

organization and does not substantially affect the rights or obligations of non-agency parties and, accordingly, is not a “rule” as that term is used by the Congressional Review Act. *See* 5 U.S.C. 804(3)(B), (C). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

List of Subjects in 28 CFR Part 0

Authority delegation (Government agencies), Government employees, Organization and functions (Government agencies), Privacy, Reporting and recordkeeping requirements, Whistleblowing.

Accordingly, by virtue of the authority vested in me as Attorney General, including 5 U.S.C. 301 and 28 U.S.C. 509, 510, part 0 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:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515–519.

§ 0.15 [Amended]

- 2. Remove and reserve § 0.15(f).
- 3. Revise § 0.23 to read as follows:

§ 0.23 General functions.

The Office of Legal Policy shall be headed by an Assistant Attorney General. The principal responsibilities of the Office shall be to plan, develop, and coordinate the implementation of major policy initiatives of high priority to the Department and to the Administration. In addition, the Assistant Attorney General, Office of Legal Policy, shall:

(a) Examine and study legislation and other policy proposals and coordinate Departmental efforts to secure enactment of those of special interest to the Department and the Administration.

(1) Assist in reviewing and coordinating draft regulatory actions, notices, and significant guidance documents prepared by Department components, including by coordinating with the Office of Management and Budget (“OMB”) on regulatory actions subject to OMB review under Executive Order 12866 and related directives, and supporting the Department’s review of draft documents prepared by other agencies that are referred to the Department by OMB or other agencies as part of interagency regulatory review processes.

(2) Advise and assist the Attorney General and the Deputy Attorney

General regarding the selection and appointment of Federal judges.

(3) Represent the Department on the Administrative Conference of the United States and, as appropriate, on regulatory reform bodies.

(4) Participate, as appropriate, in internal budget meetings of the Department with regard to policy implications of resource allocations and resource implications of major policy initiatives; and advise the Assistant Attorney General for Administration with regard to information requirements for Departmental policy formulation.

(5) Advise appropriate Departmental officials, from time to time, on investigation, litigation, negotiation, penal, or correctional policies to ensure the compatibility of those policies with overall Departmental goals.

(6) Perform such other duties and functions as may be specially assigned by the Attorney General and the Deputy Attorney General.

(b) In carrying out the responsibilities under this section, the Assistant Attorney General, Office of Legal Policy, shall have the right to call upon the relevant Departmental units for personnel and other assistance.

§ 0.23b [Removed]

- 4. Remove § 0.23b.

Date: January 14, 2025

Merrick B. Garland,
Attorney General.

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DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 0

[Docket No. JMD 163; AG Order No. 6145–2025]

Office of the Executive Secretariat

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule amends the Department’s organizational regulations to establish the functions of the Office of the Executive Secretariat.

DATES: Effective January 17, 2025.

FOR FURTHER INFORMATION CONTACT: Adam Kirschner, Chief of Staff and Senior Counsel, Office of the Executive Secretariat, adam.kirschner@usdoj.gov or DOJExecSec@usdoj.gov, (202) 514–2063.

SUPPLEMENTARY INFORMATION:

I. Summary

The Office of the Executive Secretariat (OES), headed by the Executive Secretary, was established as a separate component of the Department of Justice on August 17, 2023. OES’s functions were previously performed by a staff within the Justice Management Division. As a standalone component, OES’s functions, which broadly relate to managing the review and approval of official Department of Justice leadership documents and correspondence, are set forth in this regulation. This rule also revises 28 CFR 0.1 to add the Office of the Executive Secretariat to the list of Department components.

II. Administrative Procedure Act

This rule is a rule of agency organization, procedure, and practice and is limited to matters of agency management and personnel, and it is not a substantive rule. Therefore, this rule is exempt from the requirements of prior notice and comment and a 30-day delay in the effective date. *See* 5 U.S.C. 553(a)(2), (b)(A), (d).

