



Monday
April 26, 1999

Part XI

**Department of
Justice**

Semiannual Regulatory Agenda

DEPARTMENT OF JUSTICE (DOJ)

DEPARTMENT OF JUSTICE

8 CFR Ch. I

21 CFR Ch. I

28 CFR Ch. I

Regulatory Agenda

AGENCY: Department of Justice.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Justice is publishing its April 1999 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).

The Regulatory Flexibility Act (RFA) requires that, each year, the Department publish a list of those regulations that have a significant economic impact upon a substantial number of small entities and are to be reviewed under section 610 of the Act during the succeeding 12 months. This edition of the Department's unified agenda includes one regulation requiring such a review: "Reduction of the Number of Acceptable Documents and Other Changes to Employment Verification Requirements" (RIN 1115-AB73). In

accordance with the RFA, comments are specifically invited on this regulation. Those comments should be addressed to the contact person listed in the entry for this item.

FOR FURTHER INFORMATION CONTACT:
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Dated: March 9, 1999.

Eleanor D. Acheson,
*Assistant Attorney General, Office of Policy
Development.*

Bureau of Prisons—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1713	Postsecondary Education Programs	1120-AA25
1714	Correspondence: Excludable Mail	1120-AA65
1715	Administrative Remedy Program: Excluded Matters	1120-AA72
1716	Visiting Regulations: Prior Relationship	1120-AA77
1717	Inmate Discipline: Prohibited Acts	1120-AA78
1718	Over-the-Counter (OTC) Medications	1120-AA81
1719	Federal Prison Industries, Inc. (FPI) Standards and Procedures Which Facilitate FPI's Ability To Accomplish Its Mission	1120-AA84
1720	Inmate Commissary Account Deposit Procedures	1120-AA86
1721	Drug Abuse Treatment Programs: Disincentives and Enhanced Incentives	1120-AA88
1722	Searches of Housing Units, Inmates, Inmate Work Areas, and Persons Other Than Inmates: Electronic Devices ...	1120-AA90
1723	Occupational Educational Programs	1120-AA92
1724	Classification and Program Review	1120-AA93

Bureau of Prisons—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1725	Volunteer Community Service Projects	1120-AA03
1726	Intensive Confinement Centers	1120-AA11
1727	Incoming Publications/Inmate Legal Activities	1120-AA15
1728	Infectious Diseases	1120-AA23
1729	Literacy Program	1120-AA33
1730	Inmate Personal Property	1120-AA46
1731	Telephone Regulations and Inmate Financial Responsibility	1120-AA49
1732	Federal Prison Industries (FPI) Work Program: Deportation Orders	1120-AA57
1733	Incoming Publications: Nudity and Sexually Explicit Material or Information	1120-AA59
1734	Good Conduct Time	1120-AA62
1735	Drug Abuse Treatment and Intensive Confinement Center Programs: Early Release Consideration	1120-AA66
1736	Visiting: Notification to Visitors	1120-AA67
1737	Correspondence: Return Address	1120-AA69
1738	Acceptance of Donations	1120-AA71
1739	Cost of Incarceration Fee	1120-AA75
1740	Smoking/No Smoking Areas	1120-AA79
1741	Victim and/or Witness Notification: State Custody Transfers	1120-AA80
1742	Administrative Safeguards for Psychiatric Treatment and Medication; Military Prisoners and District of Columbia Code Violators	1120-AA83
1743	Designation of Offenses Subject to Sex Offender Release Notification	1120-AA85

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Bureau of Prisons—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
1744	Civil Contempt of Court Commitments	1120-AA87

Bureau of Prisons—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1745	Telephone Regulations and Inmate Financial Responsibility	1120-AA39

Bureau of Prisons—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1746	Birth Control, Pregnancy, Child Placement, Abortion	1120-AA31
1747	Classification and Program Review: Team Meetings	1120-AA64
1748	Inmate Work and Performance Pay: Work Evaluation	1120-AA74
1749	Inmate Recreation Programs and Manuscripts	1120-AA76

Civil Rights Division—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1750	Nondiscrimination on the Basis of Sex in Federally Assisted Programs and Activities—Implementation of Title IX of the Education Amendments of 1972	1190-AA28
1751	Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities	1190-AA44

Civil Rights Division—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1752	Nondiscrimination on the Basis of Disability in State and Local Government Services; Public Accommodations and Commercial Facilities; Accessibility Standards	1190-AA26
1753	Nondiscrimination on the Basis of Disability in State and Local Government Services	1190-AA36
1754	Americans With Disabilities Act Accessibility Guidelines for Buildings and Facilities; Children's Facilities	1190-AA38

Civil Rights Division—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1755	Amendment to Nondiscrimination in Federally Assisted Programs and Activities—Implementation of Title VI of the Civil Rights Act of 1964	1190-AA31
1756	Amendment to Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964	1190-AA32

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Civil Rights Division—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1757	Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups	1190-AA39
1758	Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities (Detectable Warnings)	1190-AA45

Drug Enforcement Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1759	Guidelines for Providing Controlled Substances to Ocean Vessels	1117-AA40
1760	Sale by Federal Departments or Agencies of Chemicals Usable to Manufacture a Controlled Substance	1117-AA47

Drug Enforcement Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1761	Definition and Registration of Disposers	1117-AA19
1762	Exemption of Chemical Mixtures	1117-AA31
1763	Registration and Reregistration Application Fees	1117-AA34
1764	Establishment of Freight Forwarding Facilities	1117-AA36
1765	Listed Chemicals; Proposed Thresholds for Iodine and Hydrochloric Gas (Hydrogen Chloride Gas)	1117-AA43
1766	Implementation of the Methamphetamine Control Act; Regulation of Pseudoephedrine, Phenylpropanolamine, and Comb. Ephedrine Drug Products; Reports of Certain Transactions to Non-regul. Persons	1117-AA44
1767	Temporary Exemption From Chemical Registration for Distributors of Pseudoephedrine and Phenylpropanolamine and Products	1117-AA46
1768	Anhydrous Hydrogen Chloride: Categories of Distribution Regarded as Nonregulated	1117-AA48
1769	Special Surveillance List of Chemical, Products, Materials and Equipment	1117-AA49

Executive Office for Immigration Review—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1770	Authority of Immigration Judges To Issue Civil Money Penalties	1125-AA18

Executive Office for Immigration Review—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1771	Discipline of Attorneys and Representatives	1125-AA13
1772	Rules of Practice and Procedure for Administrative Hearings Before Administrative Law Judges	1125-AA17
1773	Adjustment of Status to That of Person Admitted for Permanent Residence	1125-AA20
1774	Board of Immigration Appeals: Streamlining	1125-AA22
1775	Suspension of Deportation and Cancellation of Removal	1125-AA25

Executive Office for Immigration Review—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1776	Rules Concerning Conditional Permanent Residence for Alien Entrepreneurs in Deportation Proceedings	1125-AA02
1777	Conditional Grants of Suspension of Deportation and Cancellation of Removal	1125-AA19

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Executive Office for Immigration Review—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
1778	Motion to Reopen: Suspension of Deportation and Cancellation of Removal	1125-AA23

Immigration and Naturalization Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1779	Special Immigrant Juvenile Petitions	1115-AF35

Immigration and Naturalization Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1780	Revised Grounds of Inadmissibility, Waivers for Immigrants and Nonimmigrants, and Exceptions	1115-AB45
1781	Inspection of Persons Applying for Admission	1115-AD17
1782	Update to Transit Without Visa (TWOV) Listing	1115-AD96
1783	Employment Authorization Document Applications and Process	1115-AE06
1784	Inspection of Persons Applying for Admission; Transit Without Visa (TWOV) and International-to-International Agreements Liquidated Damages	1115-AE37
1785	Definition of the Term "Lawfully Present" for Purposes of Eligibility for Public Benefits	1115-AE51
1786	Corporate Reorganizations (Mergers and Acquisitions) and E, H, L Nonimmigrant Classification	1115-AE55
1787	Petition for Employment Creation Aliens	1115-AE56
1788	Filing Factual Statements About Alien Prostitutes	1115-AE60
1789	Nonimmigrant Overstays	1115-AE62
1790	F-1 Visa Abusers and Foreign Students	1115-AE63
1791	Employment Verification by Employers That Are Members of a Multi-Employer Association	1115-AE67
1792	Use of Parole for Humanitarian Reason or Significant Public Benefit and Report to Congress	1115-AE68
1793	Collection of Fees Under the Dedicated Commuter Lane Program, Port Passenger Accelerated Service System (PORTPASS) Program	1115-AE71
1794	Regulations Pertaining to Battered Aliens and to Mail Order Bride Businesses, as Mandated by IIRIRA	1115-AE77
1795	Public Charge Bond Pilot Program	1115-AE78
1796	Proceedings To Determine Deportability of Aliens in the United States: Apprehension, Custody, Hearing, and Appeal	1115-AE83
1797	Clarification of Age Requirements for Fingerprinting Naturalization Applicants	1115-AE86
1798	Control of Aliens Departing From the United States	1115-AE89
1799	En Route Inspections and Reimbursement for Immigration and Naturalization Service Costs	1115-AE98
1800	Change in Business Practices: Non-Acceptance of Cash as Remittance for Fees and Applications in Immigration and Naturalization Services Offices	1115-AF07
1801	Examinations Fee Account Schedule—Small Volume Applications	1115-AF10
1802	Jurisdictional Change for the Los Angeles and San Francisco Asylum Offices	1115-AF18
1803	Powers of the Attorney General To Authorize State or Local Law Enforcement Officers To Carry Out Immigration Enforcement	1115-AF20
1804	Progressive Clearance Stopovers	1115-AF23
1805	Documentary Requirements for Returning Residents	1115-AF26
1806	Availability of Material Under Freedom of Information Act and Privacy Act	1115-AF32
1807	Effect of Unexcused Failure to Appear for a Scheduled Asylum Interview With an Asylum Officer on Eligibility for Employment Authorization	1115-AF38
1808	H-1B Nonimmigrant Worker Complaints Regarding U.S. Employer Violations Under the American Competitiveness and Workforce Improvement Act	1115-AF40
1809	American Competitiveness and Workforce Improvement Act	1115-AF41

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Immigration and Naturalization Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1810	Reduction of the Number of Acceptable Documents and Other Changes to Employment Verification Requirements (Section 610 Review)	1115-AB73
1811	Adjustment of Status to That of Person Admitted for Permanent Residence: Conditional Residents and Fiance(e)s	1115-AC70
1812	Nonimmigrant Classes; B Visitor for Business or Pleasure	1115-AC89
1813	Petitions for Employment-Based Immigrants	1115-AD55
1814	Admission of Certain Nurses Seeking Nonimmigrant Classification Under the H-1A Category	1115-AD74
1815	Fees for Participation in Dedicated Commuter Lanes at Selected Ports of Entry; Collection of Fees Under the Dedicated Commuter Lane Program	1115-AD82
1816	Adjustment of Status to That of Person Admitted for Permanent Residence; Temporary Removal of Certain Restrictions on Eligibility	1115-AD83
1817	Nonimmigrant Classes; S Classification; Law Enforcement Initiatives; Alien Witnesses	1115-AD86
1818	90-Day Modified Inspection of Alien Crew Members	1115-AD95
1819	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
1820	Miscellaneous Modifications to Naturalization Regulations	1115-AE07
1821	Conditions on Nonimmigrant Status; Disclosure of Information	1115-AE17
1822	Employer Sanctions Modifications	1115-AE21
1823	Regulations Pertaining to Adjudications Processing	1115-AE31
1824	Orphan Petitions; Petitions To Classify Alien as Immediate Relative of a United States Citizen or Preference Immigrant; Change in Definition of Child	1115-AE33
1825	Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures	1115-AE47
1826	Agreement Promising Non-Deportation or Other Immigration Benefits	1115-AE50
1827	Petitioning Requirements for the H Nonimmigrant Classification	1115-AE52
1828	Canadian Border Boat Landing Program	1115-AE53
1829	Affidavits of Support on Behalf of Immigrants	1115-AE58
1830	Suspension of Privilege To Transport Aliens to the United States	1115-AE59
1831	Rights of Habitual Residence Between the United States and the Governments of the Marshall Islands, Micronesia and Palau	1115-AE61
1832	Limiting Liability for Certain Technical and Procedural Violations of Paperwork Requirements	1115-AE70
1833	Ineligibility of Certain Juvenile Offenders for Family Unity Program	1115-AE72
1834	Certification of Certain Health Care Workers	1115-AE73
1835	Adjustment of Status for Certain Polish or Hungarian Parolees	1115-AE74
1836	Establishment of Preinspected Automated Lane (PAL) Program at Immigration and Naturalization Service	1115-AE80
1837	Surrender of Aliens Ordered Removed From the United States	1115-AE82
1838	Amendment of the Regulatory Definition of Arriving Alien	1115-AE87
1839	New Rules Regarding Procedures for Asylum and Withholding of Removal	1115-AE93
1840	Adjustment of Status, Continued Validity of Nonimmigrant Status and Unexpired Employment Authorization for Applicants Maintaining Nonimmigrant H or L Status	1115-AE96
1841	Verification of Eligibility for Public Benefits	1115-AE99
1842	Fingerprinting Applicants and Petitioners for Immigration Benefits; Establishing a Fee for Fingerprinting by the Service	1115-AF03
1843	Adjustment of Status; Certain Nationals of Nicaragua and Cuba	1115-AF04
1844	Processing, Detention, and Release of Juveniles	1115-AF05
1845	Special Immigrant Juvenile—Special Immigrant Status for Certain Aliens Declared Dependent on a Juvenile Court	1115-AF11
1846	Immigrant Petitions; Religious Workers	1115-AF12
1847	Suspension of Deportation and Special Rule Cancellation of Removal for Certain Nationals of Guatemala, El Salvador, and Former Soviet Bloc Countries	1115-AF14
1848	Authorizing Suspension of Employment Authorization Requirements on the Basis of Severe Economic Hardship for F-1 Students and Emergent Circumstances	1115-AF15
1849	Change in Business Practices: Collection of Interest, Penalties, and Handling Charges for Delinquent Payment of Employer Sanctions Fines	1115-AF17
1850	Elimination of Immigration and Naturalization Service Issued Mexican and Canadian Border Crossing Cards	1115-AF24
1851	Filing of Proposals for Designation as a Regional Center Approved To Participate in the Immigrant Investor Pilot Program	1115-AF27
1852	Nonimmigrant Visa Exemption for Nationals of the British Virgin Islands Entering the United States Through St. Thomas, United States Virgin Islands	1115-AF28
1853	Delegation of the Adjudication of Certain H-2A Petitions to the Department of Labor	1115-AF29
1854	Addition of Commercial Delivery Service as a Form of Personal Service	1115-AF30

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Immigration and Naturalization Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
1855	Implementing Certain Portions of the American Competitiveness and Workforce Improvement Act (ACWIA) Relating to the H-1B Nonimmigrant Classification	1115-AF31
1856	Adjustment of Status for Certain Nationals of Haiti	1115-AF33
1857	Temporary Protected Status Amendments to the Requirements for Employment Authorization Fee and Other Technical Amendments	1115-AF37
1858	Regulations Concerning the Convention Against Torture	1115-AF39

Immigration and Naturalization Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1859	Visa Waiver Pilot Program	1115-AB93
1860	Expansion of Direct Mail Program	1115-AD73
1861	Regulations Relating to Temporary Protected Status	1115-AE26
1862	Interim Designation of Acceptable Receipts for Employment Eligibility Verification	1115-AF42

Immigration and Naturalization Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1863	Seizure and Forfeiture of Conveyances	1115-AA95
1864	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
1865	F, J, and M Nonimmigrant Student Requirements for Admission, Tracking, Maintenance of Status and for Employment Authorization	1115-AD16
1866	Exceptions to the Educational Requirements for Naturalization for Certain Applicants	1115-AE02
1867	Judicial Review of Decisions of the Executive Office for Immigration Review and the Immigration and Naturalization Service	1115-AE46
1868	Delegation of Immigration Enforcement Authority	1115-AE76
1869	Changing the Name of the Alien Registration Receipt Card to the Permanent Resident Card	1115-AF01
1870	Delegation of General Authority by the Commissioner to Certain Immigration Officers	1115-AF02
1871	Procedure for Accepting Applications for Benefits Submitted With Insufficient or Excess Fees	1115-AF06
1872	Change in Business Practices: Collection of Interest, Penalties, and Handling Charges for Delinquent Payment of Employer Sanction Fines	1115-AF09
1873	Changes in the Immigration and Naturalization Service Regional Office Organization	1115-AF13
1874	Classes of Aliens Authorized To Accept Employment	1115-AF16
1875	Revocation of Naturalization	1115-AF34
1876	Immigration Petitions; Employment Creation Aliens; Regional Centers Designated Under the Immigrant Investor Pilot Program	1115-AF36

Legal Activities—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1877	Implementation of the National Stolen Passenger Motor Vehicle Information System (NSPMVIS)	1105-AA44
1878	Foreign Agents Registration Act; Regulations Revised and Clarified To Reflect Changes in the Law	1105-AA45
1879	Operation of the National Instant Criminal Background Check System	1105-AA51
1880	Implementation of the Pam Lychner Sexual Offender Tracking and Identification Act	1105-AA56
1881	Revision of 28 CFR Part 15 Pertaining to the Defense of Certain Suits Against Federal Employees To Conform to the Federal Employees Liability Reform and Tort Compensation Act	1105-AA62
1882	FBI Criminal Justice Information Services Division Systems and Procedures	1105-AA63
1883	United States Marshals Service Fee for Services	1105-AA64

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Legal Activities—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
1884	Designation of Agencies to Receive and Investigate Reports Required Under the Protection of Children From Sexual Predators Act	1105-AA65
1885	Waiver for Firearm Prohibition On Non-Immigrant Visa Holders	1105-AA66

Legal Activities—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1886	Federal Claims Collection Standards (FCCS)	1105-AA31
1887	Implementation of Sections 104 and 109 of the Communications Assistance for Law Enforcement Act	1105-AA39
1888	Civil Monetary Penalties Inflation Adjustment	1105-AA48
1889	Police Recruitment Program Guidelines	1105-AA58
1890	Whistleblower Protection for Federal Bureau of Investigation Employees	1105-AA60

Legal Activities—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1891	Criminal Fines Enforcement	1105-AA16
1892	Violent Crime and Drug Emergency Areas	1105-AA29
1893	False Claims Amendments Act of 1986—Civil Investigative Demands	1105-AA42
1894	Federal Convicted Offender DNA Database Program	1105-AA52

Legal Activities—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1895	Radiation Exposure Compensation Act: Evidentiary Requirements; Definitions and Number of Times Claims May Be Filed	1105-AA49
1896	Guidelines for Megan's Law and the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act	1105-AA50

Office of Justice Programs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1897	Grants to Combat Violence Against Women on Campuses	1121-AA49
1898	Public Safety Officers' Educational Assistance Program	1121-AA51

Office of Justice Programs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1899	Grants Program for Indian Tribes	1121-AA41
1900	Juvenile Accountability Incentive Block Grants	1121-AA46
1901	Bulletproof Vest Partnership Grant Act of 1998	1121-AA48
1902	Timing of Police Corps Reimbursements of Educational Expenses	1121-AA50

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

Proposed Rule Stage

1713. POSTSECONDARY EDUCATION PROGRAMS

Priority: Substantive, Nonsignificant

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

CFR Citation: 28 CFR 544

Legal Deadline: None

Abstract: This document provides for the operation of a postsecondary education program in which the inmate has the opportunity to participate in courses (other than courses which are part of a vocational or occupational education program which are appropriately administered through the Bureau's occupational education program) which have been determined to be appropriate under the institution's need for discipline, security, and good order. The inmate must possess a high school diploma or a GED, and the inmate is responsible for payment of any tuition either through personal funds, community resources, or other assistance available to the inmate.

Timetable:

Action	Date	FR Cite
NPRM	05/00/99	
NPRM Comment Period End	07/00/99	
Final Action	12/00/99	
Final Action Effective	01/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

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

Fax: 202 307-0828

RIN: 1120-AA25

1714. CORRESPONDENCE: EXCLUDABLE MAIL

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

Legal Deadline: None

Abstract: This document clarifies what are considered to be acceptable enclosures for general correspondence, defines excludable mail, i.e., mail which is suspected of containing a device which poses a threat to safety or which does not contain a return address, and establishes procedures for handling such excludable mail.

Timetable:

Action	Date	FR Cite
NPRM	05/00/99	
NPRM Comment Period End	07/00/99	
Final Action	12/00/99	
Final Action Effective	01/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

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

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Fax: 202 307-0828

RIN: 1120-AA65

1715. ADMINISTRATIVE REMEDY PROGRAM: EXCLUDED MATTERS

Priority: Substantive, Nonsignificant

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

CFR Citation: 28 CFR 542

Legal Deadline: None

Abstract: This document amends Bureau regulations on the Administrative Remedy Program to provide for the processing of certain requests or appeals which previously had been excluded. This amendment is intended to comply with provisions of the Prisoner Litigation Reform Act pertaining to exhaustion of available administrative remedies.

Timetable:

Action	Date	FR Cite
NPRM	05/00/99	
NPRM Comment Period End	07/00/99	

Action	Date	FR Cite
Final Action	11/00/99	
Final Action Effective	12/00/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

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

Fax: 202 307-0828

RIN: 1120-AA72

1716. VISITING REGULATIONS: PRIOR RELATIONSHIP

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 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 540.44

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

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

Fax: 202 307-0828

RIN: 1120-AA77

DOJ—BOP

Proposed Rule Stage

**1717. INMATE DISCIPLINE:
PROHIBITED ACTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 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 541.13**Legal Deadline:** None**Abstract:** This document amends the Bureau's regulations on inmate discipline by establishing prohibited acts addressing use of the telephone to further criminal activity, abuses of the telephone for other than criminal activity, and violations of the no-smoking policy.**Timetable:**

Action	Date	FR Cite
NPRM	02/25/99	64 FR 9432
NPRM Comment Period End	04/26/99	
Final Action	11/00/99	
Final Action Effective	12/00/99	

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

Fax: 202 307-0828

RIN: 1120-AA78**1718. OVER-THE-COUNTER (OTC)
MEDICATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4005; 18 USC 4045; 18 USC 4081 to 4082; 18 USC 4241 to 4247; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510**CFR Citation:** 28 CFR 549.30 to 549.31**Legal Deadline:** None**Abstract:** This document establishes procedures governing inmate access to Over-The-Counter (OTC) medications. Selected OTC medications are currently available to the inmate population through commissary purchase. The Bureau will continue to dispense OTC medications at sick call only if the

inmate does not already have the OTC medications and health services staff determine the inmate has an immediate medical need which needs to be addressed before the inmate's regularly scheduled commissary visit or that the inmate is without funds.

