

**STATEMENT IN OPPOSITION TO OAG DOCKET NO. 127, PROPOSED NOTICE
PROVISION § 8.9(a)(1)(ii)**

8 July 2011

The Honorable Eric H. Holder Jr.
Attorney General
Legal Policy/ Asset Forfeiture and Money Laundering Section
U.S. Department of Justice
1400 New York Avenue, NW
Bond Building
Tenth Floor
Washington, DC 20005

**RE: STATEMENT IN OPPOSITION TO OAG DOCKET NO. 127, PROPOSED
NOTICE PROVISION § 8.9(a)(1)(ii)**

Dear Attorney General Holder:

The following organizations representing newspapers interested in public notice hereby provide comments on the instant proposal. *Public Notice Resource Center (PNRC)*, a nonprofit organization that provides research and public education materials on the use of public notice in newspapers, the *Newspaper Association of America (NAA)*, representing nearly 2,000 newspapers and their multi-platform business in the United States and Canada, the *National Newspaper Association (NNA)*, a 2,300 member trade association for community newspapers, and the *American Court and Commercial Newspapers (ACCN)*, a nationwide organization of newspapers in the business of publishing court, legal and commercial newspapers.

These groups, individually and collectively, strongly oppose the adoption of Section 8.9(a)(1)(ii) under the *Notice of administrative forfeiture* as proposed by the U.S. Department of Justice (the *Department*) to consolidate seizure and forfeiture regulations for the *Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)*, the *Drug Enforcement Administration (DEA)*, and the *Federal Bureau of Investigation (FBI)*, as found in the federal Register, Volume 76 Issue 89, dated May 9, 2011. In summary, our opposition is based on these views:

- Overall, any Internet notice is an inadequate substitute for a printed, fixed newspaper notice, although our organizations believe the Internet should be actively used by both the seizing agencies (*ATF*, *DEA*, and *FBI*) and newspapers to extend the reach of printed notices. The newspaper industry has already made substantial investments in making sure printed notices are also available through industry websites, so the public can find notices both in print and online without losing the many advantages of a fixed, hard-copy notice.
- Government Internet sites do not have a strong readership. Public notices in a newspaper, particularly when supplemented by a newspaper website, are more likely to be read than notices on a government Internet site.
- Access to the Internet remains limited for many populations. Many in poor, minority and senior communities cannot readily view Internet notifications.

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- Disability or illness may hinder property stakeholders from viewing Internet notifications. Research shows that the infirm are substantially less likely to use the Internet.
- Internet site-only notifications create due process problems for reviewing courts, historians, researchers and archivists. Web publications are difficult to archive and maintain in updated fashion without ongoing funding, whereas printed public notice is fixed in form and time and leaves no doubt as to its authenticity.
- The *Department* has no way to ensure the seizing agencies will be appropriated adequate resources to maintain Internet sites in a fashion that permits them to supplant printed, fixed notices. Indeed, the President has already announced this year that many federal government websites will be eliminated for budget reasons.¹
- The *Department* proposed regulation leaves substantial doubt about the manner and method of providing notice. Even if the above concerns were not at issue, this proposal leaves the public with potentially large gaps in public information.
- The *Department's* rationale for the proposed regulation does not factor in the high cost and resources the seizing agencies will have to allocate to constantly update and manage the Internet site and archive forfeiture notices electronically, whereas the newspapers that traditionally publish these notices do not require updating to be read and typically archive not only print but website copies at no additional cost to the government.
- The *Department's* proposed regulation leaves substantial doubt about the manner and method of providing notice. Even if the above concerns were not at issue, the proposal leaves the public with potentially large gaps in public information.

I. GOVERNMENT INTERNET SITE NOTICES ARE INEFFECTIVE

A. Government Internet Sites Have No Substantial Readership Audience

The point of public notice is to put information in places where people not necessarily looking for it are likely to find it. But the proposed regulation fails to consider that seizing agencies' Internet sites do not have a large following when compared to a daily or weekly newspaper. The *Department* fails to cite any studies or reports that indicate that seizing agencies' Internet sites have a following that would justify replacing newspapers as notice vehicles. The *Department* may not be aware of research by the *Pew Center for the Internet and American Life* (*Pew Research Center*), an independent, non-partisan public opinion research organization that studies attitudes toward politics, the press, and public policy issues. Last year the *Pew Research Center* released shocking statistics, finding that only 40% of adult users have ever researched online for raw data about government spending and actions.² Although this same study found that visits to government Internet sites from the general public are slowly

¹ "Federal Government to delete half its websites," L.A. Times 15 June 2011.

