



# Federal Register

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**Monday,  
April 24, 2000**

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**Part XI**

**Department of  
Justice**

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**Semiannual Regulatory Agenda**

**DEPARTMENT OF JUSTICE (DOJ)**

**DEPARTMENT OF JUSTICE**

**8 CFR Ch. I**

**21 CFR Ch. I**

**28 CFR Ch. I**

**Regulatory Agenda**

**AGENCY:** Department of Justice.

**ACTION:** Semiannual regulatory agenda.

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

**FOR FURTHER INFORMATION CONTACT:**

Robert Hinchman, Senior Counsel,  
Office of Policy Development,  
Department of Justice, Room 4256, 950  
Pennsylvania Avenue NW., Washington,  
DC 20530, (202) 514-8059.

**Dated:** March 7, 2000.

**Eleanor D. Acheson,**

*Assistant Attorney General, Office of Policy  
Development.*

**Bureau of Prisons—Proposed Rule Stage**

Sequence Number	Title	Regulation Identification Number
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1652	Administrative Remedy Program: Excluded Matters .....	1120-AA72
1653	Drug Abuse Treatment Programs: Disincentives and Enhanced Incentives .....	1120-AA88
1654	Occupational Educational Programs .....	1120-AA92
1655	Classification and Program Review .....	1120-AA93
1656	Drug Testing Program .....	1120-AA95
1657	Release of Information .....	1120-AA96
1658	Administrative Remedy Program: Applicability to Contract Facilities .....	1120-AA97
1659	Searching and Detaining or Arresting Persons Other Than Inmates: Denial of Visiting .....	1120-AB01
1660	Literacy Program: GED Requirements .....	1120-AB02

**Bureau of Prisons—Final Rule Stage**

Sequence Number	Title	Regulation Identification Number
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1662	Intensive Confinement Centers .....	1120-AA11
1663	Incoming Publications .....	1120-AA15
1664	Infectious Diseases .....	1120-AA23
1665	Literacy Program .....	1120-AA33
1666	Telephone Regulations and Inmate Financial Responsibility .....	1120-AA49
1667	Incoming Publications: Nudity and Sexually Explicit Material or Information .....	1120-AA59
1668	Good Conduct Time .....	1120-AA62
1669	Drug Abuse Treatment and Intensive Confinement Center Programs: Early Release Consideration .....	1120-AA66
1670	Visiting Regulations: Prior Relationship .....	1120-AA77
1671	Inmate Discipline: Prohibited Acts .....	1120-AA78
1672	Smoking/No Smoking Areas .....	1120-AA79
1673	Over-the-Counter (OTC) Medications .....	1120-AA81
1674	Administrative Safeguards for Psychiatric Treatment and Medication; Military Prisoners and District of Columbia Code Violators .....	1120-AA83
1675	Designation of Offenses Subject to Sex Offender Release Notification .....	1120-AA85
1676	Inmate Commissary Account Deposit Procedures .....	1120-AA86
1677	Civil Contempt of Court Commitments .....	1120-AA87
1678	Searches of Housing Units, Inmates, Inmate Work Areas, and Persons Other Than Inmates: Electronic Devices ....	1120-AA90
1679	Federal Tort Claims Act .....	1120-AA94
1680	Correspondence: Inspection of Outgoing General Correspondence .....	1120-AA98
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**Bureau of Prisons—Long-Term Actions**

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1682	Telephone Regulations and Inmate Financial Responsibility .....	1120-AA39

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## Bureau of Prisons—Completed Actions

Sequence Number	Title	Regulation Identification Number
1683	Victim and/or Witness Notification: State Custody Transfers .....	1120-AA80

## Civil Rights Division—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1684	Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities .....	1190-AA44
1685	Nondiscrimination on the Basis of Disability in State and Local Government Services .....	1190-AA46
1686	Nondiscrimination on the Basis of Disability in State and Local Government Services; Public Accommodations and Commercial Facilities; Accessibility Standards; Recreation Facilities .....	1190-AA47
1687	American Competitiveness and Workforce Improvement Act of 1998 Complaint Process; Change to Document Abuse Definition Pursuant to the Illegal Immigration Reform and Immigrant Responsibility Act .....	1190-AA48

## Civil Rights Division—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1688	Nondiscrimination on the Basis of Sex in Federally Assisted Programs and Activities—Implementation of Title IX of the Education Amendments of 1972 .....	1190-AA28
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## Civil Rights Division—Long-Term Actions

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1690	Amendment to Nondiscrimination in Federally Assisted Programs and Activities—Implementation of Title VI of the Civil Rights Act of 1964 .....	1190-AA31
1691	Amendment to Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964 .....	1190-AA32

## Civil Rights Division—Completed Actions

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Drug Enforcement Administration—Final Rule Stage

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1698	Registration and Reregistration Application Fees .....	1117-AA34
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1700	Listed Chemicals; Final Establishment of Thresholds for Iodine and Hydrochloric Gas (Hydrogen Chloride Gas) .....	1117-AA43
1701	Implementation of the Methamphetamine Control Act; Regulation of Pseudoephedrine, Phenylpropanolamine, and Combination Ephedrine Drug Products; Reports of Certain Transactions to Nonregulated Persons .....	1117-AA44
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1706	Authorities Delegated to the Director of the Executive Office for Immigration Review. ....	1125-AA27

Executive Office for Immigration Review—Final Rule Stage

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Sequence Number	Title	Regulation Identification Number
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Federal Bureau of Investigation—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1710	Implementation of Sections 104 and 109 of the Communications Assistance for Law Enforcement Act .....	1110-AA00
1711	Operation of the National Instant Criminal Background Check System .....	1110-AA02
1712	Implementation of the Pam Lychner Sexual Offender Tracking and Identification Act .....	1110-AA04

Federal Bureau of Investigation—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
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## Immigration and Naturalization Service—Prerule Stage

Sequence Number	Title	Regulation Identification Number
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## Immigration and Naturalization Service—Proposed Rule Stage

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1715	Revised Grounds of Inadmissibility, Waivers for Immigrants and Nonimmigrants, and Exceptions .....	1115-AB45
1716	Nonimmigrant Classes; S Classification; Law Enforcement Initiatives; Alien Witnesses .....	1115-AD86
1717	Update to Transit Without Visa (TWOV) Listing .....	1115-AD96
1718	Employment Authorization Document Applications and Process .....	1115-AE06
1719	Inspection of Persons Applying for Admission; International-to-International User Fee .....	1115-AE37
1720	Definition of the Term "Lawfully Present" for Purposes of Eligibility for Public Benefits .....	1115-AE51
1721	Corporate Reorganizations (Mergers and Acquisitions) and E, H, L Nonimmigrant Classification .....	1115-AE55
1722	Petition for Employment Creation Aliens .....	1115-AE56
1723	Filing Factual Statements About Alien Prostitutes .....	1115-AE60
1724	F-1 Visa Abusers and Foreign Students .....	1115-AE63
1725	Employment Verification by Employers That Are Members of a Multi-Employer Association .....	1115-AE67
1726	Use of Parole for Humanitarian Reason or Significant Public Benefit and Report to Congress .....	1115-AE68
1727	Collection of Fees Under the Dedicated Commuter Lane Program, Port Passenger Accelerated Service System (PORTPASS) Program .....	1115-AE71
1728	Certification of Certain Health Care Workers .....	1115-AE73
1729	Regulations Pertaining to Battered Aliens and to Mail Order Bride Businesses, as Mandated by IIRIRA .....	1115-AE77
1730	Control of Aliens Departing From the United States .....	1115-AE89
1731	En Route Inspections and Reimbursement for Immigration and Naturalization Service Costs .....	1115-AE98
1732	Special Immigrant Juvenile—Special Immigrant Status for Certain Aliens Declared Dependent on a Juvenile Court .....	1115-AF11
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1734	Documentary Requirements for Returning Residents .....	1115-AF26
1735	Availability of Material Under Freedom of Information Act and Privacy Act .....	1115-AF32
1736	Dismissal of Asylum Application for Unexcused Failure To Appear and Effect on Eligibility for Employment Authorization .....	1115-AF38
1737	H-1B Nonimmigrant Worker Complaints Regarding U.S. Employer Violations Under the American Competitiveness and Workforce Improvement Act .....	1115-AF40
1738	American Competitiveness and Workforce Improvement Act .....	1115-AF41
1739	Special Immigrant Status for Certain NATO Civilian Employees .....	1115-AF44
1740	Contracts With Transportation Lines .....	1115-AF46
1741	Adjustment of Fees for Services at Land Border Ports-of-Entry .....	1115-AF55
1742	Manifest Requirements and Imposition of Fines Under Section 231 of the Act .....	1115-AF57
1743	Adjustment of Certain Fees of the Immigration Examinations Fee Account .....	1115-AF61
1744	Adjustment of Fees for the Land Border Inspection Fee Account .....	1115-AF62
1745	Regulations Regarding Authority to Grant Asylum to Certain Arriving Aliens .....	1115-AF64
1746	Entry Requirements for Citizens of the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau .....	1115-AF65
1747	Inadmissibility Based on Expatriation To Avoid Taxation .....	1115-AF69
1748	Imposition of Fines for Violations of the Immigration and Nationality Act .....	1115-AF70
1749	Land Requirements for Passengers Arriving from Cuba .....	1115-AF72
1750	Petitioning Requirements for the H-1C Nonimmigrant Classification Under Public Law 105-277 .....	1115-AF76

## Immigration and Naturalization Service—Final Rule Stage

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1752	Adjustment of Status to That of Person Admitted for Permanent Residence: Conditional Residents and Fiance(e)s .....	1115-AC70
1753	Petitions for Employment-Based Immigrants .....	1115-AD55
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## Immigration and Naturalization Service—Final Rule Stage (Continued)

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1756	Adjustment of Status to That of Person Admitted for Permanent Residence; Temporary Removal of Certain Restrictions on Eligibility .....	1115-AD83
1757	90-Day Modified Inspection of Alien Crew Members .....	1115-AD95
1758	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
1759	Miscellaneous Modifications to Naturalization Regulations .....	1115-AE07
1760	Conditions on Nonimmigrant Status; Disclosure of Information .....	1115-AE17
1761	Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures .....	1115-AE47
1762	Agreement Promising Non-Deportation or Other Immigration Benefits .....	1115-AE50
1763	Petitioning Requirements for the H Nonimmigrant Classification .....	1115-AE52
1764	Affidavit of Support on Behalf of Immigrants .....	1115-AE58
1765	Suspension of Privilege To Transport Aliens to the United States .....	1115-AE59
1766	Rights of Habitual Residence Between the United States and the Governments of the Marshall Islands, Micronesia and Palau .....	1115-AE61
1767	Limiting Liability for Certain Technical and Procedural Violations of Paperwork Requirements .....	1115-AE70
1768	Ineligibility of Certain Juvenile Offenders for Family Unity Program .....	1115-AE72
1769	Adjustment of Status for Certain Polish or Hungarian Parolees .....	1115-AE74
1770	Establishment of Preinspected Automated Lane (PAL) Program at Immigration and Naturalization Service .....	1115-AE80
1771	Surrender of Aliens Ordered Removed From the United States .....	1115-AE82
1772	Early Release for Removal of Criminal Aliens in State Custody for Nonviolent Offenses .....	1115-AE83
1773	Amendment of the Regulatory Definition of Arriving Alien .....	1115-AE87
1774	New Rules Regarding Procedures for Asylum and Withholding of Removal .....	1115-AE93
1775	Adjustment of Status, Continued Validity of Nonimmigrant Status and Unexpired Employment Authorization for Applicants Maintaining Nonimmigrant H or L Status .....	1115-AE96
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1778	Processing, Detention, and Release of Juveniles .....	1115-AF05
1779	Extension of Deadline for Special Immigrant Religious Workers .....	1115-AF12
1780	Suspension of Deportation and Special Rule Cancellation of Removal for Certain Nationals of Guatemala, El Salvador, and Former Soviet Bloc Countries .....	1115-AF14
1781	Authorizing Suspension of Employment Authorization Requirements on the Basis of Severe Economic Hardship for F-1 Students and Emergent Circumstances .....	1115-AF15
1782	Change in Business Practices: Collection of Interest, Penalties, and Handling Charges for Delinquent Payment of Employer Sanctions Fines .....	1115-AF17
1783	Jurisdictional Change for the Los Angeles and San Francisco Asylum Offices .....	1115-AF18
1784	Powers of the Attorney General To Authorize State or Local Law Enforcement Officers To Carry Out Immigration Enforcement .....	1115-AF20
1785	Elimination of Immigration and Naturalization Service-Issued Mexican and Canadian Border Crossing Cards and Consent to Reapply for Admission After Removal .....	1115-AF24
1786	Filing of Proposals for Designation as a Regional Center Approved To Participate in the Immigrant Investor Pilot Program .....	1115-AF27
1787	Nonimmigrant Visa Exemption for Nationals of the British Virgin Islands Entering the United States Through St. Thomas, United States Virgin Islands .....	1115-AF28
1788	Delegation of the Adjudication of Certain H-2A Petitions to the Department of Labor .....	1115-AF29
1789	Temporary Protected Status Amendments to the Requirements for Employment Authorization Fee and Other Technical Amendments .....	1115-AF37
1790	Regulations Concerning the Convention Against Torture .....	1115-AF39
1791	Interim Designation of Acceptable Receipts for Employment Eligibility Verification .....	1115-AF42
1792	Deportability and Inadmissibility on Public Charge Grounds .....	1115-AF45
1793	Treatment of Certain H Petitions Filed After the Numerical Cap Is Reached .....	1115-AF47
1794	Adjustment of Status Under the 1966 Cuban Adjustment Act .....	1115-AF48
1795	Application for Refugee Status; Acceptable Sponsorship Agreement Guaranty of Transportation .....	1115-AF49
1796	Nonimmigrant Classes: Q-2 Irish Peace Process Cultural and Training Program Visitor .....	1115-AF51
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## Immigration and Naturalization Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
1798	Authorizing Collection of Fee Levied on F, J, and M Nonimmigrant Classifications Under Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) .....	1115-AF56
1799	Conditional Residence of Lawful Permanent Residence for Certain Alien Spouses and Sons and Daughters; Battered and Abused Conditional Residents .....	1115-AF59
1800	Extension of 25-Mile Limit at Select Arizona Ports-of-Entry .....	1115-AF60
1801	Revoking Grants of Naturalization .....	1115-AF63
1802	Duplication and Electronic Generation of Forms .....	1115-AF66
1803	Registration and Fingerprinting of Aliens in the United States: Control of Employment of Aliens .....	1115-AF71
1804	National Interest Waivers for Second Preference Employment-Based Immigrant Physicians Serving in Medically Underserved Areas or at Department of Veterans' Affairs Facilities .....	1115-AF75

## Immigration and Naturalization Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1805	Visa Waiver Pilot Program .....	1115-AB93
1806	Employer Sanctions Modifications .....	1115-AE21
1807	Regulations Relating to Temporary Protected Status .....	1115-AE26
1808	Public Charge Bond Pilot Program .....	1115-AE78
1809	Extending the Period of Duration of Status for Certain F and J Nonimmigrant Aliens .....	1115-AF54

## Immigration and Naturalization Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
1810	Nonimmigrant Classes; B Visitor for Business or Pleasure .....	1115-AC89
1811	Inspection of Persons Applying for Admission .....	1115-AD17
1812	Orphan Petitions; Petitions To Classify Alien as Immediate Relative of a United States Citizen or Preference Immigrant; Change in Definition of Child .....	1115-AE33
1813	Clarification of Age Requirements for Fingerprinting Naturalization Applicants .....	1115-AE86
1814	Adjustment of Status; Certain Nationals of Nicaragua and Cuba .....	1115-AF04
1815	Adjustment of Small Volume Fees of the Immigration Examinations Fee Account .....	1115-AF10
1816	Implementing Certain Portions of the American Competitiveness and Workforce Improvement Act (ACWIA) Relating to the H-1B Nonimmigrant Classification .....	1115-AF31
1817	Adjustment of Status for Certain Nationals of Haiti .....	1115-AF33
1818	Special Immigrant Juvenile Petitions .....	1115-AF35
1819	Adjustment of Small Volume Application Fees of the Immigration Examinations Fee Account .....	1115-AF52
1820	Adding Cleveland, OH; Fort Myers, FL; San Jose, CA; to the List of Ports of Entry Accepting Applications for Direct Transit Without Visa .....	1115-AF68

## Legal Activities—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1821	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
1822	Waiver for Firearm Prohibition On Non-Immigrant Visa Holders .....	1105-AA66
1823	Accidental Release Prevention Requirements; Risk Management Programs Under the Clean Air Act Section 112(r)(7) Distribution of Off-Site Consequence Analysis Information .....	1105-AA70
1824	Motor Vehicle Salvage Regulations .....	1105-AA71

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Legal Activities—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1825	Federal Claims Collection Standards (FCCS) .....	1105-AA31
1826	Foreign Agents Registration Act; Regulations Revised and Clarified To Reflect Changes in the Law .....	1105-AA45
1827	United States Marshals Service Fee for Services .....	1105-AA64
1828	Designation of Agencies To Receive and Investigate Reports Required Under the Protection of Children From Sexual Predators Act .....	1105-AA65
1829	Ethical Standards for Attorneys for the Government .....	1105-AA67

Legal Activities—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1830	Violent Crime and Drug Emergency Areas .....	1105-AA29
1831	False Claims Amendments Act of 1986—Civil Investigative Demands .....	1105-AA42

Legal Activities—Completed Actions

Sequence Number	Title	Regulation Identification Number
1832	Criminal Fines Enforcement .....	1105-AA16

Office of Justice Programs—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1833	Grants Program for Indian Tribes .....	1121-AA41
1834	Bulletproof Vest Partnership Grant Act of 1998 .....	1121-AA48

Office of Justice Programs—Completed Actions

Sequence Number	Title	Regulation Identification Number
1835	Timing of Police Corps Reimbursements of Educational Expenses .....	1121-AA50

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

Proposed Rule Stage

1651. POSTSECONDARY EDUCATION PROGRAMS

Priority: Substantive, Nonsignificant

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

Legal Authority: 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC

4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 544

Legal Deadline: None

Abstract: This document revises the Bureau's regulations on postsecondary education to exclude courses which are offered as part of an occupational education program. Courses which are offered as part of an occupational

education program are to be covered by the Bureau's regulations on occupational education. The inmate is consequently responsible for paying postsecondary education tuition costs either through personal funds, community resources, or scholarships available to the inmate. This revision is intended to simplify the organization of the Bureau's regulations.