Timetable:

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

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

Fax: 202 307-0828

RIN: 1120-AA81**1719. FEDERAL PRISON INDUSTRIES,
INC. (FPI) STANDARDS AND
PROCEDURES WHICH FACILITATE
FPI'S ABILITY TO ACCOMPLISH ITS
MISSION****Priority:** Other Significant**Legal Authority:** 18 USC 4122; 18 USC 4124**CFR Citation:** 28 CFR 302**Legal Deadline:** None**Abstract:** This document codifies various Federal Prison Industries (FPI) standards and procedures which facilitate FPI's ability to accomplish its mission. These provisions include: Statement of purpose and scope; definition; a mission statement; roles and responsibilities of FPI's Board of Directors, Chief Executive Officer, Chief Operating Officer, and the Ombudsman; agency meeting procedures; inmate employment levels; provision of products as a mandatory source; provision of products as a preferential source; services to the commercial market; waiver and appeal procedures; pricing; and new product development or expansion.**Timetable:**

Action	Date	FR Cite
NPRM	01/07/99	64 FR 1082

Action	Date	FR Cite
NPRM Comment Period End	03/08/99	
NPRM Comment Period Reopened	03/10/99	64 FR 11821
Reopened Comment Period End	05/10/99	64 FR 11821

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is a statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.**Agency Contact:** Marianne Cantwell, Corporate Counsel, Department of Justice, Bureau of Prisons, Room 8017/400, 320 First Street NW., Washington, DC 20534
Phone: 202 514-6655
Fax: 202 307-0828**RIN:** 1120-AA84**1720. • INMATE COMMISSARY
ACCOUNT DEPOSIT PROCEDURES****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 18 USC 3621 to 3622; 18 USC 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; 18 USC 509 to 510; 31 USC 725**CFR Citation:** 28 CFR 506; 28 CFR 540.23; 28 CFR 540.51**Legal Deadline:** None**Abstract:** This document specifies how an inmate may receive funds from family, friends, and other sources. Any funds sent from family or friends will be sent directly to a centralized inmate commissary account for receipt and posting. Funds received from other sources such as tax refunds, dividends from stocks, or state benefits will be forwarded for deposit to the centralized inmate commissary account.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/99	
NPRM Comment Period End	07/00/99	

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Proposed Rule Stage

Action	Date	FR Cite
Final Action	10/00/99	
Final Action Effective	11/00/99	

Regulatory Flexibility Analysis

Required: No

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

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Fax: 202 307-0828

RIN: 1120-AA86

1721. • DRUG ABUSE TREATMENT PROGRAMS: DISINCENTIVES AND ENHANCED INCENTIVES**Priority:** Substantive, Nonsignificant

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

CFR Citation: 28 CFR 550**Legal Deadline:** None

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

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**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

Fax: 202 307-0828

RIN: 1120-AA88

1722. • SEARCHES OF HOUSING UNITS, INMATES, INMATE WORK AREAS, AND PERSONS OTHER THAN INMATES: ELECTRONIC DEVICES**Priority:** Substantive, Nonsignificant

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

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

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

Timetable:

Action	Date	FR Cite
NPRM	02/25/99	64 FR 9431
NPRM Comment Period End	04/26/99	
Final Action	07/00/99	
Final Action Effective	08/00/99	

Regulatory Flexibility Analysis

Required: No

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

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

Phone: 202 541-6655

Fax: 202 307-0828

RIN: 1120-AA90

1723. • OCCUPATIONAL EDUCATIONAL PROGRAMS**Priority:** Substantive, Nonsignificant

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

CFR Citation: 28 CFR 544**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	07/00/99	

Action	Date	FR Cite
NPRM Comment Period End	09/00/99	

Regulatory Flexibility Analysis

Required: No

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

Fax: 202 307-0828

RIN: 1120-AA92

1724. • CLASSIFICATION AND PROGRAM REVIEW**Priority:** Substantive, Nonsignificant

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

CFR Citation: 28 CFR 524; 28 CFR 571**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	08/00/99	
NPRM Comment Period End	10/00/99	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

Phone: 202 541-6655

Fax: 202 307-0828

RIN: 1120-AA93

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

Final Rule Stage

1725. VOLUNTEER COMMUNITY SERVICE PROJECTS
Priority: Info./Admin./Other

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 finalizes provisions for Volunteer Community Service Projects. A volunteer community service project is a project designed to provide for the public good which has been developed by local government or by a nonprofit charitable organization for approval by the Bureau.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/19/93	58 FR 5210
Final Action	05/00/99	
Final Action Effective	05/00/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

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

Fax: 202 307-0828

RIN: 1120-AA03

1726. INTENSIVE CONFINEMENT CENTERS
Priority: Info./Admin./Other

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

CFR Citation: 28 CFR 524.31 to 524.34

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/26/96	61 FR 18658
Final Action	05/00/99	
Final Action Effective	05/00/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

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

Fax: 202 307-0828

RIN: 1120-AA11

1727. 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	07/00/99	
Final Action Effective	08/00/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754,

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Phone: 202 514-6655

Fax: 202 307-0828

RIN: 1120-AA15

1728. INFECTIOUS DISEASES
Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4005; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 549

Legal Deadline: None

Abstract: This document finalizes regulations on the correctional management of tuberculosis, HIV, and hepatitis B.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/05/95	60 FR 52278
Interim Final Rule Comment Period End	12/04/95	
Final Action	08/00/99	
Final Action Effective	08/00/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

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

Fax: 202 307-0828

RIN: 1120-AA23

1729. 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

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Final Rule Stage

changes to the regulations on the Bureau's literacy program are made for the sake of clarification or simplification.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/26/97	62 FR 50791
Final Action	10/00/99	
Final Action Effective	10/00/99	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

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

1730. INMATE PERSONAL PROPERTY

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 3621; 18 USC 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081; 18 USC 4082; 18 USC 5006 to 5024; 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	05/00/99	
Final Action Effective	06/00/99	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

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

1731. 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	05/00/99	
Final Action Effective	06/00/99	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

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-AA49

1732. FEDERAL PRISON INDUSTRIES (FPI) WORK PROGRAM: DEPORTATION ORDERS

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 4126

CFR Citation: 28 CFR 345

Legal Deadline: None

Abstract: This document limits from consideration for any FPI assignment any inmate for whom a final order for deportation, removal, or exclusion has been issued. In addition, any inmate already in an FPI assignment who is currently under a final order for deportation, removal, or exclusion shall be removed immediately and shall be re-assigned to a non-FPI work assignment for which the inmate is eligible. Exceptions to these provisions

may be made in instances where the Attorney General has determined that the inmate cannot be removed from the United States because the designated country of removal will not accept the inmate's return.

Timetable:

Action	Date	FR Cite
NPRM	04/30/97	62 FR 23536
NPRM Comment Period End	06/30/97	
Final Action	05/00/99	
Final Action Effective	09/00/99	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

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

Fax: 202 307-0828

RIN: 1120-AA57

1733. INCOMING PUBLICATIONS: NUDITY AND SEXUALLY EXPLICIT MATERIAL OR INFORMATION

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; PL 104-208

CFR Citation: 28 CFR 540.70 to 540.72

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/06/96	61 FR 57568
Final Action	10/00/99	
Final Action Effective	10/00/99	

Regulatory Flexibility Analysis

Required: No

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Final Rule Stage

Small Entities Affected: No**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

Fax: 202 307-0828

RIN: 1120-AA59**1734. GOOD CONDUCT TIME****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 3568; 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 523**Legal Deadline:** None**Abstract:** This document notes the statutory requirements for the awarding of good conduct time, including the Bureau's consideration in instances where the inmate does not have a high school diploma or GED and is not making satisfactory progress toward earning a high school diploma or GED.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/27/97	62 FR 50786
Final Action	06/00/99	
Final Action Effective	06/00/99	

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

Fax: 202 307-0828

RIN: 1120-AA62**1735. DRUG ABUSE TREATMENT AND INTENSIVE CONFINEMENT CENTER PROGRAMS: EARLY RELEASE CONSIDERATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 3521 to 3528; 18 USC 3621; 18 USC 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4046; 18 USC 4081; 18 USC 4082;

18 USC 5006 to 5024; 18 USC 5039; 28 USC 848; 28 USC 509; 28 USC 510

CFR Citation: 28 CFR 524; 28 CFR 550**Legal Deadline:** None**Abstract:** This document adjusts criteria for receiving a sentence reduction under the drug abuse treatment program and the intensive confinement center program to demonstrate more clearly the discretion available to the Director of the Bureau of Prisons in making sentence reductions.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/15/97	62 FR 53690
Final Action	05/00/99	
Final Action Effective	05/00/99	

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

Fax: 202 307-0828

RIN: 1120-AA66**1736. VISITING: NOTIFICATION TO VISITORS****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 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510**CFR Citation:** 28 CFR 540.51**Legal Deadline:** None**Abstract:** This document requires that, in instances where a background investigation is necessary for a proposed visitor, the inmate is responsible for having a release authorization form mailed to the proposed visitor.**Timetable:**

Action	Date	FR Cite
NPRM	09/11/97	62 FR 47894
NPRM Comment Period End	11/10/97	
Final Action	04/00/99	
Final Action Effective	05/00/99	

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

Fax: 202 307-0828

RIN: 1120-AA67**1737. CORRESPONDENCE: RETURN ADDRESS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 551; 5 USC 552a; 18 USC 1791; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510**CFR Citation:** 28 CFR 540**Legal Deadline:** None**Abstract:** This document ensures that return address information on an envelope used for outgoing inmate correspondence will be completely and consistently filled out by the inmate.**Timetable:**

Action	Date	FR Cite
Final Action	05/00/99	
Final Action Effective	06/00/99	

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

Fax: 202 307-0828

RIN: 1120-AA69**1738. ACCEPTANCE OF DONATIONS****Priority:** Info./Admin./Other**Legal Authority:** 18 USC 3621; 18 USC 4001; 18 USC 4003; 18 USC 4042; 18 USC 4044; 28 USC 509 to 510**CFR Citation:** 28 CFR 504**Legal Deadline:** None**Abstract:** This document removes obsolete regulations concerning the acceptance of donations.

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Final Rule Stage

Timetable:

Action	Date	FR Cite
Final Action	06/00/99	
Final Action Effective	06/00/99	

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

Fax: 202 307-0828

RIN: 1120-AA71**1739. COST OF INCARCERATION FEE****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**CFR Citation:** 28 CFR 505**Legal Deadline:** None

Abstract: This document revises the Bureau's regulations to remove obsolete references and redundant provisions.

Timetable:

Action	Date	FR Cite
Final Action	05/00/99	
Final Action Effective	05/00/99	

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

Fax: 202 307-0828

RIN: 1120-AA75**1740. SMOKING/NO SMOKING AREAS****Priority:** Substantive, Nonsignificant

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; EO 13058

CFR Citation: 28 CFR 551.160 to 551.163

Legal Deadline: None

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

Timetable:

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

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

Fax: 202 307-0828

RIN: 1120-AA79**1741. VICTIM AND/OR WITNESS NOTIFICATION: STATE CUSTODY TRANSFERS****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined

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 551.150 to 551.151

Legal Deadline: None

Abstract: This document provides for notification when an inmate is transferred to a State or local detention facility for service of sentence.

Timetable:

Action	Date	FR Cite
Final Action	05/00/99	
Final Action Effective	05/00/99	

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

Fax: 202 307-0828

RIN: 1120-AA80**1742. ADMINISTRATIVE SAFEGUARDS FOR PSYCHIATRIC TREATMENT AND MEDICATION; MILITARY PRISONERS AND DISTRICT OF COLUMBIA CODE VIOLATORS****Priority:** Info./Admin./Other

Legal Authority: 10 USC 876b; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4005; 18 USC 4042; 18 USC 4045; 18 USC 4081 to 4082; 18 USC 4241 to 4247; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 549.43**Legal Deadline:** None

Abstract: This document amends the Bureau's regulations on involuntary psychiatric treatment and medication to conform with statutory authority pertaining to military prisoners and District of Columbia (DC) Code violators.

Timetable:

Action	Date	FR Cite
Final Action	05/00/99	
Final Action Effective	05/00/99	

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

Fax: 202 307-0828

RIN: 1120-AA83**1743. • DESIGNATION OF OFFENSES SUBJECT TO SEX OFFENDER RELEASE NOTIFICATION****Priority:** Substantive, Nonsignificant

Legal Authority: 18 USC 3565; 18 USC 2568 to 3569; 18 USC 3582; 18 USC 3621 to 3622; 18 USC 4001; 18 USC

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

CFR Citation: 28 CFR 571

Legal Deadline: None

Abstract: This document designates various offenses as sexual offenses for purposes of 18 USC 4042(c). The designations ensure that notifications can be made for military offenders, for District of Columbia Code offenders, and for these and other federal inmates with a sex offense in their criminal history.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/16/98	63 FR 69386
Final Action	08/00/99	
Final Action Effective	08/00/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

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

Fax: 202 307-0828

RIN: 1120-AA85

1744. • CIVIL CONTEMPT OF COURT COMMITMENTS

Priority: Info./Admin./Other

Legal Authority: 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 522

Legal Deadline: None

Abstract: This document amends regulations on civil contempt of court commitments to note the statutory

distinction between the order of service of a sentence for offenses committed before November 1, 1987, and those committed on or after November 1, 1987.

Timetable:

Action	Date	FR Cite
Final Action	05/00/99	
Final Action Effective	05/00/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

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

Fax: 202 307-0828

RIN: 1120-AA87

DEPARTMENT OF JUSTICE (DOJ)

Long-Term Actions

Bureau of Prisons (BOP)

1745. TELEPHONE REGULATIONS AND INMATE FINANCIAL RESPONSIBILITY

Priority: Info./Admin./Other

CFR Citation: 28 CFR 540

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/02/96	61 FR 90
Next Action	Undetermined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Roy Nanovic
Phone: 202 514-6655

RIN: 1120-AA39

DEPARTMENT OF JUSTICE (DOJ)

Completed Actions

Bureau of Prisons (BOP)

1746. BIRTH CONTROL, PREGNANCY, CHILD PLACEMENT, ABORTION

Priority: Info./Admin./Other

CFR Citation: 28 CFR 551.22 to 551.24

Completed:

Reason	Date	FR Cite
Final Action	02/25/99	64 FR 9429
Final Action Effective	02/25/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Roy Nanovic
Phone: 202 514-6655
Fax: 202 307-0828

RIN: 1120-AA31

1747. CLASSIFICATION AND PROGRAM REVIEW: TEAM MEETINGS

Priority: Substantive, Nonsignificant

CFR Citation: 28 CFR 524

Completed:

Reason	Date	FR Cite
Final Action	02/25/99	64 FR 9428
Final Action Effective	02/25/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Roy Nanovic
Phone: 202 514-6655
Fax: 202 307-0828

RIN: 1120-AA64

1748. INMATE WORK AND PERFORMANCE PAY: WORK EVALUATION

Priority: Substantive, Nonsignificant

CFR Citation: 28 CFR 545.26

Completed:

Reason	Date	FR Cite
Final Action	12/07/98	63 FR 67560
Final Action Effective	12/07/98	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Roy Nanovic
Phone: 202 514-6655
Fax: 202 307-0828

RIN: 1120-AA74

DOJ—BOP

Completed Actions

1749. INMATE RECREATION PROGRAMS AND MANUSCRIPTS**Priority:** Info./Admin./Other**CFR Citation:** 28 CFR 544; 28 CFR 551**Completed:**

Reason	Date	FR Cite
Withdrawn	02/02/99	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Roy Nanovic

Phone: 202 514-6655

Fax: 202 307-0828

RIN: 1120-AA76**DEPARTMENT OF JUSTICE (DOJ)
Civil Rights Division (CRT)**

Proposed Rule Stage

1750. 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**Legal Authority:** 20 USC 1682 et seq**CFR Citation:** 28 CFR 54 (New)**Legal Deadline:** None

Abstract: On June 17, 1980, the Department published a proposed regulation to implement the requirements of title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of an individual's sex in federally assisted educational programs. That regulation was never issued in final form. As a result of subsequent statutory amendments, it is necessary to revise the prior proposed title IX regulation and begin a new rulemaking process. The Department's regulation will be published as a common rule with other agencies that need title IX regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/99	
NPRM Comment Period End	06/00/99	

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

Agency Contact: Merrily A. Friedlander, Chief, Coordination and Review Section, Department of Justice, Civil Rights Division, P.O. Box 66560, Washington, DC 20035-6560

Phone: 202 307-2222

TDD: 202 307-2678

Fax: 202 307-0595

RIN: 1190-AA28**1751. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 5 USC 301; 28 USC 509; 28 USC 510; 42 USC 12186(b)**CFR Citation:** 28 CFR 36**Legal Deadline:** None

Abstract: In 1991, the Department of Justice published regulations to implement title III of the Americans with Disabilities Act of 1990 (ADA). Those regulations include the ADA Standards for Accessible Design, which establish requirements for the design and construction of accessible facilities that are consistent with the ADA Accessibility Guidelines (ADAAG) published by the Architectural and Transportation Barriers Compliance Board (Access Board). In the time since the regulations became effective, the Department of Justice and the Access Board have each gathered a great deal of information regarding the implementation of the Standards. The Access Board is currently in the

process of revising ADAAG, and it expects to publish a Notice of Proposed Rulemaking (NPRM) in 1998. In order to maintain consistency between ADAAG and the ADA Standards, the Department anticipates reviewing its ADA regulations during fiscal year 1999. In addition to maintaining the consistency between ADAAG and the Standards, the purpose of these revisions will be to more closely coordinate with voluntary standards, to clarify areas which, through inquiries and comments to the Department's technical assistance phone lines, have been shown to cause confusion, and to reflect evolving technologies in areas affected by the Standards.

Timetable:

Action	Date	FR Cite
NPRM	09/00/99	
NPRM Comment Period End	11/00/99	

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

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

Phone: 800 514-0301

TDD: 202 307-1198

Fax: 800 514-0383

RIN: 1190-AA44

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

Final Rule Stage

1752. 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 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 (ADA Standards) -- 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 (ADAAG) by the Architectural and Transportation Barriers Compliance Board (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	09/00/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: 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

1753. 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	09/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local

Agency Contact: John L. Wodatch, Chief, Disability Rights Section, Department of Justice, Civil Rights Division, P.O. Box 66738, Washington, DC 20035-6738
 Phone: 800 514-0301
 TDD: 800 514-0383
 Fax: 202 307-1198
RIN: 1190-AA36

1754. 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 public 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	07/22/96	61 FR 37964
NPRM Comment Period End	10/21/96	
Final Action	06/00/99	

Regulatory Flexibility Analysis Required: No

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

DOJ—CRT

Final Rule Stage

Phone: 800 514-0301
TDD: 800 514-0383

Fax: 202 307-1198
RIN: 1190-AA38

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

Long-Term Actions

**1755. AMENDMENT TO
NONDISCRIMINATION IN FEDERALLY
ASSISTED PROGRAMS AND
ACTIVITIES—IMPLEMENTATION OF
TITLE VI OF THE CIVIL RIGHTS ACT
OF 1964**

Priority: Other Significant

CFR Citation: 28 CFR 42.101 to 42.112

Timetable: Next Action Undetermined

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: Federal

Agency Contact: Merrily A.
Friedlander

Phone: 202 307-2222
TDD: 202 307-2678
Fax: 202 307-0595
RIN: 1190-AA31

**1756. AMENDMENT TO
COORDINATION OF ENFORCEMENT
OF NONDISCRIMINATION IN
FEDERALLY ASSISTED PROGRAMS—
IMPLEMENTATION OF TITLE VI OF
THE CIVIL RIGHTS ACT OF 1964**

Priority: Other Significant

CFR Citation: 28 CFR 42.401 to 42.415

Timetable: Next Action Undetermined

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: Federal

Agency Contact: Merrily A.
Friedlander

Phone: 202 307-2222

TDD: 202 307-2678

Fax: 202 307-0595

RIN: 1190-AA32

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

Completed Actions

**1757. IMPLEMENTATION OF THE
PROVISIONS OF THE VOTING RIGHTS
ACT REGARDING LANGUAGE
MINORITY GROUPS**

Priority: Substantive, Nonsignificant

CFR Citation: 28 CFR 55

Completed:

Reason	Date	FR Cite
Withdrawn by Program Office	02/01/99	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: State,
Local

Agency Contact: David H. Hunter
Phone: 202 307-2898
Fax: 202 307-3961
Email: david.h.hunter@usdoj.gov

RIN: 1190-AA39

**1758. NONDISCRIMINATION ON THE
BASIS OF DISABILITY IN PUBLIC
ACCOMMODATIONS AND
COMMERCIAL FACILITIES
(DETECTABLE WARNINGS)**

Priority: Substantive, Nonsignificant

CFR Citation: 28 CFR 36

Completed:

Reason	Date	FR Cite
Final Action	11/23/98	63 FR 64836
Final Action Effective	12/23/98	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Agency Contact: John L. Wodatch

Phone: 800 514-0301

TDD: 202 307-1198

Fax: 800 514-0383

RIN: 1190-AA45

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

Proposed Rule Stage

**1759. GUIDELINES FOR PROVIDING
CONTROLLED SUBSTANCES TO
OCEAN VESSELS**

Priority: Substantive, Nonsignificant

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

Legal Authority: 21 USC 871(b)

CFR Citation: 21 CFR 1301.28

Legal Deadline: None

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

proposed rulemaking and DEA's experience with the existing procedures and practices for supplying controlled substances to ocean vessels.

Timetable:

Action	Date	FR Cite
ANPRM	09/18/96	61 FR 49086
ANPRM Comment Period End	11/18/96	
NPRM	09/00/99	

DOJ—DEA

Proposed Rule Stage

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA Number 142N

Agency Contact: Patricia M. Good, Chief, Department of Justice, Drug Enforcement Administration, Liaison and Policy Office of Diversion Control, Washington, DC 20537
Phone: 202 307-7297
Fax: 202 307-8570

RIN: 1117-AA40**1760. SALE BY FEDERAL DEPARTMENTS OR AGENCIES OF CHEMICALS USABLE TO MANUFACTURE A CONTROLLED SUBSTANCE****Priority:** Other Significant**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b); 21 USC 880; 21 USC 958(f); 21 USC 965**CFR Citation:** 21 CFR 1310; 21 CFR 1316**Legal Deadline:** None

Abstract: DEA is proposing to amend its regulations to provide that a Federal department or agency may not sell from the stocks of the department or agency any chemical which could be used in the manufacture of a controlled substance unless the Administrator of DEA certifies in writing to the head of the department or agency that there is no reasonable cause to believe that the sale of the chemical would result in

the illegal manufacture of a controlled substance. The proposed rulemaking provides regulatory guidelines and establishes a procedure for prospective bidder and/or broker to appeal if they are aggrieved by DEA's failure to provide such certification.

Timetable:

Action	Date	FR Cite
NPRM	09/00/99	

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

Agency Contact: Patricia M. Good, Chief, Department of Justice, Drug Enforcement Administration, Liaison and Policy Office of Diversion Control, Washington, DC 20537
Phone: 202 307-7297
Fax: 202 307-8570

RIN: 1117-AA47

DEPARTMENT OF JUSTICE (DOJ)

Final Rule Stage

Drug Enforcement Administration (DEA)

1761. DEFINITION AND REGISTRATION OF DISPOSERS**Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 871(b); 21 USC 875; 21 USC 877**CFR Citation:** 21 CFR 1301**Legal Deadline:** None

Abstract: In years past, most pharmaceutical manufacturers and wholesalers, as a service to their customers, accepted returns of outdated/damaged merchandise. Also, agencies such as DEA and state Boards of Pharmacy accepted surrendered drugs or witnessed their disposal by controlled substance registrants. Over the past several years, environmental concerns and regulations have eliminated many of the disposal options which had been available. As a result, drug producers and government agencies alike are increasingly reluctant to be involved in the disposal process. Due to these factors and the time and resources expended by DEA and manufacturers, DEA is proposing the establishment of this essential link in the legitimate distribution chain.

