and for pre-export financing. The interest rates, allowable fees, size limitations and other standards or guidelines that are applicable to all section 7(a) guaranteed loans (see Subpart A of this Part and Parts 120 and 121 of this Chapter) also apply to these loans unless modified by this subpart. A small business may have other 7(a) loans in addition to an Export Revolving Line of Credit (ERLC) loan, so long as the total outstanding balance of all such loans will not exceed the $500,000 (SBA share) statutory ceiling. This Subpart deals only with ERLC loans which are guaranteed by SBA.

§ 122.401 Eligibility.

An applicant for an ERLC loan, in addition to meeting the eligibility criteria applicable to all section 7(a) loans, must have been in operation for at least 12 full months prior to filing an application.

§ 122.402 Use of proceeds.

Proceeds of an ERLC loan can be used only to penetrate or develop a foreign market and to finance labor and materials for pre-export production. Professional export marketing advice or services, foreign business travel or participation in trade shows are examples of eligible expenses to develop or penetrate a foreign market. The cost of acquiring or renting office or commercial space in a foreign country, equipping such an office or wages for a staff in such an office are examples of ineligible uses of proceeds, since these funds should be provided through equity capital or a term loan.

§ 122.403 Fees.

In addition to fees permitted under § 120.3(b) of this Chapter and § 122.18 of this part, the participant in an ERLC loan is permitted to charge the borrower a commitment fee equal to one-fourth of one percent of the loan or two hundred dollar ($200.00) minimum. This fee cannot be charged until the SBA has approved the lender's request for guarantee. The participating institution may also be permitted by SBA to charge borrower a service fee, not to exceed two percent (2%) per annum on the outstanding balance of the loan, for the handling of accounts receivable or inventory collateral. There must be a showing by the institution that extraordinary servicing is involved and the fee does not represent additional interest or profit on the loan. If receivables or inventory constitute only a part of the collateral for the loan, the service fee may be charged only on that part of the loan secured by such collateral. The two percent (2%) service charge is the maximum charge allowable; the actual fee must be commensurate with the extra service involved. Approval of the service charge will be considered by SBA at the written request of the participating institution.

§ 122.404 Maturity.

The maturity of an ERLC loan, together with all extensions and renewals, cannot exceed eighteen (18) months.

§ 122.405 Collateral.

Only collateral that is located in the United States, its territories and possessions will be acceptable security for these loans.

§ 122.406 Additional loan conditions.

(a) *Projected Cash Flow Statement.* An ERLC loan application must include a projected cash flow that supports the need for the funds and that evidences repayment ability. The projection must cover the applicant's total operation and clearly identify the use(s) of the loan proceeds and source(s) of repayment. The projection must cover the term of the loan.

(b) *Monthly Progress Reports.* Every ERLC borrower must submit monthly progress reports to the lender and explain discrepancies between the projected cash flow and the progress report.

(c) *Withholding Taxes.* Every applicant for an ERLC loan must be current on all payroll taxes and have in operation a depository plan for the payment of future withholding taxes.

(Catalog of Federal Domestic Assistance Program No. 59.012 Small Business Loans)

Dated: May 11, 1982.

James C. Sanders,

Administrator.

[FR Doc. 82-15017 Filed 6-2-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 82-ACE-14]

Designation of Federal Airways, Area Low Point Routes, Controlled Airspace and Reporting Points; Alteration of Control Zone, Lincoln, Nebr.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to alter the control zone at Lincoln, Nebraska, to totally encompass a 6-mile radius of Lincoln Airport, Lincoln, Nebraska. This action is necessary to include approximately 1 square mile of additional controlled airspace, which had previously been excluded within a 1-mile radius of Arrow Airport. Since Arrow Airport has been abandoned, the exclusion is no longer necessary.

EFFECTIVE DATE: September 2, 1982.

FOR FURTHER INFORMATION CONTACT: Don A. Peterson, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR 71.171) is to alter the Lincoln, Nebraska, control zone. The alteration is necessary to provide approximately 1 square mile of additional controlled airspace in order to totally encompass the Lincoln Airport. This newly added airspace had been excluded because of the existence of Arrow Airport. Since that airport has been abandoned, there is no further reason for this exclusion. Because this change is not significant and does not impose any additional burden, notice and public procedure under 5 U.S.C. 553(b) is impracticable and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones.

