

PART II

Section 1



FEDERAL REGISTER

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EXECUTIVE OFFICE OF THE PRESIDENT

[3 CFR, Subtitle A]

PART 1—GENERAL

Sec.

- 1.1 Organization.
1.2 Presidential functions.

§ 1.1 *Organization.* The Executive Office of the President is a central staff organization under the immediate direction of the President. It assists him in discharging his administrative responsibilities as head of the Executive Branch of the Government.

§ 1.2 *Presidential functions.* (The President has directed that information with respect to the administration of functions vested in the President by statute be included in the explanation of the organization and procedures of the respective agencies of the Executive Branch which administer such functions on behalf of the President, or which administer activities to which they are directly related.)

PART 2—THE WHITE HOUSE OFFICE

§ 2.1 *Organization.* The White House Office includes secretaries to the President, the Executive Clerk, the Administrative Assistants to the President, and such other personnel as are required to serve the President in an intimate capacity in the performance of the many detailed activities incident to his immediate office.

PART 3—BUREAU OF THE BUDGET

Sec.

- 3.1 Organization.
3.2 Functions of the Bureau of the Budget involving a direct relationship with individuals and public or private organizations.

§ 3.1 *Organization.* The Bureau of the Budget serves the President in the preparation and administration of the budget, in the review of legislation and Executive orders, and in the improvement of administrative management and

NOTICE

Part II of this issue contains organizational and procedural material submitted pursuant to section 3 (a) (1) and (2) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238). This material is presented by Departments in the order of their establishment, followed by independent agencies in alphabetical order. Placement within the Code of Federal Regulations is indicated by bold face brackets at the head of each unit and by appropriate part and section designations within the unit.

Due to the volume of material presented in Part II it has been necessary to bind the part in several sections and to place the table of contents at the end of the last section.

organization. The Bureau of the Budget is under the general supervision of the Director of the Bureau of the Budget. In addition to the Office of the Director, its organization includes six principal divisions in Washington and a field service comprising small offices in Chicago, Illinois; Dallas, Texas; Denver, Colorado; and San Francisco, California. The six divisions of the Bureau are: the Division of Estimates, the Fiscal Division, the Division of Legislative Reference, the Division of Administrative Management, the Division of Statistical Standards, and the Government Information Service.

§ 3.2 *Functions of the Bureau of the Budget involving a direct relationship with individuals and public or private organizations—(a) Collection of information from the public.* (1) In connection with its functions related to the management of the Government, the Bureau of the Budget is assigned responsibility for planning and promoting the improvement, development, and coordination of Federal and other statistical

services. In carrying out this responsibility the Director of the Bureau of the Budget is largely governed by the Federal Reports Act of 1942 (56 Stat. 1078; 5 U. S. C. 139-139 (f)). This act provides, in part, that no Federal Executive agency (except as noted in the Act) shall conduct or sponsor the collection of information, upon identical items, from ten or more persons (individuals, business or other organizations, or State or local governments) without having submitted its proposed requests for information to the Director of the Bureau of the Budget for his approval. Such requests for information include report forms, schedules, questionnaires or other similar methods of obtaining information.

(2) The Director has delegated to the Assistant Director in Charge of Statistical Standards the authority conferred upon him by the Federal Reports Act. In the conduct of this function, the Bureau's Division of Statistical Standards, often aided by other parts of the Bureau's organization, reviews proposed plans and report forms submitted to the Bureau by Federal agencies. Each approved request for information must, when used, include an approval number assigned by the Bureau of the Budget and a statement indicating the Bureau's approval.

(3) To assist the Bureau in evaluating the burden of these plans and report forms on the public as well as their technical adequacy and the usefulness of the desired information, the Budget Director has established an Advisory Committee on Government Questionnaires composed of representatives of leading business, manufacturing, trade, and related associations; a Labor Advisory Committee on Statistics composed of representatives of leading labor organizations; and an Agriculture Advisory Committee on Statistics composed of representatives of leading farm organizations. These committees established by them are frequently asked for views upon specific reporting plans and forms.

(4) At his discretion, the Assistant Director in Charge of Statistical Standards

may grant, to any party having a substantial interest in the collection of any information by a Federal agency, an opportunity to be heard or to submit written statements as to the necessity for collecting such information. Any person desiring to be so heard or to submit such a written statement should communicate with the Assistant Director in Charge of Statistical Standards, Bureau of the Budget, Washington 25, D. C.

(b) *Consultation with State and local officials.* The field offices of the Bureau of the Budget are available to consult with officials of State and local governments on Federal programs of concern to them.

(c) *Information on the Government.* The Government Information Service provides a central information service on the Federal Government for the public and for all branches of the Government. Inquiries concerning Government organization, operations, and personnel may be directed to it. Questions will be answered directly or referred to specialists in Government agencies who can supply the needed information.

PART 4—LIAISON OFFICE FOR PERSONNEL MANAGEMENT

§ 4.1 *Organization.* One of the Administrative Assistants to the President is designated as Liaison Officer for Personnel Management. It is his function to assist the President in the execution of the President's duties with respect to personnel management and in maintaining contact with Federal agencies dealing with personnel matters insofar as they affect or tend to determine personnel management policies of the Executive Branch of the Government.

PART 5—THE COUNCIL OF ECONOMIC ADVISERS

§ 5.1 *Organization.* The Council of Economic Advisers, created under and responsible for the administration of certain main features of the Employment Act of 1946, assists the President in the preparation of an annual Economic Report to Congress; studies national economic developments and trends; appraises activities of the Federal Government bearing upon the nation's economy and the advancement thereof; develops and recommends to the President national economic policies to maintain employment, production, and purchasing power; and furnishes the President with such other studies and reports relating to Federal economic policy and legislation as the President may request. The Council of Economic Advisers consists of three members, one of whom is designated as chairman and another as vice-chairman. A small staff aids the Council in the performance of its responsibilities; and in addition, the Council utilizes, to the fullest extent possible, the services, facilities, and information of other government agencies and of private research agencies. The Council is authorized to constitute advisory committees and consult with representatives of industry, agriculture, labor, consumers, State and local governments, and other groups.

PART 6—OFFICE FOR EMERGENCY MANAGEMENT

§ 6.1 *Organization.* The Office for Emergency Management was created to deal with public emergencies. It now consists of a number of war agencies which are directly under the control and supervision of the President. These agencies are listed and described under Title 32 of the Code of Federal Regulations.

NOTE: These war agencies are carried in this issue with the independent agencies in alphabetical order.

M. C. LATTA,
*Executive Clerk in charge of
the White House Office.*

AUGUST 31, 1946.

[F. R. Doc. 46-15994; Filed, Sept. 5, 1946;
11:45 a. m.]

STATE DEPARTMENT

[22 CFR, Ch. I]

[Departmental Reg. 108.15]

PART 1—ORGANIZATION

Sec.

- 1.1 Two interrelated establishments.
- 1.2 Basic organization of the department in Washington.
- 1.3 Basic field organization of the Foreign Service of the United States.

NOTE: For a statement regarding the functions of the several organization units of the Department of State and the interdepartmental committees and boards chaired by the Department of State, see Part 2 of this chapter; for substantive and procedural regulations of the Department, including delegations of authority, see Subchapters B et seq. of this chapter.

§ 1.1 *Two interrelated establishments.* The Department of State is comprised of two distinct but interrelated establishments, the Department in Washington and the Foreign Service abroad, both of which are under the direction of the Secretary of State.

§ 1.2 *Basic organization of the Department in Washington.* The basic organization of the Department in Washington, in conformity with the law (R. S. 199, 5 U. S. C. 151; R. S. 200 as amended, 5 U. S. C. 152; R. S. 202, 5 U. S. C. 156; 18 Stat. 90, 5 U. S. C. 154) and with regulations of the Secretary of State issued thereunder, is as follows:

(a) *Secretary of State.*

Special Assistants to the Secretary;
Assistants to the Secretary;
Advisers to the Secretary;
Secretary's Staff Committee;
Central Secretariat.

(b) *Under Secretaries of State.*

Special Assistants to the Under Secretary;
Assistants to the Under Secretary.

(c) *Counselor of the Department.*

(d) *Legal Adviser of the Department.*

Assistant Legal Advisers.

(e) *Assistant Secretaries of State.*

Deputies to the Assistant Secretary;
Special Assistants;
Executive Assistants;
Advisers;
Offices (listed below).

(f) *Special Assistants to the Secretary of State with rank of Assistant Secretary.*

Executive Assistants;
Offices (listed below).

(g) *Offices of the Department—(1) Under the Assistant Secretary (for European, Far Eastern, Near Eastern, and African Affairs).*

Office of the European Affairs, comprising:
Director, Deputy Director, and Executive Officer;

Division of Research for Europe;
Division of British Commonwealth Affairs;

Division of Eastern European Affairs;
Division of Central European Affairs;
Division of Southern European Affairs;
Division of Northern European Affairs;
Division of Western European Affairs.

Office of Far Eastern Affairs, comprising:
Director, Deputy Director, and Executive Officer;

Division of Research for Far East;
Division of Chinese Affairs;
Division of Japanese Affairs;
Division of Southeast Asian Affairs;
Division of Philippine Affairs.

Office of Near Eastern and African Affairs, comprising:

Director, Deputy Director, and Executive Officer;

Division of Research for Near East and Africa;

Division of Near Eastern Affairs;
Division of Middle Eastern Affairs;
Division of African Affairs.

(2) *Under the Assistant Secretary (for American Republic Affairs).*

Office of American Republic Affairs, comprising:

Director, Deputy Director, and Executive Officer;

Division of Research for American Republics;

Division of Special Inter-American Affairs;

Division of Mexican Affairs;
Division of Caribbean and Central American Affairs;

Division of Brazilian Affairs;
Division of North and West Coast Affairs;

Division of River Plate Affairs.

(3) *Under the Assistant Secretary (for Occupied Areas).* (None.)

(4) *Under the Assistant Secretary (for Economic Affairs).*

Office of Transport and Communications, comprising:

Director, Deputy Director, and Executive Officer;

Aviation Division;

Shipping Division;

Telecommunications Division.

Office of International Trade Policy, comprising:

Director, Deputy Director, and Executive Officer;

Division of Commercial Policy;

International Resources Division;

Petroleum Division;

Division of International Labor, Social and Health Affairs.

Office of Financial and Development Policy, comprising:

Director, Deputy Director, and Executive Officer;

Division of Financial Affairs;

Division of Investment and Economic Development;

Division of Lend-Lease and Surplus War Property Affairs.

Office of Economic Security Policy, comprising:

Director, Deputy Director, and Executive Officer;

Division of Economic Security Controls;
 Division of German and Austrian Economic Affairs;
 Division of Japanese and Korean Economic Affairs.
 Office of the Foreign Liquidation Commissioner, comprising:
 The Commissioner, Deputy Commissioners, Special Assistants;
 Legal Division;
 Control Division;
 Executive Director, supervising:
 Assistant Executive Directors;
 Planning Division;
 Monetary Division;
 Public Information Division;
 Administrative Division;
 Fiscal and Accounting Division.
 Deputy Executive Director for Lend-Lease, supervising:
 U. S. S. R. Division;
 British Empire and Middle East Division;
 France and French Possessions Division;
 Belgium-Netherlands Division;
 Special Areas Division.
 Deputy Executive Director for Operations, supervising:
 Aircraft Division;
 Maritime Division;
 Fixed Installations Division;
 Movable Goods Division.

(5) *Under the Assistant Secretary (for Public Affairs).*

Office of Public Affairs, comprising:
 Director, Deputy Director, and Executive Officer;
 Division of Public Liaison;
 Division of Research and Publication.
 Office of International Information and Cultural Affairs, comprising:
 Director, Deputy Director, and Executive Officer;
 International Press and Publications Division;
 International Broadcasting Division;
 International Motion Pictures Division;
 Division of International Exchange of Persons;
 Division of Libraries and Institutes;
 Area Division I (Europe);
 Area Division II (Near East and Africa);
 Area Division III (Far East);
 Area Division IV (American Republics);
 Area Division V (Occupied Areas).

(6) *Under the Assistant Secretary (for Administration).*

Office of Departmental Administration, comprising:
 Director, Deputy Director, and Executive Officer;
 Division of Management Planning;
 Division of Departmental Personnel;
 Division of Central Services;
 Division of Coordination and Review;
 Division of Communications and Records;
 Division of Cryptography;
 Central Translating Division;
 Presentation Division;
 Division of Protocol;
 Division of International Conferences.
 Office of the Foreign Service, comprising:
 Director, Deputy Director, and Executive Officer;
 Corps of Foreign Service Inspectors;
 Division of Foreign Service Planning;
 Division of Foreign Service Administration;
 Division of Foreign Service Personnel;
 Division of Training Services;
 Division of Foreign Reporting Services;
 Division of Foreign Buildings Operations;
 Office of Budget and Finance, comprising:
 Director, Deputy Director, and Executive Officer;
 Division of Budget;

Division of Finance;
 UNRRA Division.
 Office of Controls, comprising:
 Director, Deputy Director, and Executive Officer;
 Passport Division;
 Visa Division;
 Special Projects Division;
 Division of Foreign Activity Correlation;
 Division of Investigations;
 Munitions Division.

(7) *Under the Special Assistant to the Secretary for Research and Intelligence.*

Office of Intelligence Coordination and Liaison, comprising:
 Director, Deputy Director, and Executive Officer;
 Intelligence Coordination Division;
 Division of International and Functional Intelligence;
 Division of Map Intelligence and Cartography.
 Office of Intelligence Collection and Dissemination, comprising:
 Director, Deputy Director, and Executive Officer;
 Acquisition and Distribution Division;
 Reference Division;
 Biographic Information Division.

(8) *Under the Special Assistant to the Secretary for International Organization and Security Affairs.*

Office of Special Political Affairs, comprising:
 Director, Deputy Director, and Executive Officer;
 Division of International Organization Affairs;
 Division of International Security Affairs;
 Division of Dependent Area Affairs.

§ 1.3 *Basic field organization of the Foreign Service of the United States.* The field force of the Foreign Service of the United States is comprised of:

(a) American missions (generic term used to designate embassies, legations, or special missions) at the capitals of foreign countries with which the United States has established diplomatic relations, with certain exceptions.

(1) Each such establishment is headed by a chief of mission (generic term used to designate ambassadors, ministers, ministers resident, chargé d'affaires, commissioners, or diplomatic agents), or in his absence by a chargé d'affaires ad interim, who may be the ranking Foreign Service officer assigned to the mission or any competent person designated by the Secretary of State for this purpose. The chief of mission or chargé d'affaires ad interim is assisted by a staff which is usually comprised of counselors, diplomatic secretaries, consular officers, attachés, professional, technical and administrative personnel, and miscellaneous employees.

(2) The mission, either directly or through a consulate general, exercises general supervision over all consular offices within the country.

(3) The majority of American missions are authorized to perform consular duties as well as diplomatic functions; and Foreign Service officers, except attachés, are usually assigned in a dual capacity.

(b) Consular offices (generic term used to designate consulates general headed by career ministers, consuls general, or consuls; consulates headed by consuls

general, consuls, or vice consuls; vice consulates headed by consuls, or vice consuls; and consular agencies headed by consular agents) in strategic cities of the countries with which the United States has established diplomatic relations:

(1) The principal officer at each consular office, except a consular agency, is assisted by a staff of necessary consular officers, professional, technical and administrative personnel, and miscellaneous employees.

(2) A consulate general exercises, under the general supervision of a mission, except where distance renders it impossible or where there is no mission, supervisory power, except in matters pertaining to accounts, over all consular offices within its supervisory district; and the principal officer is the immediate superior of the consular officers within his jurisdiction.

(3) A consulate has jurisdiction over consular business within the limits of its consular district, and exercises, in general, supervisory powers over, and is responsible for the conduct of, vice consulates and consular agencies located within the district; and the principal consular officer is the immediate superior of vice consuls and consular agents within his jurisdiction.

NOTE: This organization is outlined in greater detail and from an operational viewpoint in Paris 101, 102, and 103 of this chapter. Delegations of final authority to officers of the Foreign Service to perform certain functions assigned to the Secretary of State are indicated in the regulations comprising Parts 101 to 122. The public may secure specific information (or make submittals or requests) by writing to the Office of Foreign Service, Department of State, Washington, D. C.

This regulation is effective as of the date of publication in the Federal Register.

AUGUST 28, 1946.

[SEAL] DEAN ACHESON,
Acting Secretary.

[F. R. Doc. 46-15439; Filed, Aug. 29, 1946;
 9: 02 a. m.]

[Departmental Reg. 108.16]

PART 2—FUNCTIONS

| | |
|------|---|
| Sec. | |
| 2.1 | General functions. |
| 2.2 | The Secretary of State. |
| 2.3 | Under Secretary of State. |
| 2.4 | Under Secretary of State for Economic Affairs. |
| 2.5 | Counselor of the Department. |
| 2.6 | Legal Adviser of the Department. |
| 2.7 | Assistant Secretaries of State. |
| 2.8 | Special assistants to the Secretary. |
| 2.9 | Offices of the Department. |
| 2.10 | Foreign Service Boards. |
| 2.11 | Interdepartmental committees and boards chaired by the Department of State. |

§ 2.1 *General functions.* (a) The Department of State has primary responsibility for assisting the President in the determination of United States foreign policy; for conducting the day-to-day negotiations and correspondence with foreign governments through the regular diplomatic channels; for promoting international solidarity; for protec-

tion of the rights and interests of American citizens abroad; for custody and proper use of the Great Seal of the United States; for publication of the laws of the United States; and for the ascertainment of Presidential electors.

(b) The Foreign Service of the United States is the arm of the Department especially organized to establish and maintain friendly relations abroad between the United States Government and foreign governments, to promote good will and commerce, to protect and advance the interests of the United States abroad, to inform the United States Government of conditions abroad, to assist United States citizens abroad, and to assist in the administration of United States laws so far as they relate to nationals of other countries or to United States citizens abroad. (These functions are outlined in greater detail under the appropriate headings in Parts 102 and 109-122 of this chapter.)

§ 2.2 *The Secretary of State.* The Secretary of State, as head of the Department of State, personally handles only the most important matters involved in the duties described in § 2.1 above, with such assistance as he may require from the officers of the Department and the Foreign Service.

§ 2.3 *Under Secretary of State.* The Under Secretary of State serves as the deputy of the Secretary in all matters relating to political affairs and in his absence becomes Acting Secretary. He also serves as vice chairman of the Secretary's Staff Committee.

§ 2.4 *Under Secretary of State for Economic Affairs.* The Under Secretary of State for Economic Affairs is the principal assistant of the Secretary in the field of economic affairs and has primary responsibility for policy in that field.

§ 2.5 *Counselor of the Department.* The Counselor for the Department aids in the formulation and execution of foreign policies, in the reception of the representatives of foreign governments, and in other work of a highly responsible nature. In the absence of both Secretary and Under Secretary he becomes Acting Secretary of State.

§ 2.6 *Legal Adviser of the Department.* The Legal Adviser and his staff are responsible for all matters of a legal nature concerning the Department of State and the Foreign Service of the United States.

§ 2.7 *Assistant Secretaries of State.*
(a) One Assistant Secretary has general responsibility in the field of European, Far Eastern, Near Eastern, and African Affairs, with jurisdiction over the Office of European Affairs, the Office of Far Eastern Affairs, and the Office of Near Eastern and African Affairs.

(b) One Assistant Secretary has general responsibility in the field of American Republic Affairs, with jurisdiction over the Office of American Republic Affairs.

(c) One Assistant Secretary has general responsibility for the coordination of State Department policy regarding all occupied areas, including Germany, Austria, Japan, and Korea. He exercises his functions through two secretariats, a

German-Austria Secretariat and a Japan-Korea Secretariat, each of which is composed of members from the appropriate offices of the Department that are under his direction and control. He is also chairman of the Departmental Armaments Committee.

(d) One Assistant Secretary of State has, under direction of the Under Secretary for Economic Affairs, general responsibility in the field of international economic affairs, with jurisdiction over the Office of Transport and Communications, the Office of International Trade Policy, the Office of Financial and Development Policy, the Office of Economic Security Policy, and the Office of the Foreign Liquidation Commissioner.

(e) One Assistant Secretary has general responsibility in the field of public affairs, with jurisdiction over the Office of Public Affairs and the Office of International Information and Cultural Affairs.

(f) One Assistant Secretary has general responsibility for all matters relating to administration, with jurisdiction over the Office of Departmental Administration, the Office of the Foreign Service, the Office of Budget and Finance, the Office of Controls, and (in purely administrative and fiscal matters) the United States section of the Caribbean Commission.

§ 2.8 *Special assistants to the Secretary.* The special Assistants to the Secretary that have equal rank with Assistant Secretaries of State also have jurisdiction over Offices of the Department.

(a) The Special Assistant to the Secretary for Research and Intelligence has general responsibility in the field of Federal foreign intelligence, with jurisdiction over the Office of Intelligence Coordination and Liaison and the Office of Intelligence Collection and Dissemination. He serves as chairman of the Advisory Committee on Intelligence and represents the Secretary of State on the Intelligence Advisory Board (to advise the Director of Central Intelligence of the National Intelligence Authority).

(b) The Special Assistant to the Secretary for International Organization and Security Affairs has general responsibility in the field of international organization and security, with jurisdiction over the Office of Special Political Affairs.

§ 2.9 *Offices of the Department.* The Offices of the Department perform their functions through operating divisions, as indicated hereunder.

(a) The Office of European Affairs exercises jurisdiction over matters concerning relations with Europe, through the:

Division of Research for Europe;
Division of British Commonwealth Affairs;
Division of Eastern European Affairs;
Division of Central European Affairs;
Division of Southern European Affairs;
Division of Northern European Affairs;
Division of Western European Affairs.

(b) The Office of Far Eastern Affairs exercises jurisdiction over matters concerning relations with the Far East, through the:

Division of Research for Far East;
Division of Chinese Affairs;

Division of Japanese Affairs;
Division of Southeast Asian Affairs;
Division of Philippine Affairs.

(c) The Office of Near Eastern and African Affairs exercises jurisdiction over matters concerning the Near East and Africa through the:

Division of Research for Near East and Africa;
Division of Near Eastern Affairs;
Division of Middle Eastern Affairs;
Division of African Affairs.

(d) The Office of American Republic Affairs exercises jurisdiction over all matters concerning relations with the American Republics through the:

Division of Research for American Republics;
Division of Special Inter-American Affairs;
Division of Mexican Affairs;
Division of Caribbean and Central American Affairs;
Division of Brazilian Affairs;
Division of North and West Coast Affairs;
Division of River Plate Affairs.

(e) The Office of Transport and Communications exercises jurisdiction over the Foreign policy aspects of transport and communications through the:

Aviation Division;
Shipping Division;
Telecommunications Division.

(f) The Office of International Trade Policy exercises jurisdiction over matters pertaining to international economic, trade, and commercial affairs as well as to international labor, social welfare, and health problems, through the:

Division of Commercial Policy;
International Resources Division;
Petroleum Division;
Division of International Labor, Social and Health Affairs.

(g) The Office of Financial and Development Policy exercises jurisdiction over matters relating to international finance and development through the:

Division of Financial Affairs;
Division of Investment and Economic Development;
Division of Lend-Lease and Surplus War Property Affairs.

(h) The Office of Economic Security Policy exercises jurisdiction over matters relating to economic security through the:

Division of Economic Security Controls;
Division of German and Austrian Economic Affairs;
Division of Japanese and Korean Economic Affairs.

(i) The Office of the Foreign Liquidation Commissioner is a semi-independent office having direct responsibility, under Executive Order 9630, for the disposal of all U. S. Government-owned, foreign-located surplus properties; for lend-lease settlements and negotiations as they relate to surplus property disposal; for the establishment of all pertinent policies and programs; and for the coordination of these programs with the programs of other Government agencies.

(1) The Commissioner directly supervises the Legal and Control Divisions, as well as the Office of the Executive Director.

(2) The Office of the Executive Director supervises the Planning, Administrative,

Monetary, Public Information, and Fiscal and Accounting Divisions, and includes representatives of the Field Commissioners and two Deputy Executive Directors.

(3) The Deputy Executive Director for Lend-Lease is responsible for the continuance and ultimate termination of lend-lease shipments in accordance with contract obligations, and directs the work of the following divisions: U. S. S. R., British Empire and Middle East, France and French Possessions, Belgium-Netherlands, and Special Areas.

(4) The Deputy Executive Director for Operations coordinates the operations of the following surplus property sales divisions: Aircraft, Maritime, Fixed Installations, and Movable Goods:

(5) Central Field Commissioners' offices are located in Paris, for Europe; Cairo, for Africa and the Middle East; New Delhi, for India and Burma; Manila, for China and the Pacific Areas; Balboa, for Latin America; and Washington, for Canada and the North Atlantic areas.

(j) The Office of Public Affairs exercises jurisdiction over the Department's relations with the general public through the:

Division of Public Liaison;
Division of Research and Publication.

(k) The Office of International Information and Cultural Affairs exercises jurisdiction over matters concerning the promotion among foreign peoples of a better understanding of the United States, through the:

International Press and Publications Division;
International Broadcasting Division;
International Motion Picture Division;
Division of International Exchange of Persons;
Division of Libraries and Institutes;
Area Division I (Europe);
Area Division II (Near East and Africa);
Area Division III (Far East);
Area Division IV (American Republics);
Area Division V (Occupied Areas).

(l) The Office of Departmental Administration exercises jurisdiction over all matters concerning administration and protocol through the:

Division of Management Planning;
Division of Departmental Personnel;
Division of Central Services;
Division of Coordination and Review;
Division of Communication and Records;
Division of Cryptography;
Central Translating Division;
Presentation Division;
Division of Protocol;
Division of International Conferences.

(m) The Office of the Foreign Service, in collaboration with other Offices of the Department and other agencies of the Government, exercises jurisdiction over the Foreign Service of the United States through the:

Corps of Foreign Service Inspectors;
Division of Foreign Service Planning;
Division of Foreign Service Administration;
Division of Foreign Service Personnel;
Division of Training Services;
Division of Foreign Reporting Services;
Division of Foreign Buildings Operations.

The Chief of the Division of Foreign Buildings Operations acts as Executive

Secretary of the Foreign Service Buildings Commission.

(n) The Office of Budget and Finance exercises jurisdiction over budgetary and fiscal operations for both the Departmental Service and the Foreign Service through the:

Division of the Budget;
Division of Finance;
UNRRA Division.

(o) The Office of Controls exercises jurisdiction over the control activities of the Department, including matters relating specifically to wartime, through the:

Passport Division;
Visa Division;
Special Projects Division;
Division of Foreign Activity Correlation;
Division of Investigations;
Munitions Division.

(p) The Office of Intelligence Coordination and Liaison assists the Advisory Committee on Intelligence (the consultative body to the Special Assistant to the Secretary for Research and Intelligence) in the development and coordination of a Departmental program of intelligence research, and exercises jurisdiction in general over other matters concerning intelligence research, including functional and map intelligence and cartographic activities. It also provides services for the National Intelligence Authority, the Joint Intelligence Studies Publishing Board, and other joint intelligence agencies, and maintains liaison with private institutes in utilizing research facilities. It functions through the:

Intelligence Coordination Division;
Division of International and Functional Intelligence;
Division of Map Intelligence and Cartography.

(q) The Office of Intelligence Collection and Dissemination procures intelligence materials for the Department and distributes intelligence material to the officers of the Department and to other authorized Government agencies. It exercises its functions through the:

Acquisition and Distribution Division;
Reference Division;
Biographic Information Division.

(r) The Office of Special Political Affairs exercises jurisdiction over matters relating to international organization and security through the:

Division of International Organization Affairs;
Division of International Security Affairs;
Division of Dependent Area Affairs.

§ 2.10 *Foreign Service Boards.* The functions of the Foreign Service Boards, as recreated by the Foreign Service Act of 1946, will be duly stated by the Secretary of State in regulations to become effective on the effective date of the act.

§ 2.11 *Interdepartmental committees and boards chaired by the Department of State.* The functions of interdepartmental committees chaired by the Department of State and the officials occupying the chairs of the respective committees are as follows:

(a) The Interdepartmental Committee on Scientific and Cultural Coopera-

tion (SCC) was established in 1938 by request of the President. The operations have been implemented by several acts of Congress since that time. The Committee has its own funds by direct appropriation from Congress to the Department of State.

(1) The functions of the Committee are to undertake a permanent, cooperative program for the development of economic, cultural, and scientific relations with other countries; and to correlate projects of the departments and agencies of this Government in the economic, scientific, and cultural fields designed to increase international understanding and further mutually beneficial cooperative undertakings between nations.

(2) The Committee is chaired by the Assistant Secretary of State (for Public Affairs).

(b) The Executive Committee on Economic Foreign Policy (ECEFP) was established on April 18, 1944 under the authority of a letter from the President to the Secretary of State dated April 5, 1944.

(1) The functions of the Committee are to examine problems and developments affecting the economic foreign policy of the United States and to formulate recommendations in regard thereto for the consideration of the Secretary of State, and, in appropriate cases, of the President.

(2) The Committee is chaired by the Assistant Secretary of State (for Economic Affairs).

(c) The Interdepartmental Proclaimed List Committee was established in July 1941, at the request of the Department of State pursuant to Presidential Proclamation of July 17, 1941.

(1) The function of the Committee, until July 8, 1946, was to publish the United States Proclaimed List of Certain Blocked Nationals, the effect of which was to prohibit, except under license, all trading and financial transactions and communications of any type between American citizens and real or judicial persons included on the List. Any violation of the List subjected the offender to economic sanctions and criminal prosecution. Since the withdrawal of the List on July 8, 1946, the Committee meets only occasionally to wind up any unfinished business in connection therewith.

(2) The Committee is chaired by the Chief of the Division of Economic Security Controls, Office of Economic Security Policy.

(d) The United States Lend-Lease and Surplus Settlement Committee was established on November 16, 1945 by the Assistant Secretary of State (for Economic Affairs).

(1) The functions of the Committee are to recommend principles on which the United States will seek to conclude lend-lease settlements and agreements, including pipeline and inventory disposal agreements, with lend-lease countries; to integrate and coordinate the activities of United States Government agencies in lend-lease settlements and agreements with foreign governments; to act as a primary United States Committee, with the aid of such subcommittees as may be necessary, in negotiating lend-

lease settlements and agreements with foreign governments; and to report on the progress of lend-lease settlement and agreement negotiations and to recommend specific settlements and agreements for approval by the United States Government.

NOTE: At its first meeting "It was agreed that while the Committee was created to deal with lend-lease settlements, surplus settlements with various countries might also be covered, as in the case of the United Kingdom, but this would vary from country to country."

(2) The Committee is chaired by the Foreign Liquidation Commissioner.

(e) The Petroleum Facilities Coordinating Committee (PFCC) was established in August 1945 by interchange of letters between the Secretary of State and the Secretaries of agencies concerned with petroleum.

(1) The functions of the Committee are to implement the foreign-policy objectives of the Department of State in the disposal of surplus and lend-lease petroleum facilities and the equipment necessary for their operation, facilities in which the United States Government has an investment of \$100,000 or more and which are located abroad or are destined for export from the United States; and to advise interested agencies concerning the declaration of surpluses and disposition of facilities. (The term "petroleum facilities" is construed to include installations and equipment designed for production, distribution, refining, storage, and transportation, including barges of all types and tankers, regardless of size, which are declared surplus by the Maritime Commission to the Foreign Liquidation Commissioner for disposal.)

(2) The Committee is chaired by the Chief of the General Policy Branch, Petroleum Division, Office of International Trade Policy.

(f) The Committee on Trade Agreements was established on June 23, 1934 by letter of the Secretary of State directed to the heads of the various departments and agencies concerned with matters of foreign trade, requesting each to designate representatives to serve on the Committee. Liaison with the Executive Committee on Economic Foreign Policy (ECEFP) was established on May 12, 1944.

(1) The functions of the Committee are to serve as the central agency of the interdepartmental trade-agreements organization; to direct the preparation of all necessary studies; to review data and recommendations of its numerous subcommittees; and to formulate the final recommendations regarding proposed trade agreements which are submitted, through the Secretary of State, to the President.

(2) The Committee is chaired by the Chief of the Division of Commercial Policy, Office of International Trade Policy.

(g) The Air Coordinating Committee was established on March 27, 1945 by an interdepartmental memorandum regarding the organization of the Air Coordinating Committee, signed by Joseph C. Grew, Acting Secretary of State, and

the Secretaries of War, Navy, and Commerce.

(1) The functions of the Committee are to examine aviation problems and developments affecting more than one department or agency; to coordinate the activities of the Government departments and agencies interested in this field; and to recommend integrated policies for and action by the departments represented on the Committee, or by the President or any other Government agency charged with responsibility in the field.

(2) The Committee is chaired by the Assistant Secretary of State (for Economic Affairs).

(h) The Interdepartmental Committee on Resumption of Communications With Liberated and Occupied Areas was established on February 6, 1945.

(1) The functions of the Committee are to consider the problems arising with respect to the reopening of communications with liberated and occupied countries.

(2) The Committee is chaired by the Chief of the Telecommunications Division, Office of Transport and Communications.

(i) The International Technical Committee of Aerial Legal Experts (CITEJA) was established by a resolution of the First International Conference on Private Air Law held in Paris in 1925. For some years the United States merely sent an observer to the meetings of the CITEJA. In 1932 the American Section of the CITEJA was organized, and thereafter the American members participated in the work of the Committee to some extent through correspondence which was referred to the CITEJA by the observer referred to. Beginning in 1935 American members of the CITEJA participated in the sessions of the CITEJA in person.

(1) The functions of the Committee are to prepare American proposals on international conventions dealing with private air law; to present these proposals to the CITEJA; to participate in the proceedings of the International Committee; and to advise the Secretary of State with regard to all matters relative to its functions.

(2) The Committee is chaired by the Advisor on Air Law of the Aviation Division, Office of Transport and Communications.

(j) The Joint Air-Sea-Land Safety and Rescue Committee was established on the initiative of the Department of State in November 1945.

(1) The functions of the Committee are to develop a comprehensive plan for the international coordination of aviation, shipping, and telecommunications operations regarding safety and rescue.

(2) The Committee is chaired by the Director of the Office of Transport and Communications.

(k) The Telecommunications Coordinating Committee was established in accordance with letters of January 21, 1946 signed by the Acting Secretary of State to the Departments of War, Navy, Treasury, Commerce, and the Federal Communications Commission.

(1) The functions of the Committee are the coordination of policies of the

various departments and agencies of the United States Government relating to domestic and international communications; and the formulation of a national communications policy. The Committee acts in an advisory capacity only, but may take final action if specifically authorized by unanimous concurrence of all Government agencies represented thereon.

(2) The Committee is chaired by the Assistant Secretary of State (for Economic Affairs).

(l) The State-War-Navy Coordinating Committee (SWNCC) was established in December 1944 by an exchange of letters between the Secretary of State, the Secretary of War, and the Secretary of Navy.

(1) The functions of the Committee are to consider matters of a nature which would command the high-level attention of the three departments and matters which should be referred by the Department of State to the Joint Chiefs of Staff; and to improve the methods by which the State Department obtains advice on politico-military matters and to coordinate the views of the three departments on matters of common interest.

(2) The Committee is chaired by the Assistant Secretary of State (for European, Near Eastern, and African Affairs).

(m) The Cabinet Committee on Palestine and Related Problems, composed of the Secretary of State, the Secretary of War, and the Secretary of the Treasury, was established by Executive order on June 11, 1946.

(1) The functions of the Committee are to assist the President in respect to matters relating to Palestine and to implement and coordinate, either directly or through other appropriate departments and agencies, such policies and programs as are approved or authorized by the President.

(2) The Committee is chaired by the Secretary of State.

(n) The Advisory Committee on Occupied Areas was established pursuant to a letter from the Assistant Secretary of State (for Occupied Areas) to the Secretaries of Commerce, Treasury, Agriculture, and Labor. Its first meeting was held on August 12, 1946.

(1) The functions of the Committee are to pool the resources of the civilian agencies arising from the control of Germany, Japan, Austria, and Korea and to serve as a forum for exchange of views.

(2) The Committee is chaired by the Assistant Secretary of State (for Occupied Areas).

(o) National Munitions Control Board. The National Munitions Control Board, established by joint resolution approved November 4, 1939, consists of the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of Commerce, and (for helium only) the Secretary of the Interior.

(1) The functions of the Board are to make yearly reports to Congress on information and data of value in determining the control of trade in arms, ammunition, and implements of war; to recommend to the President from time to time, for proclamation, a list of articles to be considered as arms, ammuni-

tion, and implements of war; and (under the Tin-plate Scrap Act of February 15, 1936 and the Helium Act of September 1, 1937) to recommend the issuance of licenses to export tin-plate scrap and helium.

(2) The Board is chaired by the Secretary of State, who has delegated power from the President to issue the licenses as recommended by the Board.

This regulation will be effective as of the date of publication in the Federal Register.

[SEAL]

DEAN ACHESON,
Acting Secretary.

AUGUST 28, 1946.

[F. R. Doc. 46-15440; Filed, Aug. 29, 1946; 9:02 a. m.]

[Departmental Reg. 108.17]

PART 3—PROCEDURES

The regulations at present comprising Part 3 of this chapter, including the part heading, are hereby rescinded.

There is hereby prescribed a new Part 3 to this chapter, as follows:

Part 3—Procedures

NOTE: The procedures essential to compliance with the regulations of the Department and the Foreign Service are intertwined in the texts of the substantive rules comprising Subchapters B et seq. of this chapter.

This regulation shall become effective immediately upon publication in the FEDERAL REGISTER, National Archives.

[SEAL]

DEAN ACHESON,
Acting Secretary of State.

AUGUST 28, 1946.

[F.R. Doc. 46-15441; Filed, Aug. 29, 1946; 9:02 a. m.]

TREASURY DEPARTMENT

OFFICE OF THE SECRETARY

[31 CFR, Subtitle A]

NOTE: Part 1, Disclosure of Official Information, of this Subtitle is redesignated Part 9, and §§ 1.1 to 1.7, inclusive thereof, are redesignated §§ 9.1 to 9.7, inclusive, and a new Part 1, Office of the Secretary, and Bureaus, Divisions, and Offices Performing Chiefly Staff and Service Functions, is added.

PART 1—OFFICE OF THE SECRETARY, AND BUREAUS, DIVISIONS, AND OFFICES PERFORMING CHIEFLY STAFF AND SERVICE FUNCTIONS

SUBPART A—ORGANIZATION

CENTRAL ORGANIZATION

- Sec. 1.1 Secretary of the Treasury.
- 1.2 Under Secretary.
- 1.3 Assistant Secretaries.
- 1.4 General Counsel.
- 1.5 Fiscal Assistant Secretary.
- 1.6 Assistants to the Secretary.
- 1.7 Special Assistants to the Secretary.
- 1.8 Administrative Assistant to the Secretary.
- 1.9 Bureau of Engraving and Printing.
- 1.10 Bureau of Accounts.
- 1.11 Treasurer of the United States.
- 1.12 Division of Monetary Research.

- Sec. 1.13 Division of Personnel.
- 1.14 Division of Research and Statistics.
- 1.15 Division of Tax Research.
- 1.16 United States Savings Bonds Division.
- 1.17 Division of Public Relations.
- 1.18 Chief Clerk.
- 1.19 Superintendent of Treasury Buildings.
- 1.20 Tax Legislative Counsel.
- 1.21 Chief Coordinator, Treasury Enforcement Agencies.
- 1.22 Committee on Practice.
- 1.23 Libraries.

FIELD ORGANIZATION

- 1.24 Field organization.

DELEGATION OF AUTHORITY

- 1.25 Delegations of authority.

PUBLIC INFORMATION; SUBMITTALS; REQUESTS

- 1.26 Rules governing access to final opinions or orders, to rules and to official records.
- 1.27 Submittals or requests.

SUBPART B—PROCEDURES

- 1.28 In general.
- 1.29 Certain tort claims arising from negligent or wrongful act or omission by Treasury Department employees.
- 1.30 Judgments against the United States.
- 1.31 Payment of sums appropriated in private relief acts.
- 1.32 Compensation for requisitioned property.
- 1.33 Offers of compromise.
- 1.34 Disposition of lands and other property under the control of the General Counsel.

SUBPART A—ORGANIZATION

CENTRAL ORGANIZATION

§ 1.1 Secretary of the Treasury. (a)

The Secretary of the Treasury, appointed by the President by and with the advice and consent of the Senate, is the head of the Department of the Treasury, which carries out the responsibilities imposed upon him. The Department was established by the act of September 2, 1789, 1 Stat. 65 (5 U. S. C. 241), which concluded a description of the duties of the Secretary by providing that he should "perform all such services relative to the finances, as he shall be directed to perform." (5 U. S. C. 242.) The present expanded and varied duties of the Secretary and of the Department are reflected in the departmental bureaus, divisions and offices referred to in Parts 1 and 2 of this title. Among such added responsibilities are the coinage and printing of money and the procurement of federal supplies; the Coast Guard, the Bureau of Narcotics and the Secret Service are now within the Department; more recent acquisitions of duties lie in the field of international monetary operations.

(b) The more important and familiar duties of the Secretary are, as indicated, described in connection with the respective bureaus, divisions and offices of the Department. However, it should be noted in connection with the discussion of the functions of the Bureau of the Public Debt in Part 323 of this title, that sections 1, 18, and 22 of the Second Liberty Bond Act, as amended (31 U. S. C. and Sup. V., 752, 753, 757c) require the approval of the President to be given to the issuance by the Secretary of bonds, notes or savings bonds. As to less familiar and important authorities and duties of the Secretary: he is authorized to sell lands acquired by the United States

by devise (40 U. S. C. 304); to lease unoccupied and unproductive property of the United States (40 U. S. C., 303a); to provide for the preservation, collection, or sale of abandoned or derelict property (40 U. S. C. 310); and to dispose of bonds, notes, or other securities acquired by the United States by judicial process or otherwise (31 U. S. C., Sup. V, 741a). In addition, under statute the Secretary invests the money accruing to numerous trust and other funds of a public character; assists in the financing of various governmental corporations and other agencies; has custody of certain official bonds; and is charged with duties relative to the approval of sureties on official bonds. The Secretary has certain emergency powers pursuant to 15 U. S. C. 605e, under which, with the approval of the President, he may request the Reconstruction Finance Corporation to subscribe for the preferred stock of an insurance company which is in need of funds or may otherwise assist such company.

(c) Under long-standing provision of statute the Secretary is required to publish an annual report to Congress, and to make public on the first day of each month the last preceding weekly statement of the Treasurer of the United States (5 U. S. C. 271). The above-mentioned report, entitled "Annual Report of the Secretary of the Treasury on the State of the Finances" is available through the Government Printing Office.

(d) Pursuant to 5 U. S. C. 4 and 6 the President has provided in Executive Order No. 8714, March 18, 1941 (6 F. R. 1517) that in case of absence or sickness the duties of the Secretary shall be performed by officials of the Treasury in the following order: the Under Secretary, the Fiscal Assistant Secretary, two Assistant Secretaries in order of seniority, and the General Counsel. See also Treasury Department Circular No. 244, July 15, 1943.

(e) The immediate staff of the Secretary includes, in addition to the officials in the preceding paragraph, the following: a varying number of Assistants to the Secretary, and Special Assistants to the Secretary, and an Administrative Assistant to the Secretary. The members of this immediate staff and their offices are discussed below.

(f) The Secretary of the Treasury is chairman or managing trustee of three organizations in the nature of inter-departmental boards or committees. These offices are:

(1) *Chairman of the National Advisory Council on International Monetary and Financial Problems.* The Secretary has been designated by the act of July 31, 1945, 59 Stat. 512 (22 U. S. C., Sup. V, 286b) Chairman of the National Advisory Council on International Monetary and Financial Problems, which includes as its other members the Secretary of State, the Secretary of Commerce, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of the Board of Trustees of the Export-Import Bank of Washington. The object of the Council is to coordinate the policies and operations of the representatives of the United States on the International

Monetary Fund and the International Bank for Reconstruction and Development and of all agencies of the Government which make or participate in making foreign loans or engage in foreign financial exchange or monetary transactions.

A report to the President and to the Congress on the participation of the United States in the Fund and the Bank is required of the Council not less than every six months. The first of these reports, entitled "Report to the President on Activities of the National Advisory Council on International Monetary and Financial Problems", was transmitted to the President on March 4, 1946, by the Chairman of the Council and forwarded to the Congress by the President on March 8, 1946. Special reports on the operations and policies of the Fund and the Bank are to be submitted at two-year intervals by the Council, the first to be made not later than two years after the establishment of the Fund and the Bank.

(2) *Managing Trustee of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund.* Pursuant to the provisions of 42 U. S. C. 401 the Secretary is the Managing Trustee of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund, composed of the Secretaries of Treasury and of Labor and the Chairman of the Social Security Board. This fund results from the extensive contributions and collections from which Social Security benefits are paid. The duties of the Managing Trustee include the investment in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States of those trust funds which in his opinion are not required to meet current withdrawals; the sale at the market prices of any obligations acquired by the fund, except special obligations issued exclusively to the fund (which may be redeemed at par plus accrued interest); and the payment into the Treasury from the trust fund of amounts estimated by him and the Chairman of the Social Security Board to be adequate to reimburse for a 3-month period the expenditures incurred in connection with the administration of certain provisions of the Social Security Act.

The Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund, reporting the status of the fund, is submitted to the Congress on the first day of each regular session.

(3) *Chairman of the Library of Congress Trust Fund Board.* The Secretary serves as Chairman of this board, established pursuant to 2 U. S. C. 154, which is composed of the Secretary of the Treasury, the Chairman of the Joint Committee on the Library, the Librarian of Congress, and two persons appointed by the President for a term of five years each. Reimbursement from the trust fund, not to include compensation to the members of the Board, is allowed for those expenses covered by the voucher of the chairman. The Board is authorized to accept, hold and administer gifts, bequests or devises of property for the

Library. The trust funds are receipted for by the Secretary of the Treasury and invested by him as the board determines (2 U. S. C. 157). Authority is given in 2 U. S. C. 158 for the deposit of the principal of the trust—however, not to exceed \$5,000,000—with the Treasurer of the United States as a permanent loan with interest at the rate of 4 per centum per annum.

Records of the Board are in the custody of the Librarian of Congress, as secretary. The annual report of the Board to Congress, required by 2 U. S. C. 163, is submitted as a part of the Annual Report of the Librarian of Congress.

(g) In addition to holding the foregoing offices, the Secretary of the Treasury is United States Governor and Chairman of the Board of Governors of the International Bank for Reconstruction and Development and of the International Monetary Fund; he is a member of the Economic Stabilization Board, Contract Settlement Advisory Board, National Munitions Control Board, Advisory Board of the Export-Import Bank of Washington, Foreign-Trade Zones Board, Cabinet Committee on Palestine and Related Problems, Joint Committee on Reduction of Non-essential Federal Expenditures, Executive Committee of the Federal-State Committee on Fiscal Policies of the Council of State Governments, Board of Directors of the Federal Farm Mortgage Corporation, Board of Trustees of the Postal Savings System, Smithsonian Institution, National Archives Council, Board of Trustees of the National Gallery of Art, National Park Trust Fund Board, and the Foreign Service Buildings Commission. He is Trustee of the Franklin D. Roosevelt Library. He designates a representative to cooperate with the Army and Navy Munitions Board in the purchase of strategic and critical materials. The Secretary is usually elected Treasurer, and Chairman of the Board of Trustees of the Endowment Fund, of the American National Red Cross and he is usually appointed by the President of the United States to its Central Committee.

§ 1.2 *Under Secretary.* Except for the Secretary, the Under Secretary is the chief officer of the Treasury, and is the first officer of the Department to act as Secretary in case of the absence or sickness of the Secretary himself (5 U. S. C. 245; Executive Order No. 8714, March 18, 1941, 6 F. R. 1517; Treasury Department Circular No. 244, July 15, 1943). He is appointed pursuant to 5 U. S. C. 244 by the President, by and with the advice and consent of the Senate. By statute he is directed to perform such duties in the Office of the Secretary as may be prescribed by the Secretary or by law. There have been assigned to his supervision the Bureau of Internal Revenue and the Bureau of Customs (Treasury Department Order No. 63, April 19, 1946) as well as the Division of Research and Statistics (Treasury Department Circular No. 244, July 15, 1943).

§ 1.3 *Assistant Secretaries.* (a) There are provided for the Department by 5 U. S. C. 246 two Assistant Secretaries, to be appointed by the President by and with the advice and consent of the Sen-

ate. Under 5 U. S. C. 247 they are required to perform such duties in the Office of the Secretary as may be prescribed by the Secretary or by law. Pursuant to 5 U. S. C. 4, 6, Executive Order No. 8714, March 18, 1941, 6 F. R. 1517, and Treasury Department Circular No. 244, July 15, 1943, the Assistant Secretaries in certain instances of absence or sickness of other officials are authorized, in the order of their seniority, to act as Secretary.

(b) By Treasury Department Order No. 64, April 19, 1946 there was assigned to an Assistant Secretary the supervision of the Coast Guard, the Bureau of Narcotics, the Bureau of the Mint, the Bureau of Engraving and Printing, the Chief Coordinator of Treasury Enforcement Agencies, and the Secret Service. By Treasury Department Order No. 65, April 23, 1946, there was assigned to the supervision of the same Assistant Secretary the Office of the Comptroller of the Currency; and by Treasury Department Order No. 66, May 10, 1946, the Procurement Division was placed under his supervision.

(c) The office of the second Assistant Secretary is at the present vacant. Prior to this vacancy there was assigned to the Assistant Secretary occupying it the supervision of the Division of Monetary Research and the Division of Foreign Funds Control. By Treasury Department Order No. 70, August 20, 1946, supervision of the Division of Monetary Research and Foreign Funds Control was assigned to a Special Assistant to the Secretary.

§ 1.4 *General Counsel* (a) The Office of the General Counsel, who is appointed by the President by and with the advice and consent of the Senate, was created by section 512 of the Revenue Act of 1934, Act of May 10, 1934, 48 Stat. 758 (5 U. S. C. 248a; see also section 3930 of the Internal Revenue Code, 53 Stat. 479, 26 U. S. C. 3930). By order dated June 20, 1934, the Secretary of the Treasury established the Legal Division, Department of the Treasury, and directed the General Counsel to perform all duties and functions incident to the administration of the legal activities of the Department and such other duties as might be prescribed by the Secretary. Subordinate to the General Counsel are six Assistants General Counsel, among whom is divided the supervision of the work of all the legal staffs of the various bureaus, divisions, and offices of the Department. One of these, the Assistant General Counsel for the Bureau of Internal Revenue (who has the operative title of "Chief Counsel" of that bureau), is appointed by the President by and with the advice and consent of the Senate (26 U. S. C. 3931). His office is treated separately in § 600.11 of Title 26. The remaining five Assistants are appointed by the Secretary. Any one of the Assistants General Counsel may be designated by the Secretary of the Treasury to act as General Counsel during the absence of the General Counsel. The Office of the Tax Legislative Counsel and the Committee on Practice, which are under the supervision of the General Counsel, are discussed in section 1.20 of this Part and Part 12 of this title, respectively.

(b) Although the chief function of the General Counsel is to give legal advice and assistance to the administrative officers of the Department, numerous duties and powers, some of them seldom exercised, are vested in him by statute, Executive order, or otherwise. In certain instances of absence or sickness of other officials, he is authorized to act as Secretary of the Treasury pursuant to 5 U. S. C. 4, 6, Executive Order No. 8714, March 18, 1941, 6 F. R. 1517, and Department Circular No. 224, July 15, 1943. The recommendation of the General Counsel is necessary to enable the Secretary of the Treasury to compromise claims in favor of the United States (31 U. S. C., Sup. V, 194; 19 U. S. C. 1617). Sureties on certain official bonds must be approved by him (5 U. S. C. 44, 520; 26 U. S. C. 3943; 31 U. S. C. 475). It is the duty of the General Counsel to exercise a general supervision over measures for the prevention and detection of frauds upon the revenue (5 U. S. C. 326); to issue warrants of distress against delinquent disbursing officers and receivers of public money (31 U. S. C. 506, 514); and to perform specified duties relative to the collection of revenues and debts due the United States (5 U. S. C. 323-325, 327, 328). The General Counsel is authorized to appoint agents to purchase lands sold on execution by the United States (31 U. S. C. 195); to control, rent, or sell lands or other property acquired in payment of certain debts (40 U. S. C. 301, 302); and to release real estate to a debtor upon payment of the debt to the United States (40 U. S. C. 306).

§ 1.5 *Fiscal Assistant Secretary.* (a) The Fiscal Service, at the head of which is the Fiscal Assistant Secretary, was established in the Treasury by Reorganization Plan No. III, 54 Stat. 1231 (5 U. S. C. 133t, note), which became effective on June 30, 1940 (5 U. S. C. 133u). The Fiscal Assistant Secretary is appointed by the Secretary of the Treasury in accordance with the civil-service laws. The Fiscal Service includes the Office of the Fiscal Assistant Secretary, the Office of the Treasurer of the United States, the Bureau of Accounts and the Bureau of the Public Debt. In the absence or disability of the Fiscal Assistant, the Secretary may designate any other officer of the Treasury Department to act as Fiscal Assistant Secretary.

(b) Reorganization Plan No. III gave to the Secretary a discretion to establish within the Fiscal Service agencies other than the Office of the Fiscal Assistant, the Office of the Treasurer, the Bureau of Accounts and the Bureau of the Public Debt. And it gave to the Fiscal Assistant Secretary, with the approval of the Secretary, discretion as to the allocation of certain functions within the Fiscal Service.

(c) The Fiscal Assistant Secretary is designated to act as Secretary in case of the absence or sickness of the Secretary and of the Under Secretary (Executive Order No. 8714, March 18, 1941, 6 F. R. 1517; Department Circular No. 244, July 15, 1943).

(d) The Fiscal Assistant Secretary, under the direction of the Secretary, supervises the administration of Treasury financing operations, coordinates the operations of the units in the Fiscal Service, and through the Commissioner of Accounts supervises the accounting operations in the Treasury Department and all its bureaus, divisions and offices. He is required under Reorganization Plan No. III to perform such other duties as the Secretary may direct.

(e) Various specified duties of the Fiscal Assistant Secretary include liaison between the Secretary and other agencies of the Government (such as departments, boards and corporations) to ascertain their financial operations and to coordinate such operations with those of the Treasury. The Fiscal Assistant Secretary directs the performance of the fiscal agency functions of the Federal Reserve banks; prepares periodical estimates of the future cash position of the Treasury for the use of the Department in connection with its financing; prepares calls for the withdrawal of funds from special depositories; and directs the transfer of Government funds between Federal Reserve banks.

§ 1.6 *Assistants to the Secretary.* There are also in the Office of the Secretary a varying number of Assistants to the Secretary. Treasury Department Order No. 1, November 20, 1933, assigned to one such Assistant the duty of approving all statements to the press or to the public through interviews or speeches by any officer or employee of the Department. The office of such Assistant to the Secretary is at present vacant. By Treasury Department Circular No. 244, July 15, 1943, there was assigned to a second Assistant to the Secretary the supervision of the War Finance Division, which, under Treasury Department Order No. 62, December 26, 1945, was renamed United States Savings Bonds Division. Pursuant to Treasury Department Order No. 54, November 29, 1944, and a letter of the Secretary of the same date, the Director of Tax Research was appointed an Assistant to the Secretary and directed to report directly to the Secretary in connection with the affairs of that Division.

§ 1.7 *Special Assistants to the Secretary.* By Treasury Department Order No. 70, August 20, 1946, there was assigned to a Special Assistant to the Secretary, who is appointed by the Secretary, the duties of supervision of the Division of Monetary Research and Foreign Funds Control, the responsibility for all foreign relations affairs of the Department, the function of liaison between the Departments of Treasury and State on such matters, and the supervision of the operating policies of the exchange stabilization fund.

§ 1.8 *Administrative Assistant to the Secretary.* (a) Responsibility for exercising supervision over all administrative management activities of the Treasury Department was placed in the Administrative Assistant to the Secretary by Treasury Department Order No. 1, November 20, 1933. The Administrative Assistant is appointed by and is responsible to the Secretary.

(b) The Director of Personnel, the Chief Clerk and the Superintendent of Treasury Buildings report to the Administrative Assistant. He also exercises control over the Department's budgetary program (Treasury Department Order No. 68, July 30, 1946). In addition, proposed transactions of the following types are subject to the review and approval of the Administrative Assistant: (1) leasing, assignment and management of all space, both federal and commercial, occupied by Treasury offices in Washington and the field, (2) bureau and office organizational changes, including the designation of acting heads of offices, (3) correspondence, reports and other administrative transactions with the Congress and with heads of departments and independent agencies of the government.

(c) In the exercise of his authority as the chief administrative officer of the Department, the Administrative Assistant directs such surveys and examinations as he deems necessary, and is authorized to use technical employees from any Treasury office in the making of such studies.

§ 1.9 *Bureau of Engraving and Printing.* (a) The Bureau operates under a Director, who is appointed by the Secretary of the Treasury, and is responsible to the Secretary through an Assistant Secretary of the Treasury. Its offices and plant are located at 14th and C Streets SW., Washington 25, D. C. Certain continuing authority for the operations of the Bureau are contained in 31 U. S. C. 415 and 416.

(b) The Bureau designs, engraves and prints for the Government of the United States currency, bonds, notes, bills, and certificates; Federal Reserve notes; Federal farm loan, joint-stock land bank, consolidated Federal farm loan and Federal farm mortgage bonds; revenue, customs, postage, and savings stamps; Government checks; and many other classes of engraved work for governmental use. It also performs similar functions for the insular possessions of the United States.

§ 1.10 *Bureau of Accounts.* See Part 270 of this title.

§ 1.11 *Treasurer of the United States.* See Part 351 of this title.

§ 1.12 *Division of Monetary Research.* (a) The Division of Monetary Research was established by Treasury Department Order No. 18, March 25, 1938. The Division is headed by a Director, who is appointed by the Secretary. The Division and the Director are under the supervision of a Special Assistant to the Secretary.

(b) The Division of Monetary Research provides economic analyses, other information, and recommendations for the use of the Secretary and other Treasury officials in formulating and executing departmental policies concerning the exchange stabilization fund, gold, and silver; concerning the flow of capital funds into and out of the United States; concerning the monetary, banking and fiscal policies of foreign countries, and international cooperation; concerning exchange and trade restrictions abroad. It provides economic analyses in connection with the Treasury's Foreign Funds

Control, and in connection with monetary and financial problems in liberated and occupied areas. Analyses are prepared relating to the customs activities of the Department and to other matters arising from international trade, including the trade agreement program.

(c) The Division of Monetary Research also participates in the negotiation of exchange stabilization agreements made by the United States with foreign governments and with central banks. The Treasury's operations under these agreements are performed through the use of the stabilization fund, which is administered by the Division.

§ 1.13 *Division of Personnel.* (a) The Division of Personnel was established by Treasury Department Order No. 32, June 25, 1940, effective July 1, 1940. This order was issued pursuant to Executive Order No. 7916, June 24, 1938 (3 F. R. 1526) and the Treasury Department Appropriation Act, 1941. The Division is headed by a Director of Personnel, appointed by the Secretary and is responsible to the Secretary through the Administrative Assistant to the Secretary.

(b) The Division of Personnel plans and administers the personnel management program of the Treasury Department. The program includes recruitment, appointment, training, transfers, promotions, separations, efficiency ratings, safety, health, discipline, grievances, working conditions, wage administration and position classification. The Division represents the Department in its relations with employee organizations, the Civil Service Commission, the Council of Personnel Administration, and with other agencies dealing with personnel matters.

§ 1.14 *Division of Research and Statistics.* (a) The Division of Research and Statistics was established by Treasury Department Order No. 8, September 17, 1934, superseding the Section of Financial and Economic Research. It operates under a Director, appointed by the Secretary; the Division and its Director are under the supervision of the Under Secretary.

(b) The Division serves as a technical staff for the Secretary, the Under Secretary, and other Treasury officials on matters relating to the economic aspects of fiscal operations and policies, particularly as they concern Federal borrowing. Estimates or revenue receipts are prepared for use in the planning of borrowing operations, in budget messages and summaries, and in connection with proposed revenue legislation.

(c) The Director of Research and Statistics has direct authority over and responsibility for the production, analysis, and publication of statistics, and the conduct of economic research in all branches of the Treasury Department, except as these responsibilities are specifically delegated to the Divisions of Monetary Research and Tax Research.

(d) The Government Actuary, who is an Assistant Director of Research and Statistics, serves as a consultant on actuarial problems for the Treasury in connection with pension and trust funds and other matters relating to the Department's operations, and for other

Government departments and organizations. He advises on existing and proposed retirement legislation, and is a member of the Federal Board of Actuaries and of the Actuarial Advisory Committee of the Railroad Retirement Board.

§ 1.15 *Division of Tax Research.* (a) The Division of Tax Research was established as of June 1, 1938, by Treasury Department Order No. 18, March 25, 1938. The Division operates under a Director, appointed by the Secretary. At the present time, the Director is by virtue of Treasury Department Order No. 54, November 29, 1944, and a letter of the Secretary of the same date, an Assistant to the Secretary.

(b) The Division of Tax Research prepares economic, statistical and technical analyses for the assistance of the Secretary and other Treasury officials in the formulation of Treasury tax policy, and for the assistance of congressional committees in their consideration of tax proposals and legislation; the Division also assists such committees through conferences. Upon request it provides information on various tax matters to the President, to members of Congress, to various Government officials, and to the public.

(c) In the light of revenue needs the Division makes surveys of the Federal tax system as a whole and of particular taxes. Among other questions, it studies methods of adjusting the tax system to changing economic conditions; the economic effect of specified taxes upon particular groups of taxpayers; the fairness of the application of such taxes among the taxpayers of a given group; and tax administration and compliance.

(d) The relationship between federal, state and local taxes is studied for purposes of possible improvement. State, local and foreign taxes and tax systems are studied to secure for the United States the benefit of the experience of other governments.

(e) The Division of Tax Research is also charged with general responsibility respecting the assembly and publication of statistics pertaining to Federal taxation. In connection with this matter, it exercises general supervision over the statistical work of the Income Tax Unit of the Bureau of Internal Revenue. The Division deals with the public through conferences in special cases upon tax questions and in the handling of correspondence in tax matters involving economic questions.

§ 1.16 *United States Savings Bonds Division.* (a) The United States Savings Bonds Division is located in the Washington Building, 15th Street and New York Avenue, N. W., Washington 25, D. C. The Division was established on January 1, 1946, by Treasury Department Order No. 62, dated December 26, 1945, as successor to the vastly larger War Finance Division. It operates through six main branches: Payroll Savings, Labor, Banks and other Financial Institutions, Special Field Operations (which includes activities relating to education, agriculture, negro organizations, women's civic, trade and fraternal groups), Information (which includes press and

radio publicity and sponsored advertising in all media) and Administration. The Division is under the supervision of the National Director of United States Savings Bonds, who is an Assistant to the Secretary.

(b) The United States Savings Bonds Division promotes the sale of Series E, F and G Savings Bonds and of Savings Stamps, and the continued holding of Savings Bonds; encourages the regular purchase of Savings Bonds on the payroll savings plan in places of employment and of Savings Stamps in the schools; seeks to maintain good public relations with thousands of banks and other sales agencies which issue bonds without compensation; and affords an opportunity, through its State and local field organization, for persons who wish to volunteer for public service.

§ 1.17 *Division of Public Relations.* The Division of Public Relations is the central informational organization of the Department and is responsible for the editing, reviewing, and releasing to representatives of the press, radio, and motion pictures all material of public interest originating in the various bureaus of the Department.

§ 1.18 *Chief Clerk.* (a) The Office of The Chief Clerk was created by the Act of April 20, 1818, 3 Stat. 445. The Chief Clerk is appointed by the Secretary, to whom he is responsible through the Administrative Assistant to the Secretary. He serves as consultant and adviser to the Administrative Assistant on questions of administrative management having department-wide application.

(b) The Chief Clerk has custody of the Treasury seal, and certifies copies of official documents. He is responsible for the maintenance of central records and the preparation of pay rolls for numerous units of the Department, and, with the exception of a few instances, has custody of the non-current files of the departmental service. He is accountable for all ordnance issued pursuant to 50 U. S. C. 61 to the Treasury (including its field services) by the Secretary of War for the protection of the public money and property.

(c) The Chief Clerk is responsible, in connection with the appropriation, "Miscellaneous Expenses, Treasury Department", for the proper allocation of expenditures chargeable to such appropriation and keeping related records; for the allocation, within the Department, of property declared by the respective bureaus, divisions and offices to be surplus to their needs; and for the disposal of property which is surplus to the needs of the Department.

(d) The Chief Clerk is charged with the enforcement of departmental regulations. He is in charge of the central administrative services, such as telephone, telegraph, storekeeper, mail, special messengers, duplicating, and translating. The information and receptionist unit in the Main Treasury Building and the issuance of passes and permits to Treasury officials and employees are also under his supervision.

§ 1.19 *Superintendent of Treasury Buildings.* The Office of Superintendent

ent of Treasury Buildings was established by Treasury Department Order No. 16, May 20, 1934. The Superintendent is charged with the responsibility of maintaining and operating certain Treasury buildings in the District of Columbia.

§ 1.20 *Tax Legislative Counsel.* (a) The Office of "Legislative Counsel" was established as of October 1, 1938 by direction of the Secretary. See memorandum of the Administrative Assistant to the Secretary, dated October 6, 1938. The name was changed to "Tax Legislative Counsel" on December 3, 1941 by a similar memorandum. The office is headed by a Tax Legislative Counsel, appointed by the Secretary. By virtue of Treasury Department Order No. 54, November 29, 1944, he is responsible to the General Counsel.

(b) The Office of Tax Legislative Counsel assists in the formulation of the Secretary's tax recommendation to the Congress. It takes part in representing the Department before congressional committees considering internal revenue legislation; assists in drafting such legislation and preparing the technical portions of the reports of such committees; and prepares or reviews departmental reports on tax legislation. The Office of Tax Legislative Counsel reviews proposed internal revenue regulations prepared by the Bureau of Internal Revenue and prospective closing agreements with taxpayers; represents the Department in the negotiation of treaties for the prevention of international double taxation; renders advice on the legal aspects of Federal-State tax relations; receives from members of Congress, from other departments and from the public suggestions for the amendment of the Federal tax laws; and prepares or reviews for the Treasury Department technical correspondence on tax legislation.

§ 1.21 *Chief Coordinator, Treasury Enforcement Agencies.* Since 1934 the law enforcement operations of the various Treasury organizations have been subjected to the supervision of a Coordinator. The respective enforcement services include the Secret Service and the Intelligence Unit of the Bureau of Internal Revenue and the investigative organizations of the Bureau of Customs, the Coast Guard, the Bureau of Narcotics, and the Alcohol Tax Unit of the Bureau of Internal Revenue. The Coordinator, the District Coordinators in the field, and all persons engaged in the work of coordinated enforcement, are in the employ of one or another of the above-mentioned enforcement services. However, by direction of the Secretary, when and as needed for general or enlarged duties, such personnel are detailed to the Coordinator by the respective services.

§ 1.22 *Committee on Practice.* See Parts 12 and 13 of this title.

§ 1.23 *Libraries.* The General Library of the Treasury Department is maintained primarily for the official use of Treasury personnel, but it may be used by the public so long as there is no interference with the work of the Department. A law library is independently main-

tained in the Office of the General Counsel.

FIELD ORGANIZATION

§ 1.24 *Field organization.* (a) The units of the Department of the Treasury discussed in sections 1.1 to 1.23, inclusive, of this Part are, with the exception of the Office of the Secretary, units which perform chiefly staff and service functions. Accordingly there is usually no field organization connected with such units.

(b) There are two exceptions to this generality. The Department maintains abroad a varying small number of Treasury Representatives with their staffs in cities of strategic importance in the world's monetary and financial operations. Examples of such posts are London, Paris and Nanking. These Representatives collect, analyze and transmit to the Department needful information, and in other ways assist in the performance of departmental responsibilities.

(c) The second exception relates to Savings Bonds Representatives. In each of the states, the District of Columbia, Alaska and Hawaii there is a Director of the United States Savings Bonds program. In most States the Director is assisted by one or more Deputy State Directors responsible for major activities or geographical areas within the State. These representatives are responsible for promoting the sale of United States Savings Bonds and Stamps (see § 1.16).

DELEGATIONS OF AUTHORITY

§ 1.25 *Delegations of authority.* (a) The following assignments have been made within the Treasury Department: To the Under Secretary, by Treasury Department Circular No. 244, July 15, 1943, the supervision of the Division of Research and Statistics; and by Treasury Department Order No. 63, April 19, 1946, the supervision of the Bureau of Customs and the Bureau of Internal Revenue. To an Assistant Secretary, by Treasury Department Order No. 65, April 23, 1946, the supervision of the Office of the Comptroller of the Currency; by Treasury Department Order No. 64, April 19, 1946, the supervision of the Coast Guard, the Bureau of Engraving and Printing, the Bureau of the Mint, the Bureau of Narcotics, the Chief Coordinator, Treasury Enforcement Agencies, and the Secret Service; and by Treasury Department Order No. 66, May 10, 1946, the supervision of the Procurement Division. To the General Counsel, by Treasury Department Circular No. 244, July 15, 1943, the supervision of the Legal Division (see also Treasury Department Order No. 6, November 20, 1933); and by Treasury Department Order No. 69, August 7, 1946, the supervision of the Committee on Practice. To an Assistant to the Secretary, by Treasury Department Order No. 62, December 26, 1945, the supervision of the United States Savings Bonds Division. To a Special Assistant to the Secretary, by Treasury Department Order No. 70, August 20, 1946, the supervision of the Division of Monetary Research (including the management of the exchange stabilization fund), Foreign Funds Control, and the foreign relations affairs of the Treasury Department.

