

**SUMMARY:** DEA is amending its regulations to clarify the distribution requirements for the Precursor and Essential Chemical Import/Export Declaration (DEA Form 486). The regulations do not specify that a copy of the form must be provided to the United States Customs Service (Customs) on or before the day of exportation, as required in the instructions on the form. This amendment to the regulations will eliminate any possibility for confusion as to when the form must be provided to Customs.

**EFFECTIVE DATE:** November 29, 1996.

**FOR FURTHER INFORMATION CONTACT:** G. Thomas Gitchel, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307-7297.

**SUPPLEMENTARY INFORMATION:** On September 23, 1993, DEA published a notice of proposed rulemaking (NPRM) in the Federal Register (58 FR 49455) regarding the distribution of the Precursor and Essential Chemical Import/Export Declaration (DEA Form 486). The NPRM pointed out a discrepancy between the instructions contained in the DEA Form 486 and the requirements of Title 21, Code of Federal Regulations (CFR), § 1313.23(c). The instructions require that Copy 3 of the form be provided to Customs *on or before the day of exportation*. Section 1313.23(c) provides the same instructions but omits the phrase *on or before the day of exportation*. To avoid the possibility of confusion regarding when Copy 3 of the form should be provided to Customs, DEA proposed to amend § 1313.23(c) to be consistent with the instructions contained in the form. In addition, while it could not be included as a requirement, DEA also proposed to include a suggestion in the section that the exporter submit the Shipper's Export Document on or before the day of exportation, in order to facilitate the uninterrupted export of the goods.

No comments or objections were received regarding the proposed amendment to the regulations. Therefore, DEA is amending 21 CFR 1313.23(c) to include the appropriate language to be consistent with the instructions contained in the DEA Form 486.

The Deputy Assistant Administrator, Office of Diversion Control, hereby certifies that this action will have no significant impact upon entities whose interests must be considered under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This action does not impose any new requirements or burden on the

regulated industry. This action is being taken to clarify the requirements regarding the distribution of the DEA Form 486.

This rule has been drafted and reviewed in accordance with Executive Order 12866. DEA has determined that this is not a significant regulatory action under the provisions of Executive Order 12866, section 3(f). This rule clarifies existing requirements and will prevent confusion that might cause delays in the export of chemicals.

This action has been analyzed in accordance with the principles and criteria in Executive Order 12612, and it has been determined that the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### List of Subjects in 21 CFR Part 1313

Drug traffic control, Exports, Imports, Reporting requirements.

For reasons set out above, 21 CFR part 1313 is amended as follows:

#### **PART 1313—[AMENDED]**

1. The authority citation for part 1313 continues to read as follows:

Authority: 21 U.S.C. 802, 830, 871(b), 971

2. Section 1313.23 is amended by revising paragraph (c) to read as follows:

#### **§ 1313.23 Distribution of export declaration.**

\* \* \* \* \*

(c) Copy 3 shall be presented to the U.S. Customs Service at the port of exit for each export of a listed chemical or chemicals on or before the day of exportation, and when possible, along with the Shippers Export Declaration.

Dated: September 6, 1996.

Gene R. Haislip,

*Deputy Assistant Administrator, Office of Diversion Control.*

[FR Doc. 96-24944 Filed 9-27-96; 8:45 am]

BILLING CODE 4410-09-M

## **UNITED STATES INFORMATION AGENCY**

### **22 CFR Part 505**

#### **Privacy Act Regulation**

**AGENCY:** United States Information Agency.

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** This interim final rule will amend the existing Privacy Act Regulation implementing the Privacy Act of 1974, as amended. Changes in the regulation are to reconcile them with

changes in the law and Agency policy. The Agency expects the amended regulation will enable Privacy Act requesters to better understand how to make requests and how the Agency responds to such requests.

**DATES EFFECTIVE:** October 15, 1996.

Comments regarding this interim final rule will be accepted until October 30, 1996.

**ADDRESSES:** Comments may be mailed to the FOIA/Privacy Act Officer, U.S. Information Agency, Room M-29, 301 4th Street, SW., Washington, DC. 20547.

**FOR FURTHER INFORMATION CONTACT:** FOIA/PA Unit, U.S. Information Agency, Room M-29, 301 4th Street, SW., Washington, DC. 20547; telephone (202) 619-5499.

**SUPPLEMENTARY INFORMATION:** The privacy of each individual is directly affected by the collection, maintenance, use and dissemination of personal information by Federal agencies. In order to protect the privacy of individuals identified in information systems maintained by Federal agencies, it is important to regulate the collection, maintenance, use and dissemination of such information by such agencies. Therefore it becomes paramount to ensure that regulations implementing the law are clear and readily understandable to the public.

#### List of Subjects in 22 CFR Part 505

Privacy.

For the reasons given in the preamble, Part 505 of Title 22 is revised to read as follows:

## **PART 505—PRIVACY ACT POLICIES AND PROCEDURES**

Sec.

- 505.1 Purpose and scope.
- 505.2 Definitions.
- 505.3 Procedures for requests.
- 505.4 Requirements and identification for making requests.
- 505.5 Disclosure of information.
- 505.6 Medical records.
- 505.7 Correction or amendment of record.
- 505.8 Agency review of requests for changes.
- 505.9 Review of adverse agency determination.
- 505.10 Disclosure to third parties.
- 505.11 Fees.
- 505.12 Civil remedies and criminal penalties.
- 505.13 General exemptions (Subsection J).
- 505.14 Specific exemptions (Subsection K).
- 505.15 Exempt systems of records.

Authority: Pub. L. 93-579, 88 Stat. 1897; 5 U.S.C. 552a; 55 FR 31940, Aug. 6, 1990, as amended.

#### **§ 505.1 Purpose and scope.**

The United States Information Agency will protect individuals' privacy from

misuse of their records, and grant individuals access to records concerning them which are maintained by the Agency's domestic and overseas offices, consistent with the provisions of Pub. L. 93-579, 88 Stat. 1897; 5 U.S.C. 552a, the Privacy Act of 1974, as amended. The Agency has also established procedures to permit individuals to amend incorrect records, to limit the disclosure of personal information to third parties, and to limit the number of sources of personal information. The Agency has also established internal rules restricting requirements of individuals to provide social security account numbers.

#### **§ 505.2 Definitions.**

(a) *Access Appeal Committee (AAC)*—the body established by and responsible to the Director of USIA for reviewing appeals made by individuals to amend records held by the Agency.

(b) *Agency or USIA or USIS—The United States Information Agency, its offices, divisions, branches and its Foreign Service establishments.*

(c) *Amend*—To make a correction to or expunge any portion of a record about an individual which that individual believes is not accurate, relevant, timely or complete.

(d) *Individual*—A citizen of the United States or an alien lawfully admitted for permanent residence.

(e) *Maintain*—Collect, use, disseminate or any combination of these record-keeping functions; exercise of control over and hence responsibility and accountability for systems of records.

(f) *Record*—Any information maintained by the Agency about an individual that can be reproduced, including finger or voice prints and photographs, and which is retrieved by that particular individual's name or personal identifier, such as a social security number.

(g) *Routine use*—With respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected. The common and ordinary purposes for which records are used and all of the proper and necessary uses, even if any such uses occur infrequently.

(h) *Statistical record*—A record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided in 13 U.S.C. 8.

(i) *System of records*—A group of records under the maintenance and control of the Agency from which

information is retrieved by the name or personal identifier of the individual.

(j) *Personnel record*—Any information about an individual that is maintained in a system of records by the Agency that is needed for personnel management or processes such as staffing, employee development, retirement, grievances and appeals.

(k) *Post*—Any of the foreign service branches of the Agency.

#### **§ 505.3 Procedures for requests.**

(a) The Agency will consider all written requests received from an individual for records pertaining to herself/himself as a request made under the Privacy Act of 1974, as amended (5 U.S.C. 552a) whether or not the individual specifically cites the Privacy Act when making the request.

(b) All requests under the Privacy Act should be directed to the USIA, Office of the General Counsel, FOIA/Privacy Act Unit (GC/FOI), 301 4th Street, SW., Washington, DC 20547, which will coordinate the search of all systems of records specified in the request. Requests should state name, date of birth, and social security number.