III. Regulatory Analyses

In developing this final rule, the Department considered numerous statutes and executive orders applicable to the rulemaking process. The Department’s analysis of the applicability of those statutes and Executive orders to this rule is summarized below.

A. Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and Executive Order 14094 (Modernizing Regulatory Review)

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866, as supplemented by Executive Order 13563 and amended by Executive Order 14094. This rule is limited to agency organization, management, and personnel as described by Executive Order 12866, section 3(d)(3), and therefore is not a “regulation” or “rule” as defined by that Executive order. Accordingly, this action has not been reviewed by the Office of Management and Budget.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–12, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and

operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. 5 U.S.C. 601.

A Regulatory Flexibility Analysis was not required to be prepared for this final rule because the Department was not required to publish a general notice of proposed rulemaking for this matter. 5 U.S.C. 603–604.

C. Paperwork Reduction Act

This final rule does not call for a new or revised collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3521.

D. Executive Order 13132 (Federalism)

A rule has federalism implications under Executive Order 13132 if it has a substantial direct effect 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. E.O. 13132, sec. 1(a). The Department has analyzed this final rule under that order and determined that this rule does not have federalism implications.

E. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538, requires

Federal agencies to determine whether a rule, if promulgated, will result in the expenditure by State, local, or Tribal governments, in the aggregate, or by the private sector, of \$100 million (adjusted annually for inflation) or more in any one year. 2 U.S.C. 1532(a). This final rule does not require or result in expenditures by any of the above-named entities.

F. Executive Order 12988 (Civil Justice Reform), Plain Language

This final rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988.

G. Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)

This final rule does not have Tribal implications under Executive Order 13175 because it would not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

H. Congressional Review Act

This rule relates to agency management, personnel, and organization, and does not substantially

affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3)(B), (C). This action is accordingly not a “rule” as that term is used in the Congressional Review Act, *see* 5 U.S.C. 804(3), and the reporting requirement of 5 U.S.C. 801 does not apply.

List of Subjects for 28 CFR Part 0

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

Authority and Issuance

For the reasons stated above, the Department of Justice amends 28 CFR part 0 as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

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

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515–519.

■ 2. Revise § 0.1 to read as follows:

§ 0.1 Organizational units.

The Department of Justice shall consist of the following principal organizational units:

TABLE 1 TO § 0.1

Offices:

Office of the Attorney General.
Office of the Deputy Attorney General.
Office of the Associate Attorney General.
Office of the Solicitor General.
Office of Legal Counsel.
Office of Legislative Affairs.
Office of Professional Responsibility.
Office of Legal Policy.
Office of Public Affairs.
Office of the Pardon Attorney.
Office of Special Counsel for Immigration Related Unfair Employment Practices.
Community Relations Service.
Executive Office for Immigration Review.
Executive Office for United States Attorneys.
Executive Office for United States Trustees.
INTERPOL—United States National Central Bureau.
Office of International Programs.
Office of Community Oriented Policing Services.
Office on Violence Against Women.
Office of the Federal Detention Trustee.
Professional Responsibility Advisory Office.
Office of Tribal Justice.
Office for Access to Justice.
Office of the Executive Secretariat.

Divisions:

Antitrust Division.
Civil Division.
Civil Rights Division.
Criminal Division.
Environment and Natural Resources Division.
National Security Division.
Tax Division.
Justice Management Division.

TABLE 1 TO § 0.1—Continued

Bureaus:

Federal Bureau of Investigation.
 Bureau of Prisons.
 Drug Enforcement Administration.
 Office of Justice Programs (and related agencies).
 United States Marshals Service.
 Bureau of Alcohol, Tobacco, Firearms, and Explosives.

Boards:

Board of Immigration Appeals.
 U.S. Parole Commission.
 Foreign Claims Settlement Commission.

- 3. Add subpart O–1, consisting of § 0.81, to read as follows:

Subpart O–1—Office of the Executive Secretariat**§ 0.81 Office of the Executive Secretariat.**

(a) The Office of the Executive Secretariat is headed by an Executive Secretary. The Executive Secretary is appointed by the Attorney General and reports to the Deputy Attorney General.

