

it may not otherwise have applied. It was never intended to (nor could it) prevent the application of the tax pursuant to the statutory provisions that apply based on the original taxable transfer. To eliminate any uncertainty concerning the proper application of the GST tax, the regulations under section 2652(a) will be clarified by eliminating § 26.2652-1(a)(4) and *Example 9* and *Example 10* in § 26.2652-1(a)(6) from the final regulations.

Proposed Effective Date

These amendments apply to transfers to trusts on or after June 12, 1996.

Special Analysis

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking preceding these regulations was submitted to the Small Business Administration for comment on its impact on small business.

Comments and Requests for a Public Hearing

Before this proposed regulation is adopted as a final regulation, consideration will be given to any written comments (a signed original and eight (8) copies) that are submitted timely to the IRS. All comments will be available for public inspection and copying. A public hearing may be scheduled if requested in writing by a person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the hearing will be published in the Federal Register.

Drafting Information

The principal author of this proposed regulation is James F. Hogan, Office of the Chief Counsel, IRS. Other personnel from the IRS and Treasury Department participated in its development.

List of Subjects in 26 CFR Part 26

Estate taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 26 is proposed to be amended as follows:

PART 26—GENERATION-SKIPPING TRANSFER TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1986

Paragraph 1. The authority citation for part 26 continues to read, in part, as follows:

Authority: 26 U.S.C. 7805 * * *

Par. 2. Section 26.2652-1 is amended as follows:

§ 26.2652-1 [Amended]

1. Paragraph (a)(4) is removed and paragraphs (a)(5) and (a)(6) are redesignated as paragraphs (a)(4) and (a)(5), respectively.

2. In newly designated paragraph (a)(5), *Examples 9* and *10* are removed and *Example 11* is redesignated as *Example 9*.

Margaret Milner Richardson,
Commissioner of Internal Revenue.

[FR Doc. 96-13858 Filed 6-11-96; 8:45 am]

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DEPARTMENT OF JUSTICE

28 CFR Part 74

Redress Provisions for Persons of Japanese Ancestry: Guidelines Under *Ishida v. United States*

AGENCY: Department of Justice.

ACTION: Notice of extension of deadline for public comment.

SUMMARY: On April 22, 1996, the Department of Justice published in the Federal Register (61 FR 17667) a proposed rule to amend the Department's regulation governing redress provisions for persons of Japanese ancestry. This change will amend the standards of the Civil Liberties Act of 1988 to make eligible for payments of \$20,000 those persons who were born after their parents "voluntarily" evacuated from the prohibited military zones of the West Coast of the United States as a result of military proclamations issued pursuant to Executive Order 9066. This change will also make eligible for redress those persons who were born outside the prohibited military zones in the United States after their parents were released from internment camps during the defined war period and whose parents had resided in the prohibited military zones on the West Coast immediately prior to their internment.

The period for accepting comments was published as ending on June 6, 1996. Due to a clerical mistake, however, the period for accepting

comments should end on June 20, 1996, upon the expiration of the standard sixty day comment period. Due to this mistake and requests from interested parties to have the full sixty day period in which to submit comments, the comment period is extended through June 20, 1996.

DATES: The comment period is extended to June 20, 1996.

ADDRESSES: Written comments may be mailed to the Office of Redress Administration, P.O. Box 66260, Washington, D.C. 20035-6260.

FOR FURTHER INFORMATION CONTACT: Tink D. Cooper or Emlei M. Kuboyama, Office of Redress Administration, Civil Rights Division, U.S. Department of Justice, P.O. Box 66260, Washington, D.C. 20035-6260; (202) 219-6900 (voice) or (202) 219-4710 (TDD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: The proposed rule published in the Federal Register on April 22, 1996, would amend the regulation of the Department of Justice governing redress provisions for persons of Japanese ancestry. A number of persons have asserted claims for redress based on their parents' evacuation or internment by the United States Government prior to their birth and their subsequent inability to legally return to their parents' original place of residence in the prohibited military zones on the West Coast. Based on section 108 of the Civil Liberties Act of 1988, Public Law No. 100-383 (codified at 50 U.S.C. app 1989 *et seq.*, as amended) and 28 CFR 74.4, the Civil Rights Division found these persons ineligible for redress. Approximately 1,000 persons who were born after their parents "voluntarily" evacuated from the prohibited military zones or after their parents were released from internment camps claimed compensation under the Act. Most of these claimants were born prior to midnight on January 2, 1945, the effective date of Proclamation Number 21, which rescinded the prohibited military zones on the West Coast and lifted the general exclusion restrictions on persons of Japanese ancestry. However, the United States Court of Appeals for the Federal Circuit determined that the Civil Rights Division's policy of denying such claims was inconsistent with the terms of the Act. *Ishida v. U.S.*, No. 94-5151 (Fed. Cir., July 6, 1995). In order to conform to the court decision, the Civil Rights Division proposed this revision to the regulation.

To be assured of consideration, comments must be in writing and must be received on or before June 20, 1996.

* * * * *

Dated: June 4, 1996.

Deval Patrick,

Assistant Attorney General.

[FR Doc. 96-14638 Filed 6-11-96; 8:45 am]

BILLING CODE 4410-01-M

28 CFR Part 74

[AG Order No. 2033-96]

RIN 1190-AA42

Redress Provisions for Persons of Japanese Ancestry: Guidelines for Individuals Who Relocated to Japan as Minors During World War II

AGENCY: Department of Justice.

