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## NATIONAL CRIME PREVENTION AND PRIVACY COMPACT COUNCIL

### 28 CFR Part 905

[NCPPC 114]

#### Qualification Requirements for Participation in the National Fingerprint File Program

**AGENCY:** National Crime Prevention and  
Privacy Compact Council.

**ACTION:** Final rule.

**SUMMARY:** The Compact Council  
(Council), established pursuant to the  
National Crime Prevention and Privacy  
Compact (Compact) Act of 1998, is  
publishing a rule requiring a Compact  
Party to meet minimum qualification  
standards while participating in the  
National Fingerprint File (NFF)  
Program.

**DATES:** This rule is effective on January  
12, 2006.

**FOR FURTHER INFORMATION CONTACT:** Ms.  
Donna M. Uzzell, Compact Council  
Chairman, Florida Department of Law  
Enforcement, P.O. Box 1489,  
Tallahassee, FL 32302, telephone  
number (850) 410-7100.

**SUPPLEMENTARY INFORMATION:** This  
document finalizes the Compact  
Council rule proposed in the **Federal  
Register** on June 22, 2005. The Compact  
Council accepted comments on the  
proposed rule until July 22, 2005;  
however, no comments were received.

#### Administrative Procedures and Executive Orders

##### *Administrative Procedure Act*

The Compact Council, composed of  
15 members including 11 state and local  
governmental representatives, is  
authorized to promulgate rules,  
procedures, and standards for the  
effective and proper use of the III  
System for noncriminal justice  
purposes. The Compact Council is  
publishing this rule in compliance with  
the mandate that rules, procedures, or  
standards established by the Council be  
published in the **Federal Register**. See  
42 U.S.C. 14616, Articles II(4), VI(a)(1),  
and VI(e). This publication complies  
with those requirements.

##### *Executive Order 12866*

The Compact Council is not an  
executive department or independent  
regulatory agency as defined in 44  
U.S.C. 3502; accordingly, Executive  
Order 12866 is not applicable.

##### *Executive Order 13132*

The Compact Council is not an  
executive department or independent  
regulatory agency as defined in 44  
U.S.C. 3502; accordingly, Executive  
Order 13132 is not applicable.  
Nonetheless, this rule fully complies  
with the intent that the national  
government should be deferential to the  
States when taking action that affects  
the policymaking discretion of the  
States.

##### *Executive Order 12988*

The Compact Council is not an  
executive agency or independent  
establishment as defined in 5 U.S.C.  
105; accordingly, Executive Order 12988  
is not applicable.

##### *Unfunded Mandates Reform Act*

Approximately 75 percent of the  
Compact Council members are  
representatives of state and local  
governments; accordingly, rules  
prescribed by the Compact Council are  
not Federal mandates. Accordingly, no  
actions are deemed necessary under the  
provisions of the Unfunded Mandates  
Reform Act of 1995.

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

The Small Business Regulatory  
Enforcement Fairness Act (5 U.S.C. 801-  
804) is not applicable to the Council's  
rule because the Compact Council is not  
a "Federal agency" as defined by 5  
U.S.C. 804(1). Likewise, the reporting  
requirement of the Congressional  
Review Act (Subtitle E of the Small  
Business Regulatory Enforcement  
Fairness Act) does not apply. See 5  
U.S.C. 804.

##### List of Subjects in 28 CFR Part 905

Crime, Privacy, Information, Safety.

■ Accordingly, title 28 of the Code of  
Federal Regulations, chapter IX is  
amended by adding part 905 to read as  
follows:

#### PART 905—NATIONAL FINGERPRINT FILE (NFF) PROGRAM QUALIFICATION REQUIREMENTS

Sec.

905.1 Definition.

905.2 Purpose and authority.

905.3 Participation in the NFF Program.

**Authority:** 42 U.S.C. 14616.

##### § 905.1 Definition.

"National Fingerprint File" means a  
database of fingerprints, or other  
uniquely personal identifying  
information, relating to an arrested or  
charged individual maintained by the  
FBI to provide positive identification of

record subjects indexed in the III  
System.

##### § 905.2 Purpose and authority.

The purpose of this part 905 is to  
require each National Fingerprint File  
(NFF) participant to meet the standards  
set forth in the NFF Qualification  
Requirements as established by the  
Compact Council (Council). The  
Council is established pursuant to the  
National Crime Prevention and Privacy  
Compact Act (Compact), title 42, U.S.C.,  
§ 14616.

##### § 905.3 Participation in the NFF Program.

Each NFF Program participant shall  
meet the standards set forth in the NFF  
Qualification Requirements as  
established by the Council and endorsed  
by the FBI's Criminal Justice  
Information Services Advisory Policy  
Board; however, such standards shall  
not interfere or conflict with the FBI's  
administration of the III, including the  
NFF, for criminal justice purposes. Each  
participant's performance will be  
audited and measured by criteria  
designed to assess compliance with  
those requirements. Measurements by  
which to determine compliance to the  
NFF Qualification Requirements are  
outlined in the FBI and State Sampling  
Standards. (For a copy of the standards,  
contact the FBI Compact Officer, 1000  
Custer Hollow Road, Module C-3,  
Clarksburg, WV 26306-0001.)

Dated: November 3, 2005.

**Donna M. Uzzell,**

*Compact Council Chairman.*

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## PRESIDIO TRUST

### 36 CFR Part 1011

RIN 3212-AA07

#### Debt Collection

**AGENCY:** Presidio Trust.

**ACTION:** Final rule.

**SUMMARY:** The Presidio Trust published  
a proposed rule in the **Federal Register**  
on August 4, 2005 (70 FR 44870-44878)  
concerning debt collection in  
connection with the area under the  
administrative jurisdiction of the  
Presidio Trust. The public comment  
period on the proposed rule closed on  
September 19, 2005. No comment was  
received by the Presidio Trust. This  
final rule adopts debt collection  
regulations to conform to the Debt  
Collection Improvement Act of 1996,  
the Federal Claims Collection