

**SUPPLEMENTARY INFORMATION:****Background**

The FAA requested that comments on the information collection requirements of the Service Difficulty Reporting final rule (65 FR 56191, September 15, 2000) be submitted by November 14, 2000. The FAA has received written comments from the Air Transport Association, American Airlines, Evergreen International Airlines, and Pratt & Whitney, raising questions on some of the SDR reporting requirements and indicating the potential for duplicate reporting of certain failures, malfunctions, and defects.

Also one commentator has requested that the FAA delay the effective date of the final rule until the FAA has resolved these concerns.

The SDR rule, as published, has an effective date of January 16, 2001. The FAA has determined that it will need more time to review the commenter's concerns and to develop and disseminate guidance that will assist the industry in complying with the new rule. Therefore the FAA has delayed the effective date of the final rule until July 16, 2001. The existing rules will remain in effect until the new effective date.

Since this delay of the effective date is not a new requirement and does not impose any additional burden, I find that notice and public procedure thereon are unnecessary and that good cause exists for extending the effective date on less than 30 days notice.

Issued in Washington, DC, on December 15, 2000.

**Jane F. Garvey,**

*Administrator.*

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**DEPARTMENT OF STATE****22 CFR Part 42**

[Public Notice 3515]

**Bureau of Consular Affairs; Visas: Immigrant Religious Workers**

**AGENCY:** Bureau of Consular Affairs, DOS.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the Department of State's existing regulation regarding the validity of an immigrant visa issued to an alien worker coming to the United States to perform work in a religious occupation or vocation. The current regulation permits validity of those visas only until September 30, 2000. This rule amends the regulation to

extend the program until September 30, 2003. The amendment is necessitated by a change in the authorizing statute.

**EFFECTIVE DATE:** December 22, 2000.

**FOR FURTHER INFORMATION CONTACT:** H. Edward Odom, Legislation and Regulations Division, Visa Services, (202) 663-1204.

**SUPPLEMENTARY INFORMATION:****What Is the Background of This Regulation?***Immigration Act of 1990*

Sec. 151 of the Immigration Act of 1990 (IMMACT 90), Pub. L. 101-649, amended INA 101(a)(27)(C) by adding a new category of special immigrant visas for aliens who will work in a religious occupation or vocation for a religious organization in a professional or other capacity. Unlike the provision for special immigrant ministers of religion, which does not contain a sunset provision, the provisions for religious workers (as defined under INA 101(a)(27)(C)(ii)(II) and (III)), as originally enacted, required religious workers to seek to enter the United States before October 1, 1994.

*Immigration and Nationality Technical Corrections Act of 1994*

On October 25, 1994, sec. 214 of the Immigration and Nationality Technical Corrections Act of 1994 (Pub. L. 103-416) amended INA 101(a)(27)(C)(ii) to extend the sunset date to before October 1, 1997.

*Religious Workers Act of 1997*

Sec. 1 of the Religious Workers Act of 1997, Pub. L. 105-54 further extended the deadline for special immigrant religious workers to enter the United States until before October 1, 2000.

*Religious Workers Act of 2000*

On November 1, 2000, the President signed the Religious Workers Act of 2000 (Pub. L. 106-409), extending the program for three additional years through September 30, 2003.

**Final Rule****How Is the Department Amending Its Regulation?**

This rule amends 22 CFR 42.32(d)(1)(ii) by changing the date from September 30, 2000 to September 30, 2003 to conform to the statutory requirements of the Religious Workers Act of 2000.

*Administrative Procedure Act*

The Department's implementation of this regulation as a final rule is based upon the "good cause" exceptions found at 5 U.S.C. 553(b)(B) and (d)(3).

As the amendment to the regulation provides a benefit to aliens by extending the special immigrant religious worker program for an additional three years, the Department has determined that it is unnecessary to publish a proposed rule or to solicit comments from the public. In view of this benefit and since the current validity date has already expired, the rule will be made effective immediately upon publication in the **Federal Register**.

*Regulatory Flexibility Act*

The Department of State, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities.

*Unfunded Mandates Reform Act of 1995*

This rule will not result in the expenditure by state, local and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

*Small Business Regulatory Enforcement Fairness Act of 1996*

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

*Executive Order 12866*

The Department of State does not consider this rule, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

*Executive Order 13132*

This regulation will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive

Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

#### *Paperwork Reduction Act*

This rule does not impose any new reporting or record-keeping requirements. The information collection requirement (Form OF-156) contained by reference in this rule was previously approved for use by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

#### **List of Subjects in 22 CFR Part 42**

Aliens, Immigration, Passports and visas.

