



U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

**AUG 16 2007**

Mr. J.D. Obenberger  
J.D. Obenberger and Associates  
3700 Three First National Plaza  
70 West Madison Street  
Chicago, IL 60602

Re: AG/06-R0926  
OLP/07-R0077  
CLM:VRB:SBT

Dear Mr. Obenberger:

This responds to your Freedom of Information Act (FOIA) request dated August 2, 2006, which was received in this Office on August 10, 2006, in which you requested copies of documents establishing who is designated by the Attorney General to conduct inspections of producers of sexually explicit material pursuant to 18 U.S.C. § 2257. This response is being made on behalf of the Offices of the Attorney General and Legal Policy.

I apologize for the delay of this response, which was caused by the need to consult with other Department components.

We have located one document, totaling six pages, which is responsive to your request. I have determined that this document is appropriate for release with excisions made pursuant to Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5), which pertains to certain inter- and intra-agency communications protected by the deliberative process privilege. A copy is enclosed.

If you are not satisfied with my action on this request, you may administratively appeal from this partial denial by writing to the Director, Office of Information and Privacy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, within sixty days from the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Carmen L. Mallon  
Chief of Staff

Enclosure



U.S. Department of Justice

Office of Legal Policy

Assistant Attorney General

Washington, D.C. 20530

July 12, 2005

RECEIVED  
DEPT. OF JUSTICE  
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EXECUTIVE  
SECRETARIAT  
07-15-05

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL *WJM for JBC*

FROM: Rachel L. Brand *R L Brand*  
Acting Assistant Attorney General

SUBJECT: Enforcement responsibilities for the new inspection regulation under 18 U.S.C. 2257

PURPOSE: To evaluate of which agency should conduct inspections authorized under the regulation issued pursuant to 18 U.S.C. 2257

TIMETABLE: As soon as possible.

DISCUSSION: You have asked the Office of Legal Policy to evaluate which component of the Department should be designated as the lead agency to conduct inspections authorized under the regulation issued pursuant to 18 U.S.C. 2257.

Under the statute, producers of sexually explicit performances are required to obtain and maintain records demonstrating that their performers have all met the age of majority. The new regulation creates a basis in law for warrantless administrative inspections of producers of sexually explicit materials to ensure compliance with the requirements of section 2257.

A remaining issue is which component of the Department should be tasked with conducting the inspections to be authorized under the forthcoming regulation.

FOIA Exemption (b)(5)

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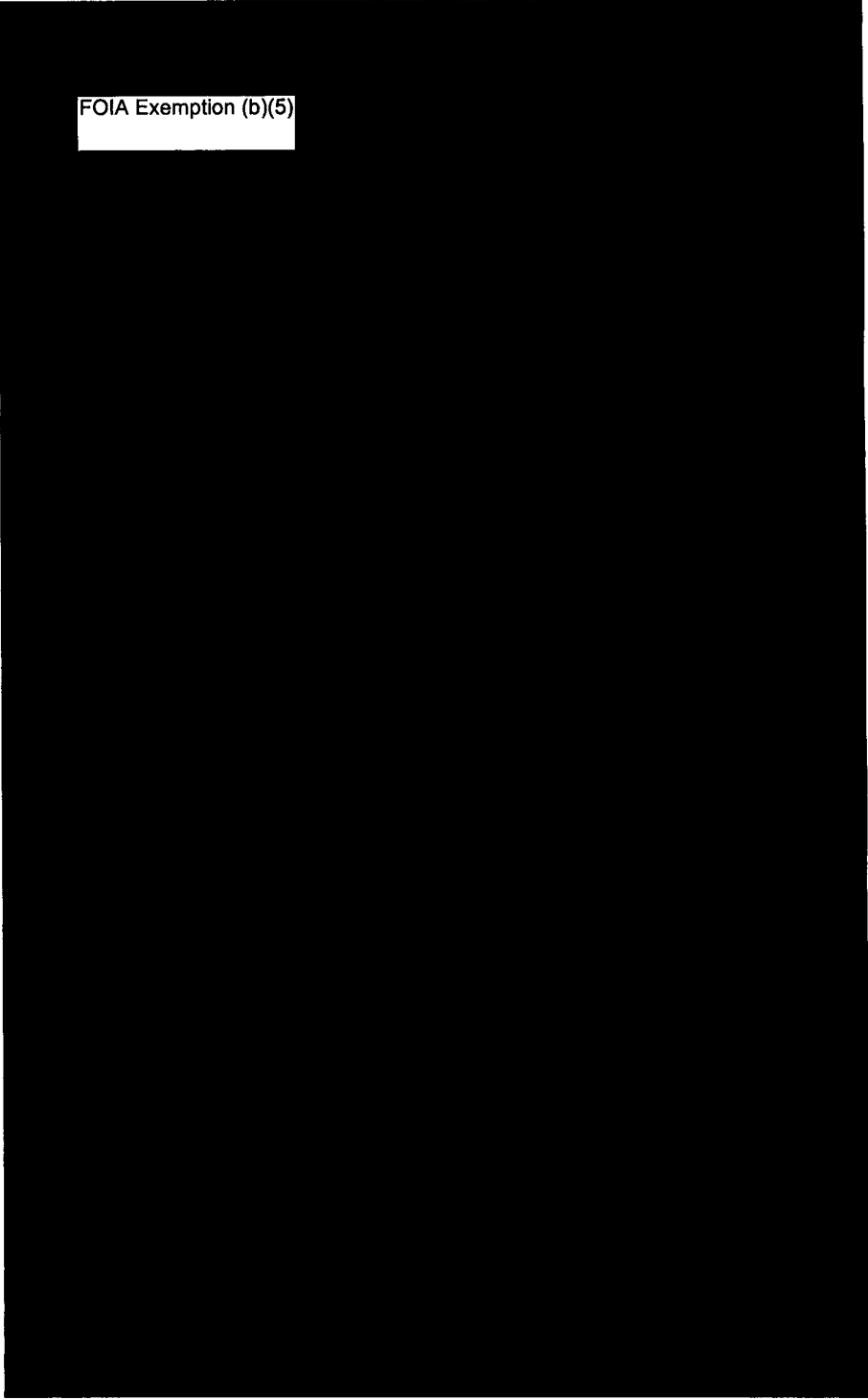


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FOIA Exemption (b)(5)

RECOMMENDATION:

I recommend that you designate the Federal Bureau of Investigation as lead component to conduct the inspections authorized under the new regulation to ensure compliance with 18 U.S.C. 2257 and direct the Director of the FBI to submit to you within 60 days a plan to establish within six months an operational regulatory inspections unit. Until the FBI is prepared to conduct the inspections, I recommend you designate the Bureau of Alcohol, Tobacco, Firearms, and Explosives as the component to conduct the inspections on an interim basis for up to six months, and that you direct the Director of the ATF to initiate the necessary union negotiations and conclude them promptly to permit the onset of inspections as quickly as possible.

APPROVE: ag

Date: October 28, 2005

DISAPPROVE: \_\_\_\_\_

OTHER: \_\_\_\_\_