

form, SSA-131, OMB Number 0960-0566, to collect the additional information needed to correctly adjust benefits in special wage payment situations.

(Catalog of Federal Domestic Assistance Program Nos. 96.001 Social Security—Disability Insurance; 96.002 Social Security—Retirement Insurance; 96.004 Social Security—Survivors Insurance)

#### List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Blind, Disability benefits, Old-Age, Survivors and Disability Insurance, Reporting and recordkeeping requirements, Social security.

Dated: March 10, 1997.

**John J. Callahan,**

*Acting Commissioner of Social Security.*

For the reasons set out in the preamble, part 404 of chapter III of title 20 of the Code of Federal Regulations is amended as follows:

#### PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE

1. The authority citation for subpart E of part 404 continues to read as follows:

**Authority:** Secs. 202, 203, 204 (a) and (e), 205 (a) and (c), 222(b), 223(e), 224, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 403, 404 (a) and (e), 405 (a) and (c), 422(b), 423(e), 424a, 425, and 902(a)(5)).

2. Section 404.452 is amended by revising paragraphs (a)(1) and (a)(2), revising the last sentence of paragraph (b), and revising paragraph (d) to read as follows:

#### § 404.452 Reports to Social Security Administration of earnings; wages; net earnings from self-employment.

(a) \* \* \*

(1) The individual attained the age of 70 in or before the first month of entitlement to benefits in the taxable year, or

(2) The individual's benefit payments were suspended under the provisions described in § 404.456 for all months in a taxable year in which the individual was entitled to benefits and was under age 70.

(b) \* \* \* The filing of an income tax return or a form W-2 with the Internal Revenue Service may serve as the report required to be filed under the provisions of this section where the income tax return or form W-2 shows the same wages and net earnings from self-employment that must be reported to the Administration under this section.

\* \* \* \* \*

(d) *Information to be provided to us.* The report should show the name and social security claim number of the

beneficiary about whom the report is made; identify the taxable year for which the report is made; show the total amount of wages for which the beneficiary rendered services during the taxable year (if applicable), the amount of net earnings from self-employment for such year (if applicable); and show the name and address of the individual making the report. To overcome the presumption that the beneficiary rendered services for wages exceeding the allowable amount and rendered substantial services in self-employment in each month (see § 404.435), we must also be told the specific months in which the beneficiary did not render services in employment for wages of more than the allowable amount (as described in § 404.435) and did not render substantial services in self-employment (as described in §§ 404.446 and 404.447).

\* \* \* \* \*

[FR Doc. 97-8271 Filed 4-1-97; 8:45 am]

BILLING CODE 4190-29-P

#### DEPARTMENT OF THE INTERIOR

#### Bureau of Indian Affairs

#### 25 CFR Part 12

RIN 1076-AD56

#### Indian Country Law Enforcement

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Indian Affairs is establishing standards for Bureau of Indian Affairs (BIA) and tribal law enforcement programs receiving Federal funding or performing duties using a Federal law enforcement commission. These regulations will ensure that law enforcement, crime prevention and recidivism reduction programs are implemented and maintained in a constitutionally sound manner and comply with the Indian Law Enforcement Reform Act of 1990, Public Law 101-379 (25 U.S.C. 2801 *et seq.*).

**EFFECTIVE DATE:** These regulations take effect on May 2, 1997.

**FOR FURTHER INFORMATION CONTACT:** The Director, Office of Law Enforcement Services at (505) 248-7937.

**SUPPLEMENTARY INFORMATION:** The authority to issue rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes, 25 U.S.C. 2 and 9.

Indian Police and Detention Standards regulations were published in 1975 and 1976, respectively, and have not been updated. See 25 CFR Part 12. In 1990, the Indian Law Enforcement Reform Act (Pub. L. 101-379, 25 U.S.C. 2801 *et seq.*) specified changes for the Bureau of Indian Affairs and tribal law enforcement and detention programs to be implemented as rules by the Secretary of the Interior who was given the overall responsibility for providing or assisting in the provision of law enforcement services in Indian country as defined in 18 U.S.C. 1151. Law enforcement appears in Part 12, and Detention and Rehabilitation appears in Part 10, Chapter I of Title 25 Code of Federal Regulations.