Timetable:

Action	Date	FR Cite
NPRM	08/23/95	60 FR 43732
NPRM Comment Period End	10/23/95	
Final Action	09/00/99	

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

Agency Contact: Patricia M. Good, Chief, Department of Justice, Drug Enforcement Administration, Liaison and Policy Office of Diversion Control, Washington, DC 20537
Phone: 202 307-7297
Fax: 202 307-8570

RIN: 1117-AA19**1762. EXEMPTION OF CHEMICAL MIXTURES****Priority:** Other Significant**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b)**CFR Citation:** 21 CFR 1310**Legal Deadline:** None

Abstract: The Domestic Chemical Diversion Control Act of 1993 removed the exemption from regulation for

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

Timetable:

Action	Date	FR Cite
NPRM	09/16/98	63 FR 49506
NPRM Comment Period Extended to 04/16/99	02/12/99	64 FR 7144
NPRM Comment Period End	02/15/99	
Final Action	09/00/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Additional Information:** DEA-137

DOJ—DEA

Final Rule Stage

Agency Contact: Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control
Phone: 202 307-7183
RIN: 1117-AA31

1763. REGISTRATION AND REREGISTRATION APPLICATION FEES

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 802; 21 USC 821; 21 USC 822; 21 USC 871(b)

CFR Citation: 21 CFR 1301

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Final Rule Republished for Further Comment	12/30/96	61 FR 68624
Comment Period End	03/31/97	
Final Action	09/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: DEA Number 140P

Agency Contact: Patricia M. Good, Chief Liaison, Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control
Phone: 202 307-7297
Fax: 202 307-8570
RIN: 1117-AA34

1764. 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

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	12/18/96	61 FR 66637
NPRM Comment Period End	02/28/97	
Final Action	09/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: DEA Number 143P

Agency Contact: Patricia M. Good, Chief, Department of Justice, Drug Enforcement Administration, Liaison and Policy Office of Diversion Control, Washington, DC 20537
Phone: 202 307-7297
Fax: 202 307-8570

RIN: 1117-AA36

1765. LISTED CHEMICALS; PROPOSED THRESHOLDS FOR IODINE AND HYDROCHLORIC GAS (HYDROGEN CHLORIDE GAS)

Priority: Substantive, Nonsignificant

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

CFR Citation: 21 CFR 1310

Legal Deadline: None

Abstract: The Comprehensive Methamphetamine Control Act of 1996 (MCA) establishes that, effective October 3, 1996, Iodine (in its pure crystal form; mixtures such as tincture of iodine and other household products remain exempt from regulation) and Hydrochloric Gas are List II chemicals under the Controlled Substances Act (CSA). The inclusion of these chemicals under the CSA requires that each regulated person must keep records and make reports as specified in title 21,

Code of Federal Regulations part 1310. The MCA applied the recording and reporting requirements to all transactions involving Iodine and Hydrochloric Gas.

This notice proposes to establish a domestic threshold of 0.4 kilograms for iodine, thus providing an exemption for transactions below this level, which would include the vast majority of retail sales. Legitimate commerce in Hydrochloric Gas consists almost exclusively of large volume transactions to commercial customers. However, clandestine methamphetamine laboratories often make use of small volumes of this gas, and, therefore, an effective threshold could not be established. In those rare cases where legitimate users purchase small quantities, principally for research or scientific purposes, the recordkeeping and reporting requirements will apply only to the distributor; the purchasers will not be subject to the requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/30/97	62 FR 51072
NPRM Comment Period End	12/01/97	
Final Action	09/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: DEA-156P

Agency Contact: Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control
Phone: 202 307-7183
Fax: 202 307-8570
RIN: 1117-AA43

1766. IMPLEMENTATION OF THE METHAMPHETAMINE CONTROL ACT; REGULATION OF PSEUDOEPHEDRINE, PHENYLPROPANOLAMINE, AND COMB. EPHEDRINE DRUG PRODUCTS; REPORTS OF CERTAIN TRANSACTIONS TO NON-REGUL. PERSONS

Priority: Other Significant

Legal Authority: 21 USC 802; 21 USC 821 TO 824; 21 USC 830; 21 USC 871(b); 21 USC 875; 21 USC 877; 21 USC 951; 21 USC 958

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

DOJ—DEA

Final Rule Stage

Legal Deadline: None

Abstract: DEA is proposing to amend its regulations to implement the requirements of the Comprehensive Methamphetamine Control Act of 1996 (MCA) establishing pseudoephedrine, phenylpropanolamine, and combination ephedrine drug products as List I chemicals, and the MCA requirement that reports be submitted for certain distributions to nonregulated persons involving pseudoephedrine, phenylpropanolamine, and ephedrine, including drug products containing those chemicals. The MCA establishes pseudoephedrine, phenylpropanolamine, and combination ephedrine products as regulated List I chemicals, and requires that reports of certain distributions to nonregulated persons be reported each month.

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

Timetable:

Action	Date	FR Cite
NPRM	10/07/97	62 FR 52294
NPRM Comment Period End	12/08/97	
Final Action	09/00/99	

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

Agency Contact: Patricia M. Good, Chief, Department of Justice, Drug Enforcement Administration, Liaison and Policy Office of Diversion Control, Washington, DC 20537
Phone: 202 307-7297
Fax: 202 307-8570

RIN: 1117-AA44**1767. TEMPORARY EXEMPTION FROM CHEMICAL REGISTRATION FOR DISTRIBUTORS OF PSEUDOEPHEDRINE AND PHENYLPROPANOLAMINE AND PRODUCTS****Priority:** Info./Admin./Other

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

Legal Authority: 21 USC 802; 21 USC 821; 21 USC 823; 21 USC 824; 21 USC 830; 21 USC 817(b); 21 USC 875; 21 USC 877; 21 USC 958

CFR Citation: 21 CFR 1309; 21 CFR 1310

Legal Deadline: None

Abstract: Pursuant to the MCA effective October 3, 1997 persons who distribute pseudoephedrine and phenylpropanolamine drug products shall be subject to the chemical registration requirement. To avoid interruption in the legitimate distribution of the drug products pending promulgation of final regulations DEA is amending its regulations to provide certain temporary exemptions from the registration requirement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/17/97	62 FR 53959
Final Action	09/00/99	

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

Agency Contact: Patricia M. Good, Chief, Department of Justice, Drug Enforcement Administration, Liaison and Policy Office of Diversion Control, Washington, DC 20537
Phone: 202 307-7297
Fax: 202 307-8570

RIN: 1117-AA46**1768. ANHYDROUS HYDROGEN CHLORIDE: CATEGORIES OF DISTRIBUTION REGARDED AS NONREGULATED****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 Comprehensive Methamphetamine Control Act of 1996 established hydrogen chloride as a List II chemical. In response to comments submitted in connection with DEA's proposed rulemaking to establish a threshold for hydrogen chloride, DEA has determined that regulation of certain types of transactions involving hydrogen chloride is unnecessary for purposes of enforcement of the chemical controls under the Controlled Substances Act. However, exempting the transactions from regulation could not be accomplished through the system of thresholds. This rulemaking will exempt the transactions from the definition of Regulated Transaction, thus removing them from regulation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/99	

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

Additional Information: Related to RIN 1117-AA43/DEA-156F Assigned DEA-177I

Agency Contact: Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control
Phone: 202 307-7183
Fax: 202 307-8570

RIN: 1117-AA48**1769. SPECIAL SURVEILLANCE LIST OF CHEMICAL, PRODUCTS, MATERIALS AND EQUIPMENT****Priority:** Substantive, Nonsignificant

Legal Authority: PL 104-237, sec 205 Comp. Methamphetamine Control Act of 1996

CFR Citation: None**Legal Deadline:** None

Abstract: On October 3, 1996, the Comprehensive Methamphetamine Control Act of 1996 (MCA) (PL 104-237) was signed into law. The MCA

DOJ—DEA

Final Rule Stage

provides for a civil penalty of not more than \$250,000 for the distribution of a laboratory supply to a person who uses, or attempts to use, that laboratory supply to manufacture a controlled substance or a listed chemical, if that distribution was made with reckless disregard for the illegal uses to which such laboratory supply will be put. The MCA defines the term "laboratory supply" as "a listed chemical or any chemical, substance, or item on a special surveillance list published by the Attorney General which contains chemicals, products, materials, or equipment used in the manufacture of controlled substances and listed chemicals." The MCA further establishes that there is a rebuttable presumption of reckless disregard at trial if a firm is notified in writing that a laboratory supply sold by the firm has been used by a customer of the notified firm, or distributed further by that customer, for the unlawful production of controlled substances or

listed chemicals and that firm continues to distribute a laboratory supply to the customer. In developing the Special Surveillance List, the DEA consulted with both Federal and State/local law enforcement and forensic laboratory authorities. DEA also considered the legitimate uses and markets for these chemicals and materials.

Although the Special Surveillance List applies to all individuals and firms which distribute the laboratory supplies on the list, there are no record keeping or reporting requirements imposed on these firms. Additionally, the number of chemicals has been limited to those most frequently used in the illicit production of controlled substances. Thus the Special Surveillance List will have a negligible impact on affected parties. The notice informs individuals and firms of the potential use of the items on the list for the production of controlled substances and listed

chemicals and it also advises them that civil penalties may be imposed on them if they continue to distribute one or more of the items listed to a person after receiving notification from the DEA that the person has used or distributed the item for use in an illicit laboratory.

Timetable:**Special Surveillance List Notice**

Publication of Notice for Comment
12/01/98 (63 FR 66199)
Comment Period End 12/31/98
Publication of Final Notice 09/00/99

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

RIN: 1117-AA49

DEPARTMENT OF JUSTICE (DOJ)

Proposed Rule Stage

Executive Office for Immigration Review (EOIR)

1770. AUTHORITY OF IMMIGRATION JUDGES TO ISSUE CIVIL MONEY PENALTIES

Priority: Other Significant

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 1; 8 CFR 3

Legal Deadline: None

Abstract: This rule proposes to amend the regulations by implementing the statutory authority given to Immigration Judges to sanction by civil money penalty any action or inaction in contempt of the Judge's proper exercise of authority. This statutory authority is

derived from section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. 104-208 (IIRIRA), signed by President Clinton on September 30, 1996. This rule sets forth the types of conduct for which civil money penalty sanctions may be imposed, the procedures for imposing these sanctions, the affirmative defenses which may excuse the imposition of a civil money penalty sanction, and the procedures for appealing such sanctions. The rule also adds an additional ground for disciplinary sanctions under 8 CFR section 3.52 for engaging in a pattern and practice of conduct which has been found to be in contempt of the Immigration Judge's proper exercise of authority. In addition, this rule amends

the definition of "Immigration Judge" in part 1 to reflect the new definition in section 371(a) of IIRIRA.

Timetable:

Action	Date	FR Cite
NPRM	06/00/99	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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
Fax: 703 305-0443

RIN: 1125-AA18

DEPARTMENT OF JUSTICE (DOJ)

Final Rule Stage

Executive Office for Immigration Review (EOIR)

1771. 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

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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 was 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 practice before the INS.

Timetable:

Action	Date	FR Cite
NPRM	01/20/98	63 FR 2901
NPRM Comment Period End	03/23/98	
Final Action	06/00/99	

Regulatory Flexibility Analysis Required: No**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

1772. RULES OF PRACTICE AND PROCEDURE FOR ADMINISTRATIVE HEARINGS BEFORE ADMINISTRATIVE LAW JUDGES**Priority:** Substantive, Nonsignificant

Legal Authority: 5 USC 301; 5 USC 554; 8 USC 1103; 8 USC 1324a; 8 USC 1324b; 8 USC 1324c

CFR Citation: 28 CFR 68.1 to 54**Legal Deadline:** None

Abstract: The Illegal Immigration Reform and Immigrant Responsibility

Act (IIRIRA), enacted on September 30, 1996, amends the employer sanctions, unfair immigration-related employment practices and document fraud sections of the Immigration and Nationality Act (INA) in several ways (sections 274A, 274B and 274C of the INA, respectively). The Debt Collection Improvement Act mandates that the civil penalties in each of these three sections of the INA be adjusted to reflect inflation. Finally, the Office of the Chief Administrative Hearing Officer has examined its regulations and is making various changes perceived as necessary in light of case-by-case experience since the 1991 amendments to its regulations. All of the changes to the OCAHO regulations set forth herein are designed to make the regulations comport with one of the aforementioned statutes, clarify an existing ambiguity, and/or similarly contribute to the fair and efficient administration of sections 274A, 274B and 274C of the INA.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/12/99	64 FR 7066
Interim Final Rule Effective	03/15/99	
Interim Final Rule Comment Period End	04/13/99	
Final Rule	03/00/00	

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

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-AA17

1773. ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE**Priority:** Substantive, Nonsignificant

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

CFR Citation: 8 CFR 245**Legal Deadline:** None

Abstract: On July 23, 1997, the Service published an interim rule with request for comment (62 FR 39417) concerning adjustment of status applications filed pursuant to section 245(i) of the Act. This interim rule amends the date by

which aliens must file and pay for their applications for adjustment of status pursuant to section 245(i) of the Immigration and Nationality Act. Such applications are adjudicated by the Executive Office for Immigration Review, including the Board of Immigration Appeals and the Immigration Courts, or the Immigration and Naturalization Service (Service). This rule also clarifies the procedure for paying for such adjustment applications when filed in conjunction with motions to reopen or reconsider.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/22/97	62 FR 55152
Interim Final Rule Comment Period End	12/23/97	
Final Rule	07/00/99	

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

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
Fax: 703 305-0443

RIN: 1125-AA20

1774. BOARD OF IMMIGRATION APPEALS: STREAMLINING**Priority:** Substantive, Nonsignificant

Legal Authority: 5 USC 301; 8 USC 1103; 8 USC 1252 note; 8 USC 1252b; 8 USC 1324b; 8 USC 1362; 28 USC 509; 28 USC 510; 28 USC 1746; Reorg. Plan No. 2 of 1950, sec. 2; 3 CFR, 1949 to 1953, Comp. p 1002; PL 105-100, sec 203

CFR Citation: 8 CFR 3**Legal Deadline:** None

Abstract: This proposed rule would establish a streamlined appellate review procedure for the Board of Immigration Appeals. The proposed rule is in response to the enormous and unprecedented increase in the number of appeals being filed with the Board. The rule recognizes that in a significant number of the cases the Board decides, the result reached by the adjudicator below is correct and will not be changed on appeal. In these cases, a single permanent Board Member will be given authority to review the record

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and affirm the result reached below without issuing an opinion in the case. This procedure will promote fairness by enabling the Board to render decisions in a more timely manner, while allowing it to concentrate its resources primarily on those cases in which the decision below may be incorrect, or where a new or significant legal or procedural issue is presented. In addition, the proposed rule provides that a single Board Member or the Chief Attorney Examiner may adjudicate certain additional types of cases, motions, or other procedural or ministerial appeals, where the result is clearly dictated by the statute, regulations, or precedent decisions.

Timetable:

Action	Date	FR Cite
NPRM	09/14/98	63 FR 49043
NPRM Comment Period End	11/13/98	
Final Action	06/00/99	

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

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
Fax: 703 305-0443

RIN: 1125-AA22**1775. • SUSPENSION OF DEPORTATION AND CANCELLATION OF REMOVAL****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1224 to 1227; 8 USC 1251 to 1252; 8 USC 1362; PL 105-100, sec 202**CFR Citation:** 8 CFR 240**Legal Deadline:** None

Abstract: This rule amends the regulations of the Executive Office for Immigration Review and the Immigration and Naturalization Service by eliminating the conditional grant process at 8 CFR 240.21, and establishing a permanent procedure for processing suspension of deportation and cancellation of removal cases. This rule is necessary to implement the

numerical limitation on suspension of deportation and cancellation of removal and adjustment of status imposed by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and the Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA).

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/98	63 FR 52134
Final Action	06/00/99	

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

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

Agency Contact: 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
Fax: 703 305-0443

RIN: 1125-AA25

DEPARTMENT OF JUSTICE (DOJ)

Completed Actions

Executive Office for Immigration Review (EOIR)

1776. RULES CONCERNING CONDITIONAL PERMANENT RESIDENCE FOR ALIEN ENTREPRENEURS IN DEPORTATION PROCEEDINGS**Priority:** Substantive, Nonsignificant**CFR Citation:** 8 CFR 3**Completed:**

Reason	Date	FR Cite
Withdrawn	02/01/99	

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

Agency Contact: Margaret M. Philbin
Phone: 703 305-0470

RIN: 1125-AA02**1777. CONDITIONAL GRANTS OF SUSPENSION OF DEPORTATION AND CANCELLATION OF REMOVAL****Priority:** Substantive, Nonsignificant**CFR Citation:** 8 CFR 240**Completed:**

Reason	Date	FR Cite
Withdrawn - Superseded by RIN 1125-AA25	09/30/98	

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

Agency Contact: Margaret M. Philbin
Phone: 703 527-0470

RIN: 1125-AA19**1778. MOTION TO REOPEN: SUSPENSION OF DEPORTATION AND CANCELLATION OF REMOVAL****Priority:** Substantive, Nonsignificant**CFR Citation:** 8 CFR 3**Completed:**

Reason	Date	FR Cite
Final Action	03/22/99	64 FR 13663
Final Action Effective	03/22/99	

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

Agency Contact: Margaret M. Philbin
Phone: 703 305-0470
Fax: 703 305-0443

RIN: 1125-AA23

DEPARTMENT OF JUSTICE (DOJ)

Prerule Stage

Immigration and Naturalization Service (INS)

1779. • SPECIAL IMMIGRANT JUVENILE PETITIONS**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 USC 1641**CFR Citation:** 8 CFR 204**Legal Deadline:** None**Abstract:** Advance notice of proposed rulemaking announces the intent of the

Immigration and Naturalization Service promulgate regulations relating to special immigrant juveniles and solicits recommendations from interested persons and entities.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Additional Information:** INS No. 1948-98**Agency Contact:** Ann Palmer, Adjudications Officer, Office of Adjudications, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536
Phone: 202 514-3228**RIN:** 1115-AF35

DEPARTMENT OF JUSTICE (DOJ)

Proposed Rule Stage

Immigration and Naturalization Service (INS)

1780. REVISED GROUNDS OF INADMISSIBILITY, WAIVERS FOR IMMIGRANTS AND NONIMMIGRANTS, AND EXCEPTIONS**Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1157; 8 USC 1158; 8 USC 1159; 8 USC 1160; 8 USC 1182; 8 USC 1183; 8 USC 1184**CFR Citation:** 8 CFR 103; 8 CFR 207; 8 CFR 208; 8 CFR 209; 8 CFR 210; 8 CFR 212; 8 CFR 214; 8 CFR 232; 8 CFR 235; 8 CFR 240; 8 CFR 241; 8 CFR 245; 8 CFR 245a; 8 CFR 248; 8 CFR 249;

...

Legal Deadline: None**Abstract:** This regulation covers the grounds of inadmissibility applicable to those aliens seeking admission to the United States temporarily or permanently. On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) which substantially revised most grounds of inadmissibility under section 212 of the Act and the waivers available to both immigrants and nonimmigrants. The Immigration and Naturalization Service will publish regulations implementing these new grounds of inadmissibility and new/revised waiver provisions. In addition, this rule will incorporate the changes made to the grounds of inadmissibility and waivers provided

for in the Immigration Act of 1990 (IMMACT 90), Pub. L. 101-649; the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (MTINA), Pub. L. 102-232; the National Institutes of Health Revitalization Act of 1993, Pub. L. 103-43; the Immigration and Nationality Technical Corrections Act of 1991 (INTCA), Pub. L. 103-416; and the Anti-Terrorism and Effective Death Penalty Act of 1996 (AEDPA), Pub. L. 104-132.

Timetable:

Action	Date	FR Cite
NPRM (INS No. 1232) Comment Period End 2/5/90	01/05/90	55 FR 438
NPRM	05/00/99	
Final Action	12/00/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Additional Information:** INS No. 1413-92

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

8 CFR 274a, 8 CFR 299.

Agency Contact: Sophia Cox, Staff Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536
Phone: 202 514-4754**RIN:** 1115-AB45**1781. INSPECTION OF PERSONS APPLYING FOR ADMISSION****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 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
NPRM	12/22/92	57 FR 60741
NPRM Comment Period End	01/21/93	
2nd NPRM	10/00/99	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Federal**Additional Information:** INS No. 1512-92**Agency Contact:** Brenda Garland, Office of 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

DOJ—INS

Proposed Rule Stage

1782. UPDATE TO TRANSIT WITHOUT VISA (TWOV) LISTING**Priority:** Other Significant**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**CFR Citation:** 8 CFR 212**Legal Deadline:** None

Abstract: This interim rule amends regulations by removing the list of countries ineligible to participate in the Transit Without Visa (TWOV) Program at 212.1(f)(2) and (3). Instead, the Service proposes to publish and update future lists of countries ineligible to TWOV by FEDERAL REGISTER notice. The rule also establishes new criteria for determining countries whose nationals are ineligible for the TWOV program. This rule will allow the Service to waive the passport and visa requirement for citizens of former Soviet Socialist Republics and former Warsaw Pact countries who request transit privileges through the United States under the TWOV program. This rule proposes that the citizens of the following countries now restricted from using the TWOV program be allowed to apply for TWOV privileges: Albania, Armenia, Azerbaijan, Bulgaria, Croatia, the Czech Republic, Estonia, Georgia, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, The Former Yugoslav Republic of Macedonia, Moldova, Mongolia, Poland, Romania, Slovakia, Slovenia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, and Vietnam. This rule also makes citizens of certain other countries ineligible for TWOV privileges because of that country's past abuse of the TWOV program, high nonimmigrant visa refusal rate by the department of State, instability or insurrection, lack of reciprocity, high level of crime and/or narcotics production, state sponsor of terrorism, or restrictions imposed by the President of the United States because the entry of its citizens would be detrimental to the interests of the United States. Therefore the citizens of the following countries would be added to the list of countries restricted from using the TWOV program for the aforementioned reasons: Angola, Burma, Burundi, Central African Republic, Congo (Brazzaville), Nigeria, Sierra Leone, Somalia, and Sudan. Lastly, this rule amends the Service regulations to reflect changes to the Immigration and Nationality Act by the Illegal

Immigration Reform and Immigrant Responsibility Act of 1996 which changed section 238 of the Act to new section 233 of the Act.

Timetable:

Action	Date	FR Cite
NPRM	07/00/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Additional Information:** INS No. 1696-95

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

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

Phone: 202 514-3019

RIN: 1115-AD96

1783. EMPLOYMENT AUTHORIZATION DOCUMENT APPLICATIONS AND PROCESS**Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1324a; 8 CFR 2**CFR Citation:** 8 CFR 274a**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/99	
Final Action	08/00/00	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Federal

Additional Information: INS No. 1707-95 The employment authorization document (EAD) applications and process proposed rule has been pending for some time due to document reduction issues. The Service published a proposed rule (I-9) on 2/2/98 at 63 FR 5287. The remaining policy issues on the I-765 proposed rule are expected to be worked out during the next few months. With refocused resources, the Service is optimistic and is working to meet a December 1999 publication date for the I-765 proposed rule.

