in respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: May 7, 1970.

By the Commission. Commissioner MacIntyre concurs in the result.

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

[F.R. Doc. 70-7097; Filed, June 8, 1970; 8:46 a.m.]

[Docket No. 8777]

PART 13—PROHIBITED TRADE PRACTICES

Korell Corporation

Subpart—Discriminating in price under Section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Korell Corp., Mechanicville, N.Y., Docket No. 8777, May 13, 1970]

Consent order requiring a Mechanicville, N.Y., manufacturer of women's dresses to cease making advertising and promotional allowances to some of its retail customers but not to the competitors of such retailers on proportionately equal terms in violation of section 2(d) of the Clayton Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Korell Corp., a corporation, its officers, directors, agents, representatives and employees, directly or indirectly, or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation for or in consideration of advertising or promotional services, or any other service or facility furnished by or through such customer in connection with the handling, sale, or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

Issued: May 13, 1970.

By the Commission.

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

[F.R. Doc. 70-7098; Filed, June 8, 1970; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 70-133]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Import Quotas on Coffee

Pursuant to section 12.71 of the Customs Regulations, as amended by T.D. 69-251, imports of coffee from nonmember countries of the International Coffee Organization have been established at the level of 6,207,316 pounds for the quota year beginning November 15, 1969. Of this total, the country of Yemen has been allotted a specific quota of 1,851,864 pounds.

The Department of State has now requested the Bureau of Customs to eliminate the specific quota allotted to Yemen and include that quota in the basket quota. This request is based on the fact that for the quota year ending November 14, 1969, the basket quota was completely filled while only 13 percent of the quota allotted Yemen was utilized. Preliminary statistics indicate that the quota for Yemen will again be unfilled this year whereas the basket quota for all other nonmember countries has already been filled. Since there is no provision for transferring any unused portion of the Yemen quota to the basket quota, this means that the nonmember quota which the United States is allowed under the International Coffee Agreement is not being fully utilized.

Section 12.71 (a) and (b) of the Customs Regulations is accordingly amended to read as follows:

§ 12.71 Import quotas on coffee.

(a) *Applicability.* Coffee produced in nonmember countries of the International Coffee Organization is subject to import quotas pursuant to Article 45 of the International Coffee Agreement, 1968.

(b) *Basket quota.* All coffee not specifically identified as a product of or shipment from a member country shall be charged to the quota of 6,207,316 pounds of green coffee which is established for the quota year beginning November 15, 1969. Not more than 50 percent of the quota may be entered during the first 6 months of the quota year (November 15–May 14).

(Sec. 302(1), 82 Stat. 1348; 19 U.S.C. 1356f(1). E.O. 11449, Jan. 22, 1969, 34 F.R. 917)

Effective date. This amendment shall become effective 15 days after its publication in the FEDERAL REGISTER.

[SEAL] EDWIN F. RAINS, *Acting Commissioner of Customs.*

Approved: June 1, 1970.

EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

[F.R. Doc. 70-7211; Filed, June 8, 1970; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

1,2-Dibromo-3-Chloropropane

In F.R. Doc. 70-5691 appearing at page 7300 in the issue of Saturday, May 9, 1970, the closing paragraph and the effective date are incorrect and are changed to read as follows:

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER.

Dated: May 26, 1970.

R. E. DUGGAN, *Acting Associate Commissioner for Compliance.*

[F.R. Doc. 70-7103; Filed, June 8, 1970; 8:46 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Flathead Indian Irrigation Project, Mont.

On page 6712 of the FEDERAL REGISTER of April 28, 1970, there was published a notice of intention to amend §§ 221.24, 221.26 and 221.28 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Mont., that are subject to the jurisdiction of the several irrigation districts. The purpose of the amendments is to establish the lump sum assessment against the Flathead, Mission and Jocko Valley Districts within the Flathead Indian Irrigation Project for the 1971 season.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received, and the proposed amendments are hereby adopted without change as set forth below.

Sections 221.24, 221.26, and 221.28 are amended to read as follows:

§ 221.24 Charges.

Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Mont., on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929; March 28, 1934; August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1971 an assessment of $346,304.71 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 84,848.29 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.26 Charges.

Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Mont., on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1971 an assessment of $64,852.12 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 16,423.12 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.28 Charges.

Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Irrigation Project, Mont., on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, April 18, 1950, and August 24, 1967, there is hereby fixed for the season of 1971 an assessment of $27,337.31 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 7,525.11 acres, which does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

GEORGE L. MOON,
Project Engineer.

