

has not been ratified due to remaining concerns within the EC business community over such issues as how to determine the adequacy of foreign data protection laws.

60. In addition to the 1992 Privacy Directive, the EC is considering a proposed directive that would harmonize regulations in Member States designed to protect the privacy of telephone subscribers.⁷⁰ Generally, the proposed ISDN Directive would allow telephone companies to collect and store only that information that is necessary to provide requested services, require subscriber's consent to provide such information to third parties, guarantee adequate protection against unauthorized access, and require telephone companies to provide a call blocking option for calling line identification.

4. Areas of Inquiry

61. NTIA solicits comment on whether U.S. industry believes that the OECD Guidelines and the COE Convention are adequate instruments to protect individuals' right to privacy over telecommunications networks. Should there be any change in U.S. international privacy policy beyond individual firms' support for voluntary OECD guidelines related to transborder data flows? What impact would ratification of the EC's 1992 Privacy

Directive or ISDN Directive have on the NII? Would the United States need to adopt additional privacy laws applicable to the private sector to ensure that, as the NII develops, it is not excluded from exchanging personal information with the EC? Could problems arise for international calls originating in the United States if the EC requires specific technologies or policies to be implemented that are different from those in use in the United States? For example, deployment of SS7 is necessary in order for calling parties to block transmittal of their telephone number to called parties. Different standards exist for technological solutions to privacy concerns such as encryption. To what extent does international network configuration have an impact on privacy considerations? What privacy policies have been adopted by individual countries that could serve as useful models for the United States as it develops its privacy policies for the NII?

B. International Trade Agreements: GATT/NAFTA

62. Issues relating to privacy will continue to be a growing international trade issue as other countries and regions develop their own information networks. The protection of individual privacy is mentioned in both the GATT Telecommunications Annex and the telecommunications chapter of the North American Free Trade Agreement (NAFTA). Both documents focus on the right of users and service providers to access and use the public telecommunications network on a

nondiscriminatory basis. However, under both GATT and NAFTA, laws or regulations that protect privacy of individuals in the processing and dissemination of personal data are permissible so long as they are not applied in a discriminatory manner or as a disguised restriction on trade.⁷¹ Will such provisions adequately limit the ability of a signatory country to impose its own privacy framework on other signatory countries, while allowing for a free flow of information? Given that the telecommunications networks that are part of the NII extend across U.S. borders into Canada and Mexico, will the United States need to consider how those countries address privacy issues as we develop our policies in this area?

VIII. Conclusion

63. NTIA hereby requests comments in this inquiry to be filed on or before March 14, 1994.

Dated: February 7, 1994.

Larry Irving

Assistant Secretary of Commerce for Communications and Information.

[FR Doc. 94-3185 Filed 2-10-94; 8:45 am]

BILLING CODE 3510-60-P

⁷¹ The GATT exception for privacy states that "A Party may take such measures as are necessary to ensure the security and confidentiality of messages. . . ." GATT Doc. MTN.TNS/W/FA, at 18 (1990). The NAFTA states that any Party to the agreement may pass any measure to "ensure the security and confidentiality of messages," or to "protect the privacy of subscribers to public telecommunications transport networks or services." North American Free Trade Agreement, art. 1302(5) (1992), Hein's No. KAV 3417.

⁷⁰ Proposal for a Council Directive Concerning the Protection of Personal Data and Privacy in the Context of Public Digital Telecommunications Networks, in Particular the Integrated Services Digital Network (ISDN) and Public Digital Mobile Networks, SYN 288 (ISDN Directive).

Registered Trademark

Friday
February 11, 1994

Part X

Department of Education

Fund for Innovation in Education:
Innovation in Education Program; Notice

DEPARTMENT OF EDUCATION

Fund for Innovation in Education: Innovation in Education Program—State Content Standards for English, History, Geography, Civics, Foreign Languages, and the Arts

AGENCY: Department of Education.

ACTION: Notice of Proposed Priorities for Fiscal Years 1994 and 1995.