² "Government Online," *Pew Research Center*, April 27, 2010, Internet <http://pewinternet.org/Reports/2010/Government-Online.aspx>

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growing, this study did not examine any research specific to the Internet sites that may be visited for public notice searched. It is also not clear that reported data exclude visits from agency employees and contractors who may be required to do their work on the agency web site. Even at a 40% audience level, it must be recognized that studies that measure government Internet site searches—covers a generic that includes thousands of government topics and government Internet sites, resulting in an audience viewership percentage that greatly overstates the potential for public notice audiences.

Seizing agencies' Internet sites contain a combination of reference materials and billboards, narrowed to the seizing agencies' missions. They typically contain biographical information on the head of that particular seizing agency, regional offices' contact information, law enforcement information, rules, regulations and the political head's speeches and news releases. They lack the sort of ever-changing information that newspapers carry that draws in the public, such as the sports, local news, weather and political trends. A vast majority of local newspapers are circulated consistently within a timeframe and delivered to a defined geographical area. Most people turn to their local newspapers for current developments in their community and then they find the public notices. Seizing agencies' Internet sites cannot easily equal that traffic because their information is static, updates are infrequent, and the general public has to proactively visit the seizing agencies' sites—which previously stated the general public seldom does. Therefore, seizing agencies' Internet site notifications are ineffective at delivering timely notices.

Further, seizing agencies are not in the business of building readership. Just as seizing agencies do not have expertise in converting stock cars to armored vehicles, or building weapons for use by enforcement officers, so they outsource these modifications to contractors, seizing agencies also do not have expertise in building audiences, so they outsource forfeiture notices to newspapers. It is in a newspaper's interest to have and continue to build a strong following of readers, both in print and on the Internet. They develop these readerships at great marketing cost. Seizing agencies—particularly in today's tight fiscal environment—have little motivation to allocate scarce financial resources to advertise, promote, or expand their readership; the burden of finding the government Internet sites is on the citizen. It is unreasonable to expect a citizen to be on the hunt for information that may affect him as immediately and intimately as losing property rights.

Newspapers are a better choice for public notices given their much broader reach. Nearly 100 million adults read a newspaper on an average weekday and nearly 70 percent of adults read or visit a newspaper website in an average week. Scarborough Research, USA
<http://www.naa.org/Trends-and-Numbers/~media/NAACorp/Public%20Files/TrendsAndNumbers/whynewspapermedia.ashx>.

National Newspaper Association's readership research of smaller communities indicates that 75 percent of readers believe governments should be required to put public notices in the newspaper. <http://www.nnaweb.org/?/nnaweb/content01/2197/>.

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And, it is important to note, the newspaper industry has made a substantial investment, at no cost to the public, to make sure the printed, of-record, public notice that appeared in a newspaper is also available online. For an easy index by state, visit <http://www.pnrc.net/find-a-notice/>.

Under the *Department's* current proposed regulations, seizing agencies will all have the option to publish notice of forfeitures on official government Internet sites.³ Although there is a government Internet site-- www.forfeiture.gov--that lists other forfeiture notices from other federal government agencies, there is nothing within the *Department's* proposed regulation or in the *Department's* justification for consolidating and updating its seizure and forfeiture laws that specifically identifies www.forfeiture.gov as the designated government Internet site for posting forfeiture notices. In theory, all three seizing agencies can collectively share one designated government Internet site or all three seizing agencies can have different government Internet sites for posting forfeiture notices. Audience may be even further fragmented.

In addition, the practices of seizing agencies with respect to government Internet site management are widely disparate. The *Department* cannot mandate by regulation that the seizing agencies allocate a certain number of personnel or funds to help comply with the *Department's* proposed regulations on posting forfeiture notifications. During a time when seizing agencies are under pressure to reduce their budgets, not mandating that seizing agencies budget a certain amount of funds or personnel may lead to a property stakeholder failing to receive notice of forfeiture proceedings, which will result in forfeiture of property rights.

