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**NATIONAL CRIME PREVENTION AND PRIVACY COMPACT COUNCIL****28 CFR Part 905**

[NCPPC 114]

**Qualification Requirements for Participation in the National Fingerprint File Program****AGENCY:** National Crime Prevention and Privacy Compact Council.**ACTION:** Final rule.

**SUMMARY:** The Compact Council (Council), established pursuant to the National Crime Prevention and Privacy Compact (Compact) Act of 1998, is publishing a rule requiring a Compact Party to meet minimum qualification standards while participating in the National Fingerprint File (NFF) Program.

**DATES:** This rule is effective on January 12, 2006.

**FOR FURTHER INFORMATION CONTACT:** Ms. Donna M. Uzzell, Compact Council Chairman, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302, telephone number (850) 410-7100.

**SUPPLEMENTARY INFORMATION:** This document finalizes the Compact Council rule proposed in the **Federal Register** on June 22, 2005. The Compact Council accepted comments on the proposed rule until July 22, 2005; however, no comments were received.

**Administrative Procedures and Executive Orders***Administrative Procedure Act*

The Compact Council, composed of 15 members including 11 state and local governmental representatives, is authorized to promulgate rules, procedures, and standards for the effective and proper use of the III System for noncriminal justice purposes. The Compact Council is publishing this rule in compliance with the mandate that rules, procedures, or standards established by the Council be published in the **Federal Register**. See 42 U.S.C. 14616, Articles II(4), VI(a)(1), and VI(e). This publication complies with those requirements.

*Executive Order 12866*

The Compact Council is not an executive department or independent regulatory agency as defined in 44 U.S.C. 3502; accordingly, Executive Order 12866 is not applicable.

*Executive Order 13132*

The Compact Council is not an executive department or independent regulatory agency as defined in 44 U.S.C. 3502; accordingly, Executive Order 13132 is not applicable. Nonetheless, this rule fully complies with the intent that the national government should be deferential to the States when taking action that affects the policymaking discretion of the States.

*Executive Order 12988*

The Compact Council is not an executive agency or independent establishment as defined in 5 U.S.C. 105; accordingly, Executive Order 12988 is not applicable.

*Unfunded Mandates Reform Act*

Approximately 75 percent of the Compact Council members are representatives of state and local governments; accordingly, rules prescribed by the Compact Council are not Federal mandates. Accordingly, no actions are deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

*Small Business Regulatory Enforcement Fairness Act of 1996*

The Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801-804) is not applicable to the Council's rule because the Compact Council is not a "Federal agency" as defined by 5 U.S.C. 804(1). Likewise, the reporting requirement of the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act) does not apply. See 5 U.S.C. 804.

**List of Subjects in 28 CFR Part 905**

Crime, Privacy, Information, Safety.

■ Accordingly, title 28 of the Code of Federal Regulations, chapter IX is amended by adding part 905 to read as follows:

**PART 905—NATIONAL FINGERPRINT FILE (NFF) PROGRAM QUALIFICATION REQUIREMENTS**

Sec.

905.1 Definition.

905.2 Purpose and authority.

905.3 Participation in the NFF Program.

**Authority:** 42 U.S.C. 14616.**§ 905.1 Definition.**

"National Fingerprint File" means a database of fingerprints, or other uniquely personal identifying information, relating to an arrested or charged individual maintained by the FBI to provide positive identification of

record subjects indexed in the III System.

**§ 905.2 Purpose and authority.**

The purpose of this part 905 is to require each National Fingerprint File (NFF) participant to meet the standards set forth in the NFF Qualification Requirements as established by the Compact Council (Council). The Council is established pursuant to the National Crime Prevention and Privacy Compact Act (Compact), title 42, U.S.C., § 14616.

**§ 905.3 Participation in the NFF Program.**

Each NFF Program participant shall meet the standards set forth in the NFF Qualification Requirements as established by the Council and endorsed by the FBI's Criminal Justice Information Services Advisory Policy Board; however, such standards shall not interfere or conflict with the FBI's administration of the III, including the NFF, for criminal justice purposes. Each participant's performance will be audited and measured by criteria designed to assess compliance with those requirements. Measurements by which to determine compliance to the NFF Qualification Requirements are outlined in the FBI and State Sampling Standards. (For a copy of the standards, contact the FBI Compact Officer, 1000 Custer Hollow Road, Module C-3, Clarksburg, WV 26306-0001.)

Dated: November 3, 2005.

**Donna M. Uzzell,***Compact Council Chairman.*

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**PRESIDIO TRUST****36 CFR Part 1011****RIN 3212-AA07****Debt Collection****AGENCY:** Presidio Trust.**ACTION:** Final rule.

**SUMMARY:** The Presidio Trust published a proposed rule in the **Federal Register** on August 4, 2005 (70 FR 44870-44878) concerning debt collection in connection with the area under the administrative jurisdiction of the Presidio Trust. The public comment period on the proposed rule closed on September 19, 2005. No comment was received by the Presidio Trust. This final rule adopts debt collection regulations to conform to the Debt Collection Improvement Act of 1996, the Federal Claims Collection