

entities and officials of the Department of Justice after the transfer. Finally, paragraph (b) makes four exceptions for specific matters relating to forfeitures. In the future, when it is clear that pending proceedings no longer depend on such pre-existing authority, the Department will make the necessary adjustments to change the nomenclature in the regulations transferred to chapter II, title 27, and to eliminate obsolete regulations.

B. Conforming Authorities in Other Parts of 28 CFR

Additionally, a number of conforming changes are required in other parts in 28 CFR to incorporate the Bureau of Alcohol, Tobacco, Firearms, and Explosives into the Department of Justice. These changes affect only the internal administration of the Department.

Amendments to part 9 apply the procedures used by the Department of Justice for remission and mitigation of forfeiture to the Bureau of Alcohol, Tobacco, Firearms, and Explosives. 27 CFR part 72 will not be applicable to the Bureau of Alcohol, Tobacco, Firearms, and Explosives after transfer to the Department of Justice.

Similarly, under the Department of Justice authority in amendments to part 11, the Director is delegated authority to compromise claims under the Debt Collection Act, 31 U.S.C. 3711. This replaces authority previously exercised within the Department of the Treasury under 31 CFR part 5.

Amendments to part 16 establish the various Freedom of Information Act functions, 5 U.S.C. 552, within the Department for the Bureau of Alcohol, Tobacco, Firearms, and Explosives. These provisions replace Department of the Treasury regulations. 31 CFR part 1.

The Chief Counsel of the Bureau of Alcohol, Tobacco, Firearms, and Explosives is designated as the reviewing official under the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq.* Finally, in 28 CFR part 77 attorneys in the office of the Chief Counsel of the Bureau of Alcohol, Tobacco, Firearms, and Explosives are brought under the ethical standards applicable to Department of Justice attorneys under 28 U.S.C. 530B.

Finally, the Department notes that all Department of Justice regulations and policy applicable to its Bureaus and employees, such as the policy statements of 28 CFR part 50, automatically become applicable to the Bureau of Alcohol, Tobacco, Firearms, and Explosives through this transfer of functions under the Act.

Administrative Procedure Act

This rule relates to matters of agency management and personnel and, therefore, is exempt from the usual requirements of prior notice and comment and a 30-day delay in effective date. *See* 5 U.S.C. 553(a)(2) and (d). The rule only continues extant provisions of the regulations of the former Bureau of Alcohol, Tobacco and Firearms and makes appropriate changes to reflect the transfer certain law enforcement functions of the former Bureau of Alcohol, Tobacco and Firearms to the Department of Justice.

Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), has reviewed this rule and, by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities because it pertains to personnel and administrative matters affecting the Department. Further, a Regulatory Flexibility Analysis is not required for this final rule because the Department was not required to publish a general notice of proposed rulemaking for this matter.

Executive Order 12866

This rule has been drafted and reviewed in accordance with Executive Order 12866, Regulatory Planning and Review, section 1(b), Principles of Regulation. This rule is limited to agency organization, management and personnel matters as described by Executive Order 12866, § 3(d)(3) and, therefore, is not a "regulation" or "rule" as defined by that Executive Order.

Executive Order 12988

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

Executive Order 13132

This rule 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, Federalism, the Department has determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

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 are necessary under the provisions of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501 *et seq.*

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 (SBREFA), 5 U.S.C. 804. 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 the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

This action pertains to agency management, personnel, and organization and does not substantially affect the rights or obligations of non-agency parties. Accordingly, it is not a rule for purposes of the reporting requirement of 5 U.S.C. 801.

List of Subjects 28 CFR Part 0

Authority delegations (government agencies), Government employees, Organization and functions (government agencies), Whistleblowing.

28 CFR Part 9

Administrative practice and procedure, Crime, Seizures and forfeitures.

28 CFR Part 11

Claims, Government contracts, Government employees, Income taxes, Lawyers, Wages.

28 CFR Part 16

Administrative practice and procedure, Courts, Freedom of information, Privacy, Sunshine Act.

28 CFR Part 71

Administrative practice and procedure, Claims, Fraud, Penalties.

28 CFR Part 77

Government employees, Investigations, Law enforcement, Lawyers.

Accordingly, chapter I of title 28 of the Code of Federal Regulations is amended as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

1. The authority citation for part 0 continues to read as follows: