

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 527

[BOP-1065-F]

RIN 1120-AA60

Transfer of Offenders To or From Foreign Countries

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: In this document the Bureau of Prisons is amending its regulations on the transfer of offenders to or from foreign countries to conform with revised procedures of the United States Parole Commission. When notifying the Parole Commission of the receipt of a transferee from a foreign country, the Bureau shall also provide the Commission with a projected release date in order that the Commission may make determinations without a hearing when necessary. Informational references in the Bureau's regulations to Commission procedures have been removed in order to eliminate unnecessary regulations.

EFFECTIVE DATE: May 21, 1997.

ADDRESSES: Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 514-6655.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is amending its regulations on transfer of offenders to or from foreign countries. A final rule on this subject was published in the **Federal Register** on December 4, 1981 (46 FR 59507) and was amended on September 13, 1993 (58 FR 47976).

On October 17, 1996, the United States Parole Commission revised its regulations in 28 CFR 2.62(e) pertaining to special transferee hearings for prisoners transferred pursuant to treaty. The Commission extended the time within which it normally conducts a hearing for a prisoner who is transferred to the United States to serve a foreign sentence. The extension, which reflects the need for the preparation of

postsentence reports supported by translations of foreign court documents and for completion of other procedures, is from four months to six months. The Commission also amended paragraph (e) to permit it to render a determination without a hearing in the case of a transferee who is given a release date by the Bureau that is less than six months from the date the transferee enters the United States. For a complete discussion of these changes, please refer to the Commission's interim rule published on October 17, 1996 (61 FR 54096).

The Bureau's regulations on receiving United States citizens from other countries (28 CFR 527.46) stipulate in paragraph (c)(3) that Bureau staff shall notify the Parole Commission of the inmate's arrival and restate some of the Commission's procedures, including a reference to the hearing deadline. In order to conform its regulations to the Commission's recent revisions, the Bureau has revised paragraph (c)(3) to state that Bureau staff shall notify the Parole Commission of the inmate's arrival and projected release date. This information is sufficient to allow the Commission to invoke its own procedures. Further information pertaining to Commission procedures and to institution transfer have been removed. The Commission's regulations are available in the law libraries of Bureau institutions. Consequently, restatement of these regulations in Bureau regulations is unnecessary. Procedures pertaining to institution transfer are generally contained in internal instructions to Bureau staff and do not need to be stated in the regulations.

Because this amendment conforms to the controlling regulations of the Parole Commission, the Bureau finds good cause for exempting the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment, and delay in effective date. Members of the public may submit comments concerning this rule by writing to the previously cited address. These comments will be considered but will receive no response in the **Federal Register**.

The Bureau of Prisons has determined that this rule is not a significant

regulatory action for the purpose of E.O. 12866, and accordingly this rule was not reviewed by the Office of Management and Budget. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), does not have a significant economic impact on a substantial number of small entities, within the meaning of the Act. Because this rule pertains to the correctional management of offenders committed to the custody of the Attorney General or the Director of the Bureau of Prisons, its economic impact is limited to the Bureau's appropriated funds.

List of Subjects in 28 CFR Part 527

Prisoners.
Kathleen M. Hawk,
Director, Bureau of Prisons.

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(p), part 527 in subchapter B of 28 CFR, chapter V is amended as set forth below.

Subchapter B—Inmate Admission, Classification, and Transfer

PART 527—TRANSFERS

1. The authority citation for 28 CFR part 527 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3565, 3569, 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4100-4115, 4161-4166 (Repealed as to offenses committed on or after November 1, 1987), 4201-4218, 5003, 5006-5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

2. In § 527.46, paragraph (c)(3) is revised to read as follows:

§ 527.46 Receiving United States citizens from other countries.

* * * * *

(c) * * *

(3) Notify the U.S. Parole Commission of the inmate's arrival and projected release date.

* * * * *

[FR Doc. 97-13224 Filed 5-20-97; 8:45 am]

BILLING CODE 4410-05-P