

DEPARTMENT OF JUSTICE (DOJ)

Statement of Regulatory Priorities

The mission of the Department of Justice is to uphold the rule of law, to keep our country safe, and to protect civil rights. In carrying out this mission, the Department is guided by the core values of excellence, integrity, fairness, and commitment to promoting the impartial administration of justice. Consistent with its mission and values, the Department is prioritizing activities that protect the public against foreign and domestic threats, enforce immigration laws, strengthen enforcement of civil rights laws, defend against domestic and international terrorism, combat violent crime while protecting Second Amendment rights and reducing unnecessary burdens on the regulated communities, prevent and control crime, and uphold our system of criminal justice. Because the Department of Justice is primarily a law enforcement agency, not a regulatory agency, it carries out its principal investigative, prosecutorial, and other enforcement activities through means other than the regulatory process.

Regulatory action is, however, a significant aspect of the mission of the Department. The regulatory priorities of the Department include initiatives in the areas of effective law enforcement, immigration enforcement, civil rights, and illicit firearms trafficking reduction, and are effectuated through rulemaking by the various components of the Department. These initiatives, as well as others important to components' accomplishing key law enforcement priorities, are summarized below.

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

ATF issues regulations to enforce and implement Federal laws relating to the manufacture, importation, sale, and other commerce in firearms and explosives. Such regulations are designed to promote the ATF mission to curb illegal traffic in, and criminal use of, firearms and explosives, and to assist state, local, Tribal, territorial, and other Federal law enforcement agencies in reducing violent crime.

ATF will, as a priority during fiscal year 2026, streamline firearms and explosives regulations to reduce unnecessary burdens on the public consistent with Federal laws governing commerce in firearms and explosives. In this way, ATF's approach is animated by an interest in deregulation. ATF is pursuing a large rulemaking initiative, which includes updating regulations, so the firearms industry and public are

not subject to inadvertent regulatory traps, removing outdated and repetitive regulations, and reducing regulatory burdens to promote business efficiencies while still promoting public safety. As one priority, ATF is undertaking amendments to the regulations that govern firearms transactions and the Firearms Transaction Record, ATF Form 4473. The rulemaking will streamline identity and residence verification requirements, double the performance timeframe for transactions following a Form 4473 and background check, permit electronic forms and notices as well as auto-populating documents, and address private party transfers and firearms handlers checks (RIN 1140-AA82). As another priority, ATF is amending its regulations to conform with the One Big Beautiful Bill Act (OBBBA), which reduced the tax liability for certain firearms subject to the National Firearms Act of 1934 from \$200 to \$0, effective January 1, 2026 (RIN 1140-AA83). ATF is also amending the regulatory definition of “machine gun” in response to the Supreme Court decision in *Garland v. Cargill* to remove any language pertaining to bump-stock devices (RIN 1140-AA60) and is rescinding the final rule “Factoring Criteria for Firearms with Attached ‘Stabilizing Braces’,” as it has rarely been in effect since its publication due to ongoing litigation.

ATF’s continuing priorities include proposing a rulemaking to update certain provisions of the Federal explosives regulations at 27 CFR part 555, most of which have not been updated since the early 1970s (RIN 1140-AA59). The rulemaking is expected to be deregulatory in nature and address certain definitions of commonly used terms, consolidate licensing and permitting, simplify record-keeping provisions, and clarify certain aspects of storing and identifying explosive materials by multiple licensees using a single magazine. ATF is also publishing a final rule aimed at protecting first responders that industry has long recommended as a safety measure. The final rule amends 27 CFR part 555 to require persons who are subject to explosives regulations, and thus already report to the local authority with jurisdiction for fire safety in the locality when they begin storing explosive materials at a location, to annually notify that local authority of the current type, quantity, and location of each site where the licensee is storing explosive materials within that jurisdiction (RIN 1140-AA51).

Bureau of Prisons (BOP)

BOP issues regulations to enforce the Federal laws relating to its mission to protect public safety by ensuring that Federal offenders serve their sentences of imprisonment in facilities that are safe,

humane, cost-efficient, and appropriately secure, and to provide reentry programming to ensure their successful return to the community.

The First Step Act (FSA) of 2018, Pub. L. No. 115-391, 132 Stat. 5194 (2018), has brought a host of regulatory changes for BOP. To date, BOP has successfully enacted FSA-related regulations (1) to enable eligible inmates to earn Time Credits towards prerelease custody or early transfer to supervised release, and (2) to modify the amount of Good Time Credit to which eligible inmates are entitled.

BOP has two remaining FSA-related regulatory measures it plans to finalize. The first involves the Reservation of Funds for Reentry Under the First Step Act final rule, which will implement an FSA provision requiring BOP to reserve a portion of the compensation inmates would otherwise receive for working to assist these inmates with costs associated with release from prison. The second involves promulgating an interim final rule that changes two specific sections of the First Step Act Time Credits regulation to conform with recent case law trends.

In February 2024, BOP published a notice of proposed rulemaking (NPRM) titled Inmate Discipline Program: Disciplinary Segregation and Prohibited Act Code Changes, which proposed several significant revisions and updates to the Inmate Discipline Program. BOP continues to work toward a final rule.

Finally, BOP continues to take the lead on updating and clarifying certain standards related to the Prison Rape Elimination Act (PREA), working toward publication of a proposed rule before the end of 2025.

Civil Rights Division (CRT)

CRT works to uphold the civil and constitutional rights of all persons in the United States, particularly some of the most vulnerable members of our society, and also works to facilitate compliance among regulated entities by addressing the regulatory burdens they face. Consistent with this mission, CRT plans to engage in four separate rulemakings on disability rights.

First and second, under Section 610 of the Regulatory Flexibility Act (5 U.S.C. 610), CRT intends to review the Americans with Disabilities Act title II and title III regulations issued in 2010, at 28 CFR 35 and 28 CFR 36 respectively, to determine whether updates are necessary. Third, CRT plans to reconsider whether some of the regulatory provisions imposed by the April 24, 2024, title II rule regarding the accessibility of web information and the services of state and local government entities could be made less burdensome and the deadlines for implementation extended. Fourth, CRT is proposing to revise the ADA title III regulations to establish specific criteria for determining when qualified small businesses are presumed to be in compliance with their obligation to remove readily achievable barriers in existing facilities.

Drug Enforcement Administration (DEA)

DEA is primarily responsible for coordinating the drug law enforcement activities of the United States and assisting in the implementation of the President's National Drug Control Strategy. DEA implements and enforces titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and the Controlled Substances Import and Export Act (21 U.S.C. 801-971), as amended, collectively referred to as the Controlled Substances Act (CSA).

DEA's mission is to enforce the controlled substances laws and regulations of the United States and bring to the criminal, civil, and administrative justice systems those organizations and individuals involved in the growing, manufacture, or distribution of controlled substances and listed chemicals appearing in or destined for illicit traffic in the United States. The CSA and its implementing regulations are designed to prevent, detect, and eliminate the diversion of controlled substances and listed chemicals into the illicit market while providing for the legitimate medical, scientific, research, and industrial needs of the United States.

Pursuant to its statutory authority, DEA intends to continue with the following priority regulations:

On December 31, 2025, DEA, jointly with the Department of Health and Human Services, issued a fourth temporary extension (Fourth Temporary Rule) extending the full set of telemedicine flexibilities regarding prescription of controlled medications as were in place during the COVID–19 public health emergency, through December 31, 2026. This extension authorized all DEA-registered practitioners to prescribe schedule II-V controlled medications via telemedicine through December 31, 2026.

On January 17, 2025, DEA promulgated the “Special Registrations for Telemedicine and Limited State Telemedicine Registrations” NPRM, which proposed a framework for a Special Registration for telemedicine, authorizing practitioners and mid-level practitioners to prescribe controlled substances via audio-video telemedicine (and in limited instances, video-only telemedicine) without having ever conducted a prior in-person medical evaluation, provided they adhere to the proposed prescription, recordkeeping, and reporting requirements. The NPRM also proposed to require that certain Direct-to-Consumer (DTC) telemedicine platforms register with DEA when they engage in intermediary conduct integral to the provider-patient relationship.

DEA is currently reviewing the over 6,400 public comments submitted on the Special Registration for Telemedicine (RIN 1117-AB40).

DEA intends to publish a final regulation to revise its regulations relating to suspicious orders of controlled substances found at 21 CFR 1301.74 and 21 CFR 1301.76. DEA published an NPRM titled Suspicious Orders of Controlled Substances in November of 2020, that proposed to define the term suspicious order and specify the procedures a registrant must follow upon receiving such orders. Due to the large volume of public comments, DEA reopened the comment period until March 29, 2021 (RIN 1117-AB47).

Executive Office for Immigration Review (EOIR)

EOIR’s primary mission is to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation’s immigration laws. Under delegated authority from the Attorney General, EOIR conducts Immigration Court proceedings under the Office of the Chief Immigration Judge (OCIJ), appellate reviews by the Board of Immigration Appeals (BIA or the Board) of Immigration Judge

decisions and other matters specified by regulation, and administrative hearings involving immigration-related employment practices, discrimination claims, and document fraud cases under the Office of the Chief Administrative Hearing Officer (OCAHO). In Fiscal Year 2024, Immigration Judges adjudicated over 700,000 cases to determine whether aliens should be ordered removed from the United States or whether they are eligible for relief or protection from removal.

EOIR's top regulatory priorities focus on revising and updating regulations to increase efficiency in Immigration Court proceedings and enable adjudicators to quickly resolve immigration cases, thereby reducing the backlog of pending cases before EOIR. For example, EOIR is working to finalize a rulemaking that would implement the statutorily provided contempt authority, which will allow Immigration Judges to better control their courtrooms by imposing civil money penalty sanctions on individuals who engage in contemptuous behavior that delays, disrupts, or obstructs the due course of immigration proceedings (RIN 1125-AB02). EOIR is also finalizing a regulation implementing electronic filing and records applications for all cases before OCAHO (RIN 1125-AB23). This regulation will mandate electronic filing for most parties in proceedings before OCAHO, which will create significant efficiencies by reducing labor costs associated with using paper case files and allowing case deadlines to be set quickly since electronic filings do not require additional time to account for paper mail delivery. Finally, pursuant to the OBBBA, EOIR is finalizing a rule to update relevant EOIR regulations governing fees to ensure full regulatory consistency with OBBBA's statutory changes.

Federal Bureau of Investigation (FBI)

The FBI is responsible for protecting and defending the United States against terrorist and foreign intelligence threats, upholding and enforcing the criminal laws of the United States, and providing leadership and criminal justice services to Federal, state, local, tribal, territorial, and international agencies and partners. Only in limited contexts does the FBI rely on rulemaking.

The FBI intends to publish a proposed rule regarding additional permissible uses of the National Instant Criminal Background Check System (NICS). This proposed rule will, among other things, allow Federal firearms licensees (FFLs) to query the NICS regarding proposed transfers of privately owned

firearms and will allow for further uses of the NICS Indices by criminal justice agencies, the FBI, ATF, the Nuclear Regulatory Commission, and other authorized agencies.

The FBI intends to publish a final rule regarding criteria for NICS checks concerning firearm handlers and other eligible employees. This final rule will implement a portion of the Bipartisan Safer Communities Act (BSCA), 34 U.S.C. section 40901, by authorizing and establishing the process for FFLs to use NICS for the purpose of voluntarily conducting background checks of certain current and/or prospective employees of the FFL, to determine whether such employees are prohibited from possessing or receiving firearms. (RIN 1100- AA35).

Finally, the FBI continues to actively work on additional regulatory actions to implement other BSCA provisions, the Child Protection Improvement Act, and the Private Security Officer Employment Authorization Act that are on its long-term regulatory docket.

National Security Division (NSD)

In December 2021, the Department published a National Security Division (NSD) Advance Notice of Proposed Rulemaking (ANPRM) (86 FR 70787) soliciting comments about potential revisions to the Foreign Agents Registration Act (FARA) regulations. Based on comments received, the Department published an NPRM (90 FR 40) in early January 2025. NSD has previously carefully considered comments received in response to the NPRM, and is now considering a final rule that adopts many—but not all—of the NPRM’s proposals. Among others, changes anticipated in the final rule will expand the availability of exemptions commonly relied upon by corporations and law firms and provide requested clarity on labeling digital media. In sum, the final rule will clarify ambiguities in the existing regulations, update the regulations to keep pace with technological change, and improve civil FARA administration while reducing regulatory burdens on the public.

Additional Noteworthy Regulations

The Department of Justice is updating its existing procedures in 28 CFR part 61 concerning compliance with the National Environmental Policy Act (NEPA). The updates are necessary to respond to

guidance issued by the Council on Environmental Quality, as well as amendments to NEPA made in 2023 by the Fiscal Responsibility Act.

The Department of Justice is also releasing a set of procedures and criteria in 28 CFR part 107 regarding Applications for Relief from Disabilities Imposed by Federal Laws with Respect to the Acquisition, Receipt, Transfer, Shipment, Transportation, or Possession of Firearms. The rule resurrects a moribund process under 18 U.S.C. § 925(c) that had previously been effectuated by the ATF. In July, the Department issued an NPRM outlining the proposed criteria and guidelines for members of the public to apply for this new process. The comment period for this proposal ended in October 2025. The Department is reviewing comments and working to draft a final rule which will adopt many of the proposed rule's criteria. The development of this rule was necessary to satisfy the public's request for relief under this long-dormant provision, and the Department is committed to providing this valuable service in support of citizens' Second Amendment rights.

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