

authorized by statutory authority providing export authority notwithstanding the Arms Export Control Act.

(b) This section does not authorize any department or agency of the U.S. government to make any export that is otherwise prohibited by virtue of other administrative provisions or by any statute.

(c) An Electronic Export Information (EEI) filing, required under § 123.22 of this subchapter, and a written statement by the exporter certifying that these requirements have been met must be presented at the time of export to the appropriate Port Directors of U.S. Customs and Border Protection or Department of Defense transmittal authority. For any export made pursuant to paragraph (a)(1) of this section, the shipment documents (bill of lading, airway bill, or other transportation documents) must include the following statement:

“For official use by [insert U.S. government department or agency]. Property will not enter the trade of the country to which it is shipped. No export license required per CFR Title 22, section 126.4. U.S. government point of contact: [insert name and telephone number]”.

■ 18. Section 126.9 is amended by revising paragraph (a) to read as follows:

§ 126.9 Advisory opinions and related authorizations.

(a) *Advisory opinion.* A person may request information from the Directorate of Defense Trade Controls on whether it would likely grant a license or other approval for a particular defense article or defense service to a particular country. Such information from the Directorate of Defense Trade Controls is issued on a case-by-case basis and applies only to the particular matters presented to the Directorate of Defense Trade Controls. These opinions are not binding on the Department of State and may not be used in future matters before the Department. A request for an advisory opinion must be made in writing and must outline in detail the equipment, its usage, the security classification (if any) of the articles or related technical data, and the country or countries involved.

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Rose E. Gottemoeller,

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

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COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

28 CFR Part 810

RIN 3225-AA00

Community Supervision: Administrative Sanctions and GPS Monitoring as a Supervision Tool

AGENCY: Court Services and Offender Supervision Agency for the District of Columbia.

ACTION: Proposed rule.

SUMMARY: In this document, the Court Services and Offender Supervision Agency for the District of Columbia (CSOSA) is proposing to amend its current rule regarding the conditions of release requirements for offenders under CSOSA supervision. In addition, CSOSA will expand the language of the regulation to detail and provide notice of when CSOSA Community Supervision Officers will use electronic monitoring as a tool to assist in supervision.

DATES: Comments must be submitted July 21, 2015.

ADDRESSES: Address all comments concerning this proposed rule to the Office of General Counsel, CSOSA, 13th Floor, 633 Indiana Avenue NW., Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Stephanie Carrigg, Assistant General Counsel, at (202) 220-5352 or by email at stephanie.carrigg@csosa.gov.

Questions about this publication are welcome, but inquiries concerning individual cases cannot be answered over the telephone.

SUPPLEMENTARY INFORMATION: The Court Services and Offender Supervision Agency for the District of Columbia (CSOSA) is proposing to amend its regulations concerning the conditions of release requirements for offenders under CSOSA supervision. Specifically, these regulations pertain to the conditions of release that are imposed on an offender when under CSOSA supervision; specifically, the requirement to maintain a certain frequency of face-to-face contact with one's community supervision officer, and the conditions of release that are articulated in the accountability contract that the offender signs with CSOSA. These regulations also detail the consequences that an offender may face for violating the conditions of his or her supervision.

With this amendment, CSOSA will revise the language to reflect that the regulations apply to probationers as well as parolees, and to offenders who

are under supervised release. In addition, CSOSA will expand the language of the regulation to detail and provide notice of when CSOSA Community Supervision Officers will use electronic monitoring as a tool to assist in supervision. Currently, the regulations only reference electronic monitoring as an administrative sanction for an offender who has violated the general or specific conditions of release or who has engaged in criminal activity. The amended language will specify the circumstances under which electronic monitoring is used as a supervision tool, including but not limited to: instances when CSOSA's Community Supervision Services (CSS) Division issues directives to place offenders who fit a certain criminal behavioral pattern on electronic monitoring; and instances when CSS makes an individualized determination to place an offender on electronic monitoring based on an offender's noncompliance with the conditions of his supervised release or for other extenuating circumstances.

Matters of Regulatory Procedure

Administrative Procedure Act

CSOSA is publishing the proposed rule for notice and comment as required by 5 U.S.C. 553(b)(3)(B).

Executive Order 12866

CSOSA has determined that the proposed rule is not a significant rule within the meaning of Executive Order 12866.

Executive Order 13132

The proposed 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. Under Executive Order 13132, this rule does not have sufficient federalism implications requiring a Federalism Assessment.

Regulatory Flexibility Act

The proposed rule will not have a significant economic impact upon a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b).

Unfunded Mandates Reform Act of 1995

The proposed rule will not cause State, local, or tribal governments, or the private sector, to spend \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. No action under the Unfunded Mandates Reform Act of 1995 is necessary.

Small Business Regulatory Enforcement Fairness Act of 1996 (Subtitle E—Congressional Review Act)

The proposed rule is not a “major rule” as defined by Section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996 Subtitle E—Congressional Review Act), now codified at 5 U.S.C. 804(2). The rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on the ability of United States-based companies to compete with foreign-based companies. Moreover, this is a rule of agency practice or procedure that does not substantially affect the rights or obligations of non-agency parties, and does not come within the meaning of the term “rule” as used in Section 804(3)(C), now codified at 5 U.S.C. 804(3)(C). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

Authority: D.C. Code 24–1233(b)(2)(B).