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT September 2, 1982, by altering the following control zone:

Lincoln, Nebraska

Within a 6-mile radius of Lincoln Airport (latitude 40°50'58" N., longitude 96°45'31" W.); and within 1.5 miles each side of the 325° track angle from the Runway 14 threshold extending from the 6-mile radius to 7 miles northwest of the Lincoln Airport; and within 2 miles each side of the Lincoln ILS localizer north course extending from the 6-mile radius to 14 miles north of the Lincoln Airport; and within 2 miles either side of the Lincoln VORTAC 015° radial extending from the 6-

mile radius to 8 miles north of the Lincoln VORTAC; and within 2 miles each side of the Lincoln VORTAC 187° radial extending from the 6-mile radius to 13 miles south of the Lincoln VORTAC.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(a)]; sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)]; § 11.69 of the Federal Aviation Regulations [14 CFR 11.69]).

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Mo., on May 21, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc 82-15006 Filed 6-2-82; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-3090]

Volkswagen of America, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires a Warren, Mich. producer and seller of motor vehicles and replacement parts to cease including in owners' manuals for diesel engine vehicles any instructions for oil filter installation that differs from that provided to its dealers. The order requires the company to include in future maintenance manuals a conspicuous statement warning of the need to follow oil filter installation instructions carefully to avoid serious engine damage. Further, the firm is required to reimburse current and past owners of 1977–1981 Volkswagen and Audi diesels for repairs which resulted from oil filter leaks; notify these owners of the reimbursement offer by first class mail; and provide them with currently recommended oil filter installation information. Additionally, the company is required to locate and pay reimbursement to eligible owners in a timely manner, and maintain specified records for a period of three years.

DATE: Complaint and order issued May 24, 1982.[1]

FOR FURTHER INFORMATION CONTACT:

FTC/PE, Stephen H. Meyer, Washington, D.C. 20580. (202) 724–1515.

SUPPLEMENTARY INFORMATION: On Tuesday, Sept. 29, 1981, there was published in the **Federal Register**, 46 FR 47619, a proposed consent agreement with analysis In the Matter of Volkswagen of America, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–20 Disclosures; § 13.533–45 Maintain records; § 13.533–57 Restitution. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts. Subpart—neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitations of product; § 13.1885 Qualities or properties; § 13.1895 Scientific or other relevant facts.

List of Subjects in 16 CFR Part 13

Motor vehicles, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,

Secretary.

[FR Doc 82-15028 Filed 6-2-82; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and Decision and Order filed with the original document.

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 140

Regulation Concerning Conduct of Members and Employees and Former Members and Employees of the Commission; Receipt and Disposition of Foreign Gifts and Decorations

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: Section 515 of the Foreign Relations Authorization Act, Fiscal Year 1978, as subsequently amended, revising 5 U.S.C. 7342, provides, among other things, that Federal departments and agencies of all three branches of the United States government, including the Commission, are required to issue regulations setting forth the responsibilities of their employees concerning receipt and disposition of gifts and decorations from foreign governments. Previously, government-wide policy was set by the Department of State. The Commission is amending its regulations to conform with 5 U.S.C. 7342, as amended.

EFFECTIVE DATE: June 3, 1982.

FOR FURTHER INFORMATION CONTACT:

Howard L. Schwartz or Helen Blechman, Attorneys, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254–9880.

SUPPLEMENTARY INFORMATION: The Commodity Futures Trading Commission ("Commission"), in conformance with Section 515 of the Foreign Relations Authorization Act, Fiscal Year 1978, Pub. L. 95–105, 91 Stat. 862 *et seq.* (1977), as subsequently amended by Pub. L. 95–426, 92 Stat. 994–995 (1978), which amended Section 7342 (Receipt and disposition of foreign gifts and decorations) of Title 5, United States Code, is amending Part 140, Subpart C of its regulations, 17 CFR Part 140, Subpart C, to add a rule setting forth the responsibilities of Commission members and employees concerning receipt and disposition of gifts and decorations from foreign governments.