## DOJ—BOP

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/00	
NPRM Comment Period End	07/00/00	
Final Action	10/00/00	
Final Action Effective	11/00/00	

**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, Room 754, HOLC, 320 First Street NW, Washington, DC 20534

Phone: 202 514-6655

Email: rnanovic@bop.gov

RIN: 1120-AA25

**1652. 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	06/00/00	
NPRM Comment Period End	08/00/00	
Final Action	11/00/00	
Final Action Effective	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, Room 754, HOLC, 320 First Street NW, Washington, DC 20534

Phone: 202 514-6655

Email: rnanovic@bop.gov

RIN: 1120-AA72

**1653. 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	05/00/00	
NPRM Comment Period End	07/00/00	
Final Action	11/00/00	
Final Action Effective	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, Room 754, HOLC, 320 First Street NW, Washington, DC 20534

Phone: 202 514-6655

Email: rnanovic@bop.gov

RIN: 1120-AA88

**1654. 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	06/00/00	
NPRM Comment Period End	08/00/00	
Final Action	11/00/00	
Final Action Effective	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, Room 754, HOLC, 320 First Street NW, Washington, DC 20534

Phone: 202 514-6655

Email: rnanovic@bop.gov

RIN: 1120-AA92

**1655. 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	10/00/00	
NPRM Comment Period End	12/00/00	
Final Action	03/00/01	
Final Action Effective	04/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, Room 754, HOLC, 320 First Street NW, Washington, DC 20534

## DOJ—BOP

## Proposed Rule Stage

Phone: 202 514-6655  
Email: rnanovic@bop.gov

RIN: 1120-AA93

**1656. DRUG TESTING PROGRAM**

**Priority:** Substantive, Nonsignificant

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

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

**CFR Citation:** 28 CFR 550

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Phone: 202 514-6655  
Email: rnanovic@bop.gov

RIN: 1120-AA95

**1657. RELEASE OF INFORMATION**

**Priority:** Substantive, Nonsignificant

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

**Legal Authority:** 5 USC 552; 5 USC 552a; 18 USC 3621 to 3622; 18 USC

3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 TO 4082; 18 USC 5006 TO 5024; 18 USC 5039; 28 USC 509 TO 510; 31 USC 3711(f)

**CFR Citation:** 28 CFR 513

**Legal Deadline:** None

**Abstract:** This document revises Bureau regulations implementing the Freedom of Information Act and the Privacy Act in order to simplify the procedures and to eliminate unnecessary regulatory text.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Phone: 202 514-6655  
Email: rnanovic@bop.gov

RIN: 1120-AA96

**1658. ADMINISTRATIVE REMEDY PROGRAM: APPLICABILITY TO CONTRACT FACILITIES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 28 CFR 542

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/00	
NPRM Comment Period End	09/00/00	

Action	Date	FR Cite
Final Action	12/00/00	
Final Action Effective	01/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Phone: 202 514-6655  
Email: rnanovic@bop.gov

RIN: 1120-AA97

**1659. • SEARCHING AND DETAINING OR ARRESTING PERSONS OTHER THAN INMATES: DENIAL OF VISITING**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 28 CFR 511

**Legal Deadline:** None

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

**Timetable:**

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

## DOJ—BOP

## Proposed Rule Stage

Action	Date	FR Cite
Final Action	12/00/00	
Final Action Effective	01/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, Room 754, HOLC, 320 First Street NW, Washington, DC 20534

Phone: 202 514-6655

Email: rnanovic@bop.gov

RIN: 1120-AB01

**1660. • LITERACY PROGRAM: GED REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 28 USC 509 to 510**CFR Citation:** 28 CFR 544**Legal Deadline:** None**Abstract:** This document addresses requirements for obtaining a General Educational Degree (GED) in Spanish or in French.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/00	

Action	Date	FR Cite
NPRM Comment Period End	08/00/00	
Final Action	11/00/00	
Final Action Effective	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, Room 754, HOLC, 320 First Street NW, Washington, DC 20534

Phone: 202 514-6655

Email: rnanovic@bop.gov

RIN: 1120-AB02

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

## Final Rule Stage

**1661. VOLUNTEER COMMUNITY SERVICE PROJECTS****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**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	06/00/00	
Final Action Effective	06/00/00	

**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, Room 754, HOLC, 320 First Street NW, Washington, DC 20534

Phone: 202 514-6655

Email: rnanovic@bop.gov

RIN: 1120-AA03

**1662. INTENSIVE CONFINEMENT CENTERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4046; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510**CFR Citation:** 28 CFR 524.31 to 524.34**Legal Deadline:** None**Abstract:** This document finalizes procedures for the operation of a specialized program combining features of a military boot camp with the traditional correctional values of the Bureau of Prisons. Inmates who successfully complete this program may be placed in community-based programs for longer periods of time than ordinarily permitted.**Timetable:**

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

**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, Room 754, HOLC, 320 First Street NW, Washington, DC 20534

Phone: 202 514-6655

Email: rnanovic@bop.gov

RIN: 1120-AA11

**1663. INCOMING PUBLICATIONS****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**Legal Deadline:** None**Abstract:** This document amends Bureau regulations on Incoming Publications to require that inmates in medium security, high security, and administrative institutions may receive softcover publications only from the publisher, book club, or bookstore.**Timetable:**

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

## DOJ—BOP

## Final Rule Stage

Action	Date	FR Cite
Final Action	06/00/00	
Final Action Effective	07/00/00	

**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, Room 754, HOLC, 320 First Street NW, Washington, DC 20534

Phone: 202 514-6655

Email: rnanovic@bop.gov

**RIN:** 1120-AA15**1664. 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	12/04/95	
Comment Period		
End		
Final Action	06/00/00	
Final Action Effective	06/00/00	

**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, Room 754, HOLC, 320 First Street NW, Washington, DC 20534

Phone: 202 514-6655

Email: rnanovic@bop.gov

**RIN:** 1120-AA23**1665. LITERACY PROGRAM****Priority:** Substantive, Nonsignificant

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

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

**CFR Citation:** 28 CFR 544.70 to 544.76**Legal Deadline:** None

**Abstract:** This document implements statutory provisions which make an inmate's vesting of good conduct time contingent upon the inmate's obtaining or making satisfactory progress toward obtaining a General Educational Degree or high school diploma. Additional changes to the regulations on the Bureau's literacy program are made for the sake of clarification or simplification.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/26/97	62 FR 50791
Interim Final Rule	11/03/97	
Effective		
Interim Final Rule	11/25/99	
Comment Period		
End		
Final Action	06/00/00	
Final Action Effective	06/00/00	

**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, Room 754, HOLC, 320 First Street NW, Washington, DC 20534

Phone: 202 514-6655

Email: rnanovic@bop.gov

**RIN:** 1120-AA33**1666. 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:** On January 2, 1996, BOP published an NPRM proposing limitations on telephone privileges and commissary privileges for inmates who refuse to participate in the inmate financial responsibility program (BOP

1050). On December 28, 1999, BOP finalized that portion of the NPRM pertaining to limitations on commissary privileges. BOP is continuing to work on addressing issues raised by its proposed limitations on telephone privileges for inmates who are inmate financial responsibility program refusees. BOP will finalize that portion of its January 1996 NPRM in a separate document (BOP 1102).

**Timetable:****BOP 1050**

NPRM 01/02/96 (61 FR 92)

NPRM Comment Period End 03/04/96

Final Action 12/28/99 (64 FR 72798)

Final Action Effective 01/27/00

**BOP 1102**

Final Action 06/00/00

Final Action Effective 07/00/00

**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, Room 754, HOLC, 320 First Street NW, Washington, DC 20534

Phone: 202 514-6655

Email: rnanovic@bop.gov

**RIN:** 1120-AA49**1667. 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.

## DOJ—BOP

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/06/96	61 FR 57568
Interim Final Rule Effective	12/01/96	
Interim Final Rule Comment Period End	01/06/97	
Final Action	07/00/00	
Final Action Effective	08/00/00	

**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, Room 754, HOLC, 320 First Street NW, Washington, DC 20534

Phone: 202 514-6655

Email: rnanovic@bop.gov

RIN: 1120-AA59

**1668. 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	09/26/97	62 FR 50786
Interim Final Rule Effective	11/03/97	
Interim Final Rule Comment Period End	11/25/97	
Final Action	08/00/00	
Final Action Effective	08/00/00	

**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, Room 754, HOLC, 320 First Street NW, Washington, DC 20534

Phone: 202 514-6655

Email: rnanovic@bop.gov

RIN: 1120-AA62

**1669. 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 Effective	10/09/97	
Interim Final Rule	10/15/97	62 FR 53690
Interim Final Rule Comment Period End	12/15/97	
Final Action	05/00/00	
Final Action Effective	05/00/00	

**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, Room 754, HOLC, 320 First Street NW, Washington, DC 20534

Phone: 202 514-6655

Email: rnanovic@bop.gov

RIN: 1120-AA66

**1670. 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	05/18/99	64 FR 27166
NPRM Comment Period End	07/19/99	
Final Action	06/00/00	
Final Action Effective	07/00/00	

**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, Room 754, HOLC, 320 First Street NW, Washington, DC 20534

Phone: 202 514-6655

Email: rnanovic@bop.gov

RIN: 1120-AA77

**1671. 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

## DOJ—BOP

## Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	04/26/99	
Final Action	06/00/00	
Final Action Effective	07/00/00	

**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, Room 754, HOLC, 320 First Street NW, Washington, DC 20534

Phone: 202 514-6655

Email: rnanovic@bop.gov

RIN: 1120-AA78

**1672. 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 Period End	01/25/99	
Second NPRM	05/06/99	64 FR 24468
Second NPRM Comment Period End	07/06/99	
Final Action	06/00/00	
Final Action Effective	07/00/00	

**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, Room 754, HOLC, 320 First Street NW, Washington, DC 20534

Phone: 202 514-6655  
Email: rnanovic@bop.gov

RIN: 1120-AA79

**1673. 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	08/00/00	
Final Action Effective	09/00/00	

**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, Room 754, HOLC, 320 First Street NW, Washington, DC 20534

Phone: 202 514-6655

Email: rnanovic@bop.gov

RIN: 1120-AA81

**1674. ADMINISTRATIVE SAFEGUARDS FOR PSYCHIATRIC TREATMENT AND MEDICATION; MILITARY PRISONERS AND DISTRICT OF COLUMBIA CODE VIOLATORS**

Priority: Substantive, Nonsignificant

**Legal Authority:** 10 USC 876b; 18 USC 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	06/00/00	
Final Action Effective	06/00/00	

**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, Room 754, HOLC, 320 First Street NW, Washington, DC 20534

Phone: 202 514-6655

Email: rnanovic@bop.gov

RIN: 1120-AA83

**1675. 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 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	07/00/00	
Final Action Effective	07/00/00	

## DOJ—BOP

## Final Rule Stage

**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, Room 754, HOLC, 320 First Street NW, Washington, DC 20534

Phone: 202 514-6655

Email: rnanovic@bop.gov

RIN: 1120-AA85

**1676. 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	04/23/99	64 FR 20126
NPRM Comment Period End	06/22/99	
Final Action	11/00/00	
Final Action Effective	12/00/00	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Phone: 202 514-6655

Email: rnanovic@bop.gov

RIN: 1120-AA86

**1677. 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	07/00/00	
Final Action Effective	07/00/00	

**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, Room 754, HOLC, 320 First Street NW, Washington, DC 20534

Phone: 202 514-6655

Email: rnanovic@bop.gov

RIN: 1120-AA87

**1678. 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	06/00/00	
Final Action Effective	07/00/00	

**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, Room 754, HOLC, 320 First Street NW, Washington, DC 20534

Phone: 202 514-6655

Email: rnanovic@bop.gov

RIN: 1120-AA90

**1679. FEDERAL TORT CLAIMS ACT**

Priority: Substantive, Nonsignificant

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

**Legal Authority:** 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081; 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 543

Legal Deadline: None

**Abstract:** This document revises the Bureau's implementing regulations for the Federal Tort Claims Act in accordance with the mandate to use plain language. This revision is intended to provide clearer instructions for filing and processing a claim with the Bureau for personal injury or death and/or damage to or loss of property.

**Timetable:**

Action	Date	FR Cite
NPRM	06/15/99	64 FR 32172
NPRM Comment Period End	08/16/99	
Final Action	05/00/00	
Final Action Effective	06/00/00	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

## DOJ—BOP

## Final Rule Stage

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

**RIN:** 1120-AA94

**1680. CORRESPONDENCE:  
INSPECTION OF OUTGOING  
GENERAL CORRESPONDENCE**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 28 CFR 540.14

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	07/27/99	64 FR 40718
NPRM Comment Period End	09/27/99	
Final Action	06/00/00	
Final Action Effective	07/00/00	

**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, Room 754, HOLC, 320 First Street NW, Washington, DC 20534

Phone: 202 514-6655  
Email: rnanovic@bop.gov

**RIN:** 1120-AA98

**1681. RELEASE GRATUITIES,  
TRANSPORTATION, AND CLOTHING:  
ALIENS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 3565; 18 USC 3568 to 3569; 18 USC 3582; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 4161 to 4166; 18 USC 4201 to 4218; 18 USC 5006 to 5024; 18 USC 5031 to 5042; 28 USC 509 to 510

**CFR Citation:** 28 CFR 571.21

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/04/99	64 FR 53872
NPRM Comment Period End	12/03/99	
Final Action	06/00/00	
Final Action Effective	07/00/00	

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

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

Phone: 202 514-6655  
Email: rnanovic@bop.gov

**RIN:** 1120-AA99

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

**Long-Term Actions**

**1682. 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

**Government Levels Affected:** None

**Agency Contact:** Roy Nanovic  
Phone: 202 514-6655  
Email: rnanovic@bop.gov

**RIN:** 1120-AA39

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

**Completed Actions**

**1683. VICTIM AND/OR WITNESS  
NOTIFICATION: STATE CUSTODY  
TRANSFERS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 28 CFR 551.150 to 551.151

**Completed:**

Reason	Date	FR Cite
Final Action	12/06/99	64 FR 68264
Final Action Effective	12/06/99	

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Roy Nanovic  
Phone: 202 514-6655  
Email: rnanovic@bop.gov

**RIN:** 1120-AA80

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

**Proposed Rule Stage**

**1684. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES**

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

**Legal Authority:** 5 USC 301; 28 USC 509; 28 USC 510; 42 USC 12186(b)

**CFR Citation:** 28 CFR 36

**Legal Deadline:** None

**Abstract:** In 1991, the Department of Justice published regulations to implement title III of the Americans with Disabilities Act of 1990 (ADA). Those regulations include the ADA Standards for Accessible Design, which establish requirements for the design and construction of accessible facilities that are consistent with the ADA Accessibility Guidelines (ADAAG) published by the Architectural and Transportation Barriers Compliance Board (Access Board). In the time since the regulations became effective, the Department of Justice and the Access Board have each gathered a great deal of information regarding the implementation of the Standards. The Access Board is currently in the process of revising ADAAG, and it expects to publish a Notice of Proposed Rulemaking (NPRM) in late 1999. In order to maintain consistency between ADAAG and the ADA Standards, the Department anticipates reviewing its ADA regulations during fiscal year 2000. In addition to maintaining the consistency between ADAAG and the Standards, the purpose of these revisions will be to more closely coordinate with voluntary standards, to clarify areas which, through inquiries and comments to the Department's technical assistance phone lines, have been shown to cause confusion, and to reflect evolving technologies in areas affected by the Standards.

