

## § 2.220

by the Commission on the same sentence (including the term of imprisonment imposed in the current revocation).

(2) For example, if the maximum authorized term of imprisonment at the first revocation is three years and the original maximum authorized term of supervised release is five years, the Commission at the first revocation may have imposed a one-year term of imprisonment and a four-year further term of supervised release. If, at a second revocation, the Commission imposes another one-year term of imprisonment, the maximum authorized further term of supervised release will be three years (the original five-year period minus the total of two years of imprisonment).

(f) *Effect of sentencing court imposing less than the original maximum authorized term of supervised release.* If the Commission has revoked supervised release, the maximum authorized period of further supervised release is determined by reference to the original maximum authorized term permitted for the offense of conviction (see paragraph (b) of this section), even if the sentencing court did not impose the original maximum authorized term permitted for the offense of conviction.

## § 2.220 Appeal.

A supervised releasee may appeal to the Commission a decision to revoke supervised release, impose a term of imprisonment, or impose a new term of supervised release after revocation. The provisions of § 2.26 on the time limits for filing and deciding the appeal, the grounds for appeal, the format of the appeal, the limits regarding the submission of exhibits, and voting requirements apply to an appeal submitted under this section.

## PART 3—GAMBLING DEVICES

Sec.

- 3.1 Definition.
- 3.2 Assistant Attorney General, Criminal Division.
- 3.3 Registration.
- 3.4 Registration to be made by letter.
- 3.5 Forfeiture of gambling devices.

## 28 CFR Ch. I (7–1–07 Edition)

AUTHORITY: 89 Stat. 379; 5 U.S.C. 301, sec. 2, Reorganization Plan No. 2 of 1950, 64 Stat. 1261; 3 CFR, 1949–1953 Comp.

CROSS REFERENCE: For Organization Statement, Federal Bureau of Investigation, see subpart P of part 0 of this chapter.

SOURCE: Order No. 331–65, 30 FR 2316, Feb. 20, 1965, unless otherwise noted.

### § 3.1 Definition.

For the purpose of this part, the term *Act* means the Act of January 2, 1951, 64 Stat. 1134, as amended by the Gambling Devices Act of 1962, 76 Stat. 1075, 15 U.S.C. 1171 *et seq.*

### § 3.2 Assistant Attorney General, Criminal Division.

The Assistant Attorney General, Criminal Division, is authorized to exercise the power and authority of and to perform the functions vested in the Attorney General by the Act. (See also 28 CFR 0.55(i).)

(28 U.S.C. 509 and 510)

[Order No. 960–81, 46 FR 52354, Oct. 27, 1981]

### § 3.3 Registration.

Persons required to register pursuant to section 3 of the Act shall register with the Assistant Attorney General, Criminal Division, Department of Justice, Washington, DC 20530.

### § 3.4 Registration to be made by letter.

No special forms are prescribed for the purpose of registering under the Act. Registration shall be accomplished by a letter addressed to the Assistant Attorney General, Criminal Division, setting forth the information required by section 3(b)(4) of the Act. Registration should be made by registered or certified mail inasmuch as receipt of registrations will not otherwise be acknowledged. The registration requirement of the Act is an annual requirement. Any person engaged in any one or more of the activities for which registration is required under the Act must, in conformity with the provisions of the Act, register in each calendar year in which he engages in such activities.

**§ 3.5 Forfeiture of gambling devices.**

For purposes of seizure and forfeiture of gambling devices see section 8 of this chapter.

[Order No. 1128-86, 51 FR 8817, Mar. 17, 1986]

**PART 4—PROCEDURE GOVERNING APPLICATIONS FOR CERTIFICATES OF EXEMPTION UNDER THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959, AND THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974**

Sec.

- 4.1 Definitions.
- 4.2 Who may apply for Certificate of Exemption.
- 4.3 Contents of application.
- 4.4 Supporting affidavit; additional information.
- 4.5 Character endorsements.
- 4.6 Institution of proceedings.
- 4.7 Notice of hearing; postponements.
- 4.8 Hearing.
- 4.9 Representation.
- 4.10 Waiver of oral hearing.
- 4.11 Appearance; testimony; cross-examination.
- 4.12 Evidence which may be excluded.
- 4.13 Record for decision. Receipt of documents comprising record; timing and extension.
- 4.14 Administrative law judge's recommended decision; exceptions thereto; oral argument before Commission.
- 4.15 Certificate of Exemption.
- 4.16 Rejection of application.
- 4.17 Availability of decisions.

AUTHORITY: Secs. 504, 606, 73 Stat. 536, 540 (29 U.S.C. 504, 526); and secs. 411, 507a, 88 Stat. 887, 894 (29 U.S.C. 1111, 1137).

CROSS REFERENCE: For Organization Statement, U.S. Parole Commission, see subpart V of part 0 of this chapter.

SOURCE: 44 FR 6890, Feb. 2, 1979, unless otherwise noted.

**§ 4.1 Definitions.**

As used in this part:

- (a) *Labor Act* means the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 519).
- (b) *Pension Act* means the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406) (88 Stat. 829).
- (c) *Acts* means both of the above statutes.

(d) *Commission* means the United States Parole Commission.

(e) *Secretary* means the Secretary of Labor or his designee.

(f) For proceedings under the "Labor Act"

(1) *Employer* means the labor organization, or person engaged in an industry or activity affecting commerce, or group or association of employers dealing with any labor organization, which an applicant under § 4.2 desires to serve in a capacity for which he is ineligible under section 504(a) of the "Labor Act".

(2) All other terms used in this part shall have the same meaning as identical or comparable terms when those terms are used in the "Labor Act".

(g) For proceedings under the "Pension Act"

(1) *Employer* means the employee benefit plan with which an applicant under § 4.2 desires to serve in a capacity for which he is ineligible under section 411(a) of the "Pension Act" (29 U.S.C. section 1111).

(2) All other terms used in this part shall have the same meaning as identical or comparable terms when those terms are used in the "Pension Act".

**§ 4.2 Who may apply for Certificate of Exemption.**

Any person who has been convicted of any of the crimes enumerated in section 504(a) of the "Labor Act" whose service, present or prospective, as described in that section is or would be prohibited by that section because of such a conviction or a prison term resulting therefrom; or any person who has been convicted of any of the crimes enumerated in section 411(a) of the "Pension Act" (29 U.S.C. section 1111) whose service, present or prospective, as described in that section is or would be prohibited by that section because of such a conviction or a prison term resulting therefrom, may apply to the Commission for a Certificate of Exemption from such a prohibition under the applicable Act.

**§ 4.3 Contents of application.**

A person applying for a Certificate of Exemption shall file with the Office of General Counsel, U.S. Parole Commission, 5550 Friendship Boulevard, Chevy