The Constitution of the United States, Article I, Section 9, Clause 8, prohibits federal officers and employees from accepting gifts or decorations from foreign governments without the consent of Congress in the following terms:

* * * No Person holding any Office of Profit or Trust under [the United States], shall, without the Consent of the Congress, accept of any present, Emolument, Office, or

Title, of any kind whatever, from any King, Prince, or foreign State.

Congress, in Public Law 95–105, has given its consent to the acceptance and retention by federal officers and employees of certain gifts and decorations tendered by foreign governments. Conversely, to the extent Congress has not consented to the retention of a foreign gift or decoration, it shall be refused or, if accepted, shall become the property of the United States. In that law, Congress also directed each federal agency to develop implementing regulations, pursuant to guidance of Secretary of State, who previously had government-wide policy responsibility with respect to foreign gifts and decorations as authorized by Congress. In accordance with 5 U.S.C. 7342 and the State Department guidance, the Commission is promulgating new Rule 140.735–8A.

Discussion of Rule 140.735–8A

Definitions. Subparagraph (a)(1) of Rule 140.735–8A provides that the rule applies to Commission members and employees, including experts or consultants under contract with the Commission, and the spouses (unless separated) and dependents of such persons.

Subparagraph (a)(2) sets forth the definition of "foreign government," which includes any unit of foreign governmental authority, any international or multinational organization and any agent or representative thereof.

A "gift" as defined in subparagraph (a)(3) includes any tangible or intangible present (other than a decoration) from a foreign government, except grants and other forms of assistance to which Section 108A of the Mutual Educational and Cultural Exchange Act of 1961 applies. Subparagraph (a)(4) defines a "decoration" to include any form of award from a foreign government.

Prohibition. Paragraph (b) provides that Commission members and employees shall not request or otherwise encourage the tender of a foreign gift or decoration; accept a gift of currency, unless it has an historical or numismatic value; accept foreign travel expenses such as transportation, food and lodging, other than as authorized in subparagraph (c)(5); or accept any foreign gift or decoration except as is authorized by the rule.

Gifts Which May Be Accepted. Subparagraph (c)(1) provides that gifts of minimal value tendered or received as a souvenir or mark of courtesy from a foreign government may be accepted by a Commission member or employee without further approval. If the value of the gift is uncertain, the recipient is responsible for establishing that it is of minimal value, as defined by this rule. Documentary evidence may be required in support of the valuation. Subparagraph (a)(5) defines "minimal value" to mean a retail value in the United States at the time of acceptance of the gift of $140 or less, except as periodically redefined by the Administrator of General Services.

Gifts of More Than Minimal Value. Subparagraph (c)(2) provides that Commisson members and employees may accept, on behalf of the United States, gifts of more than minimal value tendered or received from a foreign government when it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States. When a tangible gift of more than minimal value is accepted on behalf of the United States, it becomes the property of the United States.

Subparagraph (c)(3) provides that Commission members and employees may also accept a gift of more than minimal value if it consists of an educational scholarship or medical treatment.

Subparagraph (c)(4) requires that, within 60 days of acceptance of a tangible gift of more than minimal value (unless the gift is an educational scholarship or medical treatment), a Commission member or employee must file a statement with the Executive Director of the Commission containing: his name and position at the Commission; a brief description of the gift; the circumstances justifying acceptance; the identity if known, of the foreign government and the name and position of the individual who presented the gift; the date of acceptance; the estimated value of the gift; and the disposition or current location of the gift.

Gift of Travel or Expenses for Travel. Subparagraph (c)(5) provides that Commission members and employees are authorized to accept from a foreign government gifts of travel or expenses for travel taking place entirely outside the United States (such as transportion, food and lodging) of more than the minimal value if the acceptance is approved by the Commission's Executive Director, based upon a finding that it is consistent with the interests of the Commission. Either prior to or within 30 days after accepting such a gift of travel or travel expenses, the Commission member or employee concerned shall file a statement with the Executive Director containing: his name and position at the Commission; a brief description of the gift; the circumstances justifying acceptance; the identity, if known, of the foreign government and the name and position of the individual who presented the gift; and the date of acceptance.