ACTION: Proposed rule.

SUMMARY: The Department of Justice ("Department") hereby proposes a change to the regulations governing redress provisions for persons of Japanese ancestry. This change will amend the standards of the Civil Liberties Act of 1988 to make eligible for payments of \$20,000 those persons who are otherwise eligible for redress under these regulations, but who involuntarily relocated during World War II to a country with which the United States was at war. In practice, this amendment will make potentially eligible those persons who were evacuated, relocated, or interned by the United States Government; who, as minors, relocated to Japan during World War II, and otherwise were unemancipated and lacked the legal capacity to leave the custody and control of their parents (or legal guardians) who chose to relocate to Japan during the war; and who did not enter active military service on behalf of the Japanese Government or another enemy government during the statutorily-defined war period.

DATES: Comments must be submitted on or before July 12, 1996.

ADDRESSES: Comments may be mailed to the Office of Redress Administration, PO Box 66260, Washington, DC 20035-6260.

FOR FURTHER INFORMATION CONTACT:

Tink D. Cooper or Emlei Kuboyama, Office of Redress Administration, Civil Rights Division, U.S. Department of Justice, PO Box 66260, Washington, DC 20035-6260; (202) 219-6900 (voice) or (202) 219-4710 (TDD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

I. Background

The Civil Liberties Act of 1988, Pub. L. No. 100-383 (codified at 50 U.S.C. app. 1989 *et seq.*, as amended) ("the Act"), enacted into law the recommendations of the Commission on Wartime Relocation and Internment of Civilians ("Commission") established by Congress in 1980. See Commission on Wartime Relocation and Internment of Civilians Act, Pub. L. No. 96-317 (1980). This bipartisan commission was established: (1) To review the facts and circumstances surrounding Executive Order 9066, issued February 19, 1942, and the impact of that Executive Order on American citizens and permanent resident aliens of Japanese ancestry; (2) to review directives of United States military forces requiring the relocation and, in some cases, detention in internment camps of these American citizens and permanent resident aliens; and (3) to recommend appropriate remedies. The Commission submitted to Congress in February 1983 a unanimous report, *Personal Justice Denied*, which extensively reviewed the history and circumstances of the decisions to exclude, remove, and then to detain Japanese Americans and Japanese resident aliens from the West Coast, as well as the treatment of Aleuts during World War II. Redress Provisions for Persons of Japanese Ancestry, 54 FR 34,157 (1989). The final part of the Commission's report, *Personal Justice Denied Part 2: Recommendations*, concluded that these events were influenced by racial prejudice, war hysteria, and a failure of political leadership, and recommended remedial action to be taken by Congress and the President. *Id.*

On August 10, 1988, President Ronald Reagan signed the Act into law. The purposes of the Act were to acknowledge and apologize for the fundamental injustice of the evacuation, relocation, and internment of Japanese Americans and permanent resident aliens of Japanese ancestry, to make restitution, and to fund a public education program to prevent the recurrence of any similar event in the future. 50 U.S.C. app. 1989-1989a.

Section 105 of the Act makes the Attorney General responsible for identifying, locating, an authorizing payment of redress to eligible individuals. *Id.* 1989b-4. The Attorney General delegated the responsibilities and duties assigned to her to the Assistant Attorney General for Civil Rights, who, in keeping with precedent, has designated ORA in the Civil Rights Division to carry out the execution of

the responsibilities and duties under the Act. The regulations governing the eligibility and restitution were drafted by ORA and published under the authority of the Justice Department in 1989. 54 FR 34,157 (1989) (final rule) (codified at 28 CFR part 74).

ORA is charged with the responsibility of identifying and locating persons eligible for redress under the Act. To date, restitution has been paid to a total of 79,911 Japanese Americans and permanent resident aliens of Japanese ancestry.

Section 108 of the Act articulates the standards for redress eligibility. 50 U.S.C. app. 1989b-7(2). Among those excluded from eligibility under that section are those "who, during the period beginning on December 7, 1941, and ending on September 2, 1945, relocated to a country while the United States was at war with that country * * *." *Id.* As part of a citizen exchange program during World War II, the United States returned formerly interned persons of Japanese ancestry to Japan on two occasions. On June 18, 1942, approximately 1,083 persons of Japanese ancestry returned to Japan aboard the M.S. *Gripsholm*, and on September 2, 1943, the *Gripsholm* returned another 1,340 persons of Japanese ancestry to Japan. A number of these persons asserted claims for redress based on their evacuation and internment by the United States Government prior to their return to Japan. However, based on section 108 of the Act and 28 CFR 74.4, ORA found them ineligible for redress. 54 FR 34,162 (1989). In all, 175 persons who returned to Japan aboard the *Gripsholm* claimed compensation under the Act; approximately 124 of these claimants were persons who were under the age of 21 upon their departure from the United States. ORA's denial of redress to these claimants was upheld during the administrative appeal process set forth in 28 CFR 74.17. 54 FR 34,164-65 (1989).

It is helpful to describe the circumstances of these individuals. The West Coast voluntary evacuation period began with the issuance of Proclamation No. 1, on March 2, 1942, and ended with the issuance of Proclamation No. 4, effective on March 29, 1942. After this date, persons of Japanese ancestry were prohibited from leaving the West Coast because the Government was preparing to forcibly relocate and intern them later. Over 120,000 Japanese Americans were eventually interned. Of these 120,000, approximately 124 were minor children whose parents decided to depart the United States for Japan during the war on one of the M.S.