SUMMARY: The Secretary proposes absolute priorities for fiscal years 1994 and 1995 for the Fund for Innovation in Education: Innovation in Education Program. The Secretary takes this action to focus Federal financial assistance on State content standards as the starting point for systemic school improvement. The final priorities will assist projects to develop and implement State content standards, kindergarten through grade 12 (K-12), in English, history, geography, civics, foreign languages, and the arts, together with new approaches to teacher education and certification appropriate to the content standards.

DATES: Comments must be received on or before March 14, 1994.

ADDRESSES: All comments concerning these proposed priorities should be addressed to Bryan Gray, U.S. Department of Education, 555 New Jersey Avenue, NW., room 522, Washington, DC 20208-5524.

FOR FURTHER INFORMATION CONTACT: Seresa Simpson, U.S. Department of Education, 555 New Jersey Avenue, NW., room 522, Washington, DC 20208-5524. Telephone: (202) 219-1496. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Dual Party Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Fund for Innovation in Education supports projects that show promise of identifying and disseminating innovative educational approaches at the preschool, elementary, and secondary levels. The program is authorized under Part F of Title IV of the Elementary and Secondary Education Act of 1965, as amended by the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, Public Law 100-297.

The proposed priorities in this notice support the National Education Goal that calls for U.S. students to leave grades four, eight, and twelve having demonstrated competency in challenging subject matter.

Defining what students in a State should learn is a critical step in the process of ensuring that the State's students are prepared to meet challenging standards. Certain States have already developed challenging content standards in one or more subjects that provide guidelines to local schools and districts for the content of what should be taught. The Secretary has supported similar efforts in the past in mathematics and science. Engaging more States in this process will help to achieve a national consensus on the importance of challenging standards for all students and prepare the way for students to reach these standards.

States, or States working with other entities of their own choice, may apply for funding to support projects in one or more of the disciplines cited in the proposed priorities. The Secretary believes that States must participate as lead agents in the development of content standards and related activities because they bear central responsibility in matters of education. State leadership is essential to coordinate efforts to raise standards for all students, to disseminate content standards, to influence new directions in teacher education and professional development, and to establish appropriate criteria for teacher certification. In every case the development of content standards must be accompanied by closely related plans for teacher education and licensing or certification, as well as for professional development and recertification. As States rethink their policies regarding teacher certification and professional development, they are urged to draw on relevant work of groups such as the National Board for Professional Teaching Standards, the National Association of State Directors of Teacher Education and Certification, and the National Council for the Accreditation of Teacher Education.

Note: This notice of proposed priorities does not solicit applications. A notice inviting applications under these priorities for fiscal year 1994 will be published in the *Federal Register* concurrent with or following publication of the notice of final priorities.

Priorities

Under 34 CFR 75.105(c)(3) the Secretary proposes to give an absolute preference to applications that meet one of the following priorities. The Secretary proposes to fund under this competition only applications that meet one of these absolute priorities:

Absolute Priority 1—State Content Standards for English

Absolute Priority 2—State Content Standards for History

Absolute Priority 3—State Content Standards for Geography

Absolute Priority 4—State Content Standards for Civics

Absolute Priority 5—State Content Standards for Foreign Languages

Absolute Priority 6—State Content Standards for the Arts

Absolute Priority 7—State Content Standards for Two or More of the Disciplines in Absolute Priorities 1-6

To meet one of these seven priorities, an application must be for a project in which a State, or a State in collaboration with other entities, carries out all of the following activities:

(a) Develops challenging State content standards, kindergarten through grade 12 (K-12), that will be made available for use by local schools and districts. The standards must be designed to serve as the foundation for coherent, non-repetitive curricula carefully designed to ensure that all children study challenging subject material in every grade, K-12. The standards must cover English, History, Geography, Civics, foreign languages or the arts, or a combination of two or more of these disciplines. The development of the standards must involve classroom teachers, university and school-based content specialists in English, History, Geography, Civics, foreign languages, or the arts; State and local school administrators, representatives of private schools, specialists in teacher education, representatives of the State legislature, the Governor's office, State and local boards of education; representatives of business, labor, industry, the community at large; parents, and other appropriate parties. The standards must reflect a Statewide consensus.