(c) Requests directed to the Agency's overseas posts which involve routine unclassified, administrative and personnel records available only at those posts may be released to the individual by the post if the post determines that such release is authorized by the Privacy Act. All other requests shall be submitted by the post to the Office of the General Counsel, FOIA/Privacy Act Unit (GC/FOI), 301 4th Street, SW., Washington, DC 20547, and the individual shall be so notified of this action in writing, when possible.

(d) In those instances where an individual requests records pertaining to herself/himself, as well as records pertaining to another individual, group, or some other category of the Agency's records, only that portion of the request which pertains to records concerning the individual will be treated as a Privacy Act request. The remaining portions of such a request will be processed as a Freedom of Information Act request by the office noted in paragraph (b) of this section.

#### **§ 505.4 Requirements and identification for making requests.**

(a) Individuals seeking access to Agency records may present their written request in person or may mail their request to the USIA, Office of General Counsel, FOI/Privacy Act (GC/FOI) Unit, 301 4th Street, SW., Washington, DC 20547. The GC/FOI Unit may be visited between the hours

of 9 a.m. and 4 p.m., Monday through Friday, except for legal holidays.

(b) Individuals, seeking access to Agency records, will be requested to present some form of identification. Individuals should state their full name, date of birth and a social security number. An individual must also include her/his present mailing address and zip code, and if possible a telephone number.

(c) When signing a statement confirming one's identity, individuals should understand that knowingly and willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to \$5,000.

#### **§ 505.5 Disclosure of information.**

(a) In order to locate the system of records that an individual believes may contain information about herself/himself, an individual should first obtain a copy of the Agency's Notice of Systems of Records as republished in the Federal Register (Vol. 55, No. 151), on August 6, 1990. By identifying a particular record system and by furnishing all the identifying information requested by that record system, it will enable the Agency to locate those records which actually pertain to the individual. At a minimum, any request should include the information specified in § 505.4(b) above.

(b) In certain circumstances, it may be necessary for the Agency to request additional information from the individual to ensure that the retrieved record does, in fact, pertain to the individual.

(c) All requests for information on whether or not the Agency's system(s) of records contain information about the individual will be acknowledged within ten working days of receipt of the request. The requested records will be provided as soon as possible thereafter.

(d) If the Agency determines that the substance of the requested record is exceptionally sensitive, the Agency will require the individual to furnish a signed, notarized statement that she/he is in fact the person named in the file before granting access to the records.

(e) Original records will not be released from the custody of the records system manager. Copies will be furnished subject to and in accordance with fees established in § 505.11.

(f) Denial of access to records:

(1) The requirements of this section do not entitle an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

(2) The Agency is not required to permit access to records if the information is not retrievable by the individual's name or other personal identifier; those requests will be processed as Freedom of Information Act requests.

(3) The Agency may deny an individual access to a record, or portion thereof, if following a review it is determined that the record or portion falls within the exemptions provided in 5 U.S.C. 552a(j) and 552a(k). See §§ 505.13 and 505.14 for a listing of general and specific exemptions.

(4) The decision to deny access to a record or a portion of the record is made by the Agency's Privacy Act Officer, Officer of the General Counsel. The denial letter will advise the individual of her/his rights to appeal the denial (See § 505.9 on Access Appeal Committee's review).

#### **§ 505.6 Medical records.**

If, in the judgment of the Agency, the release of medical information directly to the requester could have an adverse effect on the requester, the Agency will arrange an acceptable alternative to granting access of such records to the requester. This normally involves the release of the information to a doctor named by the requester. However, this special procedure provision does not in any way limit the absolute right of the individual to receive a complete copy of her or his medical record.

#### **§ 505.7 Correction or amendment of record.**

(a) An individual has the right to request that the Agency amend a record pertaining to her/him which the individual believes is not accurate, relevant, timely, or complete. At the time the Agency grants access to a record, it will furnish guidelines for requesting amendments to the record.

(b) Requests for amendments to records must be writing and mailed or delivered to the USIA Privacy Act Officer, Office of the General Counsel, 301 4th Street, SW, Washington, DC 20547, who will coordinate the review of the request to amend a record with the appropriate office(s). Such requests must contain, at a minimum, identifying information needed to locate the record, a brief description of the item or items of information to be amended, and the reason for the requested change. The requester should submit as much documentation, arguments or other data as seems warranted to support the request for amendment.