The Office of Law Enforcement Services, Bureau of Indian Affairs, is updating and revising the Bureau of Indian Affairs Manual (BIAM), and accompanying operational handbooks that provide policy, procedures, guidelines and standards for all law enforcement programs. The manual and accompanying handbooks will be available to program managers and supervisors, the public, other agencies, and law enforcement officers or investigators. Self-governance tribes with compacts or other tribal entities with enforcement jurisdiction other than the Bureau of Indian Affairs or contracts are encouraged to use the manuals and handbooks for guidance in developing or maintaining their own programs. The Indian Country Detention Facilities and Programs manuals and handbooks may be found in Chapter 69 Bureau of Indian Affairs Manual (BIAM) including an inmate handbook for all individuals who are incarcerated in a BIA or tribal detention facility.

#### Review of Public Comments

The Nez Perce Tribe expressed several concerns with the proposed rule, many relating to their anticipated contracting of their law enforcement program under self-determination. This rule will not change BIA's relationship with a tribe or any tribe's ability to self-govern. This rule implements the Indian Law Enforcement Reform Act (Pub. L. 101-379) and suggests minimal professional standards for law enforcement officers.

Each of the Nez Perce Tribe's comments are addressed here:

The tribe believes the local superintendent or chief law

enforcement officer should supervise the criminal investigator. Title 25 U.S.C. 2802 stipulates that all BIA criminal investigators must be supervised only by other law enforcement officers of the Division of Law Enforcement. The U.S. Department of Justice has expressed its support for this concept. This does not affect any tribal or contracted criminal investigator, as they are supervised locally.

The tribe feels the minimum guidelines do not ensure the best or most adequate police protection. We agree. They are only the *minimum* standards required for an officer commissioned by or operating under a contract with the BIA. Tribes are encouraged to create their own standards that exceed BIA standards if they desire. Tribes who have contracted their program under self-determination procedures may still determine their own needs and adopt policies reflecting these needs, and adhering to these minimum professional standards should not interfere with that process in any way. This rule only establishes the minimum standards for training and qualifications which should be expected of any professional law enforcement program. This is analogous to any of the 50 United States, which have all adopted minimum standards for their Police Officer Standards and Training (POST) organizations. While each municipality within a State has total control over its own police department, any law enforcement officer employed in that department must meet at least the minimum standards established by that State's POST commission. This rule serves a similar purpose.

The tribe expressed concern that performance, not compliance, should be the basis for denying or rejecting funding for law enforcement programs. We believe the two concepts are directly related. It would not be reasonable to expect an untrained or otherwise unqualified law enforcement officer to perform his/her duties at an adequate level. Local community residents should certainly expect officers working in their community to be professional and to meet at least these minimum standards.

The tribe asks for specifics on how the BIA will interpret tribal law. This rule requires tribal permission for BIA officers to enforce tribal law, and encourages local arrangements and agreements. We firmly believe these decisions should be made at the local level whenever possible.

The tribe expressed its belief that tribes should manage their own budgets. We agree, and nothing in this rule would prevent that.

The tribe commented on the requirement for a successful background investigation on law enforcement officers by indicating tribes should be able to make law enforcement program decisions based on their own unique needs. We agree, but do not believe that should include employing a law enforcement officer with a criminal history or who is otherwise unsuitable as a law enforcement officer. We believe the successful completion of a background investigation is an entirely reasonable requirement for any law enforcement officer in any jurisdiction. Again, this reflects similar standards adopted by all 50 United States, and mirrors requirements in the Reform Act. The Department of Justice has expressed its support for this concept, and included this requirement in the agreement between the Attorney General and Secretary of the Interior regarding the investigation and prosecution of crime in Indian country.

The tribe expressed a belief that any reasonable code of conduct can work, but it must be enforced consistently. We agree.

The tribe stated its belief that BIA should monitor officer misconduct; that if the tribe is the supervisor, it must have the ability to impose sanctions for misconduct; and that BIA should provide investigative assistance and support. We agree with the tribe on these issues and this rule supports the tribe fully in this regard.

Many of the tribe's comments are directed at some of the basic concepts of the Indian Law Enforcement Reform Act, specifically establishment of standards for law enforcement officers and procedures for the professional supervision of BIA criminal investigators. BIA is extremely sensitive to these concerns and will continue to work closely with all tribes on a government-to-government basis on law enforcement and other issues.

#### **Evaluation and Certification**

##### *Executive Order 12988*

The Department has determined that this rule meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988.

##### *Executive Order 12866*

This rule is not a significant regulatory action under Executive Order 12866.

##### *Regulatory Flexibility Act*

This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

##### *Executive Order 12630*

The Department has determined that this rule does not have significant takings implications. The rule does not pertain to "taking" of private property interests, nor does it affect private property.