Within the past decade, many newspapers have adopted a marketing strategy that publishes a newspaper issue in print, and the exact publication issue is posted on the newspaper's Internet site daily. Newspapers always list their Internet site address in the printed paper, promoting as much exposure as possible. Also, a newspaper's Internet site's domain name is easy to find because the domain name is often the same name as the newspaper and newspapers seldom change domain names. Newspapers try to replicate the same type of user friendly organization structure that is found in print, on their Internet sites. The federal government, however, has several Internet sites, with many different agencies having their own Internet site. The information found on these Internet sites is almost never found in print, meaning there is no double exposure, only confusion as to the location of the information. If the federal government continues to publish forfeiture notifications in newspapers—which is the current avenue for providing public notification—there is a strong likelihood that the information is already found in both print and posted on a newspaper's Internet site.

Finally, it is commonly known that one of the major purposes of posting forfeiture notices in newspapers is to generate public awareness of items to be auctioned in the future. Public awareness is important to generating interested bidders. It is in the seizing agencies interest to expose the property to as many people as possible in order to meet the minimum appraised value of the seized property during the bidding process for profitability. Seizing

³ Notice of administrative forfeiture §8.9(a)(1)(ii), "Posting a notice on an official government Internet site for at least 30 consecutive days.

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agencies also want to auction the property as quickly as possible, so the seizing agency does not have to retain storage or maintenance or both of the property. Newspaper notices help expand seizing agencies notices to the local areas where the property is to be auctioned; whereas, government Internet sites do not.

B. Key Stakeholders May Be Disenfranchised

Public notice printed in newspapers brings information to intended property stakeholders as well as to random audiences who may help deliver the information back to intended stakeholders. Not only is it reasonable to assume that friends and family may read local newspapers, it is foreseeable that other parties may notice a particular property stakeholder's name and assist with the recovery of property.

In the case of owners of forfeited property, it is safe to suggest that property stakeholders can be prisoners who are in federal or state custody, thus, rendering their ability to gain access to the Internet or newspaper almost impossible, especially if their condition renders them unconscious. Care providers, however, may discover an owner's name in a local newspaper and notify a family member, helping the accused or his or her needy family to regain their property.

Property stakeholders can also be frequent travelers. Property stakeholders that are absent from their local communities for a long period of time will not have access to local newspapers, and may not have access to select Internet sites or the Internet. This is especially true if the property stakeholder is visiting an unfriendly country that blocks Internet sites posted by any agency of the United States Government. But the traveling property stakeholder's neighbors come upon a notice in the local newspaper—while the property stakeholder is away—and play a role in helping contact the property stakeholder.

If the information is printed in a newspaper in the area where the property is seized or the owner resides, there is a better chance an interested property stakeholder will find it or learn about the forfeiture proceeding from a member of the community. If the information is merely posted on a government Internet site, the chances that a stakeholder will come across it or receive a helping hand from family or friends is slim indeed.

C. Fractional Property Stakeholders Will Be Disenfranchised

A property stakeholder can also be a person that possesses a fractional ownership, and not total ownership. Both personal and real property ownership shares can be divided into fractions based on investment amount, or any other type of private arrangement. Under an investment arrangement, for example, two or more people, can pool their funds together to purchase a boat, leaving each with a percentage of ownership. If the boat is seized because of the wrongdoing of one owner, the rights of a co-owner may not be clear to the seizing agency, and the malfeasance of the property holder may not be clear to minority owners, divorced spouses, unregistered lien holders and others who might not be reached by any personal notice. None of these individuals is likely to be aware of the need to go on a search mission on a government website, but might well be prompted to a redemption action by a newspaper notice read by

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friends or family, or even themselves. Larger audiences, therefore, can be important to protecting citizens' property rights.

D. The Poor Will Be Disenfranchised

Property stakeholders' economic classifications are very diverse—ranging from wealthy to poor. Under the proposed *Department's* regulations, a property stakeholder could receive forfeiture notices by a government Internet site posting. The rule would require property stakeholders to have basic technical skills and access to a costly computer. If a property stakeholder is without even one of those requirements, the property stakeholder will not receive notification of their property being forfeited—a harsh penalty, especially since the notification will provide very specific and highly important information. Newspapers, however, are easily accessible to property stakeholders because a person is not required to possess a computer or have technical skills to obtain information from a newspaper that typically costs less than \$1.00 a copy. The newspaper does not break down, or become unreadable because of a software update that the stakeholder may not have been able to afford. It can easily be passed from one person to the other without an email account. Its links do not break.⁴ It is written in time honored basic news language, not legalese. It may be written in Spanish or German or Swahili to address a specific non-English -speaking community. The newspaper is a friendlier vehicle for individuals of limited means than any information on a computer.

