

implementing this function are exempt from sections 553 (rulemaking) and 554 (adjudications) of the Administrative Procedure Act (APA), pursuant to 5 U.S.C. 553(a)(1). Since the Department is of the opinion that this rule is exempt from 5 U.S.C. 553, it is the view of the Department that the provisions of Section 553(d) do not apply to this rulemaking. Therefore, this rule is effective upon publication. The Department also finds that, given the national security issues surrounding U.S. policy toward Fiji, notice and public procedure on this rule would be impracticable, unnecessary, or contrary to the public interest; for this reason, the rule is effective upon publication.

#### *Regulatory Flexibility Act*

Since the Department is of the opinion that this rule is exempt from the provisions of 5 U.S.C. 553, there is no requirement for an analysis under the Regulatory Flexibility Act.

#### *Unfunded Mandates Reform Act of 1995*

This rulemaking does not involve a mandate that will 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 rulemaking has been found not to be a major rule within the meaning of the Small Business Regulatory Enforcement Fairness Act of 1996.

#### *Executive Orders 12372 and 13132*

This rulemaking 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 Executive Order 13132, it is determined that this rulemaking does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking.

#### *Executive Order 12866*

The Department is of the opinion that controlling the import and export of

defense articles and services is a foreign affairs function of the United States government and that rules governing the conduct of this function are exempt from the requirements of Executive Order 12866. However, the Department has reviewed the rule to ensure its consistency with the regulatory philosophy and principles set forth in the Executive Order.

#### *Executive Order 13563*

The Department of State has considered this rule in light of Executive Order 13563, dated January 18, 2011, and affirms that this regulation is consistent with the guidance therein.

#### *Executive Order 12988*

The Department of State has reviewed this rulemaking in light of sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

#### *Executive Order 13175*

The Department of State has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not pre-empt tribal law. Accordingly, the provisions of Executive Order 13175 do not apply to this rulemaking.

#### *Paperwork Reduction Act*

This rule does not impose any new reporting or recordkeeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

#### **List of Subjects in 22 CFR Part 126**

Arms and munitions, Exports.

For the reasons set forth above, 22 CFR part 126 is amended as follows:

#### **PART 126—GENERAL POLICIES AND PROVISIONS**

- 1. The authority citation for part 126 continues to read as follows:

**Authority:** Secs. 2, 38, 40, 42, and 71, Pub. L. 90-629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2780, 2791, and 2797); 22 U.S.C. 2651a; 22 U.S.C. 287c; E.O. 12918, 59 FR 28205; 3 CFR, 1994 Comp., p. 899; Sec. 1225, Pub. L. 108-375; Sec. 7089, Pub. L. 111-117; Pub. L. 111-266; Sections 7045 and 7046, Pub. L. 112-74; E.O. 13637, 78 FR 16129.

- 2. Section 126.1 is amended by removing and reserving paragraph (p) to read as follows:

#### **§ 126.1 Prohibited exports, imports, and sales to or from certain countries.**

\* \* \* \* \*

(p) [Reserved]

\* \* \* \* \*

**Rose E. Gottemoeller,**

*Under Secretary, Arms Control and International Security, Department of State.*

[FR Doc. 2015-13017 Filed 5-28-15; 8:45 am]

**BILLING CODE 4710-25-P**

## **DEPARTMENT OF JUSTICE**

### **Bureau of Alcohol, Tobacco, Firearms, and Explosives**

#### **27 CFR Part 447**

[Docket No. ATF-25F; AG Order No. 3531-2015]

RIN 1140-AA45

### **Importation of Arms, Ammunition and Defense Articles—Removal of Certain Defense Articles Currently on the U.S. Munitions Import List That No Longer Warrant Import Control Under the Arms Export Control Act (2011R-25P)**

**AGENCY:** Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** The Department of Justice is finalizing without change an amendment to the Bureau of Alcohol, Tobacco, Firearms, and Explosives regulations to remove those defense articles currently on the United States Munitions Import List that ATF by delegation has determined no longer warrant import control under the Arms Export Control Act.

**DATES:** This rule is effective June 29, 2015.

**FOR FURTHER INFORMATION CONTACT:** George M. Fodor, Office of Regulatory Affairs, Enforcement Programs and Services, Bureau of Alcohol, Tobacco, Firearms, and Explosives, U.S. Department of Justice, 99 New York Avenue NE., Washington, DC 20226; telephone: (202) 648-7070.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

Section 38 of the Arms Export Control Act of 1976 (AECA), 22 U.S.C. 2778, as amended, authorizes the President, in furtherance of world peace and the security and foreign policy of the United States, to control the import and the export of defense articles and defense services. 22 U.S.C. 2778(a)(1). The AECA also authorizes the President to designate those items that shall be considered defense articles and defense services for the purposes of section 38, and to promulgate regulations for the

import and export of such articles and services. *Id.*

Through Executive Order 13637 of March 8, 2013, the President delegated his AECA authority to the Secretary of State with respect to the export and temporary import of defense articles and defense services. 78 FR 16129. The International Traffic in Arms Regulations (ITAR), 22 CFR part 120 *et seq.*, implement the Secretary of State's delegated authority and list the defense articles and defense services regulated for export, re-export, and temporary import by the Secretary of State. The items so designated constitute the State Department's regulatory United States Munitions List (USML) of the ITAR.