[F.R. Doc. 70-7088; Filed, June 8, 1970; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7046]

PART 154—TEMPORARY REGULATIONS IN CONNECTION WITH THE AIRPORT AND AIRWAY REVENUE ACT OF 1970

Registration Procedures for Tax-Free Purchase of Fuel Used in Aircraft

In order to prescribe temporary regulations, which shall remain in effect until superseded by permanent regulations, under section 4041 (c), (d), and (h) of the Internal Revenue Code of 1954, as added by section 202(a) of the Airport and Airway Revenue Act of 1970 (Public Law 91-258, 84 Stat. 237), the following regulations are hereby prescribed:

§ 154.1 Statutory provisions; imposition of tax; noncommercial aviation; additional tax; registration.

Section 4041 (c), (d), and (h) of the Internal Revenue Code of 1954, as added by section 202(a) of the Airport and Airway Revenue Act of 1970:

Sec. 4041. *Imposition of tax.* * * *

(c) *Noncommercial aviation*—(1) *In general.* There is hereby imposed a tax of 7 cents a gallon upon any liquid (other than any product taxable under section 4081)—

(A) Sold by any person to an owner, lessee, or other operator of an aircraft, for use as a fuel in such aircraft in noncommercial aviation; or

(B) Used by any person as a fuel in an aircraft in noncommercial aviation, unless there was a taxable sale of such liquid under this section.

(2) *Gasoline.* There is hereby imposed a tax (at the rate specified in paragraph (3)) upon any product taxable under section 4081—

(A) Sold by any person to an owner, lessee, or other operator of an aircraft, for use as a fuel in such aircraft in noncommercial aviation; or

(B) Used by any person as a fuel in an aircraft in noncommercial aviation, unless there was a taxable sale of such product under subparagraph (A).

The tax imposed by this paragraph shall be in addition to any tax imposed under section 4081.

(3) *Rate of tax.* The rate of tax imposed by paragraph (2) is as follows:

3 cents a gallon for the period ending September 30, 1972; and

5½ cents a gallon for the period after September 30, 1972.

(4) *Definition of noncommercial aviation.* For purposes of this chapter, the term "noncommercial aviation" means any use of an aircraft, other than use in a business of transporting persons or property for compensation or hire by air. The term also includes any use of an aircraft, in a business described in the preceding sentence, which is properly allocable to any transportation exempt from the taxes imposed by sections 4261 and 4271 by reason of section 4281 or 4282.

(5) *Termination.* On and after July 1, 1980, the taxes imposed by paragraphs (1) and (2) shall not apply.

(d) *Additional tax.* If a liquid on which tax was imposed on the sale thereof is taxable at a higher rate under subsection (c)(1) of this section on the use thereof, there is hereby imposed a tax equal to the difference between the tax so imposed and the tax payable at such higher rate.

* * * * *

(h) *Registration.* If any liquid is sold by any person for use as a fuel in an aircraft, it shall be presumed for purposes of this section that a tax imposed by this section applies to the sale of such liquid unless the purchaser is registered in such manner (and furnishes such information in respect of the use of the liquid) as the Secretary or his delegate shall by regulations provide.

[Sec. 4041 (c), (d), and (h) as added by sec. 202(a) of the Airport and Airway Revenue Act 1970 (84 Stat. 237)]

§ 154.1-1 Tax-free sales and purchases of fuel under section 4041(c); registration.

(a) *Purpose of this section.* (1) In general, section 4041(c) of the Internal Revenue Code of 1954, as added by the Airport and Airway Revenue Act of 1970, imposes a tax of 7 cents a gallon (3 cents a gallon upon any product taxable under section 4081) upon any liquid (including jet fuel) sold for use or used after June 30, 1970, as a fuel in an aircraft in noncommercial aviation (as defined in section 4041(c)(4)). The purpose of this section is to set forth rules, as authorized by section 4041(h) and other provisions of the Internal Revenue Code, which provide a method whereby aircraft fuel that is used, in whole or in part, in other than noncommercial aviation may be purchased tax free when delivered by a seller into a fuel supply tank of an aircraft. In addition, the registration provisions of section 4041(h) and this section apply to sales or purchases of fuel, delivered into a fuel supply tank of an aircraft, which are exempt from the tax under section 4041(c) by reason of section 4041(f) (relating to exemption for farm use), section 4041(g) (relating to exemption for use as supplies for vessels), section 4055 (relating to state and local government exemption), and section 4057 (relating to exemption for nonprofit educational organizations).

