

## INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

### U.S. Agency for International Development

#### 22 CFR Part 228

RIN 0412-AA28

#### Rules on Source, Origin and Nationality for Commodities and Services Financed by the Agency for International Development; Correction

**AGENCY:** United States Agency for  
International Development (USAID),  
IDCA.

**ACTION:** Correction to final regulations.

**SUMMARY:** This document contains  
corrections to final regulations (22 CFR  
Part 228) which were published  
Tuesday, October 15, 1996 (61 FR  
53615). The regulations cover USAID's  
rules on source, origin and nationality  
for commodities and services financed  
by USAID.

**EFFECTIVE DATE:** January 3, 1997.

#### FOR FURTHER INFORMATION CONTACT:

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Procurement, Procurement Policy  
Division (M/OP/P), USAID, Room  
1600A, SA-14, Washington, DC 20523-  
1435. Telephone (703) 875-1534,  
facsimile (703) 875-1243.

**SUPPLEMENTARY INFORMATION:** The final  
rule that is the subject of these  
corrections was effective on November  
14, 1996.

#### Need for Correction

As published, the final rule contains  
errors which may prove to be  
misleading and are in need of  
correction.

#### Correction of Publication

Accordingly, the publication on  
October 15, 1996 of the final rule, which  
were the subject of FR Doc. 96-26246,  
is corrected as follows:

#### § 228.11(b) [Corrected]

1. On page 53618, in the first column,  
in § 228.11, paragraph (b) is corrected by  
removing "non-Free World" and putting  
"foreign policy restricted" in its place.

#### § 228.13 [Corrected]

2. On page 53618, in the second  
column, in § 228.13, paragraph (b) is  
corrected by deleting the fifth sentence,  
which begins on line 23 of the  
paragraph.

#### § 228.14 [Corrected]

3. On page 53628, in the third  
column, in § 228.14, paragraph (c)(2) is  
corrected by deleting "Deputy Assistant

Administrator for Management (DAA/  
M)" and putting "Procurement  
Executive" in its place.

#### § 228.22 [Corrected]

4. On page 53619, in the second  
column, in § 228.22, paragraph (d), the  
word "agreement" at the end of the  
paragraph is corrected to read  
"agreements".

#### § 228.37 [Corrected]

5. On page 53621, in the first column,  
in § 228.37, paragraph (b), line nine is  
corrected by adding the word "Director"  
after "Mission".

#### § 228.51 [Corrected]

6. On page 53622, in the first column,  
in § 228.51, paragraph (c) is corrected by  
adding: "In no event, however, shall  
procurement be from a non-Code 935  
source." at the end of the paragraph.

Dated: December 13, 1996.  
Marcus L. Stevenson,  
*Procurement Executive.*  
[FR Doc. 97-63 Filed 1-2-97; 8:45 am]  
BILLING CODE 6116-01-M

## DEPARTMENT OF JUSTICE

### 28 CFR Part 9

[AG ORDER No. 2064-96]

RIN 1105-AA23

#### Revision of Regulations Governing the Remission or Mitigation of Civil and Criminal Forfeitures

**AGENCY:** Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** This order amends and adopts  
rules that govern the processing of  
petitions for remission and mitigation of  
forfeitures by the Criminal Division, the  
Drug Enforcement Administration, the  
Federal Bureau of Investigation, the  
Immigration and Naturalization Service,  
and the United States Marshals Service  
of the Department of Justice. The  
amendments are made in an effort to  
ameliorate the harsh results in  
individual forfeiture cases and to  
provide relief to innocent persons  
whose property is used by others for  
criminal purposes.

**EFFECTIVE DATE:** February 3, 1997.

**FOR FURTHER INFORMATION CONTACT:**  
Nancy L. Rider, Deputy Chief, Asset  
Forfeiture and Money Laundering  
Section, Criminal Division, Department  
of Justice, Washington, DC 20530,  
telephone (202) 514-1263. This is not a  
toll-free number.

## SUPPLEMENTARY INFORMATION:

### Background

This order amends 28 CFR part 9  
primarily so the Department can transfer  
forfeited assets to victims of the offense  
or related offenses underlying particular  
forfeiture actions. Under the current  
regulations, standing to seek remission  
or mitigation is limited to parties having  
a present legally cognizable interest in  
the forfeited property (e.g., owners,  
lienholders), and unless a particular  
victim has such an interest, forfeited  
assets cannot be used to restore property  
to those victimized by the criminal  
conduct. The amendments permit the  
Department to transfer certain forfeited  
assets to victims of certain fraud-type  
offenses who lack a present ownership  
interest in particular forfeited assets but  
who are victims of the offense  
underlying the forfeiture or related  
offense where the applicable statutes  
allow such a transfer. These regulations  
also clarify certain ambiguities in the  
present regulations pertaining to who  
has standing to file petitions for  
remission. The notice of proposed  
rulemaking for these regulations was  
published in the Federal Register on  
June 29, 1994 (59 FR 33457).

### Comments

The Department received five  
comments during the comment period  
that ended July 29, 1994. Three of the  
comments pertained to issues relating to  
the use of remission to transfer seized  
and forfeited property to victims of the  
criminal or criminal conduct. Two of  
the comments concerned the manner in  
which victims' interests are treated  
under the new regulations. The purpose  
of remission is not to effect restitution  
to all victims of crime, but rather to  
ameliorate the hardship that may result  
from forfeiture to those who (i) have an  
ownership interest in the property, and  
(ii) others who, even though they do not  
have a cognizable interest in the  
property, have incurred a monetary loss  
as a result of the same underlying or  
related criminal offense and who are  
uninvolved in or unaware of the  
underlying criminal activity that  
resulted in the forfeiture. Restitution, on  
the other hand, a remedy that is often  
confused with remission, is available as  
an equitable remedy designed to make  
parties whole and to prevent unjust  
enrichment.

The Department believes the  
definition of victim for purposes of the  
relevant statutes is included in the  
definition of an owner as found at  
section 9.2(1), where the victim has a  
legally cognizable interest in the  
forfeited property. Victims who do not