(b) The Director of the Division of Tax Research, by Treasury Department Order No. 54, November 29, 1944, reports directly to the Secretary of the Treasury. The Tax Legislative Counsel, by Treasury Department Order No. 54, November 29, 1944, is responsible to the General Counsel. Pursuant to the authority contained in section 512 of the Revenue Act of 1934, 53 Stat. 479 (26 U. S. C. 3931 (b)), by order of September 21, 1937, the General Counsel has delegated to the Assistant General Counsel for the Bureau of Internal Revenue generally the authority, duties, and functions formerly exercised by the General Counsel for the Bureau of Internal Revenue. This order has been amended from time to time to include specific functions not previously delegated. Matters involving press relations are, by Treasury Department Order No. 1, November 20, 1933, required to be submitted for approval to an Assistant to the Secretary (the office of this Assistant to the Secretary is now vacant). By Treasury Department Order No. 59, March 3, 1945, the Administrative Assistant to the Secretary has immediate supervision over the Division of Personnel, the Office of the Chief Clerk, and the Superintendent of Treasury Buildings (see also memorandum of March 5, 1945, from the Administrative Assistant to the Secretary to the Director of Personnel); by Treasury Department Order No. 59 he is responsible for general supervision over organization changes, correspondence with the members of Congress and heads of Government Departments and agencies, and space in Treasury buildings; by Treasury Department Order No. 68, July 30, 1946, he is responsible for the budgetary program of the Department.

(c) As stated in § 1.1 it is provided that in case of absence or sickness the duties of the Secretary shall be performed by officials of the Treasury in the following order: the Under Secretary, the Fiscal Assistant Secretary, two Assistant Secretaries in order of seniority, and the General Counsel.

(d) By Treasury Department Circular No. 244, July 15, 1943, it is provided that in the absence or sickness of the Fiscal Assistant Secretary the Under Secretary will act, and in the absence of both these officers the Senior Assistant Secretary will act as Fiscal Assistant Secretary.

PUBLIC INFORMATION; SUBMITTALS; REQUESTS

§ 1.26 *Rules governing access to final opinions or orders, to rules and to official records—*(a) *Availability of final opinions or orders and rules.* Except as hereinafter stated, all final opinions or orders in the adjudication of cases and all rules (other than those relating solely to the internal management of the Treasury Department) issued by the Office of the Secretary of the Treasury (including the Offices of the Under Secretary, the Assistant Secretaries, the Fiscal Assistant Secretary, the Assistants and Special Assistants to the Secretary, and the Administrative Assistant to the Secretary) are made available to public inspection at the Treasury Department, Washington 25, D. C. This provision shall not apply, however, to final opinions or orders which are not cited as precedents.

dents and which contain information held confidential for one or more of the good causes set forth in paragraph (e) of this section. In view of the nature of their functions, the Office of the General Counsel, the Bureau of Engraving and Printing, the Division of Monetary Research, the Division of Personnel, the Division of Research and Statistics, the Division of Tax Research, the Office of the Chief Clerk, the United States Savings Bonds Division, the Office of Superintendent of Treasury Buildings, the Office of the Tax Legislative Counsel, and the Office of the Chief Coordinator, Treasury Enforcement Agencies, do not issue any final opinions or orders in the adjudication of cases; nor do they issue any rules (other than those relating solely to the internal management of the Treasury Department).

(b) *Requests for final opinions or orders and rules.* Requests to examine the final opinions or orders and rules hereby made available for public inspection shall be addressed to the Administrative Assistant to the Secretary, Treasury Department, Washington 25, D. C.

(c) *Availability of official records.* Except as to official records relating solely to the internal management of the Treasury Department and except as to official records held confidential for one or more of the good causes set forth in paragraph (e) of this section, all matters of official record in the files of the Office of the Secretary of the Treasury (including the Offices of the Under Secretary, the Assistant Secretaries, the Fiscal Assistant Secretary, the Assistants and Special Assistants to the Secretary, and the Administrative Assistant to the Secretary), the Office of the General Counsel, the Bureau of Engraving and Printing, the Division of Monetary Research, the Division of Personnel, the Division of Research and Statistics, the Division of Tax Research, the Office of the Chief Clerk, the United States Savings Bonds Division, the Office of Superintendent of Treasury Buildings, the Office of the Tax Legislative Counsel, and the Office of the Chief Coordinator, Treasury Enforcement Agencies, are made available to persons properly and directly concerned.

(d) *Classification of official records.* The official records made available by paragraph (e) of this section to persons properly and directly concerned may be classified as pertaining to the collection of taxes and the administration of the internal revenue laws, the collection of customs duties and the enforcement of the customs laws, national banks, public debt, the coinage and printing of money, the procurement of Government supplies, finance, the Coast Guard, the disbursement of Government funds, savings bonds, gold, silver, banking, and other monetary matters, both domestic and international, and all other functions of the Treasury Department. In view of the many functions of the bureaus, divisions and offices in question and in view of the numerous types of official records which are kept in connection with the performance of these functions, it is not practicable to list

herein all types of official records in the files of these offices.

(e) *Confidential official records.* For one or more of the following good causes, certain information in the official records of the above named bureaus, divisions, and offices is held confidential, and is not available to the public: (1) the information has been submitted in confidence to the Treasury Department; (2) the information relates to a financial matter or some other type of transaction between the Government and an individual or corporation, the disclosure of which would be prejudicial to the individual or corporation involved (such as by aiding a competitor) without furthering the public interest; (3) for security reasons, such as protection against counterfeiting; (4) the information pertains to negotiations with foreign countries, which information, because of its nature or because of an agreement between this Government and the foreign countries concerned, is required to be held confidential; (5) the material is made confidential by law, such as tax returns; or (6) the disclosure of the information would clearly be inimical to the public interest.

(f) *Application for information.* All requests for information contained in the official records of the bureaus, divisions, and offices enumerated in paragraph (c) of this section shall be addressed to the Administrative Assistant to the Secretary, Treasury Department, Washington 25, D. C. The request shall clearly state the information desired and must set forth the interest of the applicant in the subject matter and the purpose for which the information is desired. If the applicant is an agent or attorney acting for another, he will attach to the application evidence of his authority to act for his principal. If such evidence is satisfactory, such agent or attorney will be given access to any record to which his principal would be given access.

(g) *Determination of application for information.* The determination as to whether the information requested is available for disclosure in any particular case will be made by the Administrative Assistant to the Secretary (or the Secretary of the Treasury, the Under Secretary, an Assistant Secretary, the Fiscal Assistant Secretary, or the General Counsel). As a general rule, the request for information will be determined on the basis of the nature of the interest of the person making the request and the character of the information desired. If in a particular case the Administrative Assistant to the Secretary (or the Secretary of the Treasury, the Under Secretary, an Assistant Secretary, the Fiscal Assistant Secretary, or the General Counsel) determines that a request for information must be refused, prompt notice of the refusal will be given to the applicant, together with a simple statement of the grounds for such refusal.

(h) *Manner in which information is available.* Whenever the Administrative Assistant to the Secretary (or the Secretary of the Treasury, the Under Secretary, an Assistant Secretary, the Fiscal Assistant Secretary, or the General Counsel) determines that a matter of

official record is available for disclosure in a particular case, a copy of said official record will be furnished the party requesting the same, or the officer passing upon the request may, in his discretion, allow a personal inspection of the official record in question at the place where the document is normally kept. A reasonable fee may, in the discretion of the Administrative Assistant to the Secretary (or the Secretary of the Treasury, the Under Secretary, an Assistant to the Secretary, the Fiscal Assistant Secretary, or the General Counsel), be charged for furnishing copies of official records.

§ 1.27 *Submittals or requests.* Submittals or requests (other than those under § 1.26 may be made in person to the units described in §§ 1.1 to 1.23, inclusive, or by correspondence addressed to the respective heads of such units. In cases where the public is not informed as to which unit is primarily concerned in the matter in question, it should address its correspondence to the Secretary of the Treasury, Washington 25, D. C.

SUBPART B—PROCEDURES

§ 1.28 *In general.* The units of the Treasury Department described in this part are, with the exception of the Office of the Secretary itself, units which perform chiefly staff and service functions. As they are largely engaged in the direction and review of departmental action initiated in the bureaus, divisions, and offices described in Part 2 of this title, their contact with the public arises mainly in the course of that review. Accordingly, the procedures of the units described in this part which are available to the public are in almost all cases described in connection with the various bureaus, divisions and offices included in Part 2 of this title. Certain exceptions are set out in §§ 1.29 to 1.34, inclusive.

§ 1.29 *Certain tort claims arising from negligent or wrongful act or omission by Treasury Department employees.* Pursuant to the Federal Tort Claims Act (Title IV of Public Law 601, 79th Congress) claims of \$1000 or less against the United States on account of property loss or damage or on account of personal injury or death are determined initially by the bureau, division or office of the Treasury Department whose employees are charged with the negligent or wrongful act or omission. Determinations in favor of the claimant, after review by the Office of the General Counsel, are submitted to the Budget Division of the Department. Pursuant to call by the Bureau of the Budget, the Budget Division transmits the claim to that Bureau for inclusion in a deficiency appropriation bill. After enactment of the bill by the Congress, the Budget Division requests the initiating bureau, division, or office of the Department to advise the claimant to submit to the Budget Division a formal claim for payment. This claim is then endorsed to the General Accounting Office, and the claimant is advised of this action. After receipt of a certificate of settlement issued by the General Accounting Office, the office of the Treasurer of the United States draws a check and mails it to the claimant.

§ 1.30 *Judgments against the United States.* Persons securing money judgments against the United States in the Court of Claims are required, in order to secure payment, to file transcripts of such judgments with the Secretary of the Treasury for certification to the Congress for appropriation (see 31 U. S. C. 226). Following receipt of an application on the part of the claimant for payment of the amount appropriated by the Congress, the General Accounting Office transmits to the Treasury Department a certificate of settlement. Payment is then made to the claimant by check drawn in the office of the Treasurer of the United States. A similar procedure applies with respect to judgments obtained in the federal district courts, except that papers pertaining to such judgments are filed with the Secretary of the Treasury by the Department of Justice instead of by the claimant.

§ 1.31 *Payment of sums appropriated in private relief acts.* Prior to receipt of a certificate of settlement from the General Accounting Office, the Treasury Department takes no action with respect to payment of appropriations provided by the Congress in private relief bills. After receipt of the certificate of settlement, a check is drawn in the office of the Treasurer of the United States and mailed to the beneficiary.

§ 1.32 *Compensation for requisitioned property.* Under two statutes, enacted as war measures, the President was authorized to requisition military equipment, materials and supplies. Act of October 10, 1940, as amended (50 U. S. C. App. Supp., 711); act of October 16, 1941, as amended (50 U. S. C. App. Supp. 721). Through delegation and redelegation this authority was vested in the War Production Board and in the Secretary of the Treasury. Executive Order No. 8942, dated November 19, 1941, 6 F. R. 5909; Executive Order No. 9138, dated April 17, 1942, 7 F. R. 2919; 32 CFR Cum. Supp. 902.1-902.4. Under the above-mentioned statutes the owners of the requisitioned property are entitled to receive fair and just compensation for the property requisitioned. Although the authority to requisition has lapsed, the authority to make the determination of such compensation remains in the Secretary of the Treasury, and in appropriate cases is exercised in accordance with procedures which have been prescribed by the Chairman of the War Production Board. 32 CFR, Cum. Supp. 902.1 (c).

§ 1.33 *Offers of compromise.* Offers received by the Secretary of the Treasury to compromise claims in favor of the United States under 31 U. S. C. Supp. 194, which may be accepted by the Secretary upon recommendation by the General Counsel, are the subject of regulations issued in Treasury Department Circular No. 39 dated May 25, 1936 (31 CFR, Part 240).

§ 1.34 *Disposition of lands and other property under the control of the General Counsel.* Lands and other property under the control of the General Counsel

(see § 1.4) are normally declared surplus to the needs of his office and disposed of pursuant to statute (Surplus Property Act of 1944, as amended (50 U. S. C. App., Sup., 1611 *et seq.*); 40 U. S. C. 304a).

PART 2—BUREAUS, DIVISIONS, AND OFFICES DEALING LARGELY WITH THE PUBLIC

- Sec.
- 2.1 Bureau of Internal Revenue.
 - 2.2 Bureau of Customs.
 - 2.3 Bureau of the Comptroller of the Currency.
 - 2.4 Bureau of the Mint.
 - 2.5 Bureau of Narcotics.
 - 2.6 Bureau of the Public Debt.
 - 2.7 Foreign Funds Control.
 - 2.8 Procurement Division.
 - 2.9 United States Secret Service.
 - 2.10 United States Coast Guard.

§ 2.1 *Bureau of Internal Revenue.* See 26 CFR and Supps., Parts 600 and 601.

§ 2.2 *Bureau of Customs.* 19 CFR and Supps., Part 100.

§ 2.3 *Bureau of the Comptroller of the Currency.* See 12 CFR and Supps., Parts 4, 5 and 6.

§ 2.4 *Bureau of the Mint.* See 31 CFR and Supps., Parts 91 and 92.

§ 2.5 *Bureau of Narcotics.* See 21 CFR and Supps., Part 206.

§ 2.6 *Bureau of the Public Debt.* See 31 CFR and Supps., Part 323.

§ 2.7 *Foreign Funds Control.* See 31 CFR and Supps., Parts 138 and 139.

§ 2.8 *Procurement Division.* See 41 CFR and Supps., Part 5.

§ 2.9 *United States Secret Service.* See 31 CFR and Supps., Parts 406 and 407.

§ 2.10 *United States Coast Guard.* See 33 CFR and Supps., Parts 1 and 2 and 46 CFR and Supps., Parts 1, 2, 3, and 4.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary.

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4:19 p. m.]

BUREAU OF THE COMPTROLLER OF THE CURRENCY

[12 CFR, Ch. I]

PART 4—ORGANIZATION OF BUREAU

- Sec.
- 4.1 Central and field organization.
 - 4.2 Delegations of final authority.
 - 4.3 Public information.

§ 4.1 *Central and field organization.* The Bureau of the Comptroller of the Currency was created in the Treasury Department under the act of June 3, 1864, 13 Stat. 99 (U. S. C. title 12, sec. 1). The functions of the Bureau can be stated generally as follows:

The chartering of new national banks, the approval of (1) branches, (2) consolidations of national banks and state banks with national banks, (3) the conversion of state banks into national banks; the examination and supervision of (1) all national banks, (2) state banks and building and loan associations in the

District of Columbia, and (3) credit unions organized under the District of Columbia Code; the designation of receivers and the supervision over liquidation of any of the above institutions which become insolvent; the issuance and redemption of Federal Reserve notes. The Comptroller is required by law to submit an annual report to Congress.

(a) *Central organization*—(1) *Comptroller of the Currency.* Under the provisions of U. S. C. title 12, sec. 2, the Comptroller of the Currency is appointed by the President, by and with the advice and consent of the Senate, for a term of five years. In addition to his duties as Comptroller of the Currency he is ex officio member of the board of directors of the Federal Deposit Insurance Corporation. His office and that of his central staff are located in the Treasury Building, Washington, D. C.

(2) *Deputy Comptrollers.* There are three Deputy Comptrollers, appointed by the Secretary of the Treasury for indefinite terms, who perform such duties as are assigned to them by the Comptroller and who function in his place in the absence of the Comptroller of the Currency or his inability to perform his duties.

(3) *Examining Division.* The reports and other data submitted to the Comptroller in connection with the examination and supervision of banks, building and loan associations and credit unions are reviewed and analyzed by this Division, consisting of a Chief National Bank Examiner and seven Assistant Chief National Bank Examiners and their clerical force.

(4) *Organization Division.* Reviews and analyzes applications, reports and other data relating to corporate organization matters in the financial institutions under the supervision of the Comptroller.

(5) *Statistical Division.* Compiles statistics from reports submitted by financial institutions, and from other sources, for the information of the Comptroller, Congress, and others.

(6) *Federal Reserve Issue and Redemption Division.* Handles issuance and redemption of Federal Reserve notes.

(7) *Insolvent Division.* Supervises liquidation of the insolvent institutions for which the Comptroller has appointed receivers.

(8) *Legal Division.* It is comprised of a Chief Counsel and a staff of attorneys assigned to the Comptroller's Office by the Treasury Department. Advises the Comptroller and his staff on legal problems involved in the performance of the functions of the Bureau.

(9) *Personnel Office and Miscellaneous Division.* Performs functions related to recruitment, transfer, promotions, employee relations, efficiency ratings, retirement, resignations, budget matters, time and leave.

(10) *Auditing Division.* Audits all accounts relative to funds under control of the Disbursing Division, Division of Insolvent National Banks, and the Retirement System of the Comptroller of the Currency.

(11) *Disbursing Division.* Maintains accounts covering funds of the Examin-

ing Division and of the Federal Reserve Issue and Redemption Division and makes disbursements to cover pay rolls, travel vouchers and miscellaneous expenses; maintains records and accounts covering the Retirement System of the Comptroller of the Currency; makes purchases of equipment and supplies.

(b) *Field organization.* Divided into twelve geographic districts corresponding to the twelve Federal Reserve districts. Each district is under the supervision of a District Chief National Bank Examiner, who has attached to his office a staff of examiners, assistant examiners and clerks, for the purpose of examining the banks in his district. The offices of the District Chief National Bank Examiners are as follows:

District and Address

- First, Federal Reserve Bank Bldg., Boston 10, Massachusetts.
- Second, 525 Federal Reserve Bank Bldg., New York 5, New York.
- Third, 925 Chestnut Street, Philadelphia 7, Pennsylvania.
- Fourth, 715 Federal Reserve Bank Bldg., Cleveland 1, Ohio.
- Fifth, 1109 State-Planters Bldg., Richmond 19, Virginia.
- Sixth, 303 New Post Office Bldg., Atlanta 3, Georgia.
- Seventh, 164 West Jackson Blvd., Rm. 725, Chicago 4, Illinois.
- Eighth, 518 U. S. Court House & Custom House, St. Louis 1, Missouri.
- Ninth, 223 Federal Office Bldg., Minneapolis 1, Minnesota.
- Tenth, 800 Federal Reserve Bank Bldg., Kansas City 6, Missouri.
- Eleventh, 401 Dallas National Bank Bldg., Dallas 1, Texas.
- Twelfth, 1 Montgomery Street, Rm. 921, San Francisco 4, California.

§ 4.2 *Delegations of final authority.* There are no delegations of final authority in this Bureau. When there is a vacancy in the office of the Comptroller, or the Comptroller is absent or unable to perform his duties, a Deputy Comptroller functions as Acting Comptroller. There is a geographic division of responsibility between the three Deputies for correspondence and decisions on matters arising in the particular districts under their supervision, but the Comptroller retains final authority on all matters:

§ 4.3 *Public information.* Information may be secured from and submittals or requests presented in writing to the office of the Comptroller of the Currency, Washington, D. C., or to the offices of the District Chief National Bank Examiners in the respective districts in which the inquires arise. (See § 4.1 (b)).

(a) *Opinions and orders.* All final opinions and orders in the adjudication of cases before this Bureau (except those required for good cause to be held confidential and not cited as precedents) and all rules, will be published or made available to public inspection at the office of the Comptroller of the Currency, Treasury Building, Washington, D. C. If in the opinion of the Comptroller the revelation of the contents of a particular final opinion or order might adversely affect the financial institutions involved or would encroach upon the right to privacy of such institutions, their customers or other individuals or concerns

dealing with them or this Bureau, or would be inimical to the public interest, they will be classified as confidential.

(b) *Public records.* Matters of official record of this Bureau, except information held confidential for good cause found, will be made available to persons properly and directly concerned, at the offices of the Comptroller of the Currency, Treasury Building, Washington, D. C. Reports of examination of financial institutions under the jurisdiction of the Comptroller and other information obtained by him in the exercise of his visitatorial powers over such institutions are classified as confidential, because such information is obtained by or submitted to him in confidence, its revelation might adversely affect such institutions, the affairs of their customers, or others dealing with them or with this Bureau and would be inimical to the public interest. As to communications with such financial institutions and others concerning their affairs, and all other matters of official record in this Bureau; they will be classified as confidential to the extent that the revelation of the contents thereof might, in the opinion of the Comptroller, be a breach of confidence, adversely affect such financial institutions, their customers, or others dealing with them or this Bureau, or would be inimical to the public interest.

PART 5—FUNCTIONS AND PROCEDURES

- Sec.
- 5.1 Chartering national banks.
 - 5.2 Supervision of financial institutions.
 - 5.3 Conversions of state banks into national banks.
 - 5.4 Consolidation of national banks, and state and national banks.
 - 5.5 Authorizing branches and seasonal agencies.
 - 5.6 Changes in capital structure.
 - 5.7 Changes of name or location.
 - 5.8 Reports of condition.
 - 5.9 Reports of earnings and dividends.
 - 5.10 Reports from financial institutions in the District of Columbia subject to the supervision of the Comptroller.
 - 5.11 Miscellaneous procedures.
 - 5.12 Voluntary liquidations.
 - 5.13 Supervision of liquidation of insolvent financial institutions.
 - 5.14 Conservatorships.
 - 5.15 Remedial actions.
 - 5.16 Issue and redemption of Federal Reserve Notes.

§ 5.1 *Chartering national banks.* (a) Copies of Form 1955, entitled "Application to Organize a National Bank", are furnished upon request. In substance, this form is a letter addressed to the Comptroller of the Currency by a minimum of five prospective shareholders, being natural persons and of lawful age, who intend with others to organize a national bank. The application states the proposed name of the bank, its location, and the intended capital, surplus and undivided profits, and furnishes certain other information regarding the banking connections of the applicants.

(b) Upon receipt of an application properly executed, the applicants are informed that their application is being considered, and the appropriate District Chief National Bank Examiner is instructed to make an investigation.

Among other matters to be considered are the adequacy of the proposed capital structure of the new bank, its future earnings prospects, the general character of its management, the convenience and needs of the community to be served by the bank, and whether or not the proposed corporate powers would be consistent with the applicable statutory provisions. Generally, the Federal Deposit Insurance Corporation, and the Federal Reserve bank for the district in which the proposed bank would be located, are consulted, and their recommendations obtained.

(c) Upon receipt of the report of investigation and other data, the Organization Division analyzes and briefs the information, and appends its recommendation to the brief, which (with its accompanying data) is routed through the Assistant Chief National Bank Examiner who handles the district in which the proposed bank would be located, the Chief National Bank Examiner, and the three Deputies, all of whom append their recommendations and comments. It is then submitted to the Comptroller of the Currency for final decision.

(d) If the decision is unfavorable the applicants are so informed. If the decision is favorable the applicants are furnished with: (1) The standard Articles of Association (Form 1904), which recites the title of the association, the place of doing business, the number of shareholders to be elected on the board of directors, the names of the first board of directors, the date for the regular annual meeting, the amount of stock of the association, the powers of the board, the perpetual succession of the association until dissolved by act of its shareholders, etc., and the method by which special meetings of shareholders shall be called; (2) the Organization Certificate (Form 1903), wherein the organizers certify that they have organized an association for carrying on the business of banking under the laws of the United States, the title of the proposed association, its location, the capital stock and the par value thereof and the name and financial worth and residence of each original shareholder of the association; (3) the oaths of directors (Form 1900), which certify the place of their residences, that the signatories are directors of the designated bank, that they each swear or affirm to administer the affairs of the association in conformity with law, and that each signatory owns in his own right and unencumbered the number of shares of the association which directors are required to own as a condition of offices; (4) the form (Form 1902) on which appear the official signatures of the officers of the bank and the dates of their appointment; (5) the certificate (Form 1918) to be signed and sworn to by at least a majority of the directors and the president or cashier of the bank, stating that the authorized capital stock has been paid in, and listing names of all directors with their places of residence and the number of shares owned by each; (6) Standard By-Laws (Form 2054), which provide for the annual meeting of shareholders, the manner in which shares shall be voted, the officers

and their duties, adoption of a seal, the means of conveyance of real estate, the increase in capital stock, the banking hours, directors' meetings, the establishment of a discount committee, the manner of transferring stock, and the manner of changing the by-laws, etc.; (7) an outline of the general procedure to be followed in executing and submitting the above-mentioned papers. If the new bank at its inception contemplates purchasing the assets of an existing bank, one additional form (Form 2006) is required to be signed by the majority of the board of directors of the new bank, certifying that the assets purchased will not include real estate, stocks, or real-estate loans in conflict with statutory limitations.

(e) When the papers have been properly executed and received by this office and the Bureau has been advised by the appropriate Federal Reserve bank that the new bank has purchased Federal Reserve stock in compliance with statutory requirements, the Comptroller issues to the new bank what is commonly called a Charter (Form 1998). This is a formal declaration by the Comptroller that the bank has complied with the requirements of the statutes of the United States and is authorized to commence the business of banking as a national banking association. The charter is forwarded to the new bank together with an Affidavit of Publication of Charter (Form 1951), which must be signed by the publisher of the newspaper in which the advertisement of the charter has appeared for the requisite statutory period. Also the bank is requested to execute a formal notification to the Comptroller of the Currency that the bank commenced business on a specified date (Form 2008).

(f) Additional procedural steps are necessary where the new bank contemplates exercising fiduciary powers. In such case it is necessary for the bank to obtain a permit from the Board of Governors of the Federal Reserve System and this office must be notified that such permit has been granted, as a condition precedent to the issuance of a charter.

(g) Upon issuance of a charter, the Federal Deposit Insurance Corporation is informed that the requirements of law have been complied with and that the designated bank has been authorized to commence business as of a specified date.

§ 5.2 Supervision of financial institution. (a) By statute, each national bank must be examined not less than twice a year, except that the trust departments of banks having fiduciary powers need not be examined more than once a year. The examinations are made by national bank examiners operating under a District Chief Examiner, of whom there are twelve, one for each Federal Reserve district. The report of examination is submitted to the District Chief Examiner, and by him to the Washington office, where it is analyzed in the Examination Division. Supervisory action is taken by the Comptroller or one of his Deputy Comptrollers on the basis of the information thus obtained.

(b) In the Fifth Federal Reserve District, the Comptroller's supervisory powers extend to District of Columbia credit unions, building associations organized under the District of Columbia Code, and building and loan associations and state banks located and doing business in the District of Columbia.

§ 5.3 Conversions of state banks into national banks. (a) A state bank desiring to convert into a national bank is requested to execute an application to convert a state bank into a national banking association (Form 1988). It is similar in substance to the application for organization of a new national bank but must be executed by the directors of the state bank. When this form, properly executed, is received, the District Chief Examiner is directed to make an examination of the applicant bank, taking into consideration the factors which would be considered on the application for the creation of a new national bank, and in addition the factor of the financial history and condition of the state bank. Generally, the appropriate Federal Reserve bank is consulted and, in addition, if the state bank is not a member of the Federal Reserve System, the Federal Deposit Insurance Corporation is consulted.

(b) When the report and other data are received, they are analyzed, briefed, and routed in the same manner as in the case of an application for a national bank charter.

(c) If the decision is unfavorable the state bank is so notified. If the decision is favorable the bank is furnished with: (1) A suggested resolution to be passed by the shareholders of the state bank authorizing the conversion (Form 1945, No. 2); (2) Standard Articles of Association for a national bank formed by the conversion of a state bank (Form 1945), which are substantially the same as the article of association in the case of a new national bank; (3) the organization certificate for a converting bank (Form 1947), which is substantially the same as the organization certificate in the case of a new national bank; (4) the required oaths of directors (Form 1900), the same form as in the case of a new national bank; (5) the form (Form 1902) on which appear the official signatures of the officers of the bank and the dates of their appointment; (6) the certificate (Form 1919), which certifies that the converting bank has a paid-in and unimpaired capital of a certain specified amount; (7) Standard By-laws (Form 2054) identical with those forwarded to new national banks; (8) an outline of the general procedure to be followed in executing and submitting the above-mentioned papers, and a letter reciting any conditions which must be complied with before authorization to begin business as a national bank. There are many variations to these conditions, dependent upon circumstances in each case; hence no standard form is possible.

(d) Upon receipt of the forms, properly executed, and approval thereof, the Comptroller issues to the applicant bank a Charter (Form 1998), which is substantially the same as in the case of a new bank and authorizes the bank to commence the business of banking as a national banking association on a specified

date. This charter is forwarded to the bank, accompanied by an Affidavit of Publication of Charter (Form 1951) and a form letter to be returned to the Comptroller advising him that the bank did commence the business of banking as a national bank on the date specified.

(e) There may be additional procedural steps in certain cases of conversions where, for instance, the converted bank will have branches, in which case a formal approval of the operation of the specific branches is forwarded to the bank, or where there is an increase in capital or change of location coincidental with the conversion, necessitating specific approval of this office. If the state bank was not insured by the Federal Deposit Insurance Corporation, that Corporation is notified that the bank has been authorized to commence the business of banking as a national bank and that consideration was given to the applicable statutory requirements.

(f) If the state bank was exercising fiduciary powers and contemplates continuing such activity as a national bank, it must obtain a permit so to do from the Board of Governors of the Federal Reserve System, and the Comptroller must be notified that such permit has been issued, as one of the conditions for authorizing the bank to commence the business of banking as a national bank.

§ 5.4 Consolidation of national banks and state and national banks. (a) Of necessity, consolidations are handled on a case-by-case basis. The Bureau assists the banks concerned in formulating a plan of consolidation and drafting a consolidation agreement. Where one of the consolidating banks is a state bank, it is examined by a national bank examiner. When the consolidation agreement has been agreed to by the board of directors of each bank, it is submitted to the Comptroller. The plan is analyzed and briefed by the Organization Division and routed in the same manner as an application for a charter.

(b) If the decision of the Comptroller is unfavorable, the banks are so notified. If the decision of the Comptroller is favorable, the consolidating banks are advised of any conditions precedent to final approval, as, for instance, the concurrence of the Federal Deposit Insurance Corporation if any of the consolidating banks are uninsured.

(c) When the consolidation agreement has been executed by the boards of directors of the consolidating banks, one executed copy thereof is submitted to the Comptroller. The banks are furnished with instructions as to the procedure to be followed in obtaining the consent of their shareholders, together with suggested forms of notice to shareholders. When the plan has been approved by the shareholders of the consolidating banks, certified copies of their resolutions are submitted to the Comptroller, together with, among other things, a copy of the form of proxy used by each bank, a copy of the notice of meeting given to the shareholders of each bank by registered mail, with advice of the date when same was mailed, and a copy of any other letter which may have been sent to the shareholders of each bank relating to the

proposed consolidation. Proof of publication of notices of meetings of the shareholders is required. Also, each bank must certify the amount of its contribution to the capital structure of the consolidated bank.

(d) When the above documents, properly executed, are submitted to the Comptroller along with proof of compliance with any conditions imposed by him, he issues a certificate certifying that the named banks have been consolidated under the charter of one of said national banks and under the title specified. The certificate recites the amount of capital stock and the date when the consolidation is to be effective.

(e) There are additional procedural steps in some cases, as where the consolidated bank will operate branches formerly operated by one of the consolidating banks or will establish new branches, in which cases formal approval by the Comptroller is necessary. In addition, the rights of dissenting shareholders are protected in accordance with specific statutory procedure.

§ 5.5 *Authorizing branches and seasonal agencies*—(a) *Branch banks*. (1) Under the provisions of U. S. C. title 12, sec. 36, national banks may, subject to the approval of the Comptroller of the Currency, establish and operate branches and seasonal agencies. Upon receipt of an application from a national bank or any bank operating in the District of Columbia, for a branch or seasonal agency, the appropriate District Chief Examiner is instructed to make an investigation, taking into consideration the financial history and condition of the bank, the adequacy of its capital structure, its future earnings prospects, the general character of its management, the number of branches now in operation and their location, the proposed location of the new branch and the distance from the head office, the nearest banking facilities, the convenience and needs of the community to be served by the new branch, the nature of the potential clientele and possible business available, including an estimate of contemplated volume within a reasonable period of time and the prospects of successful operation of the branch, together with any other pertinent factors.

(2) The examiner's report is submitted to the District Chief Examiner who forwards it to this office with his own comments and recommendation. The information and data is analyzed, briefed and routed in the same way as an application for a charter.

(3) If the decision is unfavorable the applicant bank is so notified. If the decision is favorable the Comptroller issues a formal certificate evidencing his approval and consent to the establishment and operation of a branch bank at the designated location.

(b) *Removal of branch banks or branch offices*. A branch of a national banking association may not be moved from one location to another without first obtaining the consent and approval of the Comptroller. The procedure for obtaining consent to such a moving of the location of a branch follows the same general course as that of the application

for a branch, although the information required on any investigation made will vary with the circumstances and reasons given for the proposed move. If the approval is granted the Comptroller executes a formal statement to that effect, which is forwarded to the bank applying therefor.

§ 5.6 *Changes in capital structure*. Under the provisions of U. S. C. title 12, secs 57, 58 and 59, increases and decreases in the capital stock of banks under the Comptroller's jurisdiction are subject to his approval.

(a) *Increases and decreases in capital*. Upon receipt of an application to increase or decrease capital stock, the Organization Division prepares an analysis of the condition of the bank, which is routed through the staff as in the case of an application for a charter. If the proposed capital change is disapproved, the bank is so notified. If the plan is approved, the bank is furnished with the necessary forms and instructions, including the notice to shareholders, proxies, resolution, and, in the case of issuance of new stock, the form of certificate. If new stock is to be sold for cash, the bank is also furnished with a form of certificate of payment, which is in substance a letter addressed to the Comptroller, signed by the president or cashier of the bank, certifying that the specified amount of the increase in capital stock has been paid in at the specified purchase price and reciting the aggregate par value of the common capital stock outstanding, including the increase. If the increase is to be achieved by the declaration of a stock dividend, the certification form to be signed by the president or cashier varies accordingly. In the case of reductions of capital stock, the disposition to be made of the capital released by the reduction is subject to the approval of the Comptroller, under the provisions of U. S. C. title 12, sec. 59.

(b) *Preferred stock*. (1) U. S. C. title 12, sec. 51a authorizes national banks to issue preferred stock, with the approval of the Comptroller. The procedure is similar to that in the case of an increase of capital stock by the sale of common stock, with variations appropriate to the status of the preferred stock, and the rights of the prospective purchasers thereof.

(2) The retirement of preferred stock held by national banks is achieved under the general supervision of this office, and in cooperation with the Reconstruction Finance Corporation, where that Corporation is the owner of the stock or is otherwise interested financially in the particular bank.

§ 5.7 *Changes of name or location*. Under U. S. C. title 12, sec. 30, a change in name or location of a national bank requires the approval of the Comptroller. Upon receipt of an application for such a change, an investigation is made to ascertain whether there would be any objections thereto, such as undue similarity of the proposed new name to the name of any other bank in the vicinity. These findings are briefed in the Organization Division and routed in the same manner as applications for changes in capital. If the application is approved,

the bank is furnished with necessary instructions for calling a meeting of shareholders and having the appropriate resolution adopted. When informed that the shareholders have adopted the resolution, the Comptroller issues a certificate of change of name or location, as the case may be.

§ 5.8 *Reports of condition*—(a) *Commercial department reports*. Under the provisions of U. S. C. title 12, sec. 161, every national bank is required to submit to the Comptroller not less than three reports during each year according to the form prescribed by him. Each report must exhibit in detail the resources and liabilities of the bank at the close of business on any past day specified by the Comptroller and must be submitted within five days after receipt of the Comptroller's request therefor. These forms (Form 2130-A and Form 2130-A (short form)) call for statements of assets, liabilities, pledged assets and capital accounts; schedules of loans and discounts, United States Government obligations held, cash balances with other banks, demand deposits, time deposits, contingent liabilities, other liabilities, and other assets; and a statement of the affiliates and holding company affiliates of the bank. When these report forms are sent out to the banks they are accompanied by instructions (Form 2130-C) which cover the forms item by item and schedule by schedule. The bank is also furnished with the form of publisher's certificate (Form 2139) of publication of the report of condition of the bank, which must be published in accordance with the provisions of U. S. C. title 12, sec. 161.

(b) *Trust department reports*. Each national bank which exercises fiduciary powers is required annually to submit Form 2130-D, reflecting the balance sheet of its trust department as of the date specified.

(c) *Affiliate reports*. Each national bank which has affiliates (including holding company affiliates), as defined by statutes, must accompany each report of condition of the bank on Form 2130-A with a report (Form 2131) of its loans and advances to affiliates and loans secured by obligations of affiliates. At the same time, each affiliate must file Form 2130-E, which shows the nature of the affiliation, its financial relations with the bank, and the degree of control of the affiliate by the bank or of the bank by the affiliate. However, such reports may be waived by the Comptroller. Where reports by affiliates on Form 2130-E are required, there must be the same publication of those reports on Form 2130-E-1 as is required in the case of the bank's reports of condition. The instructions for the preparation of reports of affiliates on Forms 2130-E and 2130-E-1 are contained in Form 2130-E-2.

§ 5.9 *Reports of earnings and dividends*. Under the general power conferred upon the Comptroller under U. S. C. title 12, sec. 161, to call for special reports, the Comptroller requires that reports of earnings and dividends for the six months ending June 30 be submitted on Form 2129, and for the six months and twelve months ending December 31 on Form 2129-1. These reports recite

the dividends declared in the current period, the capital structure of the bank, the earnings from current operations, current operating expenses, recoveries and profits, losses and charge-offs and taxes on net income as well as undivided profits at the beginning of the period, net profits for current period, credits to undivided profits and deductions from undivided profits. The above two forms are accompanied by instructions contained in Form 2129-A. There is also required of banks a formal notification to the Comptroller of dividends declared, pursuant to U. S. C. title 12, sec. 163, on Form 2133 (or Form 2133-A, where retirement of preferred stock is involved).

§ 5.10 Reports from financial institutions in the District of Columbia subject to the supervision of the Comptroller—

(a) *Nonmember banks.* Under the provisions of section 26-102 of the District of Columbia Code (1940) each bank and trust company doing business in the District of Columbia and not a member of the Federal Reserve System, must maintain reserves on the same basis and subject to the same conditions as prescribed for national banks located in the District of Columbia, except that such reserves must be established and maintained at such agency as may have the approval of the Comptroller. Form F-2150-1 covers a report by such institutions of net deposits and reserves required. These reports are submitted weekly. The institutions where the reserve funds are held also furnish this office with weekly reports of the reserves held, on Form F-2150-2.

(b) *Pledge of assets.* Financial institutions in the District of Columbia doing a fiduciary business must pledge assets with the Comptroller for the faithful performance of their duties.

(c) *Reports of building and loan associations.* In accordance with the authority conferred upon the Comptroller under section 26-404 of the District of Columbia Code (1940), all building associations organized under the Code and all building and loan associations doing business in the District of Columbia are required to make to the Comptroller at least one report during each year, according to the form prescribed by him. The form used is identified as 2252 and comprises a balance sheet showing assets and liabilities and receipts and disbursements and furnishing additional miscellaneous information.

(d) *Reports of condition of credit unions.* In accordance with the authority conferred upon the Comptroller under section 26-506 of the District of Columbia Code (1940), credit unions organized under the District of Columbia Code are required to submit reports of condition annually on Form 2252-1, which recites their assets and liabilities and receipts and disbursements for the previous year, their earnings and expenses and certain other information. Credit unions having assets of \$100,000 or more are also required to publish their reports of condition in a local newspaper and the proof of this publication must be submitted to the Comptroller on Form 2252-2. Dis-

tribut of Columbia credit unions are also required to furnish the Comptroller with a special notification of dividends declared, on Form 2133-1.

§ 5.11 Miscellaneous procedures. (a) In connection with the annual meetings which national banks are required by statute to hold, this office forwards general instructions furnishing information regarding the manner in which such meetings should be called, the use of proxies, the voting rights of owners of stock and limitations thereon, the procedure for the meeting, the record of proceedings, the subsequent organization meeting of directors elected, and the annual meeting reports to be submitted to the Comptroller.

(b) Under U. S. C. title 12, sec. 481, the Comptroller has the power to make such examinations of affiliates of national banks as shall be necessary to disclose the relations between such banks and affiliates.

§ 5.12 Voluntary liquidations (a) A national bank wishing to go into voluntary liquidations under U. S. C. title 12, sec. 181, is furnished with a set of instructions as to the procedure to follow, a form of notice of meeting of shareholders, a proxy to be used for voting at the shareholders' meeting, and a standard form of resolution for voluntary liquidation to be adopted by the shareholders, which recites the date on which the bank will commence voluntary liquidation and provides for the designation of a liquidating agent or committee. Form 1985 provides for listing the name of each shareholder voting for or against the resolution personally or by proxy and the names of shareholders not represented at the meeting. Form 1989, the form of affidavit of publication of notice of liquidation, must be signed and sworn to by the publisher of the newspaper in which such notice appears. If the national bank contemplates selling its assets to a non-insured state bank which will assume the liabilities of the national bank, the consent of the Federal Deposit Insurance Corporation is required by U. S. C. title 12, sec. 264 (v) (4).

(b) Upon receipt of a certified copy of the resolution of the shareholders (Form 1985), the Comptroller informs interested governmental agencies that the bank is in voluntary liquidation.

(c) The bank is also instructed covering the preparation of Form 2056-A, which is a report of the condition of the bank as of the date of actual discontinuance of business or the date its business was taken over by another banking association, and of Form 2056-P. F., covering the condition of the trust department, if the bank had fiduciary powers.

(d) Thereafter the liquidating agent or committee is required by law to furnish the Comptroller with an annual report of the progress of the liquidation. Instructions for the preparation of such report are forwarded to the liquidating agent or committee. Form 2056 is furnished for the commercial department report, and Form 2056-F for the trust department, if any. These reports must

be continued annually until the liquidation is completed.

(e) There may be variations in the above procedure where the bank going into voluntary liquidation has preferred stock which is owned by the Reconstruction Finance Corporation or in which the Reconstruction Finance Corporation has a financial interest.

§ 5.13 Supervision of liquidation of insolvent financial institutions—(a) *Procedure for closing banks.* When the Comptroller is satisfied that a bank under his supervision is unable to meet the demands of its depositors, the bank is closed either by action of its own board of directors or by order of the Comptroller, acting through his examining staff in the field. The Comptroller appoints the receiver by a formal instrument which can be recorded.

(b) *Banks for which Federal Deposit Insurance Corporation acts as receiver.*

(1) Since by statute the Comptroller is now required to appoint the Federal Deposit Insurance Corporation as receiver for any insured national bank, or any insured state bank in the District of Columbia, which is closed on account of inability to meet the demands of its depositors, the details of liquidation of such institutions are left to that Corporation as receiver, and the forms used by the creditors of the bank in filing their claims and the certificates given by the receiver to such creditors to evidence the established claims are determined by the corporate receiver. The Comptroller publishes notice to all creditors calling upon them to present their claims to the receiver, but he accepts the determination of the Corporation as to the validity of claims and their classification. Certain matters are submitted by the corporate receiver to the Comptroller for approval, such as sales of assets and compromise settlements, attorneys' fees, and certain administration expenses. When the corporate receiver has funds, representing the proceeds of liquidation, which it deems sufficient for the payment of a dividend, it recommends payment of a dividend of a certain percentage. If the Comptroller approves, dividend checks are drawn by the corporate receiver upon its own receiver's account but are submitted to the Comptroller for audit and initiating prior to delivery by the Corporation to the creditors who have established their claims. In the event that the shareholders of the bank are subject to an assessment and such an assessment is deemed necessary in order to pay the liabilities of the bank, the Comptroller makes a formal assessment upon the shareholders (Form 2428), as prescribed by U. S. C. title 12, sections 63, 64, and 192, in a specified dollar amount not in excess of the aggregate par value of the stock outstanding.

(2) If and when all of the creditors of the bank who have established their claims have been paid in full with interest, there remain some assets in the hands of the receiver, the Comptroller calls a meeting of the shareholders for the purpose of electing an agent to whom the assets of the bank will be transferred and delivered in accordance with statu-

tory requirements or for the purpose of deciding to continue the receivership as permitted by said statute. If an agent is elected by the shareholders the assets are transferred and delivered to him by the Comptroller by a "Release of Assets to Agent of Shareholders" (Form 2402). The shareholders' agent is required to execute a bond as principal with satisfactory surety, which bond is directed to the Comptroller of the Currency (Form 2438).

(c) *Insolvent banks for which Federal Deposit Insurance Corporation is not receiver.* In receiverships where the Federal Deposit Insurance Corporation is not receiver, a standard form of proof of claim is prescribed by the Comptroller, which requires the claimant to execute in affidavit form a statement of the amount claimed to be due and the nature thereof. A standard form of receiver's certificate of proof of claim is issued to all claimants who prove their claims to the satisfaction of the Comptroller or establish their claims by litigation.

§ 5.14 *Conservatorships.* Under the Bank Conservation Act of 1933 (U. S. C. title 12, secs. 201 ff.), the Comptroller has authority to appoint a conservator for any bank under his supervision when he deems this action necessary to conserve the assets of such bank. This power was broadly exercised following the passage of the above-mentioned Act, but since all conservatorships have been terminated for more than nine years and no immediate application of the conservatorship authority is in contemplation, a recital of the procedures followed and forms used is omitted.

§ 5.15 *Remedial actions—(a) Forfeiture of charter.* U. S. C. title 12, secs. 93 and 501a, authorize the Comptroller to sue for the forfeiture of the charter of any national bank for violation of certain of the laws applicable to national banks.

(b) *Removal of director or officer.* Under U. S. C. title 12, sec. 77, in the event any director or officer of a national bank or a bank or trust company doing business in the District of Columbia shall have continued to violate any law relating to such bank or trust company or shall have continued unsafe or unsound practices in conducting the business of such bank or trust company after having been warned by the Comptroller, he may certify the facts to the Board of Governors of the Federal Reserve System and the offending director or officer may be removed by the Board after a hearing.

(c) *Impairment of capital.* U. S. C. title 12, sec. 55 provides that in the event of an impairment of the capital stock of a national bank the Comptroller may give notice to the bank of the amount of the impairment and require that the bank levy an assessment upon its shareholders for the amount of impairment specified, on a pro rata basis. Unless the impairment is restored or the bank goes into voluntary liquidation within three months after receiving such notice, the Comptroller may appoint a receiver for the bank. At the time the formal

notice of the impairment is sent to the bank, it is instructed to call a meeting of the shareholders to pass a resolution (Form 1444) levying the assessment upon the shareholder necessary to make up the impairment. If and when the impairment is restored the cashier of the bank is required to execute a formal certificate to that effect which is sent to the Comptroller.

(d) *Publication of reports of examination.* U. S. C. title 12, sec. 481, authorizes the Comptroller to publish the report of examination of any national bank or affiliate thereof which shall not, within 120 days after notification of the recommendations or suggestions of the Comptroller, based on such examination, have complied with the same to his satisfaction.

(e) *Appointment of receiver upon termination of insurance.* Under U. S. C. title 12, sec. 264 (1) (2), the Comptroller is required to appoint a receiver for a national bank whenever its insured status is terminated.

§ 5.16 *Issue and redemption of Federal Reserve notes—(a) Issue.* The twelve Federal Reserve banks make their estimates of the number and denominations of notes which they anticipate will be needed for the coming year, and these estimates are transmitted to the Board of Governors of the Federal Reserve System, which notifies the Comptroller, who in turn advises the Bureau of Engraving and Printing. When the notes are printed they are held in vault subject to the order of the Comptroller. Requests for notes are sent to the Board of Governors of the Federal Reserve System for approval and are then forwarded to the Comptroller. The Federal Reserve Agents at the respective Federal Reserve banks arrange for the deposit with them of the required collateral to support the notes ordered. The Comptroller then requisitions the notes from the Custodian of the Vault, for shipment to the designated Federal Reserve Agents. The Comptroller's Issue and Redemption Division maintains records of orders received, money shipped, stock on hand, and money outstanding.

(b) *Redemption.* Federal Reserve notes unfit for circulation are returned by the Federal Reserve banks to Washington for verification and credit. The lower halves of such notes are shipped to the Currency Redemption Division of the Treasurer of the United States, and the upper halves go to the Comptroller's Issue and Redemption Division. After counting and reconciliation of differences, both halves are delivered to the Treasury Department Destruction Committee, which destroys them.

PART 6—SUBSTANTIVE RULES, POLICY OR INTERPRETATION

§ 6.1 *Substantive rules.* (See 12 CFR, and Supps., Parts 1, 2, and 3).

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary.

[F. R. Doc. 46-15359; Filed, Aug. 28, 1946;
4:19 p. m.]

BUREAU OF CUSTOMS

[19 CFR, Ch. I]

PART 100—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE BUREAU OF CUSTOMS

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| Sec. | |
| 100.1 | Central organization and functions. |
| 100.2 | Field organization and functions. |
| 100.3 | Delegation of authority. |
| 100.4 | Information. |
| 100.5 | Procedures. |
| 100.6 | Substantive rules. |
| 100.7 | Opinions, orders, and rules. |
| 100.8 | Public records. |

§ 100.1 *Central organization and functions.* (a) The headquarters office of the Bureau of Customs, except the Marine Division, is located at 1512 H Street, NW., Washington 25, D. C. The Marine Division is located at 734 Fifteenth Street, NW., Washington 25, D. C.

(b) The Bureau is in charge of the Commissioner of Customs appointed pursuant to law by the Secretary of the Treasury. The Commissioner is assisted by the following principal officers whose jurisdiction is indicated in a general way by their titles and the divisions or sections which they supervise:

(1) The Assistant Commissioner acts as Commissioner in the temporary absence of the Commissioner and has general administrative supervision and control, under the general direction of the Commissioner, over all the work of the Bureau.

(2) The Deputy Commissioner, Division of Tariff and Marine Administration, under the general direction of the Commissioner and Assistant Commissioner, supervises the work of the following groups of sections, each group in charge of an Assistant Deputy Commissioner and each section headed by a chief of section:

(i) Section of Enforcement. Section of Import Controls. Section of Mail and Files.

(ii) Section of Drawback and Bonds. Section of Entry and Appraisal. Section of Tariff Classification.

(iii) Section of Admeasurement (vessels). Section of Marine Administration. Section of Publications and Documents (relating to vessels).

(3) The Deputy Commissioner, Division of Fiscal Administration, under the general direction of the Commissioner and Assistant Commissioner, supervises the work of the following groups, each group in charge of an Assistant Deputy Commissioner, group (i) being composed of sections, each in charge of a chief of section:

(i) Section of Accounts. Section of Audit. Section of Purchases and Property. Section of Statistics and Research.

(ii) Employees supervising the activities of comptrollers of customs and other field accounting officers.

(4) The Deputy Commissioner, Division of Investigations and Patrol, under the general direction of the Commissioner and Assistant Commissioner, assisted by two Assistant Deputy Commissioners.

(5) The Supervisor of Appraisers, assisted by an Assistant Supervisor of Appraisers.

- (6) The Chief, Division of Training.
- (7) The Chief, Division of Laboratories.
- (8) The Chief, Division of Engineering and Weighing.
- (9) The Chief, Division of Personnel.
- (10) The Budget Officer.
- (11) The Chief Counsel. (Under the supervision of the General Counsel for the Treasury Department, through an Assistant General Counsel.)

(c) The Commissioner of Customs, under the general direction of the Secretary of the Treasury, exercises general supervision over the activities of the Customs Field Service and the administration of the laws, Executive orders, and Presidential proclamations governing the importation of merchandise and baggage and the collection of duties and taxes due thereon, including countervailing duties to offset foreign subsidies and antidumping duties to offset unfair price competition; the entry, clearance, and report of arrival and the unloading of vessels, vehicles, and aircraft from foreign countries or from noncontiguous territories and possessions; the exclusion from entry of prohibited articles and merchandise in excess of established quotas; the allow-

ance of drawback on exported articles; the customs treatment of merchandise in foreign trade zones; the registration, enrollment and licensing of vessels of the United States engaged in foreign and domestic commerce; the admeasurement of vessels; the collection of tonnage taxes on vessels engaged in foreign commerce; the administrative imposition and collection of penalties for violations of such laws, including the granting of administrative relief under certain conditions; and other related laws. The Commissioner also supervises the activities of the customs field force in the enforcement of laws and regulations of other Government agencies affecting imports and exports.

(d) The functions of the Customs Service include many which are administered jointly with or on behalf of other agencies, departments, or bureaus. For the most part, such functions are prescribed by regulations cited or referred to in the Customs Regulations of 1943, as amended (19 CFR, Chapter I), particularly Part 12 thereof. Among the joint regulations and regulations of other agencies administered in part by the Customs Service are those relating to the following matters:

| | |
|--|--|
| Publication of North Atlantic Passenger Routes..... | 33 CFR, Part 3. |
| Bills of Health—Foreign Quarantine..... | 42 CFR, Part 11. |
| Immigration Regulations..... | 8 CFR, Parts 105, 120, and 160. |
| Food, Drugs, Cosmetics; Insecticides; Dangerous Cautic or Corrosive Substances..... | 21 CFR, Parts 2 and 175. |
| Importation of Distilled Spirits, Wines and Malt Beverages, and Containers of Distilled Spirits..... | 26 CFR, Parts 175 and 191. |
| Domestic Animals, Animal Products, and Feeding Material..... | 27 CFR, Parts 4, 5, and 7. |
| Federal Seed Act..... | 9 CFR, Parts 92-96, and 277. |
| Importation of Teas..... | 7 CFR, Part 201. |
| Narcotic Drugs..... | 21 CFR, Part 170. |
| Disease Organisms and Vectors..... | 21 CFR, Part 202. |
| Importation of Parrots..... | 42 CFR, Part 11, 9 CFR, Parts 101 and 122. |
| Foreign-Trade Statistics..... | 42 CFR, Part 16. |
| Customhouse Brokers..... | 15 CFR, Part 30. |
| | 31 CFR, Part 11. |

(e) Certain functions which relate solely to the internal management of the Customs Service and which do not involve procedure necessary for the public to know or follow in dealing with the Customs Service are the subject matter of regulations contained in the Customs Manual of 1943, as amended, which is not published in the FEDERAL REGISTER.

(f) In addition to the principal functions of the Customs Service referred to in paragraphs (c), (d), and (e) of this section, other functions of the Customs Service, except those requiring secrecy in the public interest or relating solely to the internal management of the Service, are cited or referred to in the pertinent provisions of the regulations of the Bureau of Customs published in 19 CFR, Chapter I.

§ 100.2 *Field organization and functions.* (a) The field organization of the Customs Service includes the following field offices and principal officers; and the districts or areas assigned to each are as published in sections 1.1 to 1.7, Customs Regulations of 1943, as amended (19 CFR, Cum. Supp., 1.1 to 1.7), or as hereafter set forth.

(1) The office of the collector of customs is in the customhouse at the headquarters port of each customs collection district. A deputy collector of customs is in charge of each customs port of

entry other than the headquarters port. The collector of customs is assisted by an assistant collector and at ports at which the amount of business and personnel are sufficient the office organization may be subdivided into two or more of the following divisions, each in charge of a deputy collector:

- (i) Administrative Division (in the larger ports);
- (ii) Entry and Warehouse Division (except at the port of New York where the Entry Division and the Warehouse Division are separate);
- (iii) Moneys and Accounts Division;
- (iv) Mail Division;
- (v) Liquidating Division;
- (vi) Marine Division (at seaports and lakeports);
- (vii) Outside Division, at the larger ports except New York;
- (viii) Surveyor's office (at New York only) which handles the work elsewhere performed by the Outside Division;
- (ix) Drawback Division (at New York only);
- (x) Legal Division (at New York only) in charge of the solicitor to the collector and under the supervision of the chief counsel of the Bureau of Customs.

(2) The office of the Appraiser of Merchandise. There is an appraiser of merchandise or acting appraiser of merchandise at each port of entry.

(3) The office of the Comptroller of Customs. Each such office has jurisdiction over several customs collection districts and is under the supervision of a comptroller.

(4) Laboratories and Branch Laboratories.

(5) The office of the Supervising Customs Agent. Each supervising customs agent is in charge of the customs investigative work in his district which may include several customs collection districts. In addition to the headquarters offices of the supervising customs agents there are in the following cities offices, each in charge of a customs agent and under the supervision of the supervising customs agent for the district in which it is located:

| | |
|-------------------|---------------------|
| Portland, Maine | Norfolk, Va. |
| Buffalo, N. Y. | Tampa, Fla. |
| Ogdensburg, N. Y. | San Juan, P. R. |
| Houston, Tex. | Laredo, Tex. |
| Detroit, Mich. | Nogales, Ariz. |
| Pembina, N. Dak. | Los Angeles, Calif. |
| Portland, Oreg. | San Diego, Calif. |
| Havre, Mont. | Honolulu, T. H. |
| Philadelphia, Pa. | |

(6) The office of Customs Border Patrol. Each patrol headquarters office is in charge of a Superintendent. Suboffices of the customs border patrol, each supervised by a patrol captain, are located as follows:

| | |
|----------------------------|--------------------|
| Houlton, Maine. | El Paso, Tex. |
| St. Albans, Vt. | San Ysidro, Calif. |
| Ogdensburg, N. Y. | Bottineau, N. Dak. |
| Laredo, Tex. | Havre, Mont. |
| Buffalo, N. Y. | Bellingham, Wash. |
| Detroit, Mich. | Nogales, Ariz. |
| International Falls, Minn. | |

(7) The Customs Information Exchange, located in the Appraiser's Stores Building, 201 Varick Street, New York 14, N. Y., is under the supervision of a director and is charged with the circulation within the Customs Service of information of general interest to several or all district offices.

(b) Subject to compliance with the Customs Regulations of 1943 and other instructions issued from time to time by the Secretary of the Treasury and the Commissioner of Customs, and except as set out in paragraphs (c), (d), and (e) of this section, the collector of customs supervises the field administration in his district of all laws, regulations, Executive orders, and Presidential proclamations which it is the duty of the Customs Service to enforce, as set forth in a general way in § 100.1 (c), (d), (e), and (f). Subject to the general supervision of the collector, an assistant collector or deputy collector in charge has the same authority as the collector. Other deputy collectors exercise under supervision designated functions of the collector.

(c) There is an appraiser or acting appraiser of merchandise at each port of entry whose duty it is to determine initially, subject to review only by the United States Customs Court, the statutory value of all articles imported at that port. It is also the function of the appraiser or acting appraiser to supervise the examination of merchandise offered for entry and to furnish the collector a description of the merchandise and any other information necessary for the as-

assessment of the proper rate of duty thereon. The appraiser or acting appraiser also determines the value of merchandise seized for violation of law.

(d) The organization of the Customs Service includes comptrollers of customs whose duties are as set forth in section 523, Tariff Act of 1930 (19 U. S. C. 1523), and consists generally of examining and certifying collectors' accounts of receipts and disbursements of money and receipts and disposition of merchandise and of verifying all assessments of duties and allowances of drawback made by collectors in the liquidation of entries.

(e) Laboratories and branch laboratories under the supervision of the Chief, Division of Laboratories, in the central office in Washington, analyze official samples of imported merchandise, when necessary, for the purpose of aiding in the determination of the proper value and rate of duty on the merchandise represented by the sample or the determination of any other pertinent factor bearing on the admission of the merchandise into the United States.

§ 100.3 *Delegation of authority.* (a) The following delegation of authority to the Commissioner of Customs and other officials in the central and field organizations of the Bureau has been made by the Secretary of the Treasury by Treasury Decision 50192 (5 F. R. 2573) as amended by Treasury Decision 51479 (11 F. R. 7128):

TO THE COMMISSIONER OF CUSTOMS AND OTHERS CONCERNED: Pursuant to the authority conferred upon the Secretary of the Treasury by the provisions of law cited at the end hereof, the following is hereby ordered:

I. *Rights, privileges, powers, and duties conferred or imposed upon the Commissioner of Customs.* (1) There are hereby conferred and imposed upon the Commissioner of Customs, subject to the general supervision and direction of the Secretary of the Treasury, all the rights, privileges, powers, and duties in respect of the importation or entry of merchandise into, or the exportation of merchandise from, the United States, vested in or imposed upon the Secretary of the Treasury by the Tariff Act of 1930, as amended, or any other law, subject to the following exceptions and conditions:

(a) Whenever in the opinion of the Commissioner of Customs any question pending for decision is of exceptional importance, he shall submit the question to the Secretary of the Treasury, and the decision thereon shall be made by the Secretary of the Treasury and not by the Commissioner of Customs.

(b) All regulations shall be prescribed by the Commissioner of Customs, with the approval of the Secretary of the Treasury, except that regulations and instructions, not inconsistent with the general rules and regulations of the Treasury Department, which are effective only against persons in their capacity as officers, agents, or employees of the Customs Service, and which do not prescribe procedure which the public should know or follow in dealing with the Customs Service, may be prescribed by the Commissioner of Customs without the approval of the Secretary of the Treasury.

(c) Requirements of regulations which may be waived in accordance with law may be waived by the Commissioner of Customs, but if any new question or unusual circumstance is involved the waiver must be approved by the Secretary of the Treasury.

(d) The ascertainment, determination, or estimation, and declaration of bounties or grants under section 303, Tariff Act of 1930,

shall be made by the Commissioner of Customs, with the approval of the Secretary of the Treasury.

(e) Any order under section 511, Tariff Act of 1930, prohibiting the importation of merchandise or instructing a collector to withhold delivery of merchandise shall be made by the Commissioner of Customs, with the approval of the Secretary of the Treasury.

(f) No claim, fine, or penalty in excess of \$20,000 shall be compromised, remitted, or mitigated without the approval of the Secretary of the Treasury.

(g) Any authority which may be vested in the Secretary of the Treasury by proclamation of the President made pursuant to section 318, Tariff Act of 1930, shall be exercised by the Secretary of the Treasury and not by the Commissioner of Customs.

(h) Awards of compensation to informers under section 619, Tariff Act of 1930, shall be made by the Commissioner of Customs, with the approval of the Assistant Secretary of the Treasury.

(i) Fines and penalties not exceeding \$1,500 in the aggregate in any one case may be remitted or mitigated by the Deputy Commissioner of Customs designated for the purpose by the Secretary of the Treasury.

(j) Fines or other pecuniary penalties aggregating less than \$100 in respect of any one offense may be remitted or mitigated by the collector of customs concerned on such terms and conditions as, under the law and in view of the circumstances, he shall deem appropriate, and the right and power so to do is hereby conferred upon the several collectors and their successors in office.

(k) Any forfeiture not involving merchandise subject to duty in excess of \$50 (or valued at not more than \$200 if not subject to duty) may be remitted or mitigated by the collector of customs concerned on such terms and conditions as, under the law and in view of the circumstances, he shall deem appropriate, and the right and power so to do is hereby conferred upon the several collectors and their successors in office.

(2) There is hereby conferred and imposed upon the Commissioner of Customs, subject to the general supervision and direction of the Secretary of the Treasury, the authority vested in the Secretary of the Treasury by section 32 of the act of Congress entitled "An act to amend and consolidate the Acts respecting copyright," approved March 4, 1909 (United States Code, title 17, section 32), to permit the exportation of books imported in violation of the provisions of that act and subject to forfeiture under its terms.

(3) There is hereby conferred and imposed upon the Commissioner of Customs, subject to the general supervision and direction of the Secretary of the Treasury, the authority vested in the Secretary by section 36 of the Act of June 22, 1936 (49 Stat. 1816, 48 U. S. C. 1406i), to make rules and regulations for the administration of the customs laws in the Virgin Islands, but the authority so conferred and imposed shall be subject to the same limitations as those contained in paragraph 1(b) hereof.

II. *Acting Commissioner, Acting Assistant Commissioner, and Acting Deputy Commissioners.* The Secretary of the Treasury will from time to time designate officers of the Bureau of Customs in Washington to act as Commissioner, Assistant Commissioner, or Deputy Commissioner of that Bureau during the absence or disability of any such officer or when there is a vacancy in the office of any such officer.

III. *Evident orders superseded.* (1) This order shall be effective on and from the date of its approval.

(2) This order supersedes the orders of the Secretary of the Treasury published in T. D. 49047 and T. D. 49818 and any instructions and regulations in conflict herewith.

(3) The right to amend or supplement this order, or any part thereof, from time to time,

or to revoke, this order or any provision thereof, at any time, is expressly reserved.

(Secs. 1, 2, 3, 44 Stat. 1381, 1382, sec. 8, 46 Stat. 430, 46 Stat. 1009, secs. 643, 650, 46 Stat. 761, 762, sec. 1a, Ex. Or. 6639; 5 U. S. C. 281, 281a, 281b, 19 U. S. C. 1643).

(b) A collector of customs may delegate to his subordinates purely administrative functions, but may delegate only to the assistant collector or a deputy collector any function the performance of which requires the use of discretion imposed upon him by law or delegated to him by the Secretary of the Treasury. Such delegations do not relieve the collector of responsibility for the performance of the delegated functions.

(c) The duties of the appraiser, assistant appraiser, and acting appraiser, are set forth in section 500 (a), (d), and (f), Tariff Act of 1930 (19 U. S. C. 1500 (a), (d), (f)). Such of those duties as are purely ministerial and do not involve the use of discretion may be delegated to subordinates, but all determinations of value are subject to the approval of the appraiser or acting appraiser at the port at which the merchandise is entered or is under seizure.

§ 100.4 *Information.* (a) Subject to the limitations, restrictions, or prohibitions prescribed in the pertinent provisions of the regulations of the Bureau of Customs published in 19 CFR, Chapter I, and particularly Part 26 thereof, the sources of official customs information are as follows:

(1) Collectors of customs. A request for information related to the activities or functions of a collector of customs may be addressed to him at the headquarters office of his district, or to a deputy collector at a port other than the headquarters port. Oral requests for information may be made at the customhouse in any port having jurisdiction over the subject matter of the request.

(2) Appraisers of merchandise. A request for information related to the activities or functions of an appraiser of merchandise may be addressed to him at his office.

(3) Other field officials. A request for information related to activities or functions of other field officials of the Customs Service than those specified in (1) and (2) of this paragraph may be addressed to the official in charge of the appropriate office having jurisdiction of the subject matter.

(4) Requests for information may also be addressed to the Commissioner of Customs, Washington 25, D. C.

(5) Oral requests may be made to any official of the central organization of the Bureau for information on a subject within the jurisdiction of that official.

(6) In cases of unusual importance requests for information may also be addressed to the Secretary of the Treasury, Treasury Department, Washington 25, D. C.

(b) No formal procedures for obtaining information related to any matter within customs jurisdiction are required unless prescribed in the published regulations referred to in this section. However, to assure prompt action upon a request, there should be furnished all pertinent facts relevant to the subject mat-

ter of the inquiry or showing that the correspondent has a special interest entitling him to receive information which could not be disclosed to the general public.

§ 100.5 *Procedures.* (a) No formal procedures other than those relating solely to internal agency management are required in connection with any function of the Customs Service except those described by, or referred to or cited in, the regulations published in 19 CFR, Chapter I, or regulations issued jointly by the Secretary of the Treasury, or the Commissioner of Customs with the approval of the Secretary of the Treasury, and the heads of other agencies, departments, or bureaus as referred to or cited in the regulations of the Bureau of Customs, published as heretofore stated.

(b) In general, required procedures and any required forms or documents for use in connection therewith are described or identified in the appropriate Part of 19 CFR, Chapter I, although procedures, forms, or documents applicable to a given situation may be described, identified, or referred to in more than one part or section of that chapter. The part headings and section headings of the regulations are designed as a general index of subject matter with sufficient accuracy to enable related procedures, forms, or documents to be considered. Information regarding procedures, forms, or documents are set forth in the parts indicated below:

Part

1. Customs districts and ports.
2. Measurement of vessels.
3. Documentation of vessels.
4. Vessels in foreign and domestic trades.
5. Customs relations with contiguous foreign territory.
6. Air commerce regulations.
7. Customs relations with insular possessions and Guantanamo Bay Naval Station.
8. Liability for duties; entry of imported merchandise.
9. Importations by mail.
10. Articles conditionally free; subject to a reduced rate, etc.
11. Packing and stamping; marking, trademarks and trade names; copyrights.
12. Special classes of merchandise.
13. Sugars, sirups, and molasses; petroleum products; wool and hair.
14. Appraisalment.
15. Relief from duties on merchandise lost, stolen, destroyed, injured, abandoned, or short-shipped.
16. Liquidation of duties.
17. Protests and reappraisements.
18. Transportation in bond and merchandise in transit.
19. Customs warehouses and control of merchandise therein.
20. Disposition of unclaimed and abandoned merchandise.
21. Cartage and lighterage.
22. Drawback.
23. Enforcement of customs and navigation laws.
24. Customs financial and accounting procedure.
25. Customs bonds.
26. Disclosure of information.
51. Imports and exports subject to the provisions of Executive Order 8389, as amended, and Proclamation 2497, regarding "Blocked Nationals."
52. Regulations under Trading With the Enemy Act.

Part

53. Importation free of duty of food, clothing and medical, surgical and other supplies under emergency proclamations of the President.
54. Certain importations free of duty during the war.
55. Changes in customs requirements and procedure due to the war.
56. Extensions of time pursuant to proclamation of the President under section 318, Tariff Act of 1930.
57. Vessel repairs and equipment.
58. Free entry of certain feeds for livestock and poultry and certain other products.
59. Importation of surplus Government property.

(c) Except where formal procedures are required as heretofore indicated, all informal procedures available for obtaining information, as described in § 100.4, are available for use in appropriate circumstances in any application for reconsideration of an official customs ruling or decision made in the field or at headquarters, in any petition for mitigation of a fine, penalty, or forfeiture, in any request for amendment of regulations or suggestion for the improvement of the Customs Service, or in any other matter within the jurisdiction of the Customs Service. In making use of such informal procedures all pertinent facts should be stated in correspondence to avoid delay. Where correspondence is addressed to the Commissioner of Customs or the Secretary of the Treasury in a matter pending before a field official of the Customs Service, a copy of the correspondence should be transmitted to that field official in order that he may determine whether to suspend action pending a ruling from headquarters.

