the Communications Assistance for Law Enforcement Act (CALEA), which became effective October 25, 1994. The proposed Cost Recovery Regulations set forth the procedures by which telecommunications carriers may be reimbursed for all reasonable costs directly associated with the modifications performed by carriers in connection with equipment, facilities, and services installed or deployed on or before January 1, 1995.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	
NPRM Comment Period End	06/00/96	

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Walter V. Meslar, Chief, Telecommunications Contracts

DOJ—LA

Proposed Rule Stage

and Audit Unit, Department of Justice, Federal Bureau of Investigation, 14800 Conference Center Dr., Suite 300, Chantilly, VA 22021  
Phone: 703 814-4900

RIN: 1105-AA39

### 1851. FALSE CLAIMS AMENDMENTS ACT OF 1986—CIVIL INVESTIGATIVE DEMANDS

Priority: Other

Legal Authority: 31 USC 3733

CFR Citation: 28 CFR 28

Legal Deadline: None

**Abstract:** This rule implements and clarifies the provisions concerning civil investigative demands (CIDs) in Section 6(a) of the False Claims Amendments Act of 1986, 31 USC 3733. In particular, this rule 1) delegates certain delegable powers and responsibilities that the statute vests in the Attorney General to the Assistant Attorney General for the Civil Division and to the U.S. Attorneys; 2) specifies which United States employees may have access to information produced in response to CIDs; 3) clarifies that Department trial attorneys, in certain circumstances, have authority unilaterally to alter certain features of oral examinations taken pursuant to CIDs, such as date, time, and place; and 4) clarifies the statutory provision allowing Department attorneys to make "official use" of CID material in connection with cases and proceedings, by defining "official use."

#### Timetable:

Action	Date	FR Cite
NPRM	08/00/96	
NPRM Comment Period End	10/00/96	

Small Entities Affected: None

Government Levels Affected: Federal

**Agency Contact:** Michael F. Hertz, Director, Commercial Litigation Branch, Department of Justice, Civil Division, P.O. Box 261, Washington, DC 20044  
Phone: 202 514-7179

RIN: 1105-AA42

### 1852. • 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 Not yet determined

Legal Deadline: None

**Abstract:** The Attorney General is required to establish a National Stolen Passenger Motor Vehicle Information System pursuant to the Anti Car Theft Act of 1992 (49 USC 33109 to 33111). The FBI is coordinated 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. 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.

#### Timetable:

Action	Date	FR Cite
NPRM	11/00/96	
NPRM Comment Period End	01/00/97	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Local, Tribal, Federal

**Agency Contact:** Mike Pritchard, NSPMVIS Project Coordinator, Department of Justice, Federal Bureau of Investigation, Room 11105, J. Edgar Hoover Bldg., 10th & Pennsylvania Ave. NW., Washington, DC 20535  
Phone: 202 324-2741

RIN: 1105-AA44

### 1853. • FILING OF INFORMATIONAL MATERIALS

Priority: 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 5.400; 28 CFR 5.401; 28 CFR 5.402

Legal Deadline: None

**Abstract:** As a result of the passage of the Lobbying Disclosure Act of 1995 (LDA), the Foreign Agents Registration Unit of the Criminal Division is issuing a new regulation concerning which "informational materials" must be filed with the Attorney General under the Foreign Agents Registration Act of 1938, as amended, 22 USC 611, et seq (FARA). In addition to updating the terminology used in the existing regulations from "political propaganda" to "informational materials" as provided in the LDA, this rule makes other changes to 28 CFR 5.400, 5.401, and 5.402.

#### Timetable:

Action	Date	FR Cite
NPRM	06/00/96	
NPRM Comment Period End	08/00/96	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

**Agency Contact:** Frederick J. Close, Acting Chief, Registration Unit, Internal Security Section, Department of Justice, Criminal Division, 1400 NY Ave., NW., Room 9300, Washington, DC 20530  
Phone: 202 514-1216  
Fax: 202 514-2836

RIN: 1105-AA45

### 1854. • CHILD PROTECTION RESTORATION AND PENALTIES ENHANCEMENT ACT OF 1990

Priority: Other

Legal Authority: 18 USC 1028(d); 18 USC 2257

CFR Citation: 28 CFR 75

Legal Deadline: None

**Abstract:** This rule amends the regulations at 28 CFR 75 which set forth the requirements to be met by all producers of materials containing one or more visual depictions of actual sexually explicit conduct made after November 1, 1990, for the retention of records concerning the actual, previous, and assumed names and of the dates of birth of each performer portrayed in such visual depictions. This rule amends the time such records must be

## DOJ—LA

## Proposed Rule Stage

retained, the list of persons excepted from compliance, and the effective date of the regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	

Action	Date	FR Cite
NPRM Comment Period End	06/00/96	
<b>Small Entities Affected:</b> Businesses		
<b>Government Levels Affected:</b> None		
<b>Agency Contact:</b> Terry R. Lord, Acting Chief, Child Exploitation and Obscenity		

Section, Department of Justice, Criminal Division, 1001 G Street NW., Suite 310, Washington, DC 20530  
Phone: 202 514-5780  
Fax: 202 514-1793  
**RIN:** 1105-AA46

**DEPARTMENT OF JUSTICE (DOJ)**  
**Legal Activities (LA)**

## Final Rule Stage

**1855. REVISION OF REGULATIONS GOVERNING THE REMISSION OR MITIGATION OF CIVIL AND CRIMINAL FORFEITURES**

**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:** 28 USC 509; 28 USC 510; 28 USC 515 to 518; 28 USC 524; 8 USC 1324; 15 USC 1177; 17 USC 509; 18 USC 512; 18 USC 981; 18 USC 982; 18 USC 1467; 18 USC 1955; 18 USC 1963; 18 USC 2253; 18 USC 2254

**CFR Citation:** 28 CFR 9

**Legal Deadline:** None

**Abstract:** This regulation amends and adopts rules that govern the processing of petitions for remission and mitigation of forfeitures by the Criminal Division, the Drug Enforcement Administration, the Federal Bureau of Investigation, the Immigration and Naturalization Service, and the United States Marshals Service of the United States Department of Justice. It is intended to provide a basis for similar rules to be adopted by the Bureau of Alcohol, Tobacco and Firearms, the Internal Revenue Service, the United States Secret Service of the Department of the Treasury, and the United States Postal Service. The Department proposes this regulation in an effort to ameliorate the harsh results in individual forfeiture cases and to provide relief to innocent persons whose property is used by others for criminal purposes.

**Timetable:**

Action	Date	FR Cite
NPRM	06/29/94	59 FR 33457

Action	Date	FR Cite
NPRM Comment Period End	07/29/94	
Final Action	04/00/96	
<b>Small Entities Affected:</b> None		
<b>Government Levels Affected:</b> Federal		
<b>Additional Information:</b> LEGAL AUTHORITY CONT: 18 USC 2513; 19 USC 1613; 19 USC 1618; 21 USC 853; 21 USC 881; 22 USC 401.		
<b>Agency Contact:</b> Nancy L. Rider, Deputy Chief, Asset Forfeiture and Money Laundering Sect., Department of Justice, 1400 New York Avenue, Washington, DC 20530 Phone: 202 514-1263 Fax: 202 514-5522		
<b>RIN:</b> 1105-AA23		

**1856. QUALIFICATIONS FOR TRUSTEES**

**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:** 28 USC 586(d)

**CFR Citation:** 28 CFR 58

**Legal Deadline:** None

**Abstract:** United States Trustees appoint private trustees to serve in bankruptcy cases filed under title 11, United States Code. Pursuant to 28 USC section 586(d), the Attorney General is required to prescribe by rule qualifications for membership on panels from which the United States Trustees appoint trustees to serve in specific bankruptcy cases filed under chapter 7 of the Bankruptcy Code. In addition, the Attorney General is required to prescribe by rule qualifications for appointment as a

standing trustee in cases filed under chapters 12 and 13 of the Bankruptcy Code. The qualifications prescribed by the Attorney General pursuant to 28 USC section 586(d) are found at 28 CFR 58.3, 58.4. This rule amends those qualifications by adding a requirement that the applicant have three years of either bankruptcy experience or experience as a fiduciary. In addition, this rule clarifies that the United States Trustees have authority not only to establish panels of trustees in the first instance, but also to revise and periodically reconstitute such panels. Finally, the rule sets forth certain technical amendments to 28 CFR Part 58.

**Timetable:**

Action	Date	FR Cite
NPRM	09/16/93	58 FR 48472
NPRM Comment Period End	10/18/93	
Final Action	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Esther I. Estryn, Deputy General Counsel, Department of Justice, Executive Office for United States Trustees, 901 E Street NW., Washington, DC 29530  
Phone: 202 307-1399

**RIN:** 1105-AA30

**1857. GUIDELINES FOR REVIEWING APPLICATIONS FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES FILED UNDER 11 USC 330**

**Priority:** Routine and Frequent

**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:** 28 USC 586(a)(3)(A)(i)

DOJ—LA

Final Rule Stage

**CFR Citation:** 28 CFR 58**Legal Deadline:** None

**Abstract:** United States Trustees must comply with guidelines adopted by the Executive Office for United States Trustees in reviewing applications filed by case trustees and professionals under section 330 of title 11, United States Code. 28 USC 586(a)(3)(A)(i). These guidelines are made pursuant to 28 USC 586(a)(3)(A)(i).

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/00/96	

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

**Agency Contact:** Martha L. Davis, General Counsel, Department of Justice, Executive Office for United States Trustees, 901 E Street NW., Washington, DC 20530  
Phone: 202 307-1399

**RIN:** 1105-AA33**1858. MOTOR VEHICLE THEFT PREVENTION PROGRAM****Priority:** Other Significant

**Legal Authority:** PL 103-322, sec 220001, Violent Crime Cntl & Law Enf Act, 1994

**CFR Citation:** Not yet determined**Legal Deadline:** NPRM, Statutory, March 13, 1995.

**Abstract:** This rule develops, in cooperation with the States, a national voluntary motor vehicle theft prevention program under which the owner of a motor vehicle may voluntarily sign a consent form with a participating State or locality in which the motor vehicle owner states that the vehicle is not normally operated under certain specified conditions. Under this

program, the owner agrees to display program decals or devices on the owner's vehicle and to permit law enforcement officials in any State to stop the motor vehicle and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner, if the vehicle is being operated under the specified conditions.

Participating States and localities will authorize law enforcement officials in the State or locality to stop motor vehicles displaying program decals or devices under the specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner.

This rule establishes the specified conditions under which stops may be authorized by owners who state that they do not ordinarily operate their vehicles under such conditions: (1) driving a vehicle between 1:00 a.m. and 5:00 a.m.; and (2) driving a vehicle across a United States land border or into a United States port.

**Timetable:**

Action	Date	FR Cite
NPRM	10/25/95	59 FR 54459
NPRM Comment Period End	12/26/95	
Final Action	08/00/96	

**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** State, Local, Tribal, Federal

**Agency Contact:** Robert Hinchman, Attorney-Advisor, Department of Justice, Office of Policy Development, Room 4256, 10th & Constitution Ave. NW., Washington, DC 20530  
Phone: 202 514-8059  
Fax: 202 514-8639

**RIN:** 1105-AA34**1859. RECOMMENDATIONS TO THE PRESIDENT ON CIVIL AERONAUTICS BOARD DECISIONS****Priority:** Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

**Legal Authority:** 5 USC 301; 28 USC 509; 28 USC 510; EO 12597

**CFR Citation:** 28 CFR 25**Legal Deadline:** None

**Abstract:** This rule eliminates an unnecessary provision which sets forth procedures for the Department of Justice to receive public comments from private parties on recommendations by the Department to the President concerning decisions by the Department of Transportation authorizing air carriers to engage in foreign air transportation. In practice, the Department of Justice rarely provides such recommendations to the President, making the establishment of formal procedures to receive public comments concerning such recommendations unnecessary.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/96	
Final Action Effective	04/00/96	

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

**Agency Contact:** Howard M. Blumenthal, Assistant Chief, Legal Policy Section, Department of Justice, Antitrust Division, Main Bldg., Room 3121, 10th & Constitution Ave. NW., Washington, DC 20530  
Phone: 202 514-2513  
Fax: 202 514-9082