Agency Contact: Robert Wiemann, Staff Officer, Office of Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536

Phone: 202 353-8177

RIN: 1115-AE06

1784. INSPECTION OF PERSONS APPLYING FOR ADMISSION; TRANSIT WITHOUT VISA (TWOV) AND INTERNATIONAL-TO-INTERNATIONAL AGREEMENTS LIQUIDATED DAMAGES**Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1221; 8 USC 1228; 8 USC 1229**CFR Citation:** 8 CFR 231**Legal Deadline:** None

Abstract: This notice proposes that carriers must charge and collect a user fee from every International-to-International (ITI) passenger arriving in the United States, except those individuals exempted under section 286(e)(1) of the Immigration and Nationality Act (Act). Furthermore, this notice informs concerned parties that the Service shall increase to \$2500 from \$500 the amount of liquidated damages imposed on carriers for failure to timely transport any alien brought to the United States under the Immediate and Continuous Transit Agreement, better known as the Transit Without Visa (TWOV) Agreement, on Form I-426, or under the International-to-International (ITI) Agreement, formerly known as the Immediate and continuous Transit Agreement (with provisions for control of uninspected passengers and In-Transit Lounge Use) and also known as the In-Transit Lounge (ITL)

DOJ—INS

Proposed Rule Stage

Agreement. This notice also notifies carriers that the Service is amending both the TVOV and ITL Agreements.

Timetable:

Action	Date	FR Cite
NPRM	05/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Additional Information: INS No. 1757 Changes to section 235 by IIRIRA of 1996 requires regulations to be altered.

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Office of Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 4064, Washington, DC 20536
Phone: 202 616-7499

RIN: 1115-AE37

1785. DEFINITION OF THE TERM "LAWFULLY PRESENT" FOR PURPOSES OF ELIGIBILITY FOR PUBLIC BENEFITS

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; EO 12356; 47 FR 14874 to 15557; 3 CFR 1982 comp.; 8 CFR 2

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: Section 401(a) of the Personal Responsibility and Work Reconciliation Act of 1996 (PRWORA) provides that, with limited exceptions, only qualified aliens, as defined under section 431, may receive certain Federal public benefits. Section 401(b)(2) provides an exception which allows aliens who are "lawfully present in the United States" as determined by the Attorney General to receive Social Security benefits under title II of the Social Security Act. PRWORA, and other laws, use the term "lawfully present" in other benefit-related contexts as well.

The interim final rule published September 6, 1996 amended the Immigration and Naturalization Service (Service) regulations to define the term "an alien who is lawfully present in the United States" so that the Social Security Administration may determine which aliens are eligible for benefits under title II of the Social Security Act.

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/06/96	61 FR 47039
Interim Final Rule Comment Period End	11/05/96	
NPRM	07/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Federal

Additional Information: INS No. 1792-96

Agency Contact: Miriam Hetfield, Staff Officer, Office of Adjudications, Department of Justice, Immigration and Naturalization Service, 425 I Street, Room 3214, Washington, DC 20536
Phone: 202 514-5014

RIN: 1115-AE51

1786. CORPORATE REORGANIZATIONS (MERGERS AND ACQUISITIONS) AND E, H, L NONIMMIGRANT 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 1101; 8 USC 1102; 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 214.1(h)

Legal Deadline: None

Abstract: The Service solicits comments on establishing policy and administrative procedure for simplifying the processing of nonimmigrant temporary workers involved in mergers, acquisitions consolidations or other corporate restructurings. Streamlining Service Center procedures in this respect is in the public interest in light of increased

numbers of corporate reorganizations anticipated in the future.

Timetable:

Action	Date	FR Cite
NPRM	06/00/99	
Final Action	12/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: INS No. 1797-96

Agency Contact: Katherine A. Lorr, Staff Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536
Phone: 202 353-8177
Fax: 202 514-0198

RIN: 1115-AE55

1787. PETITION FOR EMPLOYMENT CREATION ALIENS

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 1183; 8 USC 1184; 8 USC 1186a; 8 USC 1186b; 8 USC 1201; 8 USC 1224; 8 USC 1225; 8 USC 1226

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

Legal Deadline: None

Abstract: The Service solicits comments on necessary policy and administrative procedure for resolving current regulatory concerns regarding immigrant investors. (INS No. 1798-98)

The Service will also solicit comments on proposed regulations for regional center participation in the Immigrant Investor who seek to invest in approved regional centers. This role is obtaining significant pre-clearance comment and is subject to the results of the agency's review of the Immigrant Investor Pilot Program. (INS No. 1969-98)

Timetable:

Action	Date	FR Cite
NPRM INS No. 1798-96	05/00/99	
Final Rule INS No. 1798-96	07/00/99	
NPRM INS No. 1969-98	08/00/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

DOJ—INS

Proposed Rule Stage

Government Levels Affected: None

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

Agency Contact: Katharine A. Lorr, Staff Officer, Office of Adjudications, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536
Phone: 202 353-8177
Fax: 202 514-0198

RIN: 1115-AE56**1788. FILING FACTUAL STATEMENTS ABOUT ALIEN PROSTITUTES****Priority:** Other Significant**Legal Authority:** 18 USC 2424; PL 104-208**CFR Citation:** 28 CFR 94**Legal Deadline:** None

Abstract: On September 30, 1996, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) was enacted. This law not only amended significant portions of title 8 of the United States Code, but also changed the provisions of title 18 United States Code (Crimes and Criminal Procedures). Because section 325 amends 18 USC, the Immigration and Naturalization Service will publish an implementing regulation dealing with the filing of statements by individuals who keep, maintain, control, support or harbor alien prostitutes.

Timetable:

Action	Date	FR Cite
NPRM (INS No. 1810-96)	12/00/99	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses**Government Levels Affected:** Federal**Additional Information:** INS No. 1810-96

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

Phone: 202 514-2998

RIN: 1115-AE60**1789. NONIMMIGRANT OVERSTAYS****Priority:** Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1201; 8 USC 1202; 8 USC 1221; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1258; 8 USC 1281; 8 USC 1282

CFR Citation: 8 CFR 214.2; 8 CFR 214.2(f); 8 CFR 236; 8 CFR 248

Legal Deadline: None

Abstract: On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). Section 632 of IIRIRA concerns authorized stay, voiding/cancellation of visas and eligibility for readmission to the United States as a nonimmigrant. The INS will amend current regulations to provide for the exclusion of nonimmigrants who have previously over stayed their nonimmigrant status in the United States to reflect the 3-year and 5-year bars to admission specified at section 222(g) of the Immigration and Nationality Act as amended by IIRIRA.

Timetable:

Action	Date	FR Cite
NPRM (INS No. 1812-96)	06/00/99	
Final Rule (INS No. 1812-96)	12/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None**Additional Information:** Re INS No. 1812-96

Agency Contact: Donna Crump, Staff Officer, Office of Adjudications, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536
Phone: 202 353-8177

RIN: 1115-AE62**1790. F-1 VISA ABUSERS AND FOREIGN STUDENTS****Priority:** Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1201; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1258; 8 USC 1362; PL 104-208

CFR Citation: 8 CFR 214.1; 8 CFR 214.2 (f); 8 CFR 214.3; 8 CFR 214.4; 8 CFR 221.1; 8 CFR 235; 8 CFR 236; 8 CFR 248

Legal Deadline: None

Abstract: On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The INS will amend current regulations governing F-1 foreign students and the schools authorized to enroll F-1 students. The purpose is to bar F-1 eligibility and status from attendance at a public elementary school and publicly funded adult education programs. In addition, this rulemaking will establish the reimbursement requirements and 12 month limit for F-1 eligibility and status to attend an INS approved public secondary school. The rulemaking will implement the statutorily mandated foreign student tracking provisions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/99	
Final Action	06/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None**Additional Information:** Re INS No. 1813-96

Agency Contact: Sophia Cox, Staff Officer, Office of Adjudications, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AE63**1791. EMPLOYMENT VERIFICATION BY EMPLOYERS THAT ARE MEMBERS OF A MULTI-EMPLOYER ASSOCIATION****Priority:** Other Significant

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

CFR Citation: 8 CFR 274a**Legal Deadline:** None

Abstract: On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). The INS will publish amendatory regulations regarding when an employer that is a member of a multi-employer association employing an individual

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under a collective bargaining agreement entered into between one or more employee organizations and the multi-employer association may rely upon a Form I-9 completed for the individual by a previous employer that is a member of the same multi-employer association.

Timetable:

Action	Date	FR Cite
NPRM	06/00/99	
Final Rule INS No. 1817-96	12/00/99	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: Re INS No. 1817-96; PL 104-208, title 4

Agency Contact: Marguerite Przbyski, Attorney, 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-AE67

1792. USE OF PAROLE FOR HUMANITARIAN REASON OR SIGNIFICANT PUBLIC BENEFIT AND REPORT TO CONGRESS

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1182

CFR Citation: 8 CFR 212

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

Abstract: Changes to the current regulations are necessitated by section 602 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. This section has reworded certain parole authority by stipulating parole on a case-by-case basis for urgent humanitarian reasons or significant public benefit. Furthermore, this section mandates a Report to Congress stating numbers of such parolees, commencing on January 1, 1998.

Timetable:

Action	Date	FR Cite
NPRM	05/00/99	
Final Action	10/00/99	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local, Tribal, Federal

Additional Information: INS No. 1840-97

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

Agency Contact: James Kicfer, Acting, Director Parole Unit, Office of Field Operations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 1000D, Washington, DC 20536

Phone: 202 305-2455

RIN: 1115-AE68

1793. COLLECTION OF FEES UNDER THE DEDICATED COMMUTER LANE PROGRAM, PORT PASSENGER ACCELERATED SERVICE SYSTEM (PORTPASS) PROGRAM

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 2869q; PL 104-208

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

Legal Deadline: None

Abstract: On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The INS will publish amendatory regulations to remove restrictions currently in place which will limit the locations where the Service can implement dedicated commuter lanes. In addition, the proposed rule will incorporate other projects designed to enhance border security and effective traffic management at Ports-of-Entry. Finally, the regulations may adjust the fee structure in order to administer these projects.

Timetable:

Action	Date	FR Cite
NPRM (INS No. 1820-96)	10/00/99	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: Re INS No. 1820-96; Pub. L. 104-208, title I.

Agency Contact: Thomas C. Campbell, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 I Street,

NW., Room 4214, Washington, DC 20536

Phone: 202 305-9246

RIN: 1115-AE71

1794. REGULATIONS PERTAINING TO BATTERED ALIENS AND TO MAIL ORDER BRIDE BUSINESSES, AS MANDATED BY IIRIRA

Priority: Substantive, Nonsignificant

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

CFR Citation: 8 CFR 204

Legal Deadline: None

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

INS No. 1845-97 is necessitated by the section 501 of IIRIRA, which provides certain types of public benefits for those aliens who have made a prima facie case for eligibility pursuant to the INS' interim rule on self-petitions by battered aliens, published at 61 FR 13061 (March 26, 1996; INS No. 1705-95). This new interim rule will define what constitutes a prima facie case.

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

The Service is currently working with DOJ on the Trafficking in People Task Force to develop a cohesive policy in this area.

Timetable:

Action	Date	FR Cite
ANPRM-INS No. 1838-97 Comments Due 09/15/97	07/16/97	62 FR 38041
Interim Rule-INS No. 1845-97	11/13/97	62 FR 60769
NPRM-INS No. 1838-97	05/00/99	
Final Rule-INS NO. 1845-97	06/00/99	
Final Rule-INS No. 1838-97	09/00/99	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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Additional Information: INS No. 1838-97 In addition, the Service was asked to conduct a study of mail-order managers. This report to Congress may impact the rule-making.

Agency Contact: Karen Fitzgerald, Staff Officer, Adjudications and Nationality, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536

Phone: 202 514-4754

RIN: 1115-AE77

1795. PUBLIC CHARGE BOND PILOT PROGRAM

Priority: Other Significant

Legal Authority: 8 USC 1183; PL 104-208

CFR Citation: 8 CFR 213

Legal Deadline: Final, Statutory, November 1999.

Abstract: This rule will amend the Immigration and Naturalization Service regulations by naming five district offices of the Service which will establish and conduct a pilot program to require aliens to post a bond in addition to the affidavit requirements under section 213A of the Immigration and Nationality Act and the deeming requirements under section 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. This rule will establish the criteria and procedures for certifying bonding companies for participation in the program and the debarment of any such company that fails to pay a bond. It will also establish the criteria for setting the amount of the bond. This rule will stipulate that the pilot program will terminate after 3 years of operation.

Timetable:

Action	Date	FR Cite
NPRM (INS No. 1843-97)	05/00/99	
Final Rule (INS No. 1843-97)	12/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: INS No. 1843-97; PL 104-208, title 5, Secs. 502 and 564.

Agency Contact: Miriam Hetfield, Staff Officer, Office of Examinations, Department of Justice, Immigration and

Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536
Phone: 202 514-4754

Lisa Roney, Policy Analyst, Office of Policy and Planning, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6052, Washington, DC 20536
Phone: 202 514-3242

RIN: 1115-AE78

1796. PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

Priority: Substantive, Nonsignificant

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

CFR Citation: 8 CFR 241

Legal Deadline: None

Abstract: This rule establishes an administrative process whereby criminal aliens in State custody convicted of nonviolent offenses may be deported prior to completion of their sentence to imprisonment pursuant to: section 241(a)(4)(B) of the Immigration and Nationality Act, as amended by section 438 of the Antiterrorism and Effective Death Penalty Act and section 305(a)(4)(B) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Timetable:

Action	Date	FR Cite
NPRM (INS No. 1848-97)	09/00/99	
Final Action (INS No. 1848-97)	05/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Federal

Additional Information: INS No. 1848-97

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

Phone: 202 514-2895

RIN: 1115-AE83

1797. CLARIFICATION OF AGE REQUIREMENTS FOR FINGERPRINTING NATURALIZATION APPLICANTS

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1443; 8 USC 1447; 8 CFR 2.1

CFR Citation: 8 CFR 316

Legal Deadline: None

Abstract: This proposed rule amends Immigration and Naturalization Service regulations relating to requirements for fingerprinting naturalization applicants. This rule is necessary to clarify the age at which naturalization applicants are required to be fingerprinted. The rule requires naturalization applicants 18 age or older to be fingerprinted in connection with their applications.

Timetable:

Action	Date	FR Cite
NPRM	10/00/99	
Final Rule	04/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: INS No. 1860-97

Agency Contact: Ann Palmer, Staff Officer, Office of Naturalization Operations, Department of Justice, Immigration and Naturalization Service, 801 I Street NW., Room 900, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AE86

1798. CONTROL OF ALIENS DEPARTING FROM THE UNITED STATES

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1104

CFR Citation: 8 CFR 215

Legal Deadline: None

Abstract: IIRIRA requires the Service to implement an arrival/departure management system by October 1, 1998. This regulation will implement that system by requiring that all aliens seeking to enter the United States on or after that date, unless otherwise exempted by Service regulation, be in possession of a machine readable travel document acceptable to the Service. The regulation will establish a

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requirement that every person seeking to depart from the United States must travel through a Service designated Port-of-Departure and must conform to Service procedures prior to or upon departure. The regulation also will establish penalties for persons who fail to comply with the requirements of the regulation.

Timetable:

Action	Date	FR Cite
NPRM	05/00/99	
NPRM Comment Period End	07/00/99	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: State, Local

Additional Information: INS No. 1869-97

Agency Contact: Andrew Taub, Assistant Chief Inspector, Office of Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 4064, Washington, DC 20536
Phone: 202 514-3019
Fax: 202 514-8345

RIN: 1115-AE89

1799. EN ROUTE INSPECTIONS AND REIMBURSEMENT FOR IMMIGRATION AND NATURALIZATION SERVICE COSTS

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1356(i)

CFR Citation: 8 CFR 235

Legal Deadline: None

Abstract: This rule amends the Immigration and Naturalization Service (Service) regulations to define an en route inspection. The rule will also notify all affected parties that the Service will begin to bill cruise ship, train, and bus lines or other modes of transportation, or their designated shipping agents or representatives, for all expenditures of government funds which the Service obligates in connection with the performance of en route inspections on board transportation carriers. This action is necessary in order for the Service to more accurately account for the costs associated with providing special immigration inspection services on an en route basis, and to ensure their full recoupment.

Timetable:

Action	Date	FR Cite
NPRM	09/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: INS No. 1784-96

Agency Contact: Catherine Paler-Amaya, Assistant Chief Inspector, Office of Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 4064, Washington, DC 20536
Phone: 202 514-3019

RIN: 1115-AE98

1800. CHANGE IN BUSINESS PRACTICES: NON-ACCEPTANCE OF CASH AS REMITTANCE FOR FEES AND APPLICATIONS IN IMMIGRATION AND NATURALIZATION SERVICES OFFICES

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 5103; 31 USC 4(c)(1)

CFR Citation: 8 CFR 103.7

Legal Deadline: None

Abstract: This rule amends the Immigration and Naturalization Service (Service) regulations that govern payment methods for fees and applications by eliminating the acceptance of cash as an acceptable form of payment. This rule clarifies that the Service will only accept payments by credit card, personal check, certified check or money order in all offices, except where access to alternative payment methods is limited and where payment by cash remains the preferable method.

Timetable:

Action	Date	FR Cite
NPRM	10/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Cheryl Kaminski, Chief, Travel and Cash Management Section, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536
Phone: 202 307-2879
Fax: 202 514-7860

RIN: 1115-AF07

1801. EXAMINATIONS FEE ACCOUNT SCHEDULE—SMALL VOLUME APPLICATIONS

Priority: Other Significant

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

CFR Citation: 8 CFR 103.7

Legal Deadline: None

Abstract: This rule proposes to adjust the fee schedule of the Immigration Examinations Fee Account for four low volume applications which are the Form I-360, Petition for Amerasian, Widow(er) or Special Immigrant; Form N-300, Application to File Declaration of Intention; Form N-336, Request for Hearing on a Decision in Naturalization Procedures; and Form N-470, Application to Preserve Residence for Naturalization Purpose. The fee adjustments are necessary to comply with Federal statutes and Federal cost accounting standards. These statutes and standards require Federal Agencies to charge fees for specific services that provide a private benefit that does not accrue to the public. Federal Agencies are required to review their fees bi-annually to ensure that the fees charged recover the full cost to the Government for providing specific services. Implementation of this rule will ensure that sufficient funds are available to the Federal Government to provide the services for applications and petitions.

Timetable:

Action	Date	FR Cite
NPRM INS No. 1909-98	05/00/99	
Final Rule INS No. 1909-98	12/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: INS No. 1909-98

Agency Contact: Paul Schlesinger, Fee Policy and Rate Setting Branch, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6240, Washington, DC 20536
Phone: 202 616-0563

RIN: 1115-AF10

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Proposed Rule Stage

1802. JURISDICTIONAL CHANGE FOR THE LOS ANGELES AND SAN FRANCISCO ASYLUM OFFICES**Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1103; 8 CFR 2**CFR Citation:** 8 CFR 100**Legal Deadline:** None

Abstract: This rule amends the Immigration and Naturalization Service regulations to change the jurisdiction for the Los Angeles Asylum Office to include the State of Hawaii and the Territory of Guam. Asylum claims filed by people residing in the State of Hawaii and the Territory of Guam will no longer be handled by the San Francisco Asylum Office.

Timetable:

Action	Date	FR Cite
NPRM (INS No. 1949-98)	05/00/99	
Final Rule (INS No. 1949-98)	12/00/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Additional Information:** INS No. 1949-98

Agency Contact: Marta Rothwarf, Asylum Officer, Office of International Affairs, Department of Justice, Immigration and Naturalization Service, 111 Massachusetts Avenue NW., 3rd Floor, Washington, DC 20001
Phone: 202 305-2792

RIN: 1115-AF18**1803. POWERS OF THE ATTORNEY GENERAL TO AUTHORIZE STATE OR LOCAL LAW ENFORCEMENT OFFICERS TO CARRY OUT IMMIGRATION ENFORCEMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552; 8 USC 1101; 8 USC 1103; 8 USC 1201**CFR Citation:** 28 CFR 65**Legal Deadline:** None

Abstract: In order to provide a more effective and efficient response to a mass migration event, this interim rule implements provisions in the Immigration and Nationality Act allowing the Attorney General to authorize any State and local law enforcement officer to perform certain functions related to the enforcement of

the immigration laws during the period of an actual or imminent mass influx of aliens. This rule would place designated State/local law enforcement officers under the direction of the INS when enforcing immigration law. This rule also allows the Commissioner of Immigration to enter into advance written agreements with State and local law enforcement officials setting forth the terms and conditions of the functions to be performed during a Federal response to a mass influx of aliens, including reimbursement of expenses and ties such reimbursement to the Immigration Emergency Fund as the primary source of such funding.

Timetable:

Action	Date	FR Cite
NPRM	05/00/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Undetermined**Additional Information:** INS No. 1924

Agency Contact: George Waldroup, Field Operations, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536
Phone: 202 514-4567

RIN: 1115-AF20**1804. PROGRESSIVE CLEARANCE STOPOVERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1221; 8 USC 1228; 8 USC 1229**CFR Citation:** 8 CFR 231.1; 8 CFR 231.4**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/99	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined**Additional Information:** INS No. 1930-98

Agency Contact: Robert Hutnick, Assistant Chief Inspector, Office of Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 4064, Washington, DC 20536
Phone: 202 616-7499
Fax: 202 514-8345
Email: robert.f.hutnick@usdoj.gov

RIN: 1115-AF23**1805. DOCUMENTARY REQUIREMENTS FOR RETURNING RESIDENTS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1203; 8 USC 1225; 8 USC 1257**CFR Citation:** 8 CFR 211**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM (INS No. 1932-98)	12/00/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Undetermined**Additional Information:** INS No. 1932-98

Agency Contact: Una Brien, Director National Fines, National Fines Office, Department of Justice, Immigration and

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Proposed Rule Stage

Naturalization Service, 425 I Street
NW., Washington, DC 20536
Phone: 202 305-7060
Fax: 202 305-7049

RIN: 1115-AF26

1806. • AVAILABILITY OF MATERIAL UNDER FREEDOM OF INFORMATION ACT AND PRIVACY ACT

Priority: Substantive, Nonsignificant

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

CFR Citation: 8 CFR 103

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	05/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: INS No.1942-98

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

RIN: 1115-AF32

1807. • EFFECT OF UNEXCUSED FAILURE TO APPEAR FOR A SCHEDULED ASYLUM INTERVIEW WITH AN ASYLUM OFFICER ON ELIGIBILITY FOR EMPLOYMENT AUTHORIZATION

Priority: Substantive, Nonsignificant

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

CFR Citation: 8 CFR 208; 8 CFR 274a

Legal Deadline: None

Abstract: On March 6, 1997, the Service published an interim rule to implement the asylum provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). The interim regulation amended provisions regarding the effect of unexcused failure to appear for an asylum interview or hearing before an immigration judge on eligibility for employment authorization and also provided that unexcused failure to appear may result in dismissal of an asylum application on eligibility for employment authorization. This rule amends the current interim rule to clarify that dismissal of an asylum application will result in ineligibility for asylum-based employment authorization.