(d) Requests, applications, petitions, or other communications soliciting or contemplating action by the central organization respecting matters within its jurisdiction, if addressed to the Commissioner of Customs, Treasury Department, Washington 25, D. C., will be referred to the proper assistant for appropriate attention. If such communications concern specific transactions arising at a field office, action thereon will be expedited if the request, application, petition, or communication so addressed is first submitted to the collector of customs for the district in which the transaction arose who will transmit it to the Bureau with his report thereon. There are no forms for or procedures governing the submission of such requests, applications, or petitions other than those set forth in the Customs Regulations of 1943, as amended from time to time, which may be purchased from the Superintendent of Documents, Washington 25, D. C., or may be consulted at the office of the Commissioner or at the customhouse at any port of entry.

§ 100.6 *Substantive rules.* Substantive rules and statements of general policy or interpretations formulated and adopted by the Treasury Department or the Bureau of Customs for the guidance of the public generally are included in the regulations of the Bureau of Customs and the joint regulations heretofore cited or described. Amendments of, or supplements to, such regulations, as promulgated from time to time, will be published in the Code of Federal Regu-

lations indexed to the pertinent parts and sections of the Customs Regulations of 1943, as amended, and other pertinent regulations or joint regulations.

§ 100.7 *Final opinions, orders, and rules.* (a) All final opinions or orders in the adjudication of cases issued by the Secretary of the Treasury, the Commissioner of Customs, or other officials of the Treasury Department or the Bureau of Customs in customs matters, except those held confidential for good cause and not cited as precedent are made available for public inspection. The following types of final opinions and orders relating to customs matters are now published in the weekly issues and bound volumes of the Treasury Decisions: (1) final opinions or orders of exceptional importance or general public interest are published in full in Treasury Decisions; (2) final opinions or orders not of exceptional importance or general public interest but which nevertheless are of wide public interest are published in synoptical form in Treasury Decisions. The determination as to whether in a particular case a final opinion or order is confidential will be made in accordance with the standards set forth in § 100.8.

(b) All rules issued by the Secretary of the Treasury, the Commissioner of Customs, or other officials of the Treasury Department or the Bureau of Customs in customs matters, other than those relating solely to the internal management of the Bureau of Customs, are made available to public inspection.

§ 100.8 *Public records.* (a) In general, the types of official records at the headquarters or field offices of the Customs Service include the following:

- (1) Entry records.
- (2) Warehouse records.
- (3) Appraisalment records.
- (4) Certificates of weight, measure, and gauge.
- (5) Vessel manifests, crew lists, and passenger lists.
- (6) Statistical information relative to the volume, source, and destination of commodities in foreign trade.
- (7) Bulletin notice of liquidation, which is posted on the bulletin board in the customhouse and is available for public inspection.
- (8) Record of entry and clearance of vessels.
- (9) Record of vessels of the United States belonging to the merchant marine. This information is published annually in a bound volume entitled "Merchant Vessels of the United States," for sale through the office of the Superintendent of Documents.
- (10) Records of documents of vessels of the United States.
- (11) Records of bills of sales, conveyances, mortgages, hypothecations.
- (12) Statistical information relative to the merchant marine.

(b) Some of the information contained in the documents mentioned in paragraph (a) of this section is held to be confidential for one or more of the following good causes and is not available to the public:

- (1) It relates to the details of business transactions of private parties, the disclosure of which details would be detri-

mental to the interests of the parties involved, without furthering the public interest.

(2) It is submitted in reliance upon the long-established assurance that such information will be kept in confidence and used only for official purposes.

(3) Its disclosure would be inimical to the public interest.

(c) Requests for information contained in the public records mentioned in paragraph (a) of this section may be made in accordance with the procedures set forth in § 100.4.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary.

[F. R. Doc. 46-15345; Filed, Aug. 28, 1946;
4:10 p. m.]

BUREAU OF INTERNAL REVENUE

[26 CFR, Ch. I]

PART 600—ORGANIZATION

SUBPART A—CENTRAL ORGANIZATION

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SUBPART B—FIELD ORGANIZATION

| | |
|---------|--|
| 600.50 | General. |
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SUBPART A—CENTRAL ORGANIZATION

§ 600.1 *General organization, records, delegation of authority, and rules—(a) General organization.* The central organization of the Bureau of Internal Revenue is in Washington, D. C., principally on Constitution Avenue between Tenth and Twelfth Streets, N.W. Certain parts of the central organization are located elsewhere, as will be shown in sections dealing with such parts. Those parts not shown as located elsewhere are located at the Constitution Avenue address. The Bureau is decentralized, and the function of the central organization is largely supervisory of the field organization, the contact of the central organization with the general public being comparatively limited. The central organization is divided into a number of major parts generally called "Units" or "Offices", with subparts commonly called

"Divisions" or "Sections". Their functions are described in succeeding sections of this Subpart. The head of the central organization, as of the field organization, is the Commissioner of Internal Revenue. His powers and duties are explained in this Subpart. Matters relating to the field organization, including the collectors of internal revenue, are treated in Subpart B. The Commissioner is appointed by the President, by and with the advice and consent of the Senate.

(b) *Records—(1) Classification.* Matters of official record in the Bureau of Internal Revenue include:

(i) Documents submitted by members of the public pursuant to the internal revenue laws or regulations, such as tax returns, information returns, statements required by statute or regulation, claims for credit, refund, or abatement, offers in compromise, bonds, applications for registration, and waivers of statutes of limitation.

(ii) Final opinions and orders under the internal revenue laws and regulations in tax matters, such as assessment lists, certificates of overassessment, and statutory deficiency letters, and documents evidencing determinations of such matters as claims for abatement, credit, or refund, offers in compromise, applications for excess profits tax relief, registration applications, closing agreements, and distraints and seizures.

(iii) Rules. (2) *Publication and public inspection.* (i) *General.* Sections 55, 2556, 2557, 2595, 3275, and 4047 of the Internal Revenue Code contain broad prohibitive and penal provisions against the disclosure of certain information described therein obtained by the Bureau of Internal Revenue from members of the public in the performance of its functions. The above provisions necessitate severe limitations by the Bureau of Internal Revenue upon publication and public inspection of its official records, including final opinions or orders in particular cases. The extent to which public disclosure may be made of matters of official record to persons properly and directly concerned is set forth herein:

(a) *Inspection of tax returns.* The inspection of returns is governed by the provisions of the internal revenue laws and rules promulgated by the President or by the Secretary of the Treasury pursuant to such provisions. See Treasury Decision 4873, approved by the President November 12, 1938, as amended (26 CFR, Cum. Supp., Part 458, Subpart A); Treasury Decision 4878, approved by the Secretary January 4, 1939, (26 CFR, Cum. Supp., Part 458, Subpart C); Treasury Decision 4929, approved by the President August 28, 1939, as amended (26 CFR, Cum. Supp., Part 458, Subpart F); Treasury Decision 4936, approved by the President September 6, 1939 (26 CFR, Cum. Supp., Part 458, Subpart G); Treasury Decision 4945, approved by the Secretary September 20, 1939, (26 CFR, Cum. Supp., Part 458, Subpart H); Treasury Decision 5138, approved by the President April 20, 1942 (26 CFR, Cum. Supp., Part 458, Subpart I).

(b) *Public lists of persons making income tax returns.* Lists of persons making income tax returns in each year are

available to public inspection in the offices of collectors of internal revenue. See section 55 (e) of the Code.

(c) *Public lists of persons paying occupational taxes.* Lists of persons paying occupational taxes under Chapter 27 of the Code are available for public inspection in the offices of collectors of internal revenue pursuant to the provisions and limitations of section 3275 of the Code. See Regulations 20 cited in § 601.8 (a) (3) and regulations cited in § 601.10 (c).

(d) *Record of seizure and sale of real estate.* Record 21 "Record of seizure and sale of real estate" is open for public inspection in offices of collectors of internal revenue and copies are furnished on application. See article 80, Regulations 12, approved October 22, 1940, as amended by Treasury Decision 5428, approved January 11, 1945 (Internal Revenue Bulletin, 1945-2, 27).

(ii) *Final opinions and orders.* In conformity with the policy of the provisions of law referred to in paragraph (i), final opinions and orders in the adjudication of cases arising under the internal revenue laws are, with limited exception, treated by the Bureau as confidential and are not published nor made available for public inspection. The exceptions are:

(a) *Overassessments in excess of \$20,000.* Public decisions prepared in the case of certain overassessments allowed in excess of \$20,000 are open to public inspection in accordance with the provisions and limitations of Treasury Decision 4583, approved by the President August 29, 1935 (26 CFR, Part 458).

(b) *Excess profits tax relief—publication of allowances.* Pursuant to the provisions of section 722 (g) of the Code, there is published from time to time in the FEDERAL REGISTER the information specified in such section relative to excess profits tax relief allowed particular taxpayers.

(c) *Publication of decisions.* Rulings and decisions on matters arising under the internal revenue laws which because they announce a ruling or decision upon a novel question or upon a question in regard to which there exists no previously published ruling or decision, or for other reasons, are of such importance to be of general interest, or which revoke, amend or affect in any manner a published ruling or decision are, after rephrasing to eliminate any confidential information relating to a particular case, including identity of persons, regularly published in the Internal Revenue Bulletin. No unpublished ruling or decision will be cited or relied upon by any officer or employee of the Bureau of Internal Revenue as a precedent in the disposition of other cases.

(iii) *Rules.* All rules relating to the functions of the Bureau of Internal Revenue other than those dealing solely with internal management will, to the extent consistent with the limitations contained in the provisions of law referred to in subdivision (i) of this subparagraph, be made available to public inspection. As to rules generally and their publication see § 601.43.

(iv) *Requests.* Requests for information in connection with matters of official record in which the procedure for

inspection is not set out in rules referred to in subparagraphs above should be submitted to the Commissioner of Internal Revenue, Washington 25, D. C. The request should clearly state the information desired and must set forth the interest of the applicant in the subject matter and purpose for which the information is desired. If the applicant is an agent or attorney acting for another he will attach to the application evidence of his authority to act for his principal. If such evidence is satisfactory such agent or attorney will be given access to any record to which his principal would be given access. The determination as to whether the information requested is available for disclosure in any particular case will be made by the Commissioner of Internal Revenue or such other officer authorized under the provisions of law referred to in subdivision (i) above.

Whenever it is determined that a matter of official record is available for disclosure in a particular case, a copy of said official record will be furnished the party requesting the same or the officer passing upon the request may in his discretion allow a personal inspection of the official record in question at the place where the document is normally kept. A reasonable fee may in the discretion of the determining officer be charged for furnishing copies of official records.

(c) *Delegation of authority.* An Assistant Commissioner or Deputy Commissioner serving as Acting Commissioner during the Commissioner's absence (see § 600.2) has final authority during such absence. All internal revenue personnel in the central and field organizations operate under the general supervision of the Commissioner of Internal Revenue. While certain organizations have been established to and do operate independently, i. e., the Technical Staff (see § 600.5), the Salary Stabilization Unit (see § 600.9), and the Excess Profits Tax Council (see § 600.12), the Commissioner as to none of his various functions has been completely divested of all authority. The delegation or distribution of the various Bureau functions among the several branches of the central and field organizations is described in the various sections of this Part and Part 601.

(d) *Rules.* As to rules, see § 601.13.

§ 600.2 *Office of Commissioner—(a) General.* The Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, has general superintendence of the assessment and collection of all taxes imposed by any law providing internal revenue. Section 3901 (a) (1), Internal Revenue Code. He also has responsibilities under statutes which, while not imposing taxes, have some relation to internal revenue. These include the Federal Alcohol Administration Act, 49 Stat. 977, as amended (27 U. S. C., and Sup. 201-212); the Liquor Enforcement Act of 1936, 49 Stat., 1928, 27 U. S. C., 211-228; the Federal Firearms Act, 52 Stat. 1250, 15 U. S. C., 901-909; and the Stabilization Act of 1942 (56 Stat. 765), as amended (50 U. S. C., App. Sup., 961-971). The Commissioner's immediate staff includes two Assist-

ant Commissioners and a Special Deputy Commissioner, who are appointed by the President, by and with the advice and consent of the Senate, an Assistant to the Commissioner, a Senior Technical Adviser, a Technical Assistant, a Public Relations Officer, and appropriate secretarial personnel. Other personnel of the Commissioner's immediate office are assigned among five Divisions described in paragraph (b). There are also in the Bureau five Deputy Commissioners, who serve as heads of certain Units discussed in succeeding sections. The Secretary of the Treasury may designate any Deputy Commissioner to act as Commissioner during the Commissioner's absence. Section 3916 (b), Internal Revenue Code.

The Assistant Commissioners perform such duties as may be prescribed by the Commissioner, or required by law. Section 3906 of the Internal Revenue Code. The function of the Assistant Commissioners is chiefly to act as general assistants in the superintendence of the assessment and collection of all internal revenue taxes. From time to time the Commissioner prescribes particular areas of duty for each Assistant Commissioner. One of them customarily serves as Acting Commissioner during the Commissioner's absence. The Assistant to the Commissioner has the special function of studying the effectiveness of the provisions of the Internal Revenue Code in their application to various types of business transactions and indicating appropriate administrative or legislative changes. The duties of the Special Deputy Commissioner include supervision over offers in compromise under section 3761 of the Internal Revenue Code, and closing agreements under section 3760 of the Code, and of the conduct of negotiations looking to bilateral tax conventions and other tax arrangements between the United States and foreign countries and review of regulations under such conventions.

(b) *Divisions of Commissioner's Office.* The duties performed by the five divisions of the Commissioner's Office relate principally to administrative and personnel matters. Their functions are generally as follows:

(1) *Administrative Division*, with sections as follows:

- (i) Printing and Binding Section.
- (ii) Supplies and Equipment Section.
- (iii) Communication Section.
- (iv) Space and Lease Section.

The Administrative Division is concerned with budget and appropriation matters, and matters of internal management.

(2) *Personnel Division.* This division is concerned with personnel administration.

(3) *Statistical Division.* This division compiles statistics relating to the operation of the revenue laws in accordance with section 63 of the Internal Revenue Code, which provides that "The Commissioner, with the approval of the Secretary, shall prepare and publish annually statistics reasonably available with respect to the operation of the income, war-profits and excess-profits tax laws, including classifications of taxpayers and of income, the amounts allowed as deductions, exemptions, and credits, and

any other facts deemed pertinent and valuable." Statistics compiled by the division are used in formulating tax programs and in administration of the tax laws. The statistical information compiled by this division, which is published in "Statistics of Income", is available to the public by purchase from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

(4) *Training Division.* This division instructs personnel in classes or by correspondence whereby the personnel is rendered better fitted to perform present duties or advance to greater responsibilities. The courses offered deal with the application of the laws administered by the Bureau, or with such subjects as bookkeeping, auditing, etc., essential in the performance of the Bureau's functions. The division prepares the textual and other matter used in the conduct of the courses given.

(5) *Public Relations Division.* This division is concerned with the dissemination of information relating to internal revenue through the press, radio, etc., and performs certain functions of internal management.

§ 600.3 *Accounts and Collections Unit—(a) General.* The Accounts and Collections Unit is headed by a Deputy Commissioner, aided by two Assistant Deputy Commissioners and appropriate secretarial and technical personnel. Other personnel is divided into the divisions named in paragraph (b). It is the central administrative organization for the 64 collection districts, and advises and assists generally in the conduct of the collectors' offices. The Unit audits collectors' accounts, and makes the administrative audit of all expenditures for the field organization of the Bureau, and performs certain other functions relating to the internal management of the Bureau.

(b) *Divisions of the Accounts and Collections Unit—(1) Planning Division.* This division outlines plans and prescribes and interprets procedure for the processing of tax remittances, tax returns, and other related documents and for the general management of field activities. It also coordinates the accounting records, forms, etc., of the Bureau, with those of other Government agencies.

(2) *Collection Accounting Division.* This division issues internal revenue stamps to collectors and to the Postmaster General and audits schedules of returned stamps. It verifies accounting reports of collectors in connection with tax collections and assessments and internal revenue stamps. It also verifies accounts relating to tax refunds, and audits collectors' revenue and special deposit accounts.

(3) *Collectors' Organization Division.* This division supervises all personnel actions in collectors' offices, and exercises direct administrative control over the acquisition of space, equipment, and services by such offices.

(4) *Disbursement Accounting Division.* This division, with respect to payrolls and miscellaneous expenditures, post-audits vouchers presented for payment outside Washington and pre-audits vouchers presented for payment in Washington.

(5) *Supervisors of Accounts and Collections.* The supervisors of accounts and collections are field representatives of the Unit, who conduct examinations of collectors' offices with respect to their accounts, methods and procedures, organization and management.

§ 600.4 *Income Tax Unit*—(a) *Central Organization of Unit.* The Income Tax Unit is headed by a Deputy Commissioner of Internal Revenue. His immediate office includes an Assistant Deputy Commissioner and technical advisers, and functions in executive, administrative, and technical matters. The office formulates programs for operation of its Washington office, as well as for its field offices, and coordinates the work of those offices with other organizations of the Bureau. The Unit is charged with the responsibility of administering the internal revenue laws relating to taxes on income, excess profits of corporations, and excess profits on Navy and National Defense Act contracts. The Deputy Commissioner in charge of the Unit supervises and is responsible to the Commissioner for the performance of all duties assigned to the Unit in Washington as well as to its field offices.

(b) *Divisions of Income Tax Unit*—

(1) *Field Procedure Division.* The functions of this division are largely administrative in character. It is the contact office between the Deputy Commissioner and the 39 field divisions and it is the division through which general internal management, including organization and personnel matters of the field service, is effected.

(2) *Practice and Procedure Division.* This division coordinates audit action of the field divisions of the Unit and divisions within its Washington office. It conducts studies and prepares reports upon special technical questions, prepares amendments of existing regulations, and when requested prepares and reviews opinions to field and other divisions of the Unit in tax cases in which returns have been filed. It selects and prepares material for publication in the Internal Revenue Bulletin, assists in preparation of income and profits tax return forms, and other forms used by the Bureau, prepares instructional orders covering general procedural and administrative questions arising in the consideration and disposition of tax cases, considers applications for and prepares rulings in respect of claims of exemption from filing returns by corporations and in respect of changes of accounting periods, prepares advisory rulings upon inquiries from taxpayers or their representatives on the tax law or regulations in situations in which the question presented is not involved in a tax return which has been filed. Requests for such rulings should be addressed to the Commissioner of Internal Revenue, Washington 25, D. C. The Division holds conferences with taxpayers or their representatives on requests for such rulings.

(3) *Audit Review Divisions.* There are five Audit Review Divisions, A, B, C, D, and E. These divisions review the findings of internal revenue agents in charge with respect to all income and excess profits tax cases examined by them.

There is assigned to each division certain geographical territory. With the exception of the smaller individual returns retained for audit by collectors of internal revenue, these divisions handle all income tax returns of individuals and all returns of taxable corporations. It is through these divisions that tax returns move to the field offices for investigation. Under the decentralized procedure of the Bureau conferences are not held in Washington on issues arising in tax returns which have been filed. If a taxpayer desires a ruling on any issue involved in a return which has been filed the application for such a ruling must be filed with the internal revenue agent in charge of the field division having examination jurisdiction of the return. Audit Review Division A handles the income tax returns filed in the State of New York. Audit Review Division B handles returns filed in the States of Pennsylvania, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine. Audit Review Division C handles returns filed in the States of Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Michigan, Kentucky, West Virginia, and Ohio, and the District of Columbia. Audit Review Division D handles returns filed in the States of Colorado, New Mexico, Wyoming, Missouri, Kansas, Illinois, Indiana, Iowa, Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin. Audit Review Division E handles returns filed in the States of Arizona, Arkansas, California, Idaho, Louisiana, Mississippi, Montana, Nevada, Oklahoma, Oregon, Texas, Utah, Washington, and in Alaska and the Hawaiian Islands.

Audit Review Division B (through a Securities Unit) also determines the taxable status of exchanges and distributions in corporate reorganizations and liquidations, including those ordered by the Securities and Exchange Commission, determines the basis of property acquired in such transactions, values listed and unlisted securities, and determines the taxable status of ordinary, liquidating and stock dividends. The Division prepares rulings on transactions involving the above matters and also prepares closing agreements in connection therewith. Audit Review Division C (through the Alien Property Custodian Unit) also has the additional function of controlling and furnishing tax data in connection with Federal taxes attaching to property of enemy aliens vested in the Alien Property Custodian. In this connection, it has established procedure between the office of that official and the Bureau with respect to the assertion and collection of such taxes. It also furnishes Bureau offices with tax data transcribed from records of Foreign Funds Control and other government agencies relative to income and property of citizens of foreign countries. It maintains liaison with Foreign Funds Control for the purpose of transcribing such information and for enforcing payment of tax liability attaching to blocked property.

(4) *Engineering and Valuation Division.* In connection with tax determinations this division values the property

of taxpayers engaged in the exploitation of natural resources, determines proper allowances for depletion, depreciation, obsolescence, loss of useful value, and other related deductions, values industrial and business properties, real estate, leaseholds, contracts, patents, and similar tangible and intangible properties. It also for the same purpose values the property of taxpayers engaged in public utility enterprises.

(5) *Business and Industrial Research Division.* This division is primarily responsible for economic studies and statistical analysis for use in the administration of section 722 of the Internal Revenue Code which provides general relief for corporate taxpayers from excessive and discriminatory excess profits taxes. As to section 722 see §§ 600.12, 600.56 and 601.11.

(6) *Clearing Division.* This division prepares and maintains status records of all claims filed by taxpayers for adjustment of liability for taxes within the jurisdiction of the Unit, and the adjustments made on the basis of such claims. It prepares certificates of overassessment of such taxes based on information furnished by the Audit Review Divisions. It computes interest on overpayments of income tax, receives from collectors all income and excess profits tax returns, other than those retained by collectors' offices, and checks and proves collectors' assessment lists in respect thereof. This division maintains control records on income tax closing agreements and on all offers in compromise of income tax liabilities. It checks computations under sections 711 (b) (1), (H), (I), (J) and (K), 721 and 722 of the Code, relating to abnormalities under the excess profits tax, (especially for preparation of publicity reports required by section 722 (g)) and makes determinations with respect to interest on overassessments and deficiencies in connection therewith. The Division also controls, examines and adjusts applications for tentative adjustment with respect to amortization deductions and applications for tentative carry-back adjustments under the provisions of sections 124 and 3780 of the Internal Revenue Code. It verifies and computes the credit for debt retirement and net post-war refund credit of excess profits tax.

(7) *Pension Trust Division.* This division coordinates and reviews rulings as to the qualification of stock bonus, pension, profit sharing, and annuity plans under applicable provisions of the Internal Revenue Code; determines the allowability of deductions claimed for contributions under such plans; holds preliminary and formal conferences with taxpayers and their representatives with respect to such rulings, (other conferences being held in local field offices with respect to rulings issued through such offices) renders technical advice to and makes actuarial analyses for field forces, and post-reviews cases under sections 165 and 23 (p) of the Internal Revenue Code and collaborates with the Chief Counsel's Office in preparation of regulations relating to pension trust matters.

(8) *Records Division.* This division maintains general and special files relating to income and excess profits tax returns, reports, credits, and related doc-

uments. It maintains control records of returns and related papers as cases progress through the Income Tax Unit, its field offices, and the Bureau, and furnishes returns and related papers to the field offices of the Income Tax Unit as well as to the other agencies of the Bureau.

(9) *Service Division.* This division performs various functions relating to the internal management of the Unit, prepares for administrative use of officials and others concerned, organization, personnel, statistical, procedural, functional, and other charts. It also prepares graphs, maps, plans, illustrations and lettering jobs of various descriptions. It also through its stenographic and typing sections furnishes stenographic service to the various divisions of the Income Tax Unit.

§ 600.5 *Technical staff.* The Technical Staff acts as the appellate agency within the Bureau of Internal Revenue in the determination of income, profits, estate and gift tax liability. It comprises a headquarters office in Washington, D. C., and ten field divisions. The headquarters office, in general, supervises and coordinates the work of the field divisions to ensure uniformity in procedure and consistency of treatment of taxpayers. This office also reviews applications for extensions of time for payment of income taxes, recommendations from field divisions respecting offers in compromise, and final closing agreements executed under section 3760 of the Internal Revenue Code. For further information relative to the functions of the Technical Staff see § 600.53.

§ 600.6 *Alcohol Tax Unit—(a) Organization.* The Alcohol Tax Unit is headed by a deputy commissioner of internal revenue. The Unit personnel is grouped in four divisions, named below. The function of the Alcohol Tax Unit is administration of the provisions of the Internal Revenue Code and any other laws imposing or dealing with internal revenue taxes relating to alcoholic liquors, including special (occupational) taxes; the administration of two nontaxing statutes relating to the traffic in alcoholic liquor, i. e., Federal Alcohol Administration Act, 49 Stat. 977, as amended (27 U. S. C., and Sup., 201-212) and Liquor Enforcement Act of 1936, 49 Stat., 1928, 27 U. S. C., 221-228; also in cooperation with the Miscellaneous Tax Unit (see section 600.7) the administration of the Federal Firearms Act, 52 Stat. 1250, 15 U. S. C. 901-909.

Administration of the laws indicated is decentralized and the work done by the Unit is largely supervisory of field operations. Action taken by responsible field officers is generally final though subject to review and possible reversal by the Commissioner or Deputy Commissioner in charge of the Unit acting for or under the direction of the Commissioner. As to authority of District Supervisors in the field see § 600.55 (a).

The divisions of the Unit and the functions thereof are as follows:

(1) *Administrative Division.* This division is concerned with matters of internal management, including the disposition of seized property.

(2) *Basic Permit and Trade Practice Division.* This division deals with matters relating to interstate and foreign commerce in alcoholic liquors and the labeling and advertising thereof under the Federal Alcohol Administration Act and regulations issued under such Act.

(3) *Enforcement Division.* The duties of this division pertain to the investigation, detection, and prevention of willful and fraudulent violations of the internal revenue laws relating to alcoholic liquors, and to the enforcement of Federal laws concerning firearms.

(4) *Permissive Division (including Audit, Field Inspection, Laboratory and Procedure Divisions).* This division has functions pertaining to the lawful production and distribution of distilled spirits, wines, and fermented malt liquors; the production, distribution, and use of industrial alcohol; taxes and penalties; regulations as to the size and other characteristics of liquor bottles; the preparation of statistics; and the chemical analysis of liquors and other products.

(b) *Public relations.* General information as to the application of the statutes referred to in paragraph (a), and regulations promulgated under such statutes, may be obtained from the offices of District Supervisors (see § 600.55 (a)) and from the Deputy Commissioner of Internal Revenue, Alcohol Tax Unit, Washington 25, D. C. General information regarding enforcement aspects of such statutes may also be obtained from the offices of Investigators in Charge (see § 600.55 (b)). Requests for information may be made by mail, or in person, or by telephone.

Requests for information respecting the requirements of the Federal Alcohol Administration Act and regulations, and applications and other matters in connection therewith, may also be made by telephone, or in person, at the office of the Basic Permit and Trade Practice Division, Alcohol Tax Unit, Baltimore, Maryland. Inquiries by mail for such information should be addressed to Deputy Commissioner, Alcohol Tax Unit, Bureau of Internal Revenue, Washington 25, D. C. Information concerning particular cases arising with respect to the enforcement of the internal revenue laws relating to liquors and Federal laws relating to firearms may also be obtained from the office of the Investigator in Charge of the judicial district in which the case arose.

Applications for permits and other authorizations must be made in writing in accordance with applicable, published regulations, described in § 601.8. Claims for remission of taxes on liquors must be filed with the District Supervisor having territorial jurisdiction. Claims for abatement, refund, or drawback of taxes on liquors, and offers in compromise of liabilities arising under the internal revenue laws relating to liquors must be submitted to the collector of internal revenue of the district. Offers in compromise may also be submitted to deputy collectors of internal revenue. Form 843 should be used for filing claims for abatement or refund of taxes, and Form 656 for submitting offers in compromise. Claims for remission, abatement, and refund of taxes and offers in compromise

are forwarded by the District Supervisor or the collector, as the case may be, to the Commissioner for final action. Complete information respecting the filing of applications, returns, and other documents is set forth in the applicable published regulations designated in § 601.8. Information respecting applications, claims, offers in compromise, and other submissions may be obtained from the offices of District Supervisors having jurisdiction, or, where the matter has been referred to the Commissioner or, in the case of applications for permits, the Deputy Commissioner in charge of the Alcohol Tax Unit, from the office of such official in Washington, D. C.

§ 600.7 *Miscellaneous Tax Unit—(a) General.* The Miscellaneous Tax Unit is headed by a Deputy Commissioner who, under the general supervision of the Commissioner, is responsible for the administration of all internal revenue taxes except the income and excess profits taxes, the taxes with respect to alcoholic beverages, and those relating to employment. In his general superintendence of the work of the Unit, the Deputy Commissioner is assisted by two Assistant Deputy Commissioners, two Technical Advisors, and a Special Research Committee of three members.

In the interests of case of administration, the numerous taxes administered by the Unit have been divided into four main groups, each group being handled by one of four intra-Unit divisions expressly established for that purpose. Each of these divisions is in charge of a Division Head who is under the general supervision of, and is directly responsible to, the Deputy Commissioner for the proper performance of the work necessary in connection with the administration of the various taxes with which he is charged.

The duties of each division comprise, with respect to the taxes administered by it, the audit and adjustment of returns; the examination and adjustment of claims for refund, credit, and abatement; the preparation of regulations and of interpretative and procedural rulings and instructions; and the drafting of tax return forms.

(b) *Description of divisions.* The names of the four operating divisions, together with a statement as to the taxes being administered by each such division, are set forth in the paragraphs which follow.¹

(1) *Estate Tax Division.* This division is responsible for the administration of the estate tax imposed by Chapter 3 of the Internal Revenue Code and the gift tax imposed by Chapter 4 thereof.

(2) *Tobacco and Capital Stock Tax Division.* This division is responsible for the administration of the taxes with respect to tobacco products imposed under Chapter 15 of the Internal Revenue Code and for the work involved in auditing returns, examining claims, and closing out cases in connection with the capital stock tax imposed under Chapter 6 of the Internal Revenue Code which has been re-

¹ The taxes being administered by the Unit are referred to only briefly here. For a more specific description of these various taxes see §§ 601.4, 601.6, 601.7, 601.9 and 601.10.

pealed with respect to years ending after June 30, 1945.

(3) *Sales Tax Division.* This division is responsible for the administration of the manufacturers' and retailers' excise taxes imposed under Chapters 9A, 19, 25 and 29 of the Code and for the work in connection with all repealed manufacturers' excise taxes.

(4) *Miscellaneous Division.* This division is charged with the administration of the following miscellaneous excise taxes:

| Kind of tax | Internal Revenue Code Chapter Imposing Tax | |
|--|--|----|
| Admissions, cabarets, and dues..... | | 10 |
| Circulation other than of national banks..... | | 13 |
| Coconut and other vegetable oils..... | | 21 |
| Communications facilities..... | | 30 |
| Documentary stamp taxes on issues and transfers of stocks and bonds, and on conveyances of realty sold, cotton futures, foreign insurance policies, and passage tickets... 11, 14, and 31 | | |
| Filled cheese..... | | 17 |
| Hydraulic mining ¹ | | |
| Machin guns and short-barrelled firearms..... | | 25 |
| Narcotics ² | | 23 |
| Occupational stamp taxes with respect to oleomargarine, adulterated and process or renovated butter, filled cheese, narcotics ² , firearms, coin-operated amusement and gaming devices, bowling alleys, and billiard and pool tables..... | | 27 |
| Oleomargarine, adulterated and process or renovated butter..... | | 16 |
| Playing cards..... | | 11 |
| Safe deposit boxes..... | | 12 |
| Silver bullion..... | | 11 |
| Sugar..... | | 32 |
| Transportation services..... | | 30 |
| White phosphorous matches..... | | 24 |

¹ The tax with respect to certain hydraulic mining is levied under the act entitled "An Act to create the California Debris Commission and regulate hydraulic mining in the State of California," as amended (27 Stat. 507; 34 Stat. 1001; 48 Stat. 1118). The provisions of this act are not codified in the Internal Revenue Code.

² The narcotics taxes (including the occupational taxes with respect to narcotics) are administered jointly by the Bureau of Narcotics and the Bureau of Internal Revenue, the enforcement features of the work being handled by the former agency and other features by the latter.

The Miscellaneous Division is also charged with the performance of all work in connection with repealed excise taxes of a miscellaneous character and for the disposal of claims for refund filed under the provisions of Title IV and VII of the Revenue Act of 1936 and the Second Deficiency Appropriation Act of 1938, as amended, with respect to the taxes imposed under the Agricultural Adjustment Act and related statutes. The division is also jointly responsible with the Alcohol Tax Unit for the administration of the Federal Firearms Act (52 Stat. 1250).

§ 600.8 *Employment Tax Unit—(a) General.* The Employment Tax Unit is headed by a Deputy Commissioner of Internal Revenue. The Unit is located in Temporary Building "S", 7th Street and Jefferson Drive, S. W., Washington, D. C., and is divided into the divisions shown in paragraph (b).

The Employment Tax Unit administers the employment taxes imposed under Chapter 9 of the Internal Revenue Code. Subchapter A (Federal Insurance Contributions Act) imposes a tax on all employers and employees with respect to "employment", as defined therein. Subchapter B imposes a tax on employers, employees, and employee representatives with respect to "service" rendered as defined therein. Subchapter C (Federal Unemployment Tax Act) imposes a tax on employers of eight or more individuals with respect to "employment", as defined therein. The audit and adjustment of all returns filed annually under the Federal Unemployment Tax Act, together with the disposition of all claims for refund, credit, and abatement filed with respect to the taxes imposed by Subchapters A, B, and C of Chapter 9 of the Internal Revenue Code, are performed in the Employment Tax Unit in Washington. The audit and adjustment of the quarterly returns filed under the Federal Insurance Contributions Act and Subchapter B of Chapter 9 of the Code, and the field work in connection with the tax imposed by the Federal Unemployment Tax Act, are performed by the offices of the collectors of internal revenue for the 64 collection districts in which returns are filed.

(b) *Unit Divisions.* The divisions of the Unit and their functions are as follows:

(1) *Audit Division.* This division audits and adjusts all Forms 940 filed by employers of eight or more individuals under Federal Unemployment Tax Act; verifies credit claimed by taxpayers for contributions paid into State unemployment compensation funds with proofs of credit furnished by State offices; adjusts all claims for refund, credit and abatement of employment taxes; considers offers in compromise, and makes rulings to taxpayers, in those cases where precedents exist.

(2) *Control Division.* This division receives assessment lists pertaining to employment tax liabilities from collectors' offices and causes assessment certificates to be issued; passes on taxpayers' reasons for delinquency on all Forms 940 and in controversial cases on Forms 35-1a, CT-1 and CT-2; considers offers in compromise pertaining to delinquency penalties and penalties for willful failure to pay tax or file returns, reviews all claims filed to determine whether properly executed; adjusts refund and abatement claims involving penalty and interest; and conducts correspondence in regard to above matters.

(3) *Rules and Regulations Division.* This division prepares original interpretative rulings on all phases of the law and regulations; prepares regulations and forms; prepares mimeographed instructions on field procedures; initiates publication of rulings in Internal Revenue Bulletin; and conducts conferences with taxpayers and their representatives involving rulings.

(4) *Service Division.* This division is engaged in functions of internal management.

(c) *Public relations.* Returns and other forms relating to employment taxes, and information regarding such

taxes and forms may be obtained by addressing a letter or applying personally, if the applicant is an individual, to the collector of internal revenue for the district in which the applicant resides, or, in case the applicant is a corporation, to the collector of the district in which its principal place of business is located. Collectors are authorized to grant extensions of time for filing the annual returns required under the Federal Unemployment Tax Act, and requests for such extension should be made to collectors. Offers in compromise of tax liability should be submitted to collectors. Collectors are authorized to issue advisory rulings on employment tax liability but such rulings are subject to review and modification by the Bureau. Requests for rulings should be submitted by letter either to the collector or to the Commissioner of Internal Revenue, Washington 25, D. C.

§ 600.9 *Salary Stabilization Unit.* The central organization of the Salary Stabilization Unit is located in Temporary Building "S", 6th Street and Jefferson Drive, S. W., Washington, D. C. The Head of this Unit exercises authority in salary stabilization matters delegated by the Commissioner of Internal Revenue.

The Unit administers the provisions of the Act of October 2, 1942 (56 Stat. 765, as amended, 50 U. S. C. App., Sup., 961-971), which relate to the salaries of certain classes of employees, particularly described in the Treasury decisions referred to in § 601.12.

§ 600.10 *Intelligence Unit—(a) General.* The Intelligence Unit is principally concerned with the investigation, in cooperation with revenue agents and deputy collectors, of cases involving alleged evasion of taxes; investigation of charges of a serious nature against employees of the central and field organization; and investigation of applications of attorneys and agents to practice before the Treasury Department.

(b) *Divisions.* The divisions of the Unit are as follows:

(1) *Fraud Division.* The activities of the division are directed to the investigation of tax frauds.

(2) *Special Assignment & Administration Division.* This division is concerned with all types of investigations within the scope of the Unit's work (other than those conducted by the Fraud Division) as well as administrative, budgetary, and personal problems.

§ 600.11 *Office of Chief Counsel—(a) Unit of Treasury Department Legal Division.* The Office of the Chief Counsel is a unit of the Legal Division of the Treasury Department which does the legal work connected with the Bureau of Internal Revenue. Section 512 of the Revenue Act of 1934 (now sections 3930, 3931, and 3932 of the Internal Revenue Code) created the offices of General Counsel for the Department of the Treasury and Assistant General Counsel for the Bureau of Internal Revenue. The General Counsel was made chief law officer of the entire Treasury Department, and among the powers, duties and functions given to him were those formerly vested in the General Counsel for the Bureau. Section 512 authorized the

General Counsel, with the approval of the Secretary, to delegate any authority, duty or function vested in him to the Assistant General Counsel for the Bureau. Since June 20, 1934, by virtue of orders of delegation issued by the General Counsel pursuant to such authority, the Assistant General Counsel for the Bureau has, subject to the general supervision of the General Counsel for the Treasury, exercised the duties, powers and functions formerly vested in the General Counsel for the Bureau. For reasons of expediency, the Assistant General Counsel now in charge operates under the title "Chief Counsel". Hence, the unit is commonly known as the "Office of the Chief Counsel".

(b) *Central organization of the Office of the Chief Counsel.* The central organization of the Office of the Chief Counsel is located in the Internal Revenue Building, Washington, D. C. This organization is composed of three groups: the executive group, the operating group, and the service group.

(1) *Executive group.* The executive group is composed of the Chief Counsel and his immediate staff. The staff is made up of four assistant chief counsels and four special assistants to the Chief Counsel. Any one of the Assistant Chief Counsels may be designated to act for the Chief Counsel in the latter's absence.

(2) *Operating group.* The operating group is composed of the designated divisions discussed below.

(i) *Chief Counsel's Committee.* This committee, which is composed of a chairman and two other members, acts in a capacity advisory to the executive group on matters referred to it by the members of that group, and also reviews proposed compromises, closing agreements, and informers' claims for reward. See § 601.1.

(ii) *Alcohol Tax Division.* This division handles the legal work arising from the administration and enforcement of the internal revenue liquor laws and the Federal Alcohol Administration Act, and from the enforcement of certain acts relating to liquor and firearms.

(iii) *Appeals Division.* This division represents the Commissioner in consideration, disposition and trial of appeals filed with The Tax Court of the United States other than appeals involving processing taxes. Substantially all the legal personnel of this division have been decentralized, only the Head and Assistant Heads of the Division, and the Appellate Court and Brief Review Section remaining in Washington. The Head of the Appeals Division exercises general supervisory authority on behalf of the Chief Counsel over the Division Counsels and their legal assistants in the field offices. (For details of the latter's authority and extent of review, see section 600.57.)

(iv) *Civil Division.* This division cooperates with the Department of Justice in assembling civil tax cases (but see subdivisions (ii), (iii), and (v)) and advising the Department of the Bureau's position in the prosecution, defense, appeal, and settlement of such litigation, and also advises the Bureau as to the institution of civil suits for taxes and the handling of liens for taxes.

(v) *Claims Division.* This division is composed of the Processing Tax Section, the Reorganization Section, the Bankruptcy and Receivership Section, and the Compromise Section. The division represents the Commissioner in cases appealed to The Tax Court involving refunds of amounts paid as processing taxes and does appellate court work in connection therewith, and assists and cooperates with the Department of Justice in the handling of civil litigation in all courts, except The Tax Court, involving amounts paid as floor stock tax, compensating tax or custom processing tax under the provisions of the Agricultural Adjustment Act, as amended. The division also handles the legal work incident to the collection of Federal taxes in proceedings instituted under the provisions of sections 75, 77, and 77B, Chapters X, XI, XII, XIII, and XV of the Bankruptcy Act, as amended, as well as protecting the interest or claims of the United States involving in railroad and corporate reorganization cases and in real property arrangement proceedings, and bankruptcy and receivership liquidation proceedings, and prosecutes claims filed by collectors against the estates of deceased taxpayers, against insolvent banks, and in liquidation proceedings, including assignments for the benefit of creditors.

(vi) *Interpretative Division.* This division prepares formal opinions on questions involving the tax laws, reviews rulings and closing agreements on Form 906 (see § 601.1 (d) (2)), prepared in the administrative units of the Bureau, and edits material to be published in the Internal Revenue Bulletin.

(vii) *Legislation and Regulations Division.* This division reviews or drafts regulations and Treasury decisions, considers and makes recommendations to the General Counsel (through the Chief Counsel and Commissioner) with respect to legislative proposals, and prepares and reviews reports on legislation pending in Congress.

(viii) *Penal Division.* This division considers cases involving recommendations for criminal prosecution for violations of the tax laws, prepares such cases for reference to the Department of Justice and, when requested by that Department, assists at the trial of such cases. Much of the work of this division has been decentralized in the offices of Regional Counsels (as to which, see § 600.57). The Head of this division exercises general supervisory authority on behalf of the Chief Counsel over the attorneys in the Regional Counsels' offices.

(ix) *Review Division.* This division reviews claims for refund, credit or abatement where the amount proposed for allowance in any case exceeds \$75,000, and prepares the written "Public Decision" required by Treasury Decision 4583 (Cumulative Bulletin XIV-2, p. 318). This division also prepares the reports to the Joint Committee on Internal Revenue Taxation of Congress required by section 3777 (a) of the Internal Revenue Code in cases where refunds or credits of income, war profits, excess profits, estate, and gift taxes in excess of \$75,000 are approved.

(3) *Service group.* The service group is composed of various units providing

services in connection with the internal functioning of the Chief Counsel's Office, such as the library, digest system, mail and records section, etc.

§ 600.12 *Excess Profits Tax Council; Central Organization.* The Excess Profits Tax Council administers the excess profits tax relief provisions of section 722 of the Internal Revenue Code relating to determination of the excess profits tax credit in certain prescribed circumstances. The Council comprises fifteen members appointed by the Commissioner, one of whom is designated to act as chairman. The central office of the Council is in the Internal Revenue Building, 12th Street and Constitution Avenue NW., Washington 25, D. C.

The jurisdiction and authority of the Excess Profits Tax Council are set forth in Commissioner's Mimeograph No. 6044, approved by the Secretary of the Treasury on July 30, 1946 (copies of which may be obtained from the Council) which reads in part as follows:

1. *Excess Profits Tax Council.* Com. Mim. Coll. No. 6035, T. S. No. 448, Dated July 10, 1946, established as a field group in the Bureau of Internal Revenue the Excess Profits Tax Council.

2. *Section 722 Field Committee.* There is hereby established in each field division of the Income Tax Unit [see section 600.52] a committee to be known as the "Section 722 Field Committee".

3. *Jurisdiction of the Excess Profits Tax Council.* Subject to the authority of the Commissioner of Internal Revenue, final jurisdiction within the Bureau of Internal Revenue of all issues arising under the provisions of section 722 of the Internal Revenue Code is hereby vested in the Excess Profits Tax Council. The Excess Profits Tax Council (hereinafter referred to as the "Council") will have no jurisdiction over any issues arising under any other provision of the internal revenue laws (hereinafter referred to as "standard issues"). In view of the distinctive character of the issues under section 722, the procedures herein set forth provide for consideration of those issues separate and apart from the consideration of issues arising under other provisions of law.

4. *Functions of the Section 722 Field Committee.* With respect to each claim it will be the responsibility of the Section 722 Field Committee [see section 600.56] * * * to recommend to the Council the amount of the constructive average base period net income allowable under section 722. Such recommendation will be subject to approval by the Council. The recommendation of the Committee will be set forth in a report devoted exclusively to the section 722 issues.

5. *Review by Excess Profits Tax Council of Committee Recommendations.* The recommendation of the Committee for final disposition of section 722 issues will be subject to review by the Council whether or not the taxpayer agrees with such recommendation. In any case in which the taxpayer does not agree with the Committee recommendation, or in any case in which a Committee recommendation agreed to by the taxpayer is not accepted after review by the Council, the taxpayer will be afforded an opportunity for a hearing before the Council.

12. *Chief Counsel's Review of Section 722 Issues.* In any case subject to review by the Chief Counsel [see section 600.11] he will accept as final, for the purposes of his review and any report to the Joint Committee on Internal Revenue Taxation, the decision as to section 722 issues contained in reports approved by the Council.

TREASURY DEPARTMENT

SUBPART B—FIELD ORGANIZATION

§ 600.50 General. As stated in § 600.1, the Bureau of Internal Revenue is decentralized. Most of its personnel is located and most of its work performed in the field. The field organization is described in §§ 600.51 to 600.60, inclusive.

§ 600.51 Collectors of internal revenue—(a) General. Collectors of internal revenue are appointed by the President, by and with the advice and consent of the Senate. Certain duties of collectors are prescribed by statute. Other duties are prescribed by the Commissioner in pursuance of law. Under section 3942 of the Internal Revenue Code, collectors may be suspended by the Commissioner for fraud, or gross neglect of duty, or abuse of power. As of July 1, 1946, there were sixty-four collectors' offices and one thousand three hundred and thirty-one branch offices. The addresses (locations) of the various branch offices of a particular collection district may be obtained from the Collector of Internal Revenue of that district or from the Accounts and Collections Unit, Bureau of Internal Revenue, Washington 25, D. C. The branch offices are located, as a rule,

in the principal cities in the various collection districts. The sixty-four collection districts, and the headquarters of and territory embraced by each district, are shown in paragraph (d).

(b) *Functions of collectors' offices.* Collectors of internal revenue, personally and through their staffs, prepare assessment lists, receive internal revenue tax returns, collect internal revenue taxes, sell internal revenue stamps, distribute internal revenue forms, assist the public in the execution of tax returns and otherwise complying with the internal revenue laws and regulations, canvass for delinquent and additional tax liability, and in general enforce the internal revenue laws. Collectors have authority, when it becomes necessary, to make tax collection forcibly by distraint on taxpayers' property, and to file tax liens. Collectors determine the tax due on income tax returns filed by employees on their tax statements, Form W-2, and examine and audit certain other income tax and other Federal tax returns under procedure outlined by the Commissioner. Where the amount involved, exclusive of interest, penalties, additions to the tax, and additional amounts, does not exceed \$1,000, collectors make refunds of

income tax overpayments, and abate erroneous assessments. Section 3770 (a) (4), I. R. C. Collectors have authority under statute (section 3634, I. R. C.) and by delegation of authority from the Commissioner, in appropriate cases to grant extensions of time for filing returns, and they make settlements, subject to approval of the Commissioner and a designated officer of the Treasury Department (section 3761, I. R. C.), of liability for ad valorem penalties incurred through delinquency in filing returns or payment of tax and interest due.

(c) *Public relations.* The public may secure from the principal and branch offices of collectors of internal revenue, pursuant to oral or written application, information as to the application of the internal revenue laws. Requests for extensions of time for filing returns and for information as to cases in their charge, and offers in compromise, and claims for abatement, credit or refund of taxes may be submitted to collectors.

(d) *Collection districts.* A list of collection districts, the territorial extent, and the headquarters of each, effective as of July 1, 1946, is as follows:

| Designation of district | Territory embraced | Headquarters office | Designation of district | Territory embraced | Headquarters office | |
|---------------------------|---|---------------------|-------------------------|---|----------------------|-------------|
| Alabama..... | Entire State..... | Birmingham 3. | Iowa..... | Entire State..... | Des Moines 8. | |
| Alaska..... | Part of Washington District..... | | | | Zone Offices: | |
| Arizona..... | Entire State..... | Phoenix. | | | Dubuque. | |
| Arkansas..... | Entire State..... | Little Rock. | | | Sioux City. | |
| California: | | | Kansas..... | Entire State..... | Wichita 1. | |
| 1st District.. | Counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Eldorado, Fresno, Glenn, Humboldt, Inyo, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Seloano, Sonoma, Stanislaus, Sutter, Tulare, Tehama, Trinity, Tuolumne, Yolo and Yuba. | San Francisco 1. | Kentucky..... | Entire State..... | Louisville 1. | |
| | | | | | Zone Offices: | |
| 6th District.. | Counties of Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara and Ventura. | Los Angeles 53. | Louisiana..... | Entire State..... | Lexington. | |
| | | | Maine..... | Entire State..... | Covington. | |
| Colorado..... | Entire State..... | Denver 2. | Maryland..... | Entire State of Maryland and District of Columbia. | Owensboro. | |
| Connecticut..... | Entire State..... | Hartford 15. | | | New Orleans 16. | |
| | | Zone Offices: | Massachusetts..... | Entire State..... | Augusta. | |
| Delaware..... | Entire State..... | New Haven. | Michigan..... | Entire State..... | Baltimore 2. | |
| District of Columbia..... | Part of Maryland District..... | New London. | Minnesota..... | Entire State..... | Zone Office: | |
| Florida..... | Entire State..... | Wilmington 99. | | | Washington. | |
| | | | Mississippi..... | Entire State..... | Boston 9. | |
| Georgia..... | Entire State..... | Jacksonville 1. | Missouri: | | Detroit 31. | |
| Hawaii..... | Entire Territory..... | Zone Offices: | 1st District.. | Counties of Adair, Audrain, Bellinger, Boone, Butler, Calloway, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Howard, Iron, Jefferson, Knox, Lewis, Lincoln, Linn, Macon, Madison, Maries, Marion, Mississippi, Monroe, Montgomery, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Ralls, Randolph, Reynolds, Ripley, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Warren, Washington, Wayne. | Tampa. | St. Paul 1. |
| Idaho..... | Entire State..... | Miami. | | | Zone Offices: | |
| Illinois: | | Atlanta 3. | 6th District.. | Counties of Andrew, Atchison, Barry, Barton, Bates, Benton, Buchanan, Caldwell, Camden, Carroll, Cass, Cedar, Chariton, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, De Kalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howell, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Livingston, McDonald, Mercer, Miller, Monttau, Morgan, Newton, Nodaway, Ozark, Pettis, Platte, Polk, Putnam, Ray, St. Clair, Saline, Stone, Sullivan, Taney, Texas, Vernon, Webster, Worth and Wright. | Honolulu 3. | Duluth. |
| 1st District.. | Counties of Boone, Bureau, Carroll, Cook, De Kalb, Du Page, Grundy, Henry, Jo Daviess, Kane, Kankakee, Kendall, Lake, La Salle, Lee, McHenry, Marshall, Mercer, Ogle, Putnam, Rock Island, Stark, Stephenson, Whiteside, Will and Winnebago. | Boise. | | | Jackson 109. | |
| | | Chicago 90. | | | St. Louis 1. | |
| 8th District.. | Counties of Adams, Alexander, Bond, Brown, Calhoun, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Dewitt, Douglas, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Hamilton, Hancock, Hardin, Henderson, Iroquois, Jackson, Jasper, Jefferson, Jersey, Johnson, Knox, Lawrence, Livingston, Logan, McDonough, McLean, Macon, Macoupin, Madison, Marion, Mason, Massac, Meuar, Monroe, Montgomery, Morgan, Moultrie, Peoria, Perry, Piatt, Pike, Pope, Pulkaski, Randolph, Richland, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Tazewell, Union, Vermillion, Washash, Warren, Washington, Wayne, White, Williamson and Woodford. | Springfield. | Montana..... | Entire State..... | Helena. Zone Office: | |
| | | | | | Great Falls. | |
| Indiana..... | Entire State..... | Indianapolis 6. | Nebraska..... | Entire State..... | Omaha 2. | |
| | | | Nevada..... | Entire State..... | Reno. | |
| | | | New Hampshire..... | Entire State..... | Portsmouth. | |
| | | | New Jersey: | | | |
| | | | 1st District.. | Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean and Salem. | Camden. | |
| | | | 5th District.. | Counties of Bergen, Essex, Hudson, Humterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren. | Newark 2. | |
| | | | New Mexico..... | Entire State..... | Albuquerque. | |

| Designation of district | Territory embraced | Headquarters office | Designation of district | Territory embraced | Headquarters office |
|-------------------------|---|--|-------------------------|---|---------------------------------|
| New York: | | | Rhode Island.... | Entire State..... | Providence 2. |
| 1st District.. | Counties of Kings, Nassau, Queens, Richmond, and Suffolk. | 210 Livingston St., Brooklyn 2. | South Carolina... | Entire State..... | Columbia 3. |
| 2d District.. | All that part of Manhattan Island south of Twenty-third Street. | Customhouse, New York 4. | South Dakota.... | Entire State..... | Aberdeen. |
| 3d District.. | That part of Manhattan Island north of Twenty-third Street. (This includes both sides of Twenty-third Street and Blackwells Island, Randalls Island, and Wards Island.) | 110 E. 45th St., New York 17. | Tennessee..... | Entire State..... | Nashville 3. |
| 14th District.. | Counties of Albany, Bronx (formerly the 23rd and 24th wards of New York City), Clinton, Columbia, Dutchess, Essex, Fulton, Greene, Hamilton, Montgomery, Orange, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Sullivan, Ulster, Warren, Washington, and Westchester. | Albany 1 Zone Office: Bronx. | Texas: | | |
| 21st District.. | Counties of Broome, Cayuga, Chenango, Cortland, Delaware, Franklin, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, Otsego, St. Lawrence, Schuyler, Seneca, Tioga, Tompkins, and Wayne. | Syracuse 1 Zone Offices: Binghamton. Utica. Watertown. | 1st District.. | Counties of Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bell, Bexar, Blanco, Bosque, Brazoria, Brazos, Brewster, Brooks, Burleson, Burnet, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, Coryell, Culbertson, De Witt, Dimmit, Duval, Edwards, El Paso, Falls, Fayette, Fort Bend, Freestone, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hamilton, Hardin, Harris, Hays, Hidaigo, Hill, Hudspeth, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Llano, McCulloch, McLennan, McMullen, Madison, Mason, Matagorda, Maverick, Medina, Milam, Montgomery, Newton, Nueces, Orange, Pecos, Polk, Presidio, Real, Reeves, Refugio, Robertson, San Jacinto, San Patricio, San Saba, Somervell, Starr, Terrell, Travis, Trinity, Tyler, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, and Zavalla. | Austin 8. |
| 28th District.. | Counties of Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Steuben, Wyoming, and Yates. | Buffalo 1 Zone Offices: Rochester. Elmira. Jamestown. | 2d District.. | Counties of Anderson, Andrews, Angelina, Archer, Armstrong, Bailey, Baylor, Borden, Bowie, Briscoe, Brown, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Comanche, Concho, Cooke, Cottle, Crane, Crockett, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Donley, Eastland, Ector, Ellis, Erath, Fannin, Fisher, Floyd, Foard, Franklin, Gaines, Garza, Glasscock, Gray, Grayson, Gregg, Hale, Hall, Hansford, Hardeman, Harrison, Hartley, Haskell, Hemphill, Henderson, Hockley, Hood, Hopkins, Houston, Howard, Hunt, Hutchinson, Irion, Jack, Johnson, Jones, Kaufman, Kent, King, Knox, Lamar, Lamb, Lipscomb, Loving, Lubbock, Lynn, Marion, Martin, Menard, Midland, Mills, Mitchell, Montague, Moore, Morris, Motley, Nacogdoches, Navarro, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Potter, Rains, Randall, Reagan, Red River, Roberts, Rockwell, Runnels, Rusk, Sabine, San Augustine, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Upshur, Upton, Van Zandt, Ward, Wheeler, Wichita, Willbarger, Winkler, Wise, Wood, Yoakum, and Young. | Dallas 1. |
| North Carolina.. | Entire State..... | Greensboro Zone Offices: Raleigh. Asheville. Winston-Salem. Charlotte. | | | |
| North Dakota... | Entire State..... | Fargo. | | | |
| Ohio: | | | | | |
| 1st District.. | Counties of Brown, Butler, Clark, Clermont, Clinton, Fayette, Greene, Hamilton, Highland, Miami, Montgomery, Preble, and Warren. | Cincinnati 1. | | | |
| 10th District.. | Counties of Allen, Augaize, Champaign, Crawford, Darke, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Logan, Lucas, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Shelby, Van Wert, Williams, Wood, and Wyandot. | Toledo 1. | | | |
| 11th District.. | Counties of Adams, Athens, Coshocton, Delaware, Fairfield, Franklin, Gallia, Guernsey, Hocking, Jackson, Knox, Lawrence, Licking, Madison, Marion, Meigs, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Scioto, Union, Vinton, and Washington. | Columbus 16. | | | |
| 15th District.. | Counties of Ashland, Ashtabula, Belmont, Carroll, Columbiana, Cuyahoga, Geauga, Harrison, Holmes, Jefferson, Lake, Lorain, Mahoning, Medina, Monroe, Portage, Richland, Stark, Summit, Trumbull, Tuscarawas, and Wayne. | Cleveland 15 Zone Offices: Akron. Canton. Youngstown. | | | |
| Oklahoma..... | Entire State..... | Oklahoma City 1. | | | |
| Oregon..... | Entire State..... | Portland 9. | | | |
| Pennsylvania: | | | | | |
| 1st District.. | Counties of Adams, Bedford, Berks, Blair, Bucks, Chester, Cumberland, Dauphin, Delaware, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Lehigh, Mifflin, Montgomery, Perry, Philadelphia, Schuylkill, Snyder, and York. | Philadelphia 7. | Utah..... | Entire State..... | Salt Lake City 10. |
| 12th District.. | Counties of Bradford, Carbon, Centre, Clinton, Columbia, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Pike, Potter, Sullivan, Susquehanna, Tioga, Union, Wayne, and Wyoming. | Scranton 14. | Vermont..... | Entire State..... | Burlington. |
| 23rd District.. | Counties of Allegheny, Armstrong, Beaver, Butler, Cambria, Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland. | Pittsburgh 30 Zone Office: Erie. | Virginia..... | Entire State..... | Richmond 17. |
| | | | Washington.... | Washington (State)..... | Zone office: Roanoke. |
| | | | West Virginia... | Entire State..... | Tacoma 1. |
| | | | Wisconsin..... | Entire State..... | Zone offices: Seattle, Spokane. |
| | | | Wyoming..... | Entire State..... | Parkersburg. |
| | | | | | Milwaukee 1. |
| | | | | | Zone office: Madison. |
| | | | | | Cheyenne. |

§ 600.51a *Processing Division.* The Processing Division is a service agency for the offices of collectors of internal revenue and the Bureau. The Processing Division is located in New York City at 260 East 161st Street. It sorts and assembles all income tax information documents for the purpose of associating them with income tax returns. It receives from the taxpaying public information returns such as Form 1096, together with Forms 1099 and 1099L.

§ 600.52 *Field divisions of the Income Tax Unit—(a) Organization.* Each field division of the Income Tax Unit is headed

by the internal revenue agent in charge, who has final responsibility for any action taken or recommendation made by his office in any matter. There is in each smaller field office one assistant agent in charge, and in the larger divisions two such assistants. They perform such duties as may be assigned to them by the internal revenue agent in charge. Other than management and control groups, each field office is composed of three major groups, namely, the investigating staff, the reviewing staff, and the conference staff. The investigating staff is composed of internal revenue agents

who examine income and profits tax returns and others who examine estate and gift tax returns. The reviewing staff considers the reports submitted by the examining agents. The conference staff hears and considers protests of taxpayers to adjustments and actions proposed as a result of examination procedure. While the field division of the Income Tax Unit exercises general control over internal revenue agents working under the direction of the revenue agent in charge who are engaged in the investigations of estate and gift tax returns, the Miscellaneous Tax Unit (see §§ 600.7 and 601.7)

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supervises post-review action and other technical features involved in the verification of such returns.

(b) Location and territorial jurisdiction. The following table shows the territory embraced in and the name and lo-

cation of the headquarter's office of each of the thirty-nine field divisions of the Income Tax Unit:

| Territory embraced | Name of division | Location of office | Territory embraced | Name of division | Location of office | |
|--|----------------------|--|--|---------------------|--|--|
| Alabama..... | Birmingham..... | Birmingham 3, Ala. | New York—Continued Dutchess, Essex, Fulton, Green, Hamilton, Montgomery, Orange, Putnam, Rensselaer, Rockland, Saratoga, Schenactady, Schoharie, Sullivan, Ulster, Warren, Washington, and Westchester, and Randall's Island, Ward's Island, and Blackwell's Island. Counties of Alleghany, Brooms, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Cortland, Delaware, Erie, Franklin, Genesee, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Otsego, St. Lawrence, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming, and Yates. North Carolina..... North Dakota..... Ohio: Counties of Preble, Miami, Clark, Madison, Union, Marion, Morrow, Knox, Coshoc-ton, Guernsey, Noble, Wash- ington, and counties south. Counties of Darke, Shelby, Champaign, Logan, Hardin, Wyandot, Crawford, Rich- land, Ashland, Holmes, Tus- carawas, Harrison, Belmont, Monroe, and counties north. Oklahoma..... Oregon..... Pennsylvania: Counties of Potter, Clinton, Center, Blair, Bedford and counties east. Counties of McKean, Cameron, Clearfield, Cambria, Bomer- set, and counties west. Rhode Island..... South Carolina..... South Dakota..... Tennessee..... Texas..... Utah..... Vermont..... Virginia..... Washington..... West Virginia..... Wisconsin..... Wyoming..... | New York..... | | |
| Alaska..... | Seattle..... | Seattle 4, Wash. | | Buffalo..... | Buffalo 2, N. Y. | |
| Arizona..... | Los Angeles..... | Los Angeles 13, Calif. | | Greensboro..... | Greensboro, N. C. St. Paul 1, Minn. | |
| Arkansas..... | Oklahoma..... | Oklahoma City 2, Okla. | | Cincinnati..... | Cincinnati 2, Ohio. | |
| California: Counties of Monterey, Kings, Tulare, Inyo, and counties north. Counties of San Luis Obispo, Kern, San Bernardino, and counties south. | San Francisco..... | San Francisco 5, Calif. | | Cleveland..... | Cleveland 15, Ohio. | |
| Colorado..... | Los Angeles..... | Los Angeles 13, Calif. | | Oklahoma City..... | Oklahoma City 2, Okla. Seattle 4, Wash. | |
| Connecticut..... | Denver..... | Denver 2, Colo. | | Philadelphia..... | Philadelphia 7, Pa. | |
| Delaware..... | New Haven..... | New Haven 8, Conn. | | Pittsburgh..... | Pittsburgh 22, Pa. | |
| District of Columbia..... | Baltimore..... | Baltimore 2, Md. | | New Haven..... | New Haven 8, Conn. | |
| Florida..... | Baltimore..... | Baltimore 2, Md. | | Columbia..... | Columbia 6, S. C. | |
| Georgia..... | do..... | do. | | St. Paul..... | St. Paul 1, Minn. | |
| Hawaii..... | Jacksonville..... | Jacksonville 1, Fla. | | Nashville..... | Nashville 3, Tenn. | |
| Idaho..... | Atlanta..... | Atlanta 3, Ga. | | Dallas..... | Dallas 1, Tex. | |
| Illinois: Counties of Mercer, Henry, Stark, Marshall, La Salle, Grundy, Kankakee, and coun- ties north. Counties of Henderson, Warren, Knox, Peoria, Woodford, Liv- ington, Ford, Iroquois, and counties south. | Honolulu..... | Honolulu 9, Hawaii. | | Salt Lake City..... | Salt Lake City 1, Utah. | |
| | Salt Lake City..... | Salt Lake City 1, Utah. | | Boston..... | Boston 10, Mass. | |
| | Chicago..... | Chicago 3, Ill. | | Richmond..... | Richmond 4, Va. | |
| | Springfield..... | Springfield, Ill. | | Seattle..... | Seattle 4, Wash. | |
| | Indianapolis..... | Indianapolis 4, Ind. | | Huntington..... | Huntington 1, W. Va. | |
| Indiana..... | Omaha..... | Omaha 2, Nebr. | | Milwaukee..... | Milwaukee 1, Wis. | |
| Iowa..... | St. Paul..... | St. Paul 1, Minn. | | Denver..... | Denver 2, Colo. | |
| Kansas..... | New Orleans..... | New Orleans 12, La. | | | | |
| Kentucky..... | Boston..... | Boston 10, Mass. | | | | |
| Louisiana..... | Baltimore..... | Baltimore 2, Md. | | | | |
| Maine..... | Boston..... | Boston 10, Mass. | | | | |
| Maryland..... | Detroit..... | Detroit 26, Mich. | | | | |
| Massachusetts..... | St. Paul..... | St. Paul 1, Minn. | | | | |
| Michigan..... | New Orleans..... | New Orleans 12, La. | | | | |
| Minnesota..... | St. Louis..... | St. Louis 1, Mo. | | | | |
| Mississippi..... | Salt Lake City..... | Salt Lake City 1, Utah. | | | | |
| Missouri..... | Omaha..... | Omaha 2, Nebr. | | | | |
| Montana..... | San Francisco..... | San Francisco 5, Calif. | | | | |
| Nebraska..... | Boston..... | Boston 10, Mass. | | | | |
| Nevada..... | Newark..... | Newark 2, N. J. | | | | |
| New Hampshire..... | Denver..... | Denver 2, Colo. | | | | |
| New Jersey..... | Second New York..... | Rm. 1200, 225 Broadway, New York City 7, N. Y. | | | | |
| New Mexico..... | Brooklyn..... | Brooklyn 17, N. Y. | | | | |
| New York: Part of County of New York, south of the south side of 23d St. Counties of Kings, Nassau, Queens, Richmond, and Suf- folk. County of New York, north of 23d St., including both sides of 23d St., counties of Albany, Bronx, Clinton, Columbia, | Upper New York..... | 341 Ninth Ave., New York 1, N. Y. | | | | |

§ 600.53 Technical Staff field organization—(a) General. The Technical Staff comprises a Washington head- quarters office under the principal officer of the Technical Staff known as the "Head, Technical Staff" and ten field di- visions, each under an officer known as "Head, Staff Division".

(b) Jurisdiction and authority—(1) General. The Technical Staff acts as an independent appellate agency with- in the Bureau of Internal Revenue in the determination of income, profits, estate, and gift tax liability. Its work relates, in general, to the classes of taxation which fall within the jurisdiction of The Tax Court of the United States. The principal duties of the field divisions are (i) to determine for the Commissioner the liability of taxpayers who have pro- tested the findings of the internal reve- nue agent in charge before any petition has been filed with The Tax Court of the United States, and (ii) to consider pro- posals submitted by taxpayers to settle cases docketed by The Tax Court. In performing these functions the heads of the Staff field divisions act as the exclu- sive representatives of the Commissioner in cases within their territorial jurisdic- tion, except that all stipulated agree- ments in docketed cases must be con- curred in by division counsels as repre-

sentatives of the Chief Counsel for the Bureau. (See, as to division counsel, quotation from Commissioner's Mimeo- graph 4960, paragraph (b) (2) and § 601.57.)

Determinations by the Head of a Staff Field Division of overassessments in ex- cess of \$75,000 are subject to review by the office of the Chief Counsel. In the case of claims under section 722 of the Internal Revenue Code for excess profits tax relief the Staff field divisions acquire jurisdiction only of these cases docketed with The Tax Court or in which a statu- tory notice of disallowance has been is- sued under section 732 of the Code. (See, as to Excess Profits Tax Council, §§ 600.12 and 600.56.)

The Staff field divisions also handle offers in compromise of liability for in- come and profits taxes, except where criminal prosecution, court proceedings, or delinquency penalties only are in- volved. The head of each Staff division has authority to reject any such offer or to recommend that it be accepted by the Commissioner.

(2) Appellate functions. The author- ity of the Technical Staff in appellate determination of income, profits, estate and gift tax liability is set out in Com- missioner's Mimeo-graph No. 4960, ap- proved by the Secretary, effective Sep-

tember 14, 1939 (Report of the Commis- sioner of Internal Revenue, 1940, page 39), which reads in part as follows:

2. (a) The Head of each Staff Division will exclusively represent the Commissioner in the determination of Federal income-, profits-, estate-, and gift-tax liability (whether before or after the issuance of a statutory notice of deficiency) in all cases originating in the office of any Internal Revenue Agent in Charge situated within the territorial jurisdic- tion of the Division, in which the tax- payers have finally protested the preliminary determination of liability made by that officer, excepting cases in the pre-90-day status in which the Special Agent in Charge has rec- ommended criminal prosecution: *Provided*, That the Staff Division shall not eliminate the ad valorem fraud or negligence penalty in any case in the so-called 90-day status, or the pre-90-day status, except with the con- currence of the Special Agent in Charge.

(b) The Head of each Staff Division will also have exclusive authority to settle by stipulation (1) all cases docketed by the United States Board of Tax Appeals [now the Tax Court of the United States] and placed upon a calendar for hearing at any place, other than Washington, D. C., within the territory comprising the jurisdiction of the Division, and (2) all cases originating in the office of any Internal Revenue Agent in Charge situated within the territorial jurisdic- tion of the Division, which are placed on the Washington calendar of said Board of Tax Appeals [Tax Court]: *Provided*, That he shall not make or approve a stipulation for

settlement in any docketed case except with the concurrence of the Division Counsel; and *Provided further*, That in the absence of the Head and the Assistant Head of the Staff Division, the Technical Advisor in Charge of any local office shall have authority to settle by stipulation any such docketed case, but only with the concurrence of the Division Counsel or of the Assistant Counsel in Charge, in which the deficiency determined in the statutory notice does not exceed \$500 and the basis of settlement does not involve an over-assessment in excess of \$500.

3. (a) The Division Counsel will perform his duties under the general supervision of the Chief Counsel. He will advise the Head of the Staff Division, upon request, upon legal questions arising in the determination of income-, profits-, estate-, and gift-tax liability. He will advise the Head of the Staff Division also with respect to any proposed settlement of a docketed case. He will prepare answers to petitions filed with the Board of Tax Appeals, copies of which will be furnished him by the Chief Counsel, in cases originating in the offices of Internal Revenue Agents in Charge situated within the territorial jurisdiction of the Division; and he will have exclusive authority to represent the Commissioner in the defense before the Board [now The Tax Court of the U. S.] of (1) cases placed upon a calendar for hearing at any place, other than Washington, D. C., within the territorial jurisdiction of the Division, and (2) cases originating in the office of any Internal Revenue Agent in Charge situated within the territorial jurisdiction of the Division which are placed on the Washington calendar of said Board of Tax Appeals [The Tax Court], but he shall not stipulate before the Board [The Tax Court] for the settlement of any case except with the approval of the Head of the Staff Division. The Division counsel will consider all memoranda prepared in the Staff Division directing the issuance of statutory notices of deficiency prior to their approval by the Head of the Division.

(b) In the absence of the Division Counsel and the Assistant Division Counsel, the Assistant Counsel in Charge at any local office will have authority to concur with the Head of the Staff Division or with the Technical Advisor in Charge of that office, in a settlement by stipulation of any docketed case in which the deficiency determined in the statutory notice does not exceed \$500 and the basis of settlement does not involve an overassessment in excess of \$500.

11. (a) Notwithstanding the provisions of paragraphs 2 and 3 hereof, the Head of each Staff Division will have exclusive authority to settle by stipulation, subject to the con-

currence of the Division Counsel, all cases docketed by The Tax Court of the United States which originated in the office of any Internal Revenue Agent in Charge situated within the territorial jurisdiction of such Division, which may be placed upon a calendar of said Court for hearing at a place within the territorial jurisdiction of any Staff Division adjoining such Division; and the Division Counsel for such Division will have exclusive authority to represent the Commissioner in the defense of such cases before the said Court, subject to the conditions contained in paragraph 3 hereof with respect to the approval of stipulations for settlement by the Head of the Division.

(b) Notwithstanding any of the foregoing provisions, should the Commissioner determine that it would better serve the interests of the Government, he may, as to any case docketed before The Tax Court of the United States, confer all or any part of the jurisdiction, authority and duties specified in paragraph 2 hereof upon the Head of the Staff Division within which the place of hearing is located; *Provided*, That such jurisdiction, authority and duties shall not be conferred upon the Head, Atlantic Division, in a docketed case set for hearing at Washington, D. C., or at any point within a radius of fifty miles of Washington, D. C., which did not originate within the Atlantic Division, unless the taxpayer's domicile is then situated within that Division.

(c) Notwithstanding any of the foregoing provisions, the Chief Counsel, in his discretion, as to any case docketed before The Tax Court of the United States, may confer all or any part of the jurisdiction, authority and duties specified in paragraph 3 hereof upon the Division Counsel of the Staff Division within which the case has been set for hearing.

12. Notwithstanding any of the foregoing provisions, should the Commissioner determine that it would better serve the interests of the Government, he may, by order in writing, withdraw any case not docketed before the United States Board of Tax Appeals [now The Tax Court of the United States] from the jurisdiction of any Staff Division, and provide for its disposition under his personal direction. Similarly, should the Commissioner and the Chief Counsel jointly determine that it would better serve the interests of the Government, they may, by order in writing, withdraw any case docketed before the Board of Tax Appeals [The Tax Court] from the jurisdiction of any Staff Division, and provide for its disposition under their joint direction. A copy of each order issued under the provisions of this paragraph will be promptly furnished to the Secretary, with a statement of the reasons for the action taken.

(c) *Offers in compromise*: The authority of the heads of field divisions of the Technical Staff to pass upon taxpayers' offers in compromise of tax liability is set out in Commissioner's Mimeograph No. 4955, approved September 6, 1939, which reads in part as follows:

1. Except as provided in paragraphs 2 and 3 [cases involving criminal prosecution, court proceedings, or delinquency penalties only] the heads of the field divisions of the Technical Staff will represent the Commissioner in the consideration of offers in compromise of liability in income- and profits-tax cases, in unjust-enrichment-tax cases, and in cases arising under the Vinson Act and the Vinson Act as amended, including offers applying partly to taxes of these classes and partly to taxes of other classes which are based entirely upon inability to pay.

14. (a) The head of each field division of the Technical Staff is hereby authorized and empowered finally to reject in the name of the Commissioner any offer in compromise referred for his consideration. He may not, however, reject an offer in any case in which rejection has not been recommended by the collector without calling upon that officer for a statement of his views and affording him an opportunity to be heard with respect to the proposed rejection. In any instance in which he concludes a pending offer to be unacceptable, the head of the field division will place in the files of the case a memorandum prepared by the technical adviser to whom the case was assigned and approved by himself, setting forth fully the reasons for rejection.

The Head of a field division does not have authority to act for the Commissioner and the Secretary in the final acceptance of an offer in compromise. In such case the Division Head forwards the case to Technical Staff headquarters in Washington with his recommendation.

(d) The ten field divisions of the Technical Staff, the territorial jurisdiction of each division, the headquarters office of each Technical Staff Division and of Division Counsel and the branch offices in the field of the Technical Staff and of Division Counsel are shown by the following table. * indicates headquarters of Technical Staff Division and Division Counsel. # indicates branch office of Technical Staff field division and of Division Counsel. Absence of either sign indicates branch office of Technical Staff field division only.

| Division | Territory embraced | Location of office | Division | Territory embraced | Location of office |
|---------------|--|---|----------------|--|--|
| Atlantic..... | Maryland, Delaware, District of Columbia, Virginia, West Virginia, and North Carolina. | *Baltimore 2, Md., 505 Stewart Bldg., 100-2 South Gay St. Greensboro, N. C., 828 Jefferson Standard Bldg., Elm and Market Sts. Huntington 1, W. Va., 415 First Huntington National Bank Bldg., 955 4th Ave. Richmond 19, Va., 306 Virginia A. B. C. Bldg., Fourth and Grace Sts. Washington 25, D. C., Room 3565, Internal Revenue Bldg., 12th St. & Constitution Ave., NW. | Eastern..... | Pennsylvania and New Jersey. | #St. Paul 1, Minn., W-1681 First National Bank Bldg., 332 Minnesota St. *Philadelphia 7, Pa., 2000 Lincoln-Liberty Bldgs., Broad and Chestnut Sts. #Newark 2, N. J., 300 Military Park Bldg., 60 Park Pl. #Pittsburgh 22, Pa., 2304 Clark Bldg., 7th and Liberty Ave. |
| Central..... | Michigan, Ohio, and Kentucky. | *Cleveland 14, Ohio, 1209 Union Commerce Bldg., 9th and Euclid Ave. #Cincinnati 2, Ohio, 2920 Carew Tower, 441 Vine Street. #Detroit 26, Mich., 1580 National Bank Bldg., Woodward Ave. and Cadillac Sq. Louisville 2, Ky., 1129 Starks Bldg., 455 South 4th St. | New England... | Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut. | *Boston 10, Mass., 547 Stone and Webster Bldg., 49 Federal St. New Haven 10, Conn., 320 Trust Co. Bldg., 205 Church St. |
| Chicago..... | North Dakota, South Dakota, Minnesota, Wisconsin, Illinois, Indiana. | *Chicago 4, Ill., 1300 Board of Trade Bldg., 141 West Jackson Blvd. #Indianapolis 4, Ind., 635 Architects and Builders Bldg., 333 North Pennsylvania Ave. Milwaukee 2, Wis., 250 Bankers Bldg., 208 East Wisconsin Ave. | New York..... | The State of New York. | *New York 1, N. Y., 2300 Empire State Bldg., 350 5th Ave. Buffalo 5, N. Y., 1800 Hotel Statler Bldg., Delaware Ave. at Niagara Sq. *San Francisco 5, Calif., 508 Sharon Bldg., 65 New Montgomery St. #Los Angeles 14, Calif., 1100 Oviatt Bldg., 617 South Olive St. Portland 4, Ore., 1006 Bedell Bldg., 520 SW. 6th Ave. #Seattle 4, Wash., 1215 Smith Tower Bldg., 506 2d Ave. |
| | | | Pacific..... | Washington, Oregon, California, Idaho, Montana, Nevada, Arizona, Alaska, and the Hawaiian Islands. | |

| Division | Territory embraced | Location of office | Division | Territory embraced | Location of office |
|-------------------|---|--|-------------------|--|---|
| Southern..... | Tennessee, Alabama, Georgia, South Carolina, and Florida. | *Birmingham 3, Ala., 419 Frank Nelson Bldg., 20th St. and 2d Ave. #Atlanta 3, Ga. 600 Twenty-two Marietta Bldg., Marietta and Broad Sts. Jacksonville 2, Fla., 621 Lynch Bldg., 11 East Forsythe St. Nashville 3, Tenn., 608 Bennie-Dillon Bldg., Church St. and 7th Ave. | Southwestern..... | Mississippi, Louisiana, Texas, Oklahoma, and Arkansas. | #New Orleans 12, La., 1220 Hibernia Bank Bldg., 812 Gravier St. #Oklahoma City 2, Okla., 1315 First National Bank Bldg., 120 North Robinson St. *Kansas City 6, Mo., 516 R. A. Long Bldg., 928 Grand Ave. |
| Southwestern..... | Mississippi, Louisiana, Texas, Oklahoma, and Arkansas. | *Dallas 1, Tex., 1426 Kirby Bldg., Main and Akard Sts. #Houston 2, Tex., 1316 Houston Cotton Exchange Bldg., Carolina St. and Prairie Ave. | Western..... | New Mexico, Colorado, Wyoming, Nebraska, Kansas, Iowa, and Missouri. | Denver 2, Colo., 322 Railway Exchange Bldg., 909 Seventh St. Omaha 2, Nebr., 337 Omaha National Bank Bldg., 17th and Varnum Sts. #St. Louis 1, Mo., 2155 Railway Exchange Bldg., 7th and Olive Sts. |

§ 600.54 *Field organization of the Intelligence Unit.* The field organization of the Intelligence Unit comprises fourteen divisions which are responsible for the actual investigation of all types of cases coming within the jurisdiction of the Unit (see § 600.10). The field

divisions submit comprehensive reports of evidence obtained for use in court proceedings and participate in the settlement of tax fraud cases in the field. The Head of each Division is a Special Agent in Charge. Each branch of a division is under direction of a senior agent.

The fourteen field divisions of the Intelligence Unit, the territorial jurisdiction of each division (location of headquarters indicated by "*" and the branch offices within each division are shown by the following table:

| Division | Territory embraced | Location of office | Division | Territory embraced | Location of office |
|--------------|--|---|--------------------|--|---|
| Atlanta..... | South Carolina, Georgia, Florida, and Alabama. | *Atlanta 3, Ga., First Federal Savings Bldg., 44 Pryor St. NE. Birmingham 3, Ala., 1209 First National Bldg., 17 North Twentieth St. Columbia 23, S. C., 1010 Palmetto Bldg., Main and Washington Sts. Miami 32, Fla., 702 American National Bank Bldg., 139 N.E. First St. #Mobile 10, Ala., 403 U.S. Courthouse and Customhouse, St. Joseph and St. Louis Sts. Montgomery 4, Ala., Room 407 U. S. Post Office Bldg. Savannah, Ga., 417 Realty Bldg., Bryan and Drayton Sts. Tampa 2, Fla., 402 Wallace S. Bldg., 608 Tampa St. | Kansas City..... | Missouri, Kansas, Oklahoma, and Arkansas. | *Kansas City 6, Mo., 2901 Fidelity Bldg. Little Rock 2, Ark., 320 Rector Bldg., Third and Spring Sts. Oklahoma City 2, Okla., 406 Post Office Bldg. St. Louis 1, Mo., 934 U. S. Courthouse and Customhouse, 1114 Market St. Wichita 1, Kans., 402 Post Office Bldg. |
| Boston..... | Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island. | *Boston 9, Mass., Room 300, 40 Central St. Bridgeport 3, Conn., Room 30, Professional Bldg., 144 Golden Hill St. Hartford 3, Conn., Room 1212, American Indust. Bldg., 983 Main St. Portland 3, Maine, Room 601, Chapman Bldg., 477 Congress St. Providence 3, R. I., Room 1023, Industrial Trust Bldg., 111 Westminster St. | Louisville..... | Kentucky and Tennessee.. | *Louisville 2, Ky., 428 Federal Bldg. Chattanooga 2, Tenn., 346 U. S. Post Office Bldg. Knoxville 1, Tenn., 331 U. S. Post Office Bldg. Memphis 3, Tenn., 352 Federal Bldg. Nashville 3, Tenn., 334 U. S. Court House. |
| Chicago..... | Wisconsin, Illinois, and Indiana. | Chicago 3, Ill., 105 West Monroe St. East St. Louis, Ill., 438 Murphy Bldg. Eau Claire, Wis., Room 36, Post Office Bldg. Evansville, Ind., Koenig Bldg., 112 Northwest 4th St. Green Bay, Wis., Room 602, Minahan-McCormick Bldg. Indianapolis 6, Ind., Room 804, County Annex Bldg., 145 East Market St. Milwaukee 3, Wis., Room 523, Realty Bldg., 740 North Plankinton Ave. Peoria, Ill., Room 335, Jefferson Bldg. South Bend, Ind., Room 804, Sberland Bldg. Springfield, Ill., Room 800, Ferguson Bldg. | New York..... | New York, New Jersey (5th Coll. District), and Puerto Rico. | *New York 7, N. Y., Tenth Floor, 253 Broadway. Buffalo 2, N. Y., 712 Prudential Bldg., Church and Pearl Sts. Newark 2, N. J., 807 Sheraton Bldg., 9-11 Hill St. |
| Dallas..... | Mississippi, Louisiana, and Texas. | Dallas 2, Tex., 522 U. S. Terminal Annex Bldg. Houston, Tex., 1020 Electric Bldg. New Orleans 12, La., 1007 Pere Marquette Bldg. San Antonio 8, Tex., 580 Federal Bldg. Shreveport 80, La., 625 Giddens-Lane Bldg. | Philadelphia..... | Pennsylvania, New Jersey (1st Coll. District), and Delaware. | *Philadelphia 6, Pa., 4th Floor, N.W., Ayer Bldg., 210 West Washington Square. Harrisburg 1, Pa., 302 Post Office Bldg. Pittsburgh 19, Pa., 510 New Federal Bldg. Scranton 3, Pa., 518 First National Bank Bldg. *St. Paul 1, Minn., 1037 Post Office and Customhouse. Des Moines 9, Iowa, 402 Equitable Bldg. Minneapolis 2, Minn., 208 Builders Exchange. Omaha 2, Nebr., 852 Brandeis Theatre Bldg. |
| Denver..... | Colorado, New Mexico, Wyoming, and Utah. | *Denver 2, Colo., 251 New Custom House. Albuquerque, N. Mex., 204 Federal Bldg. Cheyenne, Wyo., 406 Federal Bldg. Salt Lake City 1, Utah, 323 Boston Bldg. | San Francisco..... | California, Nevada, Arizona, and Hawaii. | *San Francisco 2, Calif., 100 McAllister St. Bldg. Honolulu, T. H., Building I, Iolani Palace Grounds. Los Angeles 12, Calif., 844 U. S. Post Office and Courthouse. Phoenix, Ariz., 425 Security Bldg. Sacramento 14, Calif., 404 Bank of America Bldg. San Diego 1, Calif., 210 Post Office Bldg., 815 E. St. *Seattle 4, Wash., 210 U. S. Court House Bldg. Boise, Idaho, 233 Sonna Bldg. Butte, Mont., 210 Federal Bldg. Portland 4, Oreg., 300 Financial Center Bldg., 233 SW. Sixth Ave. Spokane 8, Wash., 604 Fernwell Bldg. |
| Detroit..... | Ohio and Michigan..... | *Detroit 26, Mich., 2233 Barlum Tower. Cincinnati 2, Ohio, 901 Ingalls Bldg. Cleveland 15, Ohio, 1000 Shofield Bldg. Columbus 15, Ohio, 1110 Atlas Bldg. Dayton 2, Ohio, 504 American Bldg. Flint 3, Mich., 501 F. P. Smith Bldg. Grand Rapids 1, Mich., 410 Federal Bldg. Toledo 4, Ohio, 512 Produce Exchange Bldg. Youngstown 3, Ohio, 901 City Bank Bldg. | Seattle..... | Washington, Oregon, Idaho, Montana, and Alaska. | *Washington 25, D. C., 310 Sixth St. NW. Baltimore 2, Md., 201-227 Calvert Bldg. Charlotte, N. C., 300 Smith Bldg. Greensboro, N. C., 415 Post Office Bldg. Huntington-1, W. Va., 608 West Virginia Bldg. Norfolk, Va., 224 York St. Raleigh, N. C., 603 Masonic Temple. Richmond 19, Va., 303 Parcel Post Bldg. Roanoke, Va., 310 W. Campbell Ave. |

§ 600.55 *Alcohol Tax Unit field organization*—(a) *District Supervisors*—(1) *Territorial jurisdiction*. The field organization of the Alcohol Tax Unit includes fifteen District Supervisors and their staffs, located and having territorial jurisdiction as follows:

Territorial Jurisdiction and Location of Office

Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut; Boston, Mass.

New York, Puerto Rico; New York, N. Y. Pennsylvania, Philadelphia, Pa. New Jersey, Delaware; Newark, N. J. Maryland, West Virginia, North Carolina, District of Columbia, Virginia; Baltimore, Md.

South Carolina, Georgia, Florida, Alabama; Atlanta, Ga.

Kentucky, Tennessee; Louisville, Ky. Ohio, Michigan; Detroit, Mich. Wisconsin, Illinois, Indiana; Chicago, Ill. Mississippi, Louisiana, Texas; New Orleans, La.

Missouri, Kansas, Oklahoma, Arkansas; Kansas City, Mo.

Minnesota, North Dakota, South Dakota, Iowa, Nebraska; St. Paul, Minn.

Colorado, New Mexico, Wyoming, Utah; Denver, Colo.

California, Arizona, Nevada, Hawaii; San Francisco, Calif.

Washington, Oregon, Idaho, Montana, Alaska; Seattle, Wash.

(2) *Function*. District Supervisors administer, within their respective districts, the laws described in § 600.6 (a). They have authority to make interpretative rulings and render advisory opinions, and to take final action in all matters within their territorial jurisdiction, without review by the central office, except those matters which are required by published rules, described in § 601.5, to be forwarded to the Commissioner or the Deputy Commissioner in charge of the Alcohol Tax Unit of the Bureau at Washington, D. C., for final decision.

(3) *Public relations*. For information as to the submittals and requests which may be made to, and information which may be obtained from, District Supervisors, see § 600.6 (b).

(b) *Investigators in charge*—(1) *Territorial jurisdiction*. The field organization of the Alcohol Tax Unit also includes fifty-nine investigators in charge, located and having territorial jurisdiction, as follows:

Territorial Jurisdiction and Location of Offices

Massachusetts; Boston, Mass.

New Hampshire; Concord, N. H.

Vermont; Rutland, Vt.

Rhode Island; Providence, R. I.

Connecticut; Hartford, Conn.

Maine; Portland, Maine.

Southern Judicial District, N. Y.; New York, N. Y.

Eastern Judicial District, N. Y.; Brooklyn, N. Y.

Western Judicial District, N. Y.; Buffalo, N. Y.

Northern Judicial District, N. Y.; Syracuse, N. Y.

Puerto Rico; San Juan, P. R.

Eastern Judicial District, Pa.; Philadelphia, Pa.

Middle Judicial District, Pa.; Wilkes-Barre, Pa.

Western Judicial District, Pa.; Pittsburgh, Pa.

New Jersey, except 8 southern counties; Newark, N. J.

Delaware and 8 southern counties¹ of New Jersey; Camden, N. J.

Maryland and District of Columbia; Baltimore, Md.

Virginia; Richmond, Va.

North Carolina; Charlotte, N. C.

West Virginia; Charleston, W. Va.

Georgia; Atlanta, Ga.

Alabama; Birmingham, Ala.

Florida; Jacksonville, Fla.

South Carolina; Columbia, S. C.

Kentucky; Louisville, Ky.

Tennessee; Nashville, Tenn.

Michigan; Detroit, Mich.

Southern Judicial District, Ohio; Cincinnati, Ohio.

Northern Judicial District, Ohio; Cleveland, Ohio.

Northern Judicial District, Illinois; Chicago, Ill.

Southern and Eastern Judicial Districts, Illinois; Springfield, Ill.

Indiana; Indianapolis, Ind.

Wisconsin; Milwaukee, Wis.

Louisiana; New Orleans, La.

Northern and Eastern Judicial Districts, Texas; Dallas, Tex.

Southern and Western Judicial Districts, Texas; San Antonio, Tex.

Mississippi; Jackson, Miss.

Missouri; St. Louis, Mo.

Kansas; Topeka, Kans.

Oklahoma; Oklahoma City, Okla.

Arkansas; Little Rock, Ark.

Minnesota; St. Paul, Minn.

Iowa; Des Moines, Iowa.

North Dakota; Fargo, N. Dak.

South Dakota; Sioux Falls, S. Dak.

Nebraska; Omaha, Nebr.

Colorado; Denver, Colo.

Wyoming; Cheyenne, Wyo.

Utah; Salt Lake City, Utah.

New Mexico; Albuquerque, N. Mex.

Northern Judicial District, Calif.; San Francisco, Calif.

Southern Judicial District, Calif.; Los Angeles, Calif.

Arizona; Phoenix, Ariz.

Nevada; Reno, Nev.

Territory of Hawaii; Honolulu, Hawaii.

Washington and Alaska; Seattle, Wash.

Oregon; Portland, Oreg.

Idaho; Boise, Idaho.

Montana; Helena, Mont.

(2) *Function*. Investigators in Charge investigate violations of the internal revenue liquor laws, the Federal Alcohol Administration Act, and related statutes, and Federal laws relating to firearms, and are charged with the custody, forfeiture, and disposition of property seized because of such violations, under direction of the District Supervisor.

(3) *Public relations*. For information as to the submittals and requests which may be made to, and information which may be obtained from, Investigators in Charge, see § 600.6 (b).

§ 600.56 *Excess Profits Tax Council—Section 722 Field Committees*. In the administration of the excess profits tax relief provisions of section 722 of the Code and the operations of the Excess Profits Tax Council (see § 600.12), a section 722 Field Committee has been established in each of the thirty-nine field offices of the Income Tax Unit. The locations of such offices are shown in § 600.52 (b). Each Field Committee is composed of internal revenue agents, is headed by a chairman, and functions under the technical direction of the Ex-

¹Ocean, Burlington, Camden, Atlantic, Gloucester, Salem, Cumberland, Cape May.

cess Profits Tax Council. Section 722 Field Committees conduct field examinations of applications for excess profits tax relief filed under section 722 of the Code and recommend to the Council the amount of the constructive average base period net income allowable under section 722 in each case. The recommendation of a Field Committee is subject to review by the Council whether or not the taxpayer has agreed with it. (See § 600.12.)

§ 600.57 *Field organization of the Office of the Chief Counsel*. The field organization of the Office of the Chief Counsel (§ 600.11) is composed of field divisions or representatives of the central organization as follows:

(a) *Alcohol Tax Division*. The field personnel of this Division of the Chief Counsel's Office consists of attorneys-in-charge and other attorneys stationed at some district offices of the Alcohol Tax Unit (see § 600.55). These attorneys prepare notices of contemplated denial of applications for permits and orders to show cause why permits should not be annulled, suspended, or revoked, hold hearings on such notices and orders, prepare findings of fact and conclusions of law and orders based thereon in such proceedings, prepare legal memoranda and opinions, briefs, libels, and other pleadings, assist at trials, review proposed compromise settlements, petitions for remission of forfeitures and other legal documents, and orally advise District Supervisors and members of their staffs on legal questions.

(b) *Appeals Division*. Substantially all the legal personnel of the Appeals Division is decentralized, the Head and Assistant Heads of the Division and the Appellate Court and Brief Review Section remaining in Washington. There is assigned to each of the ten field divisions of the Technical Staff a Division Counsel (and his legal assistants) comprising the decentralized Appeals Division in the field. (See § 600.53.)

The Counsel for each Staff Division is legal advisor for the Staff Division and has exclusive authority to represent the Commissioner in the defense before the Tax Court of cases scheduled for hearing within the territorial jurisdiction, or there arising and placed on the Washington Calendar of the Court. Stipulations, answers, motions, or other pleadings are forwarded to the Chief Counsel's Office for filing with the Tax Court of the United States. In general, no review of such pleadings is made in Washington.

Jurisdictional and other motions, which under the Court's Rules of Practice are argued before the Court in Washington, are prepared by the attorneys in the field offices and are transmitted to Washington. These motions are generally argued by the attorney in Washington in charge of the Calendar.

All briefs prepared by the attorneys in the field offices are reviewed in Washington. In each case in which a petition for review of a Tax Court decision is filed by the taxpayer, the particular decentralized division is notified and the case is transferred to the Appellate Court Group in Washington. In each case in which the decision of the Tax Court is

adverse to the Commissioner, in whole or in part, the particular decentralized division prepares a recommendation with reference to appeal, which recommendation is forwarded to the Washington office for review and approval. If approved for appeal, the case is assigned to the Appellate Court Group to take such steps, working with the Department of Justice, as the case may require. If no appeal is taken by either party, the case is closed in the Chief Counsel's Office.

(c) *Penal Division.* The Penal Division has been partially decentralized, with plans made to extend the field organization. There are now three regional offices, each in charge of a Regional Counsel. Region 1 covers the first, second, and third Judicial Circuits, with the regional office located in New York City. District offices for this region are located in Boston and Philadelphia. Region 2 covers the sixth and seventh Judicial Circuits, with the regional office located in Chicago. Region 3 covers the ninth Judicial Circuit, with the regional office located in San Francisco.

The Regional Counsel acts for the Chief Counsel in the field. He considers and prepares cases referred to him by the Special Agent in Charge of the Intelligence Unit in that area which involve criminal prosecutions for tax violations in accordance with the functions of the Penal Division (see § 600.11 (b) (2) (viii)).

(d) *Chief Counsel's representatives.* The Chief Counsel has representatives in the field generally designated as "Special Assistants to the Chief Counsel." At the present time there is one such representative in each of the cities of Chicago, Seattle, and St. Paul, two in Los Angeles, and three in New York. These attorneys render legal assistance, upon request, primarily to the collectors, and to a lesser extent to the internal revenue agents in charge, in the cities mentioned above in which they are located. They represent the Chief Counsel in negotiations for the settlement of cases within the jurisdiction of the Civil Division (§ 600.11 (b) (2) (iv)) and Claims Division (§ 600.11 (b) (2) (v)). These attorneys, except those in New York, pursuant to agreement between the Department of Justice and the Chief Counsel's Office, also render special service to the United States district attorneys.

§ 600.58 *Field organization of the Miscellaneous Tax Unit—(a) General.* The field organization of the Miscellaneous Tax Unit consists of offices of Internal Revenue Agents in Charge, the locations and territorial jurisdiction of which are as follows:

Territorial Jurisdiction and Address

Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming: Internal Revenue Agent in Charge (Misc. Tax), Suite 1102, 315 West Ninth St., Los Angeles 15, Calif.
 Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, North Dakota, Ohio, Pennsylvania (Western), South Dakota, West Virginia, and Wisconsin: Internal Revenue Agent in Charge (Misc. Tax); Suite 1215, Main Post Office Bldg., 433 West Van Buren St., Box 5068, Chicago 80, Ill.

Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania (Eastern), Rhode Island, and Vermont: Internal Revenue Agent in Charge (Misc. Tax), Room 413, 253 Broadway, New York 7, N. Y. (the activities of this office are confined largely to the manufacturers' excise taxes and to certain types of cases arising in connection with the cabaret tax and the taxes on admission charges in excess of the established price) and Internal Revenue Agent in Charge (Misc. Tax), Room 417, 253 Broadway, New York 7, N. Y. (the activities of this office center principally upon the documentary stamp taxes and the transportation taxes).

(b) *Functions.* The Miscellaneous Tax Unit Field Force functions a special investigative organization engaged in making field examinations and audits of the more difficult classes of cases under the manufacturers' excise taxes, the documentary stamp taxes, and the transportation taxes, and of involved cases arising in connection with the cabaret tax and the taxes on admissions where the circumstances justify consideration by agents specializing in those taxes. The force also conducts some audits on retailers' excise taxes, especially those involving large chain-store systems. As to the operations of the force, see also § 601.6 (c).

§ 600.59 *Regional offices of the Salary Stabilization Unit—(a) Authority.* Authority to act upon applications in salary stabilization matters has been delegated to the Heads of the Regional Offices, their decisions being subject to review and amendment by the Head of the Unit. See § 600.9.

(b) *Public relations.* Information, including forms, relating to the stabilization of salaries may be obtained from the Regional Offices.

(c) *Locations and territorial jurisdiction.* Regional offices of the Salary Stabilization Unit have been established at the following locations, their jurisdiction extending to the territories indicated:

Territorial Jurisdiction and Address

South Carolina, Georgia, Florida, Alabama, and Tennessee; Atlanta, Ga., William Oliver Bldg.
 Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island; Boston, Mass., 209 Washington St.
 Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, and Indiana; Chicago, Ill., 327 South LaSalle St.
 Ohio and Kentucky; Cleveland, Ohio, 215 Euclid Ave.
 Mississippi, Louisiana, Texas, New Mexico, Arkansas, and Oklahoma; Dallas, Tex., Cotton Exchange Bldg.
 Michigan; Detroit, Mich., Penobscot Bldg.
 Kansas, Missouri, Iowa, Nebraska, and Colorado; Kansas City, Mo., R. A. Long Bldg.
 Sixth Collection District of California and Arizona; Los Angeles, Calif., Subway Terminal Bldg.
 New York and Fifth Collection District of New Jersey; New York, N. Y., 165 Broadway.
 Pennsylvania and New Jersey with the exception of the Fifth Collection District of New Jersey; Philadelphia, Pa., Market Street, National Bank Bldg.
 First Collection District of California, Nevada, Utah, and Hawaii; San Francisco, Calif., Balboa Bldg.
 Washington, Oregon, Idaho, Montana, Wyoming, and Alaska; Seattle, Wash., Smith Tower Annex.

Maryland, Delaware, Virginia, West Virginia, North Carolina, and District of Columbia; Washington D. C., Temporary Building "S".

PART 601—PROCEDURE

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§ 601.1 *General procedure—(a) Introductory.* The general function of the Bureau of Internal Revenue is collection of internal revenue taxes. Certain other miscellaneous functions are described below in §§ 601.8 and 601.13. Generally, the taxes collected currently are imposed by, and the procedures of the Internal Revenue Bureau are based on the Internal Revenue Code, hereinafter sometimes referred to as the Code. As to rules and rule making see § 601.13.

(b) *Classification of taxes collected by the Bureau.* Internal revenue taxes fall generally into the following principal divisions:

- (1) Taxes collected by assessment;
- (2) Taxes collected by means of revenue stamps.

Taxes in division (2) may in special circumstances be collected by assessment, but references hereinafter to the assessment process do not contemplate taxes ordinarily collectible by means of stamps, except as specially stated. Taxes collectible by assessment may be collected by suit without assessment, but this is practically never done.

Taxes collected principally by assessment fall into the following two main classes:

(i) Taxes within the jurisdiction of The Tax Court of the United States. These include—

- (a) Income and excess profits taxes,
- (b) Estate taxes,
- (c) The gift tax;

(ii) Taxes not within the jurisdiction of The Tax Court of the United States. These include—

- (a) Employment taxes,
- (b) Various sales taxes collected by assessment, and
- (c) Miscellaneous excise taxes collected by assessment.

The difference between these two main classes is that only taxes in class (i), *i. e.*, those within the jurisdiction of The Tax Court may be contested before an independent tribunal prior to payment. Taxes of both classes may be contested by first making payment and then bringing suit to recover. As to other means of contesting disputed tax liability, see paragraph (d) of this section.

(c) *Collection procedure—(1) Returns.* In regular course an internal revenue

tax assessment is based upon a return required by law to be filed by the taxpayer upon which he himself computes the tax in the manner indicated by the return. Forms for the making of returns are prescribed and supplied by the Bureau. Forms are obtainable at the principal and branch offices of collectors of internal revenue. Collectors commonly mail forms to persons whom the collectors have reason to believe may be subject to tax, but failure to receive a form from the collector does not serve to excuse failure to comply with the legal duty to make a required return. Supplemental returns or statements and the time for filing them may sometimes be prescribed by regulations issued under authority of law by the Commissioner with the approval of the Secretary of the Treasury. They may, in some circumstances, be required by the Commissioner of his own volition. See sections 54, 3603, 3604, and 3611 of the Code.

The time for filing returns is generally fixed by law. The time varies in the case of particular taxes. See sections hereinafter dealing specially with particular taxes. While the time for filing the returns is generally prescribed by law, statutory authority to extend the time for a limited period is commonly granted to the Commissioner of Internal Revenue or to the collector. The Commissioner's authority in such regard is commonly delegated to the collectors. Generally, a return is required to be filed with the collector of internal revenue in which the taxpayer's principal office, or if he has none, his residence, is located.

(2) *Enforcement procedure.* If a taxpayer fails to make a return it may be made by the Commissioner or by the collector or deputy collector. Section 3612 of the Code. The return is either audited by the collector by whom it is received, or forwarded by him to another branch of the internal revenue service for audit. Authority to examine books and papers is conferred by law. Sections 3614 and 3615 of the Code. Revenue officers visit taxpayers at their places of business to make examinations to determine the accuracy of returns or whether all required returns have been made. Section 3792 of the Code authorizes the Commissioner, with the approval of the Secretary, to make payments for detecting and bringing to trial and punishment persons guilty of violating the internal revenue laws. Under this section rewards to informers are made. See Treasury Decision 5379, Internal Revenue Cumulative Bulletin, 1944, page 479, 26 CFR, 1944 Supp., Part 455. Claims for rewards should be made on Form 211. Relevant facts should be stated on the form, which after execution should be forwarded to the Chief Counsel for the Bureau of Internal Revenue.

If any person neglects or refuses to pay a tax for which he is liable, it is lawful for the collector or his deputy to make collection by distraint on his property. Section 3690 of the Code. Except where liability is before The Tax Court, no suit for the purpose of restraining collection of internal revenue tax may be made. Section 3653 of the Code. Property taken under authority of any revenue law of

the United States is irrepleviable. United States Revised Statutes, section 934; United States Code, Title 25, 747. The United States' claim for taxes is a lien on the taxpayer's property. Such lien is not valid as against any mortgagee, pledgee, purchaser, or judgment creditor until notice has been filed by the collector. Despite such filing, the lien is not valid with respect to certain securities as against any mortgagee, pledgee or purchaser, of such security, for an adequate and full consideration in money or money's worth, who is without notice or knowledge of the existence of such lien. A valid lien, generally, continues until the liability is satisfied or becomes unenforceable by reason of lapse of time. A certificate of release of lien may be issued upon the taxpayer furnishing proper bond in lieu of the lien, or when the liability is satisfied or becomes unenforceable by reason of lapse of time. See, generally, Chapter 36, Subchapter B, of the Code.

(3) *Penalties—(i) Imposition.* In case of failure to file a return within the prescribed time, a certain percentage of the amount of the tax is, pursuant to statute, added to the tax unless the return is later filed and failure to file the return within the prescribed time is shown to the satisfaction of the Commissioner to be due reasonable cause and not to willful neglect. The amount to be added to the tax is 5 percent if the failure is for not more than 30 days, with an additional 5 percent for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 percent in the aggregate. If a false or fraudulent return is willfully made, the penalty is 50 percent of the total tax due for the entire period involved, including any tax previously paid. Section 3612 (d) of the Code. Other severe ad valorem (not percentage) penalties are imposed for willful failure to pay, collect, or truthfully account for and pay over tax, attempting to evade or defeat tax or the payment thereof, or make returns, keep records, supply information, etc. See sections 3601, 3604, and 3116 of the Code.

(ii) *Mitigation of penalties.* The severity of the ad valorem penalties may be mitigated through exercise of the compromise authority (see paragraph (d) (3)). Only in very exceptional cases is there any compromise of the percentage penalties.

(d) *Disputed liability—(1) General.* Except as to taxes within the jurisdiction of The Tax Court the taxpayer may, after an assessment has been made, file a claim in abatement. Section 3770 of the Code. Form 843 is used in executing the claim and may be obtained from the collector. The claim is filed with the collector. Filing of an abatement claim does not stop the application of the 5 percent penalty nor interest which, by section 3655 (b) of the Code, is imposed for delinquent payment, if the claim is rejected. The collector may demand a bond to insure against possible failure of collection due to postponement of collection while the claim is under consideration.

After payment of the tax a taxpayer may contest the assessment by filing a claim for refund of all or any part of the amount paid. A claim for refund is

made on Form 843, which is obtainable from the collector. A claim once filed may not be amended after the period allowed for filing the claim unless the Commissioner fails to consider it within that period. If the claim is allowed, an appropriate notice of allowance with a check for the amount of the refund and allowable interest is forwarded to the collector of internal revenue. The collector forwards the check to the taxpayer, unless he finds that there are other unpaid taxes outstanding against the taxpayer, in which event, delivery of the refund check to the taxpayer is held in abeyance pending payment of the unpaid taxes. If the claim is rejected, the taxpayer is notified of the rejection by registered mail, and he may then bring suit in the United States District Court or the Court of Claims for recovery of the tax. Such suits must be filed within two years from the date of the rejection notice. Suit without limitation as to amount may be brought in the District Court against the collector of internal revenue or in the Court of Claims against the United States. Suit may be brought in the District Court sitting as a Court of Claims against the United States for not more than \$10,000, except that there is no limitation as to the amount where the collector to whom the tax was paid is dead or out of office as collector. The suit may not be begun before the expiration of six months from the date of filing of the claim unless the Commissioner renders a decision thereon within that time, nor after the expiration of two years from the date of mailing by registered mail by the Commissioner to the taxpayer of a notice of the disallowance of the part of the claim to which the suit refers. Section 3772 of the Code.

(2) *Closing agreements.* The Commissioner is authorized to enter into a written agreement with a taxpayer in order to make conclusive the determination of tax liability for a preceding taxable period (Form 866), or the determination of one or more separate items affecting the tax liability of the taxpayer for any taxable period (Form 906). Such an agreement, called a "closing agreement", is provided for in section 3760 of the Code. Form 866 is used primarily for income and profits taxes, although it is sometimes also availed of with respect to estate and gift taxes. The use of Form 906 is confined almost entirely to income and profits taxes. The Commissioner has not authorized any field or other officers to enter into such agreements, although officers receiving taxpayers' requests for such agreements are authorized to make recommendations as to acceptance thereof.

When Form 866 is used for a closing agreement, the agreement clears through the Special Deputy Commissioner. (See § 600.2 (a).) After approval by the Special Deputy Commissioner, the proposed agreement is forwarded to the Commissioner and the Chief Counsel (see § 600.11 (b) (2) (i) for approval and then to the Secretary's Office for final approval.

Closing agreements on Form 906 are prepared (after request by the taxpayer) in the Income Tax Unit and considered

by the Closing Agreement Committee, composed of representatives of the Chief Counsel's Office and of the Income Tax Unit. The proposed agreement is then referred to the Chief Counsel who recommends to the Commissioner whether it should be executed. The Commissioner informs the taxpayer by letter whether he will approve the proposed agreement, and, if he will approve, encloses the agreement for the taxpayer's signature. Upon return of the agreement signed by the taxpayer, it is routed for approval of the Commissioner and Chief Counsel (see § 600.11 (b) (2) (vi)) and then transmitted to the Secretary's Office for final approval.

Except as otherwise expressly provided by statute, as, for example, in sections 3801, 3806, and 3807 of the Code, where a closing agreement is approved by the Secretary, Under Secretary, or an Assistant Secretary of the Treasury, it is final and conclusive and the case may not be reopened or modified or set aside except upon a showing of fraud of malfeasance, or misrepresentation of a material fact.

Another type of agreement as to the extent of liability for internal revenue tax may be made by the taxpayer and the internal revenue agent. This is concluded by the taxpayer's consent to assessment and collection of the deficiency in tax agreed upon. For this purpose Form 870 is used for the income tax (see § 601.2) and Forms 890 and 890A are used for the estate and gift taxes, respectively (see § 601.4 (c)). While this procedure is not common in the case of miscellaneous excise and sales taxes, where so used Form 870 may be altered for the purpose. The agreement referred to in this paragraph may be submitted by the taxpayer conditioned upon the approval of a final closing agreement.

(3) *Compromises.* Under section 3761 of the Internal Revenue Code the Commissioner, with the approval of the Secretary, the Under Secretary, or an Assistant Secretary, may compromise any civil or criminal case arising under the internal revenue laws prior to reference to the Department of Justice for prosecution or defense. Instructions as to the preparation and filing of an offer in compromise may be secured from the appropriate collector of internal revenue. Offers in compromise are submitted on Form 656 (Form 6560 in case of installment offers) to the offices of collectors of internal revenue. In addition, the taxpayer must submit a financial statement on Form 433 with the offer. Such offers are channeled to the Bureau office, etc., handling the case (such as, the Technical Staff, the Income or Miscellaneous Tax Unit, or one of the divisions of the Chief Counsel's Office, as the case may be). When a case is covered by the report of a revenue agent or has been referred to the United States attorney, or where both such situations exist, the collector will procure from either such agent or such United States attorney, or both, as the case may be, statements in regard to the advisability of accepting the offer and will forward the originals of such statements with the offer.

After an offer of compromise has been approved by the head of the unit, office,

etc., it is considered in the Office of the Special Deputy Commissioner (see § 600.2 (a)). Taxpayers may request conferences in the Office of the Special Deputy Commissioner for the purpose of exploring the possibilities of compromising unpaid Federal tax liability before filing a formal offer in compromise or they may request conferences after all investigations have been made for the purpose of determining the amount which may be acceptable as a compromise, if it is determined that there is a compromiseable case. If a compromise is approved by the Special Deputy Commissioner, the Commissioner, and the Chief Counsel, it is forwarded to the Secretary's Office for final approval. When the offer is acted upon, the collector is notified, and the collector in turn notifies the proponent. If the offer is rejected, the sum submitted to the collector is returned to the proponent and forfeiture, prosecution, or collection proceedings are resumed. If the offer is accepted the case is closed. Acceptance of an offer in compromise of civil liabilities does not remit criminal liabilities, nor does acceptance of an offer in compromise of criminal liabilities remit civil liabilities.

(4) *Conferences.* The Bureau has a liberal policy relative to discussion of disputed tax liability. Opportunity for conference is generally accorded either in the office of the collector or one of the other Bureau offices. Application for such a hearing should be made in person, or preferably by letter. The rules governing conferences are set forth in "Conference and Practice Requirements, Bureau of Internal Revenue, Revised February, 1942", published in the Internal Revenue Bulletin, 1942-1, page 384. As to conference practice relative to taxes within the jurisdiction of the Tax Court, see sections dealing specially with such taxes.

(5) *Rulings.* Rulings are made on prospective transactions only where the law or regulations provide for a determination by the Commissioner of the effect of a proposed transaction for tax purposes, as in the case of a transfer under the provisions of sections 1250 to 1253 of the Internal Revenue Code, or an exchange under the provisions of section 112 (i) of the Internal Revenue Code, or in connection with the execution of a closing agreement under the provisions of section 3760 of the Internal Revenue Code with respect to a taxable period ending subsequent to the date of the agreement. The established policy of the Bureau is not to comply with requests for rulings on prospective transactions, except in the instances hereinabove provided.

A request received from a taxpayer or his representative for a ruling on a question involving an issue in a return or returns filed for a year or years with respect to which the period of limitation on assessment or refund of income or excess-profits taxes has not expired is referred to the internal revenue agent in charge having jurisdiction of the return or returns, for appropriate action on the request and consideration in connection with the examination of such return or returns. It is not intended, however, in such cases to prevent the internal revenue

agent in charge from seeking advice or information from Washington before taking action.

The established policy is to give advice upon request of taxpayers or their representatives on questions relating to the character and extent of tax liabilities resulting from consummated transactions affecting a return to be filed, under the following circumstances:

(i) The complete facts relative to the transaction, together with a copy of each contract, or other document, necessary to present the question are given.

(ii) The names of all the real parties interested are stated regardless of who presents the question, whether an interested party, attorney, accountant, or other representative.

(iii) The request is signed by the taxpayer, or in case he is represented by an attorney or agent, the request is accompanied by properly executed power of attorney.

A copy of a letter addressed to a taxpayer is not furnished to his attorney or agent unless the Bureau is specifically authorized to do so by the taxpayer.

As to rules issued for the guidance of the general public, see § 601.13.

(e) *Legal review.* Many matters are referred to the Office of the Chief Counsel for legal review or advice before final action. It is the function of the Office of the Chief Counsel to furnish legal advice to the administrative units of the Bureau and to handle the legal aspects of all matters pertaining to the assessment and collection of Federal taxes. The Office of the Chief Counsel reviews cases involving, and makes recommendations relative to, the imposition of penalties and institution of criminal procedures for fraud and violations of tax laws. The Chief Counsel's Office also reviews claims for refund, credit, or abatement of taxes proposed for allowance in all cases in which the amount involved exceeds \$75,000; reviews and makes recommendations relative to the acceptance of offers in compromise and the entering into of closing agreements; and supervises the collection of taxes from individuals and corporations involved in reorganization, bankruptcy, receivership, and other insolvency or liquidation proceedings, and from decedents' estates.

(f) *Description of forms.* The forms of special application in connection with particular taxes are covered in the sections specially devoted to those taxes. A few of the forms used in procedures of the Bureau which are of general application are as follows:

Form 211. Claim for reward for information on leading to the detection and punishment of persons guilty of violating the internal revenue laws. See paragraph (c) (2).

Form 433. Statement of financial condition and other information. Required to be submitted by proponents when tendering offers in compromise in lieu of liabilities in certain cases.

Form 656. Offer in compromise and collector's recommendation. This form is to be used by taxpayers in all cases except offers submitted on installment basis in submitting offers in compromise of liability incurred because of violation of law. The reverse side of the form is to be filled in by the collector, giving a brief history of the case and his recommendation as to the acceptance or rejection of the offer.

Form 656-C. Offer in compromise (deferred installment payments). This form is used where amount tendered as offer in compromise is to be paid by deferred payment or payments.

Form 843. Claim for abatement, or refund. Claim for the abatement of taxes erroneously or illegally assessed; claim for refund of taxes erroneously or illegally collected; and claim for the refund of amounts paid for stamps used in error or excess, will be made upon this form.

Form 866. Agreement to final determination and assessment of tax. This form provides for an agreement between the taxpayer and the Commissioner that determination and assessment of tax shall be final and conclusive.

Form 900. Tax collection waiver. This form is used to extend the statutory period within which to collect outstanding assessments by agreement between the taxpayer and the Commissioner.

Form 906. Closing agreement as to final determination covering specific matters. This form is used by a taxpayer for a closing agreement as to final determination covering specific matters in pursuance of section 3760, Internal Revenue Code.

Form 907. Agreement to suspend running of statute of limitations. This form is used by a taxpayer to enter into an agreement with the Commissioner to suspend running of statute of limitations for filing suit for recovery of taxes overpaid until a final decision of similar cases before the courts is rendered.

Form 927. Proof of worthlessness of mineral rights. Questionnaire to be filed by all persons asserting a value or absence of value of oil and gas rights in land at any specific date, whether for income tax, estate tax, or gift tax purposes. The schedules call for descriptive data, development statistics, and a map. A separate form must be filed for each property.

Form 1131. Bond for release of Federal tax lien. To be used where a taxpayer desires to have a tax lien removed under the provisions of section 3673 (b), Internal Revenue Code, and where the tax liability has not been satisfied.

Form 1171. Statement relative to fees to be filed with power of attorney.

§ 601.2 *Income and excess profits taxes*—(a) *General.* Individual and corporation income taxes are imposed by chapter 1 of the Internal Revenue Code. Additional income taxes are imposed under chapter 2 of the Code as follows: subchapter A—personal holding companies; subchapter C—excess profits on Navy contracts; subchapter D—unjust enrichment. Subchapter B of chapter 2, imposing the declared value excess profits tax, was repealed by section 202 of the Revenue Act of 1945, effective with respect to income tax taxable years ending after June 30, 1946. Subchapter E of chapter 2, imposing the wartime excess profits tax, was made inapplicable by section 122 of the Revenue Act of 1945 to any taxable year beginning after December 31, 1945, except for the purpose of computing certain "carry-backs" applicable to the determination of taxes imposed by such subchapter for taxable years beginning before January 1, 1946.

Current rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with the above taxes are contained in the following regulations promulgated by the Commissioner, with the approval of the Secretary:

Regulations 111 (26 CFR, Cum. Supp., Part 29), as amended (26 CFR, 1943

Supp., 1944 Supp., 1945 Supp., Part 29; T. D. 5488, 11 F. R. 65; T. D. 5497, 11 F. R. 2160; T. D. 5498, 11 F. R. 2161; T. D. 5500, 11 F. R. 2587; T. D. 5503, 11 F. R. 3081; T. D. 5504, 11 F. R. 3080; T. D. 5507, 11 F. R. 4082; T. D. 5508, 11 F. R. 4230; T. D. 5513, 11 F. R. 5346; T. D. 5515, 11 F. R. 5474; T. D. 5516, 11 F. R. 5857; T. D. 5517, 11 F. R. 6529; T. D. 5522, 11 F. R. 6754), relating to taxes imposed by chapter 1 and subchapter A of chapter 2 of the Internal Revenue Code;

Regulations 112 (26 CFR, Cum. Supp., Part 35), as amended (26 CFR, 1944 Supp., 1945 Supp., Part 35; T. D. 6490, 11 F. R. 1035; T. D. 5494, 11 F. R. 1812; T. D. 5496, 11 F. R. 2112; T. D. 5503, 11 F. R. 3081; T. D. 5514, 11 F. R. 5383; T. D. 5530, 11 F. R. 8671), relating to excess profits taxes imposed under subchapter 2 of chapter 2 of the Code;

Regulations 104 (26 CFR, Cum. Supp., Part 23), as amended (26 CFR, 1944 Supp., 1945 Supp., Part 23; T. D. 5491, 11 F. R. 1090; T. D. 5510, 11 F. R. 4581), relating to consolidated income tax returns of affiliated corporations;

Regulations 110 (26 CFR, 1944 Supp., Part 33), as amended (26 CFR, 1945 Supp., Part 35; T. D. 5491, 11 F. R. 1090; T. D. 5510, 11 F. R. 4581), relating to consolidated excess profits tax returns of affiliated corporations;

Regulations 116 (26 CFR, 1944 Supp., Part 405), as amended (26 CFR, 1945 Supp., Part 405; T. D. 5492, 11 F. R. 1274; T. D. 5522, 11 F. R. 6755), relating to collection of income tax at source on wages under subchapter D and subchapter E of chapter 9 of the Internal Revenue Code;

Regulations 95 (26 CFR, Cum. Supp., Part 2), relating to the tax on unjust enrichment under the Revenue Act of 1936, as made applicable to the Internal Revenue Code by Treasury Decision 4685 (26 CFR, Cum. Supp., page 5876);

Treasury Decision 5237 (26 CFR, Cum. Supp., Part 21), as amended (26 CFR, 1944 Supp., Part 21; T. D. 5495, 11 F. R. 2112), relating to the declared value excess profits tax imposed by subchapter B of chapter 2 of the Internal Revenue Code;

Treasury Decision 4906 (26 CFR, 1939 Supp., Part 17), relating to excess profits tax on contracts for Navy vessels and aircraft;

Treasury Decision 4909 (26 CFR, 1939 Supp., Part 16), relating to excess profits on contracts for Army aircraft;

Treasury Decision 5409 (26 CFR, 1944 Supp., Part 473), relating to periods of limitation in cases of related taxes under chapter 1 and chapter 2 of the Internal Revenue Code;

Treasury Decision 5498, 11 F. R. 2161, relating to extensions of time for payment of taxes by corporations expecting carry-backs, and tentative carry-back adjustments; and

Treasury Decision 5330 (26 CFR, 1944 Supp., Part 32), as amended (26 CFR, 1945 Supp., Part 32), relating to the establishment of construction reserve funds under the Merchant Marine Act, 1936, as amended.

(b) *Tax collection*—(1) *General.* Income and profits taxes are collected by means of returns, in the case of corporations, estates and trusts, and by means of

returns, declarations of estimated tax, and withholding at the source, in the case of individuals. Returns and other forms especially applicable to income and profits taxes are described in paragraph (g) of this section.

(2) *Withholding at the source on wages.* In the case of wage earners, the tax is collected in large part through the withholding by employers of taxes on wages paid to their employees. If income is solely from wages, the withholding tax rates are such that approximately the entire tax liability is withheld on wages up to \$5,000 annually. The tax withheld by the employer is required to be paid quarterly to the collector of internal revenue or may be deposited monthly in a depository bank authorized by the Secretary of the Treasury to receive such deposits. The tax withheld at the source on wages is applied in payment of the individual's income tax liability for the taxable year.

(3) *Declarations of estimated tax.* Declarations of estimated tax are required of every individual whose gross income for the taxable year from all sources or from wages only is expected to exceed a specified amount. Under existing law, a declaration is required if the expected gross income from wages exceeds \$5,000 plus \$500 for each surtax exemption except his own, or expected gross income from sources other than wages exceeds \$100 and expected total gross income exceeds \$500. The time for filing declarations is determined by reference to the time during the taxable year when the facts and circumstances first become such as to indicate that the expected gross income for the taxable year will meet the requirements of the statute. In the case of a calendar year taxpayer, the filing dates prescribed are March 15, June 15, September 15 of the calendar year and January 15 of the succeeding year. If a declaration of estimated tax has been filed, an amended declaration may be filed on any of the specified dates. In the case of a taxpayer who makes his return on a fiscal year basis, the filing dates for declarations of estimated tax will be the 15th day of the last month of the first, second, and third quarters of his fiscal year and the 15th day of the first month of his next fiscal year. The estimated tax may be paid in full with the declaration or in as many equal installments as there are quarters remaining in the taxable year beginning with the quarter in which the declaration is filed. The installment dates are the same as the dates prescribed for the filing of declarations or amended declarations and the first installment must accompany the declaration. If an amended declaration is filed, the remaining installments of estimated tax are adjusted accordingly. Payments of estimated tax are applied in payment of the tax for the taxable year. A husband and wife may make a single declaration jointly and the amount of the estimated tax paid may be applied in payment of the income tax liability of either spouse in any proportion they may specify.

(4) *Individual returns.* Every individual having for the taxable year a gross income in excess of \$500 is required to

make a return setting forth the information necessary to determine the tax liability and, except in the case of certain wage earners, the amount of such tax liability. The balance of the tax, if any, after deducting any estimated tax payments and tax withheld at the source is payable on or before the 15th day of the third month following the close of the taxable year. In the case of wage earners whose gross income is less than \$5,000 and consists entirely of wages subject to withholding plus dividends and interest of not more than \$100, the withholding tax receipt may be used as a return, in which event the collector computes the tax and mails to the taxpayer a notice and demand for payment. A husband and wife may make a single return jointly.

(5) *Corporation returns.* A corporation income tax return is required to be filed with the collector by every corporation taxable under chapter 1 of the Code. Certain corporations may file consolidated returns under section 141 of the Code and the applicable regulations (see paragraph (a) of this section). Corporation returns should be filed on or before the 15th day of the third month following the close of the taxable year and the tax is required to be paid on or before the 15th day of such third month unless the taxpayer elects to pay the tax in four equal installments, in which event the first installment shall be paid on the 15th day of such third month and the remaining installments on the 15th day of the sixth, ninth, and twelfth months following the close of the taxable year.

(6) *Returns for estates and trusts.* A return is required for every estate having a gross income for the taxable year of \$500 or more and for every trust having a gross income of \$500 or more or a net income of \$100 or more. The return in such case must be filed by the fiduciary acting for the estate or trust on or before the 15th day of the third month following the close of the taxable year and the tax is required to be paid on such date. The fiduciary may, however, elect to pay the tax in four equal installments in which event the first installment shall be paid on the 15th day of such third month and the remaining installments on the 15th day of the sixth, ninth, and twelfth months following the close of the taxable year.

(7) *Extensions of time.* Under certain circumstances, the Commissioner is authorized to grant a reasonable extension of time for filing an income tax return or a declaration of estimated tax. This authority has been delegated to the several collectors. The total period for extensions with respect to a return or declaration in the case of a taxpayer cannot be in excess of six months, except in the case of taxpayers who are abroad. Written application for extension must be received by the collector on or before the date prescribed by law for filing the return or declaration, as the case may be. Generally, in the case of corporations, one-fourth of an estimated tax on a tentative return must be paid on or before the date prescribed by law for filing the return as a condition precedent to the granting of an exten-

sion of time for filing the return. An extension of time for filing the declaration of estimated tax automatically extends the time for paying the estimated tax (without interest) for the same period.

(c) *Examination of returns and determination of correct liability—(1) General.* Section 57 of the Code provides that as soon as practicable after the tax return is filed the Commissioner shall examine it and shall determine the correct amount of tax. Authorization is contained in section 3614 of the Internal Revenue Code for the Commissioner, by any officer or employee of the Bureau, including the field service, designated by him, to examine any books, papers, records, or memoranda bearing upon the matters required to be included in Federal tax returns and to take testimony relative thereto and to administer oaths.

A preliminary examination is first made of income tax returns in the collectors' offices for mathematical errors. A correction notice of any such mathematical error is sent to the taxpayer. Demand is made for any deficiency so resulting, or credit or refund is made of any overpayment of \$1,000 or less. If the overpayment exceeds \$1,000, the return is referred to the Washington office.

Individual returns on Form W-2 (the withholding tax receipt) are retained for audit in the collector's office. Collectors also retain for audit individual returns on Form 1040 reporting adjusted gross income under \$7,000 and total receipts from business under \$25,000. All other individual returns and all corporation returns are sent to Washington where they are examined and classified and referred to the appropriate field divisions for consideration.

Field audits and investigations are made by internal revenue agents, under the supervision of the internal revenue agent in charge (see § 600.52), in the case of income tax returns of individuals (except those audited by collectors) and corporate income and profits tax returns.

When any adjustment in a return filed by a taxpayer is proposed as a result of an investigation (or a claim for refund or credit filed by a taxpayer is to be disallowed in whole or in part as a result of an investigation), the internal revenue agent in charge issues to the taxpayer a preliminary (30-day) letter, and (except in fraud cases) furnishes the taxpayer a copy of the report of the examining officer showing the adjustments proposed. Where the circumstances permit, the taxpayer is usually accorded 30 days in which to protest in writing any action proposed in the case with which he is in disagreement, and is afforded an opportunity to file a brief and supporting evidence to sustain the protest, and an opportunity for an oral hearing before a representative of the Conference Division of the field office if he desires. No particular form of protest has been prescribed but it is required to be made under oath and must set forth all issues raised by the taxpayer. If an agreement is reached in the case, the necessary forms are executed consenting to the immediate assessment and collection of any deficiency in taxes involved as well as

consenting to any overassessment (refund) that may be agreed upon. These conferences are held in accordance with provisions of the published Conference and Practice Requirements, Revised February 1942 (C. B. 1942-1, 184). The case record then moves to the appropriate Audit Review Division of the Income Tax Unit in Washington for post-review. (See § 600.4.)

(2) *Deficiencies.* If a deficiency in tax is involved in a case in which a preliminary notice was sent and no agreement in respect thereof is reached, before the Commissioner is authorized to assess the deficiency he must, under the provisions of section 272 (a) (1) of the Internal Revenue Code, issue to the taxpayer by registered mail a notice of the deficiency. Thereafter, the taxpayer has ninety days after such mailing (or one hundred and fifty days, if the letter was addressed to a person outside the States of the Union and the District of Columbia) not counting Saturday, Sunday, or a legal holiday in the District of Columbia as the last day, to file his petition with the United States Tax Court for a redetermination of the deficiency. Assessment of the deficiency or steps to enforce its collection (except in jeopardy cases falling within the provisions of section 273 of the Internal Revenue Code) are prohibited until the notice of deficiency is mailed and until the expiration of the ninety-day period (or one-hundred-and-fifty-day period, as the case may be) if no petition is filed, or, if such a petition is filed, until the decision of The Tax Court has become final. Statutory notices of deficiency under authority delegated by the Commissioner are issued by internal revenue agents in charge.

If the taxpayer indicates his agreement to a deficiency by submitting a waiver notice consenting to the assessment and collection of the amount due, together with interest, or by making payment direct to the collector, either before or after the mailing of the statutory notice, the internal revenue agent in charge will transmit the case to the appropriate collector who will list the tax and interest, if any, for assessment.

Under established procedure, before the issuance of a statutory notice of deficiency by the internal revenue agent in charge, the taxpayer may request transfer of the case to a field division of the Technical Staff for its consideration. A request may be submitted for such a transfer while the case is in the ninety-day status if the request is not made prior to issuance of the statutory notice. When such a case is referred to the Staff division, the internal revenue agent in charge thereafter takes such action thereon as the Staff may direct. As to the Staff division procedure, see § 601.3.

(d) *Claims for credit or refund.* In the event of overpayment of income or profits taxes, the taxpayer may file a claim for credit or refund with the collector. Generally, claim for refund or credit should be filed on Form 543 (see § 601.1 (f)), within three years from the time the return was filed or within two years from the time the tax was paid, whichever period expires the later. Special procedure is provided with respect

to overpayment occasioned by deductions for bad debts and worthless securities (section 332 (b) (5) of the Code), by net operating loss and unused excess profits credit carry-backs (section 322 (b) (6) and (g)), and by amortization deductions (section 124). In the case of individuals, a properly executed return may, if the taxpayer so elects, operate as a claim for credit or refund of the amount of the overpayment disclosed by such return. If the taxpayer elects to use the withholding receipt as a return, such return operates automatically as a claim for refund for the amount of the overpayment shown by the collector's computation of the tax on the basis of the return.

The procedure in connection with claims for credit or refund is similar to the procedure in the determination of a deficiency (see paragraph (c) (2) of this section). Such claims are investigated and considered under the supervision of the internal revenue agents in charge. The taxpayer may have a hearing with a representative of the agent in charge, and, if agreement is not reached, may request review by a Staff division of the action proposed by the agent in charge. As to Staff division procedure, see § 601.3. If a credit or refund is allowed, a certificate of overassessment is issued by the Commissioner. In the event of the disallowance in whole or in part of a claim for refund, the Commissioner notifies the taxpayer of his decision by registered mail (section 3772 (a) (2) of the Code). Such notices are issued in the central office of the Income Tax Unit of the Bureau.

As to suits for credit or refund and compromises and closing agreements with respect to disputed liability, see § 601.1 (d) of this section.

A special procedure is applicable to claims for excess profits tax relief (including credit or refund) under section 722 of the Code. See section 732 of the Code for provisions respecting the issuance of registered notices of disallowances of claims for relief filed under section 722. These notices are under authority delegated by the Commissioner issued by internal revenue agents in charge. Action proposed by an internal revenue agent in charge on the claim of a taxpayer for relief under section 722 of the Internal Revenue Code is reviewable by the Excess Profits Tax Council, Bureau of Internal Revenue, Washington, D. C.

There is also a special procedure applicable to applications for tentative adjustment with respect to amortization deductions under section 124 of the Code (see Forms 1046 and 1140 under paragraph (g)) and applications for tentative carry-back adjustments under section 3780 of the Code (see Forms 1045 and 1159 under paragraph (g)).

(e) *Rulings.* A taxpayer may request rulings from the Bureau as to the application of the income and profits tax laws to the facts of his situation. A request for a ruling upon an issue involved in a return filed for a year with respect to which the period of limitations on assessment or refund has not expired should be addressed to the internal revenue agent in charge having jurisdiction

of such return. In other cases, the inquiry may be directed to the Deputy Commissioner, Income Tax Unit, Washington 25, D. C. (I. T. Misc. Coll. No. 4963, C. B. 1939-2, 459). As to authorization of attorneys seeking rulings and the policy of the Bureau generally in making rulings, see § 601.1 (d) (5).

(f) *Administrative procedures for collection—(1) Periods of limitation on deficiencies.* In general, the statutory period of limitation for assessment of income and profits taxes is three years after the return is filed. Exceptions in certain unusual cases are provided in sections 275 and 276 of the Code. In case of a false or fraudulent return with intent to evade tax or of a failure to file a return no time limitation on assessment or on a proceeding in court for collection applies. As indicated in paragraph (c) of this section, the statutory period is suspended (except in jeopardy cases) for the period during which the Commissioner is prohibited from making the assessment or beginning a proceeding in court (and if a proceeding is placed upon the docket of the Tax Court, until the decision of the Court becomes final), and for sixty days thereafter. An additional period of assessment is provided for transferees and fiduciaries under section 311 of the Code.

The period for assessment of a deficiency may be extended by an agreement (called a waiver, Form 872) entered into by the taxpayer (or transferee or fiduciary) and the Commissioner prior to the expiration of the time otherwise provided for assessment. (See sections 275 (b) and 311 (b) (4), I. R. C.) Such a waiver extends, with respect to the taxpayer, the period for claiming credit or refund for the agreed time of extension of the assessment period plus six months. (Section 322 (b) (3), I. R. C.)

Special rules for mitigation of the effect of statutes of limitations are provided where a determination is made inconsistent with an earlier treatment of an item in the case of the taxpayer, or certain related taxpayers (section 3801 of the Code), or where an adjustment is made in a tax imposed under chapters 1 and 2 of the Code which effects a related tax under such chapters (section 3307 of the Code).

(2) *General procedure for enforcement.* For general procedure applicable to income and profits taxes with respect to distraint, liens, and penalties, see § 601.1 (c) (2) and (3).

(g) *Description of forms.* The following described forms which are prescribed and furnished by the Bureau for use in connection with the taxes imposed under chapters 1 and 2 of the Code may be obtained at the principal and branch offices of collectors of internal revenue:

Form D. Schedules for substantiation of valuations and depletion based on cost or value metal mines. Questionnaire. Taxpayers engaged in the metal industries should use this form in furnishing, upon request of the Commissioner, detailed information necessary in auditing their returns.

Form E. Schedule for valuation of coal properties. Questionnaire to be filed upon request of the Commissioner by taxpayers owning or leasing coal properties.

Form F. Schedules for substantiation of cost or value claimed for depletion of non-metallic mineral properties. Questionnaire to be filed upon request of the Commissioner by taxpayers engaged in the non-metallic mineral industries for use in the audit of their returns.

Form O. Oil and gas depletion data. Questionnaire to be filed by oil and gas producers and all persons claiming depletion of oil and gas properties. The schedules call for information necessary to determine depletion of cost or other basis, and percentage depletion, as well as depreciation at the rate of production.

Form P. Schedule for substantiation of valuations, depletion, and depreciation in royalty interests in metal mines. Questionnaire to be filed by owners of royalty interests in metal mines in substantiation of valuations in depletion and depreciation.

Form T-P. Special forest industries questionnaire for the pulp and paper industry. Questionnaire. This questionnaire is intended for those individuals, partnerships, corporations, or other "persons" subject to United States income or profits tax liability during the period 1912 to date who either owned or operated some kind of pulp, paper, or paperboard making plant, regardless of location, with or without standing timber as auxiliary property.

Form T (Timber). Forest industries schedule. Questionnaire to be filed, upon request of the Commissioner, by taxpayers operating, buying, leasing, or selling timberlands as a supplement to their income-tax returns.

Form E-1. Schedule for valuation of coal properties. Information required to substantiate depletion allowances under Revenue Acts.

Form F-1. Schedule of information by corporations of compensation of officers and employees in excess of \$75,000. To be filed by corporations with and as part of Form 1120, if the aggregate amount paid as compensation to any officer or employee is in excess of \$75,000.

Form W-1. Return of income tax withheld on wages. This is the quarterly tax return made by each employer who withholds income tax upon the wages of his employees under Subchapter D, Chapter 9, I. R. C.

Form W-2. Withholding statement. This is a statement of wages paid during the calendar year and the amount of income tax withheld on such wages, if any. The original and duplicate are furnished by the employer to the employee at the close of the calendar year or upon termination of his status as an employee. The original is used as an optional income tax return by the employee in lieu of Form 1040.

Form W-2a. This is the triplicate copy of the withholding statement, Form W-2, to be filed by the employer with the collector of internal revenue at the same time as the withholding tax return (Form W-1) for the fourth quarter of the calendar year.

Form W-2b. Withholding receipt for income tax withheld on wages. This form is provided for use of employers where extra copies of Form W-2 are required for their files or for furnishing copies to State Governments, etc.

Form W-3. Reconciliation of quarterly returns of income tax withheld on wages (Forms W-1), with income tax withholding receipts (Forms W-2a). This is an annual return filed by the employer as a reconciliation form at the same time Forms W-2a are filed.

Form W-4. Employee's withholding exemption certificate. This is an exemption certificate to be filed by the employee with the employer at commencement of employment or to reflect change in withholding exemption status.

Form E-3. Schedule for valuation of coal properties.

Form 56. Notice to the Commissioner of Internal Revenue of fiduciary relationship.

Form 851. Affiliation schedule. List of companies to be considered for consolidation. To be filed with return on Form 1120 by the parent corporation.

Form 870. Waiver of restrictions on assessment and collection of deficiency in tax. This form is forwarded to taxpayers with copy of agents' reports. Its execution by a taxpayer secures immediate assessment of the deficiency and interest on such deficiency ceases 30 days after this waiver is filed.

Form 870-C. Waiver of restrictions on assessment and collection. This form is forwarded to taxpayers filing consolidated returns with copy of agents' reports. Its execution by a taxpayer secures immediate assessment of the deficiency and interest on such deficiency ceases 30 days after this waiver is filed.

Form 870-D. Waiver of restrictions on assessment and collection of deficiency in excess profit on Navy contracts and subcontracts. This form is used in connection with excess profit on Navy contracts or subcontracts completed prior to first income-taxable year beginning after December 31, 1935.

Form 870-E. Waiver of restrictions on assessment and collection of deficiency in excess profit on Navy contracts and subcontracts. This form is used in connection with excess profit on Navy contracts or subcontracts completed within income-taxable years beginning after Dec. 31, 1935.

Form 870-TS. Waiver of restrictions on assessment and collection of deficiency in tax. This form is used by field divisions of the Technical Staff for settlements of non-docketed income-tax cases. It is similar to Form 870 in providing for prompt assessment of deficiencies but by its terms is not effective until approved by the head of division. It evidences a finality of settlement which is not accomplished by use of Form 870.

Form 872. Consent fixing period of limitation upon assessment of income and profits tax. This form is to be used by taxpayer when he consents to have an assessment of tax made after the expiration of the statutory period prescribed by law.

Form 872-D. Consent fixing period of limitation upon assessment of excess profit on Navy contracts or subcontracts. This form is used in connection with excess profit on Navy contracts or subcontracts completed prior to first income-taxable year beginning after Dec. 31, 1935.

Form 872-E. Consent fixing period of limitation upon assessment of excess profit on Navy contracts or subcontracts. This form is used in connection with excess profit on Navy contracts or subcontracts completed within income-taxable years beginning after Dec. 31, 1935.

Form 873-D. Acceptance of proposed over-assessment in excess profit on Navy contracts and subcontracts. This form is used in connection with excess profit on Navy contracts or subcontracts completed prior to first income-taxable year beginning after Dec. 31, 1935.

Form 873-E. Acceptance of proposed over-assessment in excess profit on Navy contracts and subcontracts. This form is used in connection with excess profit on Navy contracts or subcontracts completed within income-taxable years beginning after Dec. 31, 1935.

Form 874. Waiver of restrictions on assessment and collection of deficiency in tax and acceptance of overassessment. This form combines Forms 870 and 873.

Form 874-D. Waiver of restrictions on assessment and collection of deficiency and acceptance of overassessment in excess profit on Navy contracts and subcontracts. This form is used in connection with excess profit on Navy contracts or subcontracts completed prior to first income-taxable year beginning after Dec. 31, 1935.

Form 874-E. Waiver of restrictions on assessment and collection of deficiency and acceptance of overassessment in excess profit on Navy contracts and subcontracts. This form is used by a taxpayer to enter into an agreement with the Commissioner to suspend the running of the statute of limitations for filing suit for recovery of processing taxes.

Form 875. Acceptance of revenue agent's findings by a partnership or fiduciary. This form acknowledged receipt of a revenue agent's report by a partnership or fiduciary and accepts as correct the findings of the examining officer.

Form 903. Waiver of restrictions upon the assessment and collection of a deficiency. Waiver of restrictions upon the assessment and collection of a deficiency.

Form 903-A. Acceptance of proposed over-assessment. Acceptance of proposed over-assessment determined by the collector.

Form 906. Closing agreement as to final determination covering specific matters. This form is used by a taxpayer for a closing agreement as to final determination covering specific matters in pursuance of section 3760, I. R. C.

Form 921. Consent fixing period of limitation upon assessment of income and profits tax. This form is used in connection with the tentative allowance for income-tax purposes of estimated future expense liabilities under contract for sale of real estate.

Form 921-A. Consent fixing period of limitation upon assessment. Same as Form 921, except for use only of trust beneficiaries and partnership members.

Form 934. Power of attorney—departing alien—income tax. This form is used by aliens who intend to depart from the United States and whose taxable year has not been terminated by the Commissioner. The taxpayer should file it with Form 1040-D with the collector or revenue agent in charge for the district in which he resides.

Form 935. Power of attorney—individual return—income tax. This form is filed by the attorney in fact with the income tax return executed by him as such attorney in fact.

Form 936. Income tax—authorization joint returns. This form is filed by the attorney in fact (husband or wife) with the income tax return executed by him or her as such attorney in fact.

Form 952. Consent fixing period of limitation upon assessment of income and profits tax. This form of waiver is required to be filed by the corporation receiving property distributed in complete liquidation of another corporation, such liquidation covering more than one year.

Form 953. Power of attorney and agreement. Form for use in connection with waiver Form 952.

Form 954. Income and profits tax bond under section 112 (b) (6), I. R. C. Form for use in connection with waiver Form 952.

Form 955. Income and profits tax bond under section 112 (b) (6), I. R. C. Form for use in connection with waiver Form 952.

Form 957. United States Information return by an officer, director, or United States shareholder with respect to foreign personal holding company. This form is to be used (1) by officers, directors, or United States shareholders in making monthly information returns with respect to foreign personal holding companies; and (2) by such shareholders in making annual returns with respect to such foreign personal holding companies.

Form 958. United States annual information return by an officer or director with respect to foreign personal holding company. This form is to be used by officers and directors of foreign personal holding companies in making annual information returns respecting such companies.

Form 962. Statement of net worth. This form is required to be prepared and submitted in duplicate by the taxpayer for the purpose of assisting internal revenue agents in

charge in obtaining certain desired information with respect to individual taxpayers having a net income of \$100,000 or over for 1936 and subsequent years.

Form 964. Election of shareholder under sec. 112 (b) (7), I. R. C.

Form 966. Return of information under sec. 148 (d), I. R. C., to be filed by corporations within 30 days after adoption of resolution or plan of distribution or liquidation. This form is to be used by corporations contemplating dissolution or liquidation.

Form 969. Election of taxpayer respecting basis of deductions for depreciation or amortization of improvements to leaseholds or capital expenditures incurred in acquiring leaseholds, where the lease contains an option for renewal. Used where taxpayer, who for any taxable year ended prior to Dec. 31, 1939, has been allowed depreciation or amortization through spreading cost or other basis of a lease or improvements over the period of the lease, including any exercised or unexercised renewal period, and such taxable year has been closed on that basis and the tax for that year cannot be redetermined, elects to make deductions on such basis for subsequent taxable years.

Form 970. Election under section 22 (d) I. R. C., relating to inventories in certain industries. This form is to be used by taxpayers electing to have the method provided in sec. 22 (d), I. R. C., applied in taking inventories of raw materials coming within the provisions of such subsection.

Form 972. Consent of shareholder to include specific amount in gross income under sec. 25, I. R. C., or sec. 28 of the Revenue Act of 1938, as amended. This form is to be used by shareholders of a corporation agreeing to include in their gross income for their taxable year in which falls the last day of the taxable year of the corporation a specific amount as a taxable dividend, as the basic for the availability to the corporation of a consent dividends credit under such sections.

Form 973. Return of information to be filed by corporations claiming consent dividends credit under sec. 28, I. R. C., or sec. 28 of the Revenue Act of 1938, as amended. This form is to be used by a corporation claiming a consent dividends credit; accompanied by filed consents on Form 972.

Form 973-A. Return of information to be filed by personal holding companies claiming consent dividends credit.

Form 975. Notice of intention to claim a deficiency dividend credit under sec. 506, I. R. C. This form is required to be filed by corporations to notify of intention to have dividends considered as deficiency dividends for the purpose of allowance of credit under sec. 506. (See Form 976.)

Form 976. Claim for deficiency dividends credit, or credit or refund under sec. 506, I. R. C. This form of claim for a deficiency dividend credit under sec. 407 (a), relating to credit against unpaid deficiency, and under sec. 407 (b), relating to credit or refund of deficiency paid, is required to be filed after filing of notice of intention on Form 975.

Form 977. Consent fixing period of limitation upon assessment of liability at law or in equity for income and profits tax against a transferee. This form is to be used by a transferee when he consents to have assessment of his transferee liability made after the expiration of the statutory period prescribed by law.

Form 982. Consent of corporation to adjustment of basis of its property under sec. 113 (b) (3), I. R. C. This form is used by a corporation excluding from gross income any amounts of income attributable to the discharge, within the taxable year, of its indebtedness or for which it is liable evidenced by a security as defined in sec. 22 (b) (9), I. R. C.

Form 985. Cost depletion schedule. This schedule provides for the computation of allowances for depletion of oil reserves.

Form 985A. Depreciation schedule. This schedule is used for the computation of de-

preciation involving oil reserves on the basis of unit of production computation.

Form 990. Information return of organization exempt or claiming exemption from income tax.

Form 991. Application for relief under sec. 722, I. R. C. This form to be used by a corporation claiming the benefits of sec. 722, I. R. C., with respect to adjustment of average base period net income.

Form 1000. Ownership certificate—interest on bonds of domestic and resident corporations. This form to be used by a citizen or resident individual, fiduciary, or partnership in connection with interest on bonds of a domestic or resident corporation whether or not containing a tax-free covenant when (1) no tax is to be paid by corporation or (2) 2 percent tax is to be paid by corporation.

Form 1001. Ownership certificate—interest on bonds of domestic and resident corporations. This form is used by (1) nonresident alien individual, fiduciary, or partnership, (2) corporation having no office or place of business in the United States, or (3) where the owner is unknown, when presenting for payment interest coupons on bonds of domestic and resident corporations with or without a tax-free covenant clause.

Form 1010. License for the collection of foreign income. When banks or agents collecting foreign items have filed with the Commissioner application for license on Form 1017, he is authorized to issue to the applicant a license on Form 1010.

Form 1012. Quarterly return of ownership certificates and income tax to be paid at source on interest derived from bonds and similar obligations of domestic and resident corporations. Quarterly statement to the Commissioner of Internal Revenue showing the number of Forms 1000 transmitted on which no tax is to be paid at source and names and addresses of owners of bonds and similar obligations of domestic and resident corporations, the amount of interest paid to each owner as reported on Forms 1000 and/or 1001, and the amount of tax withheld on such interest payments.

Form 1012-A. Continuation sheet for Form 1012. To be used in case additional sheets are required when preparing Form 1012.

Form 1013. Annual return of income tax to be paid at source on interest derived from bonds and similar obligations of domestic and resident corporations. Revised annually. Annual statement to the Commissioner of Internal Revenue showing by months the totals of interest paid and the tax deducted thereon as reported on Form 1012.

Form 1017. Application for license for collection of income from foreign countries. Banks or agents, collecting foreign items, to make returns of information with respect thereto, must obtain a license from the Commissioner to engage in such business. Application for such license should be made on Form 1017 and the license, which is issued without cost, will be on Form 1010. See sec. 150, I. R. C.

Form 1023. Exemption Affidavit for religious, charitable, scientific, literary, or educational organizations. This form is used by the organizations claiming exemption from tax.

Form 1024. Exemption Affidavit for labor, agricultural, horticultural organizations; fraternal beneficiary societies; business leagues, chambers of commerce; civic leagues; social welfare organizations and local associations of employees. This form is used by the organizations claiming exemption from tax.

Form 1025. Exemption Affidavit for social clubs. This form is used by social clubs claiming exemption from tax.

Form 1026. Exemption Affidavit for local benevolent life insurance associations and

mutual irrigations, etc.; companies and corporations holding title to property for exempt organizations and voluntary employees' beneficiary associations. This form is used by the organizations claiming exemption from tax.

Form 1027. Exemption Affidavit for building and loan associations. This form is used by building and loan associations, cooperative banks, and credit unions claiming exemption from tax.

Form 1028. Exemption Affidavit for farmers', fruit growers', or like associations. This form to be used by farmers', fruit growers', or like associations claiming exemption from tax.

Form 1040. Individual income tax return for net incomes from salaries, wages, dividends, interest, annuities, and incomes from other sources regardless of amounts, for calendar or fiscal year. A return must be made on this form, unless Form W-2 is filed, by every citizen of the United States whether residing at home or abroad, and every person residing in the United States, though not a citizen thereof, having for the calendar or fiscal year a gross income equal to or in excess of the personal exemption prescribed in the revenue act applicable to the year involved.

Form 1040-B. Nonresident alien income tax return. A return shall be made on this form by every nonresident alien who is in receipt of taxable income, regardless of the amount, from sources within the United States, unless the tax on such income has been fully paid at the source.

Form 1040-C. Individual income tax return to be used by departing aliens. This form is used by resident and nonresident aliens who intend to depart from the United States, for the purpose of reporting income received up to the month of their intended departure. The taxpayer should present the return for certification to the collector or revenue agent in charge for the district in which he resides.

Form 1040-D. Information income tax returns to be used by departing aliens. This form is used by aliens who intend to depart from the United States, and whose taxable year has not been terminated by the Commissioner.

Form 1040-E. Schedule for citizens entitled to benefits of sec. 251, I. R. C. This schedule should be filled in by citizens who claim the benefits of sec. 251, I. R. C., and filed with the collector, attached to the return on Form 1040.

Form 1040-ES. Declaration of estimated tax. To be used for reporting estimated tax by citizens and resident aliens under the provisions of sec. 58, I. R. C.

Form 1040-F. Schedule of farm income and expenses. This schedule is used by farmers who keep their accounts on a cash basis, and if desired may be used when the books of account are kept on the accrual basis. The schedule should be attached to the income tax return and filed with the collector.

Form 1040-NB. Nonresident alien income-tax return. This form is used by a nonresident alien (other than a resident of Canada) not engaged in trade or business within the United States and having a gross income of not more than \$15,400 received from sources within the United States, and by a nonresident alien (a resident of Canada) not engaged in trade or business within the United States and having gross income from sources within the United States, regardless of the amount.

Form 1040-NB-a. Nonresident alien income-tax return. This form (rather than Form 1040-NB) is used by a nonresident alien (other than a resident of Canada) not engaged in trade or business within the United States and having a gross income of more than \$15,400 from sources within the United States.

Form 1041. Fiduciary income tax return for calendar or fiscal year. This form is used by a fiduciary if the gross income for the taxable year of the estate or trust for which he acts is \$500 or over, or the net income for the trust is \$100 or over, or if any beneficiary is a nonresident alien.

Form 1042. Annual return of income tax to be paid at source on income, paid to nonresident alien individuals, or to foreign partnerships and foreign corporations not engaged in trade or business within the United States. Annual return to the collector of internal revenue showing the names and addresses of nonresident aliens, foreign partnerships, or nonresident foreign corporations to which income other than corporate bond interest was paid during the previous taxable year, the nature and amount of such income paid and the amount of tax withheld.

Form 1042-A. Continuation sheet for Form 1042. To be used in case additional sheets are required when preparing Form 1042.

Form 1042-B. United States annual return of income tax withheld from Canadian addressees. This return, in duplicate, is required to be made by all United States withholding agents who withheld 5 percent tax from Canadian addressees. Reported on this return are not only items of income listed on Form 1042, but also items of interest listed on monthly returns, Forms 1012, including items of interest where the liability for withholding is only 2 percent. In the case of corporations whose addresses are within Canada, only the fixed or determinable income from sources within the United States consisting of dividends should be reported.

Form 1044. Alien's questionnaire. To be filled in by aliens who, while present in the United States, derived profits from transactions in the United States since January 1, 1940, in commodities, or in stock or securities, and claim to be nonresident aliens not engaged in trade or business in the United States and, therefore, exempt from Federal income tax on such profits.

Form 1045. Application for tentative carry-back adjustment. For use by taxpayers other than corporations who (1) have a net operating loss carry-back; and (2) desire a tentative carry-back adjustment.

Form 1046. Application for tentative adjustment with respect to amortization deduction. For use by taxpayers other than corporations who (1) have elected to terminate the amortization period with respect to an emergency facility; and (2) desire a tentative adjustment with respect to the amortization deduction.

Form 1065. Partnership return of income for calendar or fiscal year. A return shall be made on this form by every domestic partnership and every foreign partnership doing business within the United States or in receipt of income from sources therein, regardless of the amount of its gross or net income. This form is to be filed also by syndicates, pools, joint ventures, etc.

Form 1078. Certificate of alien claiming residence in the United States. To be filed with the withholding agent by an alien residing in the United States for the purpose of claiming the benefit of such residence for income-tax purposes.

Form 1087. Ownership certificate—dividends on stock. For use in disclosing actual ownership of stock issued by domestic and resident corporations.

Form 1090. Statement of income and profit and loss accounts for the year. To be compiled for each railroad company included in the income-tax return on Form 1120 and filed therewith.

Form 1096. Annual information return. This form contains a statement showing the number of information returns filed on Form 1099, and is used as a letter of transmittal when forwarding such forms to the Commissioner.

Form 1099. Information return for calendar year of income payments. Annual information return filed by an individual, partnership, fiduciary, or corporation with the Commissioner, giving the name and address of each individual, partnership, or fiduciary to whom income as described on the form was paid during the calendar year.

Form 1099-L. Information return—Distributions in liquidation for calendar year. To be used by every corporation making any distribution of the whole or any part of its capital stock, with respect to each shareholder to whom such distribution was made during the calendar year.

Form 1114. Application to establish a replacement fund. To be used in case a taxpayer elects to establish a replacement fund for the purpose of restoring property which he has been compulsorily or involuntarily deprived of as a result of fire, shipwreck, theft, condemnation, or similar causes.

Form 1116. Statement to support claim for credit on individual income-tax return for taxes paid or accrued to foreign countries. When credit is sought for income, war-profits, or excess profits taxes paid other than to the United States, the income-tax return of the individual must be accompanied by this form.

Form 1117. Income-tax bond (for foreign taxes claimed by individuals). When claim for credit is made by an individual on Form 1116 for a tax accrued to a foreign government but not paid, the Commissioner may require this bond from the taxpayer as a condition precedent to the allowance of such credit.

Form 1118. Statement to support claim for credit on a domestic corporation income-tax return for taxes paid or accrued to a foreign country or a possession of the United States. To be filed by a domestic corporation. When credit is sought for income, war-profits, or excess-profits taxes paid other than to the United States, the income and profits tax return of the corporation must be accompanied by this form.

Form 1119. Income-tax bond (for foreign taxes claimed by domestic corporations). When claim for credit is made by a corporation on Form 1118 for a tax accrued to a foreign government but not paid, the Commissioner may require bond from the taxpayer as a condition precedent to the allowance of such credit.

Form 1120. Corporation income tax return for calendar or fiscal year. A return shall be made on this form by every domestic corporation, joint-stock company, association, or insurance company (other than life insurance company), and every foreign corporation engaged in trade or business within the United States or having an office or place of business therein, and not specifically exempt.

Form 1120-H. Income return of personal holding companies for surtax purposes. A return shall be made on this form by every domestic or foreign corporation classified as a personal holding company.

Form 1120-L. Life insurance company income-tax return. To be filed by every domestic life insurance company and every foreign life insurance company doing business within the United States or holding reserve funds upon business transacted within the United States, therein issuing life insurance and annuity contracts (including contracts of combined life, health, and accident insurance), the reserve funds of which held for the fulfillment of such contracts comprise more than 50 percent of its total reserve funds.

Form 1120-M. Mutual insurance company income tax return.

Form 1120-NB. Nonresident foreign corporation income tax return. Form of return to be used by foreign corporations not engaged in trade or business within the United States and not having an office or place of business therein at any time within the taxable year.

Form 1122. Return of information and authorization and consent of subsidiary corporation included in a consolidated income-tax return. To be filed by every subsidiary corporation in case its net income is included in a consolidated return filed by the parent corporation for income-tax purposes.

Form 1127. Application for an extension of time for payment of a deficiency in tax or installment of tax. To be filed by a taxpayer in case an extension in time is desired for the payment of a deficiency in income tax or installment of tax when the payment of such deficiency would result in an undue hardship.

Form 1127-B. Income and profits tax bond. To be used when a bond is required in connection with extension granted for payment of a deficiency in tax.

Form 1128. Application for change in accounting period. To be filed by the taxpayer in case it is desired to make a change in the basis of the accounting period.

Form 1129. Income and profits tax bond. To be used by taxpayer when an extension of time is desired in the case of a jeopardy assessment.

Form 1130. Income and profits tax bond. To be used in connection with granting an extension of time for payment of tax determined by taxpayer or an installment thereof.

Form 1132. Income tax bond. To be used where gain upon transmission at death of installment obligations is not reported in decedent's return.

Form 1133. Income tax bond—departing alien. For certificate of compliance by departing alien.

Form 1138. Statement for the purpose of extending time for payment of taxes by corporations expecting carry-backs. Applicable to taxes imposed by Chapters 1 and 2 of the Internal Revenue Code, which in general include all income and profits taxes.

Form 1139. Application for tentative carry-back adjustment. For use by corporations which (1) have a net operating loss carry-back or an unusual excess profits credit carry-back; and (2) desire a tentative carry-back adjustment.

Form 1140. Application for tentative adjustment with respect to amortization deduction. For use by corporations which (1) have elected to terminate the amortization period with respect to an emergency facility; and (2) desire a tentative adjustment with respect to the amortization deductions.

Form 1285. Waiver of restrictions on the assessment and collection of deficiency tax. Its execution by taxpayer secures assessment of the portion of a deficiency not in controversy.

Form 1289. Election and consent relative to recovery of unconstitutional Federal taxes.

Form 1289A. Consent fixing period of limitation upon assessment of deficiency under section 128 of the I. R. C.

Form 1291. Receipt of taxpayer for copy of revenue agent's report.

Form 1297. Agreement—husband and wife agreeing to offset an overassessment against a deficiency in tax.

Form 1310. Statement of claimant to refund due on behalf of deceased taxpayer.

Form 7494. Annual statement of insurance companies, life and accident. Insurance schedule filed by assessment, life, and accident associations supplemental to returns of annual net income.

Form 7495. Annual statement of insurance companies—miscellaneous stock. Insurance schedule filed by miscellaneous stock companies supplemental to returns of annual net income.

Form 7495A. Underwriting and investment exhibit. Insurance schedule to accompany Form 7495.

Form 7496. Annual statement of life insurance companies. Insurance schedule filed

by life insurance companies supplemental to returns of annual net income.

Form 7497. Annual statement of stock, fire and marine insurance companies. Insurance schedule filed by stock, fire, and marine companies supplemental to returns of annual net income.

Form 7497A. Underwriting and investment exhibit. Annual statement—insurance schedule, to accompany 7497, annual statement—stock, fire, and marine companies.

(h) *Additional forms applicable generally.* For a list and description of additional forms prescribed by the Bureau for use in connection with internal revenue taxes generally, see § 601.1 (f).

§ 601.3 *Technical Staff*—(a) *Appellate functions and procedures in the determination of income, profits, estate or gift tax liability*—(1) *General.* Under existing procedure the Internal Revenue Agent in Charge, or other members of his office advise the taxpayer of his opportunity of appeal from positions taken by that office in a tax matter to the field division of the Technical Staff, and upon the taxpayer's oral or written request to the internal revenue agent in charge the case and its administrative record is thereupon referred to the staff field division. Also a taxpayer, if he so desires may make written request to a Staff field division for consideration of a case remaining unsettled after proceedings had in the office of an internal revenue agent in charge. There are no prescribed forms or procedures to be used or followed in requesting the Staff division to take jurisdiction of such a case. As to organization of the Technical Staff see § 600.5.

(2) No taxpayer is required to submit his case to a Staff division for consideration. Appeal is at the option of the taxpayer. In order, however, to encourage the proper settlement of tax disputes in the offices of the internal revenue agents in charge and to insure the fullest development of the issues in unsettled cases, the submission of disputed liabilities to a Staff division without first filing a petition to The Tax Court of the United States is restricted to taxpayers who have tried in good faith to reach agreements with the internal revenue agents in charge. However, if a taxpayer asks for immediate consideration by a Staff division without prior conference or other proceedings in the office of the internal revenue agent in charge, that official may, in the exercise of his reasonable discretion, grant that request.

(3) Proceedings before the Technical Staff are informal. Testimony under oath is not taken, although matters alleged as fact may be required to be submitted in the form of affidavits. Taxpayers may appear in person or by or with a representative duly enrolled for practice before the Treasury Department and whose appearance must be under a proper power of attorney authorizing him to act for the taxpayer. See paragraph (b). The taxpayer is free to present whatever he desires by way of asserted fact or argument, orally or by brief, in support of his contentions. However, any material matter of fact originally presented to the Staff will be subject, at the option of the Division

Head, to reference to the local internal revenue agent in charge for investigation and report.

(4) The determinations of the Staff are governed by the law applicable to the particular case with which the Staff is dealing. The administrative settlement of disputed tax liabilities comprehends the mutual concession of debatable issues on the part of both the taxpayer and the Government and with each part weighing for itself the litigating possibilities of the case. The Technical Staff endeavors to avoid discrimination between taxpayers in the practical handling of cases. However, its action in disposing of a specific case is not intended to constitute a precedent to be cited or regarded as a stare decisis.

(5) Where the case settled is not one pending before The Tax Court, disposal is by administrative procedure under which the taxpayer consents to the assessment of such, if any, deficiency as has been agreed upon or agrees to accept such, if any, overassessment as may result under the agreed settlement: As an incident to such settlements the taxpayer is ordinarily required to execute an agreement to make prompt payment of the agreed deficiency and statutory interest thereon; not to file any offer in compromise in respect to the agreed tax liability; and, upon request by the Commissioner, to execute at any time a final closing agreement (see § 601.1 (d) (2)) under the provisions of section 3760 of the Internal Revenue Code in respect to the tax liabilities determined under the agreed basis of settlement.

(6) Where the proceedings involve the agreed settlement of a case pending before The Tax Court, disposition is effected by a stipulation of agreed deficiency or overassessment to be filed with The Tax Court and in conformity with which the Court will enter its final order.

(7) Cases not filed with The Tax Court and which remain unsettled after proceedings before the Technical Staff are returned to the internal revenue agent in charge under an Action Memorandum directing, as the tax liabilities determined by the Division Head may disclose as proper, either the issuance of a statutory notice of deficiency, a statutory notice of disallowance of a claim in whole or in part, the preparation of a certificate of overassessment, or other appropriate action.

(8) Cases pending before The Tax Court and unsettled after proceedings had before the Technical Staff are returned to the Division Counsel, see § 600.57 for preparation of defense of such tax liability as the Division Head may have determined as a result of his consideration of the case.

(b) *Practice and procedure requirements.* Commissioner's Mimeograph 4960, approved by the Secretary, effective October 1, 1939 (Report of the Commissioner of Internal Revenue, 1940, page 39), provides in part as follows:

Procedure in Pre-90-Day Cases

(In which statutory notice of deficiency has not issued)

4. Each Staff Division will accord hearings upon protested cases referred to it in ac-

cordance with prescribed procedure by the Internal Revenue Agent in Charge situated within the territorial jurisdiction of the Division. It will not, however, consider before the issuance of the statutory notice of deficiency any case in which no protest has been filed with the Internal Revenue Agent in Charge. In any case in which protest has been filed with the Internal Revenue Agent in Charge, it will not be required to consider prior to the issuance of the statutory notice new contentions or new evidence that may be decisive with respect to any major issue, but upon the presentation of such contentions or evidence, may refer the issues involved to the Internal Revenue Agent in Charge for further consideration and for conference with the taxpayer if advisable.

5. When the Head of a Staff Division has reached a final conclusion with respect to any case, he will prepare a memorandum thereof setting forth the exact grounds upon which his conclusion rests. This memorandum will be transmitted with all the papers in the case to the proper internal revenue agent in charge, who will—

(a) Certify a deficiency to the Collector in accordance with Mimeograph 3552 (procureable from collectors);

(b) Issue a statutory notice of deficiency; or

(c) Transmit the case to the Bureau for the preparation of a certificate of overassessment, or other appropriate action.

Jurisdiction After Statutory Notice

6. The Staff Divisions will have complete jurisdiction of all cases after the issuance of the statutory notice. Upon the taxpayer's request, the Head of a Staff Division may take up for settlement any case in which a statutory notice has been issued, and may grant the taxpayer a hearing thereon. Except in unusual circumstances, however, he will not grant a hearing in such a case prior to the filing of the petition if a hearing has been had in the office of the Internal Revenue Agent in Charge, or if the taxpayer has refused an opportunity to be heard there.

7. After the filing of the petition in any case, the Head of the proper Staff Division will continue to have sole authority, subject to the provisions of paragraph 2 above [quoted in § 600.53 (b) (2)], for the settlement of the case, and will have the custody of all files, papers, and documents relating to the case, which will, however, at all times be available to the Division Counsel for the preparation of the answer to the petition and for the defense before the Board [Tax Court] of the Commissioner's determination.

Hearings

8. At any hearing granted by a Staff Division, whether at a local or branch office or on circuit, the Internal Revenue Agent in Charge will be represented if he so desires, or if the Head of the Staff Division, or the Technical Adviser in Charge of a local office, as the case may be, deems it advisable; and at any such hearing on a case involving the ad valorem fraud or negligence penalty, the Special Agent in Charge will be represented if he so desires. Except as may be otherwise directed by the Commissioner, through the head of the Technical Staff, the conduct of hearings and other proceedings by the Staff Division will be in accordance with the procedure customarily followed by the Technical Staff.

In general the practice and conference procedure before the Technical Staff is governed by Treasury Department Circular 230, Federal Register, Vol. 1, page 1413, and the Bureau of Internal Revenue Conference and Practice Requirements (Internal Revenue Bulletin, 1942-1, page 384). In addition to such rules, but not in modification of them, the following

rules applicable to practice before the Technical Staff were promulgated February 17, 1942:

Rule I. The Staff conferee shall bear in mind that an exaction by the United States Government, which is not based upon law, statutory or otherwise, is a taking of property without due process of law, in violation of the Fifth Amendment to the United States Constitution. The conferee, in his conclusions of fact or application of the law, shall hew to the law and the recognized standards of legal construction. It shall be the duty of the conferee to determine the correct amount of the tax, with strict impartiality as between the taxpayer and the Government, and without favoritism or discrimination as between taxpayers.

Rule II. Settlement Policy. In recognition of the difference between abstract theory and practical administration, where substantial uncertainties exist either in law or in fact, or both, as to the correct application of the law to the whole record of a controversy, the Staff will give serious consideration to an offer of settlement of the dispute on a basis which fairly reflects the strength or weakness of the opposing views. However, no settlement will be countenanced based upon nuisance value of the case to either party.

Rule III. Conference Policy. Where the Staff conferee, or a majority of the conferees who conducted the hearing in a case, recommended acceptance of the taxpayer's proposal of settlement, or, in the absence of a proposal, recommend action favorable to the taxpayer, and said recommendation is disapproved in whole or in part by a reviewing officer in the Staff Division, the taxpayer shall be so advised by such reviewing officer and upon written request shall be accorded a re-hearing before such reviewing officer. The Staff disregards this rule where the interests of the Government would be injured by delay, as for example, a case involving the imminent expiration of the statute of limitations, dissipation of assets, etc.

Rule IV. Where the Head of a Staff field division deems it advisable to secure advice from the Headquarters office of the Staff in Washington, D. C., respecting determination of tax liability in a case, the taxpayer shall be so advised and given an opportunity to transmit his own statement respecting the case along with the request made by the Division Head. The Division Head shall clearly state his own position or recommendation on the question submitted. No conference will be held on the case in Washington. Where the Head, Technical Staff, Washington, D. C., disagrees with the recommendation of the Division Head, and the recommendation of the Division Head was favorable to the taxpayer, then before making reply to the request for advice, the Head or a Coordinator, with full authority to represent the Headquarters office in rendering advice, will proceed to the local office where the case originated and conduct a conference on the case with the taxpayer. Where the recommendation of the Division Head was adverse to the taxpayer, then a conference in the field will be held only in case the Head, Technical Staff, considers it desirable under the circumstances.

Rule V. Any taxpayer who considers that a case pending before the Technical Staff should be handled before the Bureau in Washington, D. C., may so request in a communication addressed to the Commissioner of Internal Revenue, Washington, D. C., Attention Head, Technical Staff, setting forth in detail the reasons therefor. The request so made will receive prompt consideration, and may be discussed with the Head. The Staff policy in acting upon such requests is that no case will be withdrawn from the jurisdiction of a Staff field division, where adequate technical facilities are available or can be made available, for the determina-

tion of the case in such field division. In a case docketed with the Board of Tax Appeals, the joint action of the Chief Counsel for the Bureau of Internal Revenue and the Commissioner is required to withdraw a case from the jurisdiction of a Staff field division.

Rule VI. Where the Division Head or the Technical Adviser in Charge of a local Staff office, as the case may be, deems it advisable, whether or not upon request of the taxpayer, the Internal Revenue Agent in Charge will be requested to be represented at any Staff conference on the case, in which event such representative (or representatives) will be invited and expected to enter into the discussion and oral argument at the conference on an equal footing with the taxpayer.

Rule VII. In order to bring a case before the Technical Staff in pre-statutory notice status, the taxpayer must first file with the Internal Revenue Agent in Charge a written protest setting forth specifically the reasons for his refusal to accept the Agent's preliminary findings. The Agent in Charge may also, in the reasonable exercise of his discretion, require a conference on the case in his office before complying with the taxpayer's request that the case be referred to the Technical Staff.

Rule VIII. A taxpayer cannot withhold evidence from the Internal Revenue Agent in Charge and expect to introduce it for the first time before the Technical Staff, at a conference in pre-statutory notice status, without being subject to having the case returned for reconsideration to the Agent in Charge. Where newly discovered evidence is submitted for the first time to the Staff, in a case pending in pre-statutory notice status, that office, in the reasonable exercise of its discretion, may transmit same to the Internal Revenue Agent in Charge for his consideration and comment.

Rule IX. Where the taxpayer has had the benefit of a conference either before the office of the Internal Revenue Agent in Charge or before the Technical Staff, as the case may be, in the pre-statutory notice status, or where the opportunity for such a conference was accorded but not availed of, there will be no conference granted before the Technical Staff in the 90-day status after the mailing of the statutory notice of deficiency, in the absence of unusual circumstances.

Rule X. In any case docketed before the United States Board of Tax Appeals [now The Tax Court of the United States] on which a conference is being conducted before a Staff conferee, the Division Counsel is privileged to be represented and to participate in the discussion. In cases not docketed before the United States Board of Tax Appeals [Tax Court] on which the conference is being conducted before a Staff conferee, the Division Counsel or his representative may be requested to attend and to give legal advice in the more difficult cases, or on matters of legal or litigating policy.

Rule XI. A taxpayer may request the reopening or resumption of settlement conferences in a docketed case, before the Division Head or the Technical Adviser in Charge of a local Staff office, and whenever such request is granted, the Staff conferee who originally heard the case shall ordinarily be present and participate in any conference thereon.

Rule XII. In cases of exceptional difficulty and complexity, or where serious matters of policy are involved, there may be a conference arranged before a Group of Three to be presided over by the Division Head or the Technical Adviser in Charge; a second member of the Group shall be the Staff conferee to whom the case is assigned; and the third member of the Group may be an attorney of the Chief Counsel's office or any employee of the Bureau of Internal Revenue at large, who is qualified as regards the question presented.

Commissioner's Mimeograph, R.A. 940, T.S. No. 5, approved by the Secretary on October 8, 1938, provides in part as follows:

(1) It will be the policy of the Department not to reopen cases closed as the result of action by a field division of the Technical Staff, unless the disposition involves fraud, malfeasance, concealment or misrepresentation of material fact, or an important mistake in mathematical calculations, and then only by appropriate action through the Head of the Technical Staff. * * *

(c) *Offers in compromise.* The classes of offers in compromise over which the Technical Staff has jurisdiction (see § 600.53 (c)) are required to be submitted upon a properly executed Treasury Department Form 656 or 656C, attached to which there must be a properly executed Treasury Department Form 433. These forms are available and can be had at the offices of collectors of internal revenue. When executed, the documents are customarily filed with the collector charged with the duty of collecting the tax sought to be compromised. The documents may, however, be submitted to a field division office of the Technical Staff for transmittal to and filing with the appropriate collector.

Offers in compromise are first considered by the collector with whom filed. After examination that officer makes a written recommendation for acceptance or rejection. Under regular administrative procedure the case record is transmitted to the appropriate field division of the Technical Staff. There a conference may be had at the instance of either the taxpayer or the Staff Division.

Within the class of compromise cases under Technical Staff jurisdiction, the Head of each field division is authorized to reject, in the name of the Commissioner, any offer in compromise referred for his consideration. He may not, however, reject any offer in which rejection has not been recommended by the collector without first calling upon that officer for a statement of his views and affording him an opportunity to be heard with respect to the proposed rejection.

If the Head of a Staff division considers an offer to be acceptable, a memorandum recommending acceptance is prepared, submitted to the Division Counsel for approval or adverse comment, and the case is then transmitted to the Technical Staff headquarters office in Washington. At Staff headquarters the recommendation for approval is reviewed, and if considered acceptable it is submitted to the Special Deputy Commissioner (see § 601.2) for his review and submission to the Commissioner.

If the Head of a Staff division decides that an offer in compromise is unacceptable, he promptly notifies the taxpayer of his decision. If, however, the Division Head recommends acceptance, the taxpayer is not notified of such action until the recommendation is accepted by the Commissioner and the Secretary.

§ 601.4 *Estate and gift taxes—(a) General.* The estate tax is imposed by chapter 3 of the Internal Revenue Code on the transfers of net estates of decedents. The gift tax is imposed by chapter

4 of the Code with respect to transfers of property by gift during the calendar year.

Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with the estate tax are contained in Regulations 105 (26 CFR, Cum. Supp., Part 81), as amended (26 CFR, 1943 Supp., 1944 Supp., 1945 Supp., Part 81) T. D. 5503, 11 F. R. 3081, T. D. 5512, 11 F. R. 4856, T. D. 5523, 11 F. R. 7505, and in the regulations promulgated pursuant to the Death Duty Convention between the United States and Canada set forth in T. D. 5455 (26 CFR, 1945 Supp., Part 82).

Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with the gift tax are contained in Regulations 108 (26 CFR, Cum. Supp., Part 86), as amended (26 CFR, 1943 Supp., 1944 Supp., 1945 Supp., Part 86), T. D. 5503, 11 F. R. 3081, T. D. 5524, 11 F. R. 7505.

(b) *Tax collection—(1) Estate Tax.* Estate taxes are collected by means of returns. The estate tax return on Form 706 of every decedent whose gross estate exceeds the applicable specific exemption provided by the Code must be filed in duplicate within 15 months after date of death with the collector of internal revenue. The tax is payable to the collector at the time the return is required to be filed. Upon receipt of the return, the collector will conduct a preliminary examination thereof for mathematical accuracy and proper execution. The tax shown on the return as computed by the executor or administrator, or as corrected and agreed to by him will be listed for assessment. Thereafter the collector will refer one copy of the return to the appropriate field division of the Bureau for examination and determination of the correct tax liability, under the procedure described in paragraph (c).

Under certain circumstances the collector is authorized to grant an extension of time for filing the estate tax return for a period not in excess of 30 days from the due date. Written application therefor must be received by the collector prior to the expiration of the period for which the extension is requested and authorized. For extensions granted by the Commissioner see paragraph (g) of this section. Application for an extension of time for payment of the tax shown on the return must be filed with the collector. Such application will be transmitted to the Bureau at Washington, for the attention of the Deputy Commissioner, Miscellaneous Tax Unit, for disposition.

If it is determined upon the decedent's death that his estate will be subject to the estate tax, the Code requires that written notice be filed for the estate with the collector within 2 months after death or within 2 months after the executor has qualified. Form 704 should be used in the case of a citizen or resident of the United States, and Form 705 in the case of a nonresident not a citizen.

Detailed information as to the return, and all other forms, prescribed for use in connection with the estate tax are contained in the regulations referred to in paragraph (a) of this section. Copies of the regulations, together with copies

of all necessary forms and instructions as to their preparation and filing, may be obtained from the collector.

(2) *Gift tax.* Gift taxes are collected by means of returns. The tax is payable to the collector at the time the return is required to be filed. The gift tax return on Form 709 of any individual who makes a transfer or transfers by gift to any one donee within the calendar year 1940, or any calendar year thereafter, of a total value in excess of the applicable exclusion must be filed with the collector of internal revenue for the district in which the donor has his legal residence. The return must be filed in duplicate on or before the 15th day of March following the close of the calendar year in which gifts were made. Upon receipt of the return, the collector will conduct a preliminary examination thereof for mathematical accuracy and proper execution. The tax shown on the return as computed by the donor, or as corrected and agreed to be the donor, will be listed for assessment.

Upon receipt of the donor's gift tax return in Washington it will be examined and the correct tax determined under the procedure described in paragraph (c) of this section.

Under certain circumstances the collector is authorized to grant an extension of time for filing the gift tax return for a period not in excess of 30 days from the due date. Written application therefor must be received by the collector prior to the expiration of the period for which the extension is requested and authorized.

Every donee or trustee (except exempt charitable, etc., organizations) receiving property by gift from a donor must file an information return or notice, if the value of such gift is in excess of \$3,000 (or regardless of value in the case of a gift of a future interest in property).

Detailed information as to the return form, and all other forms, prescribed for use in connection with gift taxes are contained in the regulations referred to in paragraph (a) of this section. Copies of these regulations, together with all necessary forms and instructions as to their preparation and filing, may be obtained from the collector.

(c) *Examination of estate and gift tax returns and determination of correct tax liability.* The internal revenue agents in charge (see § 600.52) have jurisdiction in the initial determination of estate tax liabilities of decedents' estates.

The examination of gift tax returns is generally made in Washington in the Miscellaneous Tax Unit of the Bureau. If the examination in any such case discloses a deficiency in tax, the Miscellaneous Tax Unit will advise the donor of the proposed deficiency in a preliminary (30-day) letter in which he will be accorded an opportunity to file protest and request a conference in the appropriate field division. If the Miscellaneous Tax Unit determines that an examination should be made by an internal revenue agent in a field division, the return will be referred to the appropriate field office. Accordingly, under the foregoing procedure the donor is privileged to submit a protest against a proposed deficiency and request a hearing in the ap-

propriate field division, whether the examination is conducted in Washington or in the field office.

As soon as practicable after an estate or gift tax return is received by the internal revenue agent in charge of a field division, it will be examined and the amount of the tax determined. If the examination results in the acceptance of the return as filed without change in tax liability, the case will be transmitted to Washington for post audit review in the Miscellaneous Tax Unit, and for issuance of the closing letter to the taxpayer. If, on the other hand, the examination results in a proposed deficiency in tax, and the internal revenue agent making the examination is unable to secure the taxpayer's agreement to the proposed adjustment, a preliminary (30-day) letter advising of the proposed adjustment in tax liability, together with a copy of the nonconfidential report, will be sent to the taxpayer. The taxpayer is accorded the opportunity in such letter to submit a protest and to request a conference in regard to the proposed deficiency.

If the case involves a deficiency and no protest is submitted within the 30-day period, or during an additional period allowed upon the taxpayer's request, the internal revenue agent in charge will close the case and send the taxpayer a statutory (90-day) letter by registered mail as provided by law.

If a protest is filed but the taxpayer declines a conference, the internal revenue agent in charge will reconsider the case in conjunction with the protest and advise the taxpayer of his conclusions. If an agreement is not reached with the taxpayer, the internal revenue agent in charge will ordinarily thereafter issue the statutory (90-day) letter, but he may advise the taxpayer that on request the case will be referred to the appropriate Division of the Technical Staff for hearing. See § 601.3 for Technical Staff procedure.

If a protest is filed and a conference is held, but without agreement, the internal revenue agent in charge will notify the taxpayer of his conclusions, advising him that upon request the case will be referred to the appropriate Staff Division for hearing, but in the absence of such request the statutory (90-day) letter will be mailed at the expiration of a specified period.

In any estate or gift tax case involving an overassessment the taxpayer may, after receiving the preliminary (30-day) letter, file a protest (against determinations reducing the overassessment), in which case the procedure to be followed will be substantially the same as that described above with respect to deficiency cases. The taxpayer will be advised of the conclusions reached after consideration of the protest, and, in the absence of a request to have the case referred to a Staff Division, the internal revenue agent in charge will recommend to the Commissioner the issuance of a certificate of overassessment. If the taxpayer requests that his protest be referred to a Staff Division, the internal revenue agent in charge will transmit the case to the appropriate Technical Staff Division.

In all cases in which a deficiency in respect of a tax is determined, and a

statutory (90-day) letter is sent to the taxpayer by registered mail covering such deficiency, the taxpayer may file a petition with the Tax Court for a redetermination of the deficiency, other than a deficiency resulting from the correction of a mathematical error appearing upon the return. The petition must be filed within 90 days after the mailing of the statutory letter (or within 150 days after such mailing where such letter is addressed to a person outside the States of the Union and the District of Columbia) not counting Saturday, Sunday, or a legal holiday in the District of Columbia as the last day.

If the taxpayer indicates his agreement to a deficiency by submitting a waiver notice consenting to the assessment and collection of the amount due together with interest, or by making payment direct to the collector, either before or after the mailing of the statutory notice, the internal revenue agent in charge will transmit the case to the appropriate collector who will list the tax and interest, if any, for assessment. The report of examination will be submitted to Washington for post audit review in the Miscellaneous Tax Unit of the Bureau.

With respect to cases referred to Technical Staff Divisions for consideration, at the request of the taxpayers, see section 601.3. As to closing agreements, compromises, and court proceedings, see § 601.1 (d).

(d) *Claims for credit or refund.* In the case of collection of estate tax, interest, or penalties believed by the executor of the estate to be erroneous or illegal, such executor is privileged to file a claim for refund. A claim for refund of estate tax imposed by the Code must be filed within three years after the payment of the amount sought to be refunded.

A donor is likewise privileged to file a claim for credit or refund of gift tax, interest, and penalties which he considers to have been erroneously or illegally collected. Such claim must be filed within three years after the payment of the tax sought to be credited or refunded. A separate claim should be made for each taxable year.

Claims for credit or refund with respect to estate and gift taxes should be executed on Form 843, copies of which may be obtained from collectors' offices. The claim should be filed with the collector to whom the tax, credit, or refund of which is claimed, was paid. After listing of tax payments by the collector on the back of the claim form, it is transmitted to the Bureau in Washington for consideration and action.

If the claim is acted upon in Washington, the taxpayer will be advised as to the conclusions reached. If the claim is referred to a field division for examination, the internal revenue agent in charge will handle the claim in the same manner as in the case of an initial examination of an estate or gift tax return. See procedure described under paragraph (c) of this section. For court proceedings, see § 601.1 (d); for Technical Staff procedure, see § 601.3.

(e) *Post audit review of determinations of estate and gift tax liabilities made in*

field divisions by internal revenue agents in charge. The determinations of estate and gift tax liabilities by internal revenue agents in charge of field divisions, as set forth in revenue agents' reports of examination, under the procedure described in paragraph (c) of this section are subject to technical review by the Bureau, in the Miscellaneous Tax Unit.

If upon review of a case in which no change in tax liability has been recommended, the Bureau agrees with the conclusions of the internal revenue agent in charge, it will close the case, and in estate tax cases will issue a closing letter addressed to the executor. In gift tax cases a closing letter will be issued only when such a letter is requested by the donor. If, however, the Bureau disagrees with conclusions of the internal revenue agent in charge in any such case, it will refer the case to that officer for reconsideration upon the basis of the exceptions noted. Any adjustment in tax liability made thereafter by the internal revenue agent in charge will be brought to the attention of the taxpayer, and he will be accorded the same privilege of filing a protest and requesting a hearing with respect to such adjustment as in the case of an initial examination under the procedure described in paragraph (c) of this section.

In the review of cases in which the internal revenue agent in charge has obtained the taxpayer's agreement to an adjustment in tax, it is the policy of the Bureau not to revise the determination made by the internal revenue agent in charge unless a material error has been made or a substantial difference in tax is involved, and then only after the internal revenue agent in charge has been given an opportunity to consider the Bureau's exceptions. If the Bureau agrees with the conclusion of the internal revenue agent in charge in any such case, it will take appropriate action to close the case. In any estate or gift tax case involving a deficiency in tax, the closing letter will be issued to the taxpayer. If an overassessment is involved, a certificate of overassessment will be issued to the taxpayer. If, however, the Bureau disagrees with the conclusions of the internal revenue agent in charge in any such case, and an adjustment in tax liability is thereafter proposed by the internal revenue agent in charge, the taxpayer will be afforded the same privilege of filing a protest and requesting a hearing with respect to such adjustment as was extended to him during the initial examination of the return, under the procedure described in paragraph (c) of this section.

While a review is also conducted by the Bureau of every case closed by statutory (90-day) letter, it is the policy of the Bureau not to revise such determinations made by the internal revenue agent in charge except in cases where a material error has been made or other special circumstances require a revision.

(f) *Rulings.* Any executor of an estate, or donor, who is in doubt as to the application of the tax to the particular facts in his case, may address a letter to the Deputy Commissioner, Miscellaneous Tax Unit, Washington 25, D. C., requesting advice. Where information is

sought regarding an estate or gift tax return which is being considered by a field division of the Bureau, under the procedure described in paragraph (c) of this section, the request for information should be addressed to the internal revenue agent in charge in whose office the case is under consideration.

If an attorney or other person asks a ruling on a question of law arising in a specific case, the Commissioner will require satisfactory evidence of the right to obtain such ruling. Hypothetical questions relating to the application of the estate and gift taxes cannot be answered.

Powers of attorney authorizing an attorney or agent to represent the executor of an estate, or the donor in a gift tax case, should accompany the request for information or ruling.

As to the policy of the Bureau generally relative to rulings, see § 601.1 (d) (5).

(g) *Administrative provisions relating to extensions of time to file returns and pay taxes; issuance of releases of liens and transfer certificates, etc.* Under certain circumstances an extension of time for filing an estate tax return for a decedent's estate, not to exceed three months from the due date, may be granted by the Commissioner. Written application for such extension should be filed with the Commissioner on or prior to the due date of the return.

In any estate or gift tax case in which an extension of time is desired for the payment of tax shown on the return or for a deficiency in tax, a written application for such extension under oath and accompanied or supported by the required evidence must be timely filed with the collector, who will transmit it to the Commissioner with his recommendation as to the extension. When it is received by the Commissioner, it will be examined, and, if possible, within 30 days will be denied, granted, or tentatively granted subject to certain conditions of which the executor, or donor, as the case may be, will be notified.

In addition to the general provisions for liens for taxes (see § 601.1 (c) (2)), section 827 (a) of the Code specially provides in connection with the estate tax for a lien upon the gross estate and section 1009 provides a similar lien in connection with the gift tax upon all gifts. Under certain circumstances releases of the estate and gift tax liens imposed by the Code with respect to property included in the returns will be granted by the Commissioner. Applications for such releases should be addressed to the Deputy Commissioner, Miscellaneous Tax Unit, Washington 25, D. C. If granted, certificates releasing the property involved will be furnished.

In any estate tax case in which the executor desires that a prompt determination be made of the amount of the estate tax due from the decedent's estate and that he be discharged from personal liability therefor, such request should be made by written application to the Commissioner.

Certificates permitting the transfer of property of nonresident decedents, regardless of citizenship, without liability will be issued by the Commissioner when he is satisfied that the tax imposed upon the estate, if any, has been fully dis-

charged or provided for. Requests for such certificates should be addressed to the Deputy Commissioner, Miscellaneous Tax Unit, Washington 25, D. C.

Under certain circumstances estate and gift tax returns may be inspected pursuant to the Code and regulations. See § 600.1 (b) (2) (i).

(h) *Description of forms.*—(1) *Estate and gift tax forms.* The following described forms which are prescribed and furnished by the Bureau for use in connection with estate and gift taxes may be obtained at the principal and branch offices of collectors of internal revenue:

ESTATE TAX

Form 704. Preliminary Notice, Estate of Citizen or Resident of the United States. This form is for use of the executor or administrator of the estate of a deceased citizen or resident of the United States in reporting the estimated values of the various classes of property belonging to the decedent, and must be filed with the collector within two months after the date of death or within two months after qualification of such executor or administrator.

Form 705. Preliminary Notice, Estate of Nonresident Not a Citizen of the United States. This form is for use of the executor or administrator of the estate of a deceased nonresident not a citizen of the United States in reporting the estimated values of the various classes of the decedent's property having a situs in the United States, and must be filed with the collector of internal revenue within two months after the date of death or within two months after qualification of such executor or administrator.

Form 706. Estate Tax Return. This form is for the use of the executor or administrator of a deceased citizen or resident of the United States, and of a nonresident decedent not a citizen, in reporting the estate tax due and setting forth an itemized inventory by schedule of the decedent's property and lists of the deductions under the appropriate schedules. This return must be filed with the appropriate collector of internal revenue.

Form 706b. Supplemental Schedule R (1) (Estate Tax Return), Computations of Net Estates for Estate of Decedent Domiciled in Canada and not a Citizen of the United States. This form is for use of the executor or administrator of the estate of a decedent domiciled in Canada, not a citizen of the United States, in computing the net estate of the decedent pursuant to the Death Duty Convention between the United States and Canada. This schedule is a substitute for Schedule R of Estate Tax Return, Form 706.

Form 706c. Computation of Estate Tax With Credit for Canadian Succession Duties, for Estate of Decedent Domiciled in or a Citizen of the United States. This form is for use of the executor or administrator of the estate of a decedent domiciled in or a citizen of the United States, in computing credit against the Federal estate tax for Canadian succession duties paid with respect to property situated in Canada and subjected to such taxes by both countries, pursuant to the Death Duty Convention between the United States and Canada. This form is supplemental to the "Computation of Tax" schedule in the estate tax return, Form 706.

Form 706d. Certification of Dominion Succession Duties for Credit Against Federal Estate Taxes. This form is for use of the executor or administrator of a decedent domiciled in or a citizen of the United States, in securing a certification from Canadian officials with respect to succession duties paid in order that credit therefor may be allowed against the Federal estate tax.

Form 711. Estate Tax Power of Attorney. This form is provided for the use of attorneys

who represent decedents' estates in estate tax matters.

Form 712. Life Insurance Statement, Estate Tax. This form is for use of the executor or administrator of a decedent's estate in securing information from the insurance company with respect to a policy of insurance on the decedent's life. A form should be prepared for each policy of insurance held by the decedent. All such completed forms should be associated with the decedent's estate tax return, Form 706, and filed with the appropriate collector of internal revenue.

Form 890. Waiver of Restrictions Against Assessment and Collection of Deficiency in Estate Tax. This form is for the use of the executor in waiving the statutory restrictions against the immediate assessment and collection of a deficiency in estate tax. The form is enclosed with the notice of deficiency to the executor and when signed should be returned to the internal revenue agent in charge who forwarded the notice.

Form 896. Application for Extension of Time for Payment of Deficiency in Estate Tax. This form is for use of the executor in applying for an extension of time for payment of a deficiency due from the decedent's estate and must be filed with the appropriate collector of internal revenue.

GIFT TAX

Form 709. Gift Tax Return. This form is for use of the donor in reporting the gift tax due for the calendar year involved and in setting forth every transfer by gift to any one donee during such year exceeding the applicable exclusion. The return must be filed in duplicate with the collector of internal revenue for the district in which the donor has his legal residence.

Form 710. Donee's or Trustee's Information Return of Gifts. This form is for use of the donee or trustee in reporting property received by gift from the donor, if the value of such gift is in excess of the applicable exclusion. This return should be filed in duplicate with the appropriate collector of internal revenue or with the Commissioner of Internal Revenue at Washington, D. C. Public, charitable, etc., organizations coming under the Code are not required to file such information return.

Form 890A. Waiver of Restrictions Against Assessment and Collection of Deficiency in Gift Tax. This form is for the use of the donor in waiving the statutory restrictions against the immediate assessment and collection of a deficiency in gift tax. It is sent to the taxpayer with the notice of deficiency and when signed should be returned to the Bureau or to the agent in charge who sent the notice.

Form 938. Life Insurance Statement, Gift Tax. This form is for use of the donor in securing information from the insurance company with respect to an insurance policy transferred by gift. When completed such forms should be associated with the gift tax return, Form 709, and filed with the appropriate collector of internal revenue.

(2) *Additional forms applicable generally.* For a list and description of additional forms prescribed by the Bureau for use in connection with internal revenue taxes generally, see § 601.1 (f).

§ 601.5 *Employment taxes*—(a) *General.* The internal revenue employment taxes are imposed by Chapter 9, subchapter A, of the Internal Revenue Code (Federal Insurance Contributions Act); Chapter 9, subchapter C, of the Code (Federal Unemployment Tax Act); and Chapter 9, subchapter B, of the Code.

Rules bearing upon the functioning of the Bureau, the forms used, and other information relative to the employment taxes, are as follows:

(1) *Federal Insurance Contributions Act.* Regulations 106 (26 CFR Com. Supp., Part 402), as amended (26 CFR, 1943 Supp., 1944 Supp., 1945 Supp., Part 402), T. D. 5502, 11 F. R. 2920; and T. D. 5519, 11 F. R. 6757.

(2) *Federal Unemployment Tax Act.* Regulations 107 (26 CFR Com. Supp., Part 403), as amended (26 CFR, 1943 Supp., 1944 Supp., Part 403), T. D. 5502, 11 F. R. 2920; and T. D. 5519, 11 F. R. 6757.

(3) *Chapter 9, Subchapter B, Internal Revenue Code.* Regulations 100 (26 CFR, Com. Supp., Part 410), as amended (26 CFR, 1943 Supp., Part 410).

A general statement of the functioning of the Bureau relative to employment taxes follows:

(b) *General procedure*—(1) *Tax collection.* The taxes are collected by means of returns, required to be filed by persons liable for tax (except employees) with collectors of internal revenue. The tax is payable at the time the return is required to be filed. However, the Federal unemployment tax may be paid in four equal installments. Upon receipt by collectors a preliminary examination is made of the returns, the payments of tax deposited in due course, and the tax, penalty, and interest liabilities, if any, listed for assessment. The returns under the Federal Insurance Contributions Act and Subchapter B, Chapter 9, of the Code are retained in the collectors' offices where they are audited. Returns under the Federal Unemployment Tax Act are forwarded to Washington 25, D. C., for audit and disposition.

The Federal Insurance Contributions Act imposes a tax on employers of one or more individuals engaged in "employment" as defined in the act. Employees covered by the act are also required to pay a tax which is deducted by the employer from their "wages" as defined in the act. A return must be filed by each employer for each quarter of the year on Form 36-1a in accordance with the instructions on the form, reporting thereon the employer's tax and the employees' tax with respect to wages paid during the quarter covered by the return.

The Federal Unemployment Tax Act imposes a tax on employers of eight or more individuals engaged in "employment" as defined in the act. The returns are required to be filed annually on Form 940 in accordance with the instructions on the form with respect to "wages" paid during the calendar year.

Subchapter B, Chapter 9, of the Internal Revenue Code imposes a tax on employers and their employees with respect to "service" rendered as defined in the Code. It also imposes a tax on employee representatives with respect to "service" rendered as defined in the Code. The returns must be filed each quarter on Form CT-1 in accordance with the instructions on the form and the employee representatives must file a return each quarter on Form CT-2 in accordance with the instructions on such form.

Tax return forms and all instructions necessary in connection with the preparation and filing thereof may be obtained from the collector of internal revenue

for the district in which the taxpayer is located.

(2) *Rulings.* Any taxpayer who is in doubt as to his liability under any of the several employment tax laws, to a particular item of coverage, wage item, or other related matter, may address a letter to the Commissioner of Internal Revenue, Washington 25, D. C., requesting advice. Such letter should disclose the complete facts involved and, if a contract or agreement is involved, include an executed copy thereof. Any oral agreement involved should be accurately stated in the letter. Upon receipt of such letter disclosing the complete facts the taxpayer is advised by letter as to the Bureau's views.

(3) *Conference.* A taxpayer who desires a conference in the Bureau of Internal Revenue regarding a situation involving any of the employment taxes may secure such conference by addressing a letter to the Commissioner of Internal Revenue, Washington 25, D. C. If a conference is desired in a collector's office, the letter should be addressed to the collector. There are no formal requirements if the conference is to be held with the taxpayer. If a representative of the taxpayer desires to appear, the representative must be enrolled to practice before the Treasury Department and be authorized by appropriate power of attorney to represent the particular taxpayer concerned. See § 601.1 (d) (4).

(4) *Claims for refund, credit and abatement.* In the case of an assessment or collection of any kind of employment tax referred to herein, believed by the taxpayer to be erroneous, he is privileged to file a claim for refund, credit, or abatement. See § 601.1 (d) (1). Such claim should be executed on Form 843, and filed with the collector to whom the tax was paid or from whom notice of assessment was received. Instructions for preparing a claim are contained on Form 843 and any necessary additional instructions may be obtained from the collector. In the case of a claim for abatement, the collector may require the taxpayer to furnish bond in double the amount of the tax involved to secure postponement of collection while the claim is pending. A claim for refund or credit must be filed within four years from the date the tax was paid, except in the case of special refunds under section 14.01 (d) of the Federal Insurance Contributions Act, discussed in subparagraph (6) (ii) of this paragraph. Where a claim for refund is rejected, an official notice of rejection is mailed to the taxpayer by registered mail. The taxpayer may bring suit for recovery in the appropriate court within two years from the date of the rejection notice. See § 601.1 (d) (1). An appeal to The Tax Court may not be filed in connection with employment taxes. See § 601.1 (b).

(5) *Offers in compromise.* A taxpayer may, in certain circumstances, submit an offer to compromise the taxes, penalties, or interest imposed by any of the several employment tax laws. Form 656 must be used in submitting a cash offer and Form 656-C in case of an installment offer. The taxpayer must submit a financial statement on Form 4338 with the offer. Any necessary instructions

with regard to the preparation and filing of such offer is obtainable from the appropriate collector of internal revenue.

(6) *Provisions special to the Federal Insurance Contributions Act*—(i) *Identification and account numbers.* Under the Federal Insurance Contributions Act each employer must have an identification number. Any employer who does not have an identification number must secure a Form SS-4 from the collector of internal revenue and, after executing the form in accordance with the instructions contained thereon, file it with the collector. At a subsequent date the collector will furnish the employer with a number which must appear in the appropriate space on each tax return, Form SS-1a, filed thereafter.

Each employee must have an account number which is secured by the employee, or his employer, by filing application on Form SS-5, procurable from the collector of internal revenue for the district. The form, after execution in accordance with the instructions thereon, must be filed with the field office of the Social Security Administration or the collector, and at a later date the employee will be furnished an account number. Such number must be given to each employer for whom an employee works in order that such number may be entered on each tax return filed thereafter by the employer.

Form SS-1a requires as a part of the return that the wages of each employee paid during the quarter be reported thereon. It is necessary at times that employers correct wage information previously reported. A special form, Form SS-1c, has been adopted for use in correcting erroneous wage information or omissions of such wage information in Schedules A of Form SS-1a. Instructions on Form SS-1a and on Form SS-1c explain the manner of preparing and filing the forms. Any further instructions should be obtained from the collector for the district in which the returns are filed.

(ii) *Recovery by employees of excess deductions.* Under section 1401 (d) of the Federal Insurance Contributions Act an employee, who has received wages in excess of \$3,000 from two or more employers for services performed during a calendar year, may file a claim for refund of the amount by which the employees' tax deducted and paid to a collector with respect to such wages exceeds the employees' tax with respect to the first \$3,000 of such wages. The necessary forms and instructions may be obtained from the collector's office. With respect to such special refund claims, the following applies:

(a) A separate claim shall be made with respect to wages for services performed within each calendar year.

(b) The employee shall submit with the claim a statement from each employer (on Form SS-9) for whom he performed services during the calendar year. If the statement of any employer cannot be submitted with the claim, the employee shall include in the claim an explanation of his inability to submit such statement.

(c) The employee's claim shall be made on Form 843 and shall be filed

with the collector for the district in which the employee resides.

(d) No refund will be made under § 1401 (d) of the Federal Insurance Contributions Act unless (1) the employee files a claim, establishing his right thereto, after the calendar year in which the employment was performed with respect to which refund of tax is claimed, and (2) such claim is filed within two years after the calendar year in which the wages are paid with respect to which refund of tax is claimed.

(7) *Description of forms.* The forms specially applicable in connection with the employment taxes, copies of which may be secured from collectors of internal revenue, are as follows:

FEDERAL INSURANCE CONTRIBUTIONS ACT

Form SS-1a. Employer's Tax Return under Federal Insurance Contributions Act. This form is required to be filed on a quarterly basis by each employer of one or more individuals. The information required to be shown on the form includes the number of employees listed on Schedule A of the form, the total taxable wages paid, any credits or adjustments, the amount of employer's and employees' tax, and the name and address of the employer and his identification number. It is required on Schedule A of the form that the employee's Social Security Account number be shown, his name, wages paid, and the State in which employed.

Form SS-1b. Employer's Report of Taxable Wages Paid to Each Employee; Continuation Sheet. This form is a continuation of Schedule A of Form SS-1a, and requires the same information as Schedule A.

Form SS-1c. Statement to Correct Information on Schedule A of Form SS-1a. This form is provided for use in correcting errors made in returns on Form SS-1a. The information required to be shown on the form includes the name and address of the employer and his identification number, the employee's account number, his name, the last month and year of period to be corrected, the amount of wages actually reported on return, and the correct amount of wages.

Form SS-4. Employer's Application for Identification Number. This form is required to be filed by each employer of one or more individuals. The information required to be shown on the form includes the employer's name, trade name, form of operation, principal place of business, number of employees, date business established, first date after December 31, 1936, on which employer had one or more employees, name and identification number of previous owner, reason for filing application, whether employer had previously filed application, whether employer operates more than one place of employment, and if so, the name, address, nature of business, and number of employees, exact nature of business carried on, and if primarily engaged in manufacturing, the principal products manufactured and percentage of total value of all products which each represents.

Form SS-5. Application for Social Security Account Number. This form is required to be filed by each employee. The information required to be shown on the form includes the employee's name, address, age, date and place of birth, father's name, mother's maiden name, sex, race, whether previous application for number has been filed, and if so, the State in which applied and date, and account number issued.

Form SS-9. Employer's Statement to Support Employee's Claim for Special Refund of Employees' Tax. This form is filed by an employee who receives wages in excess of \$3,000 from two or more employers during a calendar year in support of claim filed on

Form 843 for refund of the amount by which the employees' tax deducted and paid to a collector exceeds the employees' tax with respect to the first \$3,000 of such wages. The information required to be shown on the form includes the name, address, and identification number of the employer, name and account number of employee, the year involved, address of collector to whom employer paid tax, calendar year of wage payment, amount of wages paid to employee during year, and the amount of employees' tax collected and paid to collector.

FEDERAL UNEMPLOYMENT TAX ACT

Form 940. Annual Return of Excise Tax on Employers of Eight or More Individuals. This form is required to be filed annually by each employer of eight or more individuals. The information required to be shown on the form includes the name and address of the taxpayer, nature of business, form of organization, date of organization, total remuneration paid during year for services of employees, total nontaxable remuneration paid, amount of credit for contributions paid into State funds, and the amount of tax.

Form 1135. Application for Extension of Time for Payment of the Excise Tax or Any Part Thereof Imposed by Title IX of the Social Security Act (now Federal Unemployment Tax Act.) This form is filed under oath by taxpayers to show that the payment of the tax or any part thereof at the time prescribed for payment would result in undue hardship. The information required to be shown on the form and to be submitted in support of the application includes the extended date, the amount of tax, the year involved, reasons why extension is necessary, sworn statement of assets and liabilities, itemized list of receipts and disbursements for three months prior to prescribed date for payment, reasons why taxpayer is unable to borrow money to pay tax, and a list of the security to be posted.

CHAPTER 9, SUBCHAPTER B, INTERNAL REVENUE CODE

Form CT-1. Employer's Tax Return Under Chapter 9, Subchapter B, of the Internal Revenue Code. This form is required to be filed on a quarterly basis by each employer. The information required to be shown on the form includes the employer's name, address, and Railroad Retirement Board number, the number of employees, taxable compensation paid on or after certain dates, credits or adjustments, and the amount of employer's and employee's tax.

Form CT-2. Employee Representative's Return Under Chapter 9, Subchapter B, Internal Revenue Code. This form is required to be filed on a quarterly basis by each employee representative. The information required to be shown on the form includes the total taxable compensation earned, credits, amount of tax, and the name, address, account number, and name of organization represented.

FORM COMMON TO FEDERAL INSURANCE CONTRIBUTIONS ACT AND FEDERAL UNEMPLOYMENT TAX ACT

Form SS-8. Information for Use in Obtaining Ruling From Bureau of Internal Revenue on Status of Salesmen Under Federal Insurance Contributions Act and Federal Unemployment Tax Act. This form gives an outline of the information to be submitted to the Bureau in doubtful cases in order to obtain a ruling whether a salesman is an employee.

FORMS COMMON TO FEDERAL INSURANCE CONTRIBUTIONS ACT, FEDERAL UNEMPLOYMENT TAX ACT, AND CHAPTER 9, SUBCHAPTER B, INTERNAL REVENUE CODE

Form SS-10. Consent Filing Period of Limitation Upon Assessment of Taxes Under Titles VIII and IX of the Social Security Act,

the Federal Insurance Contributions Act, the Federal Unemployment Tax Act, the Carriers Taxing Act of 1937, and Subchapter B, Chapter 9, of the Internal Revenue Code. This form is used by a taxpayer to enter into an agreement with the Commissioner to suspend running of statute of limitations for making assessment of taxes. The information required to be shown on the form includes the name and address of taxpayer, the periods involved, and the extended date to which the taxes may be assessed.

(8) *Additional forms applicable generally.* For a list and description of additional forms prescribed by the Bureau for use in connection with internal revenue taxes generally, see § 601.1 (f).

§ 601.6 *Sales taxes collected by assessment—(a) General.* Chapter 29, Subchapter A, of the Internal Revenue Code imposes certain taxes on sales by *manufacturers, producers, and importers* of the following articles and commodities:¹

Automobiles, trucks, tractors, buses, trailers, motorcycles, etc., and parts and accessories therefor.
Business and store machines.
Electric, gas, and oil appliances.
Electric light bulbs and tubes.
Electrical energy for domestic and commercial consumption.²
Firearms, shells, and cartridges.
Photographic apparatus, cameras, lenses, film, and sensitized paper.
Radio receiving sets and components, phonographs, phonograph records, and musical instruments.
Refrigerators, air conditioning units, and components.
Sporting goods.
Tires and inner tubes.

Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with these taxes are contained in Regulations 46 and Order May 31, 1944, and Order June 27, 1944 (26 CFR, Cum. Supp., Part 316), as amended (26 CFR, 1944 Supp., Part 316).

Chapter 29, Subchapter A, of the Code also imposes certain taxes on sales by *manufacturers, producers, and importers* of gasoline and matches, and on sales by *manufacturers and producers* of lubricating oils. Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with these taxes are contained in Regulations 44 (26 CFR, 1944 Supp., Part 314).

Section 2700 of Chapter 25 of the Code imposes certain taxes on sales by *manufacturers, producers, and importers* of pistols and revolvers. Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with these taxes are contained in Regulations 47 (26 CFR, Cum. Supp., Part 302), as amended (26 CFR, 1944 Supp., Part 302).

Chapters 9A and 19 of the Code impose certain taxes on sales by *retailers* of the following articles:

Fur articles.
Jewelry, watches and clocks, etc.
Luggage, handbags, wallets, and certain other related articles.
Toilet preparations.

¹The descriptive terms used to designate the various articles and commodities subject to tax are intended only to indicate their general classes. For specific information as to the scope of each tax, reference should be had to the applicable regulations.

²The tax on electrical energy applies to sales by "vendors".

Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with these taxes are contained in Regulations 51 and Order June 27, 1944 (26 CFR, Cum. Supp., Part 320), as amended (26 CFR, 1944 Supp., 1945 Supp., Part 320).

(b) *Procedure—(1) Tax collection.* The sales taxes are collected by means of returns required to be filed monthly by persons liable for tax with collectors of internal revenue for the district in which their principal place of business is located. The return is due not later than the last day of the month following the month for which it is made and the tax is payable, without notice from the collector, at that time.

Upon receipt by collectors, the returns are given a preliminary examination, all remittances accompanying them are deposited, and the tax, together with any applicable interest, is entered on an assessment list. A copy of the assessment list, together with the original copies of the returns, is then forwarded to the Bureau in Washington where the list and returns are compared and all necessary corrections and appropriate additions to the list, including any applicable penalties or interest, are made, after which the copy of the list is formally approved by the Commissioner and a certificate of such approval returned to the collector. This approval of the list by the Commissioner constitutes the "assessment" of the taxes, penalties, and interest listed thereon. Under the law, this assessment is prima facie correct for all legal purposes, the burden to disprove its correctness being upon the taxpayer. The receipt by the collector of the assessment list also makes it possible for him to take any forcible action (such as the issuance of warrants for distraint or notices of levy) necessary to effect collection of any liabilities shown on the list which remain due and unpaid after notice and demand for their payment has been served upon the taxpayer.

Detailed information as to the return forms, and all other forms, prescribed for use in connection with the sales taxes, are contained in the regulations referred to in paragraph (a) of this section. Copies of these regulations, together with copies of all necessary forms and instructions as to their preparation and filing, may be obtained from the office of the collector of internal revenue for the district in which the taxpayer is located. (See list of locations of collectors' offices in § 600.51 (d).)

(2) *Rulings.* Any person who is in doubt as to his liability for any of the manufacturers' or retailers' sales taxes, or as to the taxability of any particular article or commodity, may address a letter to the Deputy Commissioner, Miscellaneous Tax Unit, Bureau of Internal Revenue, Washington 25, D. C., requesting advice. Such letter should completely disclose all of the pertinent facts involved and, if advice as to the taxability of a particular article or commodity is requested, should describe the article or commodity in sufficient detail to permit of a proper determination as to its taxable status. Where the article or commodity is of such nature as not to lend itself readily to a written descrip-

tion, and it is feasible to submit a sample, this should be done. Upon receipt of such an inquiry disclosing the complete facts involved, the taxpayer is advised by letter of the Bureau's views as to his liability for the tax. This letter will be signed either by the Commissioner of Internal Revenue or the Deputy Commissioner in charge of the Miscellaneous Tax Unit, or, in some cases, by the Secretary of the Treasury or an Assistant Secretary. A copy of this letter is also forwarded to the local collector of internal revenue.

Where a sales tax ruling has been issued with which the taxpayer is not in agreement, the taxpayer is privileged to request reconsideration of the ruling by addressing a letter to the official who signed the ruling setting forth in full detail the basis for his request. If desired, a conference in the matter may also be requested. In such event, a conference will be accorded the taxpayer either in the Miscellaneous Tax Unit in Washington or, if the taxpayer so desires, with a representative of the local collector or, in the case of taxpayers located in or near New York, Chicago, or Los Angeles, with an internal revenue agent attached to one of the three field offices of the Miscellaneous Tax Unit located in those cities.

Where a ruling or a conference is requested by the taxpayer himself, no formal requirements are prescribed. Where, however, the taxpayer desires to be represented by an attorney or agent, the attorney or agent must be enrolled to practice before the Treasury Department and be authorized by appropriate power of attorney, either already on file with the Bureau or submitted with the request for the ruling or at the conference, to represent the taxpayer concerned. See § 601.1 (d) (4).

(c) *Proposed assessments of additional or delinquent taxes.* Assessments of additional tax proposed to be made by the Bureau may arise in one of two ways, i. e., either as the result of the audit of the taxpayer's return in Washington, or as the result of an examination of the taxpayer's books and records by an internal revenue agent attached to the Miscellaneous Tax Field Force (see § 600.58), or by a deputy collector attached to one of the collectors' offices. Assessments of delinquent taxes (i. e., taxes asserted against taxpayers who have filed no returns) ordinarily arise as the result of investigations conducted by internal revenue agents or deputy collectors as the result of information obtained in the field.

When the occasion for an additional assessment arises as the result of an audit of the taxpayer's return (and except in cases where delay may jeopardize collection of the tax, or where the amount involved is nominal or the result of an evident mathematical error), a preliminary letter is addressed to the taxpayer advising him briefly of the basis and amount of the proposed assessment and according him a period of at least fifteen days from the date of the letter to submit a protest with supporting facts, or to request a conference. If no reply is received from the taxpayer within the stated period, the assessment is made.

If, however, the taxpayer submits a protest or requests a conference within the stated period, assessment of the additional tax is deferred until such facts and arguments as are submitted by the taxpayer in his protest or at the conference have been considered, unless it appears that the taxpayer is merely endeavoring to delay assessment without good cause or that further delay may jeopardize collection of the tax. The foregoing procedure is followed in all cases involving proposed assessments of additional tax arising as the result of an audit of the taxpayer's return except in cases where, as the result of conferences in or correspondence with the Bureau, the taxpayer has already agreed to the proposed assessment.

When the occasion for the proposed assessment of additional or delinquent tax arises as the result of an examination of the taxpayer's books and records conducted by an internal revenue agent assigned to the Miscellaneous Tax Field Force or by a deputy collector of internal revenue, the taxpayer is furnished with a copy of the investigator's report (except in situations where the report contains information of a confidential nature, such as a case involving fraud) and is given an opportunity to confer with the investigator and, if desired, with the Internal Revenue Agent in Charge of the Miscellaneous Tax Field Force for that area, in the case of an investigation conducted by an agent attached to that force, or with the Chief Field Deputy attached to the office of the collector of internal revenue for the taxpayer's district, in a case where the investigation was conducted by a deputy collector. If, as the result of such a conference, the taxpayer agrees to the investigating officer's findings, he is advised to make remittance of the additional tax due to the collector's office, to whom appropriate notice of the additional liability, together with a copy of the report of the investigation, is forwarded. (Agreements as to additional or delinquent tax in these cases are not evidenced by any special form of written instrument, the amount of the additional or delinquent tax being reported by way of an amended or original return.) The original of the investigating officer's report is forwarded to the Washington office of the Miscellaneous Tax Unit for review. Should this review disclose any errors in the assertion or computation of the tax, the matter is taken up with the field office involved for any adjustment which appears to be in order.

In cases where no agreement can be reached in the field as to the amount and payment of any additional or delinquent tax disclosed by the investigation, the original of the investigating officer's report, as approved by the internal revenue agent in charge or the collector of internal revenue, as the case may be, together with any protest or submission the taxpayer may have made while the case was in the field, is forwarded to the Washington office of the Miscellaneous Tax Unit (see § 600.7). A copy of such report is also given to the taxpayer. If, after review of the report in Washington, it is considered that no additional or delinquent tax is due, the investigating of-

ficer is so notified and no further action on the part of the taxpayer is necessary. If, however, it is concluded that assessment of the tax is in order, the taxpayer is advised that he is privileged to submit a protest or request a conference in regard to the proposed assessment within a period of fifteen days or such other longer period as may be appropriate under the circumstances. If, after consideration has been given to the taxpayer's contentions as to why the tax should not be assessed, it is concluded that no assessment should be made, the investigating officer is so notified and the case is then closed without further action. If, however, no protest or request for a conference is received from the taxpayer within the stated period or, if after consideration has been given to any protest submitted, it is concluded that assessment of the additional or delinquent tax is in order, the amount of tax (together with any applicable penalties and interest) is entered on an assessment list for collection in the usual manner. See S. T. 915, Internal Revenue Bulletin, 1941-1, page 455.

Conferences regarding proposed assessments of additional or delinquent taxes are subject to the same general rules as are conferences on rulings, as described in paragraph (b) of this section.

(d) *Administrative Remedies Available to Taxpayers After Assessment and/or Payment of Sales Taxes Alleged to Have Been Erroneously or Illegally Assessed or Collected*—(1) *Before payment has been made.* After a sales tax, which the taxpayer considers is not due, has been assessed but not yet paid, he is privileged to file a claim for the abatement of such tax. See § 601.1 (d). The form prescribed for use in filing an abatement claim is Form 843, copies of which may be obtained from collectors of internal revenue. The claim should be prepared in duplicate in accordance with the instructions contained on the form and filed with the collector from whom notice of assessment of the tax was received. After appropriate certification of the claim by the collector, the claim is forwarded to the Bureau in Washington for consideration and action. Notice as to the allowance or disallowance of the claim is then forwarded both to the taxpayer and to the collector concerned. If the claim is allowed, no further action on the part of the taxpayer is necessary. If, however, the claim is rejected, the collector is instructed to proceed with the collection of the rejected amount.

In the case of a claim for abatement, the collector may require the taxpayer to furnish bond in double the amount of the tax involved so that the interests of the Government will be protected while the claim is pending.

(2) *After payment has been made.* After a sales tax, which the taxpayer considers is not due, has been assessed and paid, he is privileged either to file a claim for the refund of such tax or to take a credit for the amount paid on a sales tax return, covering the same kind of tax, filed by him after the alleged erroneous payment has been made. Under the law, however, the claim for

refund must be filed, or the credit taken, within four years from the date the tax was paid. The form prescribed for filing a claim for refund is Form 843, copies of which may be obtained from collectors' offices. The claim should be prepared in duplicate in accordance with the instructions shown thereon and should be filed with the collector of internal revenue to whom the tax, refund of which is claimed, was paid. After appropriate certification of the claim by the collector, the claim follows the same general course as does a claim for abatement referred to in subparagraph (1), above.

If the claim for refund is rejected, the taxpayer is notified of the rejection by registered mail and, in such a case, the taxpayer may bring suit for recovery of the tax in the appropriate court within two years from the date of the rejection notice. See § 601.1 (d). The Tax Court has no jurisdiction over sales tax cases and, consequently, this forum is not available for the adjudication of disputes as to sales tax liability. See § 601.1 (d).

When a claim for refund is allowed, an appropriate notice of allowance, together with a check in the amount of the refund and any allowable interest, is forwarded by the Bureau in Washington to the collector of internal revenue to whom the tax was originally paid. If the collector finds that there is no other due and unpaid tax indebtedness outstanding against the claimant, the check, accompanied by the notice of allowance, is mailed by the collector to the claimant. If any due and unpaid indebtedness is found to be outstanding, however, the refund check is not released until such indebtedness is discharged.

In the case of a credit claimed for an amount of tax alleged to have been erroneously paid, no particular forms for the claiming of such a credit are prescribed. The procedure to be followed in such a case is for the taxpayer to enter on the line provided for credits on the return form the amount claimed to have been erroneously paid and to accompany the return, when filed, with a supporting statement, executed under oath, which should set out clearly and fully the basis on which the credit is claimed. These statements accompany the returns when they are forwarded by the collectors to the Bureau in Washington where they are examined in the course of the regular audit of the returns. Notice as to the disallowance of any credit is forwarded to the taxpayer and the amount of the credit is then entered on an assessment list for collection in the usual manner.

Detailed instructions as to the manner in which claims for refund or credit should be prepared are contained in the various regulations listed in paragraph (a) of this section.

(e) *Offers in compromise.* Under certain special circumstances, a taxpayer against whom sales tax liability (including any applicable penalties and interest) has been assessed, may submit an offer in compromise of such liability. See section 3761 of the Code and § 601.1 (d) (3). The circumstances under which the compromise authority may be exercised are very restricted. The forms prescribed for use in the submission of an

offer in compromise are Form 656, which is used in the case of a cash offer, and Form 656 (c) which is required in the case of an installment offer. In addition, the taxpayer must submit a financial statement on Form 433 with the offer. Instructions as to the preparation and filing of an offer in compromise may be secured from the appropriate collector of internal revenue.

(f) *Registration and bonding requirements special to certain of the taxes on sales by manufacturers, producers, and importers.* Every producer or importer of gasoline, every producer of lubricating oils, and every person desiring to purchase taxable article tax free for use in further manufacture of other taxable articles, who qualifies as a manufacturer of articles taxable under Chapter 29, Subchapter A, of the Internal Revenue Code (except manufacturers of tires or inner tubes), or as a vendee with an established place of business reselling direct to manufacturers of taxable articles, must make application for registry to the collector of internal revenue for the district in which his principal place of business is located (or, if he has no principal place of business in the United States to the Collector at Baltimore, Maryland). The form provided for this purpose is Form 637-A, Application for Registry, copies of which may be obtained from the collector. The form should be prepared in accordance with the instructions shown thereon and the provisions of the applicable regulations referred to in paragraph (a). In the case of producers and importers of gasoline and producers of lubricating oil, the application must also be accompanied by a bond on Form 928 in a sum equivalent to the approximate amount of tax which might be incurred by the taxpayer during an average three-month period at the rates of the tax then in effect, but in no case shall the bond be for less than \$2,000.

Upon receipt by the collector of the application for registry and, in the case of gasoline and lubricating oil, upon acceptance of the bond required, the collector will furnish to the applicant Form 637, Certificate of Registry, which will bear the applicant's registration number. Detailed instructions as to the use of this number and as to the requirements necessary to be complied with in connection with the filing of applications for registry and the submission of bonds are set forth in the applicable regulations referred to in paragraph (a) of this section.

(g) *Description of forms.* The forms specially applicable in connection with the manufacturers' and retailers' sales taxes are as follows:

Form 726. Return form for use by manufacturers, producers, and importers in reporting the taxes on gasoline, lubricating oils, and matches. The information required to be shown on the form includes the month covered by the return, the amount of tax due for each month, any applicable credits, the name and address of the taxpayer, and the signature and title of the person making the return. If the amount of tax reported on the return is more than \$10, the return must be executed under oath. If the amount is \$10 or less, the return may be signed or acknowledged before two subscribing witnesses.

Form 728. Return form for use by manufacturers, producers, and importers in reporting the taxes on: automobiles, trucks, tractors, buses, trailers, motorcycles, etc., and parts and accessories therefor; business and store machines; electric, gas, and oil appliances; electric light bulbs and tubes; electrical energy for domestic and commercial consumption; firearms, shells, and cartridges; mechanical refrigerators, air conditioning units and components; photographic apparatus and sensitized paper; pistols and revolvers; radio receiving sets and components, phonographs, phonograph records, and musical instruments; sporting goods; and tires and inner tubes. The information required to be shown on the form includes the amount of tax due for such month, any applicable credits, the name and address of the taxpayers, and the signature and title of the person making the return. If the amount of tax reported on the return is more than \$10, the return must be executed under oath. If the amount is \$10 or less, the return may be signed or acknowledged before two subscribing witnesses.

Form 728-A. Return form for use by retail dealers in reporting the taxes on: for articles; jewelry, watches and clocks, etc.; luggage, handbags, wallets, and certain other related articles; and toilet preparations. The information required to be shown on the form includes the month covered by the return, the amount of tax due for such month, any applicable credits, the name and address of the taxpayer, and the signature and title of the person making the return. If the amount of tax reported on the return is more than \$10, the return must be executed under oath. If the amount is \$10 or less, the return may be signed or acknowledged before two subscribing witnesses.

Form 637-A. Application for Registry to be filed by certain manufacturers, producers, importers, and vendees. The information required to be shown on the form includes the name, trade name, and address of the applicant, the nature of his business, and the signature and title of the person making the application. The form must be executed under oath.

Form 928. Form of bond furnished by producers and importers of gasoline and manufacturers and producers of lubricating oil.

(h) For a list of forms of general application, see § 601.1. Forms are obtainable from collectors.

§ 601.7 *Miscellaneous excise taxes collected by Assessment*—(a) *General.* These taxes may be grouped into the following four general classes: (1) the taxes on admissions, cabaret, dues and initiation fees, (2) the communications taxes, (3) the transportation taxes and (4) other miscellaneous excise taxes. Each class is discussed briefly in the paragraphs which follow.¹

(1) *Admissions, etc.* Chapter 10, Subchapter A, of the Internal Revenue Code imposes certain taxes on admissions (including certain taxes on amounts charged by ticket brokers, box office employees, etc., in excess of the established price), and on charges made by cabarets, roof gardens, etc. Subchapter B of this chapter imposes certain taxes on amounts paid as dues or initiation fees to any social, athletic, or sporting club or organization. Rules bearing upon the

¹ The descriptive terms used to designate the various classes of taxes are intended only to indicate their general character. For specific information as to the scope of each tax, reference should be had to the applicable regulations.

functioning of the Bureau, the forms used, etc., in connection with these taxes are contained in Regulations 43 (26 CFR, Cum. Supp., Part 101) as amended (26 CFR, 1944 Supp., Part 101).

(2) *Communications.* Chapter 30, Subchapter B, of the Internal Revenue Code imposes certain taxes on amounts paid for local telephone service; long distance telephone messages, etc., telegraph, cable, or radio dispatches, or messages; leased wires, etc.; and wire and equipment service. Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with these taxes are contained in Regulations 42, (26 CFR, Cum. Supp., Part 130), as amended (26 CFR, 1944 Supp., Part 130).

(3) *Transportation.* Chapter 30 of the Internal Revenue Code imposes certain taxes with respect to various kinds of transportation services as follows: Subchapter A of the chapter imposes a tax on amounts paid for the transportation of oil by pipe line; Subchapter C imposes a tax on amounts paid for the transportation of persons and for seating or sleeping accommodations furnished in connection with such transportation; and Subchapter E imposes a tax on the transportation of property. Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with these taxes are contained in Regulations 42 (applicable to the taxes on the transportation of persons and the transportation of oil by pipe line), (26 CFR, Cum. Supp., Part 130), as amended (26 CFR, 1944 Supp., Part 130) 11 FR. 6755, and Regulations 113 (applicable to the tax on the transportation of property), (26 CFR, Cum. Supp., Part 143), as amended, (26 CFR, 1943 Supp., 1944 Supp., Part 143), and T. D. 5520, 11 FR. 6756.

(4) *Miscellaneous*—(i) *Coconut and other vegetable oils.* Chapter 21 of the Internal Revenue Code imposes a tax upon the first domestic processing of coconut oil, palm oil, palm-kernel oil, fatty acids derived from any of the foregoing oils, salts from any of the foregoing or any combination or mixture containing a substantial quantity of any one or more of such oils, fatty acids or salts. Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with this tax are contained in Regulations 48 (26 CFR, Cum. Supp., Part 306).

(ii) *Hydraulic mining.* The act entitled "An Act to create the California Debris Commission and regulate hydraulic mining in the State of California," approved March 1, 1893, as amended (27 Stat. 507; 34 Stat. 1001; 48 Stat. 1118, imposes a tax with respect to certain hydraulic gold mining in the State of California. Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with this tax are contained in T. D. 4952, (26 CFR, Cum. Supp., Part 317).

(iii) *Safe deposit boxes.* Chapter 12 of the Internal Revenue Code imposes a tax on the amount collected for the use of a safe deposit box. The rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with this tax are contained in the same regulations referred to in paragraph (a) (2) relating to the communications taxes.

(iv) *Sugar.* Chapter 32 of the Internal Revenue Code imposes a tax upon manufactured sugar manufactured in the United States. Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with this tax are contained in Regulations 99, (26 CFR, Part 312), as amended (26 CFR, Cum. Supp., Part 312).

(v) *Circulation other than of national banks.* Chapter 13 of the Internal Revenue Code imposes certain taxes with respect to (1) the average circulation outstanding of any bank, association, corporation, company or person, and (2) the circulation paid out by every person, firm, association other than national bank associations, and every corporation, state bank, or state banking association. Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with these taxes are contained in 26 CFR, Part 135.

Other rules of particular application to certain of these taxes are the authorization of the Secretary of the Treasury with respect to the non-applicability of the taxes on the transportation of persons and property in the case of passenger transportation furnished to the United States upon a United States Government transportation request and property shipped to or from the Government of the United States on a United States Government bill of lading, 9 F. R., 4615; and Executive Orders Nos. 9698 and 9751 issued by the President designating certain international organizations as being entitled to enjoy the privilege, exemptions, and immunities conferred by the International Organizations Immunities Act, 11 F. R., 1809, 7713.

(b) *General procedure.*—(1) *Tax collection.* The tax on charges made by cabarets, roof gardens, etc., the taxes on admission charges in excess of the established price, the tax on the transportation of oil by pipe line, the tax on the first domestic processing of certain vegetable oils, and the tax on the manufacture of sugar, are all collected in the same manner as are the manufacturers' and retailers' sales taxes, as set forth in § 601.6 (b). The tax on hydraulic mining and the tax on circulation other than of national banks are collected in the same manner also, except that the return of the former tax is filed annually and the latter on the first day of June and the first day of December of each calendar year.

The other miscellaneous excise taxes described in paragraph (a) of this section are imposed on the person making the payment for the admission, telephone service, transportation, etc., involved and are required to be collected by the theatre, telephone company, railroad, etc., receiving the payment. All taxes so collected are held by the collecting agent in trust for the United States until paid over to the collector of internal revenue. The collecting agencies are required to file monthly returns which are due not later than the last day of the month following the month for which the return is made and the tax is payable, without notice from the collector, at that time. If the person from whom the tax is required to be collected refuses to pay it or,

if for any reason it is impossible for the collecting agency to collect the tax from such person, the collecting agency is required to report to the collector of internal revenue for the district in which its returns are filed the name and address of such person, the nature of the service or facility rendered, the amount paid therefor, and the date on which paid. Upon receipt of this information, the collector will report the item to the Commissioner of Internal Revenue for direct assessment.

(2) *Rulings.* The procedure to be followed in procuring a ruling with respect to any miscellaneous excise tax collected by assessment is the same as that set forth in § 601 (b) (2) concerning sales taxes.

(c) *Proposed assessments of additional or delinquent tax.* Assessment of additional or delinquent miscellaneous taxes is made in the same manner as are assessments of additional or delinquent sales taxes, as set forth in § 601.6 (c), except that where the proposed assessment results from the bona fide inability of a collection agency to collect the tax from the person legally liable for it, the Bureau's dealings are then had directly with such person rather than with the collecting agency. If the failure of the collecting agency to collect the tax, however, was willful, a penalty in the full amount of the tax not collected may be imposed upon the collecting agency. Such a penalty may also be imposed in case of failure on the part of a collecting agency to truthfully account for and pay over any tax collected, or an attempt in any manner to evade or defeat the tax.

(d) *Administrative remedies available to taxpayers after assessment and/or payment of miscellaneous excise taxes alleged to have been erroneously or illegally assessed or collected.* The administrative remedies available to taxpayers in the case of the miscellaneous excise taxes collected by assessment are the same as those available in the case of sales taxes, as set forth in § 601 (6) (d).

(e) *Offers in compromise.* The procedure in the case of offers in compromise of liability for miscellaneous excise taxes collected by assessment is the same as that set forth in § 601 (6) (e), applicable to sales taxes.

(f) *Provisions special to taxes on admissions, etc., hydraulic mining, and the transportation of property.*—(1) *Admission.* Every person (i) required by any provisions of law to collect any tax on admissions, or (ii) being the owner or lessee of any place which he ordinarily or at times leases or subleases to other persons who impose charges for admissions to it, or (iii) required to pay any tax on charges in excess of established prices, or (iv) required to pay tax on charges for admission, refreshment, service and merchandise at any roof garden, cabaret, or other similar place furnishing a public performance for profit, is required to make application for registry. The form provided for this purpose is Form 752, Application for Registry, which may be obtained from collectors of internal revenue. The form should be prepared in accordance with the instructions shown thereon and the provisions of the applicable regulations, Regulations 43, re-

ferred to in paragraph (a) (1). The collector, if satisfied that all statements made in the application for registry are correct, will issue a certificate of registry on Form 753 to the person who made the application. This certificate of registry must be kept conspicuously posted in the principal place of business of the registrant, or be carried about with him if he has no fixed place of business. This certificate is not transferable from one person or firm to another.

(2) *Hydraulic mining.* Every person who desires to engage in hydraulic mining operations in the State of California within the scope of the Act must procure a license to operate the mine from the California Debris Commission before beginning operations, in accordance with the rules and regulations promulgated by that Commission.

(3) *Transportation of property.* Every person engaged in the business of transporting property for hire shall, within sixty days after first engaging in such business, register his name and his place of business with the collector of internal revenue for the district in which is located his principal place of business. The form provided for this purpose is Form 800, Application for Registry, which may be obtained from the collector. The form should be prepared in accordance with the instructions shown thereon and the provisions of the applicable regulations, Regulations 113, referred to in subsection (a) (3). The collector receiving the application for registry will issue Certificate of Registry, Form 800A, which must be posted in the registered place of business.

(g) *Description of forms.* The forms specially applicable in connection with the miscellaneous excise taxes collected by assessment covered by this section are as follows:

Form 727. Monthly return for use in reporting the communications and transportation taxes, and the tax on the use of safe deposit boxes. The information required to be shown on the form includes the month covered by the return; the character of tax; the amount of each class of tax due for such month; the total tax due; any applicable credits; the name and address of the party making the return; and the signature and title of the individual by whom it was executed. If the amount of tax reported on the return is more than \$10, the return must be executed under oath. If the amount is \$10 or less, the return may be signed or acknowledged before two subscribing witnesses.

Form 729. Monthly return for use in reporting tax on admissions, dues and initiation fees, and cabaret charges. The information required to be shown on the form is the same as that indicated with respect to Form 727, above.

Form 932. Monthly return for use in reporting tax on the first domestic processing or first use of coconut oil, palm oil, palm-kernel oil, or of any combination or mixture containing a substantial quantity of any one or more of such oils. The information required to be shown on the form is the same as that indicated with respect to Form 727, above.

Form 1 (California Debris). Annual return for use in reporting tax on certain hydraulic mining in California. The information required to be shown on the form includes the year covered by the return; the name and address of the mine operator; the name and address of the mine owner; the name and location of the mine; the name of the dam

restraining the debris; the date of issue and the number of license issued by the California Debris Commission; the dates mining operation began and ended; the amount of tax due; an affidavit of the licensed engineer or other qualified person conducting a survey as to the cubic yardage mined during the taxable year; and the signature and title of the person executing the return. The return is required to be executed under oath.

Form 1 (Sugar). *Monthly return for use in reporting the tax on the manufacture of sugar into manufactured sugar.* The information required to be shown on the form includes the month covered by the return; the name and principal office of the taxpayer; the location of the plant; the raw sugar account; manufactured sugar account; the amount of tax due; and the signature and title of the person executing the return. If the amount of tax reported on the return is more than \$10, the return must be executed under oath. If the amount is \$10 or less, the return may be signed or acknowledged before two subscribing witnesses.

Form 728-A. *Information return of broker's sales of admission tickets.* The information required to be shown on the form includes the month covered by the return; the name and address of the broker; the name and address of the theatre or other place admissions to which were sold; the established price of the ticket including tax; the broker's selling price; whether evening or matinee performance; the total number of tickets sold at excess charges; and the total tax due.

Form 731. *Exemption certificate filed by the officers and employees of a State or territory, or political subdivision thereof, or the District of Columbia, for exemption from tax on the transportation of persons in connection with travel in performance of official duties.* The information to be shown on the return includes the date and place of issue of ticket; the name of issuing carrier; the class of transportation (i. e., seat, berth or stateroom); the places from and to which transportation is desired; name of the State, etc., for account of which exemption is authorized; and the signature and title of the person signing the certificate.

Form 752. *Application for Registry to be filed by every person (1) required by any provision of law to collect any tax on admissions, or (2) being the owner or lessee of any place which he ordinarily or at times leases or subleases to other persons who impose charges for admissions to it, or (3) required to pay any tax on charges in excess of established prices, or (4) required to pay tax on charges for admission, refreshment, service and merchandise at any roof garden, cabaret, or other similar place furnishing a public performance for profit.* The information to be shown on the form includes the name and trade name, if used, and address of the applicant; the type of business; the date business was commenced; the name and address of each person interested in the business or, if a corporation, the names, addresses and titles of the officers; and the signature, under oath, of the applicant.

Form 754. *Notification to collector by lessor where lessee is responsible for collection of tax on admissions.* This form must be forwarded to the collector of internal revenue for the district where the place covered therein is located, before or at the time the lease is made. The information to be shown on the form includes the name and address of the lessee; the character of amusement or entertainment; the place where the amusement or entertainment will be given; the date thereof; and the name, registry number, and address of the lessor.

Form 798. *Temporary exemption certificate filed with carriers by persons claiming exemption from tax on amounts paid for the transportation of property which is to be*

exported, or shipped to a possession of the United States. The information to be shown on the form includes the name and address of the shipper or consignee who paid the transportation charges; the name of the carrier; the commodity shipped and the weight thereof; the point of origin of the shipment; the date shipped from such point; the port of exportation; the date the transportation charges were paid; and the amount of such charges.

Form 799. *Certificate of Exportation to be filed with the Bureau by the shipper or consignee who paid transportation charges in connection with the transportation of property which is exported, or shipped to a possession of the United States, upon receipt of documentary evidence of exportation.* The information required to be shown on this form is the same as that required to be shown on Form 798, above.

Form 800. *Application for Registry of a person engaged in the business of transporting property for hire to be filed within sixty days after first engaging in such business.* The information required to be shown in this form includes the name and address of the applicant; the class of transportation furnished, i. e. rail, motor vehicle, water, or air; the collector to whom application is made; and the signature of the applicant.

Form 827. *Advance report to collector by the owner or lessee who operates any theatre, hall, park, ballroom or other place for a term not exceeding ten days and collects taxable admission charges.* The information required to be shown includes the nature of the entertainment given; by whom given; the date given; the name of the theatre, etc.; the address thereof; the number of admissions sold; established price exclusive of tax; the amount of tax collected; and the signature and permanent address of the owner-operator or lessee.

Form 933. *Form of export bond furnished by processors of vegetable oils subject to tax under Chapter 21 of the Internal Revenue Code with respect to the processing of such oils for export without payment of tax.*

Form 2 (Sugar). *Affidavit or certificate of producer of sugar beets or sugarcane to be filed in support of exemptions claimed by manufacturers on Form 1 (Sugar) with respect to sugar delivered to such producers.* The information required to be shown on such form includes the name and address of the producer; the name and address of the sugar manufacturer; the number of pounds of sugar beets or sugarcane delivered and the date of delivery; the test of the sugars received in return; the number of pounds received and the date of receipt; the number of persons for whom such sugar is to be used; and the signature of the producer.

§ 601.8 *Alcohol Tax Unit—(a) General—(1) Taxes on liquors.* Chapter 26, Subchapters A, B, C, and D, of the Internal Revenue Code imposes taxes on distilled spirits (including alcohol), wine (including champaign and vermouth, and cordials and liqueurs made with fortified wine), and fermented malt liquors. Additional taxes are imposed when distilled spirits and wines are rectified by blending, compounding, etc. Chapter 27, Subchapter A, of the Internal Revenue Code imposes taxes on stills, worms, and condensers used to manufacture spirits, and occupational taxes are imposed upon still manufacturers, brewers, rectifiers, dealers in liquors, and manufacturers of nonbeverage products as prerequisite for drawback under section 3250 (1), Internal Revenue Code.

(2) *Licensing.* Distillers, winemakers, brewers, warehousemen, rectifiers, bottlers, liquor bottle manufacturers, users

and transporters of tax-free and specially denatured alcohol, and wholesalers and importers of liquors, are required to qualify with the Bureau, usually by filing notice or application and bond with, and procuring permit from, the District Supervisor of the Alcohol Tax Unit of the district in which operations are to be conducted. Detailed information respecting such qualification, including the forms to be used and the procedure to be followed, is contained in the respective regulations described in paragraph (a) (3).

(3) *Previously published rules.* The procedural requirements with respect to matters within the jurisdiction of the Alcohol Tax Unit are published in the regulations cited below. These regulations contain full information as to the general course and method by which the functions of the Alcohol Tax Unit are channeled and determined, including the nature and requirements of formal and informal procedures, the forms and other documents required and the contents of applications, notices, registrations, permits, bonds, and other documents. Copies of prescribed forms may be obtained from the offices of District Supervisors, excepting Forms 45, 52-A, 52-B, 52-C, 52-D, 52-E, 122, 230, 237, and 338 and Records 52 and 64, which may be purchased from the Superintendent of Documents, Washington, D. C., or from commercial printers, who may procure specimen copies of the forms from District Supervisors. The following is a brief description of the several regulations:

Treasury Order No. 30, Treasury Decisions 4424, 4432, 4662, 4804, 4982, 5014, 5039, 5067, 5070, 5111, 5132, 5152, 5164, 5175, 5323, 5337, 5411, 5449 (26 CFR, Part 171; 26 CFR, Cum. Supp., 1944 Supp., 1945 Supp., Part 171); Treasury Decision -----, 11 F. R. -----, Miscellaneous Regulations Related to Liquor. These regulations prescribe the duties of the Alcohol Tax Unit, and contain delegations of authority to the Unit and its officers, and deal with other miscellaneous matters, including basic permit procedure and violations under the Federal Alcohol Administration Act, remission or mitigation of forfeitures, seizures in connection with contraband firearms, floor stocks taxes on liquors; and production, redistillation, withdrawal, transportation, etc., of high proof spirits and denatured alcohol during the unlimited national emergency proclaimed by the President on May 27, 1941, not contained in the regulations cited below.

Gauging Manual (26 CFR, Cum. Supp., Part 186), as amended (26 CFR, 1945 Supp., Part 186; T. D. 5518, 11 F. R. 6536). This manual contains the procedural and substantive requirements relative to the gauging of spirits, including alcohol, the marking and stamping of packages, allowances for losses, computation of tax, etc.

Regulations 3 and appendix (26 CFR, Cum. Supp., Part 182), as amended (26 F. R., 1944 Supp., 1945 Supp., Part 182; T. D. 5526, 11 F. R. 8631), Industrial Alcohol. These regulations contain the procedural and substantive requirements relative to the production, disposition,

and use of industrial alcohol, including denatured alcohol. The regulations cover the establishment and operation of industrial alcohol plants, bonded warehouses, and denaturing plants, the tax payment, transfer, exportation, and denaturation of alcohol, formulas for denaturation, the use of alcohol free of tax, the sale and use of denatured alcohol, the transportation of tax-free and specially denatured alcohol, the packaging, labeling, and sale of articles containing denatured alcohol, and the bringing into this country of alcohol and articles containing alcohol from abroad. The regulations also cover the issuance and revocation of permits covering the production of alcohol and denatured alcohol and the transportation and use of tax-free and specifically denatured alcohol.

Regulations 4 (26 CFR, Cum. Supp., Part 183), as amended (26 CFR, 1944 Supp., Part 183), Production of Distilled Spirits. These regulations contain the procedural and substantive requirements relative to the production of distilled spirits, other than brandy and alcohol, and the removal of such spirits from the distillery. The regulations cover the establishment and operation of distilleries, including the location, construction, equipment, and qualifying documents for such distilleries.

Regulations 5 (26 CFR, Cum. Supp., Part 184), as amended (26 CFR, 1944 Supp., Part 184), Production of Brandy. These regulations contain the procedural and substantive requirements relative to the production of brandy and its removal from the distillery. The regulations cover the establishment and operation of fruit brandy distilleries, including the location, construction, equipment, and qualifying documents for such distilleries.

Regulations 6 (26 CFR, Cum. Supp., Part 188), as amended (26 CFR, 1943 Supp., 1944 Supp., 1945 Supp., Part 188), Bottling of Distilled Spirits in Bond. These regulations contain the procedural and substantive requirements relative to the bottling of distilled spirits in bond at internal revenue bonded warehouses, including the establishment, use, construction, equipment of, and qualifying documents for, the bottling in bond premises, and the stamping and marking of bottles and cases.

Regulations 7 (26 CFR, 1945 Supp., Part 178), Wine. These regulations contain the procedural and substantive requirements relative to the production and removal of wine, including vermouth and champagne, from the winery. The regulations cover the establishment and operation of bonded wineries, storerooms, and field warehouses for the production, cellar treatment, and storage of wines, including amelioration, blending, fortification, and other cellar treatment, tax payment, exportation, and use for distilling material and manufacture of vinegar.

Regulations 10 (26 CFR, Cum. Supp., Part 185), as amended (26 CFR, 1944 Supp., Part 185), Warehousing of Distilled Spirits. These regulations contain the procedural and substantive requirements relative to the warehousing of distilled spirits, other than alcohol, and the withdrawal of such spirits from ware-

house. The regulations cover the establishment and operation of internal revenue bonded warehouses, including the location, construction, equipment of, and qualifying documents for, such warehouses, and the withdrawal of distilled spirits from the warehouses upon tax-payment, or for exportation, fortification of wine, denaturation (rum), use of United States, or transfer to other bonded warehouses.

Regulations 11 as amended (26 CFR, 1944 Supp., 1945 Supp., Part 189), Bottling of Tax-paid Distilled Spirits. These regulations contain the procedural and substantive requirements relative to the bottling of tax-paid distilled spirits after withdrawal from bond, including the establishment, location, use, construction, equipment, and qualifying documents for tax-paid bottling houses, and the stamping and marking of bottles and cases.

Regulation 13 (26 CFR, Con. Supp., Part 175), as amended (26 CFR, 1943 Supp., Part 175), Traffic in Containers of Distilled Spirits. These regulations contain the procedural and substantive requirements relative to the manufacture, sale, and use of containers of distilled spirits, including the issuance and revocation of permits for the manufacture of such containers, and the marking, possession, importation, and exportation thereof.

Regulations 15 (26 CFR, Con. Supp., Part 190), as amended (26 CFR, 1943 Supp., 1944 Supp., 1945 Supp., Part 190), Lactification of Spirits and Wines. These regulations contain the procedural and substantive requirements relative to the rectification of spirits and wines, including the location, use, construction, equipment, and qualifying documents of rectifying plants, the payment of rectification tax, and the bottling, stamping, and marking of containers.

Regulation 16 (26 CFR, Con. Supp., Part 187), Denaturation of Rum. These regulations contain the procedural and substantive requirements relative to the denaturation of rum and its withdrawal from the denaturing bonded warehouse. The regulations cover the establishment and operation of denaturing bonded warehouses, including the location, construction, equipment, and qualifying documents for such warehouses, and the exportation of denatured rum.

Regulations 17 (26 CFR, 1945 Supp., Part 173), Disposition of Substance Used in the Manufacture of Distilled Spirits. These regulations contain the procedural and substantive requirements relative to the disposition of substances used in the manufacture of distilled spirits.

Regulations 18 (26 CFR, Con. Supp., Part 192), Fermented Malt Liquor. These regulations contain the procedural and substantive requirements relative to the manufacture and tax payment of fermented malt liquor, including the manufacture of cereal beverages, and the location, use, construction, equipment, and qualifying documents for breweries and bottling houses, the exportation of fermented malt liquor, and the filing of claims for refund of tax on beer spoiled after payment of tax.

Regulations 19 (26 CFR, Con. Supp., Part 195), Production of Vinegar by the Vaporizing Process. These regulations contain the procedural and substantive

requirements relative to the production of vinegar by the vaporizing process (fermentation and distillation of alcoholic liquid), including the location, use, construction, equipment, process used, and records of vinegar plants using such process.

Regulations 20 (26 CFR, Con. Supp., Part 194), as amended (26 CFR, 1944 Supp., Part 194), Wholesale and Retail Dealers in Liquors. These regulations contain the procedural and substantive requirements relative to the payment of occupational taxes, maintenance of records, destruction of stamps and marks on containers, and packaging of alcohol for industrial purposes.

Regulations 21 (26 CFR, Cum. Supp., Part 191), as amended (26 CFR, 1944 Supp., Part 191), Importation of Distilled Spirits and Wines. These regulations contain the procedural and substantive requirements relative to the importation into this country of distilled spirits and wines, and perfumes containing distilled spirits, from foreign countries, the taxes levied thereon and the stamping of containers (bottles) of distilled spirits.

Regulations 23 (26 CFR, Cum. Supp., Part 181), Stills and Distilling Apparatus. These regulations contain the procedural and substantive requirements relative to the manufacture, tax-payment, removal, use, and registration of stills and worms or condensers, and the exportation of stills with benefit of drawback of internal revenue tax.

Regulations 24 (26 CFR, Cum. Supp., Part 180), as amended (26 CFR, 1944 Supp., Part 180 T. D. 5505, 11 F. R. 3943), Articles from Puerto Rico, Virgin Islands, and Philippine Islands. These regulations contain the procedural and substantive requirements relative to the collection of internal revenue taxes on alcoholic products coming into the United States from Puerto Rico and the Virgin Islands, including procedure in those countries in connection with shipment of the products to the Continental United States, the submission of formulas, and the stamping and marking of containers. (The application of the provisions in these regulations relative to the Philippine Islands has been modified by the recent independence of the Islands.)

Regulations 28 (26 CFR, Cum. Supp., Part 176), Drawback of Internal Revenue Tax on Distilled Spirits and Wines. These regulations contain the procedural and substantive requirements relative to the allowance of drawback of internal revenue tax on (1) domestic alcohol used in the manufacture or production of flavoring extracts, and medicinal or toilet preparations (including perfumery), upon the exportation of such products (2) distilled spirits and wines bottled especially for export, upon the exportation thereof, and (3) distilled spirits exported in distillers' original packages containing not less than 20 wine gallons each.

Regulations 29 (26 CFR, Cum. Supp., Part 197), as amended (26 CFR, 1944 Supp., 1945 Supp., Part 197), Drawback of Tax on Distilled Spirits Used in the Manufacture of Nonbeverage Products. These regulations contain the procedural and substantive requirements relative to the allowance of drawback of internal

revenue tax on tax-paid domestic distilled spirits used in the manufacture or production of medicine, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes, including payment of occupational tax, maintenance of records, and filing of claims for drawback.

Regulations 92 (26 CFR, Part 174), Disposition of Denatured Alcohol, Denatured Rum, and Substances or Preparations Containing Denatured Alcohol or Denatured Rum. These regulations contain the procedural and substantive requirements relative to keeping of records and making returns covering the disposition, by sale or otherwise, of denatured alcohol, denatured rum, and substances or preparations containing denatured alcohol or denatured rum.

Treasury Decision 4961, as amended by Treasury Decisions 5066 and 5067 (26 CFR, Cum. Supp., Parts 171 and 468) Regulations relating to seizures of vessels, vehicles, and aircraft in connection with contraband firearms covered by section 1 (b) (2), Act of August 9, 1939, 53 Stat. 1291, 49 U. S. C. 1231. These regulations contain the procedural and substantive requirements relative to the seizure of vessels, vehicles, and aircraft in connection with contraband firearms, including forfeitures of such conveyances or firearms, the filing of claims therefor and petitions for remission or mitigation of forfeiture, and awards for seizures or furnishing information leading to forfeiture by persons not officers of the United States.

Regulations 1 (27 CFR, Part 1), as amended (26 CFR, Cum. Supp., 1944 Supp., 1945 Supp., Part 171), Basic Permits: Issuance and Proceedings to Revoke or Suspend, issued under the Federal Alcohol Administration Act, as amended. These regulations contain the procedural and substantive requirements relative to procuring basic permits by importers, producers, rectifiers, blenders, bottlers, warehousemen, and wholesalers of distilled spirits, wines, or malt beverages, including issuance, revocation, suspension, and annulment proceedings.

Regulations 2 (27 CFR, Part 2), Non-industrial Use of Distilled Spirits and Wine, issued under the Federal Alcohol Administration Act, as amended. These regulations contain the substantive requirements relative to the non-industrial use of distilled spirits and wine under the Federal Alcohol Administration Act, including distilled spirits in containers of a capacity of one gallon or less. No procedural requirements are prescribed.

Regulations 3 (27 CFR, Part 3), Bulk Sales and Bottling of Distilled Spirits, issued under the Federal Alcohol Administration Act, as amended. These regulations contain the substantive requirements relative to bulk sales and bottling of distilled spirits under the Federal Alcohol Administration Act, including the terms of warehouse receipts for distilled spirits in bulk. No procedural requirements are prescribed.

Regulations 4 (27 CFR, Part 4), as amended (27 CFR, Cum. Supp., Part 4), Labeling and Advertising of Wine, issued under the Federal Alcohol Administration Act, as amended. These regulations contain the procedural and sub-

stantive requirements relative to the labeling and advertising of wine under the Federal Alcohol Administration Act, including standards of identity for wine, standards of fill for containers of wine, and the issuance of certificates of label approval and certificates of exemption from label approval.

Regulations 5 (27 CFR, Part 5), as amended (27 CFR, Cum. Supp., Part 5), Labeling and Advertising of Distilled Spirits, issued under the Federal Alcohol Administration Act, as amended. These regulations contain the procedural and substantive requirements relative to the labeling and advertising of distilled spirits, including standards of identity for distilled spirits, standards of fill for bottled distilled spirits, and the issuance of certificates of label approval and certificates of exemption from label approval.

Regulations 6 (27 CFR, Part 5), Inducements Furnished to Retailers, issued under the Federal Alcohol Administration Act, as amended. These regulations contain the substantive requirements relative to the furnishing of equipment, fixtures, signs, supplies, money, services, or other things of value to retailers of distilled spirits, wine, and malt beverages, by other members of the liquor industry (principally vendors), including the furnishing of samples and advertising cuts. No procedural requirements are prescribed.

Regulations 7 (27 CFR, Part 7), as amended (27 CFR, Cum. Supp., Part 7), Labeling and Advertising of Malt Beverages, issued under the Federal Alcohol Administration Act, as amended. These regulations contain the procedural and substantive requirements relative to the labeling and advertising of malt beverages, including the withdrawal of imported malt beverages from customs custody and the issuance of certificates of label approval and release for imported malt beverages, and certificates of approval of labels for malt beverages domestically bottled or packed.

Regulations 8 (27 CFR, Cum. Supp., Part 8), Credit Period to be Extended to Retailers of Alcoholic Beverages, issued under the Federal Alcohol Administration Act, as amended. These regulations contain the substantive requirements relative to the credit period which may be extended to retailers of alcoholic beverages under the Federal Alcohol Administration Act. No procedural requirements are prescribed.

(b) *Procedure*—(1) *Collection of tax.* Taxes on liquors are paid principally by stamp. The stamps are purchased from the collector of internal revenue of the district and are attached to the containers of the liquors. In some cases the collector certifies to the payment of the tax or issues certificates of tax-payment in lieu of stamps. Such certifications are presented to the Government officer or are attached to the containers of the liquors. When the tax on liquors is not paid in the prescribed time and manner, the unpaid taxes are assessed against the taxpayer. Special tax stamps are issued to denote the payment of occupational taxes by liquor dealers and others. Such stamps are required to be posted in the taxpayer's place of business as evidence

of tax payment. Detailed information respecting the payment of taxes on liquors and the payment of occupational taxes by still manufacturers, brewers, rectifiers, dealers in liquors, and manufacturers of nonbeverage products as prerequisite for drawback under section 3250 (1), Internal Revenue Code, including the forms to be used and the procedure to be followed, is contained in the respective regulations described in paragraph (a) (3).

(2) *Claims for remission.* When the taxpayer claims that liquors on which tax has not been paid have been lost, and the tax thereon may be remitted, he may file claim for remission, setting out all the facts surrounding the loss, with the District Supervisor of the Alcohol Tax Unit of the district. Upon receipt of the claim, the district supervisor makes a factual determination and forwards the claim to the Commissioner for consideration. The Deputy Commissioner of the Alcohol Tax Unit notifies the District Supervisor of the allowance or rejection of the claim, and he in turn notifies the taxpayer. If the claim is rejected, the tax is assessed, and the collector of internal revenue issues to the taxpayer a notice and demand for payment of the tax.

(3) *Claims for abatement.* When the tax is assessed and the taxpayer thinks that the tax is not due under the law, he may file a claim in abatement of the tax on Form 843 with the collector of internal revenue of the district. Forms 843 may be procured from such collector. The collector forwards the claim to the Commissioner for consideration, and the collector may call upon the taxpayer to file a bond in double the amount of the tax in order to insure collection of the tax if the claim is rejected. When the claim is acted upon, both the taxpayer and the collector are notified of the allowance or rejection of the claim. If the claim is rejected, the collector again makes demand on the taxpayer for payment of the tax. See § 601.1 (d) (1).

(4) *Claims for refund.* The taxpayer may, after payment of the tax, file a claim for refund on Form 843 with the collector of internal revenue to whom the tax is paid. Such claim must be filed within four years after the date of payment of the tax. The collector forwards the claim to the Commissioner for consideration. If the claim is rejected, the taxpayer is notified of the rejection by registered mail, and he may then bring suit in the United States District Court or the Court of Claims for recovery of the tax. Such suits must be filed within two years from the date of the rejection notice. If the claim is allowed, an appropriate notice of allowance with a check for the amount of the refund and allowable interest is forwarded to the collector of internal revenue. The collector forwards the check to the taxpayer, unless he finds that there are other unpaid taxes outstanding against the taxpayer, in which event, delivery of the refund check to the taxpayer is held in abeyance pending payment of the unpaid taxes. See § 601.1 (d) (1).

(c) *Offers in compromise.* The statutes provide forfeitures and penalties for violation of the statutory re-

quirements relative to liquors, and authorize the Commissioner, with the approval of the Secretary of the Treasury, to compromise such liabilities. The Commissioner is also authorized to compromise tax liabilities where there is substantial doubt as to the taxpayer's liability or his ability to pay the tax. Persons desiring to submit offers in compromise of such liabilities, in order to avoid forfeiture or prosecution proceedings, and taxpayers who disclaim liability for taxes assessed, or claim inability to pay the taxes in full, may submit offers in compromise on Form 656 to the collector of internal revenue, or to a deputy collector, of the district. Form 656-C is used when the offer is payable in installments. Such offers are forwarded by the collector to the Commissioner for consideration. When the offer is acted upon, the collector and the district supervisor are notified of the acceptance or rejection of the offer, and the district supervisor in turn notifies the proponent. If the offer is rejected, the sum submitted to the collector is returned to the proponent and forfeiture, prosecution, or collection proceedings are resumed. If the offer is accepted, the taxpayer is notified and the case is closed. Acceptance of an offer in compromise of civil liabilities does not remit criminal liabilities, nor does acceptance of an offer in compromise of criminal liabilities remit civil liabilities. See § 601.1 (d) (3).

(d) *Additional claims procedure.* Claims for remission of tax on alcohol lost at industrial alcohol plants, bonded warehouses, and denaturing plants, and for losses of tax-free and specifically denatured alcohol at denaturing plants and at dealers and users' premises, must be prepared and filed in accordance with Regulations 3. See paragraph (a) (3). These regulations contain full information in respect to the procedure in the verification and examination of such claims.

Claims for remission of tax on distilled spirits lost at distilleries must be prepared and filed in accordance with Regulations 4 and 5 (see paragraph (a) (3)), which contain complete information respecting the procedure followed in verifying and examining such claims.

Claims for redemption or refund of bottled-in-bond stamps must be prepared and filed in accordance with Regulations 6 (see paragraph (a) (3)), which contain full information in respect thereto. Such claims must be for an amount of \$5.00 or more and must be filed within two years after the date of purchase of the stamps. The stamps for which redemption is claimed must be surrendered with the claim, or proof of destruction must be submitted.

Claims for remission of tax on wines lost at wineries and bonded storerooms and for the redemption of wine stamps must be filed in accordance with Regulations 7. See paragraph (a) (3). These regulations contain the procedure respecting such claims.

Claims for losses of spirits at bonded warehouses, other than by leakage and evaporation, and for losses of spirits withdrawn free of tax for exportation, etc., must be prepared and filed in accordance with Regulations 10. See

paragraph (a) (3). These regulations contain full information relative to the investigation and consideration of such claims.

Claims for redemption of red strip stamps for bottles of tax-paid spirits must be prepared and filed in accordance with Regulations 11. See paragraph (a) (3). Such claims must be filed with the collector of internal revenue within two years from the date the stamps were purchased, and the stamps must be surrendered with the claim or proof of destruction must be submitted. Regulations 11 contain the procedure respecting the filing and handling of such claims. Procedure respecting the exchange or refund of such stamps purchased by rectifiers is contained in Regulations 15. See paragraph (a) (3).

Claims for losses of rum and specially denatured rum at denaturing bonded warehouses and in transit after removal from the warehouse must be prepared and filed in accordance with Regulations 16 (see paragraph (a) (3)), which set out the procedure followed in the handling and consideration of such claims.

Claims for refund of tax paid on spoiled beer destroyed in the brewery bottling house must be prepared and filed in accordance with Regulations 18. See paragraph (a) (3). Such claims must be filed within ninety days after the destruction of the beer or its return to the brewery for reconditioning.

Claims for remission of tax on low wines (distilled spirits) lost at vinegar plants producing vinegar by the vaporizing process must be prepared and filed in accordance with Regulations 19 (see paragraph (a) (3)), which regulations set forth the procedure in the handling of such claims.

Claims for abatement or refund of occupational taxes and penalties erroneously assessed or collected, and claims for redemption of special tax stamps for occupational taxes, must be prepared and filed in accordance with Regulations 20. See paragraph (a) (3). When claim for redemption of a special tax stamp is filed, the stamp must be surrendered with the claim and the claim must be submitted within four years from the date of payment of the tax.

Claims for drawback of tax paid on stills manufactured for export and actually exported must be prepared and filed in accordance with Regulations 23 (see paragraph (a) (3)), which regulations set forth the procedure to be followed and the forms to be used.

Claims for drawback of taxes paid on (1) domestic alcohol used in the manufacture of flavoring extracts, medicinal or toilet preparations which are exported, (2) distilled spirits and wines bottled especially for export and actually exported, and (3) distilled spirits exported in distillers' original packages, must be prepared and filed in accordance with Regulations 28. See paragraph (a) (3). These regulations contain full information in respect to the procedure to be followed, the forms to be used, the time within which the claims must be filed, and the supporting documents which must be submitted with the claims.

Claims for drawback of tax on domestic distilled spirits used in the manu-

facture or production of medicine, medicinal preparations, food products, flavors, or flavoring extracts, which are unfit for beverage purposes, must be prepared and filed in accordance with Regulations 29. See paragraph (a) (3). Such claims must be filed within the three months next succeeding the quarter in which the spirits are used. Regulations 29 contain full information respecting the preparation of such claims, the supporting documents to be filed therewith, the verification of the claims by the district supervisor, and the action on the claims by the Commissioner.

(e) *Rulings.* Any person who is in doubt as to any matter arising in connection with his operations or transactions with respect to liquors may secure a ruling thereon by addressing a letter to the Deputy Commissioner, Alcohol Tax Unit, Bureau of Internal Revenue, Washington 25, D. C., or to the district supervisor of the district in which his business is located. Requests for such rulings may also be made by telegraph or telephone, or in person, at the offices of these officials.

(f) *Conferences.* Any person desiring a conference in the office of the district supervisor of his district or of the Deputy Commissioner, Alcohol Tax Unit, in Washington, relative to any matter arising in connection with his operations will be accorded such a conference upon request. No formal requirements are prescribed for such conference.

(g) *Attorneys and agents.* Attorneys and agents representing taxpayers before the Bureau, in the office of the Deputy Commissioner in charge of the Alcohol Tax Unit, or in the offices of district supervisors or investigators in charge, must be enrolled to practice before the Treasury Department and be authorized by power of attorney, filed with the Bureau, to represent the taxpayer in the matter under discussion. See section 601.

(h) *Form.* For form to be used, see paragraph (a) (3).

§ 601.9 *Tobacco taxes*—(a) *Introductory*—(1) *Imposition of tax.* Chapter 15, Subchapter A, of the Internal Revenue Code imposes certain taxes on cigars, cigarettes, tobacco, and snuff manufactured in or imported into the United States, and upon cigarette papers and cigarette tubes sold by the manufacturer or importer.

(2) *Rules.* Rules bearing upon the function of the Bureau, the forms used, etc., in connection with these taxes are contained in the following regulations:

(i) Regulations 8, relating generally to the taxes on tobacco, snuff, cigars and cigarettes, cigarette papers and tubes, and to the purchase and sale of leaf tobacco (26 CFR, Cum. Supp., Part 140), as amended (26 CFR, 1943 Supp., 1944 Supp., 1945 Supp., Part 140, T. D. 5509, 11 F. R. 4523).

(ii) Regulations 34, relating in part to the withdrawal of tobacco, snuff, cigars and cigarettes from factories, free of tax, for use of the United States (26 CFR, Cum. Supp., Part 450), as amended (26 CFR, 1943 Supp., 1944 Supp., 1945 Supp., Part 450).

(iii) Regulations 73, relating in part to the exportation of tobacco products

without payment of tax, to shipments of such products to possessions of the United States, and to drawback of tax paid on tobacco products exported to foreign countries or shipped to possessions of the United States (26 CFR, Part 451).

(iv) Regulations 76, relating to shipment or delivery of manufactured tobacco, snuff, cigars, or cigarettes for use as sea stores without payment of tax (26 CFR, Cum. Supp., Part 141).

(b) *Special registration and bonding requirements.* On commencing business and thereafter on the first day of July of each year, every dealer in leaf tobacco, manufacturer of tobacco, snuff, cigars, or cigarettes, and peddler of tobacco must register with the collector of the district his name or style, place of residence, and place where the business is carried on. The form prescribed for registration is Form 277, copies of which may be obtained from collectors of internal revenue. Every person required to so register must, at the time of commencing business, execute a bond, in duplicate, on the prescribed form and in such amount as is required by Regulations 8, referred to in paragraph (a) (2) (i). When the application for registration and the bond are received and approved by the collector, the collector will issue to the person named in the application a certificate of registry. This certificate of registry must be posted in accordance with the requirements of Regulations 8.

(c) *Tax collection.* The taxes on cigars, cigarettes, tobacco, and snuff are paid by stamps affixed to the box or package, and are due upon withdrawal of domestic products from the factory and withdrawal of imported products from customs custody, or upon sale prior to withdrawal. Information returns are required to be filed with the collector of internal revenue of the district in which the taxpayer is located, on or before the 10th day of the month following the month in which domestic products are withdrawn from the factory. Such returns show the quantities of tobacco, tobacco products, leaf tobacco, and internal revenue tobacco stamps handled. In addition to the monthly information returns, each manufacturer and leaf tobacco dealer is required to prepare on the prescribed form and submit to the collector a true inventory of the materials on hand, finished and unfinished, at commencement of business, on January 1 of each year, and at the time of discontinuing business. The collector, after abstracting for his record the information contained on the returns and the inventories, forwards them to Washington, D. C., for examination and audit.

The taxes on cigarette papers and tubes, unlike the taxes on tobacco and tobacco products (see paragraph (a) (1)), are sales taxes payable by the manufacturer or importer upon sale to any person, other than to a manufacturer of cigarettes for use by him in the manufacture of cigarettes. The tax due on sales by manufacturers of cigarette papers is payable on the basis of monthly returns filed on Form 734 on or before the 10th day of the month following that in which the sales occur, while the tax

on sales by manufacturers of cigarette tubes is payable by stamp affixed at the time of sale to each package of cigarette tubes. Form 734 is also filed by manufacturers of tubes as an information return disclosing all sales during the preceding month. With respect to cigarette papers imported into the United States, importers are required to file a return on Form 735, covering each importation, accompanied by remittance of the amount of the tax. This form is also submitted as an information return covering each importation of cigarette tubes, showing the number of packages of tubes imported and the value of stamps affixed to the packages.

Detailed information as to the return forms, and all other forms, prescribed for use in connection with tobacco taxes are contained in the regulations referred to in paragraph (a) (2). Copies of these regulations, together with copies of all necessary forms and instructions as to their preparation and filing, may be obtained from the office of the collector of internal revenue for the district in which the taxpayer is located. (See list of locations of collectors' offices in § 600.51 (d).)

(d) *Rulings.* The procedure to be followed in securing a ruling on any question arising in connection with the tobacco taxes is the same as that set forth in § 601.6 (b) (2).

(e) *Proposed assessments of additional or delinquent taxes.* When additional or delinquent tobacco tax liability is discovered, the procedure followed in the same as that applicable in the case of sales taxes. See § 601.6 (c).¹

(f) *Administrative remedies available to taxpayers after the purchase of tobacco tax stamps or after assessment or payment of tobacco taxes—(1) Redemption of stamps.* Tobacco tax stamps which have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake may have been improperly or unnecessarily used, or have been used in excess of the amount of tax actually due, or affixed to tobacco products withdrawn from the market, may be redeemed by the owner upon proper claim filed with the collector. Such claims must be prepared on Form 843 in accordance with the instructions shown on the form and in Regulations 8, referred to in paragraph (a) (2) (i). Copies of Form 843 are obtainable from offices of collectors of internal revenue.

(2) *Drawback claims.* Section 2136 of the Internal Revenue Code permits the filing by exporters of claims for drawback of internal revenue taxes paid by stamp on tobacco, snuff, cigars and cigarettes which are exported. The form used for this purpose is Form 901, copies of which are obtainable from collectors' offices. As a condition precedent to the allowance of any such drawback claim, the exporter is required to file a bond in a penal sum double the amount

for which the claim is made conditioned that he will furnish satisfactory evidence that the tobacco products have been landed at a port outside the jurisdiction of the United States, or that the shipment was lost at sea, and has not been relanded within the limits of the United States.

(3) *Claims for abatement or refund.* Where a tobacco stamp tax is not paid by stamp but the amount thereof is assessed, the person against whom the assessment is made may file a claim for abatement of the tax or a claim for refund for any part of the assessment which has been paid. In either case, the procedure to be followed by the claimant is the same as that set forth in the case of claims for abatement or refund of sales taxes, as described in § 601.6 (d). All claims for refund of tobacco taxes paid pursuant to an assessment must be filed within four years after payment of the tax.

Detailed instructions as to the requirements necessary to be complied with in connection with the filing of claims for redemption, drawback, and refund are fully set forth in the regulations referred to in paragraph (a) (2).

(g) *Offers in compromise.* The procedure in the case of offers in compromise of liability for tobacco taxes is the same as that set forth in § 601.6 (e), applicable to sales taxes.

(h) *Description of forms.* The forms prescribed and furnished by the Bureau for use in connection with tobacco taxes are as follows:

Form 33. Affidavit of Individual Surety on Bond. Personal sureties on bonds (for which there must be two) must qualify by executing affidavit on this form, in triplicate.

Form 36. Tobacco and Snuff Manufacturer's Statement. Rendered in duplicate to collector by manufacturer before commencing business and in case of removal or change in bonded premises of factory, showing complete description of premises and equipment to be used.

Form 36½. Cigar and Cigarette Manufacturer's Statement. Rendered in duplicate to collector by manufacturer before commencing business and in case of removal or change in bonded premises of the factory, showing precise description of manufactory; also number of cigar makers, make and number of machines, and for whom cigars are to be manufactured.

Form 40. Tobacco and Snuff Manufacturer's Bond. Executed by manufacturer and submitted to collector in duplicate, before commencing business, or when factory is transferred to another district.

Form 59. Record of Dealer in Leaf Tobacco. Record in which dealer shall report all leaf tobacco received and shipped each day by the dealer. To be kept at dealer's registered and bonded place of business and open to inspection by revenue officers at all times.

Form 62. Tobacco and Snuff Manufacturer's Monthly Return. Return on which manufacturer shall report tobacco materials of all classes received and shipped each day during month, total manufactured tobacco of each class and snuff on hand at the beginning and close of the preceding month, manufactured and removed, both tax-paid and tax-free, during the month, also tobacco and snuff stamps on hand, purchased and used during the month. The return is an abstract of the manufacturer's revenue book, Form 74.

Form 62-A. "Quasi" Tobacco Manufacturer's Monthly Return. Abstract of Form 74. Used by manufacturers of tobacco who

¹ Unlike the sales taxes, however, the notice of the proposed additional assessment forwarded to the taxpayer in the case of the tobacco taxes is required by specific statutory provision. (See sections 2002 (b) (1) and 2060 of the Internal Revenue Code.)

do not produce a taxable product, for reporting tobacco materials of all classes received and shipped each day.

Form 70-A. Inventory—Manufacturer of Tobacco and Snuff. Made annually on January 1, or at time of commencing and at time of concluding business, and when new bond is filed by manufacturer and submitted to collector.

Form 70-B. Inventory—Manufacturer of Cigars and Cigarettes. Made annually on January 1, or at time of commencing and at time of concluding business, and when new bond is filed by manufacturer and submitted to collector.

Form 72—Part 1. Cigar Manufacturer's Monthly Return. Rendered on or before the 10th day of succeeding month by manufacturer to collector. Shows tobacco materials of all classes received and shipped, large cigars manufactured and removed (tax-paid and tax-free) each day during preceding month, also total cigars and value of stamps on hand beginning and close of month and value of stamps purchased and used during month. Return is abstract of manufacturer's revenue book, Form 73, Part 1.

Form 72—Part 2. Cigar Manufacturer's Monthly Return. Rendered in same manner as Form 72, Part 1, and shows similar information on small cigars, large and small cigarettes when such articles are produced. This return is abstract of manufacturer's revenue book, Form 73, Part 2.

Form 73—Part 1. Book To Be Kept by Manufacturer of Large Cigars. Daily account of all material received in and removed from factory; large cigars and large cigar stamps on hand beginning of each month, large cigars manufactured and removed (tax-paid and tax-free), large cigar stamps purchased and used each day, also a recapitulation of the large cigars and stamps for the month.

Form 73—Part 2. Book to be kept by manufacturer of small cigars, large and small cigarettes, in a manner similar to Form 73, Part 1.

Form 74. Book To Be Kept by Manufacturers of Tobacco and Snuff. Daily account of all classes of materials received into and removed from factory; tobacco and snuff manufactured and removed and stamps purchased and used.

Form 75. Tobacco Peddler's Statement. Rendered by peddler to collector before commencing business. Should set forth his place of residence, States through which he intends to travel, and persons for whom he sells.

Form 111. Tobacco Peddler's Bond. To be executed by every peddler of tobacco before commencing business. Bond forfeited if principal sell manufactured tobacco products, except in original and full packages as put up by the manufacturer.

Form 152. Cigarette Manufacturer's Record of Nontaxpaid Cigarette Tubes Received, on Hand, and Used. Kept by manufacturer showing date of receipt of tubes, persons from whom purchased, number of tubes on hand at beginning and close of each month, and number used each day.

Form 168. Order for Stamps—Cigars—Large—Various Classes. Executed by manufacturer for stamps desired, and submitted with remittance to collector.

Form 172. Order for Stamps—Tobacco. Executed by manufacturer for stamps desired, and submitted with remittance to collector.

Form 173. Order for Stamps—Snuff. Executed by manufacturer for stamps desired, and submitted with remittance to collector.

Form 177. Schedule of Stamps. To be used to report stamps affixed to packages of manufactured tobacco products withdrawn from the market after removal from factory or customhouse, removed and presented for redemption or destroyed under internal revenue supervision.

Form 178. Statement of Stamps Returned for Redemption—Tobacco, etc. This form to

be used for reporting unused or spoiled stamps returned for redemption.

Form 277. Return for Registry, Manufacturers of Tobacco Products, Dealers in Leaf Tobacco, and Peddlers of Tobacco. Shows name and address, place of business. Is required to be filed on commencing business, annually in month of July thereafter and whenever any change in ownership or location is made.

Form 542. Consent of Sureties on Bonds of Cigar, Cigarette, Tobacco or Snuff Manufacturers or Dealers in Leaf Tobacco. To cover changes in factory premises or leaf storage places, trade name, or to removal of factory or place of business. Executed in duplicate by sureties and submitted by manufacturers and dealers with new statements on Form 36, 36½, or 772, where factories or storage places are changed, closed, or opened.

Form 549. Export Bond. Filed in duplicate by manufacturer with collector. Covers exportation of tobacco products without payment of tax.

Form 549-A. Tobacco Sea Stores Bond. Filed in duplicate by manufacturer with collector. Covers shipment or delivery of tobacco sea stores without payment of tax.

Form 549-B. Tobacco Sea Stores Warehouse Bond. Filed in duplicate by proprietor of the warehouse with collector. Covers storage of tobacco products removed from factories without payment of tax and withdrawal for consumption beyond the jurisdiction of the internal revenue laws of the United States.

Form 550. Application for Withdrawal and Entry for Exportation. Submitted in triplicate by manufacturer to collector showing description of articles to be exported.

Form 550-A. Application for Withdrawal of Tobacco Products From Factory for Use as Sea Stores. Submitted in quadruplicate by manufacturer to collector, showing full description of articles to be withdrawn.

Form 550-B. Application for Withdrawal of Tobacco Products From Bonded Warehouse for Use as Sea Stores. Submitted in quintuplicate by the proprietor of the bonded sea stores warehouse to collector, showing description of articles to be withdrawn.

Form 550-C. Monthly Report of Proprietor of Tobacco Sea Stores Warehouse. Report rendered monthly by the proprietor of the bonded sea stores warehouse, in duplicate, to the collector, showing tobacco manufactures received in and withdrawn from bonded warehouse during month and on hand at beginning and close of month.

Form 664. Application for Withdrawal of Articles From Factory, Free of Tax, for Use of the United States. Executed in duplicate by manufacturer and submitted to collector for each intended withdrawal.

Form 667. Certificate of Receipt of Articles Withdrawn From Factory, Free of Tax, for Use of the United States. Executed in duplicate by Government receiving officer to manufacturer after inspection of each shipment of tax-free products. Manufacturer must file both copies with collector within 30 days from date of withdrawal.

Form 668. Application for Permit to Remove Tobacco, etc., from factory and Collector's Permit for such removal. Filed in duplicate with collector by manufacturer, approved by collector and original as permit returned to manufacturer.

Form 734. Monthly Return of Manufacturer of Cigarette Paper and Tubes. Monthly return of tax paid on cigarette paper made up into packages, books, and sets and sold by the manufacturer; cigarette tubes removed tax-free and tax-paid by stamp, filed with collector by each manufacturer, on or before the 10th day of the succeeding month.

Form 735. Return by importer of tax paid on cigarette paper and cigarette tubes imported into the United States. Return is filed with collector by the importer covering each importation.

Form 771. Bond of Dealer in Leaf Tobacco. Executed in duplicate by dealer in leaf tobacco with surety satisfactory to collector before commencing business, upon change in principal, or when increase in penal sum is required due to increased liability.

Form 772. Statement of Dealer in Leaf Tobacco. Executed in duplicate by dealer in leaf tobacco before commencing business or when changes are made in places of storage and submitted to collector, showing address of place of business and exact location of each place of storage of tobacco.

Form 774. Tobacco Invoice. Executed by dealers in leaf tobacco and manufacturers of tobacco products for each shipment or importation of tobacco or tobacco received from farmers.

Form 775. Monthly Report of Dealer in Leaf Tobacco. Rendered at close of each month by dealer in leaf tobacco, reporting transactions, in leaf tobacco, shown by invoices on Form 774 attached. Original of entries in record, Form 59.

Form 776. Inventory of Dealer in Leaf Tobacco. Rendered to collector January 1, each year, or at time of commencing and at time of concluding business by dealer in leaf tobacco.

Form 777. Bond for use of Cigarette Tubes by Cigarette Manufacturer. Executed in duplicate by manufacturer of cigarettes receiving tax-free cigarette tubes for use in manufacturing cigarettes and submitted to collector.

Form 778. Cigarette Manufacturer's Cigarette Tube Monthly Return. Rendered at close of each month by manufacturer of cigarettes received and using tax-free cigarette tubes, showing all tubes received, and on hand, and used during the month.

Form 901. Claim for Allowance of Drawback of Internal Revenue Tax Paid on Tobacco, Snuff, Cigars, or Cigarettes Exported, and Entry for Exportation Thereof. Filed in quadruplicate by claimant with collector; deputy supervises destruction of stamps.

Form 902. Bond for Drawback of Internal Revenue Tax Paid on Tobacco, Snuff, Cigars or Cigarettes Exported. Filed in duplicate with collector.

Form 923. Order for Stamps—Imported Manufactures. Executed by Customs officer, delivered to importer who tenders to collector with remittance for stamps to be affixed to packages of imported tobacco manufactures.

Additional forms applicable generally. For a list and description of additional forms prescribed by the Bureau for use in connection with internal revenue taxes generally, see § 601.1 (f).

§ 601.10 **Miscellaneous Excise Taxes Collected By Sale of Revenue Stamps—**
(a) **Introductory.** The miscellaneous excise taxes collected by the sale of revenue stamps may be grouped into the following three general classes: (1) documentary stamp taxes, (2) commodity stamp taxes, and (3) occupational stamp taxes. A brief description of each of these three classes, together with a reference to the applicable rules bearing upon the functioning of the Bureau, the forms used, etc., in the case of each tax, is set forth in the paragraphs which follow.¹

(b) **Documentary stamp taxes—**(1) **Capital stock, bonds, deeds of conveyance, foreign insurance policies, and passage tickets.** Chapter 11, Subchapter A, of

¹The descriptive terms used to designate the various transactions, commodities, occupations, etc., subject to tax are intended only to indicate their general classes. For specific information as to the scope of each tax, reference should be had to the applicable regulations.

the Internal Revenue Code imposes certain taxes on issues of corporate bonds, debentures, certificates of indebtedness, capital stock and similar interests; on sales and transfers of capital stock and similar interests; on foreign insurance policies; and on passage tickets. Chapter 31 of the Internal Revenue Code also imposes a tax on all sales or transfers of corporate bonds, debentures, and certificates of indebtedness, and on deeds of conveyance of realty sold. See Regulations 71 (26 CFR, Cum. Supp., Part 113), as amended (26 CFR, 1943 Supp., Part 113).

(2) *Silver bullion.* Chapter 11, Subchapter A, Section 1805 of the Internal Revenue Code also imposes a tax on the net profit realized on the transfer of any interests in silver bullion, subject to certain exemptions and abatements to registered dealers and producers. See Regulations 85 (26 CFR, Cum. Supp., Part 112), as amended (26 CFR, 1943 Supp., Part 112), as prescribed and made applicable to the Code by Treasury Decision 4887 (26 CFR, 1943 Cum. Supp., Part 112), approved by the President February 11, 1939.

(3) *Cotton futures.* Chapter 14 of the Internal Revenue Code imposes a tax on each contract of sale of any cotton for future delivery. See Regulations 36, (26 CFR, Part 110).

(c) *Commodity stamp taxes*²—(1) *oleomargarine, etc.* Chapter 16 of the Internal Revenue Code imposes certain taxes with respect to oleomargarine and adulterated and process or renovated butter. Chapter 27, Subchapter A, of the Code also imposes certain occupational taxes on manufacturers of, and wholesale and retail dealers in oleomargarine, and adulterated and process or renovated butter. See Regulations 9 (26 CFR, Cum Supp., Part 310), as amended (26 CFR, 1945 Supp., Part 310).

(2) *Filled cheese.* Chapter 17 of the Internal Revenue Code imposes a tax with respect to filled cheese. Chapter 27, Subchapter A, section 3210 of the Code also imposes an occupational tax on manufacturers of, and wholesale and retail dealers in, filled cheese. See Regulations 22, (26 CFR, Part 301).

(3) *Opium, etc.* Chapter 23, Subchapter A, of the Internal Revenue Code imposes a tax upon opium, etc., produced in or imported into the United States, and sold, or removed for consumption or sale. Chapter 27, Subchapter A, section 3220 of the Code also imposes an occupational tax on (1) importers, manufacturers, or producers of opium, etc.; (2) wholesale and retail dealers in such narcotics; (3) physicians, dentists, veterinary surgeons and other practitioners dispensing them; and (4) persons engaged in research, instruction, or analysis and persons not otherwise taxed dispensing

preparations containing such narcotics. See Regulations 5 (26 CFR, Cum. Supp., Part 151), as amended (26 CFR, 1944 Supp., Part 151, and T. D. 37 (Narcotic), 11 F. R. 298).³

(4) *Opium for smoking purposes.* Chapter 23, Subchapter B, of the Internal Revenue Code imposes a tax upon all opium manufactured in the United States for smoking purposes. See Regulations 3 (26 CFR, Part 150).³

(5) *Marihuana.* Chapter 23, Subchapter C, of the Internal Revenue Code imposes a tax upon all transfers of marihuana. Chapter 27, Subchapter A, section 3230 of the Code also imposes an occupational tax with respect to marihuana on similar classes of persons as those enumerated above in connection with opium, etc. See Regulation 1 (26 CFR, Part 152).³

(6) *Machine guns and short-barrelled firearms.* Chapter 25, Subchapter B, of the Internal Revenue Code imposes a tax upon machine guns and certain types of short-barrelled firearms transferred in the continental United States. Chapter 27, Subchapter A, section 3260 of the Code also imposes an occupational tax upon every importer, manufacturer, dealer, and pawnbroker in such guns and firearms. See Regulations 88 (26 CFR Cum. Supp., Part 319), as amended (26 CFR, 1945 Supp., Part 319, T. D. 5501, 11 F. R. 2770).⁴

(7) *Playing cards.* Chapter 11, Subchapter A, of the Internal Revenue Code imposes a tax on playing cards manufactured or imported, and sold, or removed for consumption or sale. See Regulations 66, (26 CFR, Part 305).

(8) *White phosphorus matches.* Chapter 24 of the Internal Revenue Code imposes a tax upon white phosphorus matches. See Regulations 32, (26 CFR, Part 300).

(d) *Occupational stamp taxes.* Chapter 27, Subchapter A, Sections 3267 and 3268 of the Internal Revenue Code impose certain occupational taxes with respect to coin-operated amusement or gaming devices and bowling alleys, billiards and pool tables. See Regulations 59 (26 CFR, Cum. Supp., Part 323), as

³These regulations are issued jointly by the Bureau of Internal Revenue and the Bureau of Narcotics, which agencies share responsibility for the administration and enforcement of the narcotic taxes.

⁴In addition to the administration of the taxes with respect to machine guns and certain types of short-barrelled firearms, the Bureau of Internal Revenue is also charged with the administration of the Federal Firearms Act (52 Stat. 1250). This Act is not a revenue measure but is a licensing statute and its provisions are not codified in the Internal Revenue Code. The act makes it unlawful for any manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of the act, to transport, ship, or receive any firearms or ammunition in interstate or foreign commerce. Rules bearing upon the functioning of the Bureau, the forms used, etc., in connection with this Act are contained in Treasury Decision 4898, as amended, (26 CFR, Cum. Supp., Part 315). The procedure to be followed in making application for a license and all other requirements imposed under the act upon manufacturers and dealers in firearms and ammunitions are set forth in such Treasury decisions.

amended, (26 CFR, 1944 Supp., Part 323).

(e) *General procedure*—(1) *Tax collection.* The documentary and commodity stamp taxes are paid by having affixed to the document, memorandum of sale, policy, package, container, etc., an internal revenue adhesive stamp or stamps in an amount equal to the tax due and by thereafter cancelling such stamps in the manner prescribed. Payment of occupational taxes is evidenced by the posting or displaying of a special occupational tax stamp on the premises where the business is operated. The stamps used for such purposes are prepared and distributed by the Bureau through collectors of internal revenue.

Documentary taxes are payable with respect to every transaction, i. e., each issue, sale, transfer, etc., of the instrument subject to tax. Commodity taxes are payable with respect to the manufacture, importation, or transfer, as the case may be, of the contents of each package or container. Occupational taxes are payable annually for the privilege of doing business beginning with July 1 of each year, when the taxpayer is in business on that date, or from the beginning of the month in which the business is commenced on a pro rata basis.

Documentary stamps may be purchased from (1) collectors of internal revenue and duly authorized deputy collectors; (2) postmasters in all post offices in the first and second classes and such post offices of the third and fourth classes as are located in county seats; and (3) designated depositories of the United States. Commodity and occupational tax stamps may be purchased only from collectors and duly authorized deputy collectors. Such purchases may be made only upon the filing of the prescribed requisition, application, or other form and from an official authorized by law to sell such stamps. Payment for such stamps must be made by means of cash, post office money order or certified check. In situations (1) where the instruments, documents, commodities, etc., subject to stamp tax are no longer in existence or (2) where, for other reasons, such instruments, documents, etc., cannot be stamped, or (3) where it is discovered that occupational tax stamps are due for prior taxable years, or (4) where a taxpayer, after being advised of his liability, refuses to affix stamps, the tax is collected by assessment. See § 601.1 (b).

Detailed information as to the persons liable for tax, the forms of stamps, the prescribed applications or requisitions, and all other forms required in connection with miscellaneous excise taxes payable by revenue stamps is contained in the regulations referred to in previous subsections. Copies of these regulations, together with copies of all necessary forms and instructions as to their preparation and filing, may be obtained from the office of the collector of internal revenue for the district in which the taxpayer is located. (See list of location of collectors' offices in § 600.51 (d)).

(2) *Rulings.* The procedure to be followed in securing a ruling with respect to any miscellaneous excise tax collected by means of a revenue stamp is the same

²In a number of instances, where a stamp tax has been imposed with respect to a particular commodity, an occupational tax has also been levied on manufacturers, dealers, etc., in such commodity. In these cases, for the sake of brevity, and because the occupational tax is treated in the same regulations with the commodity tax, both taxes are described under the "commodity stamp tax" classification.

as that set forth in § 601.6 (b) (2) relating to sales taxes.

(f) *Liability for additional or delinquent tax.* When liability for additional or delinquent tax is disclosed by the taxpayer or is discovered as a result of an examination of the taxpayer's books and records, payment thereof is evidenced by means of the prescribed stamp if the document, commodity, etc., is still in existence or, in the case of an occupational tax, if the liability is for the current period. Where the documents, commodities, etc., are no longer in existence, or where the taxpayer refuses to affix or purchase the stamps or where, in the case of an occupational tax, the liability is for a prior taxable period, the additional or delinquent tax is assessed in the same manner as sales taxes, as set forth in § 601.6 (c). Whether the liability is proposed to be asserted by requiring the taxpayer to affix or purchase stamps or by making an assessment of the tax, the same opportunity for protest or conference is accorded him.

(g) *Administrative remedies available to taxpayers after purchase of documentary, commodity, or occupational tax stamps or after assessment and/or payment of tax—(1) Redemption of stamps.* Where stamps have been rendered useless by gumming or sticking together in transit or otherwise without fault of the purchaser, they may be exchanged by a collector of internal revenue for other stamps of the same quantity and denomination. Stamps which have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake have been improperly or unnecessarily used, or have been used in excess of the amount of tax actually due, may be redeemed upon proper claim filed with the collector. All such claims must be prepared on Form 843 (see § 601.1 (f)) and must be filed with the collector for the district in which is located the principal office of the claimant, or if he has no such office, with the collector for the district in which he resides. The claim must be filed within four years after the date of purchase of the stamps from the Government. The stamps either must be submitted with the claim, or if it is impracticable to remove them from the instruments, documents, etc., to which they are attached they must be presented to a deputy collector or other internal revenue representative who will write on the face of the stamps the words "Claim for refund filed," and attach to the claim a statement showing that such endorsement has been made. In any case where the actual date of purchase of the stamps from the Government cannot be given, it must be definitely shown in the claim whether they were so purchased within four years prior to the date of filing of the claim. Once filed, a claim for redemption follows the same channels as do claims for refund of sales taxes, as set forth in § 601.6 (d) (2).

(2) *Claims for abatement or refund.* Where a stamp tax is not paid by stamp but the amount thereof is assessed, the person against whom the assessment is made may file a claim in abatement of the tax or a claim for refund for any part

of the assessment which has been paid. In either case, the procedure to be followed by the claimant is the same as set forth in the case of claims for abatement or refund of sales taxes, as described in § 601.6 (d). All claims for refund of stamp tax paid pursuant to an assessment must be filed within four years next after payment of the tax.

Detailed instructions as to the manner in which claims for redemption of stamps and for abatement or refund of stamp taxes should be prepared and filed are contained in the various regulations listed in paragraphs (b), (c), and (d).

(h) *Offers in compromise.* The procedure in the case of offers in compromise of liability for miscellaneous excise taxes collected by stamp is the same as that set forth in § 601.6 (e), applicable to sales taxes.

(i) *Provisions Special to the Documentary, Commodity, and Occupational Stamp Taxes—(1) Documentary Stamp taxes.* Every person engaged in any of the following businesses or activities is required to register with the collector of internal revenue for such district in which such business or activity is conducted: (1) negotiating, making, or recording sales or transfers of stock, bonds, etc.; (2) conducting or transacting a stock or bond brokerage business; (3) accepting or procuring the transmission of orders for the purchase or sale or transfer of stocks, etc., to be executed at a stock or bond brokerage office or an exchange or similar place; (4) transferring stock, bonds, etc., other than his own; and (5) conducting an exchange or clearing house, or clearing association, for the clearing, adjusting and settling of transactions made on exchanges or similar places.

A statement for such registration is required to be made under oath on Form 741 procurable from collectors of internal revenue. The statement must set forth specifically the character of the business, the name under which it is operated, and the exact location. A concern having branches or agencies must file a statement in the district in which its principal office is located, showing the address of each branch office or agency and the name of the manager or agent thereof. A separate statement must also be filed in each of the other districts in which branches or agencies are maintained. The data shown in a statement covering a branch or agency must relate to such branch or agency rather than the principal office. For further information as to the proper execution of Form 741, see Regulations 71, referred to in paragraph (b).

Any person conducting a stock brokerage business who has registered with the collector as provided above may appoint some person to act as nominee in holding stock on his behalf. Also, any person acting in the capacity of a custodian may appoint some person to act as nominee in holding stocks or bonds on his behalf. The name of the person appointed as nominee of a broker or a custodian shall be registered with the collector for the district in which the principal place of business of the broker or the custodian is located. Substitution of a nominee may be effected by likewise

registering the name of the successor nominee. No special form is prescribed for use in registering a nominee.

Where proper registration statements have been filed, the collector will issue to such person a certificate of registration signed by him and setting forth the date of issue, the name of the person conducting the business and the nature of the business for which the certificate is issued. Such certificate must be kept at the place of business located within the district of the collector by whom the certificate is issued.

(2) *Commodity stamp taxes.* Provision is made for the withdrawal of oleomargarine, filled cheese, and playing cards from factories, free of tax, for the use of the United States. The procedure to be followed, the forms to be used, etc., in the case of such withdrawals are contained in Regulations 34, (26 CFR, Part 450), as amended (26 CFR, 1945 Supp., Part 450). Provision is also made for the exportation without payment of tax of oleomargarine, adulterated butter, and playing cards. The procedure to be followed, and the forms to be used, etc., in the case of such exportation are contained in Regulations 73, (26 CFR, Part 451), as amended (26 CFR, 1944 Supp., Part 451).

Every manufacturer of opium manufactured in the United States for smoking purposes must, before commencing business, furnish to the collector of the district in which his place of manufacture is located a notice on Form 268 and a bond on Form 269 with sureties satisfactory to the collector and in a penal sum of not less than \$100,000. There shall not be less than three personal sureties, each of whom shall qualify in the full amount of the bond. The collector on approving the bond will issue to the manufacturer a certificate on Form 270 which will specify the penal sum of the bond furnished. This certificate shall contain a transcript from the manufacturer's notice, Form 268, giving an accurate description of the factory premises. This certificate must be posted by the manufacturer in a conspicuous place within his manufactory. (See Regulations 3 referred to in paragraph (c) (4) hereof.)

(i) *Deception of forms.* The forms prescribed and furnished by the Bureau for use in connection with the miscellaneous excise taxes collected by sale of revenue stamps are as follows:

Form 11. Special-tax returns for use in making application for special tax stamps in connection with the carrying on of the business of a manufacturer of, or a retail or wholesale dealer in, oleomargarine, adulterated, process or renovated butter, and filled cheese. The return is to be filed annually for the fiscal year beginning with July 1 of each year or, where business is begun after the month of July, from the first day of the month in which such business is begun. The information required to be shown on the form includes the name and address of the taxpayer; the trade name if used; the kind of tax involved; the period involved; the nature of the application; and the signature and title of the person making the return. If the amount of tax involved is more than \$10, the return must be executed under oath. If the amount is \$10 or less, the return may be signed or acknowledged before two subscribing witnesses.

Form 11-B. Special-tax return for use in applying for special tax stamps for the operation of coin-operated amusement and gaming devices, bowling alleys, and billiard and pool tables. The requirements as to filing, the information to be shown on the form, and the manner of execution are the same as those with respect to Form 11, above.

Form 213. Form of notice for use by a manufacturer in giving notice to the collector before engaging in the business of manufacturing oleomargarine, adulterated and process or renovated butter, filled cheese, or white phosphorus matches. This notice must also be filed on the first day of July of each year thereafter by those continuing in business. The information required to be shown on the form includes the name of the product to be manufactured; the date; the name and address of the manufacturer; the site of the factory; a description of the land where the factory is located; a full description of the building or portion of the building to be used for the factory; the capacity of production for each twenty-four hours; and the signature of the applicant.

Form 214. Form of manufacturer's bond furnished by every manufacturer before commencing the business of manufacturing oleomargarine, adulterated and process or renovated butter, filled cheese and white phosphorus matches.

Form 215. Inventory to be filed by every manufacturer of oleomargarine, adulterated and process or renovated butter, filled cheese, and white phosphorus matches. This form is to be filed on the first day of July of each year, or at the time of commencing and at the time of concluding business, if before or after the first day of July. The information required to be shown on the form includes the name of the product to be manufactured; the name of the manufacturer; the factory number assigned by the collector; the internal revenue district; the location of the factory; the date of the inventory; the name of and the quantity of pounds of each of the different kinds of material held for use in manufacturing; the kind of product to be manufactured; the number and net weight of packages of the product on hand, both stamped and unstamped; the value of the stamps, both attached and unattached; the signature of the taxpayer; and a certificate as to the correctness of the inventory as verified by a deputy collector from a personal examination.

Form 216. Monthly return for use by manufacturer of oleomargarine, adulterated and process or renovated butter, and filled cheese. The information required to be shown on the return includes the name of the product to be manufactured; the name and place of business of the manufacturer; the month for which the return is filed; the new stock or manufactured account; the materials used during the month; the returned stock account; the stamp account and the signature of the taxpayer. The return is required to be made under oath.

Form 216a. Supplemental sheet to Form 216 to be used in listing the names and addresses of the consignees to whom the taxable product is being shipped and the quantity in pounds.

Form 217. Monthly return of wholesale dealer in oleomargarine, adulterated and process or renovated butter, and filled cheese. The information required to be shown on this form includes the name and place of business of the wholesale dealer; the month for which the return is filed; the total quantity of the commodity on hand at the beginning of the month, received during the month and returned goods received; the total quantity of the commodity disposed of during the month and the balance on hand at the end of the month; a transcript of the individual receipts showing date of invoice, name and address of consignor, whether

manufacturer or wholesale dealer, and the quantity in pounds; and the signature of the dealer. This form must be executed under oath.

Form 217a. Supplemental sheet to Form 217 to be used in reporting disposals of the commodity dealt in. The information required to be shown includes the date of invoice; the name and address of the consignee; and the quantity shipped.

Form 218. Stamp order form for use in ordering oleomargarine, adulterated and process or renovated butter, filled cheese and playing cards commodity tax stamps. The information required to be shown on the form includes kind of stamp desired; the factory number assigned by the collector; the address of the collector of internal revenue; the date of the order; how the stamps are to be sent; to whom, and the address to which, the stamps are to be sent; the denomination of the stamp; the number and value of the stamps and the total amount involved.

Form 268. Form of notice for use by a manufacturer in giving notice to the collector before engaging in the business of manufacturing opium for smoking purposes. This form also must be filed upon any change in location. The information required to be shown on the form includes the name and address of the manufacturer; the number and description of the place where the opium will be manufactured; the number and kind of utensils, machines or other apparatus kept on the premises for use in the manufacture of the opium; and the signature of the person filing the notice. This form is required to be executed under oath.

Form 269. Form of manufacturer's bond furnished by every manufacturer of smoking opium before commencing business.

Form 270. Form of certificate issued by the collector after receiving the notice on Form 268 and approving the bond on Form 269 of a manufacturer of smoking opium. The certificate is required to contain a transcript from the manufacturer's notice on Form 268, giving an accurate description of the factory premises. The certificate must be posted by the manufacturer in a conspicuous place within his manufactory.

Form 271. Form of book to be kept by a manufacturer of smoking opium. The information required to be shown on the form includes a record of the materials on hand, as per inventory, on the first day of January of each year, or at the time of commencing or concluding business; materials and smoking opium purchased or received into the factory; materials sold or returned; prepared smoking opium manufactured, sold or removed; smoking opium stamps purchased and used; and the name, factory number and internal revenue collection district of the manufacturer.

Form 272. Inventory of manufacturer of smoking opium to be filed with the collector on the first day of January of each year, or at the time of commencing or concluding business, if before or after the first of January. The information required to be shown on the form includes the quantity of opium, crude or gum, on hand; the quantity of other materials on hand; the quantity of manufactured smoking opium on hand; and the number and value of stamps on hand. The form must be executed under oath and must also contain a sworn verification of a deputy collector who has made a personal examination of the inventory.

Form 273. Monthly return of manufacturer of smoking opium. The information required to be shown on the form includes the name, address and registry number of the taxpayer, the month for which the return is filed; all opium in crude form and other materials purchased, and smoking opium and other materials sold, with the name, address and business of the persons from whom purchased and to whom sales were made; the total quantity of opium suit-

able for smoking purposes and the size of the packages and the number of packages of each size manufactured and removed tax-paid; the number of packages of each size sold to each recipient; and the value of stamps purchased and used. The return is required to be executed under oath.

Form 277. Form of return for registry to be used by every manufacturer of playing cards in registering with the collector for the district in which his factory is located. The information required to be shown on the return includes the name and address of the manufacturer; the type of business to be engaged in; the place where the business is to be carried on; and the signature of the manufacturer. The form is required to be executed under oath.

Form 382. Certificate of registry issued by collectors of internal revenue after receipt of return for registry filed on Form 277 by a manufacturer of playing cards. The information shown on the form includes the period covered thereby; the certification of the issuing collector; and the name and address of the registrant. This form is required to be kept conspicuously posted in the registrant's place of business.

Form 396. Form of book to be kept by manufacturers of filled cheese. The information required to be shown on this form includes a daily record of (1) the quantity in pounds of each material used in manufacture; (2) the number of taxable pounds of filled cheese produced; (3) the number of taxable pounds of filled cheese disposed of in each instance, name of person to whom shipped or delivered, date of shipment or delivery, and the address to which sent; (4) the number of taxable pounds of filled cheese returned to the factory, the name of person by whom returned, date of receipt, and address from which returned; (5) the number of taxable pounds of filled cheese reworked, dumped or destroyed; and (6) the total values of stamps purchased and used.

Form 397. Form of book to be kept by wholesale dealer in filled cheese. The information required to be shown on the form is a daily record of the number of pounds of each consignment of filled cheese received, showing the name and address of the consignor and the date of receipt; and the number of pounds of filled cheese disposed of showing the name of the person to whom shipped or delivered, date of shipment, and address to which sent.

Form 427. Stamp order form for use in ordering documentary stamps. The information required to be shown on the form includes the address of the collector; the date of the order; how the stamps are to be sent; to whom and the address to which the stamps are to be sent; the number of each denomination of stamps and the value thereof; and the total value of all stamps ordered.

Form 549. Form of bond furnished by manufacturers of oleomargarine, adulterated butter and playing cards who desire to export such products without the payment of tax.

Form 550. Application for withdrawal and entry for exportation filed by every manufacturer of oleomargarine, adulterated butter and playing cards who desires to withdraw products for exportation to a foreign country or shipment to certain possessions of the United States without payment of tax. The information required to be shown on the return includes the internal revenue district in which filed; the date of the application; the factory number; the Internal Revenue serial number; the kind of product manufactured; the location of the factory; to whom consigned; the port where the product is to be laden, the name of the vessel and the port of destination; the marks and numbers on the shipping cases; the contents thereof and the total quantity involved; the amount of tax liability; the signature of the manufacturer; and the signature of the exporter.

Form 660. *Form of monthly return for use by manufacturers of white phosphorus matches.* The information required to be shown on this return is a transcript of the daily record on Form 662, shown immediately below. The return is required to be executed under oath before a deputy collector.

Form 662. *Form of book to be kept by manufacturers of white phosphorus matches.* The information required to be entered in the book is a record of the quantity of each material used each day; the total number of matches produced; the number of stamped packages and original packages in which packed; the total number of stamped packages and original packages, together with the total number of matches, disposed of each day.

Form 663. *Form of requisition to be filed by governmental agency for withdrawal of oleomargarine, filled cheese and playing cards from factory, free of tax, for use of the United States.* The information required to be shown on the form includes the name of the department making the requisition; the date of such requisition; the total quantity and the name of the article desired to be withdrawn; by whom manufactured; the factory number and the district in which such factory is located; to whom to be shipped; the address to which shipped; and the signature and title of the officer preparing the requisition.

Form 664. *Form of application to be used by manufacturers for withdrawal of articles from factory, free of tax, for use of the United States.* The information required to be shown on the form includes the date of the form; the name of the article to be withdrawn; the factory number and the district where the factory is located; the date the shipment is to be made; the name of the department or agency and the place to which the shipment is to be made; the number of statutory packages; the contents of such package, by weight or number; the total taxable quantity; the rate of tax involved; the amount of tax remitted; and the signature of the manufacturer making the withdrawal.

Form 665. *Form of bond for transportation and delivery of playing cards from factory, free of tax, for use of the United States, to be executed by manufacturers of playing cards.*

Form 666. *Permit for withdrawal of articles from factory, free of tax, for use of the United States.* This permit is issued by the Bureau after approval of the requisition on Form 663 and the application on Form 664. The information required to be shown on the form is the same as that shown on Form 664, above, except that it is signed by the Deputy Commissioner in charge of the Miscellaneous Tax Unit.

Form 667. *Certificate of receipt of oleomargarine, filled cheese, or playing cards withdrawn from factory, free of tax, for use of the United States, to be executed by the receiving agency.* The information required to be shown on the return includes the date of the certificate; the kind of articles received; the name of the manufacturer; the number of the factory; the district where the factory is located; the date of withdrawal; the date of receipt; the number of packages received; the contents of such packages, by weight or number; the total taxable quantity received; the rate of tax involved; the amount of tax remitted; a statement as to any shortages; and the signature and title of the receiving officer.

Form 678. *Form of application for registry and special tax stamp, to be filed by any person who is registered in one or more of the classes of occupations specified in section 3220 of the Internal Revenue Code (relating to the occupational taxes with respect to opium, etc.) and who desires to re-register for an ensuing period.* The information required to be shown on the form includes the period for which application is

made; the name and address of the applicant; the class or classes of occupations for which application is being made; a description of the occupation to be engaged in; the State professional license or certificate number issued and date issued, or the State store or business registration number and date issued; and the signature of the applicant. If the amount of tax covered by the application is not in excess of \$10, it may be signed or acknowledged before two witnesses. Otherwise it must be executed under oath. (This application must also be supported by an affidavit showing the applicant to be legally qualified or permitted under the laws of the jurisdiction in which he is engaged, or proposes to engage, in any business or occupation within the scope of existing narcotic regulations, to engage in such business or occupation.)

Form 678-A. *Form of application for registry and special tax stamp, to be filed by any person who has not previously qualified in any of the classes of occupations specified in section 3220 of the Internal Revenue Code (relating to the occupational taxes with respect to opium, etc.)* The information required to be shown on the form is the same as that required to be shown on Form 678, above, with the addition of the previous occupation of the applicant and the name and address of his former employer.

Form 678-C. *Form of application for registry and special tax stamp to be filed by every person who imports, manufactures, produces, compounds, sells, deals in, dispenses, prescribes, administers, or gives away marihuana.* The information required on this form is the same as that required to be shown on Form 678-A, above.

Form 679. *Form of requisition for blank order forms to be used in connection with opium, etc.* The information required to be shown on the form includes the date of the requisition; the taxpayer's name, address, registry number and class; the number of books of order forms desired; the number of unused forms on hand, including the serial numbers and the date issued; and the signature of the purchaser.

Form 679a. *Form of requisition for blank marihuana order forms.* The information required to be shown on this form includes the date of the requisition; the collector to whom addressed; the transferee's name, address, and if registered, the registry number and class; the name and address of the transferer; a description, including quantities, of the desired articles or materials to be transferred; and the signature of the applicant.

Form 713. *Inventory of opium, coca leaves, marihuana, etc., to be filed annually by persons subject to tax under sections 3220 and 3230 of the Internal Revenue Code.* The information required to be shown on the form includes the name and address of the taxpayer; the class under which taxed; the date of the inventory; the name and description of the articles inventoried and the quantities thereof; and the signature and title of the person executing the form. The form is required to be executed under oath.

Form 741. *Form of statement for registration to be filed by every person engaged in any of the following businesses or activities: (1) negotiating, making or recording sales or transfers of stocks, bonds, etc.; (2) conducting or transacting a stock or bond brokerage business; (3) accepting or procuring the transmission of orders for the purchase or sale or transfer of stocks, etc., to be executed at a stock or bond brokerage office or an exchange or similar place; (4) transferring stock, bonds, etc., other than his own; and (5) conducting an exchange or clearing house, or clearing association, for the clearing, adjusting and settling of transactions made on exchanges or similar places.* The information required to be shown on the form includes the name and address of the

applicant; the name under which the business is operated; the period covered by the application; character of the business; information concerning the organization of the firm or corporation; the date and place of issue of other licenses under state or federal laws; and the signature and title of the person making the application, together with his residence address. The application is required to be made under oath.

Form 742. *Certificate of registry issued by the collector of internal revenue after approval of the application for registry on Form 741.* The information required to be shown on the form includes the registrant's number; the district of the issuing collector; the date issued; the full name and address of the registrant; the period covered by the certificate; and the signature of the collector.

Form 743. *Stamp order form for use in ordering stock transfer stamps.* The information required to be shown on this form is the same as that required to be shown on Form 427 for use in ordering documentary stamps.

Form 743a. *Monthly return of manufacturer or importer of playing cards.* The information required to be shown on the form includes the name and address of the manufacturer or importer; the factory number; the district in which filed; the month for which the return is filed; the production account by number or packs; the stamp account, setting forth the value of stamps on hand at the beginning of the month, purchased during the month, used during the month and on hand at the end of the month; and the signature of the taxpayer. The form is required to be executed under oath.

Form 786. *Stamp order form for use in ordering stamps for affixing to packages or containers of narcotics.* The information required to be shown on the form includes the class and registry number of the person ordering; the collector with whom the order is being filed; the date of the order; the name and address of the person making the order; how the stamps are to be sent; the number and value of each denomination of stamps; and the total value of the stamps ordered.

Form 802. *Manufacturer's quarterly return of exempt narcotic preparations, to be executed by all manufacturers of exempt narcotic preparations unless they are also registered as manufacturers of taxable narcotic drugs.* The information required to be shown on the return includes the name, registry number and address of the manufacturer; the district in which registered; period for which the return is filed; a summary of the purchase quota granted, and a report of all purchases since the beginning of the year for each kind of taxable narcotic; a summary of exempt preparations produced, used and on hand; a complete accounting for taxable narcotics purchased, used and on hand; and the signature and title of the person making the return.

Form 810. *Monthly return of importer, manufacturer, producer or compounder of taxable narcotic drugs and preparations.* The information required to be shown on the return includes the name, registry number and address of the person making the return; the district in which the return is filed; the month covered by the return; a summary accounting in detail for all stocks on hand at the beginning and end of the month and for receipts, dispositions, manufacture and packaging of taxable narcotics during the month; an accounting for stamps on hand at the beginning of the month, purchased during the month, affixed during the month and on hand at the end of the month; and the signature and title of the person filing the return. The form is required to be executed under oath.

Forms 810A, 810B, 810C, and 810D. *Supplements to Form 810 showing in detail the information summarized in that form.*

Form 810E. Semi-annual inventory return to be filed by manufacturers, producers, and compounders covering taxable narcotic drugs and preparations on hand as of June 30 and December 31 of each year. The information required to be shown on the return includes the name, address, and registry number of the person making the return; the district in which the return is filed; the closing date of the period; and complete data as to the raw materials, goods in process, finished process goods, finished goods in marketable packages, and miscellaneous stock on hand on the date shown.

Form 811. Monthly return of wholesale dealer in taxable narcotic drugs and preparations. The information required to be shown on the return includes the name, registry number, and address of the person making the return; the district in which the return is filed; the month covered by the return; a summary showing the number of individual stamped packages on hand at the beginning of the month, received during the month, disposed of during the month, and on hand at the close of the month; and the signature and title of the person filing the return. The return is required to be executed under oath.

Forms 811A and 811B. Supplements to Form 811 showing in detail the taxable narcotic drugs and preparations received and disposed of during the month as summarized on Form 811.

Form 811C. Semi-annual inventory return to be filed by wholesale dealers of taxable narcotic drugs and preparations on hand June 30 and December 31 of each year. The information required to be shown on the return includes the name, address, and registry number of the person making the return; the district in which the return is filed; closing date of the period covered thereby; and complete data as to the name, quantity and narcotic contents of the drug or preparation, the size of the individual package, the number of packages, and the total content of all the packages covered by each entry, classified according to the kind of narcotic contained in the drug or preparation.

Form 838. Form of monthly return required to be filed by brokers, dealers, etc., covering their documentary and stock transfer stamp account. The information required to be shown on the return includes the month covered by the return; the name and address of the person making the return; the value of the stamps on hand at the beginning of the month, purchased during the month, used during the month, and on hand at the end of the month; and the signature and title of the person making the return. This return is required to be made under oath.

Form 923. Form of order for stamps covering imported oleomargarine and playing cards. The information required to be shown on the form includes the name and address of the owner or importer of the merchandise; the address of the collector; the date of the order; the description of the article subject to tax; the number and denomination of stamps desired; the rate of tax applicable; the value of the stamps; and a certificate of the collector of customs showing from where imported and in what manner the products were imported.

Form 960. Form of annual return of producer of marihuana. The information required to be shown on the return includes the name, registry number and address of the person making the return; the district in which such return is filed; the period covered by the return; a summary concerning the cultivation and harvesting of marihuana; a summary concerning the production and disposition of bulk marihuana, and the purchase or receipt of seeds for planting; a detailed statement of all seeds received from outside sources for planting, and of all marihuana exported, sold or otherwise disposed of, and the signature and title of the

person making the return. The return is required to be executed under oath.

Form 961. Form of quarterly return of importer, manufacturer, or compounder of, or dealer in, nonmedicinal marihuana products. The information required to be shown on the form includes the name, registry number, and address of the person making the return; the district in which the return is filed; the closing date of the period covered by the return; a summary of the importation, purchase and disposition of the bulk marihuana; a summary of the manufacture of nonmedicinal marihuana products; a summary of the production, importation, purchase and disposition of nonmedicinal marihuana products; and the signature and title of the person making the return. The return is required to be executed under oath.

Form 961A. Form of supplemental statement to be attached to Form 961 showing in detail certain of the information summarized in Form 961.

Form 1 (Firearms). Form for use in the registration of firearms in conformity with the provisions of Part VIII, Subchapter A, Chapter 27, and Subchapter B, Chapter 25, of the Internal Revenue Code. The information required to be shown on the form includes the date thereof; the address of the collector; the name, home address and place of business or employment of the person possessing the firearm; the date of acquisition of the firearms; the address where the firearm is usually kept; the kind of firearm; serial number, model, caliber and length of barrel; the name and address of the manufacturer; and the signature of the owner. This form is required to be executed under oath.

Form 2 (Firearms). Form of return of firearms manufactured, imported, or received by manufacturer, importer, dealer (other than pawnbroker), and pawnbroker, under Chapter 25, Subchapter B, of the Internal Revenue Code. This return is required to be filed immediately upon the manufacture, importation or receipt of any firearm. The information required to be shown on the return includes the date on which the firearm was manufactured, imported or received; the name and address of the manufacturer or the person for whom received; the place where the firearm is usually kept; the kind of firearms; the serial number, model and caliber of such firearm; the name and address of the person making the return; and the special tax stamp number issued to the person making the return. This return is required to be executed under oath.

Form 3 (Firearms). Form of return of firearms transferred or otherwise disposed of by manufacturer, importer, dealer (other than pawnbroker) and pawnbroker under Chapter 25, Subchapter B, of the Internal Revenue Code. This return is required to be filed immediately upon the transfer or other disposal of the firearm. The information required to be shown on this form includes the date on which the firearm was transferred or otherwise disposed of; the authority for the transfer; the name and address of the purchaser or the person to whom transferred; the kind of firearm; the serial number, model and caliber of the firearm; the signature and address of the person making the return; and the number of the special tax stamp issued to the person making the return. The return is required to be executed under oath.

Form 4 (Firearms). Form of application and order form for transfer of firearms. Every person seeking to obtain a firearm must make application on this form, in duplicate, to the transferor. The information required to be shown on the form by the applicant includes the name and address of the applicant; the address where the firearm will usually be kept; the object in seeking to obtain the firearm; the use to be made of the firearm; the provisions which will be made for the storage of the firearm; the person or

persons who will be authorized to use it; a list of all places of residence of the applicant during the preceding five years; the present occupation of the applicant; the name and address of his employer; a record of any military service performed; a description of any defect of limb or other physical deformities; the weight and height of the applicant; a complete set of finger prints; details concerning any arrests; the photograph of the applicant; and the signature of the applicant. The applicant is required to execute this form under oath.

In addition, the transferor of the firearms must show the kind, serial number, model, caliber and other marks of identification of such firearm; the name and address of the manufacturer; and the signature and address of the transferor. The transferor must also attach the proper stamp to the form.

Form 5 (Firearms). Application for exemption from payment of transfer tax on firearms under Chapter 25, Subchapter B, of the Internal Revenue Code. The information required to be shown on the form includes the date of the application; the name and address of the transferee; the kind, serial number, model, caliber, length of barrel in inches, and other marks of identification of the firearm; the name and address of the manufacturer of the firearm; a statement as to the basis for the exemption; the date of the transfer; the name of the transferor; and the signature and address of the transferee. This application is required to be executed under oath.

Form 6 (Firearms). Application for importation of firearms under Chapter 25, Subchapter B, of the Internal Revenue Code. The information required to be shown on this form includes the date of the application; name and address of the importer; the kind, serial number, model, caliber, length of barrel in inches, and other marks of identification of the firearm; the name and address of the manufacturer of the firearm; purpose for which the firearm is to be used; whether the applicant is a duly qualified importer; whether special tax has been paid for the current year; whether an attempt has been made to obtain a similar firearm in the United States; a detailed statement of the reasons why the firearm described is unique or of a type which cannot be obtained within the United States or any territory under its control or jurisdiction; and the signature of the applicant. The application is required to be executed under oath.

Form 7 (Firearms). Form of application for license under the Federal Firearms Act (52 Stat. 1230). The information required to be shown on this form includes the date of the application; the name, trade name if used, and address of the applicant; whether a manufacturer or dealer in firearms; post office addresses of any additional places of business; and the signature of the person making the application. The application is required to be executed under oath.

Form 8 (Firearms). Form of license under the Federal Firearms Act. This form is issued by the collector after approval of the application on Form 7 (Firearms). The information required to be shown on the form includes the district of the collector issuing the license; the number of the license; the name, trade name if used, and address of the licensee; the class of license; the period covered by the license; and the signature of the collector.

Form 11A (Firearms). Special tax return and application for registry to be filed by manufacturers and importers of, and dealers in, and pawnbrokers handling, firearms. The information required to be shown on the form includes the name, trade name if used, and address of the applicant; the kind of business being conducted; the period for which application is made; and the signature of the person making the application. The application is required to be executed under oath.

Form 1 (Silver). Application for certificate of registration as a transferor regularly engaged in the business of furnishing silver bullion for industrial, professional or artistic use. The information required to be shown on the form includes the address of the collector to whom application is made; the name and address of the applicant; data concerning the applicant's use of silver; the quantity of silver actually used; the trade name of the applicant; and the signature of the applicant under oath.

Form 1-A (Silver). Form of certificate issued by the collector evidencing the right of the person to whom issued to claim the benefits of the abatement or refund provisions of section 1805 of the Internal Revenue Code which imposes a tax on transfers of interests in silver bullion. The information required to be shown on the form includes the registry number of the person to whom the certificate is issued; the address of the collector; the date of the certificate; the name and address of the person to whom the certificate is issued; whether such person is a manufacturer, producer or vendor; and the signature of the collector.

Form 2 (Silver). Memorandum of transfer of an interest in silver bullion to be filed by the transferor of the bullion. The information required to be shown on the return includes the date of the transfer; the name and address of the transferor; the name and address of the transferee; the interests in silver bullion transferred in fine troy ounces; data concerning the acquisition and sale of the silver interest; the amount on which tax is computed; the amount of tax covered by any claim for abatement attached to the Form 2 (Silver); the amount of tax due; and the signature under oath of the person filing the form.

Form 3 (Silver). Form of monthly return of tax on transfer of interests in silver bullion to be filed by producers or registered dealers. The information required to be shown on the return includes the date of the return; the name and address of the producer or registered dealer; the month for which the return is being filed; a summary of sales of silver during the month; a summary of purchases of silver during the month; an inventory of silver on hand at the close of the month; the total amount of tax payable; and the signature of the taxpayer. The return is required to be executed under oath.

Form 3A (Silver). Supplemental sheet to be attached to the monthly return on Form 5 (Silver). The information required to be shown on the form is the detailed data concerning the transfer of silver interests and the computation of the tax as summarized on Form 5 (Silver).

Form 3B (Silver). Form of supplemental return which may be used only upon special authorization of the Commissioner. The information required to be shown on this return is similar to that shown on Form 3 (Silver) except that it shows daily transactions instead of monthly totals. This return also is required to be executed under oath.

Form 3C (Silver). Form of supplemental sheet to be attached to the monthly return on Form 5 (Silver) but only upon special authorization of the Commissioner. The information required to be shown on this form relates to each transaction in silver separately and contains detailed data which are summarized on Form 5 (Silver).

Form 6 (Silver). Form of application for inventory determination filed by a transferor of silver interests for a certificate of registry under the provisions of Article 85 of Regulations 85 referred to in paragraph (a) above. The information required to be shown on this form includes the name, principal place of business and address of the applicant; data concerning the applicant's type of business; the names of the principal purchasers of the silver; the basis for the amount claimed as necessary inventory; the average cost of the

necessary inventory and how determined; and the signature of the applicant. This form must be executed under oath.

Form 7 (Silver). The form of certificate issued by the collector upon approval of the application on Form 6 (Silver). The information required to be shown on this form includes the certificate number; the district where issued; the date of the certificate; the name and address of the person to whom the certificate is issued; the quantity in fine troy ounces of the necessary inventory; the average cost per fine troy ounce; and the signature of the collector.

Form 8 (Silver). Form of agreement executed by a person who has filed application on Form 6 (Silver) and has had issued the certificate on Form 7 (Silver). The information required to be shown on the form includes the address of the collector who issued the certificate; the number and date of the certificate; the type of business being engaged in by the applicant; and the signature of the person executing the agreement. This agreement must be executed under oath.

Form 9 (Silver). Form of application for elective benefits of a person engaged in transactions in silver foreign exchange. The information required to be shown on this form includes the name and principal place of business of the applicant; data concerning the silver foreign exchange purchases and sales; whether transactions of branch offices located in foreign countries are excluded; and the signature of the applicant. The form must be executed under oath.

Form 9a (Silver). Form of order for silver tax stamps. The information required to be shown on the return includes the address of the collector; the date of the order; how the stamps are to be sent; to whom, and the address to which, the stamps are to be sent; the number of each denomination of stamp and the value thereof; and the total value of all stamps ordered.

Form 10 (Silver). Form of certificate issued by collector upon approval of application on Form 9 (Silver), above. The information required to be shown on the form includes the certificate number; the district of the collector issuing the certificate; the date of the certificate; the name of the person to whom the certificate is issued; and the signature of the collector issuing the certificate.

Form 11 (Silver). Form of monthly return of a person who has been furnished a certificate on Form 10 (Silver), above. The information required to be shown on the form includes the name of the taxpayer; the month for which the return is filed; detailed data concerning the transactions in silver foreign exchange; the amount of tax determined to be due; and the signature of the taxpayer. The return is required to be executed under oath.

Form 11a (Silver). Form of schedule to be attached to the monthly return on Form 11 (Silver), above. The information required to be shown on this schedule includes the name of the taxpayer; the month for which the schedule is prepared; and certain detailed data which is summarized in Form 11.

Form 843 (Silver). Form of claim for abatement exemption filed in support of exemptions claimed on Forms 2 and 3 (Silver). The information required to be shown on the form includes the name and the business and residence addresses of the claimant; the number of the return form on which the exemption is claimed; the date of such return form; the basis upon which the claim is made; and the signature of the claimant. The form is required to be executed under oath.

For forms of general application, see § 601.1 (g).

§ 601.11 Excess Profits Tax Council; Appellate functions and procedures under section 722 of the Internal Revenue

Code.—(a) General. Subchapter E of Chapter II of the Code imposed on corporations an excess profits tax based on their "excess profits tax net income" as defined in section 711 of the Code. This tax was effective as to taxable years beginning after December 31, 1939 and was repealed by the Revenue Act of 1945, as of January 1, 1946. Section 722 of the Code provides that if the taxpayer, pursuant to certain rules and standards in such section, establishes that the tax computed under subchapter E is excessive and discriminatory, relief under limitations contained in section 722 will be granted. As set out in section 600.12, the appellate functions of the Excess Profits Tax Council are limited to considering cases arising under section 722. The Council has no jurisdiction of issues respecting excess profits tax liability, which do not fall under section 722. Such issues are handled under established procedures by the field divisions of the Income Tax Unit (see § 601.52) and field divisions of the Technical Staff (see § 601.53).

The rules bearing upon the procedure applicable with respect to section 722 of the Code are found in Regulations 109 and Regulations 112 (see § 601.2). There has also been published a "Bulletin on Section 722 of the Internal Revenue Code", copies of which may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. The authority, functions, and procedures of the Excess Profits Tax Council are shown in Commissioner's Mimeograph No. 6044, approved by the Secretary of the Treasury July 30, 1946 (see § 600.12). The Council has promulgated statements on organization and procedure, E. P. C. 1 and 2. Copies of Mimeograph No. 6044 and E. P. C. 1 and 2 may be obtained from the Council or a Field Committee (see §§ 600.12 and 600.56). Practice and conference procedure before the Council is also governed by Treasury Department Circular 230 (31 CFR, Cum. Supp., Part 10), as amended (31 CFR, 1945 Supp., Part 10), and the Bureau of Internal Revenue Conference and Practice Requirements (Internal Revenue Bulletin 1942-1, page 384; see § 601.1 (d) (4)).

(b) **Procedure.** To secure excess profits tax relief under section 722 of the Code an application therefor must be filed with the Commissioner of Internal Revenue, Washington 25, D. C. Generally, such application must be filed within three years from the date the excess profits tax return was filed or within two years from the date the tax was paid, whichever is the later. See sections 722 (d) and 322 of the Code. The application is required to be filed in duplicate on Form 991, copies of which are obtainable at collectors' offices. The regulations promulgated under section 722 (see subsection (a)) provide that no application must be filed for each year for which the benefits of section 722 are claimed and that only one section 722 application for each year may be filed. Such applications are required to be so framed as to adequately disclose the essential facts and issues involved.

Applications for relief under section 722 are referred for investigation and

consideration to section 722 Field Committees established at the offices of Internal Revenue Agents in Charge (see §§ 600.12 and 600.56). After completion of investigation and consideration of an application for relief by a section 722 Field Committee the taxpayer is afforded opportunity for a conference for the consideration of the Committee's findings. After Field Committee consideration and conference with the taxpayer, the recommendations of the Field Committee are certified to the Excess Profits Tax Council for review. In the event that the taxpayer and the Field Committee cannot reach an agreement on the application or where an agreement between the taxpayer and the Field Committee is not approved by the Council, the taxpayer will be afforded an adequate opportunity to have its case heard before the Council.

Hearing rules of the Council will be published when promulgated.

Determinations of the Council are subject to appeal to the Tax Court of the United States under the provisions of section 732 of the Code.

§ 601.12 *Salary Stabilization*—(a) *General.* The functions of the Salary Stabilization Unit relate to supervision of certain salary adjustments, including the establishment of new salary rates, pursuant to authority vested in the President by the Act approved October 2, 1942 (56 Stat. 765) as amended (50 U. S. C. App. Sup. Sections 961-971) which authority has been delegated to the Commissioner of Internal Revenue who acts through the Head of the Salary Stabilization Unit. As to delegation of authority see: Executive Orders Nos. 9250, 9328 (3 CFR, Cum. Supp.); 9599, 9651 (3 CFR, 1945 Sup.); Executive Order No. 9697, 11 F. R. 1691; and Executive Order No. 9699, 11 F. R. 1929; also Regulations of the Economic Stabilization Director, approved October 27, 1942 (32 CFR, Cum. Sup., Part 4001), as amended by Regulations approved August 28, 1943 (32 CFR, 1943 Sup., Part 4001); and Supplementary Wage and Salary Regulations promulgated March 8, 1946, by the Director of Economic Stabilization, 11 F. R. 2517.

Rules in regard to the functions of the Bureau in connection with the stabilization of salaries are contained in Treasury Decisions 5186, 5295, 5406, 5416, 5435, 5450, 5462 (29 CFR, Cum. Sup., Part 1001), T. D. 5489, 11 F. R. 296; T. D. 5506, 11 F. R. 4083; and T. D. 5511, 11 F. R. 4724.

(b) *Jurisdiction.* During the period October 3, 1942, to August 18, 1945, the approval of the Commissioner was required for adjustments in compensation of certain employees, particularly described in the Treasury decisions cited above, with the exception of adjustments specifically set forth in those Treasury decisions as not requiring approval or deemed approved. Such adjustments made without approval were unlawful, and the Commissioner is empowered to impose sanctions upon employers determined to have contravened the Act by the unlawful payment of compensation during that period.

During the period March 15, 1946, to July 1, 1946, and after July 25, 1946, increases in employees' salaries subject to

the jurisdiction of the Commissioner under the Act of October 2, 1942, may not, with exceptions noted in the Treasury decisions listed above, be used as bases for seeking increases in price or rent ceilings, or public utility rates, for resisting otherwise justifiable reductions in such ceilings or rates, nor for increasing costs to the United States unless the increases are approved by the Salary Stabilization Unit.

The establishment of a new salary rate in a new plant or in a new department of an existing plant without approval of the Commissioner is unlawful unless the rate conforms to those provisions of Treasury Decision 5295 which authorize certain increases to be made without approval.

Decreases in certain salaries without approval of the Commissioner are unlawful, with the exceptions noted in sections 1002.15 and 1002.16 of Treasury Decision 5295.

(c) *Procedure.* Applications for approval of salary adjustments are required to be filed on Form SSU-1; and for approval of salaries for new positions, on Form SSU-2. These applications must be filed with the Regional Office of the Salary Stabilization Unit having jurisdiction over the territory in which the employer has his principal office or place of business, and will be considered and decided by such Regional Office.

Applicants who disagree with decisions of Regional Offices may appeal to the Head of the Salary Stabilization Unit, who will review and sustain, reverse, or modify any action upon which an appeal is filed. No particular form of appeal is prescribed, the only requirement being that a request shall be made in writing for review of the action of the Regional Office.

The Head of the Unit may, of his own volition, review and amend or reverse any decision of a Regional Office, but such action will not operate to the detriment of an applicant for the period during which he has paid salaries at rates approved by the Regional Office and until he is notified by the Head of the Unit of his amendment or reversal of such approval.

(d) *Conference.* An employer who desires a conference in regard to any salary stabilization matter may obtain such a conference in a Regional Office or in the office of the Head of the Salary Stabilization Unit by addressing a letter to the office in which the conference is sought. If the employer desires to be represented by a person who is not an officer or employee whose salary is not in issue, such representative must be enrolled to practice before the Treasury Department and must file a power of attorney authorizing him to represent the employer in salary stabilization matters. See § 601.1 (d) (4).

(e) *Contravention.* The procedure with respect to contravention or alleged contravention of the Act of October 2, 1942, is set forth in Treasury Decision 5416. See subsection (a).

(f) *Description of forms.* The forms prescribed for use in connection with salary stabilization are as follows:

FORM SSU-1. Employers Application for Approval of Salary Adjustment. This form requires information as to the nature and size of the employer's business, duties of the

position, salary history of the position and of the employee, and reasons for the proposed adjustment.

FORM SSU-2. Employers Application for Approval of Salary Rate for New Position. This form requires a brief description of the size and nature of the employer's business, duties of the position, organization chart, comparison of proposed rate with existing rates for similar positions, and earning history of the employee.

Both forms may be obtained at Regional Offices.

§ 601.13 *Rules*—(a) *Formulation.* Internal revenue rules take various forms. The most important rules are issued as regulations and Treasury decisions, prescribed by the Commissioner and approved by the Secretary. Less important rules may be issued over the signature of the Commissioner only. The channeling of rules varies with the circumstances. Regulations and Treasury decisions are prepared in the Bureau by representatives of the appropriate Deputy Commissioner and the Chief Counsel for the Bureau. After consideration by the Deputy Commissioner, the Chief Counsel, and the Commissioner, they are forwarded to the Office of the General Counsel for the Treasury Department for further consideration. After being considered by the Tax Legislative Counsel and the General Counsel, they are submitted to the Secretary or to an Assistant Secretary for further consideration and final approval. General notice where required by section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress, 2d Session) and in such other instances as may be desirable is published in the FEDERAL REGISTER of proposed rules (unless all persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law) and includes (1) a statement of the time, place, and nature of public rule-making provisions; (2) reference to the authority under which the rule is proposed; and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved.

(b) *Petition to change rules.* Interested persons are privileged to petition for the issuance, amendment, or repeal of a rule and such petitions will be given careful consideration. Petitions should be addressed to the Commissioner of Internal Revenue, Washington 25, D. C.

(c) *Publication.* All internal revenue regulations and Treasury decisions (whether interpretative or substantive) are published in the FEDERAL REGISTER and in the Code of Federal Regulations. The Treasury decisions are also published in the semimonthly Internal Revenue Bulletin and the annual Cumulative Bulletin. In addition, it is the policy of the Bureau to publish all rulings and decisions, including opinions of the Chief Counsel, which because they announce a ruling or decision upon a novel question or upon a question in regard to which there exists no previously published ruling or decision, or for other reasons, are of such importance as to be of general interest. It is also the policy of the Bureau to publish all rulings or decisions which revoke, mod-

ify, amend, or affect in any manner whatever any published ruling or decision.

(d) *Executive orders.* Executive orders on matters arising under the internal revenue laws such as, for example, inspection of tax return (see § 600.1 (b) (2)) are ordinarily prepared in the office of the Chief Counsel for the approval of the President.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary.

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BUREAU OF THE MINT

[31 CFR, Ch. I]

PART 91—FUNCTIONS AND ORGANIZATION, BUREAU OF THE MINT

Sec.

- 91.1 Functions.
- 91.2 Central organization.
- 91.3 Field organization.
- 91.4 Public information; submittals and requests.

§ 91.1 *Functions.* The first United States Mint was founded at Philadelphia, Pennsylvania, in 1792. The direction of the branch mints and assay offices, authorized later, remained at Philadelphia until 1873, when the Bureau of the Mint was established, headed by the Director of the Mint with offices in Washington.

The Bureau of the Mint and the mint and assay offices and depositories throughout the United States administer various Acts of Congress contained in Title 31 of the United States Code, Chapters 7 and 8, which deal with the coinage of money and the purchase, sale, deposit, assay, refining and custody of gold and silver; and in part administer Treasury controls over the acquisition, ownership, possession and use of the monetary metals.

§ 91.2 *Central organization.* The Central office of the Bureau of the Mint, headed by the Director of the Mint, is situated in the Washington Building, 15th and New York Avenue, Washington 25, D. C., and is composed of the following divisions: (a) The Office of the Director; (b) The Gold Unit; (c) The Silver Unit; (d) The Laboratory Unit; (e) The Accounting Unit; and (f) The Personnel Unit.

(a) *The Office of the Director.* The Director of the Mint is appointed by the President with the advice and consent of the Senate for a term of 5 years. By statute, the Director is charged with the general supervision of the activities of the central office and of the seven field institutions, under the general direction of the Secretary of the Treasury (31 U. S. C. 251). All inquiries regarding general mint matters not specifically stated to be directed to the field institutions should be addressed to the Director of the Mint.

The Secretary of the Treasury has delegated to the Director the authority to administer the issuance of Treasury licenses for the acquisition, ownership, possession, and use of gold for industrial, professional and artistic purposes; the

revocation of such licenses, or the denial of applications therefor, is subject to review by the Secretary of the Treasury.

The Director fixes the charges for the coinage of money for foreign countries, with the approval of the Secretary of the Treasury, and prepares quarterly estimates of the values of the standard coins of the various nations of the world, which the Secretary of the Treasury is required by law to proclaim (31 U. S. C. 367, 372).

The Assistant Director of the Mint is a civil service employee and has been designated by the Secretary of the Treasury to act as Director in the temporary absence of the latter.

(b) *The Gold Unit.* Administers the Gold Regulations (31 CFR and Cum. Supp., Part 54); examines all applications for licenses for the industrial, professional, and artistic use, and the export, of gold, and prepares for the signature of the Director (1) authorizations to be sent to the Mint institutions in the field for the issuance of industrial licenses in appropriate cases; (2) authorizations to be sent to the Mint institutions in the field for the issuance of specific licenses for individual exports of gold; (3) general export licenses for periods of three months, and (4) instructions to effect delivery of illegally held gold coin or bullion and instructions for the disposition of gold which through litigation or forfeiture has become the property of the United States; makes recommendations to the Director for the revocation of gold licenses or the denial of applications therefor; initiates investigations of indicated irregularities in gold transactions; and audits reports of licensees.

(c) *The Silver Unit.* Administers the regulations concerning newly mined domestic silver, audits reports and examines affidavits to ascertain the eligibility of silver delivered to the mint institutions pursuant to such regulations; conducts investigations through its field auditors to preclude the acceptance of ineligible silver; compiles and analyzes general data relative to silver; and prepares rules concerning the eligibility of silver under the Newly Mined Domestic Silver Regulations (31 CFR, Cum. Supp. Part 80).

(d) *The Laboratory Unit.* Advises the Director of the Mint on metallurgical matters and makes necessary metallurgical and chemical investigations, tests, and assays.

(e) *The Accounting Unit.* Handles fiscal matters and budget estimates, collects and compiles domestic and foreign monetary statistics for publication, and prepares for the Director the Annual Report and the quarterly estimates of the values of foreign moneys.

(f) *The Personnel Unit.* Performs customary personnel functions for all employees of the Mint Service.

§ 91.3 *Field organization.* The Mint service includes Coinage Mints located at 16th and Spring Garden Streets, Philadelphia, Pennsylvania; Colfax and Delaware Streets, Denver, Colorado; and Buchanan Street and Duboce Avenue, San Francisco California; Assay Offices at 815 Airport Way, Seattle, Washington,

and 32 Old Slip, New York City; a Bullion Depository for gold at Fort Knox, Kentucky, and a silver Bullion Depository at West Point, New York.

The United States is divided into the following mint districts for the administration of the gold and silver regulations and for the receipt of gold and silver deposits:

The Philadelphia Mint District, consisting of the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and the District of Columbia.

The Denver Mint District, consisting of the States of Colorado, Iowa, Kansas, Minnesota, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

The San Francisco Mint District, consisting of the States of Arizona, California, and Nevada, and the Territories and possessions of the United States not specifically included in other mint districts.

The Seattle Mint District, consisting of the States of Idaho, Montana, Oregon, and Washington, and the Territory of Alaska.

The New York Mint District, consisting of the States of Connecticut, Delaware, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Wisconsin, and Puerto Rico, the Virgin Islands of the United States, and the Panama Canal Zone.

A Superintendent, appointed by the President by and with the advice and consent of the Senate for no fixed term, is in charge of each coinage mint and assay office (with the exception of the United States Assay Office at Seattle which is headed by the Assayer in Charge). The Superintendent has general supervision of and responsibility for the conduct of the business of the institution and is responsible for values received and stored therein. All inquiries and correspondence relative to business conducted at the coinage mints and assay offices should be addressed to the Superintendent in charge of the respective institutions (or to the Assayer in Charge of the Seattle office).

The assistant head of each mint and assay office is the Chief Clerk, who is authorized by statute to act as Superintendent (or Assayer in Charge) in the absence of the latter. Each mint and the New York assay office has an Assay Department headed by the Assayer, who is appointed by the President by and with the advice and consent of the Senate for no definite term, and who by law is responsible for the assay made of every deposit of gold and silver and its correctness.

All coinage mints and assay offices receive gold and silver bullion for deposit and return or for purchase by the Government in accordance with applicable laws and regulations; determine the eligibility of such gold and silver for deposit and return or purchase; have custody of such gold and silver bullion as may be purchased by them; and sell gold and silver as authorized by law. All mints and assay offices issue licenses for the use of gold, after approval of applications by the Director. Information in connection with the issuance of such licenses, the eligibility of gold and silver for deposit, and the sale of gold and

silver, as well as the necessary application and affidavit forms, may be obtained from any mint or assay office. All mints and assay offices make assays of gold and silver bullion for the public and the Denver Mint and the Seattle Assay Office make commercial assays of ores.

The coinage mints at Denver, Philadelphia, and San Francisco manufacture all of the metal money of the United States and have custody of the finished coins until they are shipped to the Federal Reserve Banks by order of the Treasurer of the United States. Coins are manufactured for foreign governments pursuant to contract. Medals of a national character and proof coins for sale to the public are manufactured at the Philadelphia mint, and are available only upon application to the Superintendent of that institution.

The United States Bullion Depository at Fort Knox is maintained solely for safe-keeping of the Government's stores of monetary gold and is not open to the public. It is headed by the Chief Clerk in Charge, and in his absence the Assistant Chief Clerk.

The United States Bullion Depository at West Point is operated as an adjunct to the New York Assay Office and is used solely for the storage of silver. It is not open to the public.

§ 91.4 *Public information; submittals and requests*—(a) *Rules as to access to records.* Apart from records dealing with matters of internal management, the Bureau of the Mint maintains files containing the following types of documents:

- (1) On file at the Office of the Director:
 - (i) Applications for gold licenses.
 - (ii) Reports (filed by gold licensees and by depositors of silver).
 - (iii) Gold licenses, and notifications from the Director of the Mint to the Mint institutions instructing them to issue or deny specified applications for gold licenses, or to revoke specified existing gold licenses.
 - (iv) Affidavits (by depositors of silver to establish its eligibility for purchase).
 - (v) Audit reports (of major silver refining companies, made by field auditors of the Mint Bureau).
 - (vi) Secret Service investigative reports.
- (2) On file at the Mint institutions:
 - (i) Affidavits accompanying deposits of gold and silver.
 - (ii) Records of before-melting weight of gold and silver bullion.
 - (iii) Final report of assay and calculation of value of bullion (supplied to depositor on Form 39).
 - (iv) Copies of some of the records listed in A above.

Documents of the type subparagraph (1) (iii) of this paragraph, are deemed to be final opinions and/or orders within the meaning of sec. 3 (b) of the Administrative Procedure Act (Public Law 404, 79th Congress, 60 Stat. 238). They are not cited as precedents. Such documents are held to be confidential for the following

good cause: They do not contain information of legitimate value to the general public other than to indicate that a given person or enterprise does not hold a Treasury gold license, which information can be obtained from the Bureau of the Mint. Furthermore, such documents may contain information of a confidential nature concerning the commercial and industrial affairs and activities of individuals and enterprises, *e. g.*, amounts of gold and silver mined, or held in stock, proposed industrial, professional and artistic uses to be made of such metals, etc. To permit inspection of such documents would violate public and private confidence and would be contrary to the best interests of the Government and of persons dealing with the Bureau of the Mint.

Documents of the types in subparagraph (1) (i), (ii), (iii), (iv), and (v), and subparagraph (2) (vii), (viii), (ix), and (x) of this paragraph are deemed to be matters of official record within the meaning of sec. 3 (c) of the Administrative Procedure Act, but are held to be confidential for the reason set forth in the last two sentences of the preceding paragraph. However, such documents shall be available for inspection by the following persons, under the following circumstances:

(a) An applicant for a gold license, and his agent or successor in interest may inspect documents of the types in subparagraphs (1) (i) and (iii) and (2) (x) of this paragraph which refer to his application;

(b) Holders of gold licenses, and persons whose licenses have been revoked, and persons whose applications have been denied, and their agents or successors in interest may inspect documents of the types in subparagraphs (1) (i), (iii) and (2) (x) of this paragraph which refer to such licenses or applications;

(c) A depositor of silver or gold, and his agent or successor in interest may inspect documents of the types in subparagraphs (1) (ii), (iii), (iv), (v), and (2) (vii), (viii), (ix), and (x) of this paragraph, which refer to such deposit;

(d) Documents of the types in subparagraphs (1) (i), (ii), (iii), (iv), (v) and (2) (vii), (viii), (ix), and (x) of this paragraph shall also be available for inspection by other persons properly and directly concerned upon the furnishing of a court order therefor, entered in pending litigation, or in lieu thereof the written consent of the person entitled to inspect such records pursuant to (a), (b) and (c) above.

Documents of the type in subparagraph (1) (vi) of this paragraph have been held by the Secret Service Division to be confidential for the reasons stated in rule published concurrently with this rule, and are not, therefore, available for inspection.

Persons desiring to examine records of the Bureau of the Mint are required to make written application to the Director of the Mint, Washington 25, D. C., giving information as to the particular records desired to be examined. Applicants will be advised of the records

which, in accordance with the provisions above, they will be permitted to examine, and the time and place of examination. In certain instances, where facilities permit, copies of documents may, in the discretion of the Director, be sent to the applicant.

(b) *Submittals and requests.* The public may secure information from, or make submittals or requests to, the Director of the Bureau of the Mint, Washington 25, D. C. However, attention is directed to Part 92 of this chapter which sets forth procedures to be followed in connection with customary functions of the Mint Bureau, such as the issuance of gold licenses. In all appropriate cases such procedures should be followed before submittals or requests are made to the Director.