Also through Executive Order 13637, the President delegated to the Attorney General the authority under the AECA to control the permanent import of defense articles and defense services. In exercising that authority, the Attorney General "shall be guided by the views of the Secretary of State on matters affecting world peace, and the external security and foreign policy of the United States." *Id.* at 1(n)(ii). Controlling the import of defense articles and defense services furthers United States foreign policy and national security interests and is a foreign affairs function of the U.S. Government. That executive order also requires that the Attorney General obtain the concurrence of the Secretary of State and the Secretary of Defense and provide notice to the Secretary of Commerce for designations, including changes in designations, of defense articles and defense services subject to permanent import control. *Id.*

To distinguish the regulatory list of defense articles and defense services controlled by the Attorney General for permanent import from the regulatory list of defense articles and defense services controlled by the Secretary of State for export and temporary import, the list of defense articles and defense services controlled by the Attorney General for permanent import is designated as the United States Munitions Import List (USMIL). The regulations governing this list appear at 27 CFR part 447.

The Attorney General delegated administration of the import provisions of the AECA to the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), subject to the direction of the Attorney General and the Deputy Attorney General. 28 CFR 0.130(a). ATF promulgated regulations that implement the provisions of section 38 of the AECA in 27 CFR part 447. With guidance from the Department of State and concurrence from the Departments of State and Defense

pursuant to Executive Order 13637, ATF administers the list of items subject to import control under the USMIL, at 27 CFR 447.21.

## II. The President's Export Control Reform Initiative

In August 2009, the President directed a broad-based interagency review of the United States export control system in part to identify additional ways to enhance national security, better focus resources on protecting items for export that need to be protected, and provide clarity to make it easier for exporters to comply with regulations and for the United States Government to administer and enforce the regulations. As the result of a comprehensive review of export controls, it was determined that certain defense articles and defense services listed on the USML no longer warrant control for export purposes by the Secretary of State pursuant to the AECA. Those defense articles are being transferred to the Department of Commerce's Commerce Control List for export control under the authority of the International Emergency Economic Powers Act, 50 U.S.C. 1701 *et seq.*

In effecting the President's export control reform initiative, the export control reform interagency task force determined that removing unnecessary items from the USMIL would improve the United States import control system and enhance national security by focusing resources on imports that need to be protected. Accordingly, the task force requested ATF to identify those defense articles that no longer warrant control on the USMIL.

## III. Interim Final Rule and Comment

On March 27, 2014, ATF published an interim final rule with a request for comments (79 FR 17024–17029) entitled "Importation of Arms, Ammunition and Defense Articles—Removal of Certain Defense Articles Currently on the U.S. Munitions Import List That No Longer Warrant Import Control Under the Arms Export Control Act."

In developing this interim final rule, ATF reviewed the USMIL in accordance with Executive Order 13563, "Improving Regulation and Regulatory Review," and the export control reform interagency task force request. The interim final rule removed from the USMIL those defense articles that ATF by delegation determined no longer warrant import control under the AECA.

The comment period for the interim final rule closed on June 25, 2014. ATF received one comment in response to the interim final rule. The commenter states that the rule creates additional legal requirements without providing

measures to prevent crime. The Department believes that the rule in fact has the opposite effect, decreasing legal requirements by removing defense articles from the USMIL while enhancing national security by focusing resources on imports that need to be protected.

## IV. Final Rule

Upon review, the Department is issuing this final rule to implement the amendments to the regulations at 27 CFR 447.21 that were provided in the interim final rule published on March 27, 2014 (79 FR 17024–17029).

Pursuant to Executive Order 13637, the Department of State and the Department of Defense have concurred on this final rule amending the USMIL.

## V. Statutory and Executive Order Review

### A. Executive Order 12866

Because the amendments to 27 CFR part 447 involve a foreign affairs function of the United States, Executive Order 12866, "Regulatory Planning and Review," does not apply.

### B. Executive Order 13132

This regulation will not have substantial direct effects on the States, on the relationship between the Federal 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, "Federalism," the Attorney General has determined that this regulation does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

### C. Executive Order 12988

This regulation meets the applicable standards set forth in subsections 3(a) and 3(b)(2) of Executive Order 12988, "Civil Justice Reform."

### D. Administrative Procedure Act

As reflected in 27 CFR 447.54, amendments made to 27 CFR part 447 are exempt from the rulemaking provisions of 5 U.S.C. 553 because this part involves a foreign affairs function of the United States. *See* 5 U.S.C. 553(a)(1). Accordingly, it is not necessary to issue this rule using the notice and public procedure set forth in 5 U.S.C. 553(b), and the requirement of a delayed effective date in 5 U.S.C. 553(d) does not apply. The Department of Justice nevertheless provided the public with an opportunity to participate in the regulatory process and to provide feedback pursuant to

Executive Order 13563, "Improving Regulation and Regulatory Review." Only one comment was received as a result of this outreach. The commenter generally believes that the rule creates additional legal requirements without providing measures to prevent crime. The Department believes that the rule in fact has the opposite effect, decreasing legal requirements by removing defense articles from the USMIL while enhancing national security by focusing resources on imports that need to be protected.