##### *Executive Order 12612*

The Department has determined that this rule does not have significant federalism effects because it pertains solely to Federal-tribal relations and will not interfere with the roles, rights and responsibilities of states.

##### *NEPA Statement*

The Department has determined that this rule does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required pursuant to the National Environmental Policy Act of 1969.

##### *Unfunded Mandates Act of 1995*

This rule imposes no unfunded mandates on any governmental or private entity and is in compliance with the provisions of the Unfunded Mandates Act of 1995.

##### *Paperwork Reduction Act of 1995*

This rule has been examined under the Paperwork Reduction Act of 1995 and has been found to contain no information collection requirements.

Drafting Information: The primary author of this document is Mark Mullins, Bureau of Indian Affairs, Office of Law Enforcement Services.

#### **List of Subjects in 25 CFR Part 12**

Indians—residential and holding facilities, Law enforcement.

For the reasons given in the preamble Part 12, Chapter I of Title 25 of the Code of Federal Regulations is revised to read as follows:

### **PART 12—INDIAN COUNTRY LAW ENFORCEMENT**

#### **Subpart A—Responsibilities**

Sec.

- 12.1 Who is responsible for the Bureau of Indian Affairs law enforcement function?
- 12.2 What is the role of the Bureau of Indian Affairs Director of Law Enforcement Services?
- 12.3 Who supervises Bureau of Indian Affairs criminal investigators?
- 12.4 Who Supervises the Bureau of Indian Affairs uniformed police, detention, and conservation enforcement functions?

#### **Subpart B—Policies and Standards**

- 12.11 Do I have to follow these regulations?
- 12.12 What about self-determination?
- 12.13 What happens if I do not follow the rules in this part?

- 12.14 Where can I find specific policies and standards for law enforcement functions in Indian country?

#### **Subpart C—Authority and Jurisdiction**

- 12.21 What authority is given to Indian country law enforcement officers to perform their duties?
- 12.22 Can Bureau of Indian Affairs law enforcement officers enforce tribal laws?
- 12.23 What are the jurisdictional limits in Indian country?

#### **Subpart D—Qualifications and Training Requirements**

- 12.31 Are there any minimum employment standards for Indian country law enforcement personnel?
- 12.32 Do minimum employment standards include a background investigation?
- 12.33 Are Indian country law enforcement officers paid less than other law enforcement officers?
- 12.34 Do minimum salaries and position classifications apply to a tribe that has contracted or compacted law enforcement under self-determination?
- 12.35 Do Indian country law enforcement officers complete any special training?
- 12.36 Does other law enforcement training count?

#### **Subpart E—Records and Information**

- 12.41 Who keeps statistics for Indian country law enforcement activities?
- 12.42 Do Indian country law enforcement programs share information with their own communities or other agencies?

#### **Subpart F—Conduct**

- 12.51 Must Indian country law enforcement officers follow a code of conduct?
- 12.52 How do I report misconduct?
- 12.53 Who investigates officer misconduct?
- 12.54 What can I do if I believe my civil rights have been violated?
- 12.55 Are there any limits on how much force an officer can use when performing law enforcement duties?

#### **Subpart G—Support Functions**

- 12.61 Can I be paid for information that helps solve a crime?
- 12.62 Who decides what uniform an Indian country law enforcement officer can wear and who pays for it?
- 12.63 Do Indian country law enforcement officers perform other duties as well?

**Authority:** 5 U.S.C. 301; 25 U.S.C. 2, 9, 13, 2417, 2453, and 2802.

#### **Subpart A—Responsibilities**

##### **§ 12.1 Who is responsible for the Bureau of Indian Affairs law enforcement function?**

The Commissioner of Indian Affairs, or in the absence of a Commissioner, the Deputy Commissioner, is responsible for Bureau of Indian Affairs-operated and contracted law enforcement programs, and for overall policy development and implementation of the Indian Law Enforcement Reform Act, Public Law 101-379 (25 U.S.C. 2801 *et seq.*).

##### **§ 12.2 What is the role of the Bureau of Indian Affairs Director of Law Enforcement Services?**

The Director of the Office of Law Enforcement Services for the Bureau of Indian Affairs (Director) has been delegated the responsibility for the development of law enforcement and detention policies, standards, and management of all Bureau of Indian Affairs (BIA) criminal investigations, drug enforcement, training, internal affairs, inspection and evaluation, emergency response forces, and other national level Indian country law enforcement initiatives. The Director publishes these policies and standards in law enforcement manuals and handbooks. The Director is also directly responsible for developing crime prevention and outreach programs within Indian country law enforcement.

##### **§ 12.3 Who supervises Bureau of Indian Affairs criminal investigators?**

All BIA criminal investigators are supervised by other criminal investigators within the Office of Law Enforcement Services.

##### **§ 12.4 Who supervises the Bureau of Indian Affairs uniformed police, detention, and conservation enforcement functions?**

The agency superintendent is directly responsible for the operation and management of BIA uniformed police operations, detention facilities, and conservation enforcement operations at any agency having these programs. The agency superintendent must also ensure technical support is provided to any agency contracting the law enforcement and/or detention program.

#### **Subpart B—Policies and Standards**

##### **§ 12.11 Do I have to follow these regulations?**

You must follow the minimum standards outlined in the regulations in this part if you are part of a BIA or tribal law enforcement program receiving Federal funding or operating under a BIA law enforcement commission.

##### **§ 12.12 What about self-determination?**

The regulations in this part are not intended to discourage contracting of Indian country law enforcement programs under the Indian Self-determination and Education Assistance Act (Pub. L. 93-638, as amended, 25 U.S.C. 450). The Deputy Commissioner of Indian Affairs will ensure minimum standards are maintained in high risk activities where the Federal government retains liability and the responsibility for settling tort claims arising from contracted law enforcement programs. It is not fair to law abiding citizens of

Indian country to have anything less than a professional law enforcement program in their community. Indian country law enforcement programs that receive Federal funding and/or commissioning will be subject to a periodic inspection or evaluation to provide technical assistance, to ensure compliance with minimum Federal standards, and to identify necessary changes or improvements to BIA policies.

##### **§ 12.13 What happens if I do not follow the rules in this part?**

Your BIA law enforcement commission may be revoked, your law enforcement contract may be canceled, and you may no longer be eligible for tribal shares allocated from the law enforcement budget.

##### **§ 12.14 Where can I find specific policies and standards for law enforcement functions in Indian country?**

BIA will ensure that all Indian country law enforcement programs are provided a copy of the most current policy manuals and handbooks. Every Indian country law enforcement program covered by the regulations in this part must maintain an effective and efficient law enforcement program meeting minimal qualitative standards and procedures specified in Chapter 68 Bureau of Indian Affairs Manual (BIAM) and the Law Enforcement Handbook.

#### **Subpart C—Authority and Jurisdiction**

##### **§ 12.21 What authority is given to Indian country law enforcement officers to perform their duties?**

BIA law enforcement officers are commissioned under the authority established in 25 U.S.C. 2803. BIA may issue law enforcement commissions to other Federal, State, local and tribal full-time certified law enforcement officers to obtain active assistance in enforcing applicable Federal criminal statutes, including Federal hunting and fishing regulations, in Indian country.

(a) BIA will issue commissions to other Federal, State, local and tribal full-time certified law enforcement officers only after the head of the local government or Federal agency completes an agreement with the Commissioner of Indian Affairs asking that BIA issue delegated commissions. The agreement must include language that allows the BIA to evaluate the effectiveness of these special law enforcement commissions and to investigate any allegations of misuse of authority.

(b) Tribal law enforcement officers operating under a BIA contract or compact are not automatically

commissioned as Federal officers; however, they may be commissioned on a case-by-case basis.

**§ 12.22 Can Bureau of Indian Affairs law enforcement officers enforce tribal laws?**

BIA officers will enforce tribal laws only with the permission of the tribe. Local programs are encouraged to make arrangements and agreements with local jurisdictions to facilitate law enforcement objectives.

**§ 12.23 What are the jurisdictional limits in Indian country?**

The Department of the Interior and the Department of Justice must maintain and periodically review and update a memorandum of understanding describing the relationship between the Federal Bureau of Investigation and the Bureau of Indian Affairs in the investigation and prosecution of major crimes in Indian country. Any law enforcement programs performing duties under the authority of 25 U.S.C. 2803 must follow the guidelines in the memorandum of understanding and any local United States Attorney's guidelines for the investigation and prosecution of Federal crimes.

**Subpart D—Qualifications and Training Requirements**

**§ 12.31 Are there any minimum employment standards for Indian country law enforcement personnel?**

The Director must develop, maintain, and periodically review the qualification standards, including medical qualification standards, for all BIA law enforcement, detention, and conservation enforcement occupational series. The standards will be no less stringent than the minimum standards established by the U.S. Office of Personnel Management (OPM) for these occupational series, and may exceed the OPM standards. BIA standards are available for review at any BIA personnel office. All tribal programs are encouraged to develop standards at least as stringent as those established for BIA officers.

**§ 12.32 Do minimum employment standards include a background investigation?**

Law enforcement authority is only entrusted to personnel possessing adequate education and/or experience, training, aptitude, and high moral character. All Indian country law enforcement programs receiving Federal funding and/or authority must ensure that all law enforcement officers successfully complete a thorough background investigation no less stringent than required of a Federal

officer performing the same duties. The background investigations of applicants and employees must be adjudicated by trained and qualified security professionals. All background investigations must be documented and available for inspection by the Bureau of Indian Affairs.

**§ 12.33 Are Indian country law enforcement officers paid less than other law enforcement officers?**

An officer's pay is determined by his/her grade and classification. The Commissioner of Indian Affairs must ensure that all BIA law enforcement officer positions are established at no lower grade level on the Federal scale than similar Federal law enforcement officer positions in other agencies. No BIA position performing commissioned law enforcement duties will be classified in other than the GS 0083, police officer series, for uniformed officers and the GS 1811, criminal investigating series, for criminal investigators.

**§ 12.34 Do minimum salaries and position classifications apply to a tribe that has contracted or compacted law enforcement under self-determination?**

Any contract or compact with the BIA to provide law enforcement services for an Indian tribe must require a law enforcement officer to be paid at least the same salary as a BIA officer performing the same duties.

**§ 12.35 Do Indian country law enforcement officers complete any special training?**

Law enforcement personnel of any program funded by the Bureau of Indian Affairs must not perform law enforcement duties until they have successfully completed a basic law enforcement training course prescribed by the Director. The Director will also prescribe mandatory supplemental and in-service training courses.

**§ 12.36 Does other law enforcement training count?**

All requests for evaluation of equivalent training must be submitted to the Indian Police Academy for review, with final determination made by the Director. Requests for a waiver of training requirements to use personnel before completing the required courses of instruction must be submitted to the Director and approved or disapproved by the Commissioner of Indian Affairs. In no case will such a waiver allow personnel to be used in any position for more than one year without achieving training standards. Failure to complete basic training requirements will result in removal from a law enforcement position.

**Subpart E—Records and Information**

**§ 12.41 Who keeps statistics for Indian country law enforcement activities?**

The Director maintains a criminal justice information system for Indian country. The Director will prescribe the types of data to be collected and the reporting format to be used to collect information and assemble reports on crime reported in Indian country. These reports may be provided to the Department of Justice. Any law enforcement program receiving funding from the BIA must use the same reporting format and submit the same statistical reports to the Office of Law Enforcement Services as prescribed by the Director and as are required of all BIA law enforcement programs.

**§ 12.42 Do Indian country law enforcement programs share information with their own communities or other agencies?**

At intervals established by the Director, each BIA criminal investigations program, and any investigations program receiving BIA funds will consult with local tribal leaders and managers of local patrol and detention programs. They will discuss the quality of the local investigations program and offer feedback and technical assistance. There will be no requirement to disclose confidential investigative information or to compromise ongoing investigations during this process.

**Subpart F—Conduct**

**§ 12.51 Must Indian country law enforcement officers follow a code of conduct?**

All law enforcement programs receiving Bureau of Indian Affairs funding or commissioning must establish a law enforcement code of conduct which establishes specific guidelines for conduct on and off duty, impartiality, and professional conduct in the performance of duty, and acceptance of gifts or favors. Each officer must acknowledge in writing receiving and understanding of this code of conduct. The acknowledgment will remain on file with the law enforcement program manager as long as the officer is employed there. Training will be conducted on this code of conduct and other ethics issues at least once each year.

**§ 12.52 How do I report misconduct?**

The Director will develop and maintain a reporting system that allows any resident of or visitor to Indian country to report officer misconduct. Each law enforcement program in Indian country will maintain

instructions on how to register a complaint. An overview of these steps must be posted for public viewing at each law enforcement facility in Indian country.

**§ 12.53 Who investigates officer misconduct?**

The Director, Office of Law Enforcement Services maintains an internal affairs program that investigates all allegations of misconduct by BIA officers, and any officer receiving funding and/or authority from the BIA. All allegations of misconduct must be thoroughly investigated and appropriate action taken when warranted. Any person having knowledge of officer misconduct must report that information to the officer's supervisor. The supervisor must immediately report allegations to the internal affairs unit. Depending upon the severity of the allegation, the matter may be dealt with locally or it will be investigated by the internal affairs unit. Failure of any BIA employee to report known allegations may be considered misconduct in itself. Citizens may report officer misconduct directly to the internal affairs unit if that is more practical.