(C) The Agency will review all requests for amendments to records within 10 working days of receipt of the

request and either make the changes or inform the requester of its refusal to do so and the reasons therefore.

#### **§ 505.8 Agency review of requests for changes.**

(a) In reviewing a record in response to a request to amend or correct a file, the Agency shall incorporate the criteria of accuracy, relevance, timeliness, and completeness of the record in the review.

(b) If the Agency agrees with an individual's request to amend a record, it shall:

- (1) Advise the individual in writing;
- (2) Correct the record accordingly.

(3) And, to the extent that an accounting of disclosure was maintained, advise all previous recipients of the record of the corrections.

(C) If the Agency disagrees with all or any portion of an individual's request to amend a record, it shall:

- (1) Advise the individual of the reasons for the determination;
- (2) Inform the individual of her/his right to further review (see § 505.9).

#### **§ 505.9 Review of adverse agency determination.**

(a) When the Agency determines to deny a request to amend a record, or portion of the record, the individual may request further review by the Agency's Access Appeal Committee. The written request for review should be mailed to the Chairperson, Access Appeal Committee, USIA, Office of Public Liaison, 301 4th Street, SW, Washington, DC 20547. The letter should include any documentation, information or statement which substantiates the request for review.

(b) The Agency's Access Appeal Committee will review the Agency's initial denial to amend the record and the individual's documentation supporting amendment, within 30 working days. If additional time is required, the individual will be notified in writing of the reasons for the delay and the approximate date when the review is expected to be complete. Upon completion of the review, the Chairperson will notify the individual of the results.

(c) If the Committee upholds the Agency's denial to amend the record, the Chairperson will advise the individual of:

- (1) The reasons for the Agency's refusal to amend the record;
- (2) Her/his right and the procedure to add to the file a concise statement supporting the individual's disagreement with the decision of the Agency;

(3) Her/his right to seek judicial review of the Agency's refusal to amend the file.

(d) When an individual files a statement disagreeing with the Agency's refusal to amend a record, the Agency will clearly annotate the record so that the fact that the record is disputed is apparent to anyone who may subsequently have access to, use of, or reason to disclose the file. If information is disclosed regarding the area of dispute, the Agency will provide a copy of the individual's statement in the disclosure. Any statement which may be included by the Agency regarding the dispute will be limited to the reasons given to the individual for not amending the record. Copies of the Agency's statement shall be treated as part of the individual's record, but will not be subject to amendment by the individual under these regulations.

#### **§ 505.10 Disclosure to third parties.**

The Agency will not disclose any information about an individual to any person or another agency without the prior consent of the individual about whom the information is maintained, except as provided for in the following paragraphs.

(a) *Medical records*—May be disclosed to a doctor or other medical practitioner, named by the individual, as prescribed in § 505.6 above.

(b) *Accompanying individual*—When a requester is accompanied by any other person, the Agency will require that the requester sign a statement granting consent to the disclosure of the contents of the record to that person.

(c) *Designees*—If a person requests another person's file, she or he must present a signed statement from that person of record which authorizes and consents to the release of the file to the designated individual.

(d) *Guardians*—Parent(s) or legal guardian(s) of dependent minors or of an individual who has been declared by a court to be incompetent due to physical, mental or age incapacity, may act for and on behalf of the individual on whom the Agency maintains records.

(e) *Other disclosures*—A record may be disclosed without a request by or written consent of the individual to whom the record pertains if such disclosure conditions are authorized under the provisions of 5 U.S.C. 552a(b). These conditions are:

(1) *Disclosure within the Agency*. This condition is based upon a "need-to-know" concept which recognizes that Agency personnel may require access to discharge their duties.

(2) *Disclosure to the public*. No consent by an individual is necessary if

the record is required to be released under the Freedom of Information Act (FOIA), 5 U.S.C. 552. The record may be exempt, however, under one of the nine exemptions of the FOIA.

(3) *Disclosure for a routine use.* No consent by an individual is necessary if the condition is necessary for a "routine use" as defined in § 505.2(g).