This rulemaking will also address changes to the ADA Standards previously proposed in RIN 1190-AA26 and RIN 1190-AA38, which have been withdrawn. These changes will include technical specifications for facilities designed for use by children and accessibility standards for State and local government facilities that have previously been published by the Architectural and Transportation Barriers Compliance Board.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

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

Phone: 800 514-0301

TDD Phone: 800 514-0383

Fax: 202 307-1198

**RIN:** 1190-AA44

**1685. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES**

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

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

**CFR Citation:** 28 CFR 35

**Legal Deadline:** None

**Abstract:** On July 26, 1991, the Department published its final rule implementing title II of the Americans with Disabilities Act (ADA). In late 1999, the U.S. Architectural and Transportation Barriers Compliance Board (Access Board) will issue its first comprehensive review of the ADA Accessibility Guidelines, which form the basis of the Department's ADA Standards for Accessible Design. The ADA (section 204(c)) requires the Department's Standards to be consistent with the Access Board's Guidelines. Therefore, the Civil Rights Division will publish a Notice of Proposed Rulemaking (NPRM) proposing to adopt the revisions proposed by the Access Board.

In addition to the statutory requirement for the rule, the social and economic realities faced by Americans with disabilities dictate the need for the rule. Individuals with disabilities cannot participate in the social and economic activities of the Nation without being able to access the programs and services of State and local governments. Further, amending the Department's ADA regulations will: Improve the

format and usability of the ADA Standards for Accessible Design; harmonize the differences between the ADA Standards and national consensus standards and model codes; update the ADA Standards to reflect technological developments that meet the needs of persons with disabilities; and coordinate future ADA Standards revisions with national standards and model code organizations. As a result, the overarching goal of improving access for persons with disabilities so that they can benefit from the goods, services, and activities provided to the public by covered entities will be met.

This rulemaking will also address changes to the ADA Standards previously proposed in RIN 1190-AA26 and RIN 1190-AA38, which have been withdrawn. These changes will include technical specifications for facilities designed for use by children and accessibility standards for State and local government facilities that have previously been published by the Architectural and Transportation Barriers Compliance Board.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local, State

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

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

Phone: 800 514-0301

TDD Phone: 800 514-0383

Fax: 202 307-1198

**RIN:** 1190-AA46

DOJ—CRT

Proposed Rule Stage

**1686. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES; PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES; ACCESSIBILITY STANDARDS; RECREATION FACILITIES**

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

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

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

**Legal Deadline:** None

**Abstract:** On July 9, 1999, the U.S. Architectural and Transportation Barriers Compliance Board (Access Board) published a Notice of Proposed Rulemaking (NPRM) to amend the ADA Accessibility Guidelines (ADAAG), which form the basis of the Department's ADA Standards for Accessible Design. This NPRM would, for the first time, establish accessibility guidelines for the design of recreation facilities, such as health clubs, golf courses, and amusement parks. The ADA (sections 204(c) and 306(c)) requires the Department's accessibility standards to be consistent with the Access Board's guidelines. Therefore, the Civil Rights Division expects to publish a NPRM proposing to adopt the revisions proposed by the Access Board and proposing related changes to the Department's regulations with respect to the operation of recreation facilities.

Individuals with disabilities cannot participate in the social and economic realms of the Nation without being able to access public entities and public accommodations throughout the country. Promulgating this amendment to the Department's ADA regulations will ensure that the regulations are consistent with the Access Board's ADA Accessibility Guidelines, thereby preventing the confusion that could develop if the Department's regulations were inconsistent with the Access Board guidelines. In addition, amending the Department's ADA regulations will improve the Department's overarching goal of improving access for persons with disabilities. The proposed rule will ensure that new recreation facilities are readily accessible to and usable by individuals with disabilities. As new recreation facilities are designed and constructed to be accessible, individuals with disabilities will enjoy

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Undetermined

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

**Government Levels Affected:** State, Local

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

**RIN:** 1190-AA47

**1687. AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT OF 1998 COMPLAINT PROCESS; CHANGE TO DOCUMENT ABUSE DEFINITION PURSUANT TO THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 28 CFR 44.200

**Legal Deadline:** None

**Abstract:** The American Competitiveness and Workforce Improvement Act (ACWIA)—enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999—made various changes to the Immigration and Nationality Act (the INA) relating to temporary nonimmigrant professionals. In this rule (RIN 1190-AA48), the Civil Rights Division's Office of Special Counsel will implement the ACWIA "failure to select" protections—codified

in the INA at section 212(n)(5)—by establishing a process under which U.S. workers may file complaints against employers for denying them employment opportunities by improperly hiring temporary foreign professionals on H-1B visas. Under this process, the Attorney General may receive and review these complaints, and then—if there is reasonable cause to believe the allegations—initiate binding arbitration proceedings through the Federal Mediation and Conciliation Service (FMCS). The Office of the Chief Administrative Hearing Officer of the Executive Office for Immigration Review will issue a rule implementing the Attorney General's authority to review arbitrators' decisions and, where appropriate, award administrative relief. These rules are being coordinated with the Department of Labor (DOL).

This rule also conforms the definition of document abuse under section 274B of the INA to the amendment enacted in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) by adding an intent element. The amendment requires complainants to prove not only that a respondent requested more or different documents than required for employment eligibility verification or rejected documents that appeared reasonably genuine on their face but also that this action was taken with the purpose or intent of discriminating on the basis of citizenship status or national origin.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** By RIN 1115-AF40 (INS No. 1974-99) INS will implement the ACWIA "whistleblower" protection provisions—codified in the INA at section 212(n)(2)(C)(iv) and (v)—prohibiting retaliation against H-1B workers who disclose information which they believe indicates their employer has violated the law or regulations pertaining to labor condition applications for nonimmigrants. That rule will also enable an H-1B worker who files a complaint alleging retaliation to remain in the United States and seek

## DOJ—CRT

## Proposed Rule Stage

authorization to work in the United States for a temporary period while his or her complaint is under review.

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

also defines the term "United States employer" and implements other provisions of ACWIA.

**Agency Contact:** Mr. Daniel Echavarren, Department of Justice, Civil Rights Division, 2400 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041  
Phone: 703 305-3172  
Fax: 703 305-0443

Mr. John D. Trasvina, Special Counsel, Department of Justice, Civil Rights Division, Office of Special Counsel for Immigration Related Unfair Employment Practices, P.O. Box 27728, Washington, DC 20038-7728  
Phone: 202 616-5593  
Fax: 202 307-2874  
**RIN:** 1190-AA48

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

## Final Rule Stage

**1688. 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	10/29/99	64 FR 58567
NPRM Comment Period End	12/28/99	
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

**Federalism:** Undetermined

**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  
Fax: 202 307-2678

**RIN:** 1190-AA28

**1689. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES**

**Priority:** Substantive, Nonsignificant

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

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

**CFR Citation:** 28 CFR 35

**Legal Deadline:** None

**Abstract:** This amendment revises the Department's regulation implementing title II to clarify the requirement for installation of curb ramps at existing pedestrian walkways and to extend the time period for compliance beyond the current deadline of January 26, 1995. This amendment responds to public concerns about the unique and significant capital expense involved in the installation of curb ramps.

The amendment establishes a two-tier system under which public entities would be required to provide access to

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

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

**RIN:** 1190-AA36

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

**Long-Term Actions**

**1690. AMENDMENT TO NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES—IMPLEMENTATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

**Priority:** Other Significant  
**CFR Citation:** 28 CFR 42.101 to 42.112  
**Timetable:** Next Action Undetermined  
**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** Federal  
**Federalism:** Undetermined

**Agency Contact:** Merrily A. Friedlander  
Phone: 202 307-2222  
Fax: 202 307-2678  
**RIN:** 1190-AA31

**Timetable:** Next Action Undetermined  
**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** Federal

**1691. 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

**Federalism:** Undetermined  
**Agency Contact:** Merrily A. Friedlander  
Phone: 202 307-2222  
Fax: 202 307-2678  
**RIN:** 1190-AA32

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

**Completed Actions**

**1692. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES; PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES; ACCESSIBILITY STANDARDS**

**Priority:** Other Significant  
**CFR Citation:** 28 CFR 35; 28 CFR 36; 28 CFR 38

**Completed:**

Reason	Date	FR Cite
Withdrawn	02/15/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

**Agency Contact:** John L. Wodatch  
Phone: 800 514-0301  
TDD Phone: 800 514-0383  
Fax: 202 307-1198  
**RIN:** 1190-AA26

**Completed:**

Reason	Date	FR Cite
Withdrawn	02/15/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**1693. AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES; CHILDREN'S FACILITIES**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 28 CFR 36

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

**RIN:** 1190-AA38

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

**Proposed Rule Stage**

**1694. GUIDELINES FOR PROVIDING CONTROLLED SUBSTANCES TO OCEAN VESSELS**

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

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

**CFR Citation:** 21 CFR 1301

**Legal Deadline:** None

**Abstract:** DEA is considering whether to propose amending its regulations regarding the supply of controlled substances to ocean vessels to provide a means of supply more consistent with current industry practices for other

materials. The decision on whether to propose amendments will be based on the information and comments submitted in response to this notice of proposed rulemaking and DEA's experience with the existing procedures and practices for supplying controlled substances to ocean vessels.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-142

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

**RIN:** 1117-AA40

**1695. SALE BY FEDERAL DEPARTMENTS OR AGENCIES OF CHEMICALS USABLE TO MANUFACTURE A CONTROLLED SUBSTANCE**

**Priority:** Substantive, Nonsignificant

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

## DOJ—DEA

## Proposed Rule Stage

**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	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** DEA-176

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

Phone: 202 307-7297

**RIN:** 1117-AA47

## DEPARTMENT OF JUSTICE (DOJ)

## Final Rule Stage

## Drug Enforcement Administration (DEA)

**1696. 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	10/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** DEA-108

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

Phone: 202 307-7297

**RIN:** 1117-AA19

**1697. EXEMPTION OF CHEMICAL MIXTURES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 21 CFR 1310

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/16/98	63 FR 49506
NPRM Comment Period Extended to 04/16/99	02/12/99	64 FR 7144
NPRM Comment Period End	04/16/99	
Final Action	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** DEA-137

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

Phone: 202 307-7183

**RIN:** 1117-AA31

**1698. 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.

## DOJ—DEA

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
Final Rule	12/30/96	61 FR 68624
Republished for Further Comment		
Comment Period End	03/31/97	
Final Rule	10/00/00	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Additional Information: DEA-140

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

RIN: 1117-AA34

**1699. 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 1300; 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 Rule	06/00/00	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

**Additional Information:** DEA-143

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

RIN: 1117-AA36

**1700. LISTED CHEMICALS; FINAL ESTABLISHMENT OF 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:** Effective October 3, 1996, the Comprehensive Methamphetamine Control Act of 1996 (MCA) established that iodine is a List II chemical; however, it was not made subject to import/export regulatory controls. While exports of the listed chemical hydrochloric acid (including anhydrous hydrogen chloride, referred to in the MCA as hydrochloric gas, which is a form of hydrogen chloride) were already regulated pursuant to 21 CFR 1310; the MCA had the practical effect of directing the DEA to place domestic controls on anhydrous hydrogen chloride. Since no domestic thresholds for iodine or anhydrous hydrogen chloride have been established prior to this Final Rule, all domestic transactions involving such chemicals have been subject to recordkeeping and reporting requirements under the Controlled Substances Act since October 3, 1996.

This rule establishes domestic thresholds for anhydrous hydrogen chloride and iodine. Import and export transactions in anhydrous hydrogen chloride are unaffected by this rule. This rule reinserts the table in 21 CFR 1310.04(f)(2)(iv), listing thresholds for exports, transshipments, and international transactions to designated countries set forth in 21 CFR 1310.08(b) and assigns the DEA chemical code number of 6699 for iodine.

**Timetable:**

Action	Date	FR Cite
NPRM	09/30/97	62 FR 51072

Action	Date	FR Cite
NPRM Comment Period End	12/01/97	
Final Rule	10/00/00	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Additional Information: DEA-156

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

RIN: 1117-AA43

**1701. IMPLEMENTATION OF THE METHAMPHETAMINE CONTROL ACT; REGULATION OF PSEUDOEPHEDRINE, PHENYLPROPANOLAMINE, AND COMBINATION EPHEDRINE DRUG PRODUCTS; REPORTS OF CERTAIN TRANSACTIONS TO NONREGULATED PERSONS**

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

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

To minimize the impact of the new law, DEA is proposing to exempt retail distributors from the registration requirement. This exemption will provide the estimated 750,000 retail

## DOJ—DEA

## Final Rule Stage

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 Rule	10/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** DEA-163

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

Phone: 202 307-7297

**RIN:** 1117-AA44

**1702. CHEMICAL REGISTRATION AND REREGISTRATION FEES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 21 CFR 1309

**Legal Deadline:** None

**Abstract:** The Drug Enforcement Administration (DEA) proposes to amend its application fees for registration and reregistration of manufacturers, distributors, importers, and exporters of List I chemicals, as authorized by section 3(a) of the Domestic Chemical Diversion Control Act of 1993 (DCDCA), reducing the fees from \$595.00 to \$326.00 for initial registration, and the reregistration fees from \$477.00 to \$171.00. Fees for retail registrants will increase from \$255.00 to \$326.00 for registration, and from \$116.00 to \$171.00 for reregistration. Office of Management and Budget Circular A-25 requires a periodic

review of user charges for agency programs. This review will bring fees into alignment with current changes in costs or market values.

**Timetable:**

Action	Date	FR Cite
NPRM	12/01/99	64 FR 67217
NPRM Comment Period End	01/31/00	
Final Rule	06/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** DEA-185

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

Phone: 202 307-7297

**RIN:** 1117-AA50

**1703. • SCHEDULES OF CONTROLLED SUBSTANCES: EXEMPT ANABOLIC STEROID PRODUCTS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 21 CFR 1308

**Legal Deadline:** None

**Abstract:** The Drug Enforcement Administration (DEA) is designating six preparations as exempt anabolic steroid products. This action, as part of the ongoing implementation of the Anabolic Steroids Control Act of 1990, removes certain regulatory controls pertaining to Schedule III substances from the designated entities.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/20/00	65 FR 3124
Interim Final Rule Effective	01/20/00	
Interim Final Rule Comment Period End	03/20/00	
Final Action	10/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-187

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

Phone: 202 307-7183

**RIN:** 1117-AA51

**1704. • PLACEMENT OF GAMMA BUTYROLACTONE IN LIST I OF THE CONTROLLED SUBSTANCES ACT (21 U.S.C. 802)**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 21 CFR 1310

**Legal Deadline:** None

**Abstract:** The "Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 1999" directs the Drug Enforcement Administration to place gamma butyrolactone (GBL) into the Controlled Substances Act (CSA) as amended by adding it to Title 21, Code of Federal Regulations, 1310.02(a). This Final Rule establishes GBL as a List I regulated chemical but does not set a threshold. Therefore, any distribution of GBL is a regulated transaction as described by 21 CFR 1300.02(28). All handlers of GBL must comply with the CSA regulatory requirements pertaining to List I chemicals.

**Timetable:**

Action	Date	FR Cite
Final Rule	10/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** DEA-199

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

Phone: 202 307-7183

**RIN:** 1117-AA52

**DEPARTMENT OF JUSTICE (DOJ)**  
**Executive Office for Immigration Review (EOIR)**

**Proposed Rule Stage**

**1705. 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), September 30, 1996. This rule sets forth the types of conduct for which civil money penalty sanctions may be imposed, the procedures for imposing these sanctions, the affirmative defenses which may excuse the imposition of a civil money penalty sanction, and the procedures for appealing such sanctions. The rule also adds an additional ground for disciplinary sanctions under 8 CFR section 3.102 for engaging in a pattern and practice of conduct which has been found to be in contempt of the Immigration Judge's proper exercise of authority.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 1125-AA18

**1706. • AUTHORITIES DELEGATED TO THE DIRECTOR OF THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW.**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 8 USC 1103; 8 USC 1252 note; 8 USC 1252b; 8 USC 1362; 28 USC 509-10; 28 USC 1746

**CFR Citation:** 8 CFR 3; 8 CFR 240; 28 CFR

**Legal Deadline:** None

**Abstract:** This rule outlines the authorities and powers (and limitations thereto) delegated by the Attorney General to the Director of the Executive Office for Immigration Review (EOIR), the Chairman of the Board of Immigration Appeals (BIA), and the Chief Immigration Judge. These

authorities include such managerial responsibilities as: Issuing operational instructions, setting policies, providing for the training of staff, and ensuring the efficient disposition of cases. One of the limitations on the powers of the Director of EOIR, the Chairman of the BIA, and the Chief Immigration Judge is that they cannot direct the result of a case adjudication assigned to someone else. Further, the Director of EOIR cannot adjudicate cases.

Additionally, this rule makes technical amendments to better describe EOIR's components: The Board of Immigration Appeals (BIA), the Office of the Chief Immigration Judge (OCIJ), and the Office of the Chief Administrative Hearing Officer (OCAHO).

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 1125-AA27

**DEPARTMENT OF JUSTICE (DOJ)**  
**Executive Office for Immigration Review (EOIR)**

**Final Rule Stage**

**1707. DISCIPLINE OF ATTORNEYS AND REPRESENTATIVES**

**Priority:** Substantive, Nonsignificant

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

**Legal Authority:** 8 USC 1103; 8 USC 1252b; 8 USC 1362

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

**Legal Deadline:** None

**Abstract:** This rule amends 8 CFR parts 3 and 292 by changing both the present procedures for disciplining attorneys and representatives who practice before

the Executive Office for Immigration Review, which includes the Board of Immigration Appeals and the Immigration Courts, and the procedures for disciplining attorneys and representatives who practice before the Immigration and Naturalization Service (INS). This rule also includes a provision which 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	05/00/00	

**Regulatory Flexibility Analysis Required:** No

## DOJ—EOIR

## Final Rule Stage

**Government Levels Affected:** Federal  
**Agency Contact:** Ms. Jennifer Barnes, Associate General Counsel, Department of Justice, Executive Office for Immigration Review, 2400 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041  
 Phone: 703 305-0470  
**RIN:** 1125-AA13

### 1708. SUSPENSION OF DEPORTATION AND CANCELLATION OF REMOVAL

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1224 to 1227; 8 USC 1251 to 1252; 8 USC 1362; PL 105-100, sec 202  
**CFR Citation:** 8 CFR 240  
**Legal Deadline:** None

**Abstract:** This rule amends the regulations of the Executive Office for Immigration Review and the Immigration and Naturalization Service by eliminating the conditional grant process at 8 CFR 240.21, and establishing a permanent procedure for processing suspension of deportation and cancellation of removal cases. This rule is necessary to implement the numerical limitation on suspension of deportation and cancellation of removal and adjustment of status imposed by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and the Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA).

#### Timetable:

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**RIN:** 1125-AA25

## DEPARTMENT OF JUSTICE (DOJ)

## Proposed Rule Stage

## Federal Bureau of Investigation (FBI)

### 1709. IMPLEMENTATION OF THE NATIONAL STOLEN PASSENGER MOTOR VEHICLE INFORMATION SYSTEM (NSPMVIS)

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 49 USC 33109 to 33111  
**CFR Citation:** 28 CFR 89  
**Legal Deadline:** None

**Abstract:** The Attorney General is required to establish a National Stolen Passenger Motor Vehicle Information System (NSPMVIS) pursuant to the Anti Car Theft Act of 1992 (49 USC 33109 to 33111). The FBI is coordinating efforts in this matter and, under delegated authority from the Attorney General, the FBI is issuing this rule to establish a national system to verify the theft status of major motor vehicle component parts and junk or salvage vehicles. The system will include certain information about each

passenger motor vehicle reported to a law enforcement agency as stolen and not recovered. The rule provides how an individual or entity may obtain information from the system on whether a vehicle or part is listed as stolen. The rule also provides verification procedures to be followed by insurance carriers and certain motor vehicle part businesses. In order to verify the theft status of a part or junk or salvage vehicle, an identification number will have to be obtained from the part or vehicle.

#### Timetable:

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

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

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

**RIN:** 1110-AA01

**DEPARTMENT OF JUSTICE (DOJ)**  
**Federal Bureau of Investigation (FBI)**

**Final Rule Stage**

**1710. IMPLEMENTATION OF SECTIONS 104 AND 109 OF THE COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT**

**Priority:** Other Significant

**Legal Authority:** PL 103-414

Communications Assistance for Law Enforcement Act; PL 104-208 Omnibus Consolidated Appropriations Act of 1997

**CFR Citation:** 28 CFR 100

**Legal Deadline:** Other, Statutory, October 25, 1998, While CALEA required telecommunications carriers to be in compliance with section 103 by October 25, 1998, the FCC has since exercised (continued in Additional Information).

**Abstract:** As required by section 109 of the Communications Assistance for Law Enforcement Act (CALEA), the FBI promulgated Cost Recovery Regulations allowing telecommunications carriers to recover certain costs associated with implementing CALEA. The final rule was published on March 20, 1997 (62 FR 13307), and became effective on April 21, 1997. In response to public comment received during this rulemaking, the FBI published an ANPRM on November 19, 1996 (61 FR 58799), which solicited input on the definition of the term "significant upgrade or major modification" as used by CALEA. The "significant upgrade or major modification" NPRM was published on April 28, 1998 (63 FR 23231) 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 publication of a further Notice of Inquiry, which will address the NOI comments and focus on developing reasonable capacity methodologies for the paging, mobile satellite, specialized mobile radio, and enhanced specialized mobile radio services.

**Timetable:**

**"Significant upgrade or major modification"**

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

NPRM Proposing Definition 04/28/98 (63 FR 23231)

Final Rule Defining Term 06/00/00

**Cost Recovery Rule (Telecom. Carriers)**

NPRM 05/10/96 (61 FR 21396)

NPRM Comment Period End 07/09/96

Final Rule 03/20/97 (62 FR 13307)

Final Rule Effective 04/21/97

**Notice of Actual and Max. Cap.-local exch, cellular, 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, MSS, SMR, ESMR**

Notice of Inquiry (Cap Methodology) 12/18/98 (63 FR 70160)

Further Notice of Inquiry (Cap Methodology) 05/00/00

**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.

Transferred from RIN 1105-AA39.

**Agency Contact:** Walter V. Meslar, Unit Chief, Telecommunications Contracts and Audit Unit, Department of Justice, Federal Bureau of Investigation, Suite 300, 14800 Conference Center Drive, Chantilly, VA 20151  
 Phone: 703 814-4900

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

**RIN:** 1110-AA00

**1711. 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.

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

**Timetable:**

**NICS Privacy & Security Policies**

NPRM 06/04/98 (63 FR 30430)

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)

## DOJ—FBI

## Final Rule Stage

**Reduction of Retention Period**

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

**Regulatory Flexibility Analysis**

**Required:** No

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

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

**Agency Contact:** Emmet A. Rathbun,  
 Unit Chief, Research and Development  
 Unit, Department of Justice, Federal  
 Bureau of Investigation, CJIS Division,  
 1000 Custer Hollow Road, Clarksburg,  
 WV 26306-0147  
 Phone: 304 625-2000

**RIN:** 1110-AA02

**1712. 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. On February 16, 1999, at 64  
 FR 7562, the FBI published a Notice  
 of Proposed Rulemaking (NPRM) on

this subject. Comments submitted on  
 the NPRM are currently being  
 reviewed.

**Timetable:**

Action	Date	FR Cite
NPRM	02/16/99	64 FR 7562
NPRM Comment Period End	04/19/99	
Final Action	09/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

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

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

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

**RIN:** 1110-AA04

## DEPARTMENT OF JUSTICE (DOJ)

## Long-Term Actions

## Federal Bureau of Investigation (FBI)

**1713. 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:** Federal,  
 State, Tribal

**Agency Contact:** Joseph Dizinno  
 Phone: 202 324-4354  
 Email: lab-fssu@fbi.gov

**RIN:** 1110-AA03

## DEPARTMENT OF JUSTICE (DOJ)

## Prerule Stage

## Immigration and Naturalization Service (INS)

**1714. EXPANSION OF EXPEDITED REMOVAL OF CERTAIN CRIMINAL ALIENS HELD IN FEDERAL, STATE, AND LOCAL JAILS**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** This notice advises the  
 public that the Immigration and  
 Naturalization Service intends to apply  
 the expedited removal provisions of  
 section 235(b)(1) of the Immigration  
 and Nationality Act on a pilot basis to  
 certain criminal aliens being held in  
 three correctional facilities in the State

of Texas. This action will not become  
 effective until the Service evaluates and  
 addresses public comments and  
 informs the public by notice in the  
 Federal Register when the expedited  
 removal provisions will be  
 implemented. This pilot program will  
 last for a period of 180 days, and will  
 be followed with an evaluation of the  
 program. The Service believes that  
 implementing the expedited removal  
 provisions to persons who have been  
 found by a Federal judge to be guilty  
 of illegal entry and are serving short  
 criminal sentences will result in faster  
 removal of those criminal aliens. This  
 will ensure prompt immigration  
 determinations in those cases and  
 consequently will save Service

detention space and immigration judge  
 and trial attorney resources.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/22/99	64 FR 51338
ANPRM Comment Period End	11/22/99	
Second ANPRM	07/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

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

**Agency Contact:** Ms. Isabelle  
 Chewning, Detention and Deportation

## DOJ—INS

## Prerule Stage

Officer, Department of Justice,  
Immigration and Naturalization Service,

Suite 800, 801 I Street, Washington, DC  
20536

Phone: 202 616-7797

RIN: 1115-AF50

## DEPARTMENT OF JUSTICE (DOJ)

## Proposed Rule Stage

## Immigration and Naturalization Service (INS)

### 1715. 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; 8 CFR 274a; 8 CFR 299

**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), Public Law 101-649; the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (MTINA), Public Law 102-232; the National Institutes of Health Revitalization Act of 1993, Public Law 103-43; the Immigration and Nationality Technical Corrections Act of 1991 (INTCA), Public Law 103-

416; and the Anti-Terrorism and Effective Death Penalty Act of 1996 (AEDPA), Public Law 104-132.

**Timetable:**

Action	Date	FR Cite
NPRM (INS No. 1232) Comment Period End 2/5/90	01/05/90	55 FR 438
NPRM (INS No. 1413)	11/00/00	

**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.

**Agency Contact:** Sophia Cox, Staff Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-3228

RIN: 1115-AB45

### 1716. 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
NPRM INS No. 1728	09/00/00	
Final Action INS No. 1683	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

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

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

RIN: 1115-AD86

### 1717. 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 1221; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1229; 8 USC 1252; 8 CFR 2

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

**Legal Deadline:** None

**Abstract:** This rule amends regulations by removing the list of countries

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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	06/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal  
**Additional Information:** INS No. 1696-95

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

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

**RIN:** 1115-AD96

### 1718. EMPLOYMENT AUTHORIZATION DOCUMENT APPLICATIONS AND PROCESS

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 274a

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/00	
NPRM Comment Period End	09/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Additional Information:** The employment authorization document (EAD) applications and process proposed rule (INS No. 1707-95) has been pending for some time due to document reduction issues. The Service

published a proposed rule (I-9) on 2/2/98 at 63 FR 5287. The remaining policy issues on the I-765 proposed rule are expected to be resolved during the next few months.

**Agency Contact:** Pearl Chang, Branch Chief, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
 Phone: 202 514-3228

**RIN:** 1115-AE06

### 1719. INSPECTION OF PERSONS APPLYING FOR ADMISSION; INTERNATIONAL-TO-INTERNATIONAL USER FEE

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 8 CFR 286

**Legal Deadline:** None

**Abstract:** This rule proposes to amend the Immigration and Naturalization Service (Service) regulations to require air carriers to charge and collect a user fee from every International-to-International (ITI) passenger arriving in the United States, except those individuals exempted under section 286(e)(1) of the Immigration and Nationality Act (Act). This action is necessary since the Service is required to inspect all aliens who are applicants for admission or otherwise seeking admission or readmission to or transit through the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1757

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

**RIN:** 1115-AE37

**1720. 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	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

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

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

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

**RIN:** 1115-AE51

**1721. 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	06/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1797-96

**Agency Contact:** Irene Hoffman, Staff Officer, Adjudications Division, Department of Justice, Immigration and

Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-5014

**RIN:** 1115-AE55

**1722. 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 Pilot Program for employment creation immigrants who seek to invest in approved regional centers. This rule is obtaining significant pre-clearance comment and is subject to the results of the Agency’s review of the Immigrant Investor Pilot Program. (INS No. 1969-98)

**Timetable:**

Action	Date	FR Cite
NPRM INS No. 1969-98	12/00/00	
NPRM INS No. 1798-96	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Agency Contact:** Katharine A. Lorr, Staff Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-3228

**RIN:** 1115-AE56

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**1723. 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)	06/00/00	

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

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

**RIN:** 1115-AE60**1724. 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	06/00/00	
Final Action	11/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1813-96

**Agency Contact:** Sophia Cox, Staff Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-3228

Maurice R. Berez, Staff Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 353-8177

**RIN:** 1115-AE63**1725. EMPLOYMENT VERIFICATION BY EMPLOYERS THAT ARE MEMBERS OF A MULTI-EMPLOYER ASSOCIATION****Priority:** Other Significant**Legal Authority:** 8 USC 1324a; PL 104-208**CFR Citation:** 8 CFR 274a**Legal Deadline:** None

**Abstract:** On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). The INS will issue regulations regarding when an employer that is a member of a multi-employer association employing an individual under a collective bargaining agreement entered into between one or

more employee organizations and the multi-employer association may rely upon an Employment Eligibility Verification Form (Form I-9) completed for the individual by a previous employer that is a member of the same multi-employer association.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Re INS No. 1817-96; PL 104-208, title 4

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

**RIN:** 1115-AE67**1726. 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.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/00	
Final Rule INS No. 1817-96	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** INS No. 1840-97

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

(See also RIN 1115-AF63)

**Agency Contact:** Yvette LaGonterie, Director, Parole Branch, Office of Field Operations, Department of Justice, Immigration and Naturalization Service, Attn: ULLICO Bldg, Third Floor, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-6325

**RIN:** 1115-AE68

**1727. 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	10/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**RIN:** 1115-AE71

**1728. CERTIFICATION OF CERTAIN HEALTH CARE WORKERS**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

The Service published an interim rule (INS 1879-97) to address shortages in the occupations of nursing and occupational therapy on October 14, 1998. In addition, the Service issued a second interim rule on April 30, 1999, to grant CGFNS authorization to issue certificates to foreign health care workers in the occupations of occupational therapy and physical therapy. This rule also granted the Foreign Credentialing Commission on Physical Therapy the authority to issue certificates to foreign-trained physical therapists. The second interim rule (INS 1979-99) was published under RIN 1115-AF43 and now is consolidated with this Unified Agenda of Federal Regulations entry.

The Service will be publishing a proposed rule (INS 1824) to fully implement section 343, including requirements relating to the designation of covered health care occupations, the procedures and requirements for certifying organizations, the content of the certificates, and the process for presentation of the certificates.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule (INS 10/14/98 1879)		63 FR 55007
Interim Final Rule (INS 04/30/99 1979-99)		64 FR 23174
Final Action (INS 1979-99)	12/00/00	
NPRM (INS 1824-98)	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

**RIN:** 1115-AE73

**1729. REGULATIONS PERTAINING TO BATTERED ALIENS AND TO MAIL ORDER BRIDE BUSINESSES, AS MANDATED BY IIRIRA**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 8 CFR 204

**Legal Deadline:** None

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

INS No. 1845-97 is necessitated by the section 501 of IIRIRA, which provides certain types of public benefits for those aliens who have made a prima facie case for eligibility pursuant to the INS' interim rule on self-petitions by battered aliens, published at 61 FR 13061 (March 26, 1995; INS No. 1705-95). This new rule will define what constitutes a prima facie case.

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

**Timetable:**

Action	Date	FR Cite
ANPRM-INS No. 1838-97 Comments Due 09/15/97		
Interim Rule-INS No. 1845-97	11/13/97	62 FR 60769
NPRM-INS No. 1838-97	06/00/00	
Final Rule-INS NO. 1845-97	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**RIN:** 1115—AE77

### 1730. 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:** On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). IIRIRA required 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 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	10/00/00	
NPRM Comment Period End	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**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, Room 4064, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-3019

**RIN:** 1115—AE89

### 1731. 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	06/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**RIN:** 1115—AE98

### 1732. SPECIAL IMMIGRANT JUVENILE—SPECIAL IMMIGRANT STATUS FOR CERTAIN ALIENS DECLARED DEPENDENT ON A JUVENILE COURT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 9 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641; 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
NPRM	09/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Michael C. Biggs, Adjudications Officer, Department of Justice, Immigration and Naturalization Service, 3040, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-3228

**RIN:** 1115—AF11

### 1733. 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	07/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

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

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

**RIN:** 1115-AF23

**1734. 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)	07/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**RIN:** 1115-AF26

**1735. AVAILABILITY OF MATERIAL UNDER FREEDOM OF INFORMATION ACT AND PRIVACY ACT**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 8 CFR 103

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

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

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

**RIN:** 1115-AF32

**1736. DISMISSAL OF ASYLUM APPLICATION FOR UNEXCUSED FAILURE TO APPEAR AND EFFECT ON ELIGIBILITY FOR EMPLOYMENT AUTHORIZATION**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** On March 6, 1997, the Service published an interim rule to implement the asylum provisions of the 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	09/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2011-99

**Agency Contact:** Joanna Ruppel, Supervisor for Asylum Operations, International Affairs, Department of Justice, Immigration and Naturalization

## DOJ—INS

## Proposed Rule Stage

Service, 3rd Floor, 111 Massachusetts Avenue NW, Washington, DC 20536  
Phone: 202 305-2798

**RIN:** 1115-AF38

**1737. H-1B NONIMMIGRANT WORKER COMPLAINTS REGARDING U.S. EMPLOYER VIOLATIONS UNDER THE AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1182; 8 USC 1184; 8 USC 1255; 8 USC 1258; 8 USC 1324

**CFR Citation:** 8 CFR 214; 8 CFR 212; 8 CFR 248; 8 CFR 245; 8 CFR 274a

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

**Abstract:** The American Competitiveness and Workforce Improvement Act (ACWIA), enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999, made various changes to the Immigration and Nationality Act (INA) relating to nonimmigrant temporary workers. By this rule (RIN 1115-AF40, INS No. 1974-99), INS will amend certain parts of regulation to implement the ACWIA “whistleblower” provision, codified at INA 212 (n)(C)(iv) and (v), that prohibit retaliation against H-1B workers who disclose information that their U.S. employer has violated the law or regulations pertaining to labor condition applications filed with the DOL. This rule will describe the process established by the INS and DOL jointly to enable an H-1B nonimmigrant who files a complaint alleging intimidation, coercion, threats, blacklisting, or other discrimination to remain temporarily in the United States and seek employment authorization. The DOL will amend its regulations, as necessary, to implement its role in this process.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

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

**RIN:** 1115-AF40

**1738. AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** The American Competitiveness and Workforce Improvement Act (ACWIA)—enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999—made various changes to the Immigration and Nationality Act (the INA) relating to nonimmigrant skilled workers. This rule (RIN 1115-AF41; INS No. 1975-99) implements those portions of ACWIA pertaining to new penalties for

employers misrepresenting material facts in an H-1B application. This rule complements regulations to be issued by the Department of Labor (DOL). It also defines the term “United States employer” and implements other provisions of ACWIA.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** By a related rule (RIN 1115-AF40; INS 1974-99), INS will implement the ACWIA “whistleblower protection” provisions—codified in the INA at section 212(n)(2)(C)(iv) and (v)—prohibiting retaliation against H-1B workers who disclose information that their employer has violated the law or regulations pertaining to labor condition applications for nonimmigrants. That rule will also enable an H-1B worker who files a complaint alleging retaliation to remain in the United States and seek authorization to work in the United States for a temporary period while his or her complaint is under review.

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

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

**RIN:** 1115-AF41

## DOJ—INS

## Proposed Rule Stage

**1739. SPECIAL IMMIGRANT STATUS FOR CERTAIN NATO CIVILIAN EMPLOYEES****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154**CFR Citation:** 8 CFR 204; 8 CFR 214; 8 CFR 245; 8 CFR 274**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1984-99

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

**RIN:** 1115-AF44**1740. CONTRACTS WITH TRANSPORTATION LINES****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1103; 8 USC 1228**CFR Citation:** 8 CFR 233**Legal Deadline:** None

**Abstract:** This rule proposes to amend INS regulations by providing signature authority for forms I-420, Agreement

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No.1994-99

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

**RIN:** 1115-AF46**1741. ADJUSTMENT OF FEES FOR SERVICES AT LAND BORDER PORTS-OF-ENTRY****Priority:** Other Significant**Legal Authority:** PL 100-459; 8 USC 1356(m),(n); PL 101-515; PL 82-137; 31 USC 9701**CFR Citation:** 8 CFR 239; 8 CFR 287**Legal Deadline:** None

**Abstract:** This rule proposes to adjust the fees charged by the INS for services provided in the processing and issuance of documents at land border ports-of-entry. The fee adjustment is necessary to ensure that full costs are recovered and that sufficient funds are available to service present and future applicants. The fee adjustment

complies with Federal statutes and Federal cost accounting standards.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	
NPRM Comment Period End	12/00/00	

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

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

**RIN:** 1115-AF55**1742. MANIFEST REQUIREMENTS AND IMPOSITION OF FINES UNDER SECTION 231 OF THE ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1221; 8 USC 1228**CFR Citation:** 8 CFR 231**Legal Deadline:** None

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

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

## DOJ—INS

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/00	

**Regulatory Flexibility Analysis**

Required: No

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

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

**RIN:** 1115-AF57**1743. • ADJUSTMENT OF CERTAIN FEES OF THE IMMIGRATION EXAMINATIONS FEE ACCOUNT****Priority:** Other Significant. Major under 5 USC 801.**Legal Authority:** PL 100-459; PL 101-515; PL 82-137; PL 101-576; 8 USC 1356; 31 USC 902; 31 USC 9701**CFR Citation:** 8 CFR 103**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

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

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2030-99**Sectors Affected:** 001 None

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

**RIN:** 1115-AF61**1744. • ADJUSTMENT OF FEES FOR THE LAND BORDER INSPECTION FEE ACCOUNT****Priority:** Other Significant**Legal Authority:** PL 100-515; PL 82-137; PL 101-576; PL 104-208; PL 106-113; 31 USC 902; 31 USC 9701**CFR Citation:** 8 CFR 103**Legal Deadline:** None

**Abstract:** This rule proposes to adjust fees of the Land Border Inspection Fee Account (LBIFA) for services provided in the processing and issuance of the application for alternative inspection services, Form I-823, at land border ports-of-entry. Form I-823 covers both the application of the Dedicated Commuter Lane (DCL) Program and the application for the Secure Electronic Network for Travelers' Rapid Inspection (SENTRI). The proposed fee is an increase in application cost. Fees collected from persons applying for these services are credited to the LBIFA and used to recover the full cost of providing services that benefit certain applicants. This rule is necessary to ensure that the fees that fund the LBIFA generate sufficient revenue to recover the full cost of providing services at our land border ports-of-entry.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	
NPRM Comment Period End	12/00/00	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2031-99

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

**RIN:** 1115-AF62**1745. • REGULATIONS REGARDING AUTHORITY TO GRANT ASYLUM TO CERTAIN ARRIVING ALIENS****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; 8 CFR 2; ...**CFR Citation:** 8 CFR 203.30**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/00	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2034-99**Sectors Affected:** 001 None

**Agency Contact:** Joanna Ruppel, Supervisor for Asylum Operations, International Affairs, Department of Justice, Immigration and Naturalization Service, 3rd Floor, 111 Massachusetts Avenue NW, Washington, DC 20536  
Phone: 202 305-2798

**RIN:** 1115-AF64

DOJ—INS

Proposed Rule Stage

**1746. • ENTRY REQUIREMENTS FOR CITIZENS OF THE REPUBLIC OF THE MARSHALL ISLANDS, THE FEDERATED STATES OF MICRONESIA, AND PALAU****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1203; 8 USC 1225; 8 USC 1257; 8 CFR 2**CFR Citation:** 8 CFR 211; 8 CFR 212**Legal Deadline:** None

**Abstract:** This rule amends the Immigration and Naturalization Service regulations by adding documentary requirements for a naturalized citizen of the Marshall Islands, the Federated States of Micronesia, or Palau (Compact Countries) to enter into, lawfully engage in occupations, and establish residence as a nonimmigrant in the United States and its territories and possessions. These conditions are required by the Compacts between the United States and the Compact Countries.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/00	

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

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

**RIN:** 1115-AF65**1747. • INADMISSIBILITY BASED ON EXPATRIATION TO AVOID TAXATION****Priority:** Other Significant**Legal Authority:** 8 USC 1182(a)(10); PL 104-208**CFR Citation:** 8 CFR 212**Legal Deadline:** None

**Abstract:** This rule amends the Immigration and Naturalization Service regulations by establishing regulatory procedures to be followed by Service personnel and Department of State

personnel in determining whether or not an expatriate alien is inadmissible to the United States under section 212(a)(e) of the Immigration and Nationality Act. This ground of inadmissibility relates to former U.S. citizens who renounced U.S. citizenship on or after September 30, 1996, and the Attorney General has determined that such renunciation was done for the purpose of avoiding taxation by the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2039-99**Sectors Affected:** 001 None

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

**RIN:** 1115-AF69**1748. • IMPOSITION OF FINES FOR VIOLATIONS OF THE IMMIGRATION AND NATIONALITY ACT****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1221; 8 USC 1223; 8 USC 1227; 8 USC 1229**CFR Citation:** 8 CFR 280**Legal Deadline:** None

**Abstract:** This rule proposes to amend the Immigration and Naturalization Service's (Service) regulations to reflect the actual process used to recommend and impose fines for violations of the Immigration and Nationality Act (Act). Since the publication of 8 CFR part 280, the Service had centralized the fines process and made some adjustments to certain procedures. The 8 CFR part 280 will be renumbered sequentially and reordered to group related issues in one section. This part will also be expanded to provide for fines imposed under section 231A(d)(2) and 274D of the Act and will introduce procedures for detaining vessels and posting bonds, as well as giving the Commissioner discretion in requiring bonds.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2041-00**Sectors Affected:** 001 None

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

**RIN:** 1115-AF70**1749. • LAND REQUIREMENTS FOR PASSENGERS ARRIVING FROM CUBA****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1221; 8 USC 1229; 8 CFR 2**CFR Citation:** 8 CFR 234**Legal Deadline:** None

**Abstract:** This rule amends the Immigration and Naturalization Service regulations by providing that aircraft and passengers arriving to the United States on direct flights from Cuba must enter the United States at either the John F. Kennedy International Airport, Los Angeles International Airport, or the Miami International Airport, unless advance permission to land elsewhere has been obtained from the Service.

This rule is necessary to facilitate licensed travel to and from Cuba, including family reunification for Cuban resident aliens and United States citizens of Cuban heritage living in U.S. cities other than Miami and Fort Lauderdale.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS. No. 2045-00

**Agency Contact:** Elizabeth Tisdale, Assistant Chief Inspector, Inspection

## DOJ—INS

## Proposed Rule Stage

Division, Department of Justice,  
Immigration and Naturalization Service,  
4214, 425 I Street NW, Washington, DC  
20536

Phone: 202 514-0912

RIN: 1115-AF72

### 1750. • PETITIONING REQUIREMENTS FOR THE H-1C NONIMMIGRANT CLASSIFICATION UNDER PUBLIC LAW 105-277

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; ...

**CFR Citation:** 8 CFR 214.2

**Legal Deadline:** None

**Abstract:** On November 12, 1999, the Nursing Relief for Disadvantaged Areas Act (NRDAA) was enacted creating a new H-1C nonimmigrant nurse category. This rule amends the Service's regulations in order to implement the NRDAA as it relates to the adjudication petitions for H-1C classification. This rule will facilitate the hiring alien registered nurses to reduce the shortage of nurses in certain areas of the United States while protecting the rights of U.S. nurses.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2050-00

**Sectors Affected:** 001 None

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

RIN: 1115-AF76

## DEPARTMENT OF JUSTICE (DOJ)

## Final Rule Stage

## Immigration and Naturalization Service (INS)

### 1751. REDUCTION OF THE NUMBER OF ACCEPTABLE DOCUMENTS AND OTHER CHANGES TO EMPLOYMENT VERIFICATION REQUIREMENTS

**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 and taking into consideration issues raised by the Alien Registration (MD) (I-551) program amending 10/1/99. 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 2/9/99 (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

Action	Date	FR Cite
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
Final Rule INS No. 1890-97	12/00/00	

**Regulatory Flexibility Analysis Required:** Yes

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

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

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

INS Nos. 1399 and 1399S-94, Control of Employment of Aliens, Supplemental Rule; Action for INS 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 reduction initiative designated by INS No. 1890-97.

**Agency Contact:** Linda Dodd-Major, Director, Business Liaison Branch, Adjudications Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536

Phone: 202 305-2529

Fax: 202 305-2523

Email: linda.dodd-major@usdoj.gov

**RIN:** 1115-AB73

**1752. 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	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal  
**Additional Information:** INS No. 1353-91

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

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

**RIN:** 1115-AC70

**1753. 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	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

Phone: 202 616-7435

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

**RIN:** 1115-AD55

**1754. 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 Public Law 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 regulations to reflect the provisions contained in the Public Law 104-302.

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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**Additional Information:** INS No. 1663-94.

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

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

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

**RIN:** 1115-AD74

#### 1755. 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 Action	08/00/00	

#### 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, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4214, 425 I Street NW, Washington, DC 20536  
Phone: 202 305-9246

**RIN:** 1115-AD82

#### 1756. 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	11/00/00	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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

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

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

**RIN:** 1115-AD83

#### 1757. 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

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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	06/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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

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

**RIN:** 1115-AD95

**1758. 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	11/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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

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

**RIN:** 1115-AE04

**1759. MISCELLANEOUS MODIFICATIONS TO NATURALIZATION REGULATIONS**

**Priority:** Substantive, Nonsignificant

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

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

**CFR Citation:** 8 CFR 322; 8 CFR 337

**Legal Deadline:** None

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

INS No. 1712 implements changes to 8 CFR 322 by establishing procedures for a U.S. citizen parent to apply for the expeditious naturalization of his or

her children born outside the U.S. It allows certain U.S. parents who do not meet physical presence requirements to use the physical presence of their U.S. parent (the child's U.S. grandparent). The purpose of the rule is to relax the requirements of U.S. citizenship for children born to or adopted by U.S. citizens abroad.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1712

Contact, Jody Marten

INS No. 1764

**Agency Contact:** Richard Sheridan, Staff Officer, Immigration Services Division, Department of Justice, Immigration and Naturalization Service, Room 900, 801 I Street NW, Washington, DC 20536  
Phone: 202 616-0583

**RIN:** 1115-AE07

**1760. 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,

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lawful nonimmigrant status during the entire period of his or her stay, or is eligible to receive any other benefit under the INA.

