

JUSTICE NEWS

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Attorney General Jeff Sessions Rescinds 24 Guidance Documents

Attorney General Jeff Sessions today announced that, consistent with his November 2017 memorandum prohibiting the Department from making rules without following the procedures required by Congress, he is rescinding 24 guidance documents that were unnecessary, outdated, inconsistent with existing law, or otherwise improper.

“The American people deserve to have their voices heard and a government that is accountable to them. When issuing regulations, federal agencies must abide by constitutional principles and follow the rules set forth by Congress and the President. In previous administrations, however, agencies often tried to impose new rules on the American people without any public notice or comment period, simply by sending a letter or posting a guidance document on a website. That’s wrong, and it’s not good government.

“In the Trump administration, we are restoring the rule of law. That’s why in November I banned this practice at the Department and we began rescinding guidance documents that were issued improperly or that were simply inconsistent with current law.

“Today we are rescinding 24 more and continuing to put an end to unnecessary or improper rulemaking.”

In February 2017, 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 is chaired by Acting Associate Attorney General Jesse Panuccio.

In November 2017, the Attorney General issued a memorandum prohibiting Department of Justice (DOJ) components from using guidance documents to circumvent the rulemaking process and directed components to identify guidance documents that should be repealed, replaced, or modified.

The Task Force identified 25 guidance documents for repeal in December 2017 and has identified 24 more documents to repeal this month. The Task Force is continuing its review of existing guidance documents to repeal, replace, or modify.

The list of 24 guidance documents that DOJ has withdrawn in 2018 is as follows:

1. **March 17, 2011, OJJDP Memorandum re Status Offenders and the JDDPA.**
2. **October 20, 2010 OJJDP Memorandum re Status Offenders and the JDDPA.**
3. **June 17, 2014, Revised Guidance on Jail Removal and Separation Core Requirements.**
4. **Disaggregating MIP Data from DSO and/or Jail Removal Violations: OJJDP Guidance for States, 2011.**
5. **OJJDP Policy Guidance for Nonsecure Custody of Juveniles in Adult Jails and Lockups; Notice of Final Policy.**
6. **OJJDP Guidance Manual: Audit of Compliance Monitoring Systems.**
7. **OJJDP Disproportionate Minority Contact Technical Assistance Manual, Fourth Edition, 2009.**
8. **BJA State Criminal Alien Assistance Program Guidelines, 2016.**
9. **NIJ April 6, 2016, Dear Colleague Letter regarding additional topics and research questions of high priority and particular interest to the NIJ as part of its Comprehensive School Safety Initiative.**

AILA Doc. No. 18070570. (Posted 7/5/18)

10. **Looking for the Best Mortgage, December 14, 2010.**
 11. **FRB: Putting Your Home on the Loan Line is Risky Business, August 6, 2015.**
 12. **Federal Protections Against National Origin Discrimination, April 30, 2006.**
 13. **Look at the Facts, Not at the Faces: Your Guide to Fair Employment, Approx. July 2009.**
 14. **Refugees and Asylees Have the Right to Work, May 2011.**
 15. **Language Assistance Self-Assessment and Planning Tool for Recipients of Federal Financial Assistance, on or before February 12, 2003.**
 16. **FAQs About the Protection of Limited English Proficiency (LEP) Individuals under Title VI of the Civil Rights Act of 1964 and Title VI Regulations, March 1, 2011.**
 17. **Draft Language Access Planning and Technical Assistance Tool for Courts, December 18, 2012.**
 18. **December 2, 2011 Dear Colleague Letter Regarding the Use of Race by Educational Institutions.**
 19. **2011 Guidance on the Voluntary Use of Race to Achieve Diversity in Postsecondary Education dated December 2, 2011.**
 20. **2011 Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools dated December 2, 2011.**
 21. **September 27, 2013 Dear Colleague Letter on the Voluntary Use of Race to Achieve Diversity in Higher Education After *Fisher v. University of Texas at Austin [Fisher I]*.**
 22. **September 27, 2013 Questions and Answers About *Fisher v. University of Texas at Austin [Fisher I]*.**
 23. **May 6, 2014 Dear Colleague Letter on the Supreme Court Ruling in *Schuetz v. Coalition to Defend Affirmative Action*.**
 24. **September 30, 2016 Question and Answers About *Fisher v. University of Texas at Austin [Fisher II]*.**
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Component(s):

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