E. The Rural Will Be Disenfranchised

Even if a property stakeholder has access to a computer, the next hurdle is having access to a signal that delivers Internet information. This past February, the *Department of Commerce's National Telecommunications and Information Administration*, released the "Digital Nation Expanding Internet Usage" report that shows many rural areas use dial-up connections because broadband is unavailable.⁵ Broadband provides faster access to the Internet, downloading documents, and Internet sites and is preferred over dial-up Internet access. Dial-up is a form of Internet access that uses the facilities of the public switched telephone network to establish a dialed connection to an Internet service provider via telephone lines. People that use dial-up often find that connecting to the Internet can be time consuming, and once connected; downloading Internet sites or documents is painstakingly slow and the Internet connection can often end abruptly if someone calls in on the telephone line. Another study, issued by the *United States Department of Agriculture*, titled, "Farm Computer Usage and Ownership," reported that 41% of U.S. farms are without Internet access.⁶ Whether the rural area has dial-up or no access, research shows they have no meaningful Internet service. .

F. Minorities, Senior Citizens, the Disabled, Ill Will Be Disenfranchised

⁴ A recent visit to www.forfeiture.gov showed links to a vendor who provides merchandising services for seized property was broken, for example.

⁵ "Digital Nation Expanding Internet Usage," *Department of Commerce's National Telecommunications and Information Administration*, February 2011
http://www.ntia.doc.gov/reports/2011/NTIA_Internet_Use_Report_February_2011.pdf

⁶ "Farm Computer Usage and Ownership," *United States Department of Agriculture*, August 2009

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Survey after survey has shown that particular classes will be disenfranchised if notices are solely placed on Internet sites because certain classes are less likely to have access to the Internet. A recent survey by *George Washington University School of Media and Public Affairs* found that people over 60 years of age face a substantial digital divide with people that are younger.⁷ The *Pew Research Center*, found that only 26% of the people they surveyed that were 65 years or older used the Internet.⁸ Also, *MediaPost*, a leading news and research resource for media, marketing and advertising professionals, released a survey showing only 4/10 of minorities regularly used the Internet.⁹ The evidence is overwhelming that if seizing agencies are granted the authority to post forfeiture notifications on their Internet sites, minorities and senior citizens will disproportionately suffer.

A survey conducted by the *Pew Research Center* found that Americans that live with a disability or illness struggle to gain access to the Internet.¹⁰ One might easily posit that the disabled or ill struggle with the technical skill or aptitude to sort out Internet information, to make their computers work properly or to maintain Internet connections. Putting additional barriers in their paths by requiring disabled or ill property stakeholders to do what they cannot in order to find the information they need to prevent loss of property rights is counter intuitive. In other words, if the property stakeholders are the very people who will not have access to information concerning their property being forfeited, the purpose of public notice is utterly defeated.

G. Public Resources Cannot Always Provide the Disenfranchised With Internet Access

Some mistakenly assume property stakeholders can always gain Internet access to notifications through local libraries and community centers. This rationale ignores reality that libraries and community centers have a limited—some extremely limited—hours of operation and those sites operate at the pleasure of the local or state governments—not federal government. With poor economic conditions causing local and state governments to collect less tax revenue, many libraries are forced to reduce their hours of operation or permanently cease operation altogether.

Also, libraries and community centers have limited budgets and can only purchase and maintain a limited number of computers. Long lines and limited hours of operation will not provide a property stakeholder with an adequate opportunity to access notices. Considering notices are posted within a limited time frame before an event occurs, time is of the essence. Missing a notification can have a detrimental effect on one's right to property and one's right to

⁷ Citizen Use of Digital Media to Connect with Government Yields a Mixed Picture, *George Washington University School of Media and Public Affairs*, October 27, 2010, Internet <http://smpa.gwu.edu/news/articles/229>

⁸ Older Adults and Social Media, *Pew Research Center*, April 27, 2010 Internet <http://www.pewinternet.org/Reports/2010/Older-Adults-and-Social-Media.aspx>

⁹“ Minorities Agree on Importance of Web;” Only 4/10 Regularly Use, *MediaPost*, January 10, 2010, Internet http://www.mediapost.com/publications/?fa=Articles.showArticle&art_aid=120354&passFuseAction=PublicationsSearch.showSearchReslts&art_searched=minority&page_number=0

¹⁰ “Americans living with disability and their technology profile,” *Pew Research Center*, January 21, 2011, Internet <http://www.pewinternet.org/Reports/2011/Disability.aspx>

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a hearing. If a library or community center fails to provide the opportunity for property stakeholders to view a notification, the outcome could be financially devastating by losing property rights and forfeiting an opportunity to express grievances.

II. GOVERNMENT INTERNET SITE POSTING OF NOTICES IS NOT PUBLIC NOTICE

Our organizations find that in a long tradition of public notice there are four elements that mark a valid notice. The notice must be published from an independent party, the publication must be archivable, the publication must be accessible, and the publication must be verifiable. If any one of these elements is absent, the public loses.

A. Public Notice Must Be Published By An Independent Third Party

A public notice must be published in a forum independent of the government, typically in a local newspaper. An independent and neutral third party has an economic and civic interest in ensuring that the notice law is followed. The *Department's* proposed rule removes the independence of a third party because seizing agencies will have the option to publish forfeiture notifications on government Internet sites. Allowing seizing agencies to self-publish, will lead to the general public—more specifically, property stakeholders—losing an extra layer of confidence in the notice that having an independent publisher provides.

B. Public Notice Must Be Capable of Archiving at a reasonable cost

A public notice must be capable of archiving in a secure and publicly available format. The *Department's* proposed rule simply requires, “Posting a notice on an official government Internet site for a least 30 consecutive days.” After the expiration of the 30 consecutive days, in theory, the *Department* turns to the *National Archives and Records Administration* (NARA) to preserve information. The mission of the *NARA* is to look backwards and preserve past records of the federal government. Numerous newspaper reports, however, have detailed that the *NARA's* electronic records archives program is behind schedule and that completion of its electronic archives will cost substantially more than originally budgeted.¹¹ Additionally, there is great concern that the *NARA* may abandon some of its archive responsibilities because of the pressure to reduce spending at the federal government level. “The cost of building a digital system to gather, preserve and give the public access to the records of the federal government has ballooned as high as \$1.4 billion, and the project could go as much as 41 percent over budget”¹² If the *NARA* comes under pressure to reduce its archiving obligations, in order to reduce costs, public notices may not be high on the *NARA's* priority list for preservation; therefore, some public notices could be lost forever.

¹¹ McDonough, Frank, “NARA’s digital archive falters as others soar,” *Federal Computer*, 22 Feb 2011. Internet <http://fcw.com/articles/2011/02/28/comment-frank-mcdonough-digital-archives.aspx>;

¹² Rein, Lisa, “Cost to build digital archive could hit \$1.4 billion,” *Washington Post*, 6 Feb 2011. Internet <http://www.washingtonpost.com/wp-dyn/content/article/2011/02/06/AR2011020603944.html>

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It is unclear what capability for public notice archiving at the federal level will eventually exist, and even more uncertain what will happen to Internet based information in the interim while the funding questions are resolved and the system is completed. Researchers already are concerned that notices will be forever lost because they will have to constantly be transferred from one storage system to another, until the *NARA*'s archive data base is finally complete. And there is more at stake than academic interest. A person released from custody may need to look back over weeks, months or even years to learn what happened to seized property. If public notices vaporize into obscure or irretrievable Internet data, harm to the innocent as well as the guilty is highly likely.

A public notice published in a newspaper is easily archived, and is likely to be archived contemporaneously in several different places, including the publisher's office, and numerous libraries. .

C. Public Notice Must Be Accessible

A public notice must be capable of being accessed by all segments of society. As discussed above, it is not just a question of physical access but also economic means. Property stakeholders that are without notice of forfeiture hearings will lose complete interest in their property; meaning, property stakeholders will suffer economically because their net worth will decrease.