**Timetable:**

Action	Date	FR Cite
NPRM	06/14/96	61 FR 30188
NPRM Comment Period End	08/13/96	
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**RIN:** 1115-AE17

### 1761. 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:** Other, Statutory, March 1, 1997, The statute requires the Attorney General to promulgate implementing regulations by March 1, 1997.

**Abstract:** Many of the provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) became effective April 1, 1997. Some provisions of the Antiterrorism

and Effective Death Penalty Act of 1996 (AEDPA) that were not superseded by IIRIRA became effective November 1, 1996. On March 6, 1997, INS and EOIR published an interim rule revising the asylum process; providing a mechanism for the determination and review of certain applicants who demonstrate a credible fear of persecution if returned to their own country; defining the inspection and admission process including new expedited removal procedures for aliens attempting to enter the United States through fraud or misrepresentation apprehension, detention, and removal of aliens; addressing conduct of removal proceedings; and revising many other sections of the regulations to conform with the new laws. INS is circulating internally and with other DOJ components a draft final rule.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

LEGAL AUTHORITY CONT: 8 USC 1186b, 1187, 1201, 1203, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1251, 1252, 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, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7489

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

**RIN:** 1115-AE47

### 1762. 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 Action	10/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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

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

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

**RIN:** 1115-AE50

**1763. PETITIONING REQUIREMENTS FOR THE H NONIMMIGRANT CLASSIFICATION**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Yes

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

**Government Levels Affected:** None

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

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

**RIN:** 1115-AE52

**1764. AFFIDAVIT OF SUPPORT ON BEHALF OF IMMIGRANTS**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 213a; 8 CFR 299

**Legal Deadline:** None

**Abstract:** This rule amends the INS regulations by establishing that an individual (the sponsor) who files an affidavit of support under section 213A of the INA on behalf of an intending immigrant incurs an obligation that may be enforced by a civil action. This rule also specifies the requirements that Federal, State, or local agencies or private entities must meet to request reimbursement from the sponsor for provision of means-tested public benefits and provides procedures for imposing the civil penalty provided for under section 213A of the INA, if the sponsor fails to give notice of any change of address. This rule is necessary to ensure that sponsors of aliens meet their obligations under section 213A of the INA.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1807-96; PL 104-208, title IV and PL 104-193, title IV

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

Lisa Roney, Policy Analyst, Office of Policy and Planning, Department of Justice, Immigration and Naturalization

Service, Room 6052, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-3242

**RIN:** 1115-AE58

**1765. 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	10/23/98	63 FR 56869
NPRM Comment Period End	12/22/98	
Final Rule	06/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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

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

**RIN:** 1115-AE59

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**1766. 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
NPRM Comment Period End	08/03/98	
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Re INS No. 1811-96**Agency Contact:** Pearl Chang, Branch Chief, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-3228**RIN:** 1115-AE61**1767. LIMITING LIABILITY FOR CERTAIN TECHNICAL AND PROCEDURAL VIOLATIONS OF PAPERWORK REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1324a; PL 104-208**CFR Citation:** 8 CFR 274a**Legal Deadline:** None**Abstract:** On September 30, 1996, the President signed the Illegal Immigration

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/07/98	63 FR 16909
NPRM Comment Period End	06/08/98	
Final Action	10/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** INS No. 1819-96 and Public Law 104-208, title IV.**Agency Contact:** Marguerite Przbyski, Attorney, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-2895**RIN:** 1115-AE70**1768. 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)	10/00/00	
Final Rule (INS No. 1823-96)	09/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1823-96; PL 104-208, title III, section 38; and this regulation will affect 8 CFR 242.5 that will be renumbered 8 CFR 236.25.**Agency Contact:** Joanna London, Attorney, Office of the General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-2895**RIN:** 1115-AE72**1769. ADJUSTMENT OF STATUS FOR CERTAIN POLISH OR HUNGARIAN PAROLEES****Priority:** Substantive, Nonsignificant**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. A policy memorandum and an interim rule are needed to implement this new law.**Timetable:**

Action	Date	FR Cite
Interim Final Rule (INS No. 1825-97)	05/23/97	62 FR 28314
Final Rule (INS No. 1825-97)	11/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Michael Valverde, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-2763**RIN:** 1115-AE74

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**1770. ESTABLISHMENT OF PREINSPECTED AUTOMATED LANE (PAL) PROGRAM AT IMMIGRATION AND NATURALIZATION SERVICE****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 CFR 2**CFR Citation:** 8 CFR 287; 8 CFR 299**Legal Deadline:** None**Abstract:** This rule amends the Immigration and Naturalization Service regulation by establishing a Preinspected Automated Lane (PAL) Program for the use of eligible persons and vehicles at immigration checkpoints within the United States.**Timetable:**

Action	Date	FR Cite
Interim Final Rule With Request for Comments by 06/17/97	04/18/97	62 FR 19024
Final Rule	11/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** INS No. 1830-97**Agency Contact:** William H. Carter, Border Patrol Agent, Office of Enforcement, Office of Field Operations, Department of Justice, Immigration and Naturalization Service, Room 4226, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-3072**RIN:** 1115-AE80**1771. SURRENDER OF ALIENS ORDERED REMOVED FROM THE UNITED STATES****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1254a; 8 USC 1245a note**CFR Citation:** 8 CFR 240.13; 8 CFR 240.14; 8 CFR 240.15; 8 CFR 240.16**Legal Deadline:** Although there is no formal legal deadline, the rule is an integral part of implementing PL 104-208.**Abstract:** This rule requires aliens subject to a final order of removal to surrender to the INS. This rule also establishes procedures for surrender, and bars persons violating these

procedures from obtaining discretionary immigration benefits.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** INS No. 1847-97**Agency Contact:** Daniel Brown, Assistant General Counsel, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7977**RIN:** 1115-AE82**1772. EARLY RELEASE FOR REMOVAL OF CRIMINAL ALIENS IN STATE CUSTODY FOR NONVIOLENT OFFENSES****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1251; 8 USC 1253; 8 USC 1255; 8 USC 1330; 8 CFR 2**CFR Citation:** 8 CFR 241**Legal Deadline:** None**Abstract:** The final rule will amend the INS regulations relating to the apprehension and removal of aliens under section 241 of the Immigration and Nationality Act (Act). This regulatory action establishes an administrative process whereby criminal aliens in State custody convicted of nonviolent offenses may be removed prior to completion of their sentence of imprisonment. The rule will implement the authority contemplated by Congress to enhance the ability of the United States to remove criminal aliens.**Timetable:**

Action	Date	FR Cite
NPRM (INS No. 1848-97)	07/12/99	64 FR 37461
Final Action (INS No. 1848-97)	09/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** INS No.1848-97**Agency Contact:** Joan S. Lieberman, Attorney, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-2895Ron Dodson, Headquarters Investigation, Department of Justice, Immigration and Naturalization Service, Room 1000, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7310**RIN:** 1115-AE83**1773. AMENDMENT OF THE REGULATORY DEFINITION OF ARRIVING ALIEN****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 CFR 2**CFR Citation:** 8 CFR 1**Legal Deadline:** None**Abstract:** This rule amends the INS regulations by changing the regulatory definition of an arriving alien. Under section 235(b)(1)(A)(i) of the Immigration and Nationality Act (Act), which was effective on April 1, 1997, certain arriving aliens are subject to expedited removal procedures. The existing regulatory definition of arriving aliens includes parolees. As a matter of policy, the Department has decided that it is appropriate to exempt from the new expedited removal procedures aliens who were paroled into the United States before April 1997. This rule clarifies that aliens who were paroled before April 1, 1997, will not be subjected to expedited removal. The rule also makes several changes in the wording of 1.1(q) to use language that is clearer and more consistent with the wording of the statute.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/20/98	63 FR 19382
Final Action	12/00/00	

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

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

**RIN:** 1115-AE87

#### 1774. 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 09/11/98	08/04/98	63 FR 41478
Final Rule (INS No. 1865-97)	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1865-97; AG Order No. 2164-98

**Agency Contact:** Joanna Ruppel, Supervisor for Asylum Operations, International Affairs, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Attn: Ullico Building 3rd Floor, Washington, DC 20536  
Phone: 202 305-2663

**RIN:** 1115-AE93

#### 1775. 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

**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	09/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1881-97

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

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

Phone: 202 514-2763

Email: michael.valverde@justice.usdoj.gov

**RIN:** 1115-AE96

#### 1776. VERIFICATION OF ELIGIBILITY FOR PUBLIC BENEFITS

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1642

**CFR Citation:** 8 CFR 104

**Legal Deadline:** NPRM, Statutory, November 3, 1997.

Final, Statutory, February 22, 1998, Statutory deadline to promulgate regulations for State and local public benefits was previously 11/03/98. Deadline for regulations for Federal public benefits is 02/22/98.

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

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

#### Timetable:

Action	Date	FR Cite
NPRM (INS No. 1902-98)	08/04/98	63 FR 41662
Final Rule (INS No. 1902-98)	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

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

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

Phone: 202 514-2317

**RIN:** 1115-AE99

#### 1777. 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	07/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

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

**Agency Contact:** Ann Palmer, Staff Officer, Immigration Services Division, Department of Justice, Immigration and Naturalization Service, Room 900, 801 I Street NW, Washington, DC 20536

Phone: 202 514-4754

**RIN:** 1115-AF03

#### 1778. PROCESSING, DETENTION, AND RELEASE OF JUVENILES

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 236.3

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

The court-approved settlement agreement in *Flores v. Reno* (C.D. Cal.) required INS to publish regulations in July 1998. However, the changes brought by AEDPA and IIRIRA delayed issuance of regs.

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

#### Timetable:

Action	Date	FR Cite
NPRM (INS No. 1906-98)	07/24/98	63 FR 39759
NPRM Comment Period End	09/22/98	
Final Rule	06/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

Phone: 202 616-7975

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

Phone: 202 514-1970

**RIN:** 1115-AF05

#### 1779. EXTENSION OF DEADLINE FOR SPECIAL IMMIGRANT 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)	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1436-94

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

Phone: 202 616-7435

Craig S. Howie, Staff Officer, Immigration Services Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536

Phone: 202 353-8177

**RIN:** 1115-AF12

DOJ—INS

Final Rule Stage

**1780. 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 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 274a; 8 CFR 208; 8 CFR 240; 8 CFR 246; ...

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM (INS No. 1915-98)	11/24/98	63 FR 64895
NPRM Comment Period End (INS No. 1915-98)	01/25/99	
Interim Rule (INS No. 1915-98)	05/21/99	64 FR 27856
Interim Rule Comment Period End	07/20/99	
Final Rule	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1915-98

**Agency Contact:** Joanna Ruppel, Supervisor for Asylum Operations, International Affairs, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Attn: Ullico Building 3rd Floor, Washington, DC 20536

Phone: 202 305-2663

**RIN:** 1115-AF14

**1781. 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 INS regulations 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 Action	11/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** 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:** Maurice R. Berez, Staff Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536

Phone: 202 353-8177

Song Park, Staff Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, 3214, 425 I Street NW, Washington, DC 20536

Phone: 202 353-8177

**RIN:** 1115-AF15

**1782. 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	10/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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**Government Levels Affected:**

Undetermined

**Additional Information:** INS No. 1875-97**Agency Contact:** Brenda Garland, Office of Financial Management, Department of Justice, Immigration and Naturalization Service, Room 6010, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7683**RIN:** 1115-AF17**1783. 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)	12/08/99	64 FR 68638
NPRM Comment Period End (INS 1949-98)	02/07/00	
Final Action (INS No. 1949-98)	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** 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, 3rd Floor, 111 Massachusetts Avenue NW, Washington, DC 20536  
Phone: 202 305-2792**RIN:** 1115-AF18**1784. POWERS OF THE ATTORNEY GENERAL TO AUTHORIZE STATE OR LOCAL LAW ENFORCEMENT OFFICERS TO CARRY OUT IMMIGRATION ENFORCEMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552; 8 USC 1101; 8 USC 1103; 8 USC 1201**CFR Citation:** 28 CFR 65**Legal Deadline:** None**Abstract:** In order to provide a more effective and efficient response to a mass migration event, this rule implements provisions in the Immigration and Nationality Act allowing the Attorney General to authorize any State and local law enforcement officer to perform certain functions related to the enforcement of the immigration laws during the period of an actual or imminent mass influx of aliens. This rule would place designated State/local law enforcement officers under the direction of the INS when enforcing immigration law. This rule also allows the Commissioner to enter into advance written agreements with State and local law enforcement officials setting forth the terms and conditions of the functions to be performed during a Federal response to a mass influx of aliens, including reimbursement of expenses and ties such reimbursement to the Immigration Emergency Fund as the primary source of such funding.**Timetable:**

Action	Date	FR Cite
NPRM	04/08/99	64 FR 17128
NPRM Comment Period End	06/07/99	
Final Rule	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Additional Information:** INS No. 1924**Agency Contact:** Ron Dodson, Headquarters Investigation, Department of Justice, Immigration and Naturalization Service, Room 1000, 425 I Street NW, Washington, DC 20536  
Phone: 202 616-7310**RIN:** 1115-AF20**1785. ELIMINATION OF IMMIGRATION AND NATURALIZATION SERVICE-ISSUED MEXICAN AND CANADIAN BORDER CROSSING CARDS AND CONSENT TO REAPPLY FOR ADMISSION AFTER REMOVAL****Priority:** Other Significant**Legal Authority:** 5 USC 552; 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, 2001.**Abstract:** This rule amends the Immigration and Naturalization Service (Service) regulations to eliminate the use of Form I-175, Application for Nonresident Alien Canadian Border Crossing Card, and Form I-190, Application for Nonresident Alien Mexican Border Crossing Card. It also terminates the production of Form I-185, Nonresident Alien Canadian Border Crossing Card, and Form I-586, Nonresident Alien Mexican Border Crossing Card. In addition, this rule prohibits the use of Form I-186 (previous version of Mexican Border Crossing Card), Form I-185 and Form I-586 Border Crossing Cards (BCC's) after September 30, 2001, or whatever other date may be enacted for required use of a card containing a machine readable biometric identifier for entry (such as the fingerprint or handprint of the alien). Under the provisions of this rulemaking, an alien seeking entry into the United States by presentation of a BCC must complete a biometric verification upon each entry. This rule also amends the provisions regarding consent to reapply after removal to conform with the requirements of IIRIRA.**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1931-98**Agency Contact:** Paul M. Morris, Assistant Chief Inspector, Inspections

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## Final Rule Stage

Division, Department of Justice,  
Immigration and Naturalization Service,  
425 I Street NW, Washington, DC 20536  
Phone: 202 305-2970

RIN: 1115-AF24

**1786. 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	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1944-98

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

Katharine A. Lorr, Staff Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-3228

RIN: 1115-AF27

**1787. 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 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 Action	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** INS No. 1956-98

**Agency Contact:** Marty Newingham, Assistant Chief, Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, 4064  
Phone: 202 616-7992

RIN: 1115-AF28

**1788. 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 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 made these changes in order to streamline the existing H-2A petitioning process for certain foreign agricultural workers. This rule will make it easier and less burdensome for United States employers to file petitions for foreign agricultural workers.

**Timetable:**

Action	Date	FR Cite
NPRM (INS No. 1946-98)	12/07/98	63 FR 67431
NPRM Comment Period End (INS No. 1946-98)	02/05/99	
Final Rule	06/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

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

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

**Agency Contact:** Bert Rizzo, Adjudications Office, Office of Programs, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 353-8177

RIN: 1115-AF29

DOJ—INS

Final Rule Stage

**1789. TEMPORARY PROTECTED STATUS AMENDMENTS TO THE REQUIREMENTS FOR EMPLOYMENT AUTHORIZATION FEE AND OTHER TECHNICAL AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1103; 8 USC 1254; 8 USC 1254a**CFR Citation:** 8 CFR 244**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/01/99	64 FR 4780
Interim Final Rule Effective Comment Period End	04/02/99	
Final Rule	10/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1972-99

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

**RIN:** 1115-AF37**1790. 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 Effective	03/22/99	
Interim Final Rule Corrections	03/22/99	64 FR 13881
Interim Final Rule Comment Period End	04/20/99	
Final Rule	10/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** INS No. 1976-99

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

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

**RIN:** 1115-AF39**1791. INTERIM DESIGNATION OF ACCEPTABLE RECEIPTS FOR EMPLOYMENT ELIGIBILITY VERIFICATION****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 CFR 2; 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 required that rule to be amended by this Interim Rule. This Interim Rule was also necessary to facilitate employer and employee compliance with the regulations. The rule revised the amount of time a receipt remains valid where the employee presents a Form I-94 marked with a temporary I-551 stamp and containing a photograph of the bearer. Where the employee presents a Form I-94 marked with a refugee admission stamp, the rule adds Form I-688B to the list of documents that the employee can present at the end of the receipt validity period.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/09/99	64 FR 6187
Interim Final Rule Comment Period End	04/12/99	
Final Action	08/00/00	

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

**Additional Information:** This rule was published in the Federal Register as RIN 1115-AE94. This RIN has now been changed to 1115-AF42, INS No. 1947-98.

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

**RIN:** 1115-AF42**1792. DEPORTABILITY AND INADMISSIBILITY ON PUBLIC CHARGE GROUNDS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1183; ...**CFR Citation:** 8 CFR 212; 8 CFR 237**Legal Deadline:** None

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Final Rule Stage

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/26/99	64 FR 28676
NPRM Comment Period End	07/26/99	
Final Action	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** INS No. 1989-99

**Agency Contact:** Sophia Cox, Staff Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-3228

Kevin J. Cummings, Adjudications Officer, Department of Justice, Immigration and Naturalization Service, 3214, 425 I Street NW, Washington, DC 20536

Phone: 202 514-4754

**RIN:** 1115-AF45**1793. TREATMENT OF CERTAIN H PETITIONS FILED AFTER THE NUMERICAL CAP IS REACHED****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1104; 8 USC 1282**CFR Citation:** 8 CFR 214**Legal Deadline:** None

**Abstract:** This rule amends the Immigration and Naturalization Service's regulations by allowing the Service to accept and adjudicate certain

petitions submitted after any of the annual numerical caps for H nonimmigrant have been reached. Under this rule, petitions that are approved would be assigned a work start date to begin no earlier than the beginning of the following fiscal year.

**Timetable:**

Action	Date	FR Cite
NPRM	06/15/99	64 FR 32149
NPRM Comment Period End	08/16/99	
Final Action	06/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS 2003-99;

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

**RIN:** 1115-AF47**1794. ADJUSTMENT OF STATUS UNDER THE 1966 CUBAN ADJUSTMENT ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1255; PL 105-100 sec. 202; ...**CFR Citation:** 8 CFR 245**Legal Deadline:** None

**Abstract:** This interim rule specifies what effect an alien's arrival in the United States at a place other than an open port-of-entry will have on the alien's ability to obtain permanent residence under section 1 of the Cuban Adjustment Act of 1966, as amended. This rule is necessary to establish uniform rules relating to both the alien's eligibility for this relief and to the proper exercise of the discretion to grant or deny this relief.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/00/00	
Final Action	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1966-99

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

**RIN:** 1115-AF48**1795. APPLICATION FOR REFUGEE STATUS; ACCEPTABLE SPONSORSHIP AGREEMENT GUARANTY OF TRANSPORTATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1157; 8 USC 1158; ...**CFR Citation:** 8 CFR 207**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Rule	05/21/99	64 FR 27660
Final Rule	11/00/00	

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

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**Government Levels Affected:** None**Additional Information:** INS No. 1999-99**Sectors Affected:** 001 None**Agency Contact:** Kathleen Thompson, Staff Officer, Department of Justice, Immigration and Naturalization Service, Office of International Affairs, 425 I Street NW, 3rd Floor, Ullico Bldg., Washington, DC 20536  
Phone: 202 305-2662**RIN:** 1115-AF49**1796. NONIMMIGRANT CLASSES: Q-2 IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM VISITOR****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186; 8 USC 1187; ...**CFR Citation:** 8 CFR 214; 8 CFR 245; 8 CFR 248; 8 CFR 274**Legal Deadline:** None**Abstract:** This rule amends the regulations to establish a new visa classification, Q-2. Public Law 105-319, also known as the Irish Peace Process Cultural and Training Program Act of 1998, provides the basis for this regulatory change. The Q-2 visa classification identifies those visitors from Northern Ireland and certain designated counties in the Republic of Ireland to come to the United States temporarily for training employment and to experience coexistence and conflict resolution in a diverse society.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/17/00	65 FR 14774
Interim Final Rule Effective	03/17/00	
Interim Final Rule Comment Period End	05/16/00	
Final Rule	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** INS No. 2000-99**Agency Contact:** Donna Crump, Staff Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 353-8177**RIN:** 1115-AF51**1797. CLARIFICATION OF PAROLE AUTHORITY****Priority:** Routine and Frequent**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; ...**CFR Citation:** 8 CFR 212**Legal Deadline:** None**Abstract:** This rule amends the Immigration and Naturalization Service (Service) regulations about the authority of the Commissioner, Deputy Commissioner, Executive Associate Commissioner (EAC) for Field Operations, and regional directors (RDs) to grant the parole of aliens from Service custody. This action is being taken to clarify which individuals are authorized by the Attorney General, acting through the Commissioner, to grant parole from Service custody. The Service believes the extending parole authority to the Commissioner, Deputy Commissioner, EAC for Field Operations, and RDs clarifies the Commissioner's existing authority. This rule is being issued as an interim rule because it does not change process or procedure or create a new authority. This simply clarifies an existing authority.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/00	

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

(See Also 1115-AE68)

**Agency Contact:** Melinda R. Clark, Detention and Deportation Officer, Detention and Deportation Div., Field Operations, Department of Justice, Immigration and Naturalization Service, Room 3008, 425 I Street NW, Washington, DC 20536  
Phone: 202 514-1986**RIN:** 1115-AF53**1798. AUTHORIZING COLLECTION OF FEE LEVIED ON F, J, AND M NONIMMIGRANT CLASSIFICATIONS UNDER ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT (IIRIRA)****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; ...**CFR Citation:** 8 CFR 103; 8 CFR 214; 8 CFR 299**Legal Deadline:** None**Abstract:** This rule amends INS regulations to establish a \$95.00 fee that schools and exchange visitor programs must collect and remit on behalf of academic and vocational students and exchange visitors categorized as F-1, M-1, and J-1 nonimmigrants respectively. The fee will be collected and remitted by schools and exchange visitor programs when students and exchange visitors first register or enroll in school or first commence exchange program participation in the United States. This rule is necessary to implement section 641 of IIRIRA as well as the authority that the INS already has under sections 103 and 214 of the Immigration and Nationality Act (Act) and under 31 USC 9701 and section 286(m) of the Act.

The rule will amend the INS fee schedule and regulations to reflect the change. In addition, this rule explains which F-1, J-1, M-1 nonimmigrants are required to pay the fee, those who are exempt from the fee requirement, and describes the consequences that an F-1, J-1, or M-1 nonimmigrant faces upon failure to pay the fee. The rule specifies the consequences that an approved school or exchange program faces if it fails to collect the fee under section 641(e) of IIRIRA.

**Timetable:**

Action	Date	FR Cite
NPRM	12/21/99	64 FR 71323
NPRM Comment Period End	02/22/00	
Final Rule	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1991-99**Agency Contact:** Song Park, Staff Officer, Adjudications Division,

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## Final Rule Stage

Department of Justice, Immigration and Naturalization Service, 3214, 425 I Street NW, Washington, DC 20536  
Phone: 202 353-8177

**RIN:** 1115-AF56

**1799. CONDITIONAL RESIDENCE OF LAWFUL PERMANENT RESIDENCE FOR CERTAIN ALIEN SPOUSES AND SONS AND DAUGHTERS; BATTERED AND ABUSED CONDITIONAL RESIDENTS**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 216

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/16/91	56 FR 22635
Final Action	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Final Action for INS No. 1423-91 that was published on 5/16/1991.

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

**RIN:** 1115-AF59

**1800. • EXTENSION OF 25-MILE LIMIT AT SELECT ARIZONA PORTS-OF-ENTRY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1183; 8 USC 1201; ...

**CFR Citation:** 8 CFR 235

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/08/99	64 FR 68616
Interim Final Rule Comment Period End	02/07/00	
Final Action	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Sectors Affected:** 001 None

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

Phone: 202 305-2970

**RIN:** 1115-AF60

**1801. • REVOKING GRANTS OF NATURALIZATION**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 8 CFR 340

**Legal Deadline:** None

**Abstract:** This rule amends the INS regulations relating to administrative revocation of naturalization by changing the burden of proof the INS must satisfy in order to administratively revoke a grant of naturalization and clarifying the 180-day period for the rendering of the district directors decision. This rule provides that INS will only initiate revocation proceedings based on clear, unequivocal and convincing evidence with the burden of proof remaining with INS throughout the administrative process and through the issuance of the final decision. This rule clarifies the issues raised by the promulgation of the final rule that was published in 1996 at 61 FR 5550. A final rule requesting comments was published in the Federal Register on October 28, 1996, at 61 FR 55550.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No.1858-97

**Sectors Affected:** 001 None

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

**RIN:** 1115-AF63

**1802. • DUPLICATION AND ELECTRONIC GENERATION OF FORMS**

**Priority:** Other Significant

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

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Final Rule Stage

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

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

**CFR Citation:** 8 CFR 299

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Final Rule	10/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2017-99

**Sectors Affected:** 001 None

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

**RIN:** 1115-AF66

**1803. • REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES: CONTROL OF EMPLOYMENT OF ALIENS**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** This rule amends the Immigration and Naturalization Service regulations governing applications for renewal of 10-year Permanent Resident Cards upon their expiration. This rule adds documents to the acceptable list of registration requirements and clarifies the requirements for Lawful Permanent Resident (LPRs) to file Form I-90, Application to Replace Alien Registration Card, if they are also applying for naturalization. This rule also provides additional methods to verify employment eligibility for those in the process of renewing their expired or expiring Form I-551, Permanent Resident Card. These changes are necessary to facilitate the 10-year Form I-551 renewal process. This rule also clarifies the fingerprinting requirements for lawful permanent residents who reach the age of 14 years. An interim is necessary because the I-90 program must be implemented as the 10 year I-551 begin to filed with INS. A proposed rulemaking will not allow the INS to meet its program requirement, and it will be burdensome on the public as it will create a class of aliens who have expired Alien Registration Cards with no means to renew their I-551.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No.2042-00

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

**RIN:** 1115-AF71

**1804. • NATIONAL INTEREST WAIVERS FOR SECOND PREFERENCE EMPLOYMENT-BASED IMMIGRANT PHYSICIANS SERVING IN MEDICALLY UNDERSERVED AREAS OR AT DEPARTMENT OF VETERANS' AFFAIRS FACILITIES**

**Priority:** Other Significant

**Legal Authority:** PL 106-113; 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641

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

**Legal Deadline:** None

**Abstract:** On November 29, 1999, Public Law 106-113 was enacted. Section 117 amended the Immigration and Nationality Act (Act) at section 203 to provide national interest waivers to alien physicians agreeing to practice 5 years in designated medically underserved areas or at Veterans' Affairs facilities. The Service proposes an amendment to 8 CFR 204 and 245 in order to implement the new statutory provisions. The Service is issuing an interim regulation so that applicants may begin to take advantage of the new provisions.

**Timetable:**

Action	Date	FR Cite
Interim Rule with Request for Comments	06/00/00	
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2048-00

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

**RIN:** 1115-AF75

**DEPARTMENT OF JUSTICE (DOJ)**  
**Immigration and Naturalization Service (INS)**
**Long-Term Actions**
**1805. VISA WAIVER PILOT PROGRAM**
**Priority:** Substantive, Nonsignificant

**CFR Citation:** 8 CFR 217

**Timetable:**

Action	Date	FR Cite
NPRM INS No. 1406-91 Comment Period End 5/22/91	05/07/91	56 FR 21101
Final Rule-INS No. 1406-91 Eff. 7/18/91*	07/18/91	56 FR 32952
Interim Final Rule-INS No. 1447 Eff. 10/1/91; Comment Period End 10/15/91	09/13/91	56 FR 46716
Interim Final Rule-1622-93; Eff. 7/29/93; Com. End 8/30/93; (To be merged with 1447R-93)*	07/29/93	58 FR 40581
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
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
Interim Final Rule-INS 2002-99 With Comments (Portugal, Singapore, and Uruguay)	08/03/99	64 FR 42006
Next Action Undetermined		

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

**Government Levels Affected:** Federal

**Sectors Affected:** 001 None

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

**RIN:** 1115-AB93

**1806. EMPLOYER SANCTIONS MODIFICATIONS**
**Priority:** Substantive, Nonsignificant

**CFR Citation:** 8 CFR 274a

**Timetable:**

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

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

**Government Levels Affected:** Federal

**Agency Contact:** Angelo Sorrento  
 Phone: 202 514-0747

**RIN:** 1115-AE21

**1807. REGULATIONS RELATING TO TEMPORARY PROTECTED STATUS**
**Priority:** Other Significant

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

**Timetable:**

Action	Date	FR Cite
TPS Final Rule (INS No. 1612) Removal of Obsolete Sections Covering TPS for Salvadorans	09/10/96	61 FR 47667
TPS Notice (INS No. 1832-97) Designation of Liberia	04/07/97	62 FR 16608
TPS Notice (INS No. 1853-97) Designation of Rwanda Eff. 06/07/97	06/19/97	62 FR 33442
TPS Notice (INS No. 1862-97) Designation of Bosnia-Herzegovina	08/01/97	62 FR 41420
TPS Notice (INS No. 1863-97) Designation of Somalia	08/01/97	62 FR 41421
TPS Notice (INS No. 1878-97) TPS Designation of Montserrat	08/28/97	62 FR 45685
TPS Notice (INS No. 1775-96) TPS Designation of Burundi	11/04/97	62 FR 59735
TPS Notice (INS No. 1877-97) TPS Designation of Sierra	11/04/97	62 FR 59736
TPS Notice (INS No. 1780-97) TPS Designation of Sudan	11/04/97	62 FR 59737

Action	Date	FR Cite
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
Final Action	11/16/98	63 FR 63593
TPS Notice (INS No. 1964-98) TPS Designation of Honduras	01/05/99	64 FR 524
TPS Notice (INS No. 1965-98) TPS Designation of Nicaragua	01/05/99	64 FR 526
TPS Notice (INS No. 1960-98) TPS Designation of Guinea-Bissau	03/11/99	64 FR 12181
TPS Notice (INS No. 1986-99) TPS Redesignation of the Province of Kosovo	06/08/99	64 FR 30542
TPS Notice (INS No. 1953-99) Termination of TPS Designation of Liberia	07/30/99	64 FR 41463
TPS Notice (INS No. 2009-99) Extension of the TPS Registration Period for Hondurans and Nicaraguans	08/06/99	64 FR 42991
TPS Notice (INS No. 2006-99) Extension of TPS Designation of Bosnia-Herzegovina	08/11/99	64 FR 43720

## DOJ—INS

## Long-Term Actions

Action	Date	FR Cite
TPS Notice (INS No. 2010-99) Extension of TPS Designation of Montserrat	09/02/99	64 FR 48190
TPS Notice (INS No. 2015-99) Extension of TPS Designation of Somalia	09/13/99	64 FR 49511
TPS Notice (INS No. 2022-99) Extension and Redesignation of Burundi Under Temporary Protected Status	11/09/99	64 FR 61123
TPS Notice (INS No. 2024-99) Extension and Redesignation of Sierra Leone Under Temporary Protected S	11/09/99	64 FR 61125
TPS Notice (INS No. 2023-99) Extension and Redesignation of Sudan Under the Temporary Protected Stat	11/09/99	64 FR 61128
TPS Notice (INS No. 2043-00) Extension and Termination of Designation of Guinea-Bissau Under TPS	03/20/00	65 FR 15016

Action	Date	FR Cite
TPS Notice (INS No. 2044-00) Designation of Angola Under TPS	03/29/00	65 FR 16634
Next Action Undetermined		
<b>Regulatory Flexibility Analysis Required:</b> No		
<b>Government Levels Affected:</b> None		
<b>Agency Contact:</b> George Raferty Phone: 202 514-5014 Michael Valverde Phone: 202 514-2763 Email: michael.valverde@justice.usdoj.gov		
<b>RIN:</b> 1115-AE26		
<b>1808. PUBLIC CHARGE BOND PILOT PROGRAM</b>		
<b>Priority:</b> Other Significant		
<b>CFR Citation:</b> 8 CFR 213		
<b>Timetable:</b>		
Action	Date	FR Cite
NPRM	To Be Determined	
<b>Regulatory Flexibility Analysis Required:</b> No		

**Government Levels Affected:** None**Agency Contact:** Suzy Nguyen  
Phone: 202 514-4754  
Lisa Roney  
Phone: 202 514-3242**RIN:** 1115-AE78**1809. EXTENDING THE PERIOD OF DURATION OF STATUS FOR CERTAIN F AND J NONIMMIGRANT ALIENS****Priority:** Substantive, Nonsignificant**CFR Citation:** 8 CFR 214**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/15/99	64 FR 32146
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Thomas Simmons  
Phone: 202 333-8177  
John W. Brown  
Phone: 202 353-8177  
Fax: 202 514-0198**RIN:** 1115-AF54

## DEPARTMENT OF JUSTICE (DOJ)

## Completed Actions

## Immigration and Naturalization Service (INS)

**1810. NONIMMIGRANT CLASSES; B VISITOR FOR BUSINESS OR PLEASURE****Priority:** Substantive, Nonsignificant**CFR Citation:** 8 CFR 214; 8 CFR 274a**Completed:**

Reason	Date	FR Cite
Withdrawn Final Action	02/15/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Agency Contact:** Craig S. Howie  
Phone: 202 353-8177**RIN:** 1115-AC89**1811. INSPECTION OF PERSONS APPLYING FOR ADMISSION****Priority:** Substantive, Nonsignificant**CFR Citation:** 8 CFR 235**Completed:**

Reason	Date	FR Cite
Withdrawn	02/09/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Agency Contact:** Brenda Garland  
Phone: 202 616-7683**RIN:** 1115-AD17**1812. 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**CFR Citation:** 8 CFR 204**Completed:**

Reason	Date	FR Cite
Withdrawn by Program Office	02/15/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Agency Contact:** Ann Palmer  
Phone: 202 514-4754**RIN:** 1115-AE33**1813. CLARIFICATION OF AGE REQUIREMENTS FOR FINGERPRINTING NATURALIZATION APPLICANTS****Priority:** Other Significant**CFR Citation:** 8 CFR 316**Completed:**

Reason	Date	FR Cite
Withdrawn by Program Office	02/15/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Ann Palmer

## DOJ—INS

## Completed Actions

Phone: 202 514-4754

RIN: 1115-AE86

**1814. ADJUSTMENT OF STATUS; CERTAIN NATIONALS OF NICARAGUA AND CUBA**

Priority: Substantive, Nonsignificant

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

**Completed:**

Reason	Date	FR Cite
Final Action	03/24/00	65 FR 15846
Final Action Effective	03/24/00	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Suzy Nguyen

Phone: 202 514-4754

RIN: 1115-AF04

**1815. ADJUSTMENT OF SMALL VOLUME FEES OF THE IMMIGRATION EXAMINATIONS FEE ACCOUNT**

Priority: Other Significant

CFR Citation: 8 CFR 103.7

**Completed:**

Reason	Date	FR Cite
Final Rule INS No. 1933-98	12/15/99	64 FR 69883
Final Rule Effective INS No. 1933-98	01/14/00	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Paul Schlesinger

Phone: 202 616-2754

RIN: 1115-AF10

**1816. IMPLEMENTING CERTAIN PORTIONS OF THE AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT (ACWIA) RELATING TO THE H-1B NONIMMIGRANT CLASSIFICATION**

Priority: Other Significant

CFR Citation: 8 CFR 214.2h; 8 CFR 103.7

**Completed:**

Reason	Date	FR Cite
Final Action	02/29/00	65 FR 10678
Final Action Effective	03/30/00	

**Regulatory Flexibility Analysis**

Required: Yes

Government Levels Affected: Federal, Local, State

Agency Contact: Irene Hoffman

Phone: 202 616-7435

John W. Brown

Phone: 202 353-8177

Fax: 202 514-0198

RIN: 1115-AF31

**1817. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS OF HAITI**

Priority: Other Significant

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

**Completed:**

Reason	Date	FR Cite
Final Action	03/24/00	65 FR 15835
Final Action Effective	03/24/00	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Michael L. Shaul

Phone: 202 616-7439

RIN: 1115-AF33

**1818. SPECIAL IMMIGRANT JUVENILE PETITIONS**

Priority: Substantive, Nonsignificant

CFR Citation: 8 CFR 204

**Completed:**

Reason	Date	FR Cite
Withdrawn--Duplicate of 1115-AF11	03/23/00	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Ann Palmer

Phone: 202 514-4754

RIN: 1115-AF35

**1819. ADJUSTMENT OF SMALL VOLUME APPLICATION FEES OF THE IMMIGRATION EXAMINATIONS FEE ACCOUNT**

Priority: Substantive, Nonsignificant

CFR Citation: 8 CFR 103

**Completed:**

Reason	Date	FR Cite
Merged; Duplicate of RIN 1115-AF10	02/09/00	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: Federal

Agency Contact: Paul Schlesinger

Phone: 202 616-2754

RIN: 1115-AF52

**1820. • ADDING CLEVELAND, OH; FORT MYERS, FL; SAN JOSE, CA; TO THE LIST OF PORTS OF ENTRY ACCEPTING APPLICATIONS FOR DIRECT TRANSIT WITHOUT VISA**

Priority: Other Significant

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

CFR Citation: 8 CFR 214

Legal Deadline: None

**Abstract:** This rule amends the Immigration and Naturalization Service regulations by adding Cleveland, Ohio, Ft. Myers, Florida, and San Jose, California, to the list of ports-of-entry where, except for transit from one part of foreign contiguous territory to another part of the same territory, an alien must make application for admission to the United States for direct transit without visa. This change is necessary to accommodate the increase in international commerce serving Cleveland, Ohio, Ft. Myers, Florida, and San Jose, California.

**Timetable:**

Action	Date	FR Cite
Final Action	02/16/00	65 FR 7715

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2038-99

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

Phone: 202 616-7499

Email: robert.f.hutnick@usdoj.gov

RIN: 1115-AF68

**DEPARTMENT OF JUSTICE (DOJ)**  
**Legal Activities (LA)**

Proposed Rule Stage

**1821. 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	09/00/00	
NPRM Comment	11/00/00	
Period End		

**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

**RIN:** 1105-AA62
**1822. WAIVER FOR FIREARM PROHIBITION ON NON-IMMIGRANT VISA HOLDERS**
**Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** PL 105-277, sec 121; 18 USC 922**CFR Citation:** 28 CFR 25**Legal Deadline:** None

**Abstract:** The Gun Control Act of 1968 established categories of individuals who are prohibited from possessing a

firearm. A provision of PL 105-277, the Omnibus Appropriations Act of 1999, added non-immigrant visa holders as an additional prohibited category. In the same Act, the Attorney General was authorized to grant a waiver for individuals disqualified by this new prohibited category. The waiver petition will be granted, inter alia, upon an applicant showing proof of 180 days of residency and a statement of character from the applicant's embassy or consulate and upon a determination by the Attorney General that the waiver should be granted in the interests of justice so as not to jeopardize public safety.

**Timetable:**

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

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

**Agency Contact:** Frank A.S. Campbell, Deputy Assistant Attorney General, Office of Policy Development, Department of Justice, Room 4248, Main Building, 950 Pennsylvania Avenue NW, Washington, DC 20530  
Phone: 202 514-2283

**RIN:** 1105-AA66
**1823. • ACCIDENTAL RELEASE PREVENTION REQUIREMENTS; RISK MANAGEMENT PROGRAMS UNDER THE CLEAN AIR ACT SECTION 112(R)(7) DISTRIBUTION OF OFF-SITE CONSEQUENCE ANALYSIS INFORMATION**
**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** PL 106-40**CFR Citation:** 40 CFR 68**Legal Deadline:** Final, Statutory, August 5, 2000.

**Abstract:** In 1990, section 112(r)(7) was added to the Clean Air Act to require that certain stationary sources report an off-site consequence analysis (including a worst-case release scenario) in a Risk Management Plan that is available to the public. In 1996, EPA published regulations implementing section 112(r)(7) with a due date of submitting the required information to EPA of June 21, 1999.

On August 5, 1999, the President signed into law the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (Relief Act). Section 3(a) of the Relief Act requires the President to assess the increased risk of terrorist and other criminal activities associated with posting off-site consequence analysis information on the Internet. (This obligation was delegated to the Department of Justice.) Section 3(a) also requires the President to assess the incentives created by public disclosure of this information for reduction in the risk of accidental releases. (This obligation was delegated to EPA.)

Based on the results of these assessments, the President is required to promulgate regulations governing the distribution of off-site consequence analysis information that, in the opinion of the President, minimizes both the likelihood of accidental releases and also the risk of terrorist and other criminal activities associated with posting of this information. This rulemaking has been delegated jointly to Justice and EPA.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/00	
Final Action	08/00/00	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined
**Federalism:** Undetermined

**Agency Contact:** Brenda Sue Thornton, Trial Attorney, Department of Justice, Terrorism and Violent Crime Section, P.O. Box 7179, Washington, DC 20044-7179  
Phone: 202 616-5210

**RIN:** 1105-AA70
**1824. • MOTOR VEHICLE SALVAGE REGULATIONS**
**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 49 USC 3504**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** The Attorney General is required to issue regulations directing junk yard and salvage yard operators

## DOJ—LA

## Proposed Rule Stage

and insurance carriers to file monthly reports with the operator of the National Motor Vehicle Title Information System (NMVTIS) concerning vehicles in their possession. The reports are required by statute, 49 U.S.C. section 30504(a), to provide the vehicle identification numbers, the date on which the vehicle was obtained, and the name of the individual or entity from whom the vehicle was obtained. Salvage and junk yard operators are also required to provide a statement of whether the automobile was crushed or disposed of for sale or other purposes.

Insurance carriers are also required to provide the name of the owner of the automobile at the time the report is filed.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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

**RIN:** 1105-AA71

## DEPARTMENT OF JUSTICE (DOJ)

## Final Rule Stage

## Legal Activities (LA)

**1825. FEDERAL CLAIMS COLLECTION STANDARDS (FCCS)**

**Priority:** Substantive, Nonsignificant

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

**Legal Authority:** 31 USC 3711(d)(2)

**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	05/00/00	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Federal, State

**Agency Contact:** Kathleen A. Haggerty, Director, Debt Collection Management, Department of Justice, Liberty Place Building Second Floor South, 325 7th Street NW, Washington, DC 20530  
Phone: 202 514-5343

**RIN:** 1105-AA31

**1826. 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	07/09/99	64 FR 37065
NPRM Comment Period End	09/07/99	
Final Action	07/00/00	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** CFR

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

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

**RIN:** 1105-AA45

DOJ—LA

Final Rule Stage

**1827. 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	12/07/99	64 FR 68307
NPRM Comment Period End	02/07/00	
Final Action	05/00/00	
Final Action Effective	06/00/00	

**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

**RIN:** 1105-AA64**1828. 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.**Legal Authority:** 42 USC 13032**CFR Citation:** 28 CFR 81**Legal Deadline:** NPRM, Statutory, April 28, 1999.

**Abstract:** On October 30, 1998, Congress passed the Protection of Children from Sexual Predators Act of 1998 (PCSPA). The PCSPA requires providers of an electronic communication service or a remote computing service to the public, through a facility or means of interstate or foreign commerce, to report incidents of child pornography as defined by sections 2251, 2251A, 2252, 2252A, or 2260 of title 18, United States Code, to the appropriate Federal agency. In order to facilitate effective reporting, the PCSPA requires the Attorney General to "designate an agency" to receive and investigate such reports of child pornography. The proposed rule previously published set forth the Attorney General's proposed designations and certain other matters covered by the PCSPA's reporting requirements.

On November 29, 1999, as part of the Consolidated Appropriations Act, 2000, Public Law 106-113, 113 Stat. 1501, Congress amended 42 USC 13032 to require providers to report such incidents to the Cyber Tipline at the National Center for Missing and Exploited Children, which shall forward that report to a law enforcement agency or agencies designated by the Attorney General. A final rule is being prepared for publication that will reflect the change in the agency to receive the reports.

**Timetable:**

Action	Date	FR Cite
NPRM	05/26/99	64 FR 28422
NPRM Comment Period End	07/26/99	
Final Action	08/00/00	

**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**1829. ETHICAL STANDARDS FOR ATTORNEYS FOR THE GOVERNMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 28 USC 530B**CFR Citation:** 28 CFR 77**Legal Deadline:** Final, Statutory, April 19, 1999.

**Abstract:** This rule supersedes the Department of Justice regulations relating to Communications with Represented Persons and implements 28 U.S.C. 530B pertaining to ethical standards for attorneys for the Government. Under that provision, an attorney for the Government shall be subject to State laws and rules, and local Federal court rules governing attorneys in each State where such attorney engages in that attorney's duties, to the same extent and in the same manner as other attorneys in that State. This rule fulfills the Attorney General's obligation under section 530B and provides guidance to all Department of Justice employees who are subject to section 530B regarding their obligations and responsibilities under this new provision.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/19/99	64 FR 19273
Interim Final Rule Comment Period End	06/21/99	
Final Action	06/00/00	

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

**Agency Contact:** Claudia J. Flynn, Director, Professional Responsibility Advisory Office, Department of Justice, Suite 600, National Theatre Building, 1325 Pennsylvania Avenue NW, Washington, DC 20530

Phone: 202 514-0458

Fax: 202 353-7483

**RIN:** 1105-AA67

## DEPARTMENT OF JUSTICE (DOJ)

## Long-Term Actions

## Legal Activities (LA)

**1830. VIOLENT CRIME AND DRUG EMERGENCY AREAS****Priority:** Other Significant**CFR Citation:** 28 CFR 92 (New)**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** Yes**Government Levels Affected:** Federal, State, Local, Tribal**Agency Contact:** Robert Hinchman  
Phone: 202 514-8059

Email: robert.hinchman@usdoj.gov

**RIN:** 1105-AA29**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**1831. FALSE CLAIMS AMENDMENTS ACT OF 1986—CIVIL INVESTIGATIVE DEMANDS****Priority:** Info./Admin./Other**CFR Citation:** 28 CFR 28**Agency Contact:** Michael F. Hertz  
Phone: 202 514-7179**RIN:** 1105-AA42

## DEPARTMENT OF JUSTICE (DOJ)

## Completed Actions

## Legal Activities (LA)

**1832. CRIMINAL FINES ENFORCEMENT****Priority:** Substantive, Nonsignificant**CFR Citation:** 28 CFR 72**Completed:**

Reason	Date	FR Cite
Withdrawn	02/15/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Agency Contact:** Lynne Solien  
Phone: 202 616-6444**RIN:** 1105-AA16

## DEPARTMENT OF JUSTICE (DOJ)

## Final Rule Stage

## Office of Justice Programs (OJP)

**1833. 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	11/00/00	

**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

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 Action	11/00/00	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** State, Local, Tribal**Agency Contact:** Lluana McCann, Program Manager, Department of Justice, Office of Justice Programs, 810 7th Street NW, Washington, DC 20053  
Phone: 202 305-1772**RIN:** 1121-AA48**1834. BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 1998****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 3796ll**CFR Citation:** 28 CFR 33**Legal Deadline:** NPRM, Statutory, September 14, 1998.**Abstract:** This part proposes the process by which BJA will provide funds to eligible States, units of local

**DEPARTMENT OF JUSTICE (DOJ)**  
**Office of Justice Programs (OJP)**

**Completed Actions**

**1835. TIMING OF POLICE CORPS  
REIMBURSEMENTS OF  
EDUCATIONAL EXPENSES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 28 CFR 92

**Completed:**

Reason	Date	FR Cite
Final Action	02/16/00	65 FR 7723
Final Action Effective	03/17/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Michael Dalich

Phone: 202 616-3603

**RIN:** 1121-AA50

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