Timetable:

Action	Date	FR Cite
NPRM	05/00/99	
NPRM Comment Period End	07/00/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Joanna Ruppel, Asylum Officer, International Affairs, Department of Justice, Immigration and Naturalization Service, 111 Massachusetts Avenue NW., ULLICO 3rd Floor, Washington, DC 20001
Phone: 202 305-2741

RIN: 1115-AF38

1808. • H-1B NONIMMIGRANT WORKER COMPLAINTS REGARDING U.S. EMPLOYER VIOLATIONS UNDER THE AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1184; 8 USC 1258; 8 USC 1324; 8 USC 1255

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

Legal Deadline: None

Section 413 of Public Law 105-277 was effective upon enactment, October 21, 1998.

Abstract: The Attorney General and Secretary of Labor shall devise a process under which an H-1B nonimmigrant may file a complaint regarding the U.S. employer for intimidation, coercion, threats, blacklisting, or other discrimination. The regulatory action will describe the process and enable the H-1B worker to remain and seek authorization to work in the United States for a temporary period.

Timetable:

Action	Date	FR Cite
NPRM	06/00/99	
NPRM Comment Period End	08/00/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1974-99

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

Phone: 202 514-8223

Fax: 202 305-0134

RIN: 1115-AF40

1809. • AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT

Priority: Other Significant

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

CFR Citation: 8 CFR 214.2(h); 8 CFR 103.7

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Proposed Rule Stage

Legal Deadline: None

Abstract: This rule proposes to amend the INS regulations to implement the remaining statutory provisions contained in the ACWIA. The proposed rule will contain a definition of U.S. employer and will discuss the new penalties for misstatement.

Timetable:

Action	Date	FR Cite
NPRM	05/00/99	
NPRM Comment Period End	07/00/99	
Final Action	02/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: INS No. 1975-99

Agency Contact: John Brown, Adjudication Officer, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536
Phone: 202 616-7435
Fax: 202 514-0198

RIN: 1115-AF41

DEPARTMENT OF JUSTICE (DOJ)

Final Rule Stage

Immigration and Naturalization Service (INS)

1810. REDUCTION OF THE NUMBER OF ACCEPTABLE DOCUMENTS AND OTHER CHANGES TO EMPLOYMENT VERIFICATION REQUIREMENTS (SECTION 610 REVIEW)

Priority: Other Significant. Major under 5 USC 801.

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 1324a; PL 104-208

CFR Citation: 8 CFR 274a

Legal Deadline: Final, Statutory, March 31, 1998.

An interim rule, published Sept. 30, 1997, makes the minimal changes required by statute. The provisions will remain in effect until completion of this rulemaking.

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

revised Form I-9 was included with the proposed rulemaking.

The comment period closed on 4/3/98. The Service is analyzing the comments. It should be noted that this action supersedes the previously published regulatory plan titled "Reduction in the Number of Documents Accepted for Employment Verification." In order to avoid confusion, this regulatory action is being referenced under the current RIN, which captures all prior actions related to employment verification.

INS No. 1947-98, Interim Rule published 02/09/99 (64 FR 6187) The "Receipt Rule" permits employees to present their employer certain types of "receipts" in lieu of a document listed on the Form I-9. (Previously under RIN 1115-AE94 which was withdrawn and placed under AB73 due to the relationship of the regulations.)

Timetable:

Action	Date	FR Cite
NPRM-INS No. 1399 Comment Period End 12/23/93	11/23/93	58 FR 61846
NPRM-INS No. 1339S Comment Period End 07/24/95	06/22/95	60 FR 32472
Notice-INS No. 1713 INS No. 1713 Applications Due 01/29/96	11/30/95	60 FR 61630
Appl. Extension Through 3/8/96 Notice Pilot Demonstration Program-INS No. 1713	02/06/96	61 FR 4378
Final Rule INS No. 1399E	09/04/96	61 FR 46534
Interim Final Rule INS No. 1818	09/30/97	62 FR 51001
NPRM-INS No. 1890-97 Comment Period End 04/03/98	02/02/98	63 FR 5287

Action	Date	FR Cite
Interim Rule INS No. 1947-98	02/09/99	64 FR 6187
Final Rule INS No. 1980-97	05/00/99	
Final Rule INS No. 1947-98	12/00/99	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State, Local, Tribal, Federal

Additional Information: The deadline for implementing section 412(a) of IIRIRA was extended to March 31, 1998 by P.L. 105-54. This rulemaking has been delayed by the need to coordinate implementation with other provisions of IIRIRA, by several complex policy and regulatory issues that have taken time to resolve, and by the review required by section 610 of the Regulatory Flexibility Act.

INS No. 1890-97; PL 104-208, title 4.

INS Nos. 1399 and 1399S-94, Control of Employment of Aliens, Supplemental Rule; Action for INS No. 1399 and 1399S is canceled as a result of IIRIRA requirements.

INS No. 1399E is an extracted portion of INS No. 1399, published separately to allow for the production of a new, more secure Employment Authorization Document.

INS No. 1713-95, Demonstration Project for Electronic I-9s, contact Bob Reed, (202) 514-2998.

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

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reduction initiative designated by INS No. 1890-97.

Agency Contact: Linda Dodd-Major, Director, Office of Business Liaison, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536
Phone: 202 305-2529

RIN: 1115-AB73

1811. ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE: CONDITIONAL RESIDENTS AND FIANC(E)S

Priority: Substantive, Nonsignificant

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

CFR Citation: 8 CFR 245

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	08/20/96	61 FR 43028
NPRM Comment Period End	10/21/96	
Final Action	05/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Additional Information: INS No. 1353-91

Agency Contact: Suzy Nguyen, Staff Officer, Programs, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AC70

1812. NONIMMIGRANT CLASSES; B VISITOR FOR BUSINESS OR PLEASURE

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1281; 8 USC 1282; 8 CFR 2; 8 USC 1324a

CFR Citation: 8 CFR 214; 8 CFR 274a

Legal Deadline: None

Abstract: This rule incorporates into current regulations the information contained in the Service's Operations Instructions (OIs) and the interpretive note material to Volume 9 of the Department of State's Foreign Affairs Manual (FAM) relating to the B-1 (visitor for business) and B-2 (visitor for pleasure) classifications, with appropriate modifications due to the passage of the Immigration Act of 1990 and the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991. This rule clarifies the criteria for according B-1 or B-2 classification to applicants for admission to the United States. In addition, by incorporating the applicable portions of the instructions presently contained in the OIs and the FAM notes into regulations such information will be more readily available to the public.

Timetable:

Action	Date	FR Cite
NPRM	11/05/93	58 FR 58982
NPRM Comment Period End	12/06/93	
Final Action	05/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Additional Information: INS No. 1441-93

Agency Contact: Robert P. Wiemann, Staff Officer, Office of Adjudications, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 353-8177

RIN: 1115-AC89

1813. 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	10/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: INS No. 1633-93

Agency Contact: John Brown, Adjudications Officer, Office of Adjudications and Nationality, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536
Phone: 202 616-7435

RIN: 1115-AD55

1814. ADMISSION OF CERTAIN NURSES SEEKING NONIMMIGRANT CLASSIFICATION UNDER THE H-1A CATEGORY

Priority: Substantive, Nonsignificant

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

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: The H-1A nonimmigrant classification, which provided for the temporary admission of registered nurses to the United States, expired on September 1, 1995. However, in response to concerns that geographic locations in the United States continued to experience a shortage of registered nurses after the sunset date of the H-1A classification, the president signed Pub. L. 104-302 which provided for the granting of an extension of stay until September 30, 1997, to certain H-1A nurses. On March 7, 1997, the Immigration and Naturalization Service published an interim rule in the Federal Register at 62 FR 10422-10425 in order to amend the Service's

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regulations to reflect the provisions contained in the Pub. L. 104-302.

Since the H-1A classification and the extension period under Pub. L. 104-302 have now expired, this final rule removes all references to the H-1A classification.

Timetable:

Action	Date	FR Cite
Interim Final Rule Comment Period End 12/06/94	10/07/94	59 FR 51101
Interim Final Rule	03/07/97	62 FR 10422
Interim Final Rule-INS No. 1806 Comment Period End 5/06/97	03/07/97	62 FR 10422
Final Action	05/00/99	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1663-94.

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

Agency Contact: John Brown, Staff Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536
Phone: 202 353-8177

RIN: 1115-AD74

1815. FEES FOR PARTICIPATION IN DEDICATED COMMUTER LANES AT SELECTED PORTS OF ENTRY; COLLECTION OF FEES UNDER THE DEDICATED COMMUTER LANE PROGRAM

Priority: Substantive, Nonsignificant

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

Legal Authority: 8 USC 1101; 8 USC 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: These rules provide for the collection of a fee at the time of

application for participation in a Dedicated Commuter Lane (DCL), instead of at the time of approval of the application. The DCL program is a pilot project established at selected land border ports of entry to expedite the transborder movement of eligible, pre-screened, low-risk groups through designated traffic lanes. The first rule clarifies the requirements for the use of the DCL. (INS No. 1675). A second rule will set forth the fee required of participants in order to cover the technological costs (INS No. 1794).

Timetable:

Action	Date	FR Cite
Interim Final Rule-INS No. 1675 Eff. 9/29/95; Comment Period End 11/28/95	09/29/95	60 FR 50386
Interim Rule-INS No. 1794	10/11/96	61 FR 53303
Final Rule-INS No. 1675-94 Effective 10/16/96	10/16/96	61 FR 53830
Final Rule-INS No. 1794-96	08/00/99	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Organizations

Government Levels Affected: Federal

Additional Information: INS No. 1675 and 1794-96

Agency Contact: Thomas C. Campbell, Assistant Chief Inspector, Office of Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 4064, Washington, DC 20536
Phone: 202 305-9246

RIN: 1115-AD82

1816. 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 United States to adjust status to that of a lawful permanent resident if the application was filed before November 25, 1997 or, if the adjustment application is based on a visa petition or labor certification filed between November 26, 1997 and January 14, 1998. These persons, although eligible for immigrant visa issuance abroad, have been barred from adjustment of status because they had entered the United States without inspection or had violated the conditions of temporary nonimmigrant status. The rule allows prospective lawful permanent or conditional residents to avoid the difficulties and expense of travel to a U.S. consulate or embassy abroad. It continues to penalize these violators of the immigration laws by requiring most adult applicants to pay an additional sum in excess of the standard adjustment filing fee. After adjusting status they may lawfully live and work in the United States and may later be eligible to seek United States citizenship through naturalization. This rule also implements the new section 245(k) of the INA which permits certain employment-based immigrants who are out of status to file for adjustment under section 245(a) of 8 CFR.

Timetable:

Action	Date	FR Cite
Interim Final Rule Eff. 10-1-94; Com. Due 12-6-94	10/07/94	59 FR 51091
Interim Final Rule Correction	10/20/94	59 FR 53020
Interim Rule INS No. 1676-94 Effective 07/23/97	07/23/97	62 FR 39417
Final Action	10/00/99	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

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

Agency Contact: Pearl Chang, Branch Chief, Office of Adjudications, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AD83

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1817. 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: Two regulatory initiatives dealing with the processing of alien witnesses have been prepared by the INS. INS No. 1683-94 provides the application and approval process for the admission of aliens in S nonimmigrant classification. It provides guidance to the various law enforcement agencies needing alien witnesses and informants to complete critical law enforcement initiatives in the United States. INS No. 1728-95 establishes a fee for the processing of Form I-854, Inter-Agency Alien Witness and Informant Record, for Law Enforcement Agency (LEA) requests for S nonimmigrant classification for eligible alien witnesses and informants. The fee recovers the costs of the processing of requests for immigration benefits, and is needed to comply with specific Federal immigration laws and Federal user fee statute and regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule-INS No. 1683 Eff. 8/25/95; Comment Period End 12/4/95	08/25/95	60 FR 44260
Interim Final Rule-INS No. 1683 Correction	10/05/95	60 FR 52068
Interim Final Rule-INS No. 1683 Correction	10/05/95	60 FR 52248
Final Rule-INS No. 1683	10/00/99	
NPRM-INS No. 1728	04/00/00	

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

Additional Information: INS No. 1683-94; and INS No. 1728-95. Form I-854 is in the initial stages of being revised and the effect of IIRIRA is being assessed. Once the form is revised, the fee can be reassessed and the fee regulation will move forward.

Agency Contact: Katherine A. Lorr, Staff Officer, Office of Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536

Phone: 202 514-5014

RIN: 1115-AD86**1818. 90-DAY MODIFIED INSPECTION OF ALIEN CREW MEMBERS****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 90-day period during which the cruise ship conducts operations between Ports-of-Entry (POEs) in the United States and a foreign country. This rule is necessary in order for the Service to formally codify the long-standing practice of authorizing certain maritime crewmen landing privileges in the United States without further inspection during the intervening time between 90-day full-crew inspections.

Timetable:

Action	Date	FR Cite
NPRM	08/15/97	62 FR 43676
NPRM Comment Period End	10/14/97	
Final Action	07/00/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal
Additional Information: INS No. 1695-95

Agency Contact: Catherine Paler-Amaya, Assistant Chief Inspector, Office of Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 4064, Washington, DC 20536
Phone: 202 514-3019

RIN: 1115-AD95**1819. 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	10/00/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal
Additional Information: INS No. 1705-95

Agency Contact: Karen FitzGerald, Staff Officer, Adjudications and Nationality, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AE04**1820. MISCELLANEOUS MODIFICATIONS TO NATURALIZATION REGULATIONS****Priority:** Substantive, Nonsignificant

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

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Legal Authority: 8 USC 1103; 8 USC 1433; 8 USC 1443; 8 USC 1448

CFR Citation: 8 CFR 322; 8 CFR 337

Legal Deadline: None

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

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

INS No. 1764 reserves 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.

Timetable:

Action	Date	FR Cite
NPRM-INS No. 1712	09/10/96	61 FR 47690
Final Rule-INS No. 1712	10/00/99	
Final Rule-INS No. 1764	03/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Additional Information: INS No. 1712 Contact, Jody Marten

INS No. 1764 Contact, Susan Arroyo

Agency Contact: Jody Martin, Staff Officer, Office of Naturalizations Operations, Department of Justice, Immigration and Naturalization Service, 801 I Street NW., Room 900, Washington, DC 20536
Phone: 202 305-4770

RIN: 1115-AE07

1821. CONDITIONS ON NONIMMIGRANT STATUS; DISCLOSURE OF INFORMATION

Priority: Other Significant

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

duplication, or streamline requirements.

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

CFR Citation: 8 CFR 214

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/14/96	61 FR 30188
Final Action	09/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: INS No. 1732-95

Agency Contact: Miriam Jawitz Hetfield, Staff Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536

Phone: 202 514-4754

RIN: 1115-AE17

1822. 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 Reform and Control Act.

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

The INS Policy Council decided to withdraw the proposed rule (INS Rule No. 1737), that would 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 form I-9.

Timetable:

Action	Date	FR Cite
Interim Final Rule-INS No. 1738	10/07/96	61 FR 52235
Correction (Final Rule)	10/29/96	61 FR 55840
Final Rule-INS No. 1738	12/00/99	

Regulatory Flexibility Analysis Required: Undetermined

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

1823. REGULATIONS PERTAINING TO ADJUDICATIONS PROCESSING

Priority: Other Significant

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 1102; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1155; 8 USC 1160; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1186b; 8 USC 1187

CFR Citation: 8 CFR 101; 8 CFR 103; 8 CFR 204; 8 CFR 210; 8 CFR 212; 8 CFR 214; 8 CFR 216; 8 CFR 240; 8 CFR 245a; 8 CFR 249; 8 CFR 336

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Legal Deadline: None

Abstract: In response to the President's direction to each agency to undertake a review of its regulations for the purpose of reducing the regulations or, when possible, rendering them more readable and comprehensible, the Immigration and Naturalization Service engaged in a thorough line-by-line review of all regulations in title 8 of the Code of Federal Regulations (8 CFR). As a result, the Service is amending its regulations consistent with the President's directive by publishing a series of separate rulemakings in the Federal Register. Over the course of the next two fiscal years, these rulemakings will address all parts of 8 CFR by updating obsolete references; by eliminating portions dealing with terminated programs; by removing language relating to purely procedural matters involving only internal Service processes; by elimination of references which unnecessarily duplicate language contained in the statute or in other portions of the regulations; and by streamlining awkward and confusing language.

Timetable:

Action	Date	FR Cite
Final Action	10/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Federal

Additional Information: INS Nos. 1753-96; 1754-96 and 1789-96 Additional Legal Authority: 8 USC 1201; 8 USC 1221; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228; 8 USC 1252 note; 8 USC 1252b; 8 USC 1254; 8 USC 1254a note; 8 USC 1255; 8 USC 1255 note; 8 USC 1259; 8 USC 1281; 8 USC 1282; 8 USC 1304; 1356; 8 USC 1443; 8 USC 1447; 8 USC 1448; 31 USC 9701; EO 12356; 47 FR 14874; 47 FR 15557; 3 CFR; 1982 Comp., 166; 8 CFR 2.

Agency Contact: Lawrence J. Weinig, Director, Field Manual Project Office, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., ULLICO 4th Floor, Washington, DC 20536
Phone: 202 616-7425

RIN: 1115-AE31

1824. 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	10/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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

Agency Contact: Ann Palmer, Staff Officer, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AE33

1825. INSPECTION AND EXPEDITED REMOVAL OF ALIENS; DETENTION AND REMOVAL OF ALIENS; CONDUCT OF REMOVAL PROCEEDINGS; ASYLUM PROCEDURES

Priority: Other Significant

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

Legal Authority: 5 USC 301; 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1154; 8 USC 1158; 8 USC 1181; 8 USC 1182; 8 USC 1183; 8 USC 1184; 8 USC 1185; 8 USC 1186a; 8 USC 1187

CFR Citation: 8 CFR 1; 8 CFR 3; 8 CFR 103; 8 CFR 204; 8 CFR 207; 8 CFR 208;

8 CFR 209; 8 CFR 211; 8 CFR 212; 8 CFR 213; 8 CFR 214; 8 CFR 216; 8 CFR 217; 8 CFR 221; 8 CFR 223; ...

Legal Deadline: Final, Statutory, March 1, 1997.

The statute requires the Attorney General to promulgate implementing regulations by March 1, 1997.

Abstract: Many of the provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) became effective April 1, 1997. Some provisions of the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) that were not superseded by IIRIRA became effective November 1, 1996. On March 6, 1997, INS and EOIR published an interim rule revising the asylum process; providing a mechanism for the determination and review of certain applicants who demonstrate a credible fear of persecution if returned to their own country; defining the inspection and admission process including new expedited removal procedures for aliens attempting to enter the United States through fraud or misrepresentation apprehension, detention, and removal of aliens; addressing conduct of removal proceedings; and revising many other sections of the regulations to conform with the new laws. INS is currently reviewing comments received on the interim rule prior to issuing a final rule.

Timetable:

Action	Date	FR Cite
NPRM (INS No. 1788-96) Comment Period End 2/3/97	01/03/97	62 FR 444
Interim Final Rule (INS No. 1788-96) Comment Period End 7/15/97	03/06/97	62 FR 10312
Interim Final Rule Correction (Effective 04/01/97)	04/01/97	62 FR 15362
Interim Final Rule (INS No. 1788-96) Correction	04/09/97	62 FR 17048
Final Rule (INS No. 1920-98) Correction	07/22/98	63 FR 39217
Final Action (INS No. 1788-96)	10/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: INS No. 1788-96 and 1790-96

CFR CITATIONS CONT: 8 CFR 232, 233, 234, 235, 236, 237, 238, 239, 240,

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241, 242, 243, 244, 245, 246, 248, 251, 252, 253, 274a, 286, 287, 299, 316, 318 and 329.

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

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

Agency Contact: Linda Loveless, Assistant Chief Inspector, Office of Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 4064, Washington, DC 20536
Phone: 202 616-7489

Peggy Philbin, General Counsel, Executive Office of Immigration Review, Department of Justice, Immigration and Naturalization Service, 5107 Leesburg Pike, Suite 2400, Falls Church, VA 22041
Phone: 703 305-0470

RIN: 1115-AE47

1826. AGREEMENT PROMISING NON-DEPORTATION OR OTHER IMMIGRATION BENEFITS

Priority: Other Significant

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

CFR Citation: 28 CFR 0.197

Legal Deadline: None

Abstract: This final rule requires federal prosecutors, law enforcement agencies, and other officials to obtain written consent from the Immigration and Naturalization Service when entering into a plea agreement, cooperation agreement, or similar agreement promising an alien favorable treatment by the Service. This rule ensures that favorable treatment under the Immigration laws is extended only after a full consideration of its affect on overall immigration enforcement, alleviates confusion over the authority to enforce the immigration laws, and

prevents the Service from being bound by agreements undertaken without its knowledge and approval. The rule codifies a long-standing position of the Department of Justice.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/13/96	61 FR 48405
Comment Period End	11/12/96	
Final Rule	10/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: INS No. 1791-96

Agency Contact: Cristina Hamilton, Chief Enforcement Division, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6100, Washington, DC 20536
Phone: 202 514-2895
Fax: 202 514-0455

RIN: 1115-AE50

1827. PETITIONING REQUIREMENTS FOR THE H NONIMMIGRANT CLASSIFICATION

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 1281; 8 USC 1282

CFR Citation: 8 CFR 214; 8 CFR 274

Legal Deadline: None

Abstract: This rule proposes to amend the INS regulations to accommodate the need of certain U.S. workers. Specifically, this rule proposes to amend the Service's regulations with respect to the submission of itineraries and labor condition applications.

Timetable:

Action	Date	FR Cite
NPRM	06/04/98	63 FR 30419
Final Action	05/00/99	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: None

Additional Information: INS No. 1769-96

Agency Contact: John W. Brown, Adjudications Officer, Adjudications and Nationality, Department of Justice,

Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536
Phone: 202 353-8177

RIN: 1115-AE52

1828. CANADIAN BORDER BOAT LANDING PROGRAM

Priority: Other Significant

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 235.1(e)

Legal Deadline: None

Abstract: This rule clarifies and standardizes procedures for the application, issuance and use of Form I-68, Canadian Border Boat Landing Card.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/11/97	62 FR 47749
Final Action	09/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: INS No. 1796-96

Agency Contact: Jennifer Sava, Assistant Chief Inspector, Office of Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 4064, Washington, DC 20536
Phone: 202 307-1942

RIN: 1115-AE53

1829. AFFIDAVITS OF SUPPORT ON BEHALF OF IMMIGRANTS

Priority: Other Significant

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

CFR Citation: 8 CFR 213a; 8 CFR 299

Legal Deadline: Final, Statutory, November 1999.

Abstract: This rule will amend the INS regulations by establishing that an individual (the sponsor) who files an affidavit of support under section 213A of the INA on behalf of an intending immigrant incurs an obligation that may be enforced by a civil action. This rule also specifies the requirements that Federal, State, or local agencies or

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private entities must meet to request reimbursement from the sponsor for provision of means-tested public benefits and provides procedures for imposing the civil penalty provided for under section 213A of the INA, if the sponsor fails to give notice of any change of address. This rule is necessary to ensure that sponsors of aliens meet their obligations under section 213A of the INA.