Information may also be released to other government agencies which have statutory or other lawful authority to maintain such information. (See Appendix I—Prefatory Statement of General Routine Uses, FR 31977, Vol. 55, No. 151, Aug. 6, 1990)

(4) *Disclosure to the Bureau of the Census.* For purposes of planning or carrying out a census or survey or related activity. Title 13 U.S.C. section 8 limits the uses which may be made of these records and also makes them immune from compulsory disclosure.

(5) *Disclosure for statistical research and reporting.* The Agency will provide the statistical information requested *only* after all names and personal identifiers have been deleted from the records.

(6) *Disclosure to the National Archives.* For the preservation of records of historical value, pursuant to 44 U.S.C. 2103.

(7) *Disclosure for law enforcement purposes.* Upon receipt of a written request by another Federal agency or a State or local government describing the law enforcement purpose for which a record is required, and specifying the particular record. Blanket requests for all records pertaining to an individual are not permitted under the Privacy Act.

(8) *Disclosure under emergency circumstances.* For the safety or health of an individual (e.g., medical records on a patient undergoing emergency treatment).

(9) *Disclosure to the Congress.* For matters within the jurisdiction of any House or Senate committee or subcommittee, and/or joint committee or subcommittee.

(10) *Disclosure to the General Accounting Office (GAO).* For matters within the jurisdiction of the duties of the GAO's Comptroller General.

(11) *Disclosure pursuant to court order.* Pursuant to the order of a court of competent jurisdiction. This does not include a subpoena for records requested by counsel and issued by a clerk of the court.

#### § 505.11 Fees.

(a) The first copy of any Agency record about an individual will be provided free of charge. A fee of \$0.15 per page will be charged for any

additional copies requested by the individual.

(b) Checks or money orders should be made payable to the United States Treasurer and mailed to the Freedom of Information Act/Privacy Act Unit, Office of the General Counsel, 301 4th Street, SW., Washington, DC 20547. The Agency will not accept cash.

#### § 505.12 Civil remedies and criminal penalties.

(a) *Grounds for court action.* An individual will have a remedy in the Federal District Courts under the following circumstances:

(1) *Denial of access.* Individuals may challenge an Agency decision to deny them access to records to which they consider themselves entitled.

(2) *Refusal to amend a record.* Under conditions prescribed in 5 U.S.C. 552a(g), an individual may seek judicial review of the Agency's refusal to amend a record.

(3) *Failure to maintain a record accurately.* An individual may bring suit against the Agency for any alleged intentional and willful failure to maintain a record accurately, if it can be shown that the individual was subject to an adverse action resulting in the denial of a right, benefit, entitlement or employment the individual could reasonably have expected to be granted if the record had not been deficient.

(4) *Other failures to comply with the Act.* An individual may bring an action for any alleged failure by the Agency to comply with the requirements of the Act or failure to comply with any rule published by the Agency to implement the Act provided it can be shown that:

- (i) The action was intentional or willful;
- (ii) The Agency's action adversely affected the individual; and,
- (iii) The adverse action was caused by the Agency's actions.

(b) *Jurisdiction and time limits.* (1) Action may be brought in the district court for the jurisdiction in which the individual resides or has a place of residence or business, or in which the Agency records are situated, or in the District of Columbia.

(2) The statute of limitations is two years from the date upon which the cause of action arises, except for cases in which the Agency has materially and willfully misrepresented any information required to be disclosed and when such misrepresentation is material to the liability of the Agency. In such cases the statute of limitations is two years from the date of discovery by the individual of the misrepresentation.

(3) A suit may not be brought on the basis of injury which may have occurred

as a result of the Agency's disclosure of a record prior to September 27, 1975.

(C) *Criminal penalties.*—(1) Unauthorized disclosure. It is a criminal violation of the provisions of the Act for any officer or employee of the Agency knowingly and willfully to disclose a record in any manner to any person or agency not entitled to receive it, for failure to meet the conditions of disclosure enumerated in 5 U.S.C. 552a(b), or without the written consent or at the request of the individual to whom the record pertains. Any officer or employee of the Agency found guilty of such misconduct shall be fined not more than \$5,000.

(2) *Failure to publish a public notice.* It is a criminal violation of the Act to willfully maintain a system of records and not to publish the prescribed public notice. Any officer or employee of the Agency found guilty of such misconduct shall be fined not more than \$5,000.

