Department of Commerce export control commodity number and commodity description	Unit	*Processing number	*Validated license required for country groups shown below	*GLV dollar value limits for shipments to country groups				*Special provisions list
				S	T	V	X	
86197 Control equipment specially designed for hot or cold isostatic presses (Export Control Commodity No. 71980) requiring a validated license to all Country Groups but not subject to the Import Certificate/Delivery Verification procedure. (Report electric or electronic control equipment in Export Control Commodity No. 72952.) (8) [11] [27]	....	412	STVWXYZ...	......	1,000	1,000	......	
86198 Industrial process instruments capable of operating or performing tests at temperatures below minus 202° F. (minus 130° C.); and specially designed parts, n.e.c. (10) [8]	....	412	STVWXYZ...	100	500	100	......	E-9.
86198 Centrifugal testing apparatus or equipment having any of the following characteristics: (a) Driven by a motor or motors having a total rated horsepower greater than 400 horsepower, (b) capable of carrying a payload of 250 pounds or more, or (c) capable of exerting a centrifugal acceleration of 8 or more g. on a payload of 200 pounds or more (specify by name); and specially designed parts. (11) [2] [38]	....	411	STVWXYZ...	......	500	100	......	A.
86198 Other centrifugal-action testing equipment (specify by name); and specially designed parts. (11) [2] [4]	....	412	STVWXYZ...	100	500	100	......	
86198 Testing equipment, including components and subassemblies, specially designed for use in the manufacture and assembly of communication, navigation, direction-finding, and radar equipment; and specially designed parts, n.e.c. (12) [36]	....	411	STVWXYZ...	......	500	......	......	A.
86198 Photographic exposure (light) meters, and parts. (15) [37]	....	218	SYZ........	500	......	......	......	B.
86246 Motion picture film under 35 mm., sensitized, unexposed. (1) [32]	Lin. ft.	218	SZ........	500	......	......	......	B.
86246 Motion picture film 35 mm. and over, sensitized, unexposed. (2) [33]	Lin. ft.	218	SXYZ........	500	......	......	100	B.
86246 X-ray film and plates, graphic arts film and plates, and still picture film and plates, sensitized, unexposed. (3) [32]	Sq. ft.	218	SYZ........	500	......	......	......	B.
86248 Exposed sensitized plates, and exposed and developed plates, except lantern slides. (1) [32]	Sq. ft.	218	SZ and East Germany.	500	......	......	......	B.
86248 Still picture film, exposed, or exposed and developed, positive or negative; and lantern slides. (2) [32]	Sq. ft.	218	Z........	......	......	......	......	B.
86248 Motion picture films, silent or sound, undeveloped negative, 35 mm. or over. (3) [33]	Sq. ft.	218	SXYZ........	500	......	......	100	B.
86248 Motion picture films, silent or sound, exposed but not developed. (4) [32]	Sq. ft.	218	SZ........	500	......	......	......	B.
86300 Motion picture films, silent or sound, developed. (1) [32]	Lin. ft.	218	None........	......	......	......	......	B.

*For explanation, see § 399.1, General Notes to Commodity Control List.

[1] The commodity description is revised with no change in controls.

[2] Effective May 1, 1967, these commodities may no longer be exported under the Periodic Requirements licensing procedure (see § 376.2).

[3] Two entries are substituted for an entry presently on the Commodity Control List under this Export Control Commodity Number.

[4] An Import Certificate is no longer required in support of an application for a license to export these commodities to the countries specified in § 373.2.

[5] A separate entry is established and effective Apr. 10, 1967, a validated license is required for export of these commodities to Country Groups T, V, and W.

[6] Effective May 16, 1967, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering export of these commodities to the countries specified in § 373.2.

[7] Two entries are substituted for two entries presently on the Commodity Control List under this Export Control Commodity Number.

[8] Effective Apr. 10, 1967, a validated license is required for export of these commodities to Country Groups T. and V.

[9] These commodities may be exported under the Periodic Requirements licensing procedure (see § 376.2).

[10] The Processing Number is changed.

[11] A separate entry is established and the Processing Number is changed.

[12] The PRL Commodity Group Number is changed (see § 376.2).

[13] Effective May 16, 1967, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering export to the countries specified in § 373.2 of alloy steel ingots and other primary forms, bars, rods, angles, shapes and sections, plates and sheets including roofing, siding and perforated sheets, hoop and strip, wire, welding rods, tubes and pipes, castings and forgings presently designated as "Special Types Class 1B" (see § 399.2, Interpretation 8).

[14] A reporting requirement is added.

[15] Three entries are substituted for 5 entries presently on the Commodity Control List under this Export Control Commodity Number.

[16] Two entries are substituted for 3 entries presently on the Commodity Control List under this Export Control Commodity Number.

[17] Two entries are substituted for 7 entries presently on the Commodity Control List under this Export Control Commodity Number.

[18] The GLV Dollar-Value Limit is increased for zirconium and zirconium alloys in unwrought forms and powder and having a ratio of hafnium content to zirconium content in excess of 1 part to 500 parts by weight.

[19] Effective Apr. 10, 1967, a validated license is required to export to Country Groups T, V, and W magnesium alloy welding rods, wires, and electrodes, including brazing rods, containing 10 percent or more lithium; also, effective May 16, 1967, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering export of these commodities to the countries specified in § 373.2.

[20] An Import Certificate is no longer required in support of an application for a license to export mechanical presses with rated capacity of over 10,000 tons to the countries specified in § 373.2.

[21] Street flushing units for truck mounting formerly in this entry are included in the fifth entry under Export Control Commodity No. 71964.

[22] Rotary finishers and concrete floor finishing machines formerly in this entry are included in the second entry under Export Control Commodity No. 71980.

[23] The GLV Dollar-Value Limit is increased.

[24] Two entries are substituted for 6 entries presently on the Commodity Control List under this Export Control Commodity Number.

[25] An Import Certificate is no longer required in support of an application for a license to export cable-making machinery for conductors over 0.9 mm. in diameter for multipair telecommunications cable, other than machinery for making submarine cable or cable containing fluorocarbon polymers or copolymers, to the countries specified in § 373.2.

[26] An Import Certificate is no longer required in support of an application for a license to export equipment for lapping and polishing semiconductor devices to the countries specified in § 373.2.

[27] Effective Apr. 10, 1967, a validated license is required for export of cold isostatic presses, and control equipment therefor, to Country Groups T, V, and W.

[28] Effective Apr. 10, 1967, a validated license is required to export to Country Groups T, V, and W synchronous motors designed to operate above plus 100° C.; also, effective May 16, 1967, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering export of these motors to the countries specified in § 373.2.

[29] An export license is no longer required for export to Country Groups T, V, and W for synchronous motors having synchronous speeds of 3,000 r.p.m. or less and designed to operate only from minus 10° C. to plus 55° C.

[30] An Import Certificate is no longer required in support of an application for a license to export to the countries specified in § 373.2 electronic devices designed to be used in conjunction with an oscilloscope to (a) increase its amplifier bandwidth to greater than 20 but not greater than 30 megacycles per second, or (b) to decrease the time base to shorter than 40 but not shorter than 30 nanoseconds per centimeter.

[31] This entry is deleted and these commodities are included in the 19th entry presently on the Commodity Control List under Export Control Commodity No. 72952.

[32] Effective Apr. 10, 1967, the GLV Dollar-Value Limit is decreased.

[33] A separate entry is established, and effective Apr. 10, 1967, a validated license is required for export of these commodities to Country Groups T, V, W, and X.

[34] Effective May 16, 1967, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering export to the countries specified in § 373.2 of instruments which perform functions similar to synchros or resolvers and are designed to operate below minus 55° C. or above plus 125° C.

[35] This entry is deleted, and the commodities are included in the last entry on the Commodity Control List under this Export Control Commodity Number.

[36] Part (b) of this entry is deleted as this equipment is correctly included under other Export Control Commodity Numbers.

[37] This entry is deleted as these commodities require export authorization from the U.S. Department of State (see paragraph 370.5(a), Category XIII).

[38] Effective Apr. 10, 1967, the GLV Dollar-Value Limit is decreased for exports to Country Group S.

Saving clause. Shipments of commodities removed from general license as a result of changes set forth in Part A above which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m., April 10, 1967, may be exported under the previous general license provisions up to and including May 1, 1967. Any such shipment not laden aboard the exporting carrier on or before May 1, 1967, requires a validated license for export.

[F.R. Doc. 67-4227; Filed, Apr. 21, 1967; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Resale Price Maintenance of Books Held on Consignment

§ 15.121 Resale price maintenance of books held on consignment.

(a) The Commission was requested to render an advisory opinion concerning the legality of an agreement between a university press and a scholarly association that the press would not sell the annual publication of the association, which it held on consignment, at less than the minimum resale price stipulated by the association. The book normally sells by mail order for the same amount as is charged by the association for annual dues. Members of the association are entitled to receive a copy of the book at no extra charge. The association wishes to include a provision in the contract prohibiting the press from selling to educational institutions, mainly libraries, at any discount below the usual retail price, its purpose being to prevent such buyers from obtaining the book at a lower price than they could by joining the association. This would mean that the press could not give libraries the normal trade discount.

(b) In addition, the Commission was assured that the relationship between the press and the association was strictly one of agency. The press does not print the books for the association, which subcontracts the printing and simply wishes to use the selling facilities of the press to handle sales to nonmembers. Legal title to the books remains in the association, which owns the copyrights, and the books are being handled by the press on a consignment basis.

(c) The Commission advised that it could see no objection to the inclusion of this provision under the precise factual situation presented. In arriving at this conclusion, the Commission stated that it was mindful of the fact that consignment agreements can, under certain circumstances, be used as a device for illegal resale price maintenance, even where patented or copyrighted articles are involved. However, it was of the opinion that this proposal would not fall within that category in view of the fact that the contemplated consignment agreement containing the clause in question will be with only one consignee and there will be no other outlets competing in the distribution of these books. This view of the law was limited solely to the factual situation involved. Hence, generalizations from this opinion or its extension to other factual situations would not be warranted.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: April 21, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-4444; Filed, Apr. 21, 1967; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Propriety of Publishing Marketing Area Price Lists

§ 15.122 Propriety of publishing marketing area price lists.

(a) The Federal Trade Commission advised a manufacturer who had requested an advisory opinion that there is nothing inherently illegal about area price lists which make only due allowance for differences in the cost of shipment and delivery.

(b) The Commission advised the manufacturer further that price discriminations in sales to customers located in different areas who in fact compete with each other could amount to conduct in violation of section 2(a) of the Clayton Act, unless cost justified or unless the lower price is a good faith meeting of a competitor's equally low price.

(c) The Commission also pointed out that it could be unlawful if area price lists permitted sales producing monopoly profits in one area to subsidize sales at much lower prices in another area or to a particular customer or group of customers to the competitive injury of a competitor of the seller.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: April 21, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-4443; Filed, Apr. 21, 1967; 8:45 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 376-67]

PART 5—ADMINISTRATION AND ENFORCEMENT OF FOREIGN AGENTS REGISTRATION ACT OF 1938, AS AMENDED

By virtue of the authority vested in me by section 10 of the Foreign Agents Registration Act of 1938, as amended (56 Stat. 257; 22 U.S.C. 620), Part 5 of Chapter I of Title 28 of the Code of Federal Regulations is hereby revised to read as follows:

AUTHORITY: The provisions of this Part 5 issued under sec. 1, 56 Stat. 248, 257; 22 U.S.C. 620.

§ 5.1 Administration and enforcement of the Act.

(a) The administration and enforcement of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611–621), is, subject to the general supervision and direction of the Attorney General, assigned to, conducted, handled, and supervised by, the Assistant Attorney General in charge of the Internal Security Division (§ 0.60(b) of this chapter).

(b) The Assistant Attorney General is authorized to prescribe such forms, in addition to or in lieu of those specified in the regulations in this part, as may be necessary to carry out the purposes of this part.

(c) Copies of the Act, and of the rules, regulations, and forms prescribed pursuant to the Act, and information concerning the foregoing may be obtained upon request without charge from the Registration Section, Internal Security Division, Department of Justice, Washington, D.C. 20530.

§ 5.2 Inquiries concerning application of the Act.

Any inquiry concerning the application of the Act to any person should be addressed to the Registration Section and should be accompanied by a detailed statement containing the following information:

(a) The identity of the agent and the foreign principal involved;

(b) The nature of the agent's activities for or in the interest of the foreign principal;

(c) A copy of the existing or proposed written contract with the foreign principal, or a full description of the terms and conditions of each existing or proposed oral agreement.

§ 5.3 Filing of a registration statement.

All statements, exhibits, amendments, and other documents and papers required to be filed under the Act or under this part shall be submitted in duplicate to the Registration Section. Filing of such documents may be made in person or by mail, and they shall be deemed to be filed upon their receipt by the Registration Section.

§ 5.4 Computation of time.

Sundays and holidays shall be counted in computing any period of time prescribed in the Act or in the rules and regulations in this part.

§ 5.100 Definition of terms.

(a) As used in this part:

(1) The term "Act" means the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611-621).

(2) The term "Attorney General" means the Attorney General of the United States.

(3) The term "Assistant Attorney General" means the Assistant Attorney General in charge of the Internal Security Division, Department of Justice, Washington, D.C. 20530.

(4) The term "Secretary of State" means the Secretary of State of the United States.

(5) The term "Registration Section" means the Registration Section, Internal Security Division, Department of Justice, Washington, D.C. 20530.

(6) The term "rules and regulations" includes the regulations in this part and all other rules and regulations prescribed by the Attorney General pursuant to the Act and all registration forms and instructions thereon which may be prescribed by the regulations in this part or by the Assistant Attorney General.

(7) The term "registrant" means any person who has filed a registration statement with the Registration Section, pursuant to section 2(a) of the Act and § 5.3.

(8) Unless otherwise specified, the term "agent of a foreign principal" means an agent of a foreign principal required to register under the Act.

(9) The term "foreign principal" includes a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal as that term is defined in section 1(b) of the Act.

(10) The term "initial statement" means the statement required to be filed with the Attorney General under section 2(a) of the Act.

(11) The term "supplemental statement" means the supplement required to be filed with the Attorney General under section 2(b) of the Act at intervals of 6 months following the filing of the initial statement.

(12) The term "final statement" means the statement required to be filed with the Attorney General following the termination of the registrant's obligation to register.

(13) The term "short form registration statement" means the registration statement required to be filed by certain partners, officers, directors, associates, employees, and agents of a registrant.

(b) As used in the Act, the term "control" or any of its variants shall be deemed to include the possession or the exercise of the power, directly or indirectly, to determine the policies or the activities of a person, whether through the ownership of voting rights, by contract, or otherwise.

(c) The term "agency" as used in sections 1(c), 1(o), 1(q), 3(g), and 4(e) of the Act shall be deemed to refer to every unit in the executive and legislative branches of the Government of the United States, including committees of both Houses of Congress.

(d) The term "official" as used in sections 1(c), 1(o), 1(q), 3(g), and 4(e) of the Act shall be deemed to include Members and officers of both Houses of Congress as well as officials in the executive branch of the Government of the United States.

(e) The terms "formulating, adopting, or changing," as used in section 1(o) of the Act, shall be deemed to include any activity which seeks to maintain any existing domestic or foreign policy of the United States. They do not include making a routine inquiry of a Government official or employee concerning a current policy or seeking administrative action in a matter where such policy is not in question.

(f) The term "domestic or foreign policies of the United States," as used in sections 1 (o) and (p) of the Act, shall be deemed to relate to existing and proposed legislation, or legislative action generally; treaties; executive agreements, proclamations, and orders; decisions relating to or affecting departmental or agency policy, and the like.

§ 5.200 Registration.

(a) Registration under the Act is accomplished by the filing of an initial statement together with all the exhibits required by § 5.201 and the filing of a supplemental statement at intervals of 6 months for the duration of the principal-agent relationship requiring registration.

(b) The initial statement shall be filed on Form DJ-301.

§ 5.201 Exhibits.

(a) The following described exhibits are required to be filed for each foreign principal of the registrant:

(1) *Exhibit A.* This exhibit, which shall be filed on Form DJ-306, shall set forth the information required to be disclosed concerning each foreign principal.

(2) *Exhibit B.* This exhibit, which shall be filed on Form DJ-304, shall set forth the agreement or understanding between the registrant and each of his foreign principals as well as the nature and method of performance of such agreement or understanding and the existing or proposed activities engaged in or to be engaged in, including political activities, by the registrant for the foreign principal.

(b) Any change in the information furnished in Exhibit A or B shall be reported to the Registration Section within 10 days of such change. The filing of a new exhibit may then be required by the Assistant Attorney General.

(c) Whenever the registrant is an association, corporation, organization, or any other combination of individuals, the following documents shall be filed as Exhibit C:

(1) A copy of the registrant's charter, articles of incorporation or association, or constitution, and a copy of its bylaws, and amendments thereto;

(2) A copy of every other instrument or document, and a statement of the terms and conditions of every oral agreement, relating to the organization, powers, and purposes of the registrant.

(d) The requirement to file any of the documents described in subparagraphs (1) and (2) of paragraph (c) of this section may be wholly or partially waived upon written application by the registrant to the Assistant Attorney General setting forth fully the reasons why such waiver should be granted.

(e) Whenever a registrant, within the United States, receives or collects contributions, loans, money, or other things of value, as part of a fund-raising campaign, for or in the interests of his foreign principal, he shall file as Exhibit D a statement so captioned setting forth the amount of money or the value of the thing received or collected, the names and addresses of the persons from whom such money or thing of value was received or collected, and the amount of money or a description of the thing of value transmitted to the foreign principal as well as the manner and time of such transmission.

§ 5.202 Short form registration statement.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, each partner, officer, director, associate, employee, and agent of a registrant is required to file a registration statement under the Act. Unless the Assistant Attorney General specifically directs otherwise, this obligation may be satisfied by the filing of a short form registration statement.

(b) A partner, officer, director, associate, employee, or agent of a registrant who does not engage directly in activity in furtherance of the interests of the foreign principal is not required to file a short form registration statement.

(c) An employee or agent of a registrant whose services in furtherance of the interests of the foreign principal are rendered in a clerical, secretarial, or in a related or similar capacity, is not required to file a short form registration statement.

(d) Whenever the agent of a registrant is a partnership, association, corporation, or other combination of individuals, and such agent is not within the exemption of paragraph (b) of this section, only those partners, officers, directors, associates, and employees who engage directly in activity in furtherance of the interests of the registrant's foreign principal are required to file a short form registration statement.

(e) The short form registration statement shall be filed on Form DJ-305. Any change affecting the information furnished with respect to the nature of the services rendered by the person filing the statement, or the compensation he receives, shall require the filing of a new short form registration statement within 10 days after the occurrence of such change. There is no requirement to file exhibits or supplemental statements to a short form registration statement.

§ 5.203 Supplemental statement.

(a) Supplemental statements shall be filed on Form DJ-302.

(b) The obligation to file a supplemental statement at 6-month intervals during the agency relationship shall continue even though the registrant has not engaged during the period in any activity in the interests of his foreign principal.

(c) The time within which to file a supplemental statement may be extended for sufficient cause shown in a written application to the Assistant Attorney General.

§ 5.204 Amendments.

(a) An initial, supplemental, or final statement which is deemed deficient by the Assistant Attorney General must be amended upon his request. Such amendment shall be filed upon Form DJ-307 and shall identify the item of the statement to be amended.

(b) A change in the information furnished in an initial or supplemental statement under clauses (3), (4), (6), and (9) of section 2(a) of the Act shall be by amendment, unless the notice which is required to be given of such change under section 2(b) is deemed sufficient by the Assistant Attorney General.

§ 5.205 Termination of registration.

(a) A registrant shall, within 30 days after the termination of his obligation to register, file a final statement on Form DJ-302 with the Registration Section for the final period of the agency relationship not covered by any previous statement.

(b) Registration under the Act shall be terminated upon the filing of a final statement, if the registrant has fully discharged all his obligations under the Act.

(c) A registrant whose activities on behalf of each of his foreign principals become confined to those for which an exemption under section 3 of the Act is available may file a final statement notwithstanding the continuance of the agency relationship with the foreign principals.

§ 5.206 Language and wording of registration statement.

(a) Except as provided in the next sentence, each statement, amendment, exhibit, or notice required to be filed under the Act shall be submitted in the English language. An exhibit may be filed even though it is in a foreign language if it is accompanied by an English translation certified under oath by the translator before a notary public, or other person authorized by law to administer oaths for general purposes, as a true and accurate translation.

(b) A statement, amendment, exhibit, or notice required to be filed under the Act should be typewritten, but will be accepted for filing if it is written legibly in ink.

(c) Copies of any document made by any of the duplicating processes may be filed pursuant to the Act if they are clear and legible.

(d) A response shall be made to every item on each pertinent form, unless a registrant is specifically instructed otherwise in the form. Whenever the item is inapplicable or the appropriate response to an item is "none," an express statement to that effect shall be made.

§ 5.207 Incorporation by reference.

(a) Each initial, supplemental, and final statement shall be complete in and of itself. Incorporation of information by reference to statements previously filed is not permissible.

(b) Whenever insufficient space is provided for response to any item in a form, reference shall be made in such space to a full insert page or pages on which the item number and inquiry shall be restated and a complete answer given. Inserts and riders of less than full page size should not be used.

§ 5.208 Disclosure of foreign principals.

A registrant who represents more than one foreign principal is required to list in the statements he files under the Act only those foreign principals for whom he is not entitled to claim exemption under section 3 of the Act.

§ 5.209 Information relating to employees.

A registrant shall list in the statements he files under the Act only those employees whose duties require them to engage directly in activities in furtherance of the interests of the foreign principal.

§ 5.210 Amount of detail required in information relating to registrant's activities and expenditures.

A statement is "detailed" within the meaning of clauses 6 and 8 of section 2 (a) of the Act when it has that degree of specificity necessary to permit meaningful public evaluation of each of the significant steps taken by a registrant to achieve the purposes of the agency relation.

§ 5.211 Sixty-day period to be covered in initial statement.

The 60-day period referred to in clauses 5, 7, and 8 of section 2(a) of the Act shall be measured from the time that a registrant has incurred an obligation to register and not from the time that he files his initial statement.

§ 5.300 Burden of establishing availability of exemption.

The burden of establishing the availability of an exemption from registration under the Act shall rest upon the person for whose benefit the exemption is claimed.

§ 5.301 Exemption under section 3(a) of the Act.

(a) A consular officer of a foreign government shall be considered duly accredited under section 3(a) of the Act whenever he has received formal recognition as such, whether provisionally or by exequatur, from the Secretary of State.

(b) The exemption provided by section 3(a) of the Act to a duly accredited diplomatic or consular officer is personal and does not include within its scope an office, bureau, or other entity.

§ 5.302 Exemptions under sections 3 (b) and (c) of the Act.

The exemptions provided by sections 3 (b) and (c) of the Act shall not be available to any person described therein unless he has filed with the Secretary of State a fully executed Notification of Status with a Foreign Government (Form D.S. 394).

§ 5.303 Exemption available to persons accredited to international organizations.

Persons designated by foreign governments as their representatives in or to an international organization, other than nationals of the United States, are exempt from registration under the Act in accordance with the provisions of the International Organizations Immunities Act, if they have been duly notified to and accepted by the Secretary of State as such representatives, officers, or employees, and if they engage exclusively in activities which are recognized as being within the scope of their official functions.

§ 5.304 Exemptions under sections 3 (d) and (e) of the Act.

(a) As used in section 3(d), the term "trade or commerce" shall include the exchange, transfer, purchase, or sale of commodities, services, or property of any kind.

(b) For the purpose of section 3(d) of the Act, activities of an agent of a foreign principal as defined in section 1(c) of the Act, in furtherance of the bona fide trade or commerce of such foreign principal, shall be considered "private," even though the foreign principal is owned or controlled by a foreign government, so long as the activities do not directly promote the public or political interests of the foreign government.

(c) For the purpose of section 3(d) of the Act, the disclosure of the identity of the foreign person that is required to be made to the agency or official of the U.S. Government under section 1(q) of the Act shall be made (1) in writing to the agency at least once a year, and (2) orally to each official of such agency at the time the domestic person conducts his activities with the official. In the event of controversy as to whether disclosure was made as required by this section, such disclosure must be proved by the person claiming the exemption.

(d) The exemption provided by section 3(e) of the Act shall not be available to any person described therein if he engages in political activities as defined in section 1(o) of the Act for or in the interests of his foreign principal.

§ 5.305 Exemption under section 3(f) of the Act.

The exemption provided by section 3(f) of the Act shall not be available unless the President has, by publication in the FEDERAL REGISTER, designated for the purpose of this section the country the defense of which he deems vital to the defense of the United States.

§ 5.306 Exemption under section 3(g) of the Act.

For the purpose of section 3(g) of the Act—

(a) Attempts to influence or persuade agency personnel or officials other than in the course of established agency proceedings, whether formal or informal, shall include only such attempts to influence or persuade with reference to formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party; and

(b) In the legal representation before any agency of the U.S. Government, if disclosure of the identity of the foreign principal is not otherwise required as a matter of established agency procedure, such disclosure must, in conformity with this section, be made (1) in writing to the agency at least once a year, and (2) orally to each of the personnel or officials of such agency at the time legal representation is undertaken before them. In the event of controversy as to whether disclosure was made as required by this section, such disclosure must be proved by the person claiming the exemption.

§ 5.400 Filing of political propaganda.

(a) The two copies of each item of political propaganda required to be filed with the Attorney General under section 4(a) of the Act shall be filed with the Registration Section.

(b) Whenever two copies of an item of political propaganda have been filed pursuant to section 4(a) of the Act, an agent of a foreign principal shall not be required, in the event of further dissemination of the same material, to forward additional copies thereof to the Registration Section.

(c) Unless specifically directed to do so by the Assistant Attorney General, a registrant is not required to file two copies of a motion picture containing political propaganda which he disseminates on behalf of his foreign principal, so long as he files monthly reports on its dissemination. In each such case this registrant shall submit to the Registration Section either a film strip showing the label required by section 4(b) of the Act or an affidavit certifying that the required label has been made a part of the film.

§ 5.401 Dissemination report.

(a) A Dissemination Report shall be filed with the Registration Section for each item of political propaganda that is transmitted, or caused to be transmitted, in the U.S. mails, or by any means or instrumentality of interstate or foreign commerce, by an agent of a foreign principal for or in the interests of any of his foreign principals.

(b) The Dissemination Report shall be filed on Form DJ-310.

(c) Except as provided in paragraph (d) of this section, a Dissemination Report shall be filed no later than 48 hours after the beginning of the transmittal of the political propaganda.

(d) Whenever transmittals of the same political propaganda are made over a period of time, a Dissemination Report may be filed monthly for as long as such transmittals continue.

(e) A Dissemination Report shall be complete in and of itself. Incorporation of information by reference to reports previously filed is not permissible.

§ 5.402 Labeling political propaganda.

(a) Within the meaning of this part, political propaganda shall be deemed labeled whenever it has been marked or stamped conspicuously at its beginning with a statement setting forth such information as is required under section 4(b) of the Act.

(b) An item of political propaganda which is required to be labeled under section 4(b) of the Act and which is in the form of prints shall be marked or stamped conspicuously at the beginning of such item with a statement in the language or languages used therein, setting forth such information as is required under section 4(b) of the Act.

(c) An item of political propaganda which is required to be labeled under section 4(b) of the Act but which is not in the form of prints shall be accompanied by a statement setting forth such information as is required under section 4(b) of the Act.

(d) Political propaganda as defined in section 1(j) of the Act which is televised or broadcast, or which is caused to be televised or broadcast, by an agent of a foreign principal, shall be introduced by a statement which is reasonably adapted to convey to the viewers or listeners thereof such information as is required under section 4(b) of the Act.

(e) An agent of a foreign principal who transmits or causes to be transmitted in the U.S. mails or by any means or instrumentality of interstate or foreign commerce a still or motion picture film which contains political propaganda as defined in section 1(j) of the Act shall insert at the beginning of such film a statement which is reasonably adapted to convey to the viewers thereof such information as is required under section 4(b) of the Act.

(f) For the purpose of section 4(e) of the Act, the statement that must preface or accompany political propaganda or a request for information shall be in writing.

§ 5.500 Maintenance of books and records.

(a) A registrant shall keep and preserve in accordance with the provisions of section 5 of the Act the following books and records:

(1) All correspondence, memoranda, cables, telegrams, teletype messages, and other written communications to and from all foreign principals and all other persons, relating to the registrant's activities on behalf of, or in the interest of, any of his foreign principals.

(2) All correspondence, memoranda, cables, telegrams, teletype messages, and other written communications to and from all persons, other than foreign principals, relating to the registrant's political activity, or relating to political activity on the part of any of the registrant's foreign principals.

(3) Original copies of all written contracts between the registrant and any of his foreign principals.

(4) Records containing the names and addresses of persons to whom political propaganda has been transmitted.

(5) All bookkeeping and other financial records relating to the registrant's activities on behalf of any of his foreign principals, including canceled checks, bank statements, and records of income and disbursements, showing names and addresses of all persons who paid moneys to, or received moneys from, the registrant, the specific amounts so paid or received, and the date on which each item was paid or received.

(6) If the registrant is a corporation, partnership, association, or other combination of individuals, all minute books.

(7) Such books or records as will disclose the names and addresses of all employees and agents of the registrant, including persons no longer acting as such employees or agents.

(8) Such other books, records, and documents as are necessary properly to reflect the activities for which registration is required.

(b) The books and records listed in paragraph (a) of this section shall be kept and preserved in such manner as to render them readily accessible for inspection pursuant to section 5 of the Act.

(c) A registrant shall keep and preserve the books and records listed in paragraph (a) of this section for a period of 3 years following the termination of his registration under § 5.205.

(d) Upon good and sufficient cause shown in writing to the Assistant Attorney General, a registrant may be permitted to destroy books and records in support of the information furnished in an initial or supplemental statement which he filed 5 or more years prior to the date of his application to destroy.