(2) If the purchaser of fuel does not have the fuel delivered into a fuel supply tank of an aircraft, the fuel shall be sold tax free unless the purchaser pays or agrees, prior to or at the time of the sale, to pay the seller the tax on the liquid covered by the sale. Payment of such tax shall be evidenced by a receipt, which separately states the tax, furnished the purchaser by the seller. If the purchaser does not retain such receipt as a part of his records, he shall be liable for the tax at the applicable rate on that quantity of the liquid which is used by him as fuel in an aircraft or which is sold by him in a taxable transaction. Any person who purchases tax free any liquid for use as a fuel in any aircraft shall be liable for the tax imposed by section 4041(c)(1)(B) or 4041(c)(2)(B) if such fuel is used for a taxable purpose. See Subpart O of Part 48 of the Manufacturers and Retailers Excise Tax Regulations (26 CFR part 48) for procedures with respect to filing returns and paying the tax.

(b) *Tax-free sales only if seller and purchaser are registered.* (1) Under section 4041(h) any liquid delivered into a fuel supply tank of an aircraft is presumed to be taxable under section 4041(c) unless the purchaser of such liquid is registered in such manner (and furnishes such information in respect of the use of the liquid) as provided in this section.

(2) Tax-free sales under section 4041(c) may be made only if both the seller and the purchaser have registered as required by this section. If fuel is purchased tax paid but is used for a nontaxable purpose, see section 6427 relating to refunds or credits of tax. Any person desiring to be registered in order to sell or purchase fuel free of the tax imposed by section 4041(c) shall, prior to making any tax-free sale or purchase, file Form 637A, in duplicate, executed in accordance with the instructions contained in subparagraph (3) of this paragraph. Form 637A shall be filed with the district director of internal revenue for the district in which the principal place of business of the applicant is located (or if he has no principal place of business in the United States, with the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225). The person who receives a validated Certificate of Registry (Validated Form 637A) shall be considered to be registered for purposes of selling or purchasing fuel tax free as provided in this section.

(3)(i) Until such time as printed copies of Form 637A are available at district directors' offices, registration shall be made by obtaining from the district director Form 637 and modifying such form in the following manner:

(a) Type or print a capital "A" immediately following "637" in the upper left corner of both copies, and

(b) Strike the number "32" in the title of such form and type or print the number "31" immediately above the word "for" in the title of both copies.

(ii) Form 637 as modified in subparagraph (i) of this paragraph to become Form 637A shall be executed by supplying the information required thereon. The only instructions on the back of Form 637 that will be applicable to Form 637A are Instructions 5, 6, 7(b), 7(c), 9(d), 9(e), and 10.

(c) *Definitions.* For purposes of this section, the terms "supplies for vessels or aircraft", "State and local government", and "nonprofit educational organization" have the same meanings as defined in § 148.1–3(d), and "use on a farm for farming purposes" shall be determined in accordance with paragraphs (1), (2), and (3) of section 6420(c).

(d) *Evidence of tax-free sale.* (1) To establish the right of a purchaser to purchase fuel tax free under this section, the seller shall obtain from the purchaser and retain in his possession a certificate, properly executed and signed by on behalf of the purchaser, containing the following information:

(i) Date of purchase,

(ii) The purchaser's registration number, and

(iii) A brief statement of the intended tax-free use of the fuel (for example, by an airline in the business of transporting persons or property for hire).

(2) The following form of certificate will be acceptable and must be adhered to in substance:

_____, 19--
(Date)

The undersigned certifies that he, or the

_____
(Name of purchaser if other than undersigned)

of which he is_____,
(Title)

holds certificate of registry No._____and the fuel delivered into a supply tank of his aircraft may be purchased free of tax because such fuel will be used

_____
(Brief statement of tax-free use)

The undersigned understands that if the fuel is used otherwise than as stated above and for a purpose taxable under section 4041(c) of the Internal Revenue Code, he will be liable for the tax upon such use.

The undersigned understands that the fraudulent use of this certificate to secure exemption will subject him and all guilty parties to a penalty equivalent to the amount of tax due on the sale of the fuel and upon conviction to a fine of not more than $10,000, or to imprisonment for not more than 5 years, or both, together with the costs of prosecution. The purchaser also understands that he must be prepared to establish by satisfactory evidence the purpose for which the fuel purchased under this certificate was used.

_____
(Signature)

_____
(Address)

(3) A separate exemption certificate shall be furnished for each sale of fuel delivered into a fuel supply tank of an aircraft. If a portion of such fuel is intended to be used for a nontaxable purpose, the entire amount of such fuel may be sold tax free. Exemption certificates and proper supporting records such as invoices, orders, etc., relative to tax-free sales must be readily accessible for inspection by internal revenue officers and retained as provided in section 6001 of the Code and the regulations thereunder.

(4) The presumption under section 4041(h) that any liquid delivered into a fuel supply tank of an aircraft is taxable places the duty on the seller of such liquid to use reasonable diligence to satisfy himself that a tax-free sale of fuel to the purchaser is warranted by law. Generally, the requirement of reasonable diligence will be satisfied if the seller receives and retains a certificate evidencing the right of the purchaser to buy the fuel tax free. However, if the seller has failed to use reasonable diligence, he is not relieved of liability for the tax imposed by section 4041(c).

In addition, if the seller fails to obtain and retain the evidence of tax-free sale as required by this paragraph, the seller is not relieved of liability for the tax imposed by section 4041(c).

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: June 5, 1970.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-7171; Filed, June 5, 1970; 2:29 p.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER N—MISCELLANEOUS

[Departmental Reg. 108.621]

PART 131—CERTIFICATES OF AUTHENTICATION

Refusal of Certification for Unlawful Purpose

Section 131.2(b), Title 22 of the Code of Federal Regulations is revised to read as follows:

§ 131.2 Refusal of certification for unlawful purpose.

* * * * *

(b) In accordance with section 3, paragraph 5 of the Export Administration Act of 1969 (83 Stat. 841, Public Law 91–184) approved December 30, 1969, documents which have the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by foreign countries against countries friendly to the United States shall be considered contrary to public policy for purposes of these regulations.

(R.S. 203, sec. 4, 63 Stat. 111, as amended, sec. 1733, 62 Stat. 946, secs. 104, 332, 66 Stat. 174, 252; 22 U.S.C. 2657, 2658, 28 U.S.C. 1733, 8 U.S.C. 1104, 1443)

For the Secretary of State.

[SEAL] FRANK G. MEYER,
Assistant Secretary for Administration.

[F.R. Doc. 70-7086; Filed, June 8, 1970; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 513—ASSISTANCE OF CREDITOR BY DEPARTMENT OF THE ARMY

Indebtedness

Section 513.1 is revised and § 513.2 is revoked, as follows:

§ 513.1 Private indebtedness and financial obligations.

(a) *Purpose.* This section provides Department of the Army policy and guidance in handling delinquent indebtedness against Army members. Instructions contained herein are designed to assist individuals and their commanders in the proper discharge of personal financial affairs.

(b) *Applicability.* (1) This section is applicable to all Army military personnel and to those who seek assistance in the processing of debt complaints against military personnel.

(2) The provisions of this section do not apply to claims for support of dependents, or claims by the Federal, State or municipal government.

(c) *Policy.* (1) A member of the Armed Forces is expected to pay his just financial obligations in a proper and timely manner. A "just financial obligation" means one acknowledged by the military member in which there is no reasonable dispute as to the facts or the law, or one reduced to judgment which conforms to the Soldiers' and Sailors' Civil Relief Act (50 U.S.C., Appendix 501, et seq.), if applicable. "In a proper and timely manner" means a manner which the installation commander concerned determines does not, under the circumstances, reflect discredit on the military service.

(2) The Department of the Army does not condone an attitude of irresponsibility or evasiveness by its personnel toward their just private indebtedness or financial obligations. However, the Department of the Army has no legal authority to require a military member to pay a private debt, or to divert any part of his pay for the satisfaction thereof even though the indebtedness may have been reduced to judgment by a civil court. The enforcement of the private obligations of a military member is a matter for civil authorities.

(3) The processing of debt complaints will not be extended to those who have not made a bona fide effort to collect the debt directly from the military member, whose claims are patently false and misleading, or whose claims are obviously exorbitant.

(4) Creditors desiring to contact a military member concerning his indebtedness are advised that the member's current address may be obtained by writing to The Adjutant General, Attention: AGPF, Department of the Army, Washington, D.C. 20315, for officers and warrant officers and to the Commanding Officer, U.S. Army Personnel Services Support Center, Fort Benjamin Harrison, Ind. 46249, for enlisted personnel, and inclosing $1.50 as a fee for each address.