(b) Develops model guidelines for effective approaches to teacher education and initial licensing or certification aligned with challenging State content standards. The model guidelines must be developed in cooperation with one or more institutions of higher education in the State. The work of designing these model guidelines must also involve collaboration among scholars and specialists, teachers and administrators from public or private schools, and State and local policymakers.

(c) Develops criteria for teacher recertification, and designs and pilot tests a model, cost-effective inservice professional development program for teachers based on challenging State content standards. The work of designing these programs must involve

collaboration among scholars and specialists, teachers and administrators from public or private schools, and State and local policymakers. In addition, these programs must be pilot-tested in a variety of schools throughout each State.

(d) Provides the Secretary with a copy of the evaluation conducted under 34 CFR 75.590.

To guide the activities of the project, each project must establish an overall advisory committee that includes representatives of each of the groups specified in (a) above.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early

notification of the Department's specific plans and actions for this program.

Program Authority: 20 U.S.C. 3151.

Dated: February 7, 1994.

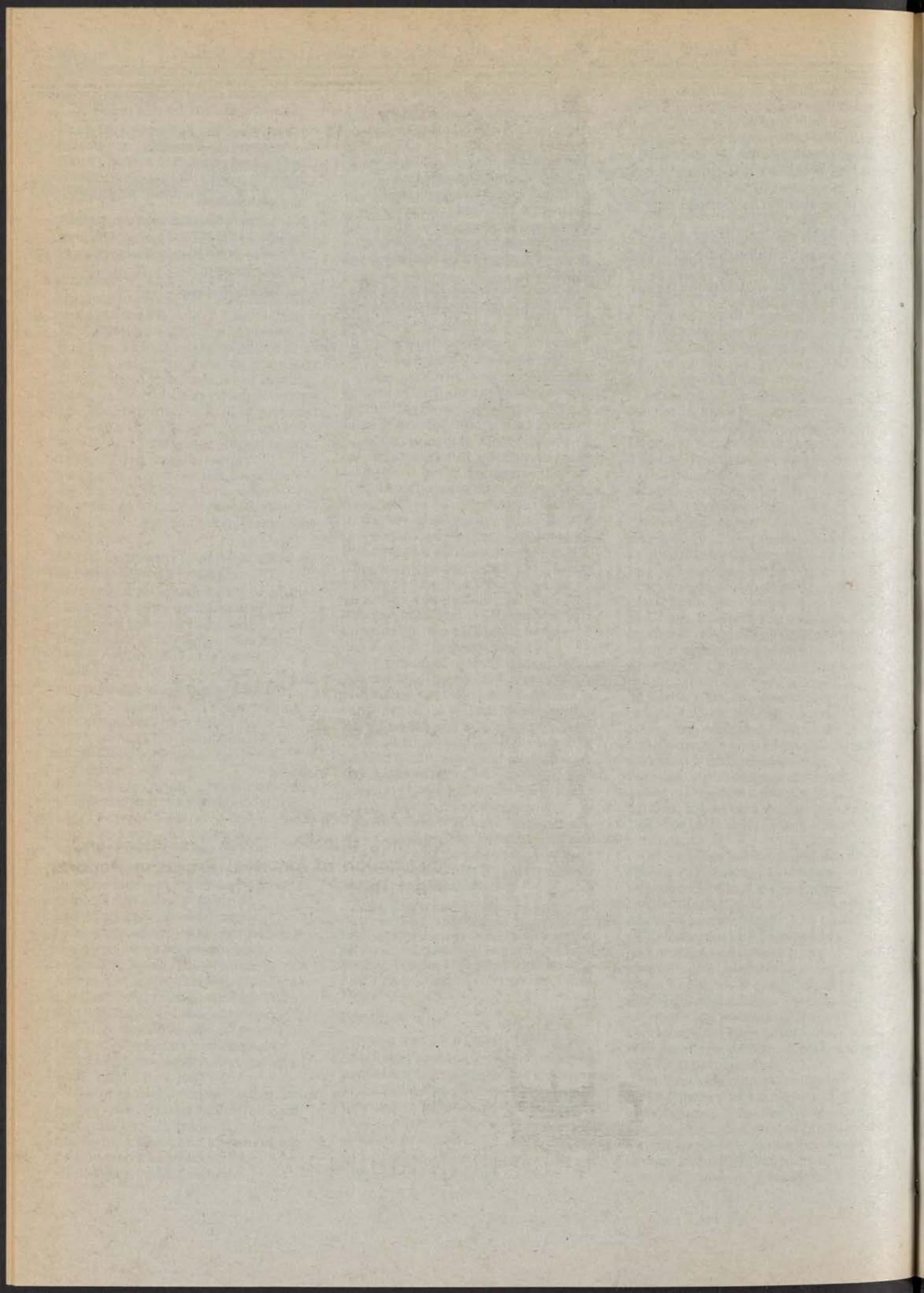
Sharon P. Robinson,

Assistant Secretary for Educational Research and Improvement.

(Catalog of Federal Domestic Assistance Number 84.215E, Fund for Innovation in Education: Innovation in Education Program)

[FR Doc. 94-3310 Filed 2-10-94; 8:45 am]

BILLING CODE 4000-01-P



Test Report

Friday
February 11, 1994

Part XI

Department of Justice

Bureau of Prisons

28 CFR Part 524

Control, Custody, Care, Treatment and
Instruction of Inmates: Progress Reports;
Final Rule

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 524

Control, Custody, Care, Treatment and Instruction of Inmates; Progress Reports

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: In this document, the Bureau of Prisons is amending its rule on Progress Reports in order to update information noted on the progress report, to specify time frames for the preparation of a progress report, to allow for waiver by the inmate of the two-thirds review hearing, to eliminate provisions for the retention of outdated progress reports, and to make other procedural changes. This amendment is intended to update agency procedures (including clarification for inmates committed under the Sentence Reform Act) and to conform to Parole Commission procedures concerning waiver of the two-thirds review hearing.

EFFECTIVE DATE: February 11, 1994.

ADDRESSES: Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 514-6655.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is amending its regulations on Progress Reports. A final rule on this subject was published in the Federal Register on December 3, 1990 (55 FR 49976).

Revised procedures of the Parole Commission allow for waiver by an inmate of the hearing on two-thirds review. Section 524.41(b) is therefore amended to specify that a progress report is prepared for a two-thirds review unless the inmate has waived the parole hearing. As a separate procedural change, paragraph (a) of this section is amended to specify a time frame for a progress report being prepared for an inmate's initial parole hearing.

An inmate committed under the Sentence Reform Act is not eligible for parole, but may instead be eligible for release to a term of supervision. Existing regulations in 28 CFR 524.41(c) specify that a progress report is prepared as a pre-release record review at least eight months prior to the inmate's presumptive parole date. This amendment provides for the preparation of a progress report for release of an offender to a term of supervision.

Paragraph (d) of § 524.41 is amended to specify the same time frame (i.e., within the previous 180 days) used in paragraph (a) of the section.

Paragraph (e) of § 524.41 is redesignated as paragraph (f), and a new paragraph (e) is added to specify that a progress report be prepared at least once every twenty four months for each designated inmate. This is intended to help ensure continuity in maintaining records of an inmate's institutional adjustment and accomplishments.

Section 524.42, Retention of reports, is removed. Each progress report contains a summary of previous progress reports, and the Bureau believes it unnecessary to retain the outdated reports.

Former §§ 524.43 and 524.44 are redesignated as §§ 524.42 and 524.43. Redesignated § 524.42 is revised to update the information contained in the current progress report. Internal instructions to staff specify that the information required by paragraph (p) on institutional adjustment summarizes information from previous progress reports. Redesignated § 524.43 is revised to clarify the inmate's access to progress reports in light of the change in procedures regarding retention of progress reports. Copies of previous progress reports will not be available as they are no longer being retained in the inmate's central file following the preparation of a new progress report. As revised, § 524.43 specifies that copies are to be offered to inmates when they are newly prepared. Requests for copies of progress reports ordinarily are made by inmates at this time. If the inmate desires to receive a copy of a previous progress report, the inmate should so request before the progress report is purged from his or her central file.

