

certifying Panama Canal Zone vital records at \$20.00 for the initial certified copy under official seal, with a fee of \$10.00 for each additional copy thereof, for each request. This fee is the same as the fee charged for the certification of consular records issued abroad for United States citizens, and reflects the actual costs incurred to provide this service.

Since the rule provides a benefit to the class of affected persons for a fee that recovers the cost of the service, the Department has determined that prepublication notice and comment are unnecessary and is exempted by 5 U.S.C. 553(b)(B), the "good cause" exemption.

The Department does not consider this rule to be a major rule for purposes of E.O. 12291. These changes to the

regulations are hereby certified as not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, 5 U.S.C. 605(b). This rule does not impose information collection requirements under the provisions of the Paperwork Reduction Act, 44 U.S.C., Chapter 35. Nor does the rule have federalism implications warranting the application of Executive Order No. 12372 and No.13132. This rule is exempt from E.O. 12866, but the Department has reviewed the rule to ensure consistency with the objectives of the Executive Order, as well as with E.O. 12988, and the Office of Management and Budget has determined this rule would not constitute a significant regulatory action under E.O. 12866.

Final rule
List of Subjects in 22 CFR Part 22

Foreign Service, Fees, Passports and visas.

Accordingly, this rule amends 22 CFR Part 22 as follows:

PART 22—[AMENDED]

1. The authority citation for Part 22 continues to read as follows:

Authority: 8 U.S.C. 1153 note, 1351, 1351 note; 22 U.S.C. 214, 4201, 4206, 4215, 4219; 31 U.S.C. 9701; E.O. 10718, 22 FR 4632, 3 CFR, 1954–1958 Comp., p. 382; E.O. 11295, 31 FR 10603, 3 CFR, 1966–1970 Comp., p. 570.

2. Section 22.1 is amended by revising paragraph (c) at item (36) to read as follows:

§ 22.1 Schedule of Fees

			Item No.				Fee
*	*	*		*	*	*	*
Documentary Services							
*	*	*		*	*	*	*
36. Certifications:							
(c) Certifying the fact of issuance of a Report of Birth Abroad of a Citizen of the United States and certifying copies of documents relating to births, marriages, and deaths of citizens abroad issued by a U.S. Embassy or Consulate (obtainable from the Department of State, Washington, D.C.); and, certifying copies of documents relating to births, marriages, and deaths of citizens of the United States or foreign nationals within the former Canal Zone of Panama from records maintained by the Canal Zone Government from 1904 to September 30, 1979 (obtainable from the Department of State, Washington, D.C.).				Fee: \$20.00; each additional copy \$10.00.			
*	*	*		*	*	*	*

3. Section 22.2(a) is revised to read as follows:

§ 22.2 Requests for services in the United States.

(a) Requests for records. Requests by the file subject or the individual's authorized agent for services involving U.S. passport applications and related records, including consular birth, marriage and death records and authentication of other passport file documents, as well as records of births, marriages and deaths within the former Canal Zone of Panama recorded and maintained by the Canal Zone Government from 1904 to September 30, 1979, shall be addressed to Passport Services, Correspondence Branch, Department of State, Washington, D.C. 20524. Requests for consular birth records should specify whether a Consular Report of Birth (Form FS 240, or long form) or Certification of Birth (Form DS 1350, or short form) is

desired. Advance remittance of the exact fee is required for each service.

* * * * *

Dated: November 15, 1999.

Bonnie R. Cohen,

Under Secretary for Management.

[FR Doc. 99-30905 Filed 11-29-99; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 63

RIN 1076-AC97

Indian Child Protection and Family Violence Prevention; Correction

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations which were published on June 21, 1996 (61 FR 32272). The regulations implemented the provisions of the Indian Child Protection and Family Violence Prevention Act of 1990.

EFFECTIVE DATE: November 30, 1999.

FOR FURTHER INFORMATION CONTACT: Bettie Rushing, Bureau of Indian Affairs, P.O. Box 1887, Albuquerque, New Mexico 87103-1887, (505) 248-6082.

SUPPLEMENTARY INFORMATION:

Background

The Indian Child Protection and Family Violence Prevention Act of 1990, Pub. L. 101-630, 26 U.S.C. 3201 *et seq.*, authorizes such actions as are necessary to ensure effective child protection in Indian country, including character investigations to ensure no individual appointed to a position with duties and responsibilities involving regular

contact with, or control over, Indian children has been found guilty of, or entered a plea of *nolo contendere* or guilty to, any offense under Federal, State or tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; or crimes against persons. See 25 U.S.C. 3201(b) and 3207. This was the first Federal statute to authorize background investigations by tribes and tribal organizations and mandate screening standards for the Bureau of Indian Affairs, as well as tribes and tribal organizations that receive funds under the Indian Self-Determination and Education Assistance Act or the Tribally Controlled Schools Act of 1988.

