

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:

Kathleen J. O'Hara, Office of 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