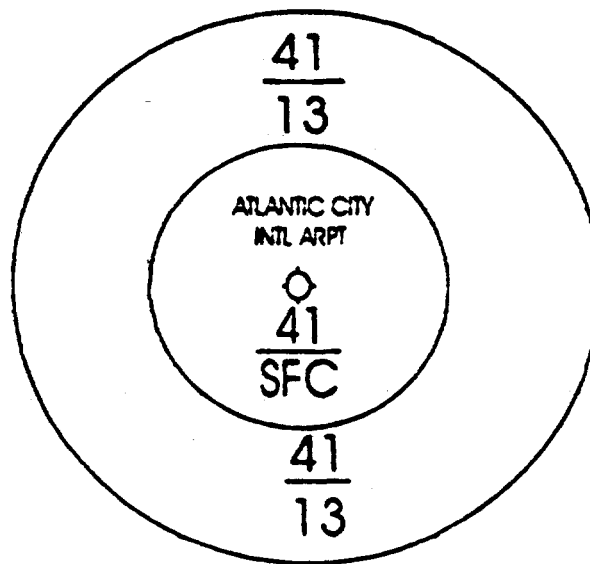


ATLANTIC CITY, NJ CLASS C AIRSPACE AREA

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DEPARTMENT OF THE TREASURY**Customs Service****19 CFR Part 162**

[T.D. 96-6]

RIN 1515-AB72

Search Warrants

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by removing a regulation limiting the authority of Customs officers to whom search warrants are issued. The current regulation restricts such officers from removing letters, documents and other records in certain circumstances. The regulation is inconsistent with the current state of the law.

EFFECTIVE DATE: February 5, 1996.

FOR FURTHER INFORMATION CONTACT: Lars-Erik Hjelm, Office of the Chief Counsel, at 202-927-6900.

SUPPLEMENTARY INFORMATION:**Background**

Section 162.14 of the Customs Regulations (19 CFR 162.14) provides that Customs officers to whom a search warrant is issued may not remove letters, other documents and records during the execution of the warrant, unless such letters, other documents and records are instruments of crime which are seized pursuant to a lawful arrest. When it was drafted, the statutory basis for this regulation was found in section 595 of the Tariff Act of 1930 (19 U.S.C. 1595). Until 1986, section 595 only authorized Customs to obtain warrants for merchandise.

In 1986, section 595 was expanded to allow Customs to seize ". . . any document . . . which is evidence of a violation . . . of any . . . law enforced or administered by the United States Customs Service." Pub. L. 99-570, Title III, § 3122, 100 Stat. 3207-87.

In addition to section 595, section 589 of the Tariff Act of 1930 (19 U.S.C. 1589a(2)), provides expanded authority for Customs officers with warrants to seize documents. Section 589 provides Customs officers with authority to execute and serve any warrant issued under the authority of the United States. As a search warrant issued under Rule 41 of the Federal Rules of Criminal Procedure (Fed. R. Crim. P., Rule 41, 18 U.S.C. App.) can now be issued for, among other things, documents constituting evidence of crimes (See *United States v. Thompson*, 495 F. 2d

165 (D.C. Cir 1974); *United States v. Michaelian*, 803 F. 2d 1042 (9th Cir. 1986)), it is clear that section 589 read in conjunction with Rule 41 provides Customs officers with authority to search for and seize documentary evidence. Further, the Supreme Court has made it clear that officers may seize incriminating evidence during the course of a lawful search. *Horton v. California*, 496 U.S. 128 (1990).

Inasmuch as section 162.14 of the Customs Regulations, no longer reflects the state of the law regarding the search and seizure authority of Customs officers, Customs proposed removing the regulation in a Notice of Proposed Rulemaking published in the Federal Register on July 12, 1995 (60 FR 35881). A correction document regarding the notice was published in the Federal Register (60 FR 37856) on July 24, 1995.

Determination

No comments were received in response to the Notice of Proposed Rulemaking. After further review, Customs has determined to proceed with the removal of section 162.14, Customs Regulations (19 CFR 162.14).

Regulatory Flexibility Act and Executive Order 12866

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and based upon the information set forth above, it is certified that the removal of § 162.14 will not have a significant economic impact on a substantial number of small entities. Accordingly, the amendment is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

This document does not meet the criteria for a "significant regulatory action" as specified in Executive Order 12866.

Drafting Information

The principal author of this document was Janet L. Johnson, Regulations Branch. However, personnel from other offices participated in its development.

List of Subjects in Part 162

Administrative practice and procedure, Customs duties and inspection, Drug traffic control, Exports, Law enforcement, Marijuana, Penalties, Reporting and recordkeeping requirements, Search warrants, Seizures and forfeitures.

Amendment to the Regulations

For the reasons set forth in the preamble, part 162 of the Customs Regulations is amended as set forth below.

PART 162—RECORDKEEPING, INSPECTION, SEARCH AND SEIZURE

1. The general authority for part 162 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1624.

§ 162.14 [Removed]

2. Section 162.14 is removed. William F. Riley, Acting Commissioner of Customs.

Approved: December 28, 1995.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 96-133 Filed 1-3-96; 8:45 am]

BILLING CODE 4820-02-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****21 CFR Part 510****New Animal Drugs; Change of Sponsor Name and Address**

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor name and address from American Cyanamid Co. to American Cyanamid, Division of American Home Products.

EFFECTIVE DATE: January 4, 1996.

FOR FURTHER INFORMATION CONTACT: Thomas J. McKay, Center for Veterinary Medicine (HFV-102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-0213.

SUPPLEMENTARY INFORMATION: American Cyanamid Co., Berdan Ave., Wayne, NJ 07470, has informed FDA of a change of sponsor name and address to American Cyanamid, Division of American Home Products, P.O. Box 1339, Fort Dodge, IA 50501. Accordingly, the agency is amending the regulations in 21 CFR 510.600(c)(1) and (c)(2) to reflect the change of sponsor name and address.

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 510 is amended as follows: