

§ 2.220

Commission following a previous revocation of supervised release, the Commission may also impose a further term of supervised release. The maximum authorized length of such a term of supervised release shall be the original maximum authorized term of supervised release permitted by paragraph (b) of this section, less the total of the terms of imprisonment imposed by the Commission on the same sentence (including the term of imprisonment imposed in the current revocation).

(2) For example, if the maximum authorized term of imprisonment at the first revocation is three years and the original maximum authorized term of supervised release is five years, the Commission at the first revocation may have imposed a one-year term of imprisonment and a four-year further term of supervised release. If, at a second revocation, the Commission imposes another one-year term of imprisonment, the maximum authorized further term of supervised release will be three years (the original five-year period minus the total of two years of imprisonment).

(f) *Effect of sentencing court imposing less than the original maximum authorized term of supervised release.* If the Commission has revoked supervised release, the maximum authorized period of further supervised release is determined by reference to the original maximum authorized term permitted for the offense of conviction (see paragraph (b) of this section), even if the sentencing court did not impose the original maximum authorized term permitted for the offense of conviction.

§ 2.220 Appeal.

(a) As a supervised releasee you may appeal a decision to: Change or add a special condition of supervised release, revoke supervised release, or impose a term of imprisonment or a new term of supervised release after revocation. You may not appeal one of the general conditions of release.

(b) If we add a special condition to take effect immediately upon your supervised release, you may appeal the imposition of the special condition no later than 30 days after the date you begin your supervised release. If we

28 CFR Ch. I (7–1–20 Edition)

change or add the special condition sometime after you begin your supervised release, you may appeal within 30 days of the notice of action changing or adding the condition. You must follow the appealed condition until we change the condition in response to your appeal.

(c) You cannot appeal if we made the decision as part of an expedited revocation, or if you asked us to change or add a special condition of release.

(d) You must follow the procedures of § 2.26 in preparing your appeal. We will follow the same rule in voting on and deciding your appeal.

[79 FR 51260, Aug. 28, 2014]

PART 3—GAMBLING DEVICES

Sec.

3.1 Definition.

3.2 Assistant Attorney General, Criminal Division.

3.3 Registration.

3.4 Registration to be made by letter.

3.5 Forfeiture of gambling devices.

AUTHORITY: 89 Stat. 379; 5 U.S.C. 301, sec. 2, Reorganization Plan No. 2 of 1950, 64 Stat. 1261; 3 CFR, 1949–1953 Comp.

CROSS REFERENCE: For Organization Statement, Federal Bureau of Investigation, see subpart P of part 0 of this chapter.

SOURCE: Order No. 331–65, 30 FR 2316, Feb. 20, 1965, unless otherwise noted.

§ 3.1 Definition.

For the purpose of this part, the term *Act* means the Act of January 2, 1951, 64 Stat. 1134, as amended by the Gambling Devices Act of 1962, 76 Stat. 1075, 15 U.S.C. 1171 *et seq.*

§ 3.2 Assistant Attorney General, Criminal Division.

The Assistant Attorney General, Criminal Division, is authorized to exercise the power and authority of and to perform the functions vested in the Attorney General by the Act. (See also 28 CFR 0.55(i).)

(28 U.S.C. 509 and 510)

[Order No. 960–81, 46 FR 52354, Oct. 27, 1981]

§ 3.3 Registration.

Persons required to register pursuant to section 3 of the Act shall register with the Assistant Attorney General,

Department of Justice

§ 4.1

Criminal Division, Department of Justice, Washington, DC 20530.

§ 3.4 Registration to be made by letter.

No special forms are prescribed for the purpose of registering under the Act. Registration shall be accomplished by a letter addressed to the Assistant Attorney General, Criminal Division, setting forth the information required by section 3(b)(4) of the Act. Registration should be made by registered or certified mail inasmuch as receipt of registrations will not otherwise be acknowledged. The registration requirement of the Act is an annual requirement. Any person engaged in any one or more of the activities for which registration is required under the Act must, in conformity with the provisions of the Act, register in each calendar year in which he engages in such activities.

§ 3.5 Forfeiture of gambling devices.

For purposes of seizure and forfeiture of gambling devices see section 8 of this chapter.

[Order No. 1128-86, 51 FR 8817, Mar. 17, 1986]

PART 4—PROCEDURE GOVERNING APPLICATIONS FOR CERTIFICATES OF EXEMPTION UNDER THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959, AND THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Sec.

- 4.1 Definitions.
- 4.2 Who may apply for Certificate of Exemption.
- 4.3 Contents of application.
- 4.4 Supporting affidavit; additional information.
- 4.5 Character endorsements.
- 4.6 Institution of proceedings.
- 4.7 Notice of hearing; postponements.
- 4.8 Hearing.
- 4.9 Representation.
- 4.10 Waiver of oral hearing.
- 4.11 Appearance; testimony; cross-examination.
- 4.12 Evidence which may be excluded.
- 4.13 Record for decision. Receipt of documents comprising record; timing and extension.

4.14 Administrative law judge's recommended decision; exceptions thereto; oral argument before Commission.

4.15 Certificate of Exemption.

4.16 Rejection of application.

4.17 Availability of decisions.

AUTHORITY: Secs. 504, 606, 73 Stat. 536, 540 (29 U.S.C. 504, 526); and secs. 411, 507a, 88 Stat. 887, 894 (29 U.S.C. 1111, 1137).

CROSS REFERENCE: For Organization Statement, U.S. Parole Commission, see subpart V of part 0 of this chapter.

SOURCE: 44 FR 6890, Feb. 2, 1979, unless otherwise noted.

§ 4.1 Definitions.

As used in this part:

(a) *Labor Act* means the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 519).

(b) *Pension Act* means the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406) (88 Stat. 829).

(c) *Acts* means both of the above statutes.

(d) *Commission* means the United States Parole Commission.

(e) *Secretary* means the Secretary of Labor or his designee.

(f) For proceedings under the "Labor Act"

(1) *Employer* means the labor organization, or person engaged in an industry or activity affecting commerce, or group or association of employers dealing with any labor organization, which an applicant under § 4.2 desires to serve in a capacity for which he is ineligible under section 504(a) of the "Labor Act".

(2) All other terms used in this part shall have the same meaning as identical or comparable terms when those terms are used in the "Labor Act".

(g) For proceedings under the "Pension Act"

(1) *Employer* means the employee benefit plan with which an applicant under § 4.2 desires to serve in a capacity for which he is ineligible under section 411(a) of the "Pension Act" (29 U.S.C. section 1111).

(2) All other terms used in this part shall have the same meaning as identical or comparable terms when those terms are used in the "Pension Act".