The following day, the Crime Control Act of 1990, Pub. L. 101-647, 42 U.S.C. § 13041, was enacted. It authorized Federal agencies and facilities operated by the Federal Government or operated under contract with the Federal Government to conduct criminal history background checks for individuals providing child care services. It provides that an individual who has been convicted of a sex crime, an offense involving a child victim, or a drug felony may be denied employment for or dismissed from a child care services position. This is in contrast to the absolute prohibition in Pub. L. 101-630, that is cited above. Pub. L. 101-647 further provides that conviction for a crime other than a sex crime may be considered if it bears on an individual's fitness to have responsibility for the safety and well-being of children. See 42 U.S.C. 13041(c).

The Bureau conducted extensive consultation with tribes and Indian organizations prior to and following the publication of the proposed rule. The regulations were intended to describe the process for determining suitability for positions with duties and responsibilities involving regular contact with, or control over, Indian children, including the standards set forth in 5 CFR part 731, the Indian Child Protection and Family Violence Prevention Act and the Crime Control Act. Section 63.19 currently reads:

(a) An employer may deny employment or dismiss an employee when an individual has been found guilty of or entered a plea of guilty or *nolo contendere* to any Federal, state or tribal offense involving a crime of violence, sexual assault, sexual molestation, child exploitation, sexual contact, prostitution, or crimes against persons.

(b) An employer may deny employment or dismiss an employee when an individual has been convicted of an offense involving a child victim,

a sex crime, or a drug felony. Paragraph (a) refers to the requirements of the Indian Child Protection and Family Violence Prevention Act, while subsection (b) refers to the Crime Control Act. While the screening requirements in Section 408 of the Indian Child Protection and Family Violence Prevention Act [25 U.S.C. 3207(a)], are clearly not permissive, the Bureau's regulations imply that its practice and application are. In fact, when the Bureau determines the suitability of volunteers for, selectees to, and employees in positions with duties and responsibilities involving regular contact with or control over Indian children, the standard in Section 408 (25 U.S.C. 3207) serves as a permanent statutory bar to employment as contemplated by the Indian Child Protection and Family Violence Prevention Act, Office of Personnel Management Suitability requirements found at 5 CFR 731.202, and the Office of Indian Education Programs Suitability Disqualifications found at 62 BIAM 11.36(A)(7). Based upon a finding of guilt or a plea of *nolo contendere* or guilty to any offense under Federal, State or tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; or crimes against persons, volunteers, selectees and employees have been determined unsuitable for Public Trust positions with duties and responsibilities involving regular contact with or control over Indian children.

Although these individuals may be determined suitable for Federal employment under 5 CFR part 731, a suitability determination under the Indian Child Protection and Family Violence Prevention Act, 25 U.S.C. 3207, serves as a statutory bar to employment with the Office of Indian Education Programs, Social Services, and with few exceptions, the Office of Law Enforcement Services. Such positions include not only teachers, social workers, and law enforcement officers and investigators, but cooks, custodians, bus drivers, correctional personnel, and volunteers as well. In addition, the same standard is applied to Bureau facilities management personnel if their duties and responsibilities include the provision of services to schools or housing and other programs where children may be present.

The Bureau now proposes to correct this obvious error and to clarify that other convictions may be considered when determining suitability for employment if they bear on the question of whether an individual is fit to have

responsibility for the safety and well-being of children.

Need for Correction

As published, the final rules contain errors which may prove misleading and are in need of correction.

List of Subjects in 25 CFR Part 63

American Indians, Alaska Natives, Children, Child Care, Employment.

Accordingly, 25 CFR part 63 is corrected by making the following correcting amendment.

PART 63—INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION

1. The authority citation for 25 CFR part 63 continues to read as follows:

Authority: 5 U.S.C. 301; 25 U.S.C. 2, 9, 13, 200, 3201 *et seq.*; 42 U.S.C. 13041.

§ 63.19 [Amended]

2. In § 63.19, paragraph (a), in the first sentence, the word "may" is changed to "must."

Dated: November 22, 1999.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 99-30959 Filed 11-29-99; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 202 and 206

RIN 1010-AB57

Amendments to Gas Valuation Regulations for Indian Leases—Additional Information Related to Valuing Indian Gas Produced From Leases Located in Index Zones

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of Eligible Index Zones.

SUMMARY: On August 10, 1999, MMS published a final rule titled "Amendments to Gas Valuation Regulations for Indian Leases," (64 FR 43506) with an effective date of January 1, 2000. The gas regulations apply to all gas production from Indian (tribal or allotted) oil and gas leases (except leases on the Osage Indian Reservation). The new regulations resulted from a negotiated rulemaking between Indian tribes and allottees, oil and gas industry, and Government. The rule requires that MMS publish additional information related to valuing Indian gas produced from leases located in index zones. This document lists: the Index Zones Eligible