**§ 12.54 What can I do if I believe my civil rights have been violated?**

All allegations of civil rights violations must be reported immediately to the internal affairs unit. That office will ensure that allegations are immediately reported to the Civil Rights Division of the U. S. Department of Justice through established procedures. BIA's internal affairs unit may also investigate the matter and make recommendations for additional action as necessary.

**§ 12.55 Are there any limits on how much force an officer can use when performing law enforcement duties?**

The Director will develop and maintain the use of force policy for all BIA law enforcement personnel, and for programs receiving BIA funding or authority. Training in the use of force, to include non-lethal measures, will be provided annually. All officers will successfully complete a course of instruction in firearms, to include judgement pistol shooting, approved by the Indian Police Academy before carrying a firearm on or off duty.

**Subpart G—Support Functions**

**§ 12.61 Can I be paid for information that helps solve a crime?**

The Director can spend money to purchase evidence or information, or to offer a reward, in the investigation of a crime. This is subject to the availability

of funds. This authority may be delegated in writing to supervisory criminal investigators within the Office of Law Enforcement Services in the BIA. The Director must develop policies and procedures for the expenditure, control, and audit of these funds before their use.

**§ 12.62 Who decides what uniform an Indian country law enforcement officer can wear and who pays for it?**

Each local law enforcement program must establish its own uniform requirements for patrol and detention personnel. Uniformed BIA police officers may be paid an annual uniform allowance not to exceed \$400. Local programs may provide uniforms and related equipment to officers in lieu of this payment. All law enforcement officers must also have their official identification on their person at all times when performing law enforcement duties. Uniforms, when worn, will be plainly distinguishable from the uniforms of any non-law enforcement personnel working on the reservation.

**§ 12.63 Do Indian country law enforcement officers perform other duties as well?**

Law enforcement commissions will only be issued by the Bureau of Indian Affairs to persons occupying positions as full-time officers. Bureau of Indian Affairs funded or commissioned criminal investigators will not be responsible for supervising or managing any patrol, detention, or other uniformed police programs.

Dated: March 24, 1997.

**Ada E. Deer,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 97-8341 Filed 4-1-97; 8:45 am]

BILLING CODE 4310-02-P

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**DEPARTMENT OF DEFENSE**

**Department of the Navy**

**32 CFR Part 701**

[Secretary of the Navy Instruction 5211.5]

**Privacy Program**

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending three exemption rules. The administrative amendments consist of deleting the exemption rule for N04385-1 (system was consolidated into N05041-1); changing the system name of N05520-5; and changing the system identifier for N04385-2 to N05512-2 and deleting subsections (k)(5), (k)(6), and (k)(7) from the exemption rule.

**EFFECTIVE DATE:** April 2, 1997.

**ADDRESSES:** Send comments to the Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations (N09B30), 2000 Navy Pentagon, Washington, DC 20350-2000.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Doris Lama at (202) 685-6545 or DSN 325-6545.

**SUPPLEMENTARY INFORMATION:**

**Executive Order 12866.** It has been determined that this Privacy Act rule for the Department of Defense does not constitute 'significant regulatory action'. Analysis of the rule indicates that it does not have an annual effect on the economy of \$100 million or more; does not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; does not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866 (1993).

**Regulatory Flexibility Act.** It has been determined that this Privacy Act rule for the Department of Defense does not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense.

**Paperwork Reduction Act.** It has been determined that this Privacy Act rule for the Department of Defense imposes no information requirements beyond the Department of Defense and that the information collected within the Department of Defense is necessary and consistent with 5 U.S.C. 552a, known as the Privacy Act of 1974.

The Department of the Navy is amending three exemption rules published in 32 CFR part 701, subpart G. The administrative amendments consist of deleting the exemption rule for N04385-1 (system was consolidated into N05041-1); changing the system name of N05520-5; and changing the system identifier for N04385-2 to N05512-2 and deleting subsections (k)(5), (k)(6), and (k)(7) from the exemption rule.

**List of Subjects in 32 CFR Part 701**

Privacy.

1. The authority citation for 32 CFR part 701, subpart G continues to read as follows:

**Authority:** Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a).