(3) *Obtaining records under false pretenses.* The Act makes it a criminal offense to knowingly and willfully request or gain access to a record about an individual under false pretenses. Any person found guilty of such an offense may be fined not more than \$5,000.

#### § 505.13 General exemptions (Subsection (j)).

(a) General exemptions are available for systems of records which are maintained by the Central Intelligence Agency (Subsection (j)(1)), or maintained by an agency which performs as its principal function any activity pertaining to the enforcement of the criminal laws (Subsection (j)(2)).

(b) The Act does not permit general exemption of records compiled primarily for a noncriminal purpose, even though there are some quasi-criminal aspects to the investigation and even though the records are in a system of records to which the general exemption applies.

#### § 505.14 Specific exemptions (Subsection (k)).

The specific exemptions focus more on the nature of the records in the systems of records than on the agency. The following categories of records may be exempt from disclosure:

(a) *Subsection (k)(1).* Records which are specifically authorized under criteria established under an Executive Order to be kept secret in the interest of national defense or foreign policy, and which are in fact properly classified pursuant to such Executive Order;

(b) *Subsection (k)(2).* Investigatory records compiled for law enforcement purposes (other than material within the

scope of subsection (j)(2) as discussed in § 505.13(a). If any individual is denied any right, privilege, or benefit for which she/he would otherwise be eligible, as a result of the maintenance of such material, the material shall be provided to the individual, unless disclosure of the material would reveal the identity of a confidential source;

(c) *Subsection (k)(3)*. Records maintained in connection with protection of the President and other VIPs accorded special protection by statute;

(d) *Subsection (k)(4)*. Records required by statute to be maintained and used solely as statistical records;

(e) *Subsection (k)(5)*. Records compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only if disclosure of the material would reveal the identity of a confidential source that furnished information to the Government;

(f) *Subsection (k)(6)*. Testing or examination records used solely to determine individual qualifications for appointment or promotion in the Federal service when the disclosure of such would compromise the objectivity or fairness of the testing or examination process;

(g) *Subsection (k)(7)*. Evaluation records used to determine potential for promotion in the armed services, but only if disclosure would reveal the identity of a confidential source.

(h) *Records of other agencies* Any Agency record system which contains information originated by another agency whose record system is exempt from certain provisions of the Act will not be disclosed by USIA. (See § 505.13, General Exemptions.)

#### **§ 505.15 Exempt systems of records used.**

USIA is authorized to use exemptions (k)(1), (k)(2), (k)(4), (k)(5), and (k)(6). The following Agency components currently maintain exempt systems of records under one or more of these specific exemptions: Executive Secretariat; Educational and Cultural Exchange Program; Legal Files; Privacy Act and Freedom of Information Act Files; Employee Grievance Files; Recruitment Records; Employee Master Personnel Records; Foreign Service Selection Board Files; Employee Training Files; Personnel Security and Integrity Records; International Broadcasting Bureau Director's Executive Secretariat Files; and International Broadcasting Bureau Employee Personnel Files. (See Appendix I—Prefatory Statement of

General Routine Uses, 55 FR 31977, Aug. 6, 1990.)

Les Jin,

General Counsel.

[FR Doc. 96-24783 Filed 9-27-96; 8:45 am]

BILLING CODE 8230-01-M

## **DEPARTMENT OF JUSTICE**

### **28 CFR Part 74**

[AG Order No. 2056-96]

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: Final rule.

**SUMMARY:** The Department of Justice ("Department") hereby adopts 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 or a country with which the United States was at war 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.

**EFFECTIVE DATE:** September 30, 1996.

**FOR FURTHER INFORMATION CONTACT:** Tink D. Cooper or Emlei M. Kuboyama, Office of Redress Administration, Civil Rights Division, U.S. Department of Justice, PO Box 66260, Washington, DC 20035-6260; (888) 219-6900 (voice) (toll-free) or (202) 219-4710 (TDD).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

The Civil Liberties Act of 1988, Pub. L. 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. 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, and 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 the Office of Redress Administration (ORA) in the Civil Rights Division to carry out the execution of the responsibilities and duties under the Act. The regulations governing eligibility and restitution were drafted by ORA and published under the authority of the Justice