§ 5.501 Inspection of books and records.

Officials of the Internal Security Division and the Federal Bureau of Investigation are authorized under section 5 of the Act to inspect the books and records listed in paragraph (a) of § 5.500.

§ 5.600 Public examination of records.

Registration statements, Dissemination Reports, and copies of political propaganda filed under section 4(a) of the Act, shall be available for public examination at the Registration Section on official business days, from 10 a.m. to 4 p.m.

§ 5.601 Copies of records available.

(a) Copies of registration statements and Dissemination Reports may be obtained from the Registration Section upon payment of a fee at the rate of 10 cents per copy of each page of the material requested.

(b) Information as to the fee to be charged for copies of registration statements and Dissemination Reports and the time required for their preparation may be obtained upon request to the Registration Section.

(c) Payment of the fee shall accompany an order for copies, and shall be made in cash, by U.S. postal money order, or by certified bank check made payable to the Treasurer of the United States. Postage stamps will not be accepted.

§ 5.800 Ten-day filing requirement.

The 10-day filing requirement provided by section 8(g) of the Act shall be deemed satisfied if the amendment to the registration statement is deposited in the U.S. mails no later than the 10th day of the period.

§ 5.801 Activity beyond 10-day period.

A registrant who has within the 10-day period filed an amendment to his registration statement pursuant to a Notice of Deficiency given under section 8(g) of the Act may continue to act as an agent of a foreign principal beyond this period unless he receives a Notice of Noncompliance from the Registration Section.

Dated: April 17, 1967.

RAMSEY CLARK,
Attorney General.

[F.R. Doc. 67-4458; Filed, Apr. 21, 1967; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 536—CLAIMS AGAINST THE UNITED STATES

Claims Based on Negligence of Military Personnel or Civilian Employees Under Federal Tort Claims Act

Section 536.29 is revised to read as follows:

§ 536.29 Claims based on negligence of military personnel or civilian employees under the Federal Tort Claims Act.

(a) *Authority.* The statutory authority for this section is the Federal Tort Claims Act (60 Stat. 842; 28 U.S.C. 2671–2680), as amended by the Act of 18 July 1966 (P.L. 89-506; 80 Stat. 306), and as implemented by the Attorney General's regulations (28 CFR 14.1–14.11).

(b) *Definitions.* The definitions of terms set forth in §§ 536.1–536.11c are applicable to this section. In addition, for purposes of this section, the following definitions apply:

(1) *Compromise.* A mutually agreed equitable arrangement having regard to the uncertainties of the facts, the law, or the application of the law to the facts in the area of either liability or damages.

(2) *Settle.* To consider, ascertain, adjust, determine, compromise, and dispose of a claim whether by full or partial allowance, or by disallowance (disapproval).

(3) *Accrues.* Except in medical malpractice cases, a claim accrues on the date on which the alleged wrongful act or omission results in some actionable injury or damage to the claimant or his decedent. In medical malpractice cases, accrual is postponed until such time as the claimant or, if the claimant is a minor, some person acting for him discovers or reasonably should have discovered the acts or omissions which are alleged to be wrongful.

(c) *Scope.* This section prescribes the substantive basis and special procedural requirements for the administrative settlement of claims against the United States under the Federal Tort Claims Act based on death, personal injury, or damage to or loss of property which accrue on or after January 18, 1967. Claims accruing prior to January 18, 1967, will continue to be settled under this section as it existed prior to this revision. The Attorney General's regulations (28 CFR 14.1–14.11) are incorporated by reference and made a part of this section. Should there appear to be a conflict between the provisions of this section and the provisions of the Attorney General's regulations, the latter govern.

(d) *Claims payable.* Unless otherwise prescribed, claims for death, personal injury, or damage to or loss of property (real or personal) are payable under this section when the injury or damage is caused by negligent or wrongful acts or omissions of military personnel or civilian employees of the Department of the Army or civilian employees of the Department of Defense while acting within the scope of their employment under circumstances in which the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

(e) *Law applicable.* The whole law of the place where the act or omission occurred including choice of law rules will be applied in the determination of liability and quantum. Where there is a conflict between the local law and an express provision of the Federal Tort Claims Act, the latter governs.

(f) *Subrogation.* Claims involving subrogation will be processed as prescribed in § 536.6(b), except where inconsistent with the provisions of this section or the Attorney General's regulations.

(g) *Indemnity or contribution*—(1) *Sought by the United States.* If the claim arises under circumstances in which the Government is entitled to contribution or indemnity under a contract or the applicable law governing joint tort-feasors, the third party will be notified of the claim, and will be requested to honor its obligation to the United States or to accept its share of joint liability. If the issue of indemnity or contribution is not satisfactorily adjusted, the claim will be compromised or settled only after consultation with the Department of Justice as provided in paragraph (q) of this section.

(2) *Claims for indemnity or contribution.* Claims for indemnity or contribution from the United States will be compromised or settled under this section, if liability exists under the applicable law, provided the incident giving rise to such claim is otherwise cognizable under this section.

(3) *Setoff.* Except to the extent that such factors are included in a compromise settlement, amounts otherwise to be awarded on account of injury to or death of military personnel, incurred as a result of activities not incident to service, will be reduced by the amount of benefits paid, and the present cash value of benefits to be paid, by the United States. (See Brooks v. United States, 337 U.S. 49 (1949).)

(h) *Claims not payable.* This section does not apply to a claim which—

(1) Is based upon an act or omission of military personnel or a civilian employee, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation is valid, or in the exercise or performance of, or the failure to exercise or perform a discretionary function or duty, whether or not the discretion is abused;

(2) Arises out of the loss, miscarriage, or negligent transmission of letters or postal matters;

(3) Arises in respect of the assessment or collection of any tax or customs duty, or the detention of any goods or merchandise by any officer of customs or excise or any other law-enforcement officer;

(4) Is cognizable under the Suits in Admiralty Act (41 Stat. 525, 46 U.S.C. 741–752) or the Public Vessels Act (43 Stat. 1112, 46 U.S.C. 781–790).

(5) Arises out of an act or omission of any employee of the Government in administering the provisions of the Trading with the Enemy Act (40 Stat. 411, 50 U.S.C. app. 1–31);

(6) Is for damages caused by the imposition or establishment of a quarantine by the United States;

(7) Is for personal injury or death of a member of the Armed Forces of the United States incurred incident to service (10 U.S.C. 101(4), 261, 3062(c), 5001 (a) (1) and (2), and 8062(d), and 14 U.S.C. 1), or for damage to his property incurred incident to service. (See Feres v. United States, 340 U.S. 135 (1950); Preferred Insurance Company v. United States, 222 F. 2d 942 (9th Cir. 1955); Zoula v. United States, 217 F. 2d 81 (5th Cir. 1954).)

(8) Arises out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights;

(9) Is for damages caused by the fiscal operations of the Department of the Treasury or by the regulation of the monetary system;

(10) Arises out of combat activities of the military forces during time of war;

(11) Arises in a foreign country;

(12) Arises from the activities of the Tennessee Valley Authority;

(13) Arises from the activities of the Panama Canal Company;

(14) Is for damages arising from the activities of a Federal land bank, a Federal intermediate credit bank, or a bank for cooperatives;

(15) Arises from the operations of a nonappropriated fund activity, unless generated by military personnel performing assigned military duties (see AR 230-8);

(16) Is for damage caused from or by floods or flood waters. See the act of May 15, 1928 (45 Stat. 535, 33 U.S.C. 702c);

(17) Is for taking of private property by trespass as by a taking implied under local law resulting from the flight of aircraft. (See § 552.16(b)(3) of this chapter.) Actual physical damage is required. Claims for technical trespass, overflight of aircraft, or a taking of a type contemplated by the Fifth Amendment to the United States Constitution are not payable under this section.