Decorations. Paragraph (d) provides that Commission members or employees may accept, retain and wear decorations tendered by a foreign government in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the Executive Director. Without this approval, the decoration is deemed to have been acepted on behalf of the United States. In that event, it shall beome the property of the United States and shall be deposited by the employee, within 60 days of acceptance, with the Executive Director for official use or forwarded to the Administrator of General Services for disposal in accordance with paragraph (g) herein.

Under normal circumstances, it can be expected that the Commission member or employee will be notified of the intent of a foreign government to award him or her or a spouse or dependent a decoration for outstanding or unusally meritorious service sufficiently in advance so that the approval required can be sought prior to its acceptance. A request for the approval of the Executive Director shall be submitted in writing, stating the nature of and reason for the decoration. Whenever possible, the request should also be accompanied by a statement by the foreign government, preferably in the form of the citation which shows the basis for the award.

Disposition of gifts or decorations accepted on behalf of the United States. Paragraph (e) provides that, within 60 days after acceptance of a tangible gift of more than the minimal value or a decoration for which approval by the Executive Director has not been given, a Commission member or employee shall deposit the gift or decoration for disposal with the Executive Director or deposit the gift with the Commission for official use, subject to approval of the Commission upon the recommendation of the Executive Director.

A gift or decoration may be retained for official use if the Commission determines that it can be properly displayed in an area accessible to employees and members of the public. Within 30 days after termination of the official use of a gift or decoration, the Executive Director shall forward the gift or decoration to the Administrator of General Services in accordance with paragraph (g) of this rule.

Paragraph (f) provides that, whenever possible, gifts or decorations that have been deposited with the Executive Director for disposal shall be returned to the donor. The Executive Director, in coordination with the Office of the General Counsel, will examine the circumstances surrounding the donation, assessing whether any adverse effect on the foreign relations of the United States might result from the return of the gift or decoration to the donor. Appropriate Department of State officials will be consulted if a question of adverse effect on the United States foreign relations arises.

Paragraph (g) provides that gifts or decorations that have not been returned to the donor, retained for official use or whose official use has terminated shall be forwarded by the Executive Director to the Administrator of General Services for appropriate disposition in accordance with applicable law.

Report to the Secretary of State. In accordance with subparagraph (c)(6), not later than January 31 of each year the Executive Director will compile a listing of all statements filed during the preceding year by Commission members and employees pursuant to subparagraphs (c)(4) and (c)(5) and will transmit the listing to the Secretary of State who, in accordance with 5 U.S.C. 7342(f)(1), publishes a comprehensive listing of such statements from all federal agencies in the **Federal Register.**

Violation. Paragraph (h) reflects the fact that the United States Attorney General, pursuant to 5 U.S.C. 7342(h), may bring a civil action in any United States district court against any Commission member or employee who knowingly solicits or accepts a gift from a foreign government not consented to by Congress in 5 U.S.C. 7342, or who fails to deposit or report such gift as required by 5 U.S.C. 7342, and that the court may assess a civil money penalty.

Further, paragraph (i) provides that a violation of this rule by a Commission employee may be cause for appropriate disciplinary action, in addition to any penalty prescribed by law.

Proof of Minimal Value. Paragraph (j) provides that the recipient has the burden of proving minimal value. In the event of a dispute over the value of a gift, the Executive Director shall arrange for an outside appraiser to determine whether the gift is of more or less than minimal value. Further, when requested by the Administrator of General Services, the Executive Director shall arrange for appraisal of a gift or decoration.

Prohibition on the Use of Commission Funds. Paragraph (k) reflects the prohibition on use of appropriated funds, other than monies in the State Department account entitled "Emergencies in the Diplomatic and Counselor Service," to buy any tangible gift of more than the minimal value for any foreign individual, unless the gift has been approved by Congress.