(b) The Office of the Executive Secretariat shall:

(1) Ensure that official documents requiring the review, approval, or signature by the Attorney General, Deputy Attorney General, or Associate Attorney General are assigned, tracked, and cleared within the Department of Justice, as appropriate.

(2) Manage select correspondence within the Department of Justice. Correspondence refers to written communication from Department stakeholders addressed to the Attorney General, Deputy Attorney General, or the Associate Attorney General, or, as appropriate, other leadership within the Department of Justice.

(3) Manage select interagency requests for official approval or concurrence by the Attorney General, Deputy Attorney General, or Associate Attorney General; Departmental clearances; and submissions from other agencies for review within the Department of Justice.

(4) Ensure that records maintained by the Office of the Executive Secretariat are managed and preserved in accordance with applicable statutes, regulations, and policies, including but not limited to the Federal Records Act, Privacy Act of 1974, Freedom of Information Act, and U.S. National Archives and Records Administration-approved records schedules.

(5) Perform such other duties and assignments as directed by the Attorney General or the Deputy Attorney General.

Dated: January 14, 2025.

Merrick B. Garland,
Attorney General.

[FR Doc. 2025–01338 Filed 1–16–25; 8:45 am]

BILLING CODE 4410–PR–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**29 CFR Part 2700****Procedural Rules**

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Final rule.

SUMMARY: The Federal Mine Safety and Health Review Commission (the “Commission”) is an independent adjudicatory agency that provides trials and appellate review of cases arising under the Federal Mine Safety and Health Act of 1977 (the “Mine Act”). Trials are held before the Commission’s Administrative Law Judges, and appellate review is provided by a five-member Review Commission appointed by the President and confirmed by the Senate. This rule makes final revisions to many of the Commission’s procedural rules. The Commission makes these changes in a continued effort to ensure the just, speedy, and inexpensive determination of all proceedings before the Commission.

DATES: These final rules are effective on March 3, 2025. The Commission will accept written and electronic comments received on or before February 18, 2025.

ADDRESSES: Written comments should be mailed to Michael A. McCord, General Counsel, Office of the General Counsel, Federal Mine Safety and Health Review Commission, 1331 Pennsylvania Ave. NW, Suite 520N, Washington, DC 20004–1710. Electronic comments should state “Comments on Procedural Rules” in the subject line and be sent to RulesComments@fmshrc.gov.

FOR FURTHER INFORMATION CONTACT: Sarah Stewart, Deputy General Counsel,

Office of the General Counsel, Federal Mine Safety and Health Review Commission, at (202) 434–9935.

SUPPLEMENTARY INFORMATION: The final rules will apply to cases initiated after the rules take effect. The final rules also will apply to further proceedings in cases pending on the effective date, except to the extent that such application would be infeasible or unfair, in which event the former procedural rules would continue to apply.

I. Background

In October 2020, the Commission published a Notice of Proposed Rulemaking (“NPRM”). 85 FR 63,047 (Oct. 6, 2020). In the notice, the Commission explained that it proposed both new rules and revisions to its current rules that reflect the Commission’s practices. The Commission proposed adding new Commission Procedural Rule 32 which pertained to motions to reopen orders that have become final as the result of a failure to make a timely filing. The Commission also proposed new Commission Procedural Rule 72 which described the method by which the Commission empanels Commissioners, as authorized by section 113(c) of the Mine Act, 30 U.S.C. 823(c). The Commission proposed adding provisions to § 2700.5(e) for protecting sensitive commercial information, and for placing sensitive documents under Commission seal. In addition, the Commission proposed numerous changes with respect to § 2700.80, which more fully describe the Commission’s process for investigating and making determinations in disciplinary proceedings. Finally, the Commission proposed more technical changes, including those necessitated by the evolution of the Commission’s electronic management of its dockets, as well as other corrections and stylistic changes.

Although the proposed rules were procedural in nature and did not require notice and comment publication under