#### *E. Regulatory Flexibility Act*

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis are not applicable to this final rule because the Department was not required to publish a general notice of proposed rulemaking under 5 U.S.C. 553 or any other law. *See* 5 U.S.C. 601 *et seq.*

#### *F. Small Business Regulatory Enforcement Fairness Act of 1996*

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996. 5 U.S.C. 804. This rule is not likely to 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 the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

#### *G. 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 one 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. *See* 2 U.S.C. 1501 *et seq.*

#### *H. Paperwork Reduction Act*

The provisions of the Paperwork Reduction Act of 1995, Public Law 104-13, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this rule because there are no reporting or recordkeeping requirements.

#### **Disclosure**

Copies of the interim final rule and the comment received are available for public inspection through the Federal e-Government portal, <http://www.regulations.gov>, or by appointment

during normal business hours at the ATF Reading Room, Room 1E-062, 99 New York Avenue NE., Washington, DC 20226; telephone: (202) 648-8740.

#### **Drafting Information**

The author of this document is George M. Fodor, Office of Regulatory Affairs, Enforcement Programs and Services, Bureau of Alcohol, Tobacco, Firearms, and Explosives.

#### **List of Subjects in 27 CFR Part 447**

Administrative practice and procedure, Arms and munitions, Chemicals, Customs duties and inspection, Imports, Penalties, Reporting and recordkeeping requirements, Scientific equipment, Seizures and forfeitures.

#### **PART 447—IMPORTATION OF ARMS, AMMUNITION AND DEFENSE ARTICLES**

Accordingly, for the reasons discussed in the preamble, the interim final rule amending part 447 of title 27 of the Code of Federal Regulations, which was published at 79 FR 17024 on March 27, 2014, is adopted as a final rule, without change.

Dated: May 21, 2015.

**Loretta E. Lynch,**

*Attorney General.*

[FR Doc. 2015-12992 Filed 5-28-15; 8:45 am]

**BILLING CODE 4410-FY-P**

#### **DEPARTMENT OF JUSTICE**

#### **Office of the Attorney General**

#### **28 CFR Part 0**

[Docket No. OAG 147; AG Order No. 3532-2015]

#### **Authority of the Assistant Attorneys General To Compromise or Close Civil Claims**

**AGENCY:** Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the Department's regulations to increase the authority currently delegated to the Assistant Attorneys General to compromise or close civil claims and to make certain technical corrections.

**DATES:** Effective May 29, 2015

#### **FOR FURTHER INFORMATION CONTACT:**

August E. Flentje, Acting Deputy Assistant Attorney General, Civil Division, Department of Justice, Washington, DC 20530; (202) 514-3309.

**SUPPLEMENTARY INFORMATION:** The current delegations of authority to compromise or close civil claims are

contained in 28 CFR part 0, subpart Y, §§ 0.160-0.169. *See* 60 FR 15675 (Mar. 27, 1995). This final rule increases the monetary thresholds for the exercise of this authority by the Assistant Attorneys General and increases the redelegation authority to the United States Attorneys with respect to accepting offers of compromise for affirmative claims.

This final rule amends 28 CFR 0.160(a)(1) to increase the authority of the Assistant Attorneys General to compromise a civil claim asserted by the United States where the proposed settlement is within \$10 million or 15 percent of the original claim (up from the current threshold of \$2 million or 15 percent of the original claim). As provided in § 0.164, this change to § 0.160(a)(1) also means that the Assistant Attorneys General will have authority to close affirmative civil matters within the same new limits.

The final rule adds a new paragraph § 0.160(a)(2) to allow the Assistant Attorneys General to accept compromises in affirmative civil cases independent of the \$10 million cap in the limited circumstance where a qualified financial expert has reviewed the defendant's finances and has determined that the defendant likely does not have the ability to pay more than the proposed compromise offer. This would obviate the need to obtain higher level approval when claims are being compromised simply based on the defendant's financial condition rather than an analysis of the legal or factual merits of the claim. To clarify that new § 0.160(a)(2) applies to all cases within the authority of the Assistant Attorney General for the Environment and Natural Resources Division, including cases brought under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 *et seq.*, the final rule also amends § 0.160(c)(2) by removing language similar to new § 0.160(a)(2).

In addition, the final rule also increases the authority for the Assistant Attorneys General to accept offers in compromise of claims asserted against the United States of up to \$4 million (up from the current threshold of \$2 million). *See* new § 0.160(a)(3) (currently § 0.160(a)(2)).

The final rule also amends § 0.168(d) to allow a delegation of authority to the United States Attorneys to compromise claims asserted by the United States for up to \$10 million (up from a claim of \$5 million where the settlement difference does not exceed \$1 million). Citations to subsections of § 0.160 in §§ 0.162 and 0.168 also have been revised in light of the changes to § 0.160.