The Commission finds that this rule relates solely to agency organization, procedure and practice. Therefore, the provisions of the Administrative Procedure Act, as codified, 5 U.S.C. 553, generally requiring notice of proposed rulemaking and other opportunity for public participation are not applicable. The Commission further finds that, because of the need promptly to adopt a rule under the Foreign Gifts and Decorations Act which has been effective for quite some time, there is good cause to make this rule effective upon publication in the **Federal Register.** Accordingly, this rule will become effective on June 3, 1982.

List of Subjects in 17 CFR Part 140

Commodity futures, Conflict of interests, Organization and functions (Government agencies).

In consideration the foregoing and pursuant to the authority in 5 U.S.C. 7342(g)(1) and Sections 2(a)(11) and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 4a(j) and 12a(5), the Commission hereby amends Part 140, Subpart C, of Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE COMMISSION

1. The table of sections of Subpart C of Part 140 is amended as follows:

* * * * *

§ 140.735–8A Receipt and disposition of foreign gifts and decorations.

* * * * *

2. A new § 140.735–8A is added as follows:

§ 140.735–8A Receipt and disposition of foreign gifts and decorations.

(a) For purposes of this section only:

(1) "Commission member" or "employee" means any Commission member or any person employed by or who occupies an office or a position in the Commission; an expert or consultant under contract with the Commission, or in the case of an organization performing services under such contract, any individual involved in the performance of such service; and the spouse, unless the individual and his or her spouse are separated, and any dependant, as defined by Section 152 of the Internal Revenue Code of 1954, of any such person.

(2) "Foreign government" means:

(A) Any unit of foreign governmental authority, including any foreign national, state, local, and municipal government;

(B) Any international or multinational organization whose membership is composed of any unit of foreign government described in paragraph (a)(2)(A) of this section; and

(C) Any agent or representative of any such unit or such organization, while acting as such.

(3) "Gift" means a tangible or intangible present (other than a decoration) tendered by, or received from, a foreign government, except grants and other forms of assistance to which section 108A of the Mutual Educational and Cultural Exchange Act of 1961 applies.

(4) "Decoration" means an order, device, medal, badge, insignia, emblem, or award tendered by, or received from, a foreign government.

(5) "Minimal value" means a retail value in the United States at the time of acceptance of $140 or less, except as redefined to reflect changes in the consumer price index at three year intervals by the Administrator of General Services pursuant to authority granted in 5 U.S.C. 7342(a)(5)(A).

(b) Commission members and employees shall not:

(1) Request or otherwise encourage the tender of a gift or decoration;

(2) Accept a gift of currency, except that which has an historical or numismatic value;

(3) Accept travel or expenses for travel, such as transportation, food and lodging, from foreign governments, other than those authorized in paragraph (c)(5) of this section; or

(4) Accept any gift or decoration, except as authorized by this section.

(c) Gifts which may be accepted:

(1) Commission members and employees may accept and retain gifts of minimal value tendered or received as a souvenir or mark of courtesy from a foreign government without further approval. If the value of a gift is uncertain, the recipient shall be responsible for establishing that it is of minimal value, as defined in this section. Documentary evidence may be required in support of the valuation.

(2) Commission members and employees may accept, on behalf of the United States, gifts of more than minimal value tendered or received from a foreign government when it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States. When a tangible gift of more than minimal value is accepted

on behalf of the United States, it becomes the property of the United States.

(3) Commission members and employees may accept a gift of more than minimal value where such gift is in the nature of an educational scholarship or medical treatment.

(4) Within 60 days after accepting a tangible gift of more than minimal value, other than a gift described in paragraph (c)(5) of this section, a Commission member or employee shall file a statement with the Executive Director of the Commission which shall include the following information:

(A) The name and position of the Commission member or employee;

(B) A brief description of the gift and the circumstances justify acceptance;

(C) The identity, if known, of the foreign government and the name and position of the individual who presented the gift;

(D) The date of acceptance of the gift;

(E) The estimated value in the United States of the gift at the time of acceptance; and

(F) The disposition or current location of the gift.

