

## DEPARTMENT OF JUSTICE

## Bureau of Prisons

## 28 CFR Part 551

[BOP-1077-F]

RIN 1120-AA73

## Non-Discrimination Toward Inmates

AGENCY: Bureau of Prisons, Justice.

ACTION: Final Rule.

**SUMMARY:** In this document, the Bureau of Prisons is revising its regulations on non-discrimination toward inmates for the sake of improved clarity of expression. This revision reaffirms that Bureau staff shall not discriminate against inmates on the basis of race, religion, national origin, sex, disability, or political belief. This includes the making of administrative decisions and providing access to work, housing and programs.

EFFECTIVE DATE: October 16, 1998.

**ADDRESSES:** Rules Unit, 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 non-discrimination toward inmates (28 CFR part 551, subpart I). A final rule on this subject was published in the **Federal Register** April 4, 1980 (45 FR 23366) and was amended April 6, 1994 (59 FR 16406).

The Bureau's regulations previously stated that inmates may not be discriminated against on the basis of race, religion, nationality, sex, disability, or political belief, and that each Warden shall ensure that administrative decisions and work, housing, and program assignments are non-discriminatory. The Bureau is revising its regulations in order to restate the provisions in an active voice. The revised regulations make more clear the Bureau's intent that all staff are responsible for ensuring that their actions are in compliance. In restating the provisions in this manner, it is no longer necessary for the rules to identify the Warden as the person responsible for ensuring compliance. The Bureau's internal administrative procedures are sufficient to assure that the Warden is responsible for the institution's operations. With respect to the bases of discriminations, the Bureau has replaced the term "nationality" with the phrase "national origin".

Because this amendment is editorial in nature and does not change the intent of the previous regulations, 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**.

This rule falls within a category of actions that the Office of Management and Budget (OMB) has determined not to constitute "significant regulatory actions" under section 3(f) of Executive Order 12866 and, accordingly, it was not reviewed by OMB. After review of the law and regulations, the Director, Bureau of Prisons certifies 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 551**

Prisoners.

**Kathleen Hawk Sawyer,***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 551 in subchapter C of 28 CFR, chapter V is amended as set forth below.

**SUBCHAPTER C—INSTITUTIONAL MANAGEMENT****PART 551—MISCELLANEOUS**

1. The authority citation for 28 CFR 551 continues to read as follows:

**Authority:** 5 U.S.C. 301; 18 U.S.C. 1512, 3621, 3622, 3624, 4001, 4005, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4161-4166 (Repealed as to offenses committed on or after November 1, 1987), 5006-5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; Pub. L. 99-500 (sec. 209); 28 CFR 0.95-0.99; Attorney General's August 6, 1991 Guidelines for Victim and Witness Assistance.

2. Subpart I of 28 CFR part 551 is revised to read as follows:

**Subpart I—Non-Discrimination Toward Inmates****§ 551.90 Policy.**

Bureau staff shall not discriminate against inmates on the basis of race, religion, national origin, sex, disability, or political belief. This includes the making of administrative decisions and providing access to work, housing and programs.

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## DEPARTMENT OF JUSTICE

## Bureau of Prisons

## 28 CFR Parts 500 and 503

RIN-1120-AA82

[BOP-1087-F]

**Bureau of Prisons Central Office, Regional Offices, Institutions, and Staff Training Centers**

AGENCY: Bureau of Prisons, Justice.

ACTION: Final Rule.

**SUMMARY:** In this document, the Bureau of Prisons is revising the listing of its Central Office, Regional Offices, institutions, and staff training centers in order to designate new institutions and to rename or realign existing institutions. The definition of "institution" is also being revised to reflect the various types of institutions currently in operation.

EFFECTIVE DATE: October 16, 1998.

**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 revising its listing of Bureau of Prisons Central Office, Regional Offices, institutions, and staff training centers (28 CFR Part 503) which was published in the **Federal Register** on July 23, 1990 (55 FR 29990) and amended July 10, 1991 (56 FR 31531), November 12, 1992 (57 FR 53822) and August 20, 1993 (58 FR 44428).

This listing is being revised to reflect the opening of the following new Federal Correctional Institutions: Butner (Low), North Carolina; Beckley, West Virginia; Cumberland, Maryland; Elkton, Ohio; Edgefield, South Carolina; Forrest City, Arkansas; Waseca, Minnesota; Yazoo City, Mississippi; Greenville, Illinois; and Pekin, Illinois;