

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: Of the approximately 18,445 government entities that are eligible to submit cases, it is estimated that twenty to thirty percent will actually submit cases to RMD/RIDS. The time burden of the respondents is less than 15 minutes per form.

(6) *An estimate of the total public burden (in hours) associated with this collection:* There are approximately 1,350 hours, annual burden, associated with this information collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE., Room 2E-508, Washington, DC 20530.

**Jerri Murray,**

*Department Clearance Officer, United States Department of Justice.*

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## DEPARTMENT OF JUSTICE

### Office of Justice Programs

[OMB Number 1121-0147]

#### Agency Information Collection

**Activities: Proposed Collection; Comments Requested; Reinstatement, With Change, of a Previously Approved Collection for Which Approval Has Expired: 2012-2013 Census of State and Federal Adult Correctional Facilities**

**ACTION:** 30-Day Notice of Information Collection under review.

The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collected is published to obtain comments from the public and affected agencies. The proposed information collected was previously published in the **Federal Register** Volume 76, Number 210, page 67224-67225, on October 31, 2011, allowing a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until February 8, 2012. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden or associated response time, should be directed to The Office of Management and Budget, Officer of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395-7285.

Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

#### Overview of This Information Collection

(1) *Type of information collection:* Reinstatement, with change, of a previously approved collection for which approval has expired.

(2) *The title of the Form/Collection:* 2012-2013 Census of State and Federal Adult Correctional Facilities.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: CJ-43A Individual Facility List; CJ-43B: Individual Facility Information; and CJ-43 2013 Census of State and Federal Adult Correctional Facilities (under development; this form will be submitted to OMB in a substantive change package in 2012). Corrections Statistics Unit, Bureau of Justice Statistics, Office of Justice Programs, United States Department of Justice.

(4) *Affected public who will be asked to respond, as well as a brief abstract:* Primary: State Departments of

Corrections authorities. Others: Authorities from the Federal Bureau of Prisons and administrators of privately-operated prison facilities. The Census of State and Federal Correctional Facilities obtains information on individual facilities designed to house adults sentenced to confinement by State, Federal, or District of Columbia courts. These facilities include prisons, penitentiaries, and correctional institutions; boot camps; prison farms; reception, diagnostic, and classification centers; road camps; forestry and conservation camps; youthful offender facilities (except in California); vocational training facilities; prison hospitals; drug and alcohol treatment facilities; prerelease centers; halfway houses; and State-operated local detention facilities.

The CJ-43A, Facility Roster: an estimated 71 respondents from state departments of correction, the Federal Bureau of Prisons, and corporations operating private prisons will be provided with a list of facilities in their jurisdictions (CJ-43A). Respondents will be asked to provide the information requested in the CJ-43B (see below) for each individual facility in their jurisdiction. Respondents can opt to use this listing to aid them in identifying individual facilities in operation on March 31, 2012, the anticipated survey reference date, or they can opt to provide the information based on a list of facilities generated through their own data systems. The CJ-43A is intended to be used as an aid and is not intended as an instrument to be filled out, so there is no burden associated with this instrument.

The CJ-43B collection instrument: an estimated 71 respondents from state departments of correction, the Federal Bureau of Prisons, and corporations operating private prisons will be asked to provide basic facility information for an estimated 2,200 adult correctional facilities. The CJ-43B identifies the elements to be collected for each facility. These items include name and location of the facility, sex of inmates housed, physical security of the facility, percentage of inmates regularly permitted to leave the facility unaccompanied, a one-day count of inmates by sex, and future plans to modify or close the facility. Based on the preference of the respondent, these data can be submitted via an electronic datafile generated from the respondent's information management system or via individual forms for each facility. The Bureau of Justice Statistics will use information obtained from the CJ-43B to develop a sampling frame for future inmate surveys as well as to respond to

queries from the U.S. Congress, Executive Office of the President, the U.S. Supreme Court, state officials, international organizations, researchers, students, the media, and others seeking facility-level statistics.

The CJ-43: Respondents from state departments of correction, the Federal Bureau of Prisons, and corporations operating private prisons will be asked to provide detailed facility information for an estimated 2,200 facilities in operation. This collection instrument is under development, but is expected to include items regarding facility characteristics, such as facility functions, capacity, and court orders or consent decrees under which facilities are operating; population characteristics, including special populations housed; staff characteristics; measures of facility security; and facility programs. BJS expects to consult with corrections experts and professionals to determine other topical items to be included in this collection. These statistics will provide a snapshot of adult correctional institutions in the United States and will be used to respond to queries from administrators, legislators, researchers, and planners to track changes in the numbers and types of facilities in operation, changes in staffing, security issues, and programs/services available to inmates in the state and federal correctional systems. A supplemental approval will be submitted to OMB when the materials are ready for review.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 2,200 responses at 15 minutes each for the CJ-43B. The estimated time is based on feedback from state and federal corrections department staff. The total burden estimate is based on the conservative assumption that all respondents would submit separate forms for each facility; however, it is expected that the majority of respondents will choose to submit a single electronic file generated from their information management systems. The CJ-43 is still in the planning stages. A supplemental approval and burden adjustment will be sought through OMB when the materials are ready for review.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 550 annual total burden hours associated with the collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution

Square, 145 N Street NE., Suite 2E-508, Washington, DC 20530.

**Jerri Murray,**

*Department Clearance Officer, PRA, U.S. Department of Justice.*

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## DEPARTMENT OF LABOR

### Office of the Secretary

#### **Secretary's Order 1-2011; Delegation of Authority and Assignment of Responsibilities to the Employee Benefits Security Administration**

1. *Purpose.* To delegate authority and assign responsibilities for the administration of the Department of Labor's responsibilities under the Employee Retirement Income Security Act of 1974 (ERISA), Federal Employees' Retirement System Act of 1986 (FERSA), and certain other statutes.

2. *Authority and Directives Affected.* This Order supersedes Secretary's Order 3-2010 (September 2, 2010).

3. *Background.* ERISA places responsibility in the Department of Labor for the administration of a comprehensive program to protect the interests of participants and beneficiaries of private sector employee benefit plans. This Order delegates the Secretary of Labor's authority and assigns responsibility for ERISA and for specified other laws to the Assistant Secretary for Employee Benefits Security.

In particular, this Order delegates the Secretary's authority and assigns responsibility under sections 45R and 4980H of the Internal Revenue Code, as added by sections 1421 and 1513, respectively, of Public Law 111-148, the Patient Protection and Affordable Care Act, 124 Stat. 119 (2010). The duties delegated to the Assistant Secretary include authority and responsibility to define the term "seasonal worker" under 26 U.S.C. 45R(d)(5)(B) and 4980H(c)(2)(B)(ii).

All other authorities and responsibilities set forth in this Order were delegated or assigned previously to the Assistant Secretary for EBSA in Secretary's Order 3-2010, and this Order continues those delegations and assignments in full force and effect, except as expressly modified herein.

#### *4. Delegation of Authority and Assignment of Responsibilities.*

A. Except as hereinafter provided, the Assistant Secretary for Employee Benefits Security is delegated the authority and assigned the

responsibilities of the Secretary of Labor—

(1) Under the following statutes, including any amendments:

(a) The Employee Retirement Income Security Act of 1974, as amended, except for subtitle C of Title III and Title IV (29 U.S.C. 1001-1232);

(b) The Welfare and Pension Plans Disclosure Act of 1958, as amended Public Law 85-836, 72 Stat. 997; Public Law 86-624, 74 Stat. 417; Public Law 87-420, 76 Stat. 35;

(c) The Federal Employees' Retirement System Act of 1986 (5 U.S.C. 8401-8479);

(d) The Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, 110 Stat. 1936;

(e) Section 311(b) the Children's Health Insurance Program Reauthorization Act of 2009, Public Law 111-3, 123 Stat. 65;

(f) Section 3001 of the American Recovery and Reinvestment Act of 2009 Public Law 111-5;

(g) Sections 18A and 18B of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. sections 218A and 218B, and the associated FLSA authorities in sections 9 and 11 (29 U.S.C. 209 and 211) to issue subpoenas and conduct investigations under sections 18A and 18B, and any other authority and responsibilities granted the Secretary to enforce sections 18A and 18B of the FLSA;

(h) Sections 45R and 4980H of the Internal Revenue Code, 26 U.S.C. 45R and 4980H; and

(i) As directed by the Secretary, such additional Federal acts similar to or related to those listed in paragraphs (a) through (h), above, that from time to time may assign additional authority or responsibilities to the Department or the Secretary.

(2) To request information the Internal Revenue Service (IRS) possesses for use in connection with the administration of Title I of ERISA of 1974.

B. *The Solicitor of Labor* is responsible for providing legal advice and assistance to all officials of the Department relating to the administration of the statutes listed in paragraph 4.A.(1) of this Order, for bringing appropriate legal actions on behalf of the Secretary, and representing the Secretary in all civil proceedings. The Solicitor of Labor is also authorized to request information the IRS possesses for use in connection with the administration of Title I of ERISA.

C. *The Inspector General* is authorized to request information the IRS possesses for use in connection with the administration of Title I of ERISA.

#### *5. Reservation of Authority.*