(5) Commission members and employees are authorized to accept from a foreign government gifts of travel or expenses for travel taking place entirely outside the United States, such as transportation, food and lodging, of more than minimal value if the acceptance is approved by the Executive Director, upon a finding that it is consistent with the interests of the Commission. Either prior to or within 30 days after accepting each gift of travel or travel expenses pursuant to this subparagraph, the Commission member or employee concerned shall file a statement with the Executive Director containing the following information:

(A) The name and position of the Commission member or employee;

(B) A brief description of the gift and the circumstances justifying acceptance;

(C) The identity, if known, of the foreign government and the name and position of the individual who presented the gift; and

(D) The date of acceptance.

(6) Not later than January 31 of each year the Executive Director shall compile a listing of all statements filed during the preceding year by Commission members and employees pursuant to paragraphs (c)(4) and (c)(5) of this section and shall transmit the listing to the Secretary of State.

(d) Commission members or employees may accept, retain and wear decorations tendered by a foreign government in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the Executive Director. Without this approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States, and shall be deposited by the employee, within 60 days of acceptance, with the Executive Director for official use or forwarding to the Administrator of General Services for disposal in accordance with paragraph (g) of this section. Under normal circumstances, it can be expected that a Commission member or employee will be notified of the intent of a foreign government to award him or her or a spouse or dependent a decoration for outstanding or unusually meritorious service sufficiently in advance so that the approval required can be sought prior to its acceptance. A request for the approval of the Executive Director shall be submitted in writing, stating the nature of the decoration and the reason why it is being awarded. Whenever possible, the request should also be accompanied by a statement from the foreign government, preferably in the form of the citation, which shows the basis for the tender of the award, whether it is in recognition of active field service in time of combat operations or for other outstanding or unusually meritorious performance.

(e) Within 60 days after acceptance of a tangible gift of more than minimal value or a decoration for which the Executive Director has not given approval, a Commission member or employee shall:

(1) Deposit the gift or decoration for disposal with the Executive Director; or

(2) Subject to the approval of the Commission, upon the recommendation of the Executive Director, deposit the gift or decoration with the Commission for official use.

A gift or decoration may be retained for official use if the Commission determines that it can be properly displayed in an area accessible to employees and members of the public. Within 30 days after termination of the official use of a gift, the Executive Director shall forward the gift to the Administrator of General Services in accordance with paragraph (g) of this section.

(f) Whenever possible, gifts and decorations that have been deposited with the Executive Director for disposal shall be returned to the donor. The Executive Director, in coordination with the Office of the General Counsel, shall examine the circumstances surrounding the donation, assessing whether any adverse effect on the foreign relations of the United States might result from the return of the gift or decoration to the donor. The appropriate Department of State officials shall be consulted if a question of adverse effect on United States foreign relations arises.

(g) Gifts and decorations that have not been returned to the donor, retained for official use, or for which official use has terminated, shall be forwarded by the Executive Director to the Administrator of General Services for transfer, donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended, and 5 U.S.C. 7342.

(h) In accordance with 5 U.S.C. 7342(h), the United States Attorney General may bring a civil action in any United States district court against any Commission member or employee who knowingly solicits or accepts a gift from a foreign government not consented to by the Congress of the United States in 5 U.S.C. 7342, or who fails to deposit or report such gift as required by 5 U.S.C. 7342. The court may assess a penalty against such Commission member or employee in any amount not exceeding the retail value of the gift improperly solicited or received plus $5,000.

(i) A violation of the requirements set forth in this section by a Commission employee may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law.

(j) (1) The burden of proving minimal value shall be on the recipient. In the event of a dispute over the value of a gift, the Executive Director shall arrange for an outside appraiser to determine whether the gift is of more or less than minimal value.

(2) When requested by the Administrator of Government Services, the Executive Director shall arrange for an appraisal of a gift or decoration.

(k) No appropriated funds of the Commission may be used to buy any tangible gift of more than minimal value for any foreign individual, unless the gift has been approved by Congress.

* * * * *

Issued by the Commission in Washington, D.C. on May 27, 1982.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 82-15029 Filed 6-2-82; 8:45 am]

BILLING CODE 6351-01-M