List of Subjects in 28 CFR Part 810

Probation and parole.

For the reasons set forth in the preamble, CSOSA proposes to revise 28 CFR part 810 to read as follows:

Part 810—Community Supervision: Administrative Sanctions and GPS Monitoring as a Supervision Tool

Sec.

- 810.1 Supervision contact requirements.
- 810.2 Accountability contract.
- 810.3 Consequences of violating the conditions of supervision.
- 810.4 Community supervision: Global Position System monitoring.

Authority: Pub. L. 105–33, 111 Stat. 712 (D.C. Code 24–1233(b)(2)(B)).

§ 810.1 Supervision contact requirements.

If you are an offender under supervision by the Court Services and Offender Supervision Agency for the District of Columbia (“CSOSA”), CSOSA will establish a supervision level for you and your minimum contact requirement (that is, the minimum frequency of face-to-face interactions between you and a Community Supervision Officer (“CSO”)).

§ 810.2 Accountability contract.

(a) Your CSO will instruct you to acknowledge your responsibilities and obligations of being under supervision (whether through probation, parole, or supervised release as granted by the releasing authority) by agreeing to an accountability contract with CSOSA.

(b) The CSO is responsible for monitoring your compliance with the

conditions of supervision. The accountability contract identifies the following specific activities constituting substance abuse or non-criminal violations of your conditions of supervision. The activities that constitute violations include, but are not limited to, the activities listed in paragraphs (b)(1) and (2) of this section.

- (1) *Substance abuse violations.* (i) Having a positive drug test.
- (ii) Failing to report for drug testing.
- (iii) Failing to appear for treatment sessions.
- (iv) Failing to complete inpatient/outpatient treatment programming.
- (2) *Non-criminal violations.* (i) Failing to report to the CSO.
- (ii) Leaving the judicial district without the permission of the CSO.
- (iii) Failing to work regularly or attend training and/or school.
- (iv) Failing to notify the CSO of a change of address and/or employment.
- (v) Frequenting places where controlled substances are illegally sold, used, distributed, or administered.
- (vi) Associating with persons engaged in criminal activity.
- (vii) Associating with a person convicted of a felony without the permission of the CSO.
- (viii) Failing to notify the CSO within 48 hours of being arrested or questioned by a law enforcement officer.
- (ix) Entering into an agreement to act as an informer or act in a confidential relationship with a law enforcement agency without the permission of the releasing authority.
- (x) Failing to adhere to any general or special condition of release.

(c) The accountability contract will identify a schedule of administrative sanctions (see § 810.3(b)) that may be imposed for your first violation and for subsequent violations.

(d) The accountability contract will provide for positive reinforcements for compliant behavior.

§ 810.3 Consequences of violating the conditions of supervision.

(a) If your CSO has reason to believe that you are failing to abide by the general or specific conditions of release or you are engaging in criminal activity, you will be in violation of the conditions of your supervision. Your CSO may then impose administrative sanctions (see paragraph (b) of this section) and/or request a hearing by the releasing authority. This hearing may result in the revocation of your release or changes to the conditions of your release.

(b) Administrative sanctions available to the CSO include, but are not limited to:

- (1) Agency or releasing authority reprimand (oral or written)
- (2) Daily check-in with Agency supervision for a specified period of time;
- (3) Increased group activities for a specified period of time;
- (4) Increased drug testing;
- (5) Increased supervision contact requirements;
- (6) Referral for substance abuse addiction or other specialized assessments;
- (7) Global Position System (GPS) monitoring for a specified period of time;
- (8) Community service for a specified number of hours;
- (8) Placement in a residential sanctions facility or residential treatment facility for a specified period of time; and
- (9) Travel restrictions.
- (c) You remain subject to further action by the releasing authority. For example, the releasing authority may override the imposition of any of the sanctions in paragraph (b) of this section and issue a warrant or summons if it finds that you are a risk to the public safety or that you are not complying in good faith with the sanctions (see 28 CFR 2.85(a)(15)).

§ 810.4 Community supervision: Global Position System monitoring.

(a) In addition to being placed on Global Position System (GPS) monitoring as a condition of release (see 28 CFR 2.85(b); DC Code section 24–131(a)(3)), or as an administrative sanction, (see § 810.3(b)), CSOSA may place you on GPS monitoring as a tool to assist with your supervision. Circumstances under which a CSO may place you on GPS monitoring include, but are not limited to, the following events:

(1) *CSS-issued directives to place offenders who fit a certain profile on GPS monitoring.* Pursuant to intelligence received or deterrence efforts initiated by law enforcement, CSOSA may elect to place a group of offenders that fit a certain criminal behavioral pattern on GPS monitoring. Separately, and as a result of information that is already in the Agency’s possession, CSOSA may issue directives to supervision staff to place offenders who meet certain characteristics on GPS monitoring. In all of the aforementioned instances, the decision to place a group of offenders on GPS monitoring ultimately rests with CSOSA.