A. Public Notice Must Be Verifiable

The public and the source of the notice are able to verify that the notice was published and not altered once published. In a newspaper notice, an affidavit is provided by the publisher, which can be used in an evidentiary proceeding to demonstrate that a true copy was published as well as the exact wording that was used. It is difficult and costly to provide authentication of Internet site publications because Internet sites can be and often are edited after initial publication and it becomes virtually impossible to prove that any stakeholder witnessed any particular element of an Internet site at any given time. For the federal government, the Government Printing Office has developed a public key system to certify documents, but the system is not inexpensive, and even it raises doubts about authenticity from time to time. For example, the verification for the instant proposed rule produces a pop up window noting that the validity of the author could not be confirmed. Even when the federal government—more specifically, seizing agencies—is the sole party both verifying that the notification was drafted, published, not edited once published, and posted on a seizing agencies' Internet site—the system has not yet matured to one that provides complete confidence. And having the government verify its own work deprives the public of the independent review of a publisher.

Validation keys may be used to guarantee authenticity, but consistent application of them creates an expense that offsets any nominal savings that an agency may assume it can claim from not printing public notices. *PNRC* notes that many federal websites that purport to carry public

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notices do not employ validation technology and wonders whether the agencies will have the incentive and means to assure authenticity.

**III. THE DEPARTMENT'S JUSTIFICATION FOR THE PROPOSED INTERNET
PUBLICATION IS FLAWED**

The justification for the *Department's* proposal is to provide the *Department* and its agencies with a more cost effective option to publish forfeiture notifications. The *Department* cites no studies as to the amount or whether a government-operated website is *really* more cost effective than newspaper notice. Certainly recent budget shifts by the federal government would suggest that running web sites is more costly than agencies anticipated when they developed their programs. . The *Department* does not disclosure the cost of operating, maintaining, and archiving forfeiture notifications when using a government Internet site and there is no indication the *Department* has fully evaluated the attendant costs to create proper and effective notice, which would have to include substantial marketing to attract an audience, as well as staff, computer, storage and software costs related to proper archiving and validation. .

The *Department* does say however, "There is strong statistical proof that Internet access is now available to the vast majority of United States residents."¹³ Yet the *Department* glosses over the data presented in foregoing sections. Nor does it explain how its view that the 'vast majority' has internet access equates to a belief that a preponderance of Americans would like to search for public notices on any government website, let alone one with a small audience and questionable visibility. If the *Department* believes that government Internet sites are more cost effective and can reach more people, the *Department* should release such information and studies, prior to consideration of the proposed notice provision § 8.9(a)(1)(ii), *Notice of administrative forfeiture*.

Some state governments have also wrongly believed that publishing notices on the Internet saves taxpayers money, but in reality, posting notices on state government Internet sites costs taxpayers more. In New Jersey, for example, legislators considered posting public notices on government Internet sites instead of newspapers. A study released by the *New Jersey Press Association* showed that the unemployment rate would rise because of job losses at newspapers—which would increase the number of people on unemployment—and the cost of information technology (IT) maintenance and updates for the state would substantially increase. A copy of this study is available on request. In Utah, the legislature briefly believed that a state-owned website would provide adequate public notice for the state's four largest cities by passing legislation in 2008 to eliminate newspaper notice. But in 2010, the legislature reversed course and repealed its 2008 law before a state website was in operation. Public notice remains in newspapers.

The *undersigned organizations* recognize the time and effort the *Department* has dedicated in drafting proposed regulations to address the growing issue of people using the Internet for information as opposed to newspapers. We believe that more information is always better information, and we do not oppose encouraging agencies to provide the public information

¹³ Federal Register Vol. 76, No. 89 pg. 26662 May 9, 2011

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notices in all of their venues. Our opposition is simply to permitting the seizing agencies' notice to serve as the sole notice of record.

Newspaper notification must be provided, regardless, because no other venue is as broad-reaching.

Newspaper notifications are the best form of public notice. They provide notifications that are independent, archivable, accessible, and verifiable. This form of notification is important because newspaper notices are not lost with technological changes, and their content is fixed in form and time so due process is satisfied. Information on government Internet sites is desirable and a valuable supplement to the public record. But the time has not yet arrived when any Internet site—public or private—can supplant printed newspaper notices. Moreover, newspapers are in the best position to draw readership for both print and digital distribution.

The *PNRC*, *NNA*, *NAA*, and *ACCN* appreciate the *Department's* consideration of their views with regards to proposed notice provision § 8.9(a)(1)(ii), *Notice of administrative forfeiture*. For the foregoing reasons stated hereinabove, the *PNRC*, *NNA*, *NAA*, and *ACCN* respectfully request the *Department* revise the proposed regulation.

If you have any questions, please call me at (703) 237-9806 or email me at info@pnrc.net.

Sincerely,

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