as the SMART Office may require to make this determination.

If a jurisdiction's Byrne Justice Assistance Grant funding is reduced because of non-implementation of SORNA, it may regain eligibility for full funding in later program years by substantially implementing SORNA in such later years. The SMART Office will continue to work with all jurisdictions to ensure substantial implementation of SORNA and verify that they continue to meet the requirements of SORNA on an ongoing basis.

IV. Retroactive Classes

SORNA's requirements apply to all sex offenders, regardless of when they were convicted. *See* 28 CFR 72.3. However, the SORNA Guidelines state that it will be deemed sufficient for substantial implementation if jurisdictions register sex offenders with pre-SORNA or pre-SORNA-implementation sex offense convictions who remain in the system as prisoners, supervisees, or registrants, or who reenter the system through a subsequent criminal conviction. *See* 73 FR at 38035–36, 38043, 38046–47, 38063–64. This feature of the Guidelines reflects an assumption that it may not be possible for jurisdictions to identify and register all sex offenders who fall within the SORNA registration categories, particularly where they have left the justice system and merged into the general population long ago, but that it will be feasible for jurisdictions to do so in relation to sex offenders who remain in the justice system or reenter it through a subsequent criminal conviction. *See* 73 FR at 38046.

Experience supports a qualification of this assumption in relation to sex offenders who have fully exited the justice system but later reenter it through a subsequent criminal conviction for a non-sex offense that is relatively minor in character. (Where the subsequent conviction is for a sex offense it independently requires registration under SORNA.) In many jurisdictions the volume of misdemeanor prosecutions is large and most such cases may need to be disposed of in a manner that leaves little time or opportunity for examining the defendant's criminal history and ascertaining whether it contains some past sex offense conviction that would entail a present registration requirement under SORNA. In contrast, where the subsequent offense is a serious crime, ordinary practice is likely to involve closer scrutiny of the defendant's past criminal conduct, and ascertaining whether it includes a prior conviction requiring registration under SORNA should not entail an onerous new burden on jurisdictions.

These supplemental guidelines accordingly are modifying the requirements for substantial implementation of SORNA in relation to sex offenders who have fully exited the justice system, *i.e.,* those who are no longer prisoners, supervisees, or registrants. It will be sufficient if a jurisdiction registers such offenders who reenter the system through a subsequent criminal conviction in cases in which the subsequent criminal conviction is for a felony, *i.e.,* for an offense for which the statutory maximum penalty exceeds a year of imprisonment. This allowance is limited to cases in which the subsequent conviction is for a non-sex offense. As noted above, a later conviction for a sex offense independently requires registration under SORNA, regardless of whether it is a felony or a misdemeanor.

This allowance only establishes the minimum required for substantial implementation of SORNA in this context. Jurisdictions remain free to look more broadly and to establish systems to identify and register sex offenders who reenter the justice system through misdemeanor convictions, or even those who do not reenter the system through later criminal convictions but fall within the registration categories of SORNA or the jurisdiction's registration law.

V. Newly Recognized Tribes

SORNA affords eligible federally-recognized Indian tribes a one-year period, running from the date of SORNA's enactment on July 27, 2006, to elect whether to become SORNA registration jurisdictions or to delegate their registration functions to the states within which they are located. *See* 42 U.S.C. 16927(a)(1), (2)(B); 73 FR at 38049–50. In principle there is no reason why an Indian tribe that initially receives recognition by the Federal government following the enactment of SORNA should be treated differently for SORNA purposes from other federally recognized tribes. But if such a tribe is initially recognized more than a year after the enactment of SORNA, then the limitation period of § 16927 will have passed before the tribe became the kind of entity (a federally recognized tribe) that may be eligible to become a SORNA registration jurisdiction.

Where the normal starting point of a statutory time limit for taking an action cannot sensibly be applied to a certain entity, the statute may be construed to allow the entity a reasonable amount of time to take the action. *See Chicago & Alton R.R. Co.* v. *Tranbarger,* 238 U.S. 67, 73–74 (1915); *see also Taylor* v. *Horn,* 504 F.3d 416, 426 (3d Cir. 2007) (running statutory time limit from later point where normal starting point was already past).

This principle will be applied to 42 U.S.C. 16927 to allow Indian tribes that receive Federal recognition following the enactment of SORNA a reasonable amount of time to elect whether to become SORNA registration jurisdictions as provided in that section, and to allow such tribes a reasonable amount of time for substantial implementation of SORNA if they elect to be SORNA registration jurisdictions. In assessing what constitutes a reasonable amount of time for these purposes, the Department of Justice will look to the amount of time SORNA generally affords for tribal elections and for jurisdictions' implementation of the SORNA requirements. Hence, a tribe receiving Federal recognition after SORNA's enactment that otherwise qualifies to make the election under § 16927(a) will be afforded a period of one year to make the election, running from the date of the tribe's recognition or the date of publication of these supplemental guidelines, whichever is later. Likewise, such a tribe will be afforded a period of three years for SORNA implementation, running from the same starting point, subject to up to two possible one-year extensions. *See* 42 U.S.C. 16924.

Dated: May 11, 2010.

Eric H. Holder, Jr.,

Attorney General.

[FR Doc. 2010–11665 Filed 5–12–10; 11:15 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Office of Labor-Management Standards

OLMS Listens: Office of Labor-Management Standards Stakeholder Meeting

AGENCY: Office of Labor-Management Standards, Department of Labor.

ACTION: Notice of Public Meeting.

SUMMARY: The United States Department of Labor (DOL), Office of Labor-Management Standards (OLMS) hereby provides notice of a public meeting on a proposed change to OLMS's regulations regarding reporting requirements for employers and consultants pursuant to section 203 of the Labor-Management Reporting and Disclosure Act (LMRDA), specifically with regard to the scope of the "advice

exception" in section 203(c). The meeting will provide an opportunity for stakeholders and other interested parties to provide individual comments and suggestions. All interested parties are invited to participate.

Public Meeting Date and Time: The meeting will be held on Monday, May 24, 2010, from 10 a.m. until noon.

Location: The site for the May 24th event will be U.S. Department of Labor, Frances Perkins Building Auditorium, 200 Constitution Avenue, NW., Washington, DC 20210.

To Register and Obtain Further Information: Please call Rosetta Kelly at (202) 693–0123 or register via e-mail at *olms-public@dol.gov.* If you wish to attend, please register by Monday, May 17, 2010. When registering, you must provide your name, title, company or organization (if applicable), address, phone number and e-mail address. Individuals with disabilities may request accommodations when registering for the event.

SUPPLEMENTARY INFORMATION: LMRDA section 203 establishes reporting and disclosure requirements for employers and persons, including labor relations consultants, who enter into any agreement or arrangement whereby the consultant (or other person) undertakes activities to persuade employees as to their rights to organize and bargain collectively or to obtain certain information concerning the activities of employees or a labor organization in connection with a labor dispute involving the employer. Each party must disclose information concerning such agreement or arrangement, including related payments, and the employer, additionally, must disclose certain other payments, including payments to its own employees, to persuade employees as to their bargaining rights and to obtain certain information in connection with a labor dispute.

Pursuant to regulations issued by the Department, an employer must file a Form LM–10, Employer Report, for each fiscal year in which it entered into such an agreement or arrangement, as well for each fiscal year in which it made any persuader payments, as required under section 203. Additionally, the consultant must file a Form LM–20, Agreement and Activities report, disclosing the agreement or arrangement.

OLMS will seek comments on several significant matters concerning employer and consultant reporting pursuant to section 203. The first matter pertains to the so-called "advice exception" of LMRDA section 203(c), which provides, in part, that employers and consultants are not required to file a report by reason of the consultant's giving or agreeing to give "advice" to the employer. Under current policy, as articulated in the LMRDA Interpretative Manual and in a **Federal Register** notice published on April 11, 2001 (66 FR 18864), this so-called "advice exception" has been broadly interpreted to exclude from the reporting any agreement under which a consultant engages in activities on behalf of the employer to persuade employees concerning their bargaining rights but has no direct contact with employees, even where the consultant is orchestrating a campaign to defeat a union organizing effort.

The Department views its current policy concerning the scope of the "advice exception" as over-broad, and that a narrower construction will result in reporting that more closely reflects the employer and consultant reporting intended by the LMRDA. Regulatory action is needed to provide labor-management transparency for the public, and to provide workers with information critical to their effective participation in the workplace. As a result, the Department announced in its Fall 2009 Regulatory Agenda the intention to engage in such rulemaking to narrow the scope of the "advice exception." *See: http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=200910&RIN=1215-AB79.*

Another exception to reporting is in section 203(e), which provides that no "regular officer, supervisor, or employee of an employer" is required to file a report covering services undertaken as a "regular officer, supervisor, or employee of an employer." Further, the employer is not required to file a report covering expenditures made to a "regular officer, supervisor, or employee" as compensation for service as a "regular officer, supervisor, or employee." The Department will seek comments on the application of this exemption to the scope of employer reporting under sections 203(a)(2) and (a)(3), which require employers to report payments to their own employees for purposes of causing them to persuade other employees as to their bargaining rights, and to report expenditures to "interfere with, restrain, or coerce employees" in their bargaining rights and to obtain information concerning activities of employees and labor organizations in connection with a labor dispute.

Additionally, the Department will seek comments on whether electronic filing should be mandated for Form LM–10 and LM–20 reports. Currently, labor organizations that file the Form LM–2 Labor Organization Annual Report are required by regulation to file electronically, and there has been good compliance with these requirements. It is reasonably expected that employers and consultants will have the information technology resources and capacity to file electronically, as well. An electronic filing option is planned for all LMRDA reports as part of an information technology enhancement.

Agenda: The public meeting will run from 10 a.m. to 12 p.m. on May 24, 2010, at the U.S. Department of Labor, Frances Perkins Building Auditorium, 200 Constitution Avenue, NW., Washington, DC 20210. All interested parties are invited to participate. The meeting will provide interested parties an opportunity to provide suggestions and recommendations to OLMS concerning employer and consultant reporting pursuant to section 203. In particular, comments will be solicited on the issues outlined above: The application of the "advice exemption" of LMRDA sections 203(c); the application of the "regular officer, supervisor, and employee" exemption of section 203(e); and the effect of a potential regulatory proposal requiring employers and consultants to submit reports electronically. The Department will seek comment, as well, regarding the layout of the Form LM–10 and LM–20 and the level of detail and itemization currently required to be reported on these forms. Finally, the Department invites information about how the use of labor relations consultants by employers has affected labor-management relations and about how persuader activity has changed since the enactment of the LMRDA.

Public Participation: Registration for the public meeting is free. During the meeting, participants will be invited to come up to a microphone and provide comments on the topic being discussed.

Authority and Signature:

Signed in Washington, DC, May 10, 2010.

John Lund,

Director, Office of Labor-Management Standards.

[FR Doc. 2010–11498 Filed 5–13–10; 8:45 am]

BILLING CODE 4510–CP–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors

TIME AND DATE: The Board of Directors of the Legal Services Corporation will meet *telephonically* on May 19, 2010. The meeting will begin at 2 p.m. (ET), and continue until conclusion of the Board's agenda.