(2) *Individualized determinations to place offenders on GPS monitoring.* CSOs make individualized

determinations as to whether to place offenders on GPS monitoring. If an offender is engaged in behavior that puts the offender at a high risk for reoffending or for harm to the offender or others, the offender's CSO may elect to place that offender on GPS monitoring. In all of the aforementioned instances, the decision to place an offender on GPS monitoring ultimately lies with the CSO, although it is subject to review and approval by the CSO's supervisory chain of command.

(b) Unless the releasing authority specifies a different timeframe, CSOSA will place an offender on GPS monitoring for an initial period of thirty (30) days. An offender's CSO may extend the monitoring period for up to ninety (90) days. Extensions past ninety (90) days may be done in thirty (30) day increments and must be reviewed and approved by a Supervisory CSO (SCSO).

Dated: May 15, 2015.

Diane Bradley,

Assistant General Counsel.

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 114

[Docket ID: DOD-2014-OS-0131]

RIN 0790-AJ31

Victim and Witness Assistance

AGENCY: Under Secretary of Defense for Personnel and Readiness (USD(P&R)), DoD.

ACTION: Proposed rule.

SUMMARY: This regulatory action updates established policy, assigned responsibilities, and prescribed procedures for the rights of crime victims under the Uniform Code of Military Justice (UCMJ). The rule discusses notification requirements and assistance available to victims and witnesses of crime, as well as annual reporting requirements on assistance provided across the DoD to victims and witnesses of crime.

DATES: Written comments must be received on or before July 21, 2015.

ADDRESSES: You may submit comments, identified by docket number and/or RIN number and title, by any of the following methods:

- *Federal Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Deputy Chief Management

Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301-9010.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Lt. Col. Ryan Oakley, Office of Legal Policy, 703-571-9301.

SUPPLEMENTARY INFORMATION: The Department of Defense is determined to assist victims and witnesses of violent crimes committed in violation of the Uniform Code of Military Justice (UCMJ).

I. Purpose of the Regulatory Action

a. This rule establishes policy, assigns responsibilities, and prescribes procedures to assist victims and witnesses of crimes committed in violation of the Uniform Code of Military Justice (UCMJ), and updates established policy, assigns responsibilities, and prescribes procedures for the rights of crime victims under the UCMJ and required mechanisms for enforcement. The rule also provides timely notification of information and assistance available to victims and witnesses of crime from initial contact through investigation, prosecution, confinement, and release, annual reporting requirements on assistance provided across the DoD to victims and witnesses of crime, and legal assistance for crime victims entitled to such services. The Military Services are required to provide legal counsel, known as Special Victims' Counsel/Victims' Legal Counsel (SVC/VLC), to assist victims of alleged sex-related offenses under Articles 120, 120a, 120b, 120c, and 125 of the UCMJ, who are eligible for legal assistance. The Military Services are also required to establish a special victim capability comprised of specially trained criminal investigators, judge advocates, paralegals, and victim/witness assistance personnel to support victims of covered special victim offenses. To de-conflict with "Special Victims' Counsel" programs, this distinct group of recognizable professionals will be referred to, at the DoD level, as the "Special Victim

Investigation and Prosecution (SVIP)" capability.

b. Authority: 10 U.S.C. chapter 47, the UCMJ; 10 U.S.C. 113, 1034, 1044, 1044e 1058, 1059, and 1408; 18 U.S.C. 1512 through 1514; sections 1701 and 1716 of Public Law 113-66, which strengthened the rights of victims of crimes committed under the UCMJ, and designated SVC/VLC for victims of covered offenses; section 573 of Public Law 112-239, which required the Military Services to establish a special victim capability comprised of specially trained investigators, judge advocates, paralegals, and victim witness assistance personnel to support victims of covered offenses; and section 533 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015, which extended eligibility for SVC/VLC services to members of a reserve component of the armed forces.

II. Summary of the Major Provisions of the Regulatory Action in Question

This rule describes the responsibilities that the USD(P&R), Inspector General of the Department of Defense, and DoD component heads have when dealing with the procedures described in the regulatory text. The rule also discusses procedures involving local responsible officials, comprehensive information and services to be provided to victims and witnesses, special victim investigation and prosecution (SVIP) capability, legal assistance for crime victims, and special victims' counsel programs.

III. Costs and Benefits

The combined cost of annual reporting requirements to the DoD and Military Services related to DoD victim and witness assistance programs (VWAP) is approximately \$12,317. DoD VWAP programs are administered directly by the DoD Components, including the Military Services, at local installations and regional commands worldwide.

(1) A complete victim and witness assistance policy, to ensure the consistent and effective management of DoD victim and witness assistance programs operated by DoD Components. The proposed rule updates and replaces DoD Directive 1030.01, "Victim and Witness Assistance" (April 13, 2004) (available at <http://www.dtic.mil/whs/directives/corres/pdf/103001p.pdf>), and DoD Instruction 1030.2 "Victim and Witness Procedures" (June 4, 2004) (available at <http://www.dtic.mil/whs/directives/corres/pdf/103002p.pdf>), to implement statutory requirements for the DoD victim assistance programs