Because these amendments involve procedural matters and impose no additional restrictions on inmates, the Bureau finds good cause for exempting the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment, and delay in effective date. Members of the public may submit comments concerning this rule by writing to the previously cited address. These comments will be considered but will receive no response in the Federal Register.

The Bureau of Prisons has determined that this rule is not a significant regulatory action for the purpose of E.O. 12866, and accordingly this rule was not reviewed by the Office of Management and Budget. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for

the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), does not have a significant impact on a substantial number of small entities.

List of Subjects in 28 CFR Part 524

Prisoners.

Kathleen M. Hawk,

Director, Bureau of Prisons.

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(p), part 524 in subchapter B of 28 CFR, chapter V is amended as set forth below.

Subchapter B—Inmate Admission, Classification, and Transfer

PART 524—CLASSIFICATION OF INMATES

1. The authority citation for 28 CFR part 524 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3521-3528, 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006-5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 21 U.S.C. 848; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

2. Section 524.41 is amended by revising paragraphs (a), (b), (c), and (d), by redesignating paragraph (e) as paragraph (f), and by adding a new paragraph (e) to read as follows:

§ 524.41 Types of progress reports.

* * * * *

(a) Initial Hearing—prepared for an inmate's initial parole hearing when progress has not been summarized within the previous 180 days.

(b) Statutory Interim/Two-Thirds Review—prepared for a parole hearing conducted 18 or 24 months following a hearing at which no effective parole date was established, or for a two-thirds review (see 28 CFR 2.53) unless the inmate has waived the parole hearing.

(c) Pre-Release—

(1) Record Review—prepared for and mailed to the appropriate Parole Commission office at least eight months prior to the inmate's presumptive parole date.

(2) Final—prepared at least 90 days prior to the release of an offender to a term of supervision.

(d) Transfer Report—prepared on an inmate recommended and/or approved for transfer to a community corrections center (CCC) or to another institution and whose progress has not been summarized within the previous 180 days.

(e) Biennial Report—a progress report shall be completed on each designated

inmate at least once every 24 months if not previously generated for another reason required by this section.

* * * * *

§ 524.42 [Removed]

§§ 524.43 and 524.44 [Redesignated as §§ 524.42 and 524.43 and Revised]

3. Section 524.42 is removed and §§ 524.43 and 524.44 are redesignated as §§ 524.42 and 524.43 and are revised to read as follows:

§ 524.42 Content of progress reports.

Staff shall include the following in each progress report:

- (a) Institution (full name) and Date;
- (b) Type of Progress Report;
- (c) Committed name;
- (d) Registration number;
- (e) Age;
- (f) Present security and custody level;
- (g) Offense(s) for which committed;
- (h) Sentence;
- (i) Date sentence began;
- (j) Time served to date, including jail time credit;

(k) Good conduct time/Extra good time earned;

(l) Statutory good time withheld or forfeited; Disallowed good conduct time;

(m) Projected release date;

(n) Most recent Parole Commission action, including any special conditions or requirements (if applicable);

(o) Detainers and pending charges on file;

(p) Institutional adjustment; this ordinarily includes information on the inmate's:

(1) Program plans;

(2) Work assignments and skills acquired;

(3) Educational/vocational participation;

(4) Counseling programs;

(5) Incident reports;

(6) Institutional movement;

(7) Physical and mental health, including any significant mental or physical health problems, and any corrective action taken; and

(8) Financial responsibility.

(q) Release planning:

(1) Where appropriate, staff shall request that the inmate provide a specific release plan;

(2) Staff shall identify available release resources (including CCC) and any particular problem that may be present in release planning.

§ 524.43 Inmate's access to progress reports.

Upon request, an inmate may read and receive a copy of any progress report retained in the inmate's central file which had been prepared on that inmate after October 15, 1974. Staff shall allow the inmate the opportunity to read a newly prepared progress report and shall request the inmate sign and date the report. If the inmate refuses to do so, staff witnessing the refusal shall document this refusal on the report. Staff shall then offer to provide a copy of the progress report to the inmate.

[FR Doc. 94-3285 Filed 2-10-94; 8:45 am]

BILLING CODE 4410-05-P