Timetable:

Action	Date	FR Cite
Interim Final Rule - INS No. 1807-96; Comment Period End 02/7/98	10/20/97	62 FR 52346
Final Rule	05/00/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Additional Information:** Re INS No. 1807-96; PL 104-208, title IV and PL 104-193, title IV

Agency Contact: Miriam Hetfield, Staff Officer, Office of Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536
Phone: 202 514-4754

Lisa Roney, Policy Analyst, Office of Policy and Planning, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6052, Washington, DC 20536
Phone: 202 353-0249

RIN: 1115-AE58**1830. SUSPENSION OF PRIVILEGE TO TRANSPORT ALIENS TO THE UNITED STATES****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 1252**CFR Citation:** 8 CFR 103; 8 CFR 273**Legal Deadline:** None

Abstract: The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) added a provision to the Immigration and Nationality Act that allows INS to suspend a commercial airline's privilege to transport aliens to the United States if the carrier has a record of bringing in aliens who have fraudulent documents.

After consultation with other interested government agencies, INS is proposing to implement appropriate standards and procedures governing the use of this power to suspend a carrier's privilege to transport aliens to the United States.

Timetable:

Action	Date	FR Cite
NPRM Final Rule	10/23/98 10/00/99	63 FR 56869

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Additional Information:** This rule has required coordination with several other government agencies. Re INS No. 1809-96

Agency Contact: Una Brien, Director, National Fines Office, Inspections Division, Department of Justice, Immigration and Naturalization Service, 1400 Wilson Blvd., Suite 210, Arlington, VA 22209
Phone: 202 305-7018

RIN: 1115-AE59**1831. RIGHTS OF HABITUAL RESIDENCE BETWEEN THE UNITED STATES AND THE GOVERNMENTS OF THE MARSHALL ISLANDS, MICRONESIA AND PALAU****Priority:** Other Significant**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; 8 CFR 214.2**Legal Deadline:** None

Abstract: On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The statute, among other things, requires that INS issue regulations governing the rights of "habitual residence" under 1) the Compact of Free Association between the United States and the Governments of the Marshall Islands and the Federated States of Micronesia; and 2) the Compact of Free Association between the United States and the Government of Palau.

Timetable:

Action	Date	FR Cite
NPRM	06/04/98	63 FR 30415

Action	Date	FR Cite
NPRM Comment Period End	08/03/98	
Final Action	05/00/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Additional Information:** Re INS No. 1811-96

Agency Contact: Robert Wiemann, Staff Officer, Office of Adjudications, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536
Phone: 202 353-8177

RIN: 1115-AE61**1832. LIMITING LIABILITY FOR CERTAIN TECHNICAL AND PROCEDURAL VIOLATIONS OF PAPERWORK REQUIREMENTS****Priority:** Other Significant**Legal Authority:** 8 USC 1324a; PL 104-208**CFR Citation:** 8 CFR 274a**Legal Deadline:** None

Abstract: On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). This rule will implement section 411 of IIRIRA which allows employers that have made a good faith attempt to comply with a particular employment verification requirement to correct technical or procedural failures to meet the requirement before such failures are deemed to be violations of the Act. This rule will explain the good faith rule, define the term technical or procedural failure to meet such requirement, and explain how an employer can correct technical or procedural failures.

Timetable:

Action	Date	FR Cite
NPRM	04/07/98	63 FR 16909
NPRM Comment Period End	06/08/98	
Final Rule	06/00/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Additional Information:** Re INS No. 1819-96 and Public Law 104-208, title IV.

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Agency Contact: Marguerite Przybylski, Attorney, 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-AE70

1833. INELIGIBILITY OF CERTAIN JUVENILE OFFENDERS FOR FAMILY UNITY PROGRAM

Priority: Other Significant

Legal Authority: 8 USC 1225a note; PL 104-208

CFR Citation: 8 CFR 236.23

Legal Deadline: None

Abstract: On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The INS will publish a regulation implementing a new basis of ineligibility for Family Unity benefits for certain juvenile offenders.

Timetable:

Action	Date	FR Cite
Interim Final Rule (INS No. 1823-96)	05/00/99	
Final Rule (INS No. 1823-96)	10/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

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

Phone: 202 514-2895

RIN: 1115-AE72

1834. CERTIFICATION OF CERTAIN HEALTH CARE WORKERS

Priority: Other Significant

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

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

Legal Deadline: None

Abstract: On September 30, 1996, the President signed the Illegal Immigration

Reform and Immigrant Responsibility Act of 1996. Section 343 provides that certain foreign health care workers are inadmissible unless they present a certificate from the Commission on Graduates of Foreign Nursing Schools (CGFNS) (or another equivalent certifying agency as determined by the Attorney General) to the Department of State, or in the case of adjustment of status, to the Attorney General, in order to enter the United States. The certificate must address such issues as licensure, training, language skills, and education. The Service published an interim rule (INS 1879) to address shortages in key health care occupations on October 14, 1998 and plans to issue additional interim rules as necessary to address other occupations or credentialing organizations. The Service will be publishing a proposed rule (INS 1824) to fully implement these requirements, including a designation of covered health care occupations, the procedures and requirements for certifying organizations, the content of the certificates, and the process for presentation of the certificates. The Service will issue an interim rule (INS 1979) to grant temporary authority to the Commission on Graduates of Foreign Nursing Schools (CGFNS) to issue certificates to aliens coming to the U.S. to perform labor in the occupations of occupational therapists and physical therapists.

Timetable:

INS 1824	NPRM 09/00/99 Final Rule 03/00/00
INS 1879	Interim Final Rule 10/14/98 (63 FR 55007) Interim Final Rule Effective 12/14/98
INS 1979	Interim Final Rule 06/00/99 Final Rule 03/00/00

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

Phone: 202 353-8177

RIN: 1115-AE73

1835. ADJUSTMENT OF STATUS FOR CERTAIN POLISH OR HUNGARIAN PAROLEES

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1182

CFR Citation: 8 CFR 245

Legal Deadline: None

Abstract: Section 646 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (PL 104-208) requires the Attorney General to establish procedures by which certain nationals of Poland or Hungary who were paroled into the United States from 1989 to 1991 may apply for adjustment to permanent resident status in the United States. An implementation policy memorandum and an interim rule are needed to make this new law effective.

Timetable:

Action	Date	FR Cite
Interim Final Rule (INS No. 1825-97)	05/23/97	62 FR 28314
Final Rule (INS No. 1825-97)	05/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Pearl Chang, Staff Officer, Adjudications and Nationality, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536

Phone: 202 514-4754

RIN: 1115-AE74

1836. ESTABLISHMENT OF PREINSPECTED AUTOMATED LANE (PAL) PROGRAM AT IMMIGRATION AND NATURALIZATION SERVICE

Priority: Substantive, Nonsignificant

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

CFR Citation: 8 CFR 287; 8 CFR 299

Legal Deadline: None

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

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Timetable:

Action	Date	FR Cite
Interim Final Rule With Request for Comments by	04/18/97	62 FR 19024
Final Rule	05/00/99	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Additional Information:** INS No. 1830-97

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

RIN: 1115-AE80**1837. SURRENDER OF ALIENS ORDERED REMOVED FROM THE UNITED STATES****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1254a; 8 USC 1245a note**CFR Citation:** 8 CFR 240.13; 8 CFR 240.14; 8 CFR 240.15; 8 CFR 240.16**Legal Deadline:** None

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

Abstract: This rule requires aliens subject to a final order of removal to surrender to the INS. This rule also establishes procedures for surrender, and bars persons violating these procedures from obtaining discretionary immigration benefits.

Timetable:

Action	Date	FR Cite
NPRM	09/04/98	63 FR 47205
NPRM Comment Period End	11/03/98	
Final Action	09/00/99	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Additional Information:** INS No. 1847-97

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

Phone: 202 616-2604

RIN: 1115-AE82**1838. AMENDMENT OF THE REGULATORY DEFINITION OF ARRIVING ALIEN****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 CFR 2**CFR Citation:** 8 CFR 1**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/20/98	63 FR 19382
Final Action	10/00/99	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Additional Information:** Re: INS No. 1868-97

Agency Contact: Linda Loveless, Assistant Chief Inspector, Office of Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 4064, Washington, DC 20536
Phone: 202 616-7489

RIN: 1115-AE87**1839. NEW RULES REGARDING PROCEDURES FOR ASYLUM AND WITHHOLDING OF REMOVAL****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; 8 CFR 2**CFR Citation:** 8 CFR 208**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM (INS No. 1865-97)	06/11/98	63 FR 31945
NPRM Comment Period Extended to	08/04/98	63 FR 41478
Final Rule (INS No. 1865-97)	09/00/99	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Additional Information:** INS No. 1865-97; AG Order No. 2164-98

Agency Contact: Christine Davidson, Senior Policy Analyst, Asylum Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Attn: Ullico Bldg. 3rd Floor, Washington, DC 20536
Phone: 202 305-2663

RIN: 1115-AE93**1840. ADJUSTMENT OF STATUS, CONTINUED VALIDITY OF NONIMMIGRANT STATUS AND UNEXPIRED EMPLOYMENT AUTHORIZATION FOR APPLICANTS MAINTAINING NONIMMIGRANT H OR L STATUS****Priority:** Substantive, Nonsignificant

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

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1255; 8 USC 1281; 8 USC 1282; 8 CFR 2

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CFR Citation: 8 CFR 214; 8 CFR 245**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/99	
Final Action	12/00/99	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Additional Information:** INS No. 1881-97

Agency Contact: Frances A. Murphy, Adjudications Officer, Office of Adjudications and Nationality, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536

Phone: 202 514-4754

RIN: 1115-AE96

1841. VERIFICATION OF ELIGIBILITY FOR PUBLIC BENEFITS**Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1642**CFR Citation:** 8 CFR 104

Legal Deadline: NPRM, Statutory, November 3, 1997. Final, Statutory, February 22, 1998.

Statutory deadline to promulgate regulations for state and local public benefits was previously 11/03/98. Deadlines for regulations for Federal public benefits is 02/22/98.

Abstract: This regulatory action requires entities (other than nonprofit charitable organizations) providing Federal public benefits (with certain exceptions) to verify by examining documents and using an INS automated verification system that alien applicants

are eligible for the benefits under Federal benefit reform legislation. This rule also sets forth provisions by which State or local governments can verify whether aliens applying for State or local public benefits are eligible for such benefits under Federal laws. In addition, the rule establishes procedures for verifying the U.S. nationality of individuals applying for benefits in a fair and nondiscriminatory manner.

The Interim Verification Guidelines were published as a notice on 11/17/97 at 62 FR 61344. The guidelines set forth procedures that benefit providers can use to verify citizenship, qualified alien status, and eligibility under title IV of the PRWORA prior to issuance of the final regulations.

Timetable:

Action	Date	FR Cite
NPRM (INS No. 1902-98)	08/04/98	63 FR 41662
Final Rule (INS No. 1902-98)	07/00/99	

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

Additional Information: INS # 1902-98 should be referenced for any inquiries concerning this rulemaking action.

Agency Contact: John Nahan, Director, SAVE Branch, Files and Forms Management Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Ullico Bldg., 4th Floor, Washington, DC 20536

Phone: 202 514-2317

Fax: 202 514-9981

RIN: 1115-AE99

1842. FINGERPRINTING APPLICANTS AND PETITIONERS FOR IMMIGRATION BENEFITS; ESTABLISHING A FEE FOR FINGERPRINTING BY THE SERVICE**Priority:** Substantive, Nonsignificant

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

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

Legal Deadline: None

Abstract: This rule amends the Immigration and Naturalization Service regulations relating to fingerprinting applicants and petitioners for benefits

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/17/98	63 FR 12979
Interim Final Rule Effective	03/29/98	
Interim Final Rule Correction	04/09/98	63 FR 17489
Final Action	08/00/99	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** State, Local**Additional Information:** INS No. 1891-97

Agency Contact: Ann Palmer, Adjudications Officer, Office of Naturalization, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 935, Washington, DC 20536

Phone: 202 307-0891

RIN: 1115-AF03

1843. ADJUSTMENT OF STATUS; CERTAIN NATIONALS OF NICARAGUA AND CUBA**Priority:** Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1255; 8 CFR 2

CFR Citation: 8 CFR 245; 8 CFR 3; 8 CFR 240; 8 CFR 247a; 8 CFR 299

Legal Deadline: None

Abstract: This rule implements the Nicaraguan Adjustment and Central American Relief Act (NACARA) by establishing procedures for certain nationals of Nicaragua and Cuba who have been temporarily residing in the United States to become lawful permanent residents of this country. It allows them to obtain lawful permanent resident status without applying for an immigrant visa at a United States

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consulate abroad and waives many of the usual requirements for this benefit.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/21/98	63 FR 27823
Correction (INS No. 1893-97)	06/29/98	63 FR 35309
Correction (INS No. 1893-97)	07/21/98	63 FR 39121
Final Action	05/00/99	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: INS No.1893-97

Agency Contact: Suzy Nguyen, Adjudications Officer, Adjudications Branch, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536
Phone: 202 514-3228

RIN: 1115-AF04

1844. PROCESSING, DETENTION, AND RELEASE OF JUVENILES

Priority: Other Significant

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

CFR Citation: 8 CFR 236.3

Legal Deadline: None

The court-approved settlement agreement in *Flores v. Reno* (C.D. C al.) required INS to publish regulations last July. However, the changes brought by AEDPA and IIRIRA delayed issuance of regs.

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

Timetable:

Action	Date	FR Cite
NPRM (INS No. 1906-98)	07/24/98	63 FR 39759
NPRM Comment Period End	09/22/98	
Final Rule	05/00/99	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: INS No. 1906-98.

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

RIN: 1115-AF05

1845. SPECIAL IMMIGRANT JUVENILE—SPECIAL IMMIGRANT STATUS FOR CERTAIN ALIENS DECLARED DEPENDENT ON A JUVENILE COURT

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-119

CFR Citation: 8 CFR 204

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/99	
Final Action	01/00/00	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Ann Palmer, Staff Officer, Adjudications and Nationality, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AF11

1846. IMMIGRANT PETITIONS; RELIGIOUS WORKERS

Priority: Substantive, Nonsignificant

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

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: This rule will amend the Service's regulations by providing that all persons, other than ministers, immigrating to the United States as religious workers must immigrate or adjust status to permanent resident before October 1, 2000. This rule implements section 101(a)(27)(c)(ii) of the Immigration and Nationality Act (Act), which provides that religious workers who have 2 years of membership and experience in a religious occupation or vocation may qualify as special immigrant religious workers. By statute, this immigrant category for religious workers expires on October 1, 2000. This rule codifies, in regulatory form, the October 1, 2000 statutory deadline.

Timetable:

Action	Date	FR Cite
Final Rule (INS No. 1436-94)	05/00/99	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: INS No. 1436-94

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

RIN: 1115-AF12

1847. SUSPENSION OF DEPORTATION AND SPECIAL RULE CANCELLATION OF REMOVAL FOR CERTAIN NATIONALS OF GUATEMALA, EL SALVADOR, AND FORMER SOVIET BLOC COUNTRIES

Priority: Other Significant

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1186a; 8 USC 1201b; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1251; 8 USC 1252 note; 8 USC 1252a

CFR Citation: 8 CFR 103; 8 CFR 204; 8 CFR 208; 8 CFR 299

Legal Deadline: None

Abstract: On November 19, 1997, President Clinton signed the Nicaraguan Adjustment and Central American Relief Act (NACARA),

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enacted as title 2 of Pub. L. No. 105-100, 111 Stat. 2160, 2193 (1997) (as amended by Technical Corrections to the Nicaraguan Adjustment and Central American Relief Act, Pub. L. 105-139, Stat. 2644, (1997)). Section 203 of NACARA provides that certain Guatemalans, Salvadorans, and nationals of former soviet Bloc countries are eligible to apply for cancellation of removal under the standards for suspension of deportation that existed prior to enactment of the Illegal Immigration and Immigrant Responsibility Act of 1996 (IIRIRA).

To implement the new cancellation of removal provisions efficiently and expeditiously, the Attorney General has decided to integrate adjudication of cancellation of removal requests into the affirmative asylum process. Traditionally, only immigration judges have had authority to grant suspension of deportation and, after implementation of IIRIRA, cancellation of removal, to eligible aliens in the context of deportation or removal proceedings. The proposed rule authorizes asylum officers to grant cancellation of removal under section 203 of NACARA to certain qualified aliens who have asylum applications pending with the Service, and to their qualified dependents. The rule also sets forth the process for the new adjudication program.

Timetable:

Action	Date	FR Cite
NPRM (INS No. 1915-98)	11/24/98	63 FR 64895
NPRM Comment Period End (INS No. 1915-98)	01/25/99	
Final Rule	06/00/99	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** Federal**Additional Information:** INS No. 1915-98

Agency Contact: Joanna Ruppel, Asylum Officer, International Affairs, Department of Justice, Immigration and Naturalization Service, 111 Massachusetts Avenue NW., Ullico Bldg., 3rd Floor, Washington, DC 20001
Phone: 202 305-2741

RIN: 1115-AF14

1848. AUTHORIZING SUSPENSION OF EMPLOYMENT AUTHORIZATION REQUIREMENTS ON THE BASIS OF SEVERE ECONOMIC HARDSHIP FOR F-1 STUDENTS AND EMERGENT CIRCUMSTANCES**Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1281; 8 USC 1282**CFR Citation:** 8 CFR 214**Legal Deadline:** None

Abstract: This rule amends the regulations of the INS applying to on-campus employment, off-campus employment authorization, and duration of status for nonimmigrant F-1 students. The rule permits the commissioner to suspend some or all of the requirements for on-campus or off-campus employment where emergent circumstances exist as provided through notice in the Federal Register. The rule also amends the regulations to provide that an F-1 student who carries less than a full course of study as a result of this special employment authorization will be deemed to be maintaining status for the duration of the authorization, as long as the student carries a minimum course load of 6 credit hours if the student is an undergraduate, or 3 credit hours if the student is in graduate school.

Timetable:

Action	Date	FR Cite
Interim Final Rule (INS No. 1914-98)	06/10/98	63 FR 31872
Final Rule (INS No. 1914-98)	05/00/99	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Additional Information: INS No. 1914-98 (Employment Authorization for Certain F-1 Nonimmigrant Students Whose Means of Financial Support Comes From Indonesia, South Korea, Malaysia, Thailand, or the Philippines)

Agency Contact: Morrie R. Berez, Adjudications Officer, Office of Adjudications, Department of Justice, Immigration and Naturalization Service
Phone: 202 353-8177

RIN: 1115-AF15

1849. CHANGE IN BUSINESS PRACTICES: COLLECTION OF INTEREST, PENALTIES, AND HANDLING CHARGES FOR DELINQUENT PAYMENT OF EMPLOYER SANCTIONS FINES**Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1324(b)**CFR Citation:** 8 CFR 274**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/99	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected:

Undetermined

Additional Information: INS No. 1875-97

Agency Contact: Jim Landolt, Chief, Debt Management Branch, Office of Financial Management, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536
Phone: 202 353-0229

RIN: 1115-AF17

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1850. ELIMINATION OF IMMIGRATION AND NATURALIZATION SERVICE ISSUED MEXICAN AND CANADIAN BORDER CROSSING CARDS**Priority:** Other Significant**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1201; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228; 8 USC 1252; 8 USC 1304; 8 USC 1356; 8 USC 1304; 8 USC 1356**CFR Citation:** 8 CFR 103; 8 CFR 212; 8 CFR 214; 8 CFR 235; 8 CFR 247; 8 CFR 264; 8 CFR 286; 8 CFR 299**Legal Deadline:** Final, Statutory, October 1, 1999.

Abstract: This rule amends the Immigration and Naturalization Service (Service) regulations to eliminate the use of Form I-175, Application for Nonresident Alien Canadian Border Crossing Card, and Form I-190, Application for Nonresident Alien Mexican Border Crossing Card. It also terminates the production of Form I-185, Nonresident Alien Canadian Border Crossing Card, and Form I-586, Nonresident Alien Mexican Border Crossing Card. In addition, this rule prohibits the use of Form I-186 (previous version of Mexican Border Crossing Card), Form I-185 and Form I-586 Border Crossing Cards (BCC's) after September 30, 1999, or whatever other date may be enacted for required use of a card containing a machine readable biometric identifier for entry (such as the fingerprint or handprint of the alien). Under the provisions of this rulemaking, an alien seeking entry into the United States by presentation of a BCC must complete a biometric verification upon each entry.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/99	

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

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

Fax: 202 514-8345

RIN: 1115-AF24

1851. FILING OF PROPOSALS FOR DESIGNATION AS A REGIONAL CENTER APPROVED TO PARTICIPATE IN THE IMMIGRANT INVESTOR PILOT PROGRAM**Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1154; 8 USC 1182; 8 USC 1186a**CFR Citation:** 8 CFR 204**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/99	
Final Action	12/00/99	

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

Agency Contact: Katherine A. Lorr, Staff Officer, Office of Adjudications, Department of Justice, Immigration and Naturalization Service
Phone: 202 353-8177

RIN: 1115-AF27

1852. NONIMMIGRANT VISA EXEMPTION FOR NATIONALS OF THE BRITISH VIRGIN ISLANDS ENTERING THE UNITED STATES THROUGH ST. THOMAS, UNITED STATES VIRGIN ISLANDS**Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228; 8 USC 1252**CFR Citation:** 8 CFR 212**Legal Deadline:** None

Abstract: This rule amends the Immigration and Naturalization Service's regulations to allow nonimmigrant visitors for business or pleasure who are nationals of the British Virgin Islands to apply for admission to the United States without a visa at the ports-of-entry of St. Thomas, United States Virgin Islands. Since visas are no longer issued from the British Virgin Islands by the Department of State all persons needing a nonimmigrant visa have to either travel or mail their applications to Barbados, the nearest visa issuing location. The Service's action will facilitate travel to the United States for nationals of the British Virgin Islands while still ensuring that the proper application provisions of the INA Act are met.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/18/99	64 FR 7989
Interim Final Rule Comment Period End	04/18/99	
Final Rule (INS No. 1956-98)	12/00/99	

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

Agency Contact: William Plunges, Senior Immigration Inspector, Office of Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 4064, Washington, DC 20536
Phone: 202 616-7992

RIN: 1115-AF28

1853. DELEGATION OF THE ADJUDICATION OF CERTAIN H-2A PETITIONS TO THE DEPARTMENT OF LABOR**Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1281; 8 USC 1282**CFR Citation:** 8 CFR 214**Legal Deadline:** None

Abstract: This rule proposes to amend the Immigration and Naturalization Service's regulations by delegating the adjudication of certain H-2A petitions

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to the United States Department of Labor (DOL). The H-2A petitions affected by this action would involve only those petitions filed for initial H-2A employment where the alien is not physically present in the United States. The Service has proposed these changes in order to streamline the existing H-2A petitioning process for certain foreign agricultural workers. The proposals contained in this rule will make it easier and less burdensome for United States employers to file petitions for foreign agricultural workers.

