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## DEPARTMENT OF THE TREASURY

### Alcohol and Tobacco Tax and Trade Bureau

[TTB Notice No. 1; TTB O 1190.1]

#### Delegation Order—Deciding Requests Under the Freedom of Information Act and the Privacy Act; Authority To Decide Administrative Appeals Under the Freedom of Information Act and the Privacy Act

To: All Bureau Employees and All Interested Parties

1. *Purpose.* This order establishes responsibilities for making initial decisions on requests under the Freedom of Information Act (FOIA) and the Privacy Act (PA). It also delegates the authority to decide administrative appeals under the Freedom of Information Act, 5 U.S.C. 552, and the Privacy Act, 5 U.S.C. 552a.

2. *Background.* The Freedom of Information Act generally provides that any person has the right of access to Alcohol and Tobacco Tax and Trade Bureau (TTB) records, except to the extent that such records (or portions thereof) are protected from disclosure by a specific provision of the FOIA. The Privacy Act is both an access law and a non-disclosure law. Any individual (i.e. U.S. citizen or legal alien) who is the subject of a Privacy Act record or records maintained by the Bureau can request access to such records. The Privacy Act requires the Bureau to give access to their records unless the Bureau has exempted the entire system of records from the access provisions.

3. *Effective Date.* This order is effective January 24, 2003.

4. *Ratification.* In addition to section 1512(a) of the Homeland Security Act of 2002, Public Law 107-296, 116 Stat. 2135 (2002), this order affirms and ratifies any action taken that is consistent with this order.

5. *Delegation.*

a. The Chief, Regulations and Procedures Division is hereby delegated responsibility for making initial decisions on requests under the FOIA or PA and processing such requests.

b. The Assistant Administrator, Headquarters Operations is hereby delegated authority to decide administrative appeals under the

Freedom of Information Act, 5 U.S.C. 552, and the Privacy Act, 5 U.S.C. 552a.

6. *Coordination.* The Office of Chief Counsel is responsible for preparing proposed decisions on administrative appeals under the FOIA and PA for consideration of the Assistant Administrator, Headquarters Operations.

7. *Submission of FOIA Requests.* All FOIA requests for the Alcohol and Tobacco Tax and Trade Bureau should be sent to the following address: Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, 650 Massachusetts Avenue, NW., Room 5000, Washington, DC 20226.

8. *Redelegation.* The authorities delegated in this order may not be redelegated.

9. *Questions.* If you have a question about this order, contact the Chief, Regulations and Procedures Division (202-927-8210).

Arthur J. Libertucci,

Administrator.

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## DEPARTMENT OF THE TREASURY

### Alcohol and Tobacco Tax and Trade Bureau

[TTB Notice No. 2; TTB O 1130.1]

#### Delegation Order—Delegation of the Administrator's Authorities in 27 CFR

To: All Bureau Employees and All Interested Parties

1. *Purpose.* This order delegates certain authorities of the Administrator, Alcohol and Tobacco Tax and Trade Bureau (TTB) to subordinate TTB officers and prescribes the subordinate TTB officers with whom persons file documents.

2. *Background.* a. On November 25, 2002, the President signed into law the Homeland Security Act of 2002, Public Law 107-296, 116 Stat. 2135 (2002). The Homeland Security Act of 2002 divided the Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, into two separate agencies, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) in the Department of Justice, and the Tax and Trade Bureau (TTB) in the Department of the Treasury. This division of the former agency and division of its responsibilities into two new agencies took place 60 days after enactment of the Act on January 24, 2003.

b. The Homeland Security Act of 2002 provides that the newly established Tax

and Trade Bureau be headed by an Administrator. It also provides that the authorities, functions, personnel and assets of the Bureau of Alcohol, Tobacco and Firearms that are not transferred to the Department of Justice shall be retained within the Department of the Treasury and administered by the Tax and Trade Bureau.

c. Pursuant to the duties and powers established by the Homeland Security Act of 2002, the Administrator of TTB is authorized to administer and enforce Chapters 51 (relating to distilled spirits, wine and beer) and 52 (relating to tobacco products and cigarette papers and tubes) of title 26, U.S.C., the Internal Revenue Code of 1986, as amended, sections 4181 and 4182 (relating to the excise tax on firearms and ammunition) of the Internal Revenue Code of 1986, and title 27, United States Code (relating to alcohol).

d. In addition, Treasury Order No. 120-1 (Revised) dated January 24, 2003 established the Tax and Trade Bureau within the Department of the Treasury and designated it as the Alcohol and Tobacco Tax and Trade Bureau (TTB). It directed that the head of TTB is the Administrator who shall exercise the authorities, perform the functions, and carry out the duties of the Secretary in the administration and enforcement of the laws cited in paragraph 2 c above.

e. Treasury Order No. 120-1 also grants the Administrator of TTB all authorities delegated to the Director of the Bureau of Alcohol, Tobacco and Firearms in effect on January 23, 2003, that are related to the administration and enforcement of the laws specified in paragraph 2 c. In addition, it grants the Administrator full authority, powers, and duties to administer the affairs of and to perform the functions of TTB, including, without limitation, all management and administrative authorities and responsibilities similarly granted and assigned to Bureau Heads or Heads of Bureaus in Treasury Orders and Treasury Directives.

f. Treasury Order No. 120-1 provides that all regulations adopted on or before January 23, 2003 for the administration and enforcement of the laws cited in paragraph 2 c above shall continue in effect until superseded or revised.

g. Through this delegation order the Administrator of TTB intends to redelegate certain authorities of the Administrator in Title 27 of the Code of Federal Regulations (CFR) to subordinate TTB officers.

3. *Effective Date.* This order is effective January 24, 2003.

4. *Ratification.* In addition to section 1512(a) of the Homeland Security Act of 2002, this order affirms and ratifies any