**RIN:** 1105-AA41**DEPARTMENT OF JUSTICE (DOJ)****Long-Term Actions****Legal Activities (LA)****1860. CRIMINAL FINES ENFORCEMENT****Priority:** Substantive, Nonsignificant**CFR Citation:** 28 CFR 72**Timetable:** Next Action Undetermined**Small Entities Affected:** None**Government Levels Affected:** Undetermined

**Agency Contact:** Lynne Solien  
Phone: 202 616-6444

**RIN:** 1105-AA16**1861. FEDERAL CLAIMS COLLECTION STANDARDS (FCCS)****Priority:** Other**CFR Citation:** 4 CFR 101 to 105**Timetable:** Next Action Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

## DOJ—LA

## Long-Term Actions

**Agency Contact:** Robert N. Ford  
Phone: 202 514-5343

Fax: 202 514-1965  
RIN: 1105-AA31

**DEPARTMENT OF JUSTICE (DOJ)**  
**Legal Activities (LA)**

## Completed Actions

**1862. JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDER GUIDELINES**

**Priority:** Other Significant

**CFR Citation:** None

**Completed:**

Reason	Date	FR Cite
Final Guidelines	04/04/96	61 FR 15110

**Small Entities Affected:** None

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

**Agency Contact:** David J. Karp  
Phone: 202 514-3273  
Fax: 202 514-8639

RIN: 1105-AA36

**1863. USE AND EXAMINATION OF MATERIALS SUBMITTED PURSUANT TO THE ANTITRUST CIVIL PROCESS ACT**

**Priority:** 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.

**CFR Citation:** 28 CFR 49

**Completed:**

Reason	Date	FR Cite
Final Action	01/25/96	61 FR 2116
Final Action Effective	01/25/96	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Agency Contact:** Howard M. Blumenthal  
Phone: 202 514-2513  
Fax: 202 514-9082

RIN: 1105-AA37

**1864. DESIGNATION OF AGENCIES TO RECEIVE AND INVESTIGATE REPORTS REQUIRED UNDER THE VICTIMS OF CHILD ABUSE ACT**

**Priority:** Other

**CFR Citation:** 28 CFR 81

**Completed:**

Reason	Date	FR Cite
Final Action	02/29/96	61 FR 7704
Final Action Effective	04/01/96	

**Small Entities Affected:** None

**Government Levels Affected:** Tribal, Federal

**Agency Contact:** Terry R. Lord  
Phone: 202 514-5780  
Fax: 202 514-1793

RIN: 1105-AA38

**1865. PROCEDURES FOR RECEIPT AND CONSIDERATION OF WRITTEN COMMENTS SUBMITTED UNDER SUBSECTION 2(B) OF THE ANTITRUST PROCEDURES AND PENALTIES ACT**

**Priority:** Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

**CFR Citation:** 28 CFR 50.13

**Completed:**

Reason	Date	FR Cite
Final Action	03/28/96	61 FR 13763
Final Action Effective	03/28/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Howard M. Blumenthal  
Phone: 202 514-2513  
Fax: 202 514-9082

RIN: 1105-AA40

**1866. • REVISION OF POLICY CONCERNING CONSENT TO TRY CIVIL MATTERS BEFORE MAGISTRATE JUDGES**

**Priority:** Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

**Legal Authority:** 5 USC 301; 18 USC 3401(f)

**CFR Citation:** 28 CFR 52

**Legal Deadline:** None

**Abstract:** A working group consisting of representatives from senior Justice Department offices and litigating divisions and the U.S. Attorneys Offices reviewed the Department's policy concerning consent to try civil matters before magistrate judges. As a result of this review, the Department reaffirms its existing policy of encouraging the use of magistrate judges to assist the district courts in resolving civil disputes whenever possible but, by this rule, makes several clarifying changes. This rule eliminates paragraphs (1) through (4) of 52.01 as merely summarizing provisions of federal statutory and case law set forth elsewhere; revises 52.01(b) to include the involvement of significant rights of large numbers of persons as a factor to be considered relating to the complexity of the case; amends 52.01(b) to require that the determination by the government attorney whether to consent to a trial before a magistrate judge be made "with the concurrence of his or her supervisor"; and conforms the terminology of 52.01 and 52.02 to the Judicial Improvements Act of 1990 which changed the designation of persons appointed under 28 USC 631 from U.S. magistrates to that of U.S. magistrate judges.

**Timetable:**

Action	Date	FR Cite
Final Action	03/05/96	61 FR 8472
Final Action Effective	03/05/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Mary C. Morgan, Deputy Assistant Attorney General, Office of Policy Development, Department of Justice, 10th & Pennsylvania Ave., NW., Room 4240, Washington, DC 20530  
Phone: 202 514-0052

RIN: 1105-AA43

**DEPARTMENT OF JUSTICE (DOJ)**  
**Office of Justice Programs (OJP)**
**Proposed Rule Stage**
**1867. ARREST POLICIES IN  
DOMESTIC VIOLENCE CASES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 3796 hh et seq

**CFR Citation:** 28 CFR 90.60

**Legal Deadline:** NPRM, Statutory, January 1995. Final, Statutory, March 1995.

**Abstract:** A proposed rule is being issued for grants to encourage arrest policies pursuant to the Violence Against Women Act, title IV of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, 108 Stat. 1796. This Federal discretionary grant program is to encourage States, units of local government, and Indian tribal government to treat domestic violence as a serious violation of criminal law. The regulation is being published under section 801 of the Omnibus Crime Control and Safe Streets Act, as amended, 42 USC 3752.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/96	

**Small Entities Affected:** Undetermined

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

**Agency Contact:** Kathy Schwartz, Administrator, Violence Against Women Program Office, Department of Justice, Office of Justice Programs, 633 Indiana Avenue NW., Room 444, Washington, DC 20531  
Phone: 202 307-6026

**RIN:** 1121-AA35

statutes regulating the interstate commerce and marketability of prison made goods. The Ashurst Sumners Act, codified at 18 USC section 1761 and the Walsh Healy Public Contracts Act, codified at 41 USC sections 35 to 45. Exempted industries must meet specific requirements aimed at preventing the unfair trade of prison made goods in order to receive Bureau of Justice Assistance certification. This guideline implements the statutory requirements set forth at 18 USC 1761(c) and sets forth the administrative procedures of this certification program.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/96	

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Local

**Agency Contact:** Thomas Albrecht, Bureau of Justice Assistance, Department of Justice, Office of Justice Programs  
Phone: 202 514-6236

**RIN:** 1121-AA36

**1868. • PRIVATE SECTOR/PRISON  
INDUSTRY ENHANCEMENT  
CERTIFICATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 1761

**CFR Citation:** Not yet determined

**Legal Deadline:** None

**Abstract:** The Private Sector/Prison Industry Enterprise Certification (PIECP) exempts certified State and local industries from two Federal

**DEPARTMENT OF JUSTICE (DOJ)**  
**Office of Justice Programs (OJP)**
**Final Rule Stage**
**1869. STATE CRIMINAL ALIEN  
ASSISTANCE PROGRAM**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1365; PL 103-317

**CFR Citation:** 28 CFR 82

**Legal Deadline:** None

**Abstract:** The State Criminal Alien Assistance Program (SCAAP) provides Federal assistance to States for costs incurred for the imprisonment of an illegal alien convicted of a felony by the State.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/06/94	59 FR 50830
Final Action	09/00/96	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** State, Local

**Agency Contact:** Linda J. McKay, State and Local Assistance Division Chief, East Branch, Department of Justice, Office of Justice Programs, 633 Indiana Avenue NW., Washington, DC 20531

Phone: 202 514-6638

**RIN:** 1121-AA24

**1870. VIOLENT OFFENDER  
INCARCERATION AND TRUTH IN  
SENTENCING INCENTIVE GRANT  
PROGRAM**

**Priority:** Other Significant

**Legal Authority:** Subtitle A title II Violent Crime Cont and Law Enf Act of 1994; PL 103-322; 108 Stat 1796

**CFR Citation:** 28 CFR 91

**Legal Deadline:** Other, Statutory, January 13, 1995.

Sec 20105 of title II of Violent Crime Cont and Law Enf Act of 1994 requires the Attorney General to issue rules and regulations re use of title II grant funds within 90 days of Act enactment.

**Abstract:** This regulation implements authorization for grants to States, and States organized in multistate compacts, for assistance to adult and juvenile correctional systems. The program recognizes that States and local jurisdictions have experienced

substantial increases in jail, prison and juvenile confinement populations in recent years, resulting in escalating costs and serious difficulties in managing overcapacity correctional populations. Because of these constraints, correctional systems have often been unable to implement new programs, develop alternative confinement strategies, or open new facilities. This program seeks to provide funds to address the immediate needs of correctional facilities and programs.

In particular, the program emphasizes the need to make available both conventional jail and prison space for the confinement of violent offenders and to ensure that violent offenders remain incarcerated for substantial periods of time through the implementation of truth in sentencing laws. Accordingly, subtitle A directs the Attorney General to award grants to construct, develop, expand, modify, operate or improve correctional facilities and other correctional facilities that will free secure prison

**DOJ—OJP**

**Final Rule Stage**

space for the confinement of violent offenders.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/07/94	59 FR 63015
Final Action	12/00/96	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** State, Local

**Agency Contact:** Larry Meacham, Corrections Program Office, Department of Justice, Office of Justice Programs, 633 Indiana Avenue NW., Washington, DC 20531

Phone: 202 307-3914

**RIN:** 1121-AA25

**1871. • YOUNG AMERICAN MEDALS PROGRAM**

**Priority:** Other Significant

**Legal Authority:** 42 USC 1921 et seq

**CFR Citation:** 28 CFR 0.12

**Legal Deadline:** None

**Abstract:** This interim rule provides an outline of the program governing awards of the Young American Medals for Bravery and Service.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Christine M. Craig, Office of the General Counsel, Department of Justice, Office of Justice Programs, 633 Indiana Avenue NW., Washington, DC 20531  
Phone: 202 307-0790

**RIN:** 1121-AA37

**DEPARTMENT OF JUSTICE (DOJ)  
Office of Justice Programs (OJP)**

**Long-Term Actions**

**1872. CONFIDENTIALITY OF IDENTIFIABLE RESEARCH AND STATISTICAL 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.

**CFR Citation:** 28 CFR 22

**Timetable:** Next Action Undetermined

**Small Entities Affected:** Undetermined

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

**Agency Contact:** Christine Craig  
Phone: 202 307-0790

**RIN:** 1121-AA33

**1873. CRIMINAL JUSTICE BLOCK GRANTS**

**Priority:** Substantive, Nonsignificant

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

Government effort. It will eliminate existing text in the CFR.

**CFR Citation:** 28 CFR 33

**Timetable:** Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** State, Local

**Agency Contact:** Christine Craig  
Phone: 202 307-0790

**RIN:** 1121-AA34

**DEPARTMENT OF JUSTICE (DOJ)  
Office of Justice Programs (OJP)**

**Completed Actions**

**1874. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 28 CFR 70

**Completed:**

Reason	Date	FR Cite
Final Action - (Correction to Final Rule on 11/24/95, 60 FR 57931)	07/26/95	60 FR 38241

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

**Government Levels Affected:** State, Local

**Agency Contact:** Cynthia Schwimer

Phone: 202 307-3186

**RIN:** 1121-AA18

**1875. VICTIM ASSISTANCE GRANT PROGRAM GUIDELINES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** None

**Completed:**

Reason	Date	FR Cite
Final Action	10/27/95	60 FR 55051

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** State

**Agency Contact:** Carolyn A. Hightower  
Phone: 202 307-5947

**RIN:** 1121-AA30

**1876. CRIMINAL JUSTICE INFORMATION SYSTEMS**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

**CFR Citation:** 28 CFR 20

**Completed:**

Reason	Date	FR Cite
Withdrawn by Program Office Before Publication of NPRM	02/01/96	

**Small Entities Affected:** None

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

**Agency Contact:** Christine Craig

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**DOJ—OJP**

**Completed Actions**

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Phone: 202 307-0790

**RIN:** 1121-AA32

[FR Doc. 96-8412 Filed 05-10-96; 8:45 am]

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