Timetable:

Action	Date	FR Cite
NPRM (INS No. 1946-98)	12/07/98	63 FR 67431
Final Rule	05/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local, Federal

Additional Information: INS No. 1946-98

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

RIN: 1115-AF29

1854. • ADDITION OF COMMERCIAL DELIVERY SERVICE AS A FORM OF PERSONAL SERVICE

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: This rule amends the Immigration and Naturalization Service regulations by adding the use of commercial delivery service as a form of personal service for the delivery of notices, decisions and other papers by the Service. A commercial delivery service allows for the registered signature of the addressee or other responsible party to be on record, allows Service personnel to be able to track the mailing status of the copy on a computer information system, and allows the addressee to receive the copy in a timely and efficient manner.

The change is intended to facilitate and improve personal service.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: INS No. 1952-98

Agency Contact: Marylena S. Kruszka, Fines Officer, National Fines Office, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536
Phone: 202 305-7018

RIN: 1115-AF30

1855. • IMPLEMENTING CERTAIN PORTIONS OF THE AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT (ACWIA) RELATING TO THE H-1B NONIMMIGRANT CLASSIFICATION

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1104; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1281; 8 USC 1282

CFR Citation: 8 CFR 214.2h; 8 CFR 103.7

Legal Deadline: None

Abstract: This interim rule amends the Service's fee schedule and regulations regarding the filing of Form I-129 to reflect that certain employers must pay an additional \$500.00 fee. The fee was added by the American Competitiveness and Workforce Improvement Act of 1998. The \$500 must accompany and H-1B petition filed by a United States employer for new employment and for the alien's first extension of stay. Institutions of higher learning, nonprofit research institutions, and government research institutions are exempt from the \$500 fee.

Timetable:

Action	Date	FR Cite
Interim Final Rule (INS No. 1962-98)	11/30/98	63 FR 65657
Interim Final Rule Correction (INS No. 1962-98)	12/24/98	63 FR 71342
Final Rule	05/00/99	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Additional Information: INS NO. 1962-98

Agency Contact: John Brown, Adjudications Officer, Benefits Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536
Phone: 202 616-7435
Fax: 202 514-0198

RIN: 1115-AF31

1856. • ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS OF HAITI

Priority: Other Significant

Legal Authority: PL 105-277, sec 902

CFR Citation: 8 CFR 3; 8 CFR 240; 8 CFR 245; 8 CFR 274a; 8 CFR 299

Legal Deadline: None

Abstract: This interim rule implements section 902 of the Haitian Refugee Immigration Fairness Act of 1998 (HRIFA) by establishing procedures for certain nationals of Haiti who have been residing in the United States to become lawful permanent residents of this country. This rule allows them to obtain lawful permanent residence status without applying for an immigrant visa at a United States consulate abroad and waives many of the usual requirements for this benefit.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS NO. 1963-98

Agency Contact: Michael L. Shaul, Examinations Officer, Office of Programs, Department of Justice, Immigration and Naturalization Service, 4th Floor ULLB, Washington, DC 20536
Phone: 202 616-7439
Fax: 202 305-1496

RIN: 1115-AF33

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1857. • TEMPORARY PROTECTED STATUS AMENDMENTS TO THE REQUIREMENTS FOR EMPLOYMENT AUTHORIZATION FEE AND OTHER TECHNICAL AMENDMENTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 8 CFR 244

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/01/99	64 FR 4780
Interim Final Rule Comment Period End	04/02/99	
Final Rule	12/00/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1972-99

Agency Contact: Michael Valverde, Program Analyst, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3040, Washington, DC 20536
Phone: 202 514-2763
Fax: 202 514-0198

RIN: 1115-AF37

1858. • REGULATIONS CONCERNING THE CONVENTION AGAINST TORTURE

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282

CFR Citation: 8 CFR 3; 8 CFR 208; 8 CFR 235; 8 CFR 238; 8 CFR 240; 8 CFR 241

Legal Deadline: Other, Statutory, February 18, 1999.

The Act requires promulgation by 02/18/99.

Abstract: This rule implements Article 3 of the United Nations Convention Against Torture or Other Forms of Cruel, Inhuman, or Degrading Treatment, or Punishment for persons

who may be subject to removal from the United States Under the provisions of the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/19/99	64 FR 8478
Interim Final Rule Corrections	03/22/99	64 FR 13881
Interim Final Rule Effective	03/22/99	
Interim Final Rule Comment Period End	04/20/99	
Final Rule	12/00/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

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

Peggy Philbin, EOIR General Council, Department of Justice, Immigration and Naturalization Service, 5107 Leesburg Pike, Falls Church, VA
Phone: 703 305-0470

RIN: 1115-AF39

DEPARTMENT OF JUSTICE (DOJ)

Long-Term Actions

Immigration and Naturalization Service (INS)

1859. VISA WAIVER PILOT PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 8 CFR 217

Timetable:

Action	Date	FR Cite
NPRM INS No. 1406-91 Comment Period End 5/22/91	05/07/91	56 FR 21101
Interim Final Rule-INS No. 1447 Eff. 10/1/91; Comment Period End 10/15/91	09/13/91	56 FR 46716
Public Notice-INS No. 1674 Eff. 10/25/94, Comment Period End 09/30/96	02/21/95	60 FR 9699
Interim Final Rule-INS No. 1685 Eff. 4/1/95; Comment Period End 5/30/95	03/28/95	60 FR 15855
Interim Final Rule-INS No. 1777	07/08/96	61 FR 35598

Action

Action	Date	FR Cite
Interim Final Rule-INS No. 1782-96 With Comments (Australia)	07/29/96	61 FR 39721
Interim Final Rule-INS 1786-96 With Comments (Slovenia)	09/30/97	62 FR 50998
Final Rule-INS No. 1799	12/30/98	63 FR 71726

Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Dominica Gutierrez
Phone: 202 305-2969

RIN: 1115-AB93

1860. 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.

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

Timetable:

Action	Date	FR Cite
Interim Final Rule-INS No. 1660 Direct Mail Prog. Expan. Eff. 7/1/94; Comment Period End 8/30/94	07/01/94	59 FR 33903

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Long-Term Actions

Action	Date	FR Cite
Notice-INS No. 1660N Pilot Direct Mail Prog. Baltimore Office, Imple. Date 7/1/94	07/01/94	59 FR 33985
Notice-INS No. 1745 Effective 01/31/96 Comments due 04/24/96	01/25/96	61 FR 2266
Notice-INS No. 1734	10/30/96	61 FR 56060
Correction-INS No. 1887-97	04/06/98	63 FR 16909
Interim Rule-INS No. 1829-96	06/03/98	63 FR 30105
Next Action Undetermined		
Regulatory Flexibility Analysis		
Required: No		
Government Levels Affected: Federal		
Agency Contact: Michael Aytes		
Phone: 202 514-5014		
RIN: 1115-AD73		

1861. REGULATIONS RELATING TO TEMPORARY PROTECTED STATUS**Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.**CFR Citation:** 8 CFR 103; 8 CFR 240; 8 CFR 299**Timetable:**

Action	Date	FR Cite
TPS Final Rule (INS No. 1612) Removal of Obsolete Sections Covering TPS for Salvadorans	09/10/96	61 FR 47667
TPS Notice (INS No. 1832-97) Designation of Liberia	04/07/97	62 FR 16608
TPS Notice (INS No. 1853-97) Designation of Rwanda Eff.	06/19/97	62 FR 33442
TPS Notice (INS No. 1862-97) Designation of Bosnia-Hercegovina	08/01/97	62 FR 41420
TPS Notice (INS No. 1863-97) Designation of Somalia	08/01/97	62 FR 41421
TPS Notice (INS No. 1878-97) TPS Designation of Montserrat	08/28/97	62 FR 45685

Action	Date	FR Cite
TPS Notice (INS No. 1775-96) TPS Designation of Burundi	11/04/97	62 FR 59735
TPS Notice (INS No. 1780-97) TPS Designation of Sudan	11/04/97	62 FR 59737
TPS Notice (INS No. 1877-97) TPS Designation of Sierra	11/04/97	62 FR 59736
TPS Notice (INS No. 1910-98) Termination of Designation of Liberia	03/31/98	63 FR 15437
TPS Notice (INS No. 1929-98) TPS Designation of Kosovo	06/09/98	63 FR 31527
TPS Notice (INS No. 1945-98) Extension of Designation of Somalia	09/28/98	63 FR 51602
TPS Notice (INS No. 1953-98) Redesignation of Liberia	09/29/98	63 FR 51958
TPS Notice (INS No. 1957-98) TPS Extension of Designation of Burundi	11/03/98	63 FR 59334
TPS Notice (INS No. 1958-98) TPS Extension of Designation of Sierra Leone	11/03/98	63 FR 59336
TPS Notice (INS No. 1959-98) Extension of Designation of Sudan	11/03/98	63 FR 59337
TPS Final Rule (INS No. 1608) Exceptions to Registration	11/16/98	63 FR 63593
TPS Notice (INS No. 1964-98) TPS Designation of Honduras	01/05/99	64 FR 524
TPS Notice (INS No. 1965-98) TPS Designation of Nicaragua	01/05/99	64 FR 526
TPS Notice (INS No. 1960-98) TPS Designation of Guinea-Bissau	03/11/99	64 FR 12181
Next Action Undetermined		
Regulatory Flexibility Analysis		
Required: No		
Government Levels Affected: None		
Agency Contact: George Raferty		
Phone: 202 514-5014		
RIN: 1115-AE26		

1862. • INTERIM DESIGNATION OF ACCEPTABLE RECEIPTS FOR EMPLOYMENT ELIGIBILITY VERIFICATION**Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1324a**CFR Citation:** 8 CFR 274a**Legal Deadline:** None

Abstract: The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) made several amendments to the employment eligibility verification provisions of the INA. An Interim Rule implementing some of these amendments was issued on September 30, 1997. This rule included amendments to the "Receipt Rule", which permits employees to present a "Receipt" in lieu of a document listed on the employment eligibility verification form (Form I-9). Circumstances that have become apparent since publication of the September 30, 1997 rule require that rule to be amended by another Interim Rule. Such an Interim Rule is also necessary to facilitate employer and employee compliance with the regulations. The rule revised the amount of time a receipt remains valid where the employee presents a Form I-94 marked with a temporary I-551 stamp. Where the employee presents a Form I-94 marked with a refugee admission stamp, the rule adds Form I-66B to the list of documents that the employee can present at the end of the receipt validity period.

Timetable: Next Action Undetermined**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Additional Information:** This rule was published in the Federal Register as RIN 1115-AE94. This RIN has now been changed to 1115-AF42, INS No. 1947-98.

Agency Contact: Marguerite Przybylski, 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-AF42

DEPARTMENT OF JUSTICE (DOJ)
Immigration and Naturalization Service (INS)
Completed Actions**1863. SEIZURE AND FORFEITURE OF CONVEYANCES****Priority:** Substantive, Nonsignificant**CFR Citation:** 8 CFR 274.13; 8 CFR 274.14; 8 CFR 274.15; 8 CFR 274.16; 8 CFR 274.17; 8 CFR 274.18; 8 CFR 274.19; 8 CFR 274.8 (Revision); 8 CFR 274.9**Completed:**

Reason	Date	FR Cite
Withdrawn by Program Office	02/02/99	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Susan T. Czerwinski
Phone: 202 616-2737**RIN:** 1115-AA95**1864. 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**CFR Citation:** 8 CFR 214; 8 CFR 274a; 8 CFR 248; 8 CFR 299**Completed:**

Reason	Date	FR Cite
Final Action	06/12/98	63 FR 32113

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal**Agency Contact:** Donna Crump
Phone: 202 353-8177**RIN:** 1115-AB52**1865. F, J, AND M NONIMMIGRANT STUDENT REQUIREMENTS FOR ADMISSION, TRACKING, MAINTENANCE OF STATUS AND FOR EMPLOYMENT AUTHORIZATION****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 214; 8 CFR 274a**Completed:**

Reason	Date	FR Cite
Withdrawn by Program Office	02/02/99	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal**Agency Contact:** Morrie R. Berez
Phone: 202 353-8177**RIN:** 1115-AD16**1866. EXCEPTIONS TO THE EDUCATIONAL REQUIREMENTS FOR NATURALIZATION FOR 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 299; 8 CFR 312; 8 CFR 499**Legal Deadline:** None**Abstract:** This rule is a follow-on to the rule that was published by the INS on March 19, 1997, that established an administrative process to adjudicate requests for exemptions from the English and civics requirements of section 312 of the Immigration and Nationality Act (Act) by persons with physical or developmental disabilities or mental impairments. Based on comments to that rule and current naturalization quality procedures, the Service has determined that a separate appeals process and additional quality procedures are unnecessary at this time. The Service, however, has amended the rule to include licensed doctors of osteopathy (DOs) as health care providers who are authorized to complete Form N-648, Medical Certification for Disability Exceptions.**Timetable:**

Action	Date	FR Cite
Final Action	02/18/99	64 FR 7990

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** State, Local, Federal**Additional Information:** INS No. 1702-95**Agency Contact:** Jody Marten, Staff Officer, Office of Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536

Phone: 202 514-5014

RIN: 1115-AE02**1867. JUDICIAL REVIEW OF DECISIONS OF THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW AND THE IMMIGRATION AND NATURALIZATION SERVICE****Priority:** Substantive, Nonsignificant**CFR Citation:** 8 CFR 3; 8 CFR 103**Completed:**

Reason	Date	FR Cite
Withdrawn by Program Office	02/05/99	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** State, Local, Federal**Agency Contact:** Margaret M. Philbin
Phone: 703 305-0470**RIN:** 1115-AE46**1868. DELEGATION OF IMMIGRATION ENFORCEMENT AUTHORITY****Priority:** Substantive, Nonsignificant**CFR Citation:** 8 CFR 2; 8 CFR 287**Completed:**

Reason	Date	FR Cite
Withdrawn by Program Office	02/02/99	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** State, Local, Tribal, Federal**Agency Contact:** Gary D. Witt
Phone: 202 305-2445**RIN:** 1115-AE76**1869. CHANGING THE NAME OF THE ALIEN REGISTRATION RECEIPT CARD TO THE PERMANENT RESIDENT CARD****Priority:** Info./Admin./Other**CFR Citation:** 8 CFR 100; 8 CFR 101; 8 CFR 103; 8 CFR 204; 8 CFR 209; 8 CFR 210; 8 CFR 211; 8 CFR 216; 8 CFR 247; 8 CFR 264; 8 CFR 274a; 8 CFR 299; 8 CFR 316; 8 CFR 338; 8 CFR 341; ...**Completed:**

Reason	Date	FR Cite
Final Action	12/21/98	63 FR 70313

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Michael Valverde

DOJ—INS

Completed Actions

Phone: 202 514-2763
 Fax: 202 514-8661
 Email:
 michael.valverde@justice.usdoj.gov
 RIN: 1115-AF01

1870. DELEGATION OF GENERAL AUTHORITY BY THE COMMISSIONER TO CERTAIN IMMIGRATION OFFICERS

Priority: Substantive, Nonsignificant
Unfunded Mandates: This action may affect State, local or tribal governments.
CFR Citation: 8 CFR 287
Completed:

Reason	Date	FR Cite
Withdrawn - Limited to Agency Organization	03/04/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: James R. Hesse
 Phone: 703 285-2482

RIN: 1115-AF02

1871. PROCEDURE FOR ACCEPTING APPLICATIONS FOR BENEFITS SUBMITTED WITH INSUFFICIENT OR EXCESS FEES

Priority: Other Significant
CFR Citation: 8 CFR 103

Completed:

Reason	Date	FR Cite
Withdrawn by Program Office	01/28/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Michael Valverde
 Phone: 202 514-2763
 Fax: 202 514-8661
 Email:
 michael.valverde@justice.usdoj.gov

RIN: 1115-AF06

1872. CHANGE IN BUSINESS PRACTICES: COLLECTION OF INTEREST, PENALTIES, AND HANDLING CHARGES FOR DELINQUENT PAYMENT OF EMPLOYER SANCTION FINES

Priority: Substantive, Nonsignificant
CFR Citation: 8 CFR 274A

Completed:

Reason	Date	FR Cite
Withdrawn - Replaced by RIN 1115-AF17	01/15/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Eugene Schulman
 Phone: 202 616-9177
 Fax: 202 514-7860

RIN: 1115-AF09

1873. CHANGES IN THE IMMIGRATION AND NATURALIZATION SERVICE REGIONAL OFFICE ORGANIZATION

Priority: Info./Admin./Other

CFR Citation: 8 CFR 100; 8 CFR 103; 8 CFR 215; 8 CFR 231; 8 CFR 245a; 8 CFR 271; 8 CFR 274; 8 CFR 286; 8 CFR 292; 8 CFR 299; 8 CFR 332; 8 CFR 335

Completed:

Reason	Date	FR Cite
Withdrawn by Office of Management	02/02/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Shiela Magruder
 Phone: 202 514-3182
 Fax: 202 514-8045

RIN: 1115-AF13

1874. CLASSES OF ALIENS AUTHORIZED TO ACCEPT EMPLOYMENT

Priority: Substantive, Nonsignificant

CFR Citation: 8 CFR 274a.12

Completed:

Reason	Date	FR Cite
Withdrawn by Program Office	01/28/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Michael Valverde
 Phone: 202 514-2763

RIN: 1115-AF16

1875. • 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 amends the INS regulations relating to administrative revocation of naturalization by changing the burden of proof the INS must satisfy in order to administratively revoke a grant of naturalization and clarifying the 180-day period for the rendering of the district directors decision. This rule clarifies these issues in the final rule that was published in the Federal Register on October 28, 1996, at 61 FR 55550.

Timetable:

Action	Date	FR Cite
Consolidated With RIN 1115-AE73	03/04/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1858-97

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

RIN: 1115-AF34

1876. • IMMIGRATION PETITIONS; EMPLOYMENT CREATION ALIENS; REGIONAL CENTERS DESIGNATED UNDER THE IMMIGRANT INVESTOR PILOT PROGRAM

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 1183; 8 USC 1184; 8 USC 1186a; 8 USC 1186b; 8 USC 1201; 8 USC 1224; 8 USC 1225; 8 USC 1226

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

Legal Deadline: None

Abstract: The Service solicits comments on proposed regulations for regional center participation in the Immigrant Investor who seek to invest in approved regional centers. This role is obtaining significant pre-clearance comment and is subject to the results of the agency's review of the Immigrant Investor Pilot Program.

DOJ—INS

Completed Actions

Timetable:

Action	Date	FR Cite
Consolidated With RIN 1115-AE56	03/04/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1929-98

Agency Contact: Katharine A. Lorr, Staff Officer, Adjudications,

Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536

Phone: 202 514-3228

Fax: 202 514-0198

RIN: 1115-AF36

DEPARTMENT OF JUSTICE (DOJ)

Proposed Rule Stage

Legal Activities (LA)

1877. IMPLEMENTATION OF THE NATIONAL STOLEN PASSENGER MOTOR VEHICLE INFORMATION SYSTEM (NSPMVIS)

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 33109 to 33111

CFR Citation: 28 CFR 89

Legal Deadline: None

Abstract: The Attorney General is required to establish a National Stolen Passenger Motor Vehicle Information System pursuant to the Anti Car Theft Act of 1992 (49 USC 33109 to 33111). The FBI is coordinating efforts in this matter and, under delegated authority from the Attorney General, the FBI is issuing this rule to establish a national system to verify the theft status of major motor vehicle component parts. 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	06/00/99	
NPRM Comment Period End	08/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Steven P. Polifko, Planning Unit Chief, Department of Justice, Federal Bureau of Investigation, CJIS Division, Module C-3, 1000 Custer Hollow Road, Clarksburg, WV 26306
Phone: 304 625-2710

Fax: 304 625-3875

RIN: 1105-AA44

1878. FOREIGN AGENTS REGISTRATION ACT; REGULATIONS REVISED AND CLARIFIED TO REFLECT CHANGES IN THE LAW

Priority: Info./Admin./Other

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

Legal Authority: 22 USC 611 et seq Foreign Agents Registration Act of 1938

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

Legal Deadline: None

Abstract: As a result of the passage of the Lobbying Disclosure Act of 1995 (LDA) and the Lobbying Disclosure Technical Amendments Act of 1998 (LDTAA), the Foreign Agents Registration Unit of the Criminal Division is issuing new regulations concerning changes in the Foreign Agents Registration Act of 1938, as amended, 22 USC 611, et seq (FARA). These regulations replace the term "political propaganda" in the existing regulations with "informational materials" as provided in the LDA and make other changes to the FARA regulations required by the passage of the LDA and the LDTAA. The regulations also make other modifications to the existing regulations to facilitate the administration of FARA.

Timetable:

Action	Date	FR Cite
NPRM	05/00/99	
NPRM Comment Period End	07/00/99	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: CFR

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

Agency Contact: Marshall R. Williams, Chief, Registration Unit, Internal Security Section, Criminal Division, Department of Justice, Room 9300, 1400 New York Avenue NW., Washington, DC 20530

Phone: 202 514-1216

Fax: 202 514-2836

RIN: 1105-AA45

1879. OPERATION OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

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

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

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

Legal Deadline: Other, Statutory, November 30, 1998.

The Brady Handgun Violence Prevention Act requires the NICS be established not later than 60 months after enactment (11/30/93).

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

DOJ—LA

Proposed Rule Stage

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

Timetable:**NICS Privacy & Security Policies**

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

NICS User Fee

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

Privacy & Security Policies and User Fee

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

Reduction of Retention Period

NPRM 03/03/99 (64 FR 10262)
NPRM Comment Period End 06/01/99 (64 FR 10263)
Final Rule 10/00/99

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Tribal, Federal

Agency Contact: Emmet A. Rathbun, Unit Chief, Research and Development Unit, Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Div., 1000 Custer Hollow Road, Clarksburg, WV 26306-0147

Phone: 304 625-2000

Fax: 304 625-3875

RIN: 1105-AA51

1880. IMPLEMENTATION OF THE PAM LYCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT

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

Unfunded Mandates: Undetermined

Legal Authority: PL 104-236, sec 9

CFR Citation: Not yet determined

Legal Deadline: Other, Statutory, October 3, 1999.

The Act does not distinguish between NPRM and Final regulations.

Abstract: The FBI is issuing regulations to carry out the Pam Lychner Sexual Offender Tracking and Identification Act of 1996. These regulations include guidelines as to the operation and use of the interim national sex offender

registry established by the FBI, and the notice to be provided to the FBI in the event a registered sex offender moves interstate.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local, Tribal

Additional Information: (See also RIN 1105-AA50)

Agency Contact: Charles Marciano, Assistant General Counsel, Department of Justice, Federal Bureau of Investigation, 935 Pennsylvania Avenue NW., Washington, DC 20530

Phone: 202 324-4523

Fax: 202 324-1039

RIN: 1105-AA56

1881. REVISION OF 28 CFR PART 15 PERTAINING TO THE DEFENSE OF CERTAIN SUITS AGAINST FEDERAL EMPLOYEES TO CONFORM TO THE FEDERAL EMPLOYEES LIABILITY REFORM AND TORT COMPENSATION ACT

Priority: Substantive, Nonsignificant

Legal Authority: 28 USC 2679(b)

CFR Citation: 28 CFR 15

Legal Deadline: None

Abstract: This rule revises 28 CFR part 15, pertaining to the defense of certain suits against Federal employees, to conform the regulations to changes made by the Federal Employee Liability Reform and Tort Compensation Act, PL 100-694. Under prior law, the defense of suits against Federal employees for torts committed in the scope of their employment was limited to claims involving the operation of motor vehicles. PL 100-694 expanded the coverage of the immunity provisions to include all common law torts committed by Federal employees in the scope of their employment. This rule conforms the Department's regulations to the expanded coverage of the statute.