(d) *Indebtedness of military personnel.* (1) Complaints of civil indebtedness or financial obligations which meet the requirements of this section and which are received at any echelon of the Department of the Army superior to the immediate command of the member concerned will be forwarded through proper channels to the immediate commanding officer of such member for action.

(2) Commanding officers will not tolerate actions of irresponsibility, gross carelessness, neglect, dishonesty, or evasiveness in the private indebtedness and financial obligations of their personnel.

(e) *Indebtedness of retired personnel.* The provisions of this section normally do not apply in the case of retired personnel not on active duty.

(f) *Actions by commanders.* Claimants who, after having been notified of the requirements of this section, refuse or repeatedly fail to comply with them, will be informed by the commander that:

(1) Until such time as the provisions of this section have been complied with, no further action will be taken regarding the matter.

(2) Routine inquiries referred from Headquarters, Department of the Army, or any other source, subsequent to a reply having been dispatched to the same complainant, by the commander as indicated in subparagraph (1) of this paragraph and which do not conform with the provisions of this section will be filed without action.

(g) *Referral to Department of the Army.* An inquiry received from a claimant, no matter what the merits of his claim, which clearly shows that he is attempting to make unreasonable use of the processing privilege will be referred to The Adjutant General, Attention: AGAO-KA, Department of the Army, Washington, D.C. 20315, through channels, with a recommendation that the claimant be denied processing privileges and the reasons therefor.

§ 513.2 Assignment and transfer of pay. [Revoked]

[AR 600-15, Feb. 11, 1970] (Secs. 3012, 70A Stat. 157; 10 U.S.C. 3012)

For the Adjutant General.

RICHARD B. BELNAP,
Special Advisor to TAG.

[F.R. Doc. 70-7087; Filed, June 8, 1970; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 60—Office of Federal Contract Compliance, Equal Employment Opportunity, Department of Labor

PART 60-20—SEX DISCRIMINATION GUIDELINES

On January 17, 1969, proposed guidelines were published at 34 F.R. 758 to amend Chapter 60 of Title 41 of the Code of Federal Regulations by adding a new Part 60-20. Persons interested were given an opportunity to file written data, views, or argument concerning the proposals. Also, public hearings were held on August 4, 5, and 6, to receive oral presentations from interested persons.

Having considered all relevant material, 41 CFR Chapter 60 is hereby amended by adding a new Part 60-20 to read as follows:

Sec.
60-20.1 Title and purpose.
60-20.2 Recruitment and advertisement.
60-20.3 Job policies and practices.
60-20.4 Seniority systems.
60-20.5 Discriminatory wages.
60-20.6 Affirmative Action.

AUTHORITY: The provisions of this Part 60-20 issued under sec. 201, E.O. 11246, 30 F.R. 12319, and E.O. 11375, 32 F.R. 14303.

§ 60-20.1 Title and purpose.

The purpose of the provisions in this part is to set forth the interpretations and guidelines of the Office of Federal Contract Compliance regarding the implementation of Executive Order 11375 for the promotion and insuring of equal opportunities for all persons employed or seeking employment with Government contractors and subcontractors or with contractors and subcontractors performing under federally assisted construction contracts, without regard to sex. Experience has indicated that special problems related to the implementation of Executive Order 11375 require a definitive treatment beyond the terms of the order itself. These interpretations are to be read in connection with existing regulations, set forth in Part 60-1 of this chapter.

§ 60-20.2 Recruitment and advertisement.

(a) Employers engaged in recruiting activity must recruit employees of both sexes for all jobs unless sex is a bona fide occupational qualification.

(b) Advertisement in newspapers and other media for employment must not express a sex preference unless sex is a bona fide occupational qualification for the job. The placement of an advertisement in columns headed "Male" or "Female" will be considered an expression of a preference, limitation, specification, or discrimination based on sex.

§ 60-20.3 Job policies and practices.

(a) Written personnel policies relating to this subject area must expressly indicate that there shall be no discrimination against employees on account of sex. If the employer deals with a bargaining representative for his employees and there is a written agreement on conditions of employment, such agreement shall not be inconsistent with these guidelines.

(b) Employees of both sexes shall have an equal opportunity to any available job that he or she is qualified to perform, unless sex is a bona fide occupational qualification.

NOTE: In most Government contract work there are only limited instances where valid reasons can be expected to exist which would