(i) *Claims under other laws and sections.* This section does not apply to any claim which may be settled under—

(1) Sections 536.161-536.170, 536.45 or 536.26;

(2) AR 40-3, or other regulations providing for medical care at Government expense;

(3) The Federal Employees' Compensation Act (39 Stat. 742, 5 U.S.C. 751), or the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, 33 U.S.C. 901-50) as made applicable to certain civilian employees of nonappropriated fund instrumentalities of the U.S. Armed Forces (5 U.S.C. 8121-8173).

(j) *Procedures*—(1) *General.* Unless inconsistent with the provisions of this section, the procedures for the investigation and processing of claims set forth in §§ 536.1-536.11c will be followed.

(2) *Claim*—(i) *Time prescribed for filing.* A claim may be settled under this section only if presented in writing within 2 years after it accrues.

(ii) *When presented.* For the purpose of the 2-year statute of limitations, a claim shall be deemed to have been presented when a Federal agency receives from a claimant, his duly authorized agent or legal representative, an executed Standard Form 95 or written notification of an incident, together with a claim for money damages, in a sum certain, for damage to or loss of property or personal injury or death. If a claim is received by an official of the Army who is not an approval or settlement authority under this section, the claim will be transmitted without delay to the nearest approval or settlement authority.

(3) *Non-Army claims.* Claims based on acts or omissions of employees of the United States other than military and civilian personnel of the Department of the Army, civilian personnel of the Department of Defense, and employees of nonappropriated fund activities of the Department of the Army will be transmitted forthwith to the nearest official of the employing agency, and the claimant will be advised of the referral.

(4) *Acknowledgment of claim.* Each claim will be acknowledged in writing by the responsible approving or settlement authority. The claimant will be informed of the date his claim was filed.

(5) *Investigation.* Claims cognizable under this section will be investigated and processed on a priority basis in order that settlement may be accomplished within the 6 months prescribed by statute.

(6) *Advice to claimant.* In all cases the claimant or his attorney will be kept advised of the progress of his claim through the administrative process. If final settlement is not achieved within 4 months of the filing, the claimant will be advised that his claim has not been denied, and that his judicial remedy is not extinguished until 6 months subsequent to final denial.

(7) *Notification to claimant of action on claim.* (i) The filing of an administrative claim and its denial are prerequisite to filing suit. A suit may be filed within 6 months after notification by certified or registered mail of the denial of the admininstrative claim. Failure of a settlement authority to take final action on a claim within 6 months may be treated by the claimant as a final denial for the purposes of filing suit.

(ii) Upon final denial of a claim, or upon rejection by claimant of a partial allowance, the settlement authority will inform the claimant of the action on his claim by certified or registered mail. Notification of final denial may include a statement of reasons for the denial and will include a statement that, if the claimant does not accept or is dissatisfied with the action, suit may be instituted within 6 months after the date of mailing of notice of final denial. A copy of this notification will be furnished the Attorney General in each case in which the Department of Justice has opened a file.

(k) *Payment of claims*—(1) *Awards of $2,500 or less.* Awards of $2,500 or less are paid from Department of Defense claims appropriation citing allotment symbol 01 2504. For procedure see paragraph 7, app, AR 27-20. Payment will be accomplished by forwarding the following documents to the appropriate Finance and Accounting Office:

(i) Standard Form 1145.

(ii) Original claim.

(iii) Original action.

(iv) Original settlement agreement, where appropriate.

(v) Original power of attorney, where appropriate.

(2) *Awards in excess of $2,500 but less than $100,000.* Payment of awards in excess of $2,500 and not more than $100,000 will be accomplished by forwarding the documents listed in subparagraph (1) of this paragraph to the Claims Division, General Accounting Office, 441 G Street NW., Washington, D.C. 20548. When an award is in excess of $25,000, evidence that the award has been approved by the Attorney General or his designee is also required.

(3) *Claims over $100,000.* When the award is in excess of $100,000, the documents listed in subparagraph (1) of this paragraph will be forwarded to the Bureau of Accounts, Department of the Treasury, Washington, D.C. 20226.

(4) *Attorney as payee.* If claimant is represented by an attorney, both the claimant and his attorney will be designated as "payees" on the voucher (SF 1145) and the check will be delivered to the attorney whose address will appear on the voucher.

(l) *Acceptance of award.* The acceptance by the claimant of an award, compromise, or settlement made pursuant to this section shall be final and conclusive for all purposes and shall constitute a complete release of any claim against the United States and against the military or civilian personnel of the Army, or civilian employees of the Department of Defense whose act or omission gave rise to the claim by reasons of the same subject matter.

(m) *Settlement agreement.* See paragraph 7c, appendix, AR 27-20.

(n) *Attorneys' fees.* Attorneys' fees are limited by title 28, United States Code, section 2678, to not more than 20 percent of any award, compromise, or settlement.

(o) *Delegation of authority.* (1) Subject to approval by the Attorney General of any payment in excess of $25,000 and the limitations contained in paragraph (q) of this section, the following officers are delegated authority to adjust, determine, compromise, and settle claims cognizable under this section:

(i) The Judge Advocate General.

(ii) The Chief, U.S. Army Claims Service and all officers of the Judge Advocate General's Corps assigned to that Service, subject to such limitations as may be imposed by The Judge Advocate General or the Chief, U.S. Army Claims Service.

(2) Subject to such limitations as may be imposed by The Judge Advocate General, the staff judge advocate of each of the following commands is delegated authority to—

(i) Approve and pay in part or in full, or disapprove, claims presented for $5,000 or less, and

(ii) Compromise and pay claims regardless of the amount claimed provided an award of $5,000 or less is accepted by claimant in full satisfaction and final settlement of the claim.

(*a*) Each of the numbered armies within the continental United States;

(*b*) Military District of Washington, U.S. Army;

(*c*) U.S. Army Forces Southern Command;

(d) U.S. Army, Alaska;

(e) U.S. Army, Pacific.

(3) Each of the following is delegated authority to—

(i) Approve and pay in part or in full claims presented for $1,000 or less.

(ii) Compromise and pay claims regardless of the amount claimed provided an award of $1,000 or less, is accepted by claimant in full satisfaction and final settlement of the claim.

(a) The staff judge advocate of any command authorized to exercise general courts-martial jurisdiction;

(b) An officer of The Judge Advocate General's Corps assigned to a maneuver claims service or a disaster claims office when designated by the commander of a command listed in § 536.4a, subject to such limitation as the designating commander may prescribe;

(c) The chief of a command claims service established pursuant to § 536.4b;

(d) A district or division engineer, Corps of Engineers, or the Chief of Engineers.

(4) The judge advocate of any command not authorized to exercise general courts-martial jurisdiction is delegated authority to—

(i) Approve and pay in part or in full claims presented for $500 or less, and

(ii) Compromise and pay claims regardless of the amount claimed, provided an award of $500, or less, is accepted by claimant in full satisfaction and final settlement of the claim.

(5) The Judge Advocate General may delegate settlement authority to other commands where the need for such authority can be demonstrated. Requests for delegation of authority will be forwarded to The Judge Advocate General, Attention: Chief, U.S. Army Claims Service, Fort Holabird, Md. 21219, through command channels, with justification and recommendations.

(p) *Disposition of claims*—(1) *By approving authority (paragraph (o) (3) and (4) of this section)*. A claim in any amount received by an approving authority will be investigated and either—

(i) Paid, if determined to be meritorious, and if he can negotiate a settlement for an amount within his jurisdiction; or

(ii) Forwarded to the responsible claims supervisory authority with a complete investigation and a seven-paragraph memorandum.

The Chief, U.S. Army Claims Service may authorize a deviation from one or more of the requirements of subdivision (ii) of this subparagraph, as to particular claims or categories of claims.

(2) *By Claims supervisory authority (§ 536.4a; paragraph (o) (2) of this section)*. The Army Staff Judge Advocate of one of the commands specified in paragraph (o) (2) of this section may settle claims in any amount if he can negotiate a settlement for an amount within his monetary jurisdiciton of $5,000; or approve in full or in part or disapprove claims presented for $5,000 or less. He may also through negotiations reach tentative agreement with claimant upon a settlement above his ceiling (if for more than $10,000, then only after prior approval by the Chief, U.S. Army Claims Service) and forward the claim to the Chief, U.S. Army Claims Service for settlement. Claims requiring coordination or consultation with the Department of Justice (para. (q) of this section) and other unsettled claims will be forwarded to the Chief, U.S. Army Claims Service, Fort Holabird, Md. 21219.

(3) *By U.S. Army Claims Service*. The U.S. Army Claims Service takes final action for the Army on all claims not settled in the field.

(q) *Consultation with the Department of Justice*. (1) Consultation with the Department of Justice is required in every case where—

(i) A new precedent or a new point of law is involved;

(ii) In the opinion of the Federal agency a question of policy is or may be involved;

(iii) The United States is or may be entitled to indemnity or contribution from a third party, and the agency is unable to adjust the third party claim;

(iv) The total amount to be paid in all claims arising out of the same transaction will or may exceed $25,000;

(v) For any reason, the compromise of a particular claim, as a practical matter, will control the disposition of related claims in which the amount to be paid may exceed $25,000; or

(vi) Where the United States, an employee, agent, or cost-plus contractor is involved in litigation based on a claim arising out of the same transaction.

Field approving and settlement authorities receiving such claims will forward them through claims channels to the Chief, U.S. Army Claims Service.

(2) Referral to Department of Justice: Claims requiring consultation with, or approval by, the Department of Justice, will be forwarded by the Chief, U.S. Army Claims Service through The Judge Advocate General to the Assistant Attorney General, Civil Division, Department of Justice, Washington, D.C. 20530, in accordance with 28 CFR 14.7, Attorney General's regulations.

(r) *Command claims service*. The commanding general of each of the numbered armies in the continental United States will establish a command claims service as authorized by § 536.4b. He will designate in orders as Chief of the Command Claims Service and Chief, Tort Claims Negotiator a judge advocate officer of the command of grade of lieutenant colonel. The duties of this officer as Chief, Command Claims Service and Tort Claims Negotiator will take precedence over all other duties.

(s) *Litigation*. Upon filing of suit, the investigative report will be prepared and distributed as required by paragraph 8, AR 27-1. The original claims file will be an exhibit to this report. A copy of the letter of transmittal will be furnished the Chief, U.S. Army Claims Service. No documents will be provided the claimant subsequent to the filing of suit.

[AR 27-22, Jan. 18, 1967] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply 60 Stat. 842, as amended by P.L. 89-506, 80 Stat. 306; 28 U.S.C. 2671-2680)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67-4447; Filed, Apr. 21, 1967; 8:45 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER A—ADMINISTRATION

PART 804—MORTUARY AFFAIRS

SUBCHAPTER C—PUBLIC RELATIONS

PART 835—INFORMATION POLICIES AND PROCEDURES

Miscellaneous Amendments

Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

1. In Part 804, paragraph (f) of § 804.1 is revised; paragraph (d) of § 804.2 is revised; § 804.3 is revised; paragraph (a) of § 804.4 is revised; and § 804.10 is revised. These sections now read as follows:

§ 804.1 Scope.

* * * * *

(f) *Transportation*. Transportation by rail, commercial air, hearse or other suitable closed vehicle furnished by a funeral director, or by suitable Government vehicle or aircraft, except movement of remains by military aircraft within the CONUS is not authorized. Transportation includes one delivery by funeral director vehicle to common carrier at the on-loading point and one removal of remains by hearse from the common carrier terminal at destination to a mortuary or other place of immediate delivery.

* * * * *

§ 804.2 Eligibility.

* * * * *

(d) *Dependents*. (1) Dependents of members of the Armed Forces who die while the member is on active duty (other than for training).

(2) Dependents of civilian employees of the Armed Forces (paid from appropriated funds) who die while residing with such employee outside the CONUS or while traveling to or from such place of duty.

§ 804.3 **Disposition of remains.**

Decedents covered	Items and expenses authorized										
	Recovery (§ 804.1 (a))	Communications (§ 804.1 (b))	Mortuary services (§ 804.1(c))	Cremation (§ 804.1 (d))	Clothing (§ 804.1 (e))	Transportation (§ 804.1(f))	Escort (§ 804.1 (g))	Flag (§ 804.1 (h))	Interment Govt cemetery (§ 804.1(i))	Interment allowance (§ 804.1 (j))	Grave marker (§ 804.1 (k))
Military personnel (§ 804.2(a) (1), (2), (3), (5), and (6)).	X	X	X	X	X	To place selected by next of kin.	X	X	X	X	X
Accepted applicants (§ 804.2(a) (4)).	X	X	X	X	X	....do....	X	X	....	X	
Civilian employees (§ 804.2(b))..	X	X	Cost of these items (excluding outer case) may not exceed $150 when death occurs in CONUS.			To home, official station or another place no further distant.[1]	[2]	....	X [3]	....	X [3]
Contract Technical Services personnel (§ 804.2(c)). Death in CONUS.	....	....	....	....	....	To place selected by next of kin.	[2]				
Death outside CONUS..........	....	*..........	May be furnished on reimbursable basis.			....do....	[2]				
Dependents (§ 804.2(d)(1)).......... Death in CONUS.	....	....	....	....	....	....do....	[2]	....	[4]	....	[5]
Dependents (§ 804.2(d) (1) and (2)). Death outside CONUS.	....	....	May be furnished on reimbursable basis.	....	....	....do....	[2]	....	[4]	....	[5]
U.S. Citizens (§ 804.2(e)).......... Death in foreign country.	....	....	....do....	....	....	May be furnished on reimbursable basis to CONUS port.					
Indigent persons (§ 804.2(f))....	These items (including expenses for interment and transportation to a cemetery designated by AFSSS, Hq USAF) may be furnished provided disposition cannot otherwise be made.						....	....	In base cemetery.		
Military prisoners (other than POW's and internees) (§ 804.2 (g)).	X	X	X	X	X	To place selected by next of kin.	X	[6]	....do....	....	[5]
Enemy prisoners and aliens (§ 804.2(h)).	These items (including expenses for interment and transportation to a cemetery designated by AFSSS, Hq USAF) may be furnished at reasonable cost.						....	....	....do....	....	[5]

[1] An outer case for shipment (including, when necessary, sealing of such case) is authorized as part of transportation expenses.
[2] Travel as escort is not authorized. However, if remains are shipped as baggage by rail, an individual may travel as attendant using one of the two tickets required for shipment of the remains. No return transportation is authorized for the attendant.
[3] If a veteran and honorably separated from military service.
[4] Wife, husband, widow, widower, minor child, and in certain instances an unmarried adult child.
[5] If buried in a Government cemetery.
[6] A military person who dies while in Air Force custody and whose approved sentence includes a discharge is not authorized a flag.

§ 804.4 **Person (next of kin) entitled to direct disposition of remains.**

(a) The person entitled to direct disposition of the remains of military personnel and Department of the Air Force civilian employees covered by this part is recognized in the order listed below:

* * * * *

§ 804.10 **Stopover of remains en route to final destination.**

Next of kin may request that arrangements be made for a stopover of remains en route to final destination, either by direct or circuitous routing. Analyze each such request with a view to providing the maximum amount of transportation of remains authorized by law. The total cost to the Air Force will not exceed the amount the Air Force would have paid for direct shipment of remains from the place of death to the destination selected by the next of kin. The next of kin will be required to make advance payment to the shipping installation for any amount in excess of that authorized. In addition, the next of kin will be advised that he is responsible for all costs incurred at the stopover point. For example, if the next of kin wants remains shipped from Philadelphia to Chicago for funeral services, with ultimate burial in Arlington National Cemetery, he should designate Chicago as the destination, rather than Arlington. Government transportation can then be furnished from Philadelphia to Chicago. The next of kin would be required to pay the transportation expenses from Chicago to Arlington National Cemetery. If the next of kin wants remains shipped from Philadelphia to San Francisco, with stopover in Chicago, Government transportation can be furnished from Philadelphia to San Francisco. All expenses incurred in Chicago, such as removal of the remains from the carrier, funeral services and returning the remains to the carrier, would be a responsibility of the next of kin.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [AFM 143-1A, June 15, 1966]

2. In Part 835, paragraph (d) of § 835.23 is revised, and § 835.24 is revised. These sections now read as follows:

§ 835.23 **Contractors' releases.**

* * * * *

(d) Specifics on how contractors may obtain clearances and details of their relationship with the Air Force are in AFR 190-12 (Release of Information to the Public).

§ 835.24 **Surveys and polls.**

Commander will not permit individuals or organizations to conduct attitude research surveys, polls, or opinion studies within his command unless the individual or organization has been specifically authorized to do so by Hq USAF.

(a) As individuals, service members enjoy the same privilege as other citizens—to participate or refrain from participating in surveys and polls. However, as representatives of the military service, they must insure that their answers cannot be erroneously interpreted as reflections of military opinion and attitude, or used as a basis for possible action which would be adverse to the best interest of their service.

(b) It is therefore recommended that military personnel defer their individual responses to questions or questionnaires in such surveys until they have determined from responsible military authorities the exact nature of the project and any possible implications of their participation.

(c) For projects in which the military service or its units are asked by the sponsor to cooperate by furnishing data, Department of Defense policy states that such cooperation is subject to the following limitations:

(1) Available manpower and funds for the purpose.

(2) Propriety of releasing the information requested (security, invasion of privacy, restrictions on release of medical records, etc.).

(3) Direct value to military services.

(d) Requests for authorization to conduct research activities will be referred to SAF-OI through normal channels. The Air Force will submit these requests, with recommendations, to the Office of the Assistant Secretary of Defense (Manpower) stating what assistance is appropriate.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [AFM 190-4B, Dec. 19, 1966]

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 67-4382; Filed, Apr. 21, 1967; 8:45 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 4; Amdt. 11; Docket No. 67-1]

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Subpart B—Duties and Obligations

SECTION 15 AGREEMENTS; EXEMPTION

On January 11, 1967, the Federal Maritime Commission published in the FEDERAL REGISTER (32 F.R. 285) notice of a proposed amendment to § 510.26(b) of the Commission's General Order 4 (46 CFR 510.26(b)). Comments were invited.

Section 510.26 currently requires the filing and approval of agreements between licensed independent ocean freight forwarders which are subject to section 15 of the Shipping Act, 1916. The proposed amendment to this section would exempt from the provisions of section 15 of the Act nonexclusive cooperative working agreements between licensed independent ocean freight forwarders providing for the completion of documentation and performance of other forwarder services on export shipments.

Section 35 of the Shipping Act, 1916, newly enacted as Public Law 89-778 (80 Stat. 1358; 46 U.S.C. 833(a)), authorizes the Commission to exempt certain operations of water carriers or other persons or activities from provisions of the Shipping Act, 1916, where it is found that such exemption will not substantially impair effective regulation by the Federal Maritime Commission, be unjustly discriminatory, or be detrimental to commerce.

The exemption of nonexclusive cooperative working agreements between licensed forwarders was proposed because the Commission feels that such agreements have little, if any, competitive impact on the shipping industry or the public. Furthermore, the processing of these agreements for section 15 approval is a costly and unnecessary burden on the industry as well as the Commission.

All parties submitting comments agree that the proposed exemption from filing of such agreements should be adopted, inasmuch as the exemption will not affect the Commission's regulatory function and will not be either unjustly discriminatory or detrimental to commerce.

It has been suggested, however, that the Commission, while granting the exemption from filing, should nevertheless still require the parties to such agreements to reduce the terms to writing. We do not see what regulatory purpose would be served by the imposition of such a requirement. Accordingly, we are not imposing such a condition upon the granting of the exemption.

The form agreement is retained in the amendment for the purpose of indicating the type of agreement to which the exemption applies. The inclusion of the form is not meant to suggest that we are requiring the agreements to be reduced to writing. The amendment as adopted here has been changed to reflect this intention.

The second sentence of paragraph 1 of the form agreement as originally proposed permits the parties to the agreement to engage with other forwarders under another agreement approved by the Commission. This clause is being changed to permit the parties to the agreement to also engage with other forwarders under another agreement exempt from Commission approval by reason of this amendment.

The exemption granted herein does not, of course, carry with it any immunity from the antitrust laws of the United States. Such immunity can only be achieved upon the filing and approval of agreements pursuant to the provisions of section 15 of the Shipping Act, 1916.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 15, 35, and 44 of the Shipping Act, 1916 (46 U.S.C. 824, 833(a) and 841(b)), paragraph (b) of § 510.26 of Title 46 CFR is hereby amended to read as follows:

§ 510.26 **Section 15 agreements.**

* * * * *

(b) All such agreements, or modifications or cancellations thereof, shall not be carried out until approved by the Commission: *Provided, however,* That nonexclusive cooperative working agreements in the form prescribed herein between licensed independent ocean freight forwarders providing for the completion of documentation and performance of other forwarder services on export shipments on behalf of the parties to the agreements, are exempt from the provisions of section 15, of the Shipping Act, 1916, and need neither be filed with the Commission for approval nor reduced to writing.

(1) The typical form of agreement to which the exemption applies is as follows:

NONEXCLUSIVE COOPERATIVE
WORKING AGREEMENT

Parties to the agreement are:

(a) A.B.C. Co.	(b) X.Y.Z. Co.
(Street Address)	(Street Address)
(City and State)	(City and State)
F.M.C. No.	F.M.C. No.

(2) Terms of the agreement are:

1. This is a cooperative working arrangement whereunder either of the parties may complete documentation and perform other freight forwarder functions on export shipments on behalf of the other party. It is not an exclusive agreement and either of the above parties may engage or be engaged by other forwarders under another agreement approved by the Federal Maritime Commission, or exempt from the provisions of section 15 of the Shipping Act, 1916, as amended, by reason of 46 C.F.R. 510.26(b).

2. Forwarding and service fees are (the agreed division of freight forwarder fees, or schedule of fees, or that fees are subject to negotiation and agreement on each transaction).

3. Ocean freight compensation is (the agreed division of compensation or that compensation is to be divided between the parties as agreed). This division of brokerage will be restricted to those shipments handled on behalf of each other.

4. The terms of the agreement shall continue unless one party shall notify the other of the desire to terminate the agreement.

Effective date. Since this amendment grants an exemption from current requirements, it shall be effective upon publication in the FEDERAL REGISTER.

By order of the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 67-4469; Filed, Apr. 21, 1967; 8:47 a.m.]