In view of the foregoing the Department amends 22 CFR Chapter I as follows:

#### **PART 42—[AMENDED]**

1. The authority citation for Part 42 continues to read as follows:

**Authority:** 8 U.S.C. 1104.

2. In § 42.32, revise paragraph (d)(1)(ii) to read as follows:

#### **§ 42.32 Employment based preference immigrants.**

\* \* \* \* \*

(d) \* \* \*

(ii) *Timeliness of application.* An immigrant visa issued under INA 203(b)(4) to an alien described in INA 101(a)(27)(C), other than a minister of religion, who qualifies as a "religious worker" as defined in 8 CFR 204.5, shall bear the usual validity except that in no case shall it be valid later than September 30, 2003.

\* \* \* \* \*

Dated: November 13, 2000.

**Mary A. Ryan,**

*Assistant Secretary for Consular Affairs.*

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## **DEPARTMENT OF JUSTICE**

### **Bureau of Prisons**

#### **28 CFR Parts 524 and 550**

[BOP-1034-F; BOP-1052-F; BOP-1070-F]

RIN 1120-AA36; RIN 1120-AA66

#### **Drug Abuse Treatment and Intensive Confinement Center Programs: Early Release Consideration**

**AGENCY:** Bureau of Prisons, Justice.

**ACTION:** Finalization of interim rules.

**SUMMARY:** In this document, the Bureau of Prisons (Bureau) finalizes three interim final rules, published in 1995, 1996 and 1997, on Drug Abuse Treatment Programs. These rules allow for consideration of early release of eligible inmates who complete a residential drug abuse treatment program. This document also finalizes the conforming amendment to the criteria for possible sentence reduction under the intensive confinement center program.

**EFFECTIVE DATE:** December 22, 2000.

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

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

**SUPPLEMENTARY INFORMATION:** The Bureau finalizes its interim rules on Drug Abuse Treatment Programs (28 CFR part 550, subpart F). These interim rules implemented the Bureau's discretion under Section 32001 of the Violent Crime Control and Law Enforcement Act of 1994 (codified at 18 U.S.C. 3621(e)) to reduce the period of custody for inmates who successfully complete the treatment program.

We published the first interim rule in the **Federal Register** on May 25, 1995 (60 FR 27692) and we amended it by a second interim rule published on May 17, 1996 (61 FR 25122). We then published a third interim rule on this subject on October 15, 1997 (62 FR 53690). This last interim rule also made conforming amendments to the criteria for possible sentence reduction under the intensive confinement program (28 CFR 524.31(a)(3)).

On September 9, 2000, BOP published at 65 FR 56840 a proposed rule regarding "Drug Abuse Treatment Program". By that rule, BOP proposes changes to its existing regulations concerning participation in the drug abuse education course and the residential drug abuse treatment program, part of which had been codified by the three earlier interim rules which we finalize in this document. This document, therefore, does not affect comments to the proposed rule document published at 65 FR 56840. We will consider all comments we receive on the proposed rule before we finalize it. This document only discusses comments we received on the three interim final rules we previously published in 1995, 1996 and 1997.

#### **Changes Made by the First Interim Rule**

The first interim rule established the procedures which we would use to determine (1) eligibility for early release under 18 U.S.C. 3621(e) and (2) the length of the reduction in sentence.

To conform with the statutory provisions that possible reduction in sentence applies to an inmate convicted of a nonviolent offense, the procedures in our interim final rule stated that an inmate whose current offense falls under the definition in 18 U.S.C. 924(c)(3) of a crime of violence is excluded from early release.

Under section 924(c)(3), a crime of violence means an offense that is a felony and has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense. Staff use information in the Judgment and Commitment Order and the Presentence Investigation Report to determine if the inmate's committed offense meets this definition of crime of violence.

In exercising the Bureau's discretion to reduce a sentence, we also review the inmate's criminal history in the Presentence Investigation Report. We preclude early release for any inmate with an adult prior federal and/or state conviction for homicide, forcible rape, robbery, or aggravated assault. We selected the above categories of crimes, which are reported under the FBI Violent Crime Index, due to the extensive variations in statutes between states.

Inmates in our custody who are not serving a sentence for a federal offense (for example, INS detainees, pretrial inmates, or contractual boarders) are not eligible for early release. An inmate eligible for parole is not eligible for early release by the Bureau; however, information concerning the successful completion of a residential drug abuse treatment program by a parole-eligible inmate will be transmitted to the Parole Commission for consideration of a Superior Program Achievement Award (see 28 CFR 2.60).

#### **Summary of Public Comments on First Interim Rule**

Fifteen commenters objected on the grounds that the interim regulations did not extend early release to inmates serving a sentence for a non-parolable offense.

Four commenters objected to using prior convictions as a disqualifying criterion. Two of these commenters