

JUSTICE NEWS

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Attorney General Jeff Sessions Rescinds 25 Guidance Documents

Today, Attorney General Jeff Sessions announced that, pursuant to Executive Order 13777 and his November memorandum prohibiting certain guidance documents, he is rescinding 25 such documents that were unnecessary, inconsistent with existing law, or otherwise improper.

In making the announcement, the Attorney General said:

“Last month, I ended the longstanding abuse of issuing rules by simply publishing a letter or posting a web page. Congress has provided for a regulatory process in statute, and we are going to follow it. This is good government and prevents confusing the public with improper and wrong advice.”

“Therefore, any guidance that is outdated, used to circumvent the regulatory process, or that improperly goes beyond what is provided for in statutes or regulation should not be given effect. That is why today, we are ending 25 examples of improper or unnecessary guidance documents identified by our Regulatory Reform Task Force led by our Associate Attorney General Rachel Brand. We will continue to look for other examples to rescind, and we will uphold the rule of law.”

In March, President Donald Trump issued Executive Order 13777, which calls for agencies to establish Regulatory Reform Task Forces, chaired by a Regulatory Reform Officer, to identify existing regulations for potential repeal, replacement, or modification. The Department of Justice Task Force, chaired by Associate Attorney General Rachel Brand, began its work in May.

On November 17, the Attorney General issued a memorandum prohibiting DOJ components from using guidance documents to circumvent the rulemaking process and directed Associate Attorney General Brand to work with components to identify guidance documents that should be repealed, replaced, or modified.

The Task Force has already identified 25 guidance documents for repeal and is continuing its review of existing guidance documents to repeal, replace, or modify.

The list of 25 guidance documents that DOJ has withdrawn in 2017 is as follows:

1. ATF Procedure 75-4.
2. Industry Circular 75-10.
3. ATF Ruling 85-3.
4. Industry Circular 85-3.
5. ATF Ruling 2001-1.
6. ATF Ruling 2004-1.
7. Southwest Border Prosecution Initiative Guidelines (2013).
8. Northern Border Prosecution Initiative Guidelines (2013).
9. Juvenile Accountability Incentive Block Grants Program Guidance Manual (2007).

AILA Doc. No. 18012203. (Posted 1/22/18)

10. Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on Levying Fines and Fees on Juveniles (January 2017).
11. Dear Colleague Letter on Enforcement of Fines and Fees (March 2016).
12. ADA Myths and Facts (1995).
13. Common ADA Problems at Newly Constructed Lodging Facilities (November 1999).
14. Title II Highlights (last updated 2008).
15. Title III Highlights (last updated 2008).
16. Commonly Asked Questions About Service Animals in Places of Business (July 1996).
17. ADA Business Brief: Service Animals (April 2002).
18. Prior Joint Statement of the Department of Justice and the Department of Housing and Urban Development Group Homes, Local Land Use, and the Fair Housing Act (August 18, 1999).
19. Letter to Alain Baudry, Esq., with standards for conducting internal audit in a non-discriminatory fashion (December 4, 2009).
20. Letter to Esmeralda Zendejas on how to determine whether lawful permanent residents are protected against citizenship status discrimination (May 30, 2012).
21. Common ADA Errors and Omissions in New Construction and Alterations (June 1997).
22. Common Questions: Readily Achievable Barrier Removal and Design Details: Van Accessible Parking Spaces (August 1996).
23. Website guidance on bailing-out procedures under section 4(b) and section 5 of the Voting Rights Act (2004).
24. Americans with Disabilities Act Questions and Answers (May 2002).
25. Statement of the Department of Justice on Application of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.* to State and Local Governments' Employment Service Systems for Individuals with Disabilities (October 31, 2016).

Component(s):

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