Timetable:

Action	Date	FR Cite
NPRM	06/00/99	
NPRM Comment Period End	08/00/99	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Agency Contact: James G. Touhey, Jr., Trial Attorney, Torts Branch, Department of Justice, P.O. Box 888, Benjamin Franklin Station, Washington, DC 20004

Phone: 202 616-4292

Fax: 202 616-5200

RIN: 1105-AA62

1882. FBI CRIMINAL JUSTICE INFORMATION SERVICES DIVISION SYSTEMS AND PROCEDURES

Priority: Other Significant

Legal Authority: 28 USC 534

CFR Citation: 28 CFR 0.85; 28 CFR 16 (Revision); 28 CFR 20 (Revision); 28 CFR 50.12

Legal Deadline: None

Abstract: This rule updates existing regulations in 28 CFR part 16 "Production or Disclosure of Material or Information" and in part 20 "Criminal Justice Information Systems" which contain old terms and addresses. Additionally, the increasing prevalence of outsourcing by criminal justice agencies of technical and administrative functions warrants establishing express authority for contractor access to criminal history record information (CHRI) where the contractor is acting on behalf of an authorized agency and appropriate security and privacy protections exist.

Timetable:

Action	Date	FR Cite
NPRM	04/00/99	
NPRM Comment Period End	05/00/99	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local, Tribal, Federal

Agency Contact: W. A. Miller, Assistant General Counsel, FBI, Department of Justice, J. Edgar Hoover Bldg., Room 7338, 935 Pennsylvania Avenue NW., Washington, DC 20535-0001

Phone: 202 324-4523

Fax: 202 324-1039

RIN: 1105-AA63

DOJ—LA

Proposed Rule Stage

1883. UNITED STATES MARSHALS SERVICE FEE FOR SERVICES**Priority:** Substantive, Nonsignificant**Legal Authority:** 28 USC 1921(b)**CFR Citation:** 28 CFR 0.114 (Revision)**Legal Deadline:** None

Abstract: This rule revises the United States Marshals Service fees pursuant to 28 USC 1921(b). This statute requires the Attorney General to establish fees to be taxed and collected for certain services rendered by the United States Marshals Service in connection with Federal court proceedings. These services include, but are not limited to, the serving of writs, subpoenas, or summonses, the preparing of notices or bills of sale, the keeping of attached property, and certain necessary travel. To the extent practicable, these fees shall reflect the actual and reasonable costs of the services provided. The Attorney General initially established the fee schedule in 1991, based on the actual costs, salaries, overhead, etc. of the services rendered and the hours expended. Due to an increase in the salaries and benefits of United States Marshals Service personnel over time, the current fee schedule is inadequate and no longer reflects actual and reasonable costs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/99	
NPRM Comment Period End	08/00/99	

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

Agency Contact: Joe Lazar, Associate General Counsel, United States Marshals Service, Department of Justice, 600 Army Navy Drive, CS-3, Arlington, VA 22202
Phone: 202 307-9054
Fax: 202 307-9456

RIN: 1105-AA64**1884. • DESIGNATION OF AGENCIES TO RECEIVE AND INVESTIGATE REPORTS REQUIRED UNDER THE PROTECTION OF CHILDREN FROM SEXUAL PREDATORS ACT****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 42 USC 13032**CFR Citation:** Not yet determined**Legal Deadline:** NPRM, Statutory, April 28, 1999.

Abstract: On October 30, 1998, Congress passed the Protection of Children from Sexual Predators Act of 1998 (PCSPA). The PCSPA requires providers of an electronic communication service or a remote computing service to the public, through a facility or means of interstate commerce, to report incidents of child pornography as defined by sections 2251, 2251A, 2252, 2252A, or 2260 of Title 18, United States Code to the appropriate Federal agency. In order to facilitate effective reporting, the PCSPA requires the Attorney General to "designate an agency" to receive and investigate such reports of child pornography. The proposed rule sets forth the Attorney General's proposed designations and certain other matters covered by the PCSPA's reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/00/99	
NPRM Comment Period End	07/00/99	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** Federal

Agency Contact: Terry R. Lord, Chief, Child Exploitation and Obscenity Section, Department of Justice, 1331 F Street NW., 6th Floor, Washington, DC 20530

Phone: 202 514-5780

RIN: 1105-AA65**1885. • WAIVER FOR FIREARM PROHIBITION ON NON-IMMIGRANT VISA HOLDERS****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** PL 105-277, sec 121; 18 USC 922**CFR Citation:** 28 CFR 25**Legal Deadline:** None

Abstract: The Gun Control Act of 1968 established categories of individuals who are prohibited from possessing a firearm. A provision of PL 105-277, the Omnibus Appropriations Act of 1999, added non-immigrant visa holders as an additional prohibited category. In the same Act, the Attorney General was authorized to grant a waiver for individuals disqualified by this new prohibited category. The waiver petition will be granted upon an applicant showing proof of 180 days of residency, a statement of character from the applicant's embassy or consulate, and upon a determination by the Attorney General that the waiver should be granted in the interests of justice so as not to jeopardize public safety.

Timetable:

Action	Date	FR Cite
NPRM	10/00/99	
NPRM Comment Period End	12/00/99	

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

Agency Contact: Jay Hoover, Senior Counsel, Department of Justice, Main Building, Room 4519, Washington, DC 20530

Phone: 202 514-3737

Fax: 202 307-3137

RIN: 1105-AA66

DEPARTMENT OF JUSTICE (DOJ)

Final Rule Stage

Legal Activities (LA)

1886. FEDERAL CLAIMS COLLECTION STANDARDS (FCCS)**Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 31 USC 3711(e)(2)**CFR Citation:** 31 CFR 900 to 904**Legal Deadline:** None**Abstract:** The Federal Claims Collection Standards (FCCS) are issued jointly by the Secretary of the Treasury and the Attorney General. These regulations prescribe the standards for the administrative collection, compromise, termination of agency collection, and the referral to the Department of Justice for litigation, of civil claims by the Federal Government for money or property. The Department of Justice and the Department of the Treasury are issuing this rule to revise and update the FCCS in order to reflect changes in the substantive law and in government procedures that have taken place since the standards were last issued in March 1984.**Timetable:**

Action	Date	FR Cite
NPRM	12/31/97	62 FR 68476
NPRM Comment Period End	03/02/98	
Final Action	06/00/99	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** State, Federal**Agency Contact:** Kathleen A. Haggerty, Director, Debt Collection Management, Department of Justice, Liberty Place Bldg., Second Floor South, 325 7th Street NW., Washington, DC 20530
Phone: 202 514-5343
Fax: 202 514-1965**RIN:** 1105-AA31**1887. IMPLEMENTATION OF SECTIONS 104 AND 109 OF THE COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT****Priority:** Other Significant**Legal Authority:** PL 103-414 Communications Assistance for Law Enforcement Act; PL 104-208 Omnibus Consolidated Appropriations Act of 1997**CFR Citation:** 28 CFR 100**Legal Deadline:** Other, Statutory, October 25, 1998.

While CALEA required telecommunications carriers to be in compliance with section 103 by October 25, 1998, the FCC has since exercised (continued in Additional Information)

Abstract: As required by section 109 of the Communications Assistance for Law Enforcement Act (CALEA), the FBI promulgated Cost Recovery Regulations allowing telecommunications carriers to recover certain costs associated with implementing CALEA. The final rule was published on March 20, 1997 (62 FR 13307) and became effective on April 21, 1997. In response to public comment received during this rulemaking, the FBI published an NPRM on November 19, 1996 (61 FR 58799), which solicited input on the definition of the term "significant upgrade or major modification" as used by CALEA. The "significant upgrade or major modification" NPRM was published on April 28, 1998 (63 FR 23231) and the FBI is currently reviewing the comments received.

Additionally, CALEA section 104 requires the Attorney General to publish a Notice of Actual and Maximum Capacity in order to provide telecommunications carriers with the information they will need to meet law enforcement's future simultaneous electronic surveillance requirements. For local exchange, cellular, and broadband PCS, the FBI published an Initial Notice of Capacity on October 16, 1995 (60 FR 53643) and a Second Notice of Capacity on January 14, 1997 (62 FR 1902). The FBI published the Final Notice of Capacity for local exchange, cellular, and broadband PCS on March 12, 1998 (63 FR 12218). Additionally, the FBI published a Notice of Inquiry (NOI) in the Federal Register on December 18, 1998 (63 FR 70160) which solicited information on and suggestions for developing reasonable methodologies for characterizing capacity requirements for telecommunications services and technologies other than local exchange, cellular, and broadband PCS. Comments were due on February 16, 1999. Information gathered in response to the NOI will be used in the development and promulgation of future Notices of Capacity for those services.

Timetable:**"Significant upgrade or major modification"**

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

NPRM Proposing Definition 04/28/98 (63 FR 23231)

Final Rule Defining Term 06/00/99

Cost Recovery Rule (Telecom. Carriers)

NPRM 05/10/96 (61 FR 21396)

NPRM Comment Period End 07/09/96

Final Rule 03/20/97 (62 FR 13307)

Final Rule Effective 04/21/97

Notice of Actual and Max. Cap.-local exch, cellular, broadband PCS

Initial Notice 10/16/95 (60 FR 53643)

Second Notice 01/14/97 (62 FR 1902)

Final Notice 03/12/98 (63 FR 12217)

Notice of Actual and Max. Cap.-paging, non-bb PCS, MSS, SMR, etc.

Notice of Inquiry (Cap Methodology)

12/18/98 (63 FR 70160)

Proposed Notice of Capacity 03/00/00

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** STATUTORY DEADLINE CONT: its authority under section 107 of CALEA to grant telecommunications carriers extensions of this compliance date. As a result of the FCC's order, carriers must now be in compliance with section 103 by June 30, 2000. Additionally, as a result of the publication of the Final Notice of Capacity for local exchange, cellular and broadband PCS carriers, these carriers must be in compliance with section 104 by March 12, 2001.**Agency Contact:** Walter V. Meslar, Unit Chief, Telecommunications Contracts and Audit Unit, Department of Justice, Federal Bureau of Investigation, 14800 Conference Center Dr., Suite 300, Chantilly, VA 20151
Phone: 703 814-4900
Fax: 703 814-4730Rozanne R. Worrell, SSA, CALEA Implementation Section, Department of Justice, Federal Bureau of Investigation, 14800 Conference Center Drive, Suite 300, Chantilly, VA 20151
Phone: 703 814-4804
Fax: 703 814-4720**RIN:** 1105-AA39**1888. CIVIL MONETARY PENALTIES INFLATION ADJUSTMENT****Priority:** Info./Admin./Other**Legal Authority:** PL 101-410 Fed. Civ. Monetary Penalties Inflation Adj. Act-

1990; PL 104-134, sec 31001 Debt Collection Improvement Act of 1996

CFR Citation: 28 CFR 50.22 (New)

Legal Deadline: Final, Statutory, October 23, 1996.

Abstract: The Federal Civil Monetary Penalties Inflation Adjustment Act of 1990, PL 101-410, hereinafter, Adjustment Act, provided for the regular evaluation of civil monetary penalties to ensure that they continued to maintain their deterrent value and that penalty amounts due the Federal Government were properly accounted for and collected. On April 26, 1996, President Clinton signed into law the Omnibus Consolidated Rescissions and Appropriations Act of 1996, PL 104-134, hereinafter, Omnibus Act. Section 31001 of the Omnibus Act (also known as the Debt Collection Improvement Act of 1996, hereinafter, Improvement Act) amended section 4 of the Adjustment Act to require the head of each agency to, by regulation, adjust each civil monetary penalty provided by law within the jurisdiction of the agency and to publish such regulation in the Federal Register.

Any increase in a civil monetary penalty made pursuant to the Improvement Act shall apply only to violations which occur after the date the increase takes effect. The first adjustment of a civil monetary penalty made pursuant to the Improvement Act may not exceed 10 percent of such penalty. The adjustment for inflation required by the Adjustment Act must be done every four years. This regulation fulfills the Attorney General's obligations under the Improvement Act.

Timetable:

Action	Date	FR Cite
Final Action	05/00/99	
Final Action Effective	06/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Robert Hinchman, Attorney-Advisor, Department of Justice, Room 4256, Office of Policy Development, 10th Street and Constitution Avenue NW., Washington, DC 20530

Phone: 202 514-8059

Fax: 202 514-8639

RIN: 1105-AA48

1889. POLICE RECRUITMENT PROGRAM GUIDELINES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 13811(i) Police Recruitment, Violent Crime Control; Law Enforcement Act of 1994

CFR Citation: 28 CFR 92

Legal Deadline: None

Abstract: The Police Recruitment Program Guidelines establish programs for training individuals to enter police department instructional programs. The Guidelines include requirements for individuals providing recruiting services, tutorials and other academic assistance programs, and retention services. The Guidelines also set forth the content and duration of recruitment, retention, and counseling programs and the means and devices used to publicize such programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/21/98	63 FR 50145
Interim Final Rule	10/21/98	
Comment Period End		
Final Action	06/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: Rob Chapman, Social Science Analyst, Department of Justice, COPS Office, 1110 Vermont Avenue NW., Washington, DC 20530
Phone: 202 633-1295
Fax: 202 633-1386

RIN: 1105-AA58

1890. WHISTLEBLOWER PROTECTION FOR FEDERAL BUREAU OF INVESTIGATION EMPLOYEES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 5 USC 315; 5 USC 2303; 28 USC 509; 28 USC 510; 28 USC 515 to 519; Memorandum for the Attorney General (cont. in Additional Info.)

CFR Citation: 28 CFR 101

Legal Deadline: None

Abstract: This interim rule establishes procedure under which employees of the Federal Bureau of Investigation may make disclosures of information protected by the Civil Service Reform Act of 1978 (Pub. L. 95-454) and the Whistleblower Protection Act of 1989 (Pub. L. 101-12), codified at 5 USC 2303. It also establishes procedures under which the Department of Justice will investigate allegations by FBI employees of retaliation for making such disclosures and provide appropriate corrective action.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/10/98	63 FR 62937
Final Action	08/00/99	
Final Action Effective	09/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Additional Information: LEGAL AUTHORITY CONT: from the President, April 14, 1997, Delegation of Responsibilities Concerning FBI Employees Under the Civil Service Reform Act of 1978.

Agency Contact: Stuart Frisch, General Counsel, Justice Management Division, Department of Justice, National Place Building, 1331 Pennsylvania Avenue NW., Washington, DC 20530
Phone: 202 514-3452
Fax: 202 514-4317

RIN: 1105-AA60

DEPARTMENT OF JUSTICE (DOJ)

Long-Term Actions

Legal Activities (LA)

1891. CRIMINAL FINES ENFORCEMENT

Priority: Substantive, Nonsignificant

CFR Citation: 28 CFR 72

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: Lynne Solien

DOJ—LA

Long-Term Actions

Phone: 202 616-6444

RIN: 1105-AA16

1892. VIOLENT CRIME AND DRUG EMERGENCY AREAS**Priority:** Other Significant**CFR Citation:** 28 CFR 92 (New)**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** State, Local, Tribal, Federal**Agency Contact:** Robert Hinchman
Phone: 202 514-8059

Fax: 202 514-8639

RIN: 1105-AA29

1893. FALSE CLAIMS AMENDMENTS ACT OF 1986—CIVIL INVESTIGATIVE DEMANDS**Priority:** Info./Admin./Other**CFR Citation:** 28 CFR 28**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Michael F. Hertz
Phone: 202 514-7179

RIN: 1105-AA42

1894. FEDERAL CONVICTED OFFENDER DNA DATABASE PROGRAM**Priority:** Substantive, Nonsignificant**CFR Citation:** Not yet determined**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** State, Tribal, Federal**Agency Contact:** Joseph Dizinno

Phone: 202 324-4354

Fax: 202 324-5823

Email: lab-fssu@fbi.gov

RIN: 1105-AA52

DEPARTMENT OF JUSTICE (DOJ)

Completed Actions

Legal Activities (LA)

1895. RADIATION EXPOSURE COMPENSATION ACT: EVIDENTIARY REQUIREMENTS; DEFINITIONS AND NUMBER OF TIMES CLAIMS MAY BE FILED**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**CFR Citation:** 28 CFR 79**Completed:**

Reason	Date	FR Cite
Final Action	03/22/99	64 FR 13686
Final Action Effective	04/21/99	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal**Agency Contact:** Gerard W. Fischer
Phone: 202 616-4090

RIN: 1105-AA49

1896. GUIDELINES FOR MEGAN'S LAW AND THE JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDER REGISTRATION ACT**Priority:** Other Significant**CFR Citation:** None**Completed:**

Reason	Date	FR Cite
Final Action	01/05/99	64 FR 572

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** State, Local, Federal**Agency Contact:** Bonnie J. Campbell

Phone: 202 616-8894

RIN: 1105-AA50

DEPARTMENT OF JUSTICE (DOJ)

Proposed Rule Stage

Office of Justice Programs (OJP)

1897. ● GRANTS TO COMBAT VIOLENCE AGAINST WOMEN ON CAMPUSES**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 105-244, sec 829**CFR Citation:** 28 CFR 90**Legal Deadline:** NPRM, Statutory, February 4, 1999. Final, Statutory, April 5, 1999.**Abstract:** This rule governs the provision of funds to institutions of higher education to develop and strengthen effective security and investigation strategies to combat violent crimes against women on

campuses, particularly domestic violence, sexual assault, and stalking. Funds are authorized for developing, enlarging, and strengthening victim services in cases involving violent crimes against women on campuses.

Timetable:

Action	Date	FR Cite
NPRM	05/00/99	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Kathy Schwartz,
Administrator, Violence Against Women Grants Office, Department ofJustice, Office of Justice Programs, 810 7th Street NW., Washington, DC 20531
Phone: 202 307-6026
Fax: 202 305-2589

RIN: 1121-AA49

1898. ● PUBLIC SAFETY OFFICERS' EDUCATIONAL ASSISTANCE PROGRAM**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 3796 et seq;
PL 104-238**CFR Citation:** 28 CFR 32**Legal Deadline:** None

DOJ—OJP

Proposed Rule Stage

Abstract: The Bureau of Justice Assistance of the Department of Justice is amending the regulations governing the Federal Law Enforcement Dependents' Assistance (FLEDA) program, found at 28 CFR Part 32, Subpart B, to comply with the amendments to its authorizing statute, 42 USC 3896, et seq, enacted by the Police, Fire and Emergency Officers' Educational Assistance Act of 1998, PL 104-238 (Nov. 13, 1998)(the PSOE Act). The PSOE Act expands the scope of eligibility for financial assistance for higher education to the dependents of all public safety officers, including state and local, who are killed or permanently and totally disabled in the line of duty. The regulatory

amendments allow the spouses and children of all public safety officers who are killed or permanently and totally disabled in the line of duty and with respect to whom a claim has been approved under the Public Safety Officers' Benefits (PSOB) program, to receive these educational benefits. To reflect the expansion of the program, this rulemaking changes the program name from the "Federal Law Enforcement Dependents' Assistance" (FLEDA) program to the "Public Safety Officers' Educational Assistance" (PSOB) program. Likewise, the references in 28 CFR Part 32, subpart B are changing from "civilian Federal law enforcement" or "Federal law enforcement" to "public safety."

Timetable:

Action	Date	FR Cite
NPRM	05/00/99	
NPRM Comment Period End	07/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Ashton Flemmings, Director, Public Safety Officers' Benefits Program, Bureau of Justice Assistance, Department of Justice, Office of Justice Programs, 810 7th Street NW., Washington, DC 20531
Phone: 202 616-9045
Fax: 202 307-3373

RIN: 1121-AA51

**DEPARTMENT OF JUSTICE (DOJ)
Office of Justice Programs (OJP)**

Final Rule Stage

1899. GRANTS PROGRAM FOR INDIAN TRIBES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 13701 et seq

CFR Citation: 28 CFR 91

Legal Deadline: None

Abstract: This rule outlines the requirements and procedures to award grants to Indian tribes for purposes of constructing jails on tribal lands for the incarceration of offenders subject to tribal jurisdiction. This rule implements provisions of the Violent Offender Incarceration and Truth-In-Sentencing Grants Program for Indian tribes as required by section 114 of the Fiscal Year 1998 Omnibus Consolidated Rescissions and Appropriations Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/24/96	61 FR 49969
Correction	10/18/96	61 FR 54333
Interim Final Rule	10/24/96	
Comment Period End		
Final Action	10/00/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Tribal

Agency Contact: Dr. Stephen Amos, Deputy Director, Department of Justice, Office of Justice Programs, Correction

Program Office, 810 7th Street NW., Washington, DC 20531
Phone: 202 307-2019

RIN: 1121-AA41

1900. JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANTS

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-119

CFR Citation: 28 CFR 31; 28 CFR 31.500; 28 CFR 31.501

Legal Deadline: None

Abstract: This part proposes procedures under which an eligible State, or unit of local government that receives a subgrant from the State, is required to provide notice to the Attorney General regarding the proposed use of funds available under the Juvenile Accountability Incentive Block Grant (JAIBG) program.

Timetable:

Action	Date	FR Cite
NPRM	10/14/98	63 FR 55069
NPRM Comment Period End	11/13/98	
Final Action	10/00/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Rodney Albert, Deputy Director, State Relations and Assistance Division, Department of

Justice, Office of Justice Programs, 810 7th Street NW., Washington, DC 20531
Phone: 202 307-5924
Fax: 202 307-2819
Email: albertr@ojp.usdoj.gov

RIN: 1121-AA46

1901. BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 1998

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

Legal Authority: 42 USC 379611

CFR Citation: 28 CFR 33

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

Abstract: This part proposes the process by which BJA will provide funds to eligible States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/23/98	63 FR 50759
Interim Final Rule Effective	09/23/98	
Interim Final Rule Comment Period End	11/23/98	
Final Rule	10/00/99	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

DOJ—OJP

Final Rule Stage

Government Levels Affected: State, Local, Tribal

Agency Contact: Lluana McCann, Program Manager, Department of Justice, Office of Justice Programs, 810 7th Street NW., Washington, DC 20053
Phone: 202 305-1772

RIN: 1121-AA48

1902. • TIMING OF POLICE CORPS REIMBURSEMENTS OF EDUCATIONAL EXPENSES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 14091, et seq

CFR Citation: 28 CFR 92

Legal Deadline: None

Abstract: Regulations at 28 CFR 92.5 specify what educational expenses the Police Corps covers and how those expenses will be paid. Subsection (7) of 92.5 currently provides that financial aid reimbursements to college students who agree to serve as police in specifically designated areas for at least four years are made through four equal payments—one upon completion of each of the four years of required service. This rule changes the current provision to accelerate reimbursement. Under the revised provision, participants will be reimbursed in full by the time they successfully complete their first year of required service.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Michael Dalich, Director, Office of the Police Corps and Law Enforcement Education, Department of Justice, Office of Justice Programs, 810 7th Street, Room 6424, Washington, DC 20531
Phone: 202 616-3603

RIN: 1121-AA50

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