PART 92—PROCEDURES

| Sec. | |
|-------|--|
| 92.1 | Regulation of use and holding of gold. |
| 92.2 | Issuance of gold licenses. |
| 92.3 | Purchase of gold. |
| 92.4 | Deposit of newly mined domestic silver. |
| 92.5 | Receipt, handling of bullion deposits; payment therefor. |
| 92.6 | Deposits of United States coins. |
| 92.7 | Sale of gold. |
| 92.8 | Sale of silver. |
| 92.9 | Assays of bullion and ores. |
| 92.10 | Medals and proof coins. |
| 92.11 | Informal procedures. |

§ 92.1 *Regulation of use and holding of gold.* Pursuant to Executive Order No. 6102 of April 5, 1933, Executive Order No. 6260 of August 28, 1933 (31 CFR, Part 50), and the Order of the Secretary of the Treasury of December 28, 1933, as amended and supplemented (31 CFR 52.1), all persons subject to the jurisdiction of the United States were required to deliver to the Treasurer of the United States all gold coins (except "rare" gold coins), gold bullion, and gold certificates situated in the United States, with certain minor exceptions not of interest to the general public. At the present time, the acquisition, ownership and disposition of gold in all forms is permitted only in accordance with the Provisional Regulations issued under the Gold Reserve Act of 1934 (31 CFR, Part 54).

Persons holding gold in melted or treated form which was required to be delivered pursuant to the orders mentioned above, or which is not authorized to be held under the Gold Regulations, should immediately deliver such gold to a United States Mint or Assay Office and should execute the form entitled "Special Affidavit of Depositor of Gold in Melted Form." This form may be procured from any United States Mint or Assay Office or from the Director of the Mint, Washington, D. C. Payment for gold held in noncompliance with the Orders referred to above is governed by the Instructions of the Secretary of the Treasury of January 17, 1934 (31 CFR 53.1) which provide, subject to the rights reserved, for payment at the rate of \$20.67 an ounce. Disposition of gold not authorized to be acquired or held under the Gold Regulations is determined by the Director of the Mint.

Section 20 of the Provisional Gold Regulations permits, with certain exceptions, the acquisition, holding, etc., of "rare" gold coins. This section does not, however, permit the acquisition, holding, etc., of gold coins which were required to be delivered under the Orders mentioned above.

Gold coins which have been withheld in violation of any of such orders should be delivered promptly to the Treasurer of the United States a United States Mint or Assay Office, a Federal Reserve Bank or branch, or a member bank of the Federal Reserve system. Any gold coin which has not been of recognized special value to collectors of rare and unusual coins since prior to April 5, 1933, should, in the absence of special circumstances, have been delivered pursuant to such administrative orders, and accordingly is now required to be so delivered.

Payment for gold coins required to be delivered under the Orders mentioned above is governed by the Instructions of the Secretary of the Treasury of January 17, 1934, which provide, subject to the rights reserved, for payment of the dollar face amount for United States coins and payment at the rate of \$20.67 an ounce for foreign gold coins.

§ 92.2. *Issuance of gold licenses—(a) Licenses for industrial, professional, and artistic uses.* Applications for licenses for the industrial, professional and artistic use of gold are made on Form TG-12 and the supplement thereto, which require a description of the applicant's business, a statement of the specific purpose for which the gold is to be used, an estimate of requirements for a three months period and other information. Copies of these forms are available at all field offices or at the Office of the Director of the Mint. The applications should be submitted to the Mint or Assay Office in the district in which the applicant resides or has his principal place of business. Applications are given preliminary processing for completeness and technical acceptability and are then forwarded to the Office of the Director which determines the eligibility of the applicant under the Gold Regulations to receive a license. If the Mint Bureau is satisfied that the gold is required for "legitimate and customary" use in an industry, profession or art, the appropriate mint office is authorized by the Director to issue the license (31 CFR 54.23). The licenses are issued on Forms TGL-12, License to Deal in Unmelted Scrap Gold; TGL-13, License to Acquire and Hold, Transport, Melt and Treat, and Import Gold for Furnishing to, Processing for, or Use in, Industry, Profession, or Art, or for Refining for Reexport, or for Sale to the United States; or TGL-14, License to use Gold in Industry, Profession, or Art; depending upon the amount authorized and character of the applicant's business (31 CFR 54.25 (a) and (b)). If an application for a license is denied the interested party is so informed by the Director of the Mint. Gold Licenses are subject to revocation by the Mint of issue upon instructions

from the Director with the approval of the Secretary of the Treasury for non-compliance with the Gold Regulations or the terms of the License or for other sufficient cause. Any subsequent correspondence in regard thereto should be addressed to the Director.

Quarterly reports are required on Form TGL-12 from scrap gold dealers licensed on Form TGL-12, on Form TGL-13 from refiners and smelters of gold licensed on TGL-13, and on TGL-14, from fabricators of gold products licensed on TGL-14, containing detailed information as to their operations during the preceding three months. The report forms are mailed quarterly from the Office of the Director of the Mint to the licensees and are filed by them with the Office of the Director, where they are examined and audited (31 CFR 54.27).

(b) *Licenses for the export of gold.* Licenses for the export of gold in all forms are issued only to the holders of gold licenses mentioned above, and persons authorized to hold gold under the Gold Regulations (31 CFR 54.21) upon a satisfactory showing that the export or transport from the continental United States is for a "specific and customary industrial, professional, or artistic use connected with the applicant's business, and not for the purpose of using or holding or disposing of such gold beyond the limits of the continental United States as, or in lieu of, money, or for the value of its gold content" (31 CFR 54.25 (c)).

Applications for the export of gold in individual lots are filed on Form TG-15 which requires information as to the amount and value of gold exported, the consignee, and the purpose for which such gold is to be used. This form is available at all mint institutions and should be filed with the mint or assay office from which the applicant holds his industrial license. The applications are forwarded to the Office of the Director which authorizes the issuance of the license on Form TGL-15, by the Superintendent of the Mint.

Applications for the export of gold coin, having a recognized special value to collectors of rare and unusual coin, are filed on Form TG-11 with the Director of the Mint who issues such licenses. Licenses are granted, when or if the Director of the Mint is satisfied that the coins are of such recognized special value and have not been held in violation of the Gold Regulations or the gold Orders referred to in § 92.1.

A detailed description of such coins, or the coins themselves, may be sent at the owner's risk to the Office of the Director of the Mint to be submitted to the National Museum (Smithsonian Institution) for determination as to whether such coins are rare.

Export licenses on TGL-16 are issued for the export of gold refined (or the equivalent of gold refined) from gold bearing materials imported with the intention of exporting the gold refined therefrom, provided that a formal declaration is made to the Collector of Customs at the port where the material is entered that such exportation is intended

to be made, and that a copy of the entry with the Collector's notation to that effect is forwarded to the United States Assay Office at New York or to the Mint at San Francisco, as designated by the importer. An application on Form TG 16, giving information as to the amount of refined gold, the consignee, the location of the plant at which the gold was refined and other information must be filed not later than three months from the date of entry with such institution.

Gold may be imported and transported for prompt export without the necessity of holding a license provided that it remains under customs custody throughout the period during which it is within the customs limits of the United States. If the gold leaves customs custody, it may be transported and exported only under a license on Form TGL-17 pursuant to an application on Form TG-17, which requires information as to the port of entry, the amount of gold, the name and address of the consignee and other pertinent facts, filed with the Assay Office at New York or the Mint at San Francisco.

Export licenses for the export of gold for a period of three months on Form TGL-15 Special, General License for the Export of Gold, are issued from the Office of the Director in Washington, after applications are filed with such office on Form TG-15 (Special) which calls for substantially the same information as that required on Form TG-15. Reports containing information as to the amounts of gold exported, the consignees, and the use of such gold are required on Form TGR-15 (Special).

Applications for three months licenses for the exportation of gold ores and concentrates are made on Form TG-15B, licenses are granted on Form TGL-15B and quarterly reports are required on TGR-15B in the same manner as applications for the export of other gold as set forth above.

§ 92.3 *Purchase of gold.* Deposits of gold are required to be accompanied by affidavits on Form TG-19, by persons who have recovered gold by mining and panning; TG-20 by persons who have recovered it in the regular course of their business of operating a custom mill, smelter or refinery; TG-21, by persons purchasing gold directly from miners and panners; TG-22, by depositors of unmelted scrap gold; and TG-23 by persons depositing gold including foreign gold coin imported into the United States. All of the above forms require a description of the gold and information as to the source and date of acquisition or mining. The deposits and affidavits are delivered to the Mint institutions in the district in which the depositor lives or has his principal place of business, for return in the form of stamped bars when the depositor is authorized to receive such bars, or for sale to the Government.

(31 U. S. C. 325, 360) The price paid is \$35 per fine troy ounce, less $\frac{1}{4}$ of 1%, less the usual mint charges as set forth in the Table of Charges (31 CFR 54.42 and Part 90).

If the deposit contains less than one ounce of fine gold, if the report of the Assayer is that it is unsuitable for the operations of the Mint, or if it contains less than 200 parts of gold in 1,000, or 800 or more parts of base metal in 1,000 by assay it will not be purchased by the Mint (31 CFR 54.26, 31 U. S. C. 329). In such case, if the depositor is authorized by the terms of a license issued pursuant to the Gold Regulations to hold melted gold, the unacceptable deposit will be returned to him.

Silver contained in gold bullion sold to the Government may be returned in the form of silver bars or will be purchased at such valuations as are from time to time established by the Director of the Mint, as authorized by Statute (31 U. S. C. 328). The price currently being paid for such silver is the next even cent below the official New York Market Price on the day the deposit is made, except that silver contained in deposits of newly mined domestic gold may be paid for as newly-mined domestic silver if it meets the conditions set forth in § 92.4.

§ 92.4 *Deposit of newly-mined domestic silver.* Any owner of silver bullion may deposit it at the mint or assay office in his district for return in the form of unparted stamped bars and at the coinage mints and the New York Assay Office for return in the form of refined stamped bars (31 U. S. C. 325, 328).

Domestic silver mined subsequent to July 1, 1939 from natural deposits in the United States or any place subject to the jurisdiction thereof may be deposited with the coinage mints. As a matter of convenience to the public, the Assay Offices at New York and Seattle will accept eligible silver for the accounts of the mints at Philadelphia, and San Francisco, respectively. A return of 71.11 cents per ounce will be made for silver mined subsequent to July 1, 1939 as prescribed in the Act of July 6, 1939, and a return of 90.5 cents per ounce will be made for silver mined subsequent to July 1, 1946 as prescribed in the Act of July 31, 1946, if tendered to the coinage mints within one year in accordance with the provisions of the Newly-Mined Silver Regulations (31 CFR, Part 80). At the time of deposit, the owner of such silver shall file with the coinage mint an affidavit on TSA-1 (for silver eligible for purchase under the Act of July 6, 1939) or TSA-10 (for silver eligible for delivery under the Act of July 31, 1946) which requires certain information and warranties as to the date of mining of such silver, supported by miner's affidavits on Forms TSA-2 or TSA-20, respectively, or, in the case of silver taken from mine dumps and tailing piles, on TSA-2a and TSA-20a, respectively.

Persons delivering silver in the manner described above are required to file with the Office of the Director a report on Form TSA-3 (in the case of silver delivered under the Act of July 6, 1939) or TSA-30 (in the case of silver delivered pursuant to the Act of July 31, 1946) containing details as to the amount of silver on hand at the beginning of the period covered, mined, and/or received

from other sources during such period, and the dispositions, metallurgical losses, if any, and the balance on hand at the end of the period. The records required to be maintained by the regulations must be available for inspection by representatives of the Office of the Director.

§ 92.5. *Receipt, handling of bullion deposits; payment therefor.* As a matter of practical expedience and convenience to the public, the officers in charge of mint institutions are authorized to receive deposits of bullion by express or mail. In cases where reasonable doubts may arise as to the ownership and eligibility or any other pertinent factor concerning deposits, the officers may decline to receive deposits unless made in person.

All bullion deposited or purchased at any of the Mints or Assay Offices of the United States is weighed, when practicable, in the presence of the depositor or his agent, and the weight is verified by some official or competent employee of the Mint. Weights are recorded in troy ounces and hundredths of an ounce. Whenever the depositor so requests, he is given a receipt on United States Mint Form 7a for the before-melting weight of his deposit. Such receipts must be surrendered, properly indorsed by the depositor at the time payment is made for the bullion represented thereby (31 U. S. C. 329).

The Assayer takes at least two samples in sufficient portions for assay from each deposit of bullion. The proportion of the gold, silver and base metal contained, as well as the charges to which the deposit is subject, are indicated by the Assayer on Form 39 which is signed by the Assayer. This form also contains the depositor's name, the number and date of the deposit, the class of bullion, the weight before and after melting and the deductions, if any, to which the deposit has been subjected. The charges for the various operations on bullion deposited and for the preparation of bars are fixed from time to time by the Director of the Mint, with the concurrence of the Secretary of the Treasury, so as to equal but not exceed, in their judgment, the actual average cost to each mint and assay office of the material, labor, wastage and use of machinery employed (31 U. S. C. 330-2, 334). The current charges are set forth in the Table of Charges (31 CFR, Part 90).

Depositors are credited with the after-melting weight of their bullion (31 U. S. C. 329). The detailed memorandum of the weight of bullion after melting and deduction and the report of the Assayer as to fineness, the value of the deposit and the amount of the charges is given to the depositor (31 U. S. C. 273, 334).

Payments for bullion are made, insofar as practicable, in the order in which the deposits are received at the mints, by checks drawn in favor of the depositor or such other person as he may designate, except when cash or bars are requested, but in no case is a check in payment of a deposit drawn in favor of any officer or person of the institution where the deposit is made and in no case

may any person employed in the institution act as agent for the depositor (31 U. S. C. 357, 358, 359, 463). Checks may be sent by ordinary mail at the risk of the payees or by registered mail at their expense and request.

When the approximate fineness of a deposit of bullion containing \$5,000 or more in gold or 5,000 ounces of silver may be readily determined, partial payment of 90% of the value may be made in the discretion of the officer in charge. If the fineness is already closely determined by assay, and the deposit is awaiting remelting and re-assay for exact determining, partial payment up to 98% of the value may be made. Partial payment of 99% of the declared value of a deposit of foreign coin valued at at least one million dollars after its weight and approximate value have been determined may be made; on a deposit of a million dollars in value of gold bullion .995 fine, payment of 98% of the declared value may be made after the weight and approximate value have been determined (31 U. S. C. 358).

§ 92.6 *Deposits of United States coin.* United States gold coin is received only under instructions in effect from the Secretary of the Treasury. (See § 92.1.) Coin, eligible for acceptance under such instructions, if of legal weight is paid for at face value; if worn or mutilated, is received as standard metal without previous melt or assay (except when it may be necessary to establish the amount of foreign substance present that cannot otherwise be determined), and is paid for as bullion at the rate of \$20.67 per ounce of fine gold.

Redemption of silver coins is made by the Treasurer of the United States, as provided in 31 CFR, Part 100.

Mutilated silver and minor coins as defined in 31 CFR, 100.10 and 100.11, however, when offered in lots of not less than 1 pound of each kind, will be purchased at the coinage mints at a price which represents the approximate value as metal, as fixed from time to time by the Director of the Mint. Mutilated silver coins are also purchased at the New York Assay office.

§ 92.7 *Sale of gold.* A licensee or other person authorized under the Provisional Gold Regulations to acquire gold, may apply for the purchase of gold in bar form on Form TG-24, if the applicant is a user of gold, or on Form TG-25, if a dealer in gold. These forms require information as to the amount of gold held by the applicant and representations as to the use to be made of the gold requested. Applications shall be filed with the mint institution from which he holds his license or, if no license is required, in which he resides or has his principal place of business. The right is reserved, however, to furnish such gold from any mint institution. Fine gold bars of not less than .995 fineness, stamped with the name of the institution which manufactured them, the weight and fineness are furnished (31 U. S. C. 325). No bar of less weight than five ounces is issued by any United States Mint or Assay Office and no bars are sold

in lots of less than 25 troy ounces (31 CFR, 54.43).

Gold is sold at \$35 plus 1/4 of 1% per fine troy ounce plus the mint charges set forth in the Table of Charges (31 CFR, 54.43; 21 CFR, Part 90), and transportation costs from the institution of sale are paid by the buyer. Payment is made at the time of delivery of the bars, in cash and currency. Payment by check will be accepted but delivery will not be made until the check has been deposited by the officer in charge of the institution and has cleared (31 U. S. C. 462).

§ 92.8 *Sale of silver.* An application for the purchase of silver may be filed with the mint or assay office in the district in which the applicant has his principal place of business, on forms which are available at all mints and assay offices and the Office of the Director of the Mint. Such forms require information as to amounts of silver previously used in applicant's business. The right is reserved to supply the silver, however, from any other mint institution if the interest of the Government so requires. Silver will be sold only in amounts required for manufacturing use in the normal conduct of the applicant's business. Applications for unusual amounts of silver are required to be referred to the Office of the Director of the Mint for approval before the sale can be made. Silver is sold at a price not less than 90.5¢ per fine troy ounce. The present price is 91¢. Transportation from the institution at which it is sold to the purchaser is paid by him. Payment for silver may be made in the same manner as for gold, as set forth in § 92.7 (Act of July 31, 1946, Public Law 579, 79th Congress).

§ 92.9 *Assays of bullion and ores.* Samples of bullion are assayed for the public at all mint institutions, at the charges set forth in the Table of Charges (31 CFR, Part 90, 31 U. S. C. 273, 283). Samples of ores are assayed at the Denver Mint and the Seattle Assay Office, at the price set forth in the Table of Charges (31 CFR, Part 90).

§ 92.10 *Medals and proof coins.* Medals of historic interest are manufactured at the Philadelphia Mint for sale to the public. A list of those available and the price charged therefor may be obtained from the Superintendent of that institution. Dies for private medals cannot be prepared at the mint but, when the regular business of the mint will permit, private medals can be struck from dies furnished, at a charge sufficient to cover the cost of the operation. Applications for the manufacture of such medals may be made by letter to the Superintendent of the Philadelphia Mint. Such manufacture is subject to the approval of the Director of the Mint (31 U. S. C. 368).

Proof coins, which are made in the medal room of the Philadelphia Mint, on a hydraulic press, from coin blanks which have been specially cleaned and polished, are sold by that institution at face value plus a charge sufficient to cover the additional expense of their preparation. Their manufacture and issuance

are contingent upon the demands of regular operations, and it is not anticipated that any will be manufactured during the calendar year 1946.

§ 92.11 *Informal procedures.* Officials of the Bureau of the Mint or of the Treasury Department, who are concerned with mint affairs, are available by appointment for consultation with any person having a problem involving the functions of the Bureau, interpretation of regulations, or similar matters. Upon written request by an applicant for a license, the Director of the Mint will schedule a hearing on such application, at which time there may be brought to the attention of the Bureau any information bearing upon such application. An appeal from a denial of an application for a license, from a revocation of an existing license, or from other administrative determinations of the Bureau, may be addressed by letter to the Secretary of the Treasury for his consideration, or a new application may be filed and a hearing thereon requested.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary.

[F. R. Doc. 46-15348; Filed, Aug. 28, 1946;
4:13 p. m.]

BUREAU OF NARCOTICS

[21 CFR, Ch. II]

PART 206—ORGANIZATION, FUNCTIONS AND PROCEDURES OF THE BUREAU OF NARCOTICS

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SUBPART A—ORGANIZATION

§ 206.1 *Central organization.* (a) The Commissioner of Narcotics, aided by the Deputy Commissioner and the Assistant to the Commissioner, has general administrative supervision and control over all the work of the Bureau. The Bureau is charged with the investigation, detection and prevention of violations of the Federal narcotic and marihuana

laws and of the Opium Poppy Control Act of 1942, and related statutes as hereinafter cited. It issues permits for importation of the crude narcotic drugs and for exportation and in-transit movement of narcotic drugs and preparations, and has authority to issue licenses, under certain conditions, for the production of opium poppies and manufacture of opium products therefrom. It cooperates with the Department of State in the discharge of the international obligations of the United States concerning the traffic in narcotic drugs and with the several states in the suppression of the abuse of narcotic drugs and marihuana in their respective jurisdictions.

(b) The activities of the Bureau are thus concerned with enforcement of the following statutes: 5 U. S. C. 282c; 21 U. S. C. 171-185; 21 U. S. C. 198; 21 U. S. C., Supp. V 188-188n; 26 U. S. C. 2550-2571; 26 U. S. C. 2590-2604; 26 U. S. C. 3220-3239 (see Supp. V); 49 U. S. C. 781-788; and Public Law 320, 79th Congress. The work of the Bureau is carried on through three separate divisions, four sections and a committee, each operating under the Deputy Commissioner, subject to supervision by the Commissioner, except the Enforcement Division which operates under direct supervision of the Commissioner.

(1) *Enforcement Division.* The Assistant to the Commissioner is head of this division, which directs and supervises enforcement and investigative matters generally.

(2) *Returns Division.* Audits returns of importers, manufacturers and wholesale dealers, and handles statistical work regarding production and distribution of narcotic drugs, including estimates and quotas.

(3) *Legal Division.* Handles legal questions arising in the course of narcotic law enforcement. This division is responsible to the General Counsel for the Department of the Treasury.

(4) *Personnel Section.* Handles matters relating to personnel of the Bureau.

(5) *Fiscal Section.* Handles fiscal matters including budget estimates.

(6) *Space, Supplies and Equipment Section.* Handles allocations of office space, and provision for office supplies and equipment.

(7) *Mail, Files and Records Section.* Records and files all Bureau correspondence.

(8) *Drugs Disposal Committee.* Receives, checks, and arranges for lawful disposal of surrendered, seized, or surplus narcotic drugs and preparations.

§ 206.2 *Field organization.* The field organization is composed of 15 District Supervisors, each of whom is in charge of a district comprising one or more states and territories. The District Supervisor directs the activities of a group of narcotic agents, and has direct charge of narcotic law enforcement investigation and detection in his district, under the general supervision of the Commissioner. A list of the districts, showing area covered and headquarters office, follows:

DISTRICT OFFICES—BUREAU OF NARCOTICS

| District | Supervisor | Address | District | Supervisor | Address |
|---|-------------------------|--|--|---------------------------|--|
| 1. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut. | Thomas W. McGeever.. | 1120 Post Office Bldg., Boston 9, Mass. | 9. Illinois, Indiana, and Wisconsin. | George H. White..... | 817 U. S. Post Office Bldg., Chicago 7, Ill. |
| 2. New York, and the Fifth Internal Revenue Collection District of New Jersey. | Garland H. Williams... | Room 200, 253 Broadway, New York 7, N. Y. | 10. Arizona, Louisiana, Mississippi, New Mexico, and Texas. | Terry A. Talent..... | 123 U. S. Courthouse Bldg., El Paso, Tex. |
| 3. Delaware, New Jersey (with the exception of the Fifth Internal Revenue Collection District), and Pennsylvania. | John F. Day, acting.... | 619 Stephen Girard Bldg., 21 South 12th St., Philadelphia 7, Pa. | 11. Arkansas, Kansas, Missouri, and Oklahoma. | James J. Biggins..... | 743 U. S. Courthouse Bldg., Kansas City 6, Mo. |
| 5. District of Columbia, Maryland, North Carolina, Virginia, and West Virginia. | Boyd M. Martin..... | 417 Munsey Bldg., Baltimore 2, Md. | 12. Iowa, Minnesota, Nebraska, North Dakota, and South Dakota. | Anker M. Bangs..... | 314 U. S. Courthouse Bldg., Minneapolis 1, Minn. |
| 6. Alabama, Florida, Georgia, and South Carolina. | H. T. Nugent..... | 501 Ten Forsyth Street Bldg., Atlanta 3, Ga. | 13. Colorado, Utah, and Wyoming. | Allyn B. Crisler..... | 100 U. S. Customhouse, Denver 2, Colo. |
| 7. Kentucky and Tennessee. | George W. Cunningham. | 418 Federal Bldg., Louisville 1, Ky. | 14. California and Nevada.... | Robert W. Artis..... | Room 2104, 100 McAllister St., San Francisco 2, Calif. |
| 8. Michigan and Ohio. | Ralph H. Cyler..... | 802 Federal Bldg., Detroit 26, Mich. | 15. Idaho, Montana, Oregon, Washington, and Territory of Alaska. | Joseph Bell..... | 311 U. S. Courthouse, Seattle 4, Wash. |
| | | | 16. Territory of Hawaii..... | William K. Wells, acting. | 575 Alexander Young Bldg., Honolulu 1, Hawaii. |

SUBPART B—DELEGATION OF AUTHORITY

§ 206.3 *Delegations by the Secretary to the Commissioner of Narcotics.* The Secretary of the Treasury has delegated, subject to his general supervision and direction, to the Commissioner of Narcotics:

(a) Certain regulation-making and enforcement powers under the Internal Revenue Code relating to marihuana (26 U. S. C. 2590-2604, and 3230-3239), except that the Commissioner of Internal Revenue and the Commissioner of Narcotics may prescribe such regulations jointly, subject to the approval of the Secretary. (Narcotic T. D. 28, 2 F. R. 1808; see note, 25 CFR 152.1).

(b) Authority to cooperate with state authorities under section 8 of the Act of June 14, 1930 (21 U. S. C. 198), in state narcotic law prosecutions and in proceedings before state licensing boards involving narcotic irregularities §§ 201.8-201.12, this chapter).

(c) Authority to seize, and to the several district supervisors authority to hold in custody, vessels, vehicles and aircraft subject to seizure in so far as concerns narcotic-contraband, under the Act of Congress approved August 9, 1939 (49 U. S. C. 781-788), but regulation-making power is retained by the Secretary of the Treasury (26 CFR, Cum. Supp. 466.1-466.3).

(d) All authority granted to the Secretary by the Opium Poppy Control Act of 1942 (21 U. S. C., Supp. V, 188 et seq.) including the issuance, renewal, revocation and denial of licenses to produce the opium poppy or to manufacture opium or opium products therefrom, and to make, prescribe and publish, with the approval of the Secretary, necessary rules and regulations for carrying out the provisions of said act (§§ 203.1-203.3 of this chapter).

(e) Certain authority of a general enforcement and rule-making nature, as contained in Titles III and IV, and to the Commissioner of Internal Revenue in Title V, of Narcotics Treasury Decision No. 2 of July 1, 1930, which provisions are continued in effect, pursuant to section 3b of the Act of June 14, 1930 (5 U. S. C. 282b (b)) and Treasury Decision 4884, approved February 11, 1939 (Note, Title 25 CFR, Cum. Supp., page 5875) in revised form as follows:

III. RIGHTS, PRIVILEGES, POWERS, AND DUTIES CONFERRED AND IMPOSED UPON THE COMMISSIONER OF NARCOTICS

(1) There are hereby conferred and imposed upon the Commissioner of Narcotics, subject to the general supervision and direction of the Secretary of the Treasury, all the rights, privileges, powers, and duties conferred or imposed upon the Commissioner of Internal Revenue (and which are transferred to and conferred and imposed upon the Secretary of the Treasury by subdivision (a) of section 4 of the act of March 3, 1927) by 26 U. S. C. 2550-2571 and 3220-3228, insofar as such rights, privileges, powers, and duties relate to:

(a) The investigation and the detection and punishment of violations of either of the above laws or any regulations issued thereunder;

(b) Exemptions from any of the provisions of the above laws;

(c) The books, records, and returns required to be kept or rendered under any of the above laws;

(d) The prescribing of forms and order forms under any of the above acts;

(e) The manner in which the record of sales, exchanges, and gifts of tax-exempt preparations and remedies containing narcotic drugs shall be kept;

(f) The manner in which application shall be made for confiscated narcotic drugs;

(g) The appointment of a committee for the certification and disposition of confiscated narcotic drugs;

(h) The compromise of any criminal or civil case arising under either of the above laws, in accordance with section 3761 of Title 26, U. S. Code, and the determination, assertion, and compromise of liability for internal-revenue taxes and penalties under either of the above laws, except that all moneys shall be received and accounted for by collectors of internal revenue, under the direction of the Commissioner of Internal Revenue;

(i) Seizures, for violation of either of the above laws, of property, whether real or personal (except under distraint warrant), and the custody, control, sale, and disposition of property so seized;

(j) The appointment of such officers and employees as may be necessary for the execution of the functions imposed upon the Bureau of Narcotics.

(2) Power is hereby conferred upon the Commissioner of Narcotics to prescribe such regulations as he may deem necessary for the execution of the functions imposed upon him or upon the officers or employees of the Bureau of Narcotics, but all regulations and changes in regulations shall be subject to the approval of the Secretary of the Treasury.

The Commissioner of Internal Revenue and the Commissioner of Narcotics may, if they are of the opinion that the good of the service will be promoted thereby, prescribe

regulations relating to internal-revenue taxes where no violation of the narcotic laws is involved, jointly, subject to the approval of the Secretary of the Treasury.

IV. RIGHTS, PRIVILEGES, POWERS, AND DUTIES CONFERRED AND IMPOSED UPON THE OFFICERS AND EMPLOYEES OF THE BUREAU OF NARCOTICS, INCLUDING THE FIELD SERVICE

There are hereby conferred and imposed upon the officers and employees of the Bureau of Narcotics, including the agents, inspectors, and other employees in the field service, all the rights, privileges, powers, and duties conferred or imposed upon the assistants, agents, and inspectors of the Commissioner of Internal Revenue (and which are transferred to and conferred and imposed upon the Secretary of the Treasury by subdivision (a), of section 4 of the act of March 3, 1927), by any narcotic law in so far as such rights, privileges, powers, and duties relate to any of the matters referred to in paragraphs (a) to (j), inclusive, of Section III of this order. All such officers and employees of the Bureau of Narcotics, including the agents, inspectors, and other employees of the field service, shall have, in the performance of their functions under the narcotic drug laws, all the rights, privileges, and powers of internal revenue officers.

V. RIGHTS, PRIVILEGES, POWERS, AND DUTIES CONFERRED AND IMPOSED UPON THE COMMISSIONER OF INTERNAL REVENUE

There are hereby conferred upon the Commissioner of Internal Revenue all the rights, privileges, powers, and duties conferred or imposed upon such officer (and which are transferred to and conferred and imposed upon the Secretary of the Treasury by subdivision (a) of section 4 of the act of March 3, 1927) by any narcotic law, except such rights, privileges, powers, and duties as are hereinbefore conferred or imposed upon the Commissioner of Narcotics.

§ 206.4 *Other delegations to Commissioner of Narcotics*—(a) The War Assets Administrator has approved the delegation of authority to the Bureau of Narcotics to act for and in its behalf as disposal agency for surplus narcotic drugs and marihuana under the Surplus Property Act of 1944 (50 U. S. C. App. Sup. 1611), Public Laws Nos. 181 and 375, 79th Congress, and Executive Order 9689 (11 F. R. 1265), by War Assets Administration Regulation 1, Order 5 (11 F. R. 7977).

(b) The War Production Board delegated to the Bureau of Narcotics authority to allocate narcotic drugs, under Title III of the Second War Powers Act (50 U. S. C., App. 633) and this delegation has been ratified and continues in effect (W. P. B. Directive No. 10, October 6,

1942, 32 CFR, Cum. Supp. 903.116; Executive Order 9638, October 4, 1945; 10 F. R. 12591; C. P. A. Regulation 1, November 5, 1945, 10 F. R. 13714)

§ 206.5 *Delegations by the Commissioner.* There is no formal delegation of final authority by the Commissioner. Under the act of June 14, 1930 (5 U. S. C. 282a) the Deputy Commissioner acts as Commissioner of Narcotics during the absence or disability of such Commissioner, or in the event that there is no Commissioner. The Commissioner may, however, in a particular case, refer an applicant for agency action to the Deputy Commissioner, Assistant to the Commissioner, the head of the Returns Division, or to the head or assistant head of the Legal Division, for informal conference.

§ 206.6 *Public information, submittals and requests.* Public information concerning the scope of application of a particular provision of the Federal narcotic and marihuana laws or of any regulation thereunder, may be obtained from the District Supervisor in the headquarters office of the district in which the applicant is located, (§ 206.2). The opinion or interpretation of the District Supervisor is subject to review or confirmation by the Commissioner of Narcotics, Washington 25, D. C. All other information may be obtained from, and submittals and requests should be submitted to, the Commissioner of Narcotics, Washington 25, D. C., except that the Commissioner will not give information which, in his opinion, may prejudice a present or prospective investigation or which may prejudice the rights of a third person.

SUBPART C—FUNCTIONS AND PROCEDURES

§ 206.7 *Rules.*—(a) Regulations under the internal revenue laws relating to narcotic drugs and marihuana (26 U. S. C. 2550-2571; 26 U. S. C. 2590-2604; 26 U. S. C. 3220-3239) are made jointly by the Commissioner of Narcotics and the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury. (§ 206.3). Regulations under the Narcotic Drugs Import and Export Act, as amended, (21 U. S. C. 171-185) are made by the Commissioner of Narcotics, with the approval of the Secretary of the Treasury (5 U. S. C. 282b (e)). Regulations under section 8 of the Act of June 14, 1930 (21 U. S. C. 198) with reference to cooperation with states, are made by the Secretary of the Treasury, upon recommendation by the Commissioner of Narcotics. Regulations under the Act of August 9, 1939 (49 U. S. C. 781-788) regarding seizures of vessels, vehicles, and aircraft involved with narcotic contraband, are made by the Secretary of the Treasury, upon recommendation by the Commissioner of Narcotics. Regulations under the Opium Poppy Control Act of 1942 (21 U. S. C., Sup. 188-188n) are made by the Commissioner of Narcotics, with the approval of the Secretary of the Treasury (§§ 203.1-203.3) of this chapter.

(b) General notice of the making of a substantive regulation with which the Commissioner of Narcotics is concerned, will be published in the Federal Register not less than thirty days prior to the intended effective date of the regulation,

with a statement of the tentative text or, if revision of an entire group of regulations is contemplated, a statement of the salient points of proposed revision. The notice will include a statement of the time, place and nature of public regulation-making proceedings and reference to the authority under which the regulation is proposed. Within a period of twenty days from the date of publication of notice, any interested person may participate in the making of the regulation through submission to the Commissioner of Narcotics at Washington 25, D. C. of written data, views or arguments which will be given due consideration. If the Commissioner finds it necessary to disapprove, in whole or in part, such data, views or arguments, he shall so notify the proponent thereof, with a statement of his reasons. The final draft of the regulation or regulations, with a concise general statement of basis and purpose, will be published in the Federal Register promptly after approval by the necessary officer or officers, and will be made effective in thirty days unless for good cause found and published with the regulation, an earlier effective date is stated.

(c) The foregoing paragraph shall not apply where an urgent situation justifies a finding, explained in the regulation, that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest. It shall not apply in the case of interpretative regulations, general statements of policy, rules of agency organization, procedure, or practice, but such regulations or rules shall be published at least thirty days before the effective date unless the Commissioner of Narcotics shall determine that an earlier date is necessary in the public interest.

(d) Any interested person may submit to the Commissioner of Narcotics at Washington 25, D. C., a written petition for the issuance, amendment, or repeal of a rule or regulation, giving reasons in support of the petition. The Commissioner shall consider the petition, and shall notify the petitioner as promptly as possible of his decision thereon, with statement of reasons therefor.

§ 206.8 *Adjudication and licensing.* (a) In general, applications for orders and licenses must be made in writing to the Commissioner of Narcotics at Washington 25, D. C. This does not include applications relating directly to fiscal functions under the internal revenue marihuana or narcotic laws such as applications for registration (26 CFR 152.4 and 26 CFR 151.4) and applications for the purchase of official order forms (26 CFR 152.46 and 26 CFR 151.64).

(b) *Procedure on application.* When the written application is received by the Commissioner, he may refer it to the Deputy Commissioner, the Assistant to the Commissioner, the head of the Returns Division, or to the head or assistant head of the Legal Division, for study and report. Further information may be requested from the proponent, and independent investigation may be made, including investigation by a District Supervisor. If requested, the Commissioner will afford the proponent opportunity to appear personally, with qualified at-

torney if desired, before the Commissioner or an officer designated by the Commissioner, at the Bureau of Narcotics, Washington, D. C., to give oral testimony and argument in support of the application. As promptly as possible after due consideration of all facts and arguments adduced, the Commissioner shall notify the proponent of his decision and the reasons therefor. Any person aggrieved by any order, rule, or decision of the Commissioner, or by his failure to rule upon or decide any matter presented to him by proper application, may appeal therefrom to the Secretary of the Treasury (5 U. S. C. 282c; 21 CFR, Cum. Supp., 201.1-201.7).

(c) *Registration or reregistration under Internal Revenue Narcotic Law.* (1) Applicants for registration or reregistration under the internal revenue narcotic law (26 U. S. C. 3220) are required by that law, as a condition to registration, to be lawfully entitled to engage in the business or professional activity, involving the use of narcotics, for which registration is desired. Forms of application (678-A for initial registration and 678 for reregistration) may be obtained from the Collector of Internal Revenue of the applicant's district. Both forms require applicant to state his name, place of business, occupational tax classification, and to certify that under the laws of the jurisdiction in which he is operating or proposes to operate, he is legally qualified or lawfully entitled to engage in the activities for which registration is sought. (26 CFR 151.6.) All applications on form 678-A are referred by the Collector to the appropriate District Supervisor of the Bureau of Narcotics for investigation, report and recommendation. Applications on form 678 are also referred by the Collector to the appropriate District Supervisor for investigation, report and recommendation, if the Collector is in doubt as to the applicant's being lawfully entitled to engage in the activity for which he seeks registration. (26 CFR 151.5.) The District Supervisor, upon receipt of the referred application, investigates to ascertain whether the applicant is so lawfully entitled, usually involving a determination whether the applicant is currently licensed under the law of the state, territory, or District of Columbia, if such law requires a license for the activity for which registration is sought. He returns the application to the Collector with recommendation for approval or disapproval according to whether he finds the applicant legally qualified or not. If disapproval is thus recommended, the Collector denies registration to the applicant.

(2) In the case of an applicant for reregistration so found not legally qualified therefor, no prior notice of denial of the application shall be given under section 9 (b) of Public Law 404, 79th Congress, since the necessity for prompt and continuous control of activities relating to these potentially dangerous narcotic drugs requires otherwise in the interest of the public health and safety.

(d) *Licenses to import and export.* (1) An application for initial authority to import crude opium or coca leaves under the Narcotic Drugs Import and Export Act, as amended, (21 U. S. C. 171-185) must be made in writing and

submitted to the Commissioner of Narcotics, Washington 25, D. C. No special form of application is required but the applicant must show evidence that he complies with the requirements of the pertinent regulations. (§§ 202.2 and 202.30 of this chapter). The provisions of paragraphs (a) and (b) of this section apply to such an application for initial authority to import.

(2) An applicant who has been granted initial authority to import crude opium and coca leaves must submit to the Commissioner of Narcotics at Washington 25, D. C., a special application for a formal permit to cover each proposed importation. The application to import crude opium or coca leaves for medical and legitimate purposes (21 U. S. C. 173) is made on Bureau of Narcotics form No. 20, and the application to import special coca leaves (21 U. S. C. 173a) is made on Bureau of Narcotics form No. 20-A. Copies of both forms are obtainable from the Commissioner of Narcotics at Washington 25, D. C. It is required that both forms state the statistical and routing information described in §§ 202.3-202.4 and 202.33 respectively, of this chapter. If the application, submitted by a qualified importer, is in due form, and the proposed importation will not result in an excess over the maximum quantity of crude opium and coca leaves allotted to the importer for the particular year, (§§ 202.3 and 202.32 of this chapter) the Commissioner of Narcotics will issue the formal import permit in sextuplet, containing the information described § 202.6 of this chapter, the disposition of the various copies being explained in § 202.10 of this chapter.

(3) Applications for in-transit shipments of narcotic drugs through the United States, and for export of narcotic drugs from the United States (21 U. S. C. 180-182) must be submitted to the Commissioner of Narcotics at Washington 25, D. C., on Bureau of Narcotics form No. 161, copies of which form are obtainable from said Commissioner. The application must contain the statistical and routing information described in §§ 202.18 and 202.28 of this chapter and must show the registry number of the applicant under the internal revenue narcotic law. (26 U. S. C. 3220.) If the application as submitted by a qualified exporter, is found in due form, and supported by duly authenticated foreign import license or permit (§ 202.19 of this chapter) the Commissioner will issue a formal export or in-transit permit in sextuplet, the permit containing the information, and the various copies being disposed of as described in § 202.21 of this chapter.

(e) *Licenses to produce opium poppies and opium products.* Applications for licenses to produce opium poppies, and to manufacture opium products therefrom, under the Opium Poppy Control Act of 1942 (21 U. S. C., Supp. V, 188 et seq.) shall be made in writing to the Commissioner of Narcotics at Washington 25, D. C. No special form of application is provided, but the applicant must have evidence of qualifications and facilities described in the regulations (21 CFR, Cum. Supp., 204.3-204.9). No licenses are issuable unless the Commissioner of

Narcotics shall determine such action to be appropriate to supply the medical and scientific needs of the United States for opium or opium products (21 U. S. C., Supp. 5, 188 (d); 21 CFR, Cum. Supp., 203.1-203.3; 21 CFR, Cum. Supp., 204.2 and since this contingency has not occurred, no licenses have been issued. No specific form of license has been provided; if in the remote contingency, it should be found appropriate to issue such a license to produce or to manufacture, the license would be issued in typewritten form, pursuant to the requirements of 21 CFR, Cum. Supp. 204.5 and 204.8-204.9. In the event of revocation or refusal to renew such a license, the provisions of 21 CFR, Cum. Supp., 204.11-204.13, apply. No forms of returns to be required of producers and manufacturers have been provided (21 CFR, Cum. Supp., 204.14-204.15) but if issuance of licenses were found appropriate, as explained herein, special forms to report the information required by the regulations would be provided.

(f) *Petitions for remission of forfeitures.* With respect to vessels, vehicles, and aircraft seized under the act of August 9, 1939 (49 U. S. C. 781-788) when the seizure is made in connection with a violation involving a contraband article covered by section 1 (b) (1) of said act (49 U. S. C. 781 (b) (1)) the Secretary of the Treasury has designated as the custodial officer, the narcotic district supervisor for the district in which the seizure is made (26 CFR, Cum. Supp., 466.2). For list of District Supervisors, areas of districts and location of district headquarters office, see § 206.2. Any person having an interest in such seized property may make a timely petition for restoration of the proceeds of sale, or for remission or mitigation of the forfeiture (19 U. S. C. 1613, 1618 made applicable by 49 U. S. C. 784; 26 CFR, Cum. Supp., 153.8-153.10). No special form for the petition is provided, but it must be filed in duplicate, addressed to the Secretary of the Treasury, sworn to, and submitted to the district supervisor for the district in which the seizure occurred. The petition shall contain the information required by 26 CFR, Cum. Supp., 153.8, and must be seasonably filed (Id., 153.9). If the petition is cognizable by the Secretary of the Treasury (26 CFR, Cum. Supp., 153.10), it will be forwarded by the District Supervisor with his report of any investigation made, to the Commissioner of Narcotics, who will transmit the petition and report, with his recommendation, to the Secretary of the Treasury for decision, and such decision shall be communicated to the petitioner through the District Supervisor.

(g) *Narcotic drugs conservation.* Pursuant to authority heretofore delegated to the Commissioner of Narcotics relative to allocation of narcotic drugs, by the War Production Board and confirmed by the Civilian Production Administration (§ 206.4 (b)), the Commissioner of Narcotics has issued Narcotic Conservation Order No. 1 (21 CFR, Cum. Supp., 205.1-205.10). Narcotic drug quotas are assigned, under the order, to provide orderly and adequate supply and distribution for military and civilian medical and scientific needs.

(h) *Presidential function under Opiates Act.* Under the act of March 8, 1946 (Public Law 320, 78th Congress), section 3228 of the Internal Revenue Code (26 U. S. C. 3228) is amended by adding a new subsection (f) at the end thereof, this new subsection being a definition of the term "Opiate." The term "Opiate" is defined in the subsection to mean any drug (as defined in the Federal Food, Drug and Cosmetic Act—21 U. S. C. 321 (g)) found by the Secretary of the Treasury, after due notice and opportunity for public hearing, to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine, and proclaimed by the President to have been so found by the Secretary. When the Secretary of the Treasury shall find that a given drug has such addiction-forming or addiction-sustaining liability, he shall report his finding to the President. If and when the President shall proclaim that the drug has been so found by the Secretary of the Treasury, the drug shall become an Opiate under said section 3228 (f) of the Internal Revenue Code (26 U. S. C. 3228 (f)) from the date of the President's proclamation.

SUBPART D—SUBSTANTIVE RULES

§ 206.9 *Publication.* Substantive rule including statements of general policy or interpretations formulated and adopted by the Bureau for the guidance of the public, have heretofore and prior to June 11, 1946, been published in the Federal Register and in the Code of Federal Regulations. Future publication of subsequently adopted substantive rules will be so published as described in § 206.7.

SUBPART E—OPINIONS AND ORDERS

§ 206.10 (a) *Publication of opinions and orders.* There will be made available for public inspection at the office of the Bureau of Narcotics at Washington, D. C., any final opinion with respect to interpretation of the statutes or regulations with the enforcement of which the Bureau is concerned. Such final opinions are usually reduced to regulations, and all regulations (rules) are available for public inspection at said office of the Bureau. Orders issued in the course of investigations of suspected violations of law, where criminal prosecution may ensue, will not be made available for public inspection. Other orders in the adjudication of cases are not ordinarily cited as precedents, and their publication may unfairly disclose private business affairs to actual or prospective business competitors. Publication of orders in the adjudication of other cases may unduly and unfairly publicize the drug addiction of a specific person. The Bureau reserves the right to determine, according to these standards, the final orders in the adjudication of cases which it will make available for public inspection.

(b) *Findings proclaimed by the President under the Opiates Act.* The finding by the Secretary of the Treasury, when proclaimed by the President, under the Act of March 8, 1946 (Public Law 320, 79th Congress; see § 206.8 (h)) will be made available for public inspection at the office of the Bureau of Narcotics at Washington, D. C.

SUBPART F—PUBLIC RECORDS

§ 206.11 (a) *Records of the Bureau.* Most of the official records of the Bureau of Narcotics consist of reports and correspondence concerning violations or suspected violations of law and are necessarily of a secret and confidential nature. These records will not be made available to any person except as necessary for the prosecution in the courts on charges based thereon, or for authorized cooperation with state authorities (21 CFR 201.8-201.12) unless upon special application in a particular case, the Commissioner of Narcotics shall find that disclosure of the particular record is not inimical to the public interest. Returns, and other data relating to production and sales, required to be furnished to the Bureau by registrants, represent also private business records, and will not be made available for public inspection. Personnel records will not be made available, unless the Commissioner of Narcotics shall find it in the public interest, in a particular case, to permit disclosure of the record. Other records will be made available to persons properly and directly concerned, as the Commissioner of Narcotics in each case shall find that disclosure will not prejudice any present or prospective investigation or will not unfairly invade the right of a third person.

(b) *Record of hearings under Opiates Act.* The record of a hearing, including pertinent documents, upon which the Secretary of the Treasury makes a finding which is proclaimed by the President under the act of March 8, 1946 (Public Law 320, 79th Congress; § 206.8 (h)), will be made available at the Bureau of Narcotics, Washington, D. C., for inspection by persons properly and directly concerned.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary.

[F. R. Doc. 46-15346; Filed, Aug. 23, 1946;
4:10 p. m.]

COAST GUARD

[33 CFR, Ch. I]

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CROSS REFERENCES: For procedures applicable to the public see Part 20 of this chapter, *infra* and Parts 1 to 4, inclusive of Title 46, *infra*.

SUBPART 1.01—AUTHORITY, FUNCTIONS, AND GENERAL ORGANIZATION

§ 1.01-1 *Authority.* Pursuant to the act of January 28, 1915 (38 Stat. 800; 14 U. S. C. 1), as amended, the Coast Guard is constituted a military service and at all times constitutes a branch of the land and naval forces of the United States, operating under the Treasury Department in time of peace and as a part of the Navy in time of war, or whenever the President shall so direct.

§ 1.01-5 *Functions.* The functions of the Coast Guard, as the federal maritime police, embrace in general terms maritime law enforcement, saving and protecting life and property, safeguarding navigation on the high seas and navigable waters of the United States, and readiness for military operations.

§ 1.01-10 *General organization—(a) Basic organization.* The Coast Guard basic organization pattern reflects an assignment of military and administrative authority and responsibility among Coast Guard Headquarters, the 14 District Offices, and individual units in the field. Duties of the Coast Guard are in most instances actually performed by individual operating units such as ships; aircraft; air, light, radio, and lifeboat stations; Captain of the Port offices; marine inspection offices; and individual logistics units such as recruiting, receiving, and training stations; repair yards; and telephone system offices. The District Offices provide central direction and coordination of the performance of duties by individual field units located within certain geographical limits. Headquarters plans, supervises and coordinates the activities of the several districts and gives immediate direction to specific units in the field where such units report directly to Headquarters although located within the geographical limits of a particular district.

(b) *Chain of commands.* The chain of administrative and military command ordinarily runs from the Commandant to the District Commander, and in turn from the District Commander to the commanding officer or officer in charge of a particular operating or logistics unit. In the case of units reporting directly to Headquarters, the chain of command runs directly from the Commandant to the commanding officer of the unit.

(c) *Administrative staffs.* Administrative staffs are provided to assist the Commandant and the District Commanders in discharging their responsibilities. Any authority which these officers have

is derived from the Commandant or the District Commander and the exercise of such authority is in behalf of the Commandant or the District Commander.

SUBPART 1.05—CENTRAL ORGANIZATION

§ 1.05-1 *Commandant.* The Commandant, U. S. Coast Guard, acts as chief of the Coast Guard and is charged with the administration of the Coast Guard. The Commandant is appointed by the President, by and with the advice and consent of the Senate, for a period of 4 years, and may be reappointed for further periods of 4 years each. He is selected from the active list of line officers not below the grade of commander.

§ 1.05-5 *Assistant Commandant.* The Assistant Commandant performs duties as prescribed by the Commandant and acts as Commandant during the absence or disability of that officer or in the event there is a vacancy in the office of the Commandant. The Assistant Commandant, upon recommendation of the Commandant, is appointed by the President, by and with the advice and consent of the Senate, for a period of 4 years, unless sooner relieved by the President. He is selected from the active list of line officers not below the grade of commander.

§ 1.05-10 *Headquarters.* The central office of the Coast Guard, officially designated Headquarters, U. S. Coast Guard, is located at 1300 E Street NW., Washington 25, D. C.

§ 1.05-15 *Offices within Headquarters.* The Headquarters organization consists of the Commandant's immediate office and the following operational and logistic offices: Office of Engineering; Office of Finance and Supply; Office of Merchant Marine Safety; Office of Operations; and Office of Personnel.

(a) *Office of Commandant.* The immediate office of the Commandant consists of the Assistant Commandant, a Planning and Control Staff, and the following independent divisions: Public Information Division; Headquarters Administration Division; Intelligence and Law Enforcement Division; Inspection Division; and Legal Division. The Planning and Control Staff plans programs, policies and legislation, and determines the personnel and financial requirements, and the facilities for the Service. The head of the staff is the Chief, Planning and Control Staff, who is appointed by the Commandant from among the active list of line officers. The Planning and Control Staff consists of: Administrative Management Division; Budget Division; and Program Planning Division.

(b) *Office of Engineering.* The Office of Engineering directs those logistical activities of the Service that are of an engineering character including the design, construction, repair, maintenance, and alteration of vessels, aircraft, aids to navigation, shore establishments, machinery, electronic equipment, and utilities. This office is headed by the Engineer in Chief, who is appointed by the President, by and with the advice and consent of the Senate, for a period of 4 years and who may be reappointed for further periods of 4 years each. The Engineer in Chief is selected from the

active list of engineering officers not below the grade of commander. This office comprises the following divisions all of which, as implied by their names, perform immediate duties in furtherance of the general responsibilities of the Chief of the Office: Aeronautical Engineering Division; Civil Engineering Division; Electronics Engineering Division; Naval Engineering Division; Testing and Development Division.

(c) *Office of Finance and Supply.* The Office of Finance and Supply directs those logistic functions of the Service that relate to (1) the disbursement of funds and the maintenance of accounts, and (2) the procurement, storage, and distribution of equipment, supplies and services. This office is headed by the Chief, Office of Finance and Supply, who is appointed by the Commandant from among the active list of line officers. This office comprises the following divisions, all of which, as implied by their names, perform immediate duties in furtherance of the general responsibilities of the Chief of the Office: Accounting Division; Supply Division.

(d) *Office of Merchant Marine Safety.* The Office of Merchant Marine Safety directs the program for prevention of marine casualties, including the inspection of merchant vessels to insure compliance with established standards, approval of vessel plans and equipment, and the development and application of standards for merchant marine personnel. This office is headed by the Chief, Office of Merchant Marine Safety, who is appointed by the Commandant from among the active list of line officers. This office comprises the following divisions, all of which, as implied by their names, perform immediate duties in furtherance of the general responsibilities of the chief of the office: Merchant Marine Personnel Division; Merchant Marine Technical Division; Merchant Vessel Inspection Division.

(e) *Office of Operations.* The Office of Operations directs those operations of

the Service which involve the saving of life and property, law enforcement and general patrol functions including (1) air-sea rescue, (2) aid to vessels in distress, (3) flood relief, and (4) distress, safety, and other communications; supervises the aids to navigation program; and provides for the operational readiness of the Service. This office is headed by the Chief, Office of Operations, who is appointed by the Commandant from among the active list of line officers. This office comprises the following divisions, all of which, as implied by their names, perform immediate duties in furtherance of the general responsibilities of the chief of the office: Aids to Navigation Division; Aviation Division; Communications Division; Floating Units Division; Ordnance, Gunnery, and Readiness Division; Shore Units Division.

(f) *Office of Personnel.* The Office of Personnel directs those logistic functions of the Service that are of a personnel character including the procurement, training, assignment, and separation of personnel; the provision of medical and morale services and the administration of the Coast Guard Reserve and the Coast Guard Auxiliary programs. This office is headed by the Chief, Office of Personnel, who is appointed by the Commandant from among the active list of line officers. This office comprises the following divisions, all of which, as implied by their names, perform immediate duties in furtherance of the general responsibilities of the chief of the office: Civilian Personnel Division; Enlisted Personnel Division; Medical Division; Military Morale Division; Officer Personnel Division; Reserve and Auxiliary Division; Training and Procurement Division.

§ 1.05-50 *Intra- and Inter-Agency Committees* — (a) *Air-Sea Rescue Agency.* The Air-Sea Rescue Agency, which was established during the war at the request of the Joint Chiefs of Staff functions under the Coast Guard with the Commandant acting as the Head,

assisted by a board of representatives from the Army, Navy and Coast Guard under the immediate supervision of the Executive Assistant to the Head. The Air-Sea Rescue Agency is charged with conducting joint studies and assembling and disseminating information with respect to air-sea rescue equipment, methods and facilities.

(b) *Merchant Marine Council.* The Merchant Marine Council acts as a deliberative body to consider proposed Merchant Marine Regulations, to conduct public hearings, and generally to provide a forum where problems concerning the public and the merchant marine industry may be considered. The Council advises on policy matters and serves as a medium for the discussion of merchant marine problems involving more than one office of Headquarters. It is composed of the Commandant, the Engineer in Chief as Chairman, the Chief, Planning and Control Staff, the Chief, Office of Merchant Marine Safety, who serves as Vice Chairman, the Chief, Merchant Vessel Inspection Division, the Chief, Merchant Marine Personnel Division, the Chief, Merchant Marine Technical Division, and such additional Coast Guard officers as may be designated by the Commandant.

SUBPART 1.10—FIELD ORGANIZATION

§ 1.10-1 *General description.* The continental United States, the territory of Alaska, the territory of Hawaii, and Puerto Rico, are divided into 14 Coast Guard Districts. The central office for each district is known as the Coast Guard District Office. The area embraced by each district and the location of the District Office is indicated in § 1.10-5. The various Coast Guard floating and shore units come under the cognizance of the district in which geographically located.

§ 1.10-5 *Coast Guard Districts and offices.* The 14 Coast Guard Districts comprise the areas indicated and have offices located as specified in the table below:

| Coast Guard district | Comprises | Address of Coast Guard district office | Coast Guard district | Comprises | Address of Coast Guard district office |
|----------------------|---|--|----------------------|--|---|
| First..... | States of Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island, and all United States naval reservations on shore in Newfoundland. | 1400 Custom House, Boston 9, Mass. | Ninth..... | States of New York (west of longitude 74° 39' W. and north of latitude 42° N.), Pennsylvania (west of longitude 79° W. and north of latitude 41° N.), Ohio (north of latitude 41° N.), Michigan, Indiana (north of latitude 41° N.), Illinois (north of latitude 41° N. and east of longitude 90° W.), Wisconsin (east of longitude 90° W.), and that part of Minnesota north of latitude 46° 23' N. | 1700 Keith Bldg., Cleveland 15, Ohio. |
| Second..... | States of West Virginia, Kentucky, Tennessee, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Iowa, Missouri; and those parts of the States of Pennsylvania, Ohio, Indiana, Illinois, Wisconsin, Minnesota, Arkansas, Mississippi, and Alabama not included in the Fourth, Eighth, and Ninth Coast Guard Districts. | 232 Old Custom House, 8th and Olive Sts., St. Louis 1, Mo. | Tenth..... | Panama Canal Zone, all of the island possessions of the United States pertaining to Puerto Rico and Virgin Islands; and all United States naval reservations in the islands of the West Indies and on the north coast of South America. | La Marina, San Juan, P. R. |
| Third..... | State of Connecticut; State of New York not included in the Ninth Coast Guard District; and the northern part of New Jersey, including counties of Mercer, Monmouth, and all counties north thereof. | 42 Broadway, New York 4, N. Y. | Eleventh..... | States of New Mexico and Arizona, Clark County, Nevada, and the southern part of California including the counties of Santa Barbara, Kern, and San Bernardino and all counties south thereof. | 706 Times Bldg., Long Beach 2, Calif. |
| Fourth..... | State of Pennsylvania, east of longitude 79° W.; southern part of New Jersey, including counties of Burlington, Ocean, and all counties south thereof; and Delaware, including Fenwick Island Light. | 210 West Washington Square, Philadelphia 6, Pa. | Twelfth..... | States of Colorado, Utah, Nevada (except Clark County), and that part of the State of California not included in the Eleventh Coast Guard District. | 907 Appraisers Bldg., 630 Sansome St., San Francisco 26, Calif. |
| Fifth..... | States of Maryland, Virginia, and North Carolina. | Box 540, New Post Office Bldg., Norfolk 1, Va. | Thirteenth..... | States of Washington, Oregon, Idaho, Montana, and Wyoming. | Alaskan Bldg., 618 2d Ave., Seattle 4, Wash. |
| Sixth..... | States of South Carolina, Georgia, and the State of Florida, less Nassau and Duval counties and the counties west of the Apalachicola River. | Dupont Bldg., P. O. Box 2588, Miami 30, Fla. | Fourteenth..... | Territory of Hawaii and the Pacific Islands belonging to the United States west of longitude 140° W. and south of latitude 42° N. | Federal Bldg., Honolulu, T. H. |
| Eighth..... | States of Texas and Louisiana; that part of the State of Alabama, Mississippi, and Arkansas south of latitude 34° N.; and that part of the State of Florida not included in the Seventh Coast Guard District. | P. O. Box 282, New Orleans 9, La. (Custom House). | Seventeenth..... | Territory of Alaska..... | Ketchikan, Alaska. |

TREASURY DEPARTMENT

§ 1.10-10 *District Organization*—(a) *District Commander*. The chief of each Coast Guard District, with headquarters as indicated in 1.10-5 above, is officially designated as "Commander, Coast Guard District." The District Commander is charged with the administration of all Coast Guard responsibilities and activities within his respective district.

(b) *Chief of Staff*. The Chief of staff performs duties as prescribed by the District Commander and acts as District Commander during the absence or disability of that officer, or in the event there is a vacancy in the office of the District Commander.

(c) *District Office*. The immediate office of the District Commander consists

of the Chief of Staff, the Planning and Control Officer, the Public Information Officer, the Marine Inspection Officer, and the following independent sections: Intelligence and Law Enforcement Section; Legal Section; and Office Services Section. In addition to the District Commander's immediate office, the District Office organization consists of the following operational and logistic divisions: Engineering Division; Finance and Supply Division; Operations Division; and Personnel Division. The subdivisional organization of the District Office parallels that of Headquarters (see subpart 1.05).

§ 1.10-15 *Obtaining information*. Requests for general information concern-

ing Coast Guard functions and for services of operating units for the enforcement of law, patrol of regattas, for rescue of persons or property, etc., should be made to the appropriate District Commander listed in § 1.10-5.

§ 1.10-20 *Marine Inspection Districts and Offices*—(a) *General*. For purposes of administering the marine inspection activities, local marine inspection offices are established within the several Coast Guard Districts. Each such office is responsible for a certain geographical area. The location of these offices and the Coast Guard District in which located are specified in the table below:

| Coast Guard district | Marine inspection office | Address | Coast Guard district | Marine inspection office | Address |
|----------------------|--------------------------|--|----------------------|--|--|
| First | Portland, Maine | 76 Pearl St., Portland 3, Maine. | Eighth | New Orleans | 311 Custom House, Canal St., New Orleans 12, La. |
| | Boston | 40 Broad St., Boston 9, Mass. | | Port Arthur | Bluestine Bldg., Port Arthur, Tex. |
| | Providence | 409 Federal Bldg., Providence 3, R. I. | | Houston | 312 Appraisers Store Bldg., Houston, Tex. |
| Second | Pittsburgh | 1215 Park Bldg., Pittsburgh 22, Pa. | Ninth | Galveston | New Federal Bldg., Galveston, Tex. |
| | Point Pleasant | Post Office Bldg., Point Pleasant, W. Va. | | Oswego | 205 Federal Bldg., Oswego, N. Y. |
| | Cincinnati | New Post Office Bldg., Cincinnati 2, Ohio. | | Buffalo | 440 Federal Bldg., Buffalo 3, N. Y. |
| | Louisville | Federal Bldg., Louisville 2, Ky. | | Cleveland | 1134 Kelth Bldg., 1621 Euclid Ave., Cleveland 15, Ohio. |
| | Nashville | 1018 Stahlman Bldg., Nashville 3, Tenn. | | Toledo | 402 Court House and Custom Bldg., Toledo 2, Ohio. |
| | Memphis | 322 Custom House, Memphis 3, Tenn. | | Detroit | 430 Federal Bldg., Detroit 26, Mich. |
| | Cairo | 425 New Post Office Bldg., Cairo, Ill. | | St. Ignace | Municipal Bldg., State St., St. Ignace, Mich. |
| | St. Louis | 937 New Federal Bldg., St. Louis 1, Mo. | | Duluth | 311 Federal Bldg., Duluth 2, Minn. |
| | Dubuque | Post Office and Court House, Dubuque, Iowa. | | Chicago | 1102 Custom House, 610 South Canal St., Chicago 7, Ill. |
| | Third | New London | | 302 New Post Office Bldg., New London, Conn. | Milwaukee | 533 Federal Bldg., Milwaukee 2, Wis. |
| New Haven | | 311 Federal Bldg., New Haven 10, Conn. | Ludington | National Bank of Ludington, Ludington, Mich. | |
| Fourth | New York | 42 Broadway, New York 4, N. Y. | Tenth | San Juan | Federal Bldg., San Juan, P. R. |
| | Albany | 313 Federal Bldg., Albany 1, N. Y. | Eleventh | Long Beach | 1126 Times Bldg., Long Beach 2, Calif. |
| Fifth | Philadelphia | 801 Custom House, Philadelphia 6, Pa. | Twelfth | San Francisco | New Appraisers Bldg., 630 Sansome St., San Francisco, Calif. |
| | Baltimore | 209 Chamber of Commerce Bldg., Baltimore, Md. | Thirteenth | Seattle | Alaskan Bldg., 2d and Cherry Sts., Seattle 4, Wash. |
| Seventh | Norfolk | Box 540, New Post Office Bldg., Norfolk 1, Va. | Fourteenth | Portland | 1005 Failing Bldg., Portland 4, Ore. |
| | Charleston | East Bay and Broad Sts., Charleston 3, S. C. | Fifteenth | Honolulu | Pier 4, Honolulu, T. H. |
| | Savannah | Custom House, Savannah 12, Ga. | Sixteenth | Alaska | Commercial Bldg., Kotchikan, Alaska. |
| | Jacksonville | Federal Bldg., Jacksonville 1, Fla. | | | |
| | Miami | Professional Bldg., Miami 32, Fla. | | | |
| Eighth | Tampa | 406 Federal Bldg., Tampa 2, Fla. | | | |
| | Mobile | Court House and Custom House, Mobile 9, Ala. | | | |

(b) *Marine inspection office*. (1) Each local marine inspection office is headed by an Officer in Charge, Marine Inspection, designated by the Commandant of the Coast Guard, who is responsible for the immediate direction of the marine inspection functions consisting of factory and shipyard inspections, inspection of vessels in order to determine that they comply with the applicable laws, rules, and regulations relating to safe construction, equipment, manning, and operation and that they are in a seaworthy condition for the services in which they are operated; the investigation of marine casualties and accidents; and the licensing, certificating and disciplining and shipment and discharge of seamen; and the enforcement of vessel inspection, navigation, and seamen's laws in general in the areas over which he has jurisdiction. Requests for performance of such functions and for information as to legal requirements vessels must comply with should be made to the appropriate marine inspection office. Matters of general information of interest to the maritime industry are published in the monthly publication "The Proceedings of the Merchant Marine Council" which may be obtained from the Commandant.

(2) Assisting the Officer in Charge, Marine Inspection, are Marine Inspector, Matériel, Marine Inspector, Per-

sonnel, Shipping Commissioner, and Hearing Officer.

§ 1.10-75 *Other district facilities*—

(a) *Types*. For the purpose of discharging the various Coast Guard duties and responsibilities other than those pertaining to marine inspection, the several districts maintain and operate numerous floating and shore facilities of various types. These include operating units such as ships; aircraft; air, light, radio, and lifeboat stations; Captain of the Port offices; and logistics units such as recruiting, receiving, and training stations; repair yards; and telephone system offices. These units are headed by Commanding Officers or Officers in Charge to whom is delegated responsibilities for the performance of the various Coast Guard duties.

(b) *Obtaining services or information*. Requests for the services of operating units for the enforcement of laws, search and rescue operations, and like operations within the capabilities of the unit may be made to the Commanding Officer of the local unit. However, conditions may prevent his acting on such request in which case request should be made to the appropriate District Commander. Local operating units are usually listed in local telephone directories.

§ 1.10-90 *Independent Coast Guard facilities*—(a) *Continental United States*,

Certain major logistics facilities, although within the geographical limits of the several districts, are directly under the cognizance of Headquarters. These include the Coast Guard Academy, New London, Connecticut; the Coast Guard Yard, Baltimore, Maryland; and the Washington Radio Station, Washington, D. C.

(b) *Foreign*. The several Merchant Marine Details located in foreign ports are likewise responsible directly to Headquarters. For location and address of these details apply to the Commandant, U. S. Coast Guard.

SUBPART 1.50—DELEGATIONS OF AUTHORITY

§ 1.50-1 *District Commander*. Final authority for the performance within the confines of his district of the functions listed in § 1.01-5 is delegated to the District Commander by the Commandant. In turn delegations of final authority run from the District Commander to commanding officers of local operating units under his control in the performance of law enforcement, patrol of regattas and search and rescue functions coming within the scopes of their activities.

§ 1.50-20 *Officer in Charge, Marine Inspection*. (a) Final authority for the performance of functions listed in § 1.10-20 is vested in the Officer in Charge, Marine Inspection. Procedure for ap-

pealing from the decisions of that officer or his subordinates on such matters is set forth in the various types of procedures covered by Parts 1 to 4, inclusive, *infra*.

(b) By authority of §§ 312.15, 322.18, 332.14 of this title, this officer is delegated authority to prescribe distinctive lights for ferryboats operated by different companies.

§ 1.50-30 *Captain of the Port*. Captains of the ports have been delegated authority to control the movements and anchorages of vessels within their port areas, by Part 6 of this chapter. The Captain of the Port at Sault Ste. Marie, Michigan, is in charge of the St. Mary's River Patrol, and has authority to control the routing of traffic through the dredged channels contingent upon the physical conditions at the time. The officers and men of the patrol have authority to enforce the regulations in accordance with Part 323 of this title.

SUBPART 1.60—FINAL OPINIONS OR ORDERS AND RULES

§ 1.60-1 *Final opinions or orders*. Final opinions or orders in the adjudication of cases relating to the U. S. Coast Guard are made available to public inspection except those held confidential and not cited as precedents. Final opinions or orders which are cited as precedents but which contain confidential information will be made available in abstract form showing the principles relied upon without revealing the confidential facts. The decision as to whether or not a final opinion or order contains confidential information will be determined in accordance with the standards set forth in §§ 1.80-1 to 1.80-90, inclusive.

§ 1.60-50 *Rules*. The rules issued or coming within the jurisdiction of the Coast Guard which apply to the public are usually published in Chapters I, III, and IV of this title or Chapter I of 46 CFR, and are available for inspection at Headquarters or Coast Guard District Offices (See § 1.10-5 for list of District Offices). Rules issued by a field officer and applicable to a specific locality are available for inspection at the office issuing the rule. (See §§ 1.10-1 to 1.10-90, inclusive, for field organization.)

SUBPART 1.75—RULE MAKING

§ 1.75-1 *General*. The procedures described in this subpart will be observed by the Coast Guard in enacting rules or regulations as authorized by navigation and vessel inspection laws, port security regulations and in granting or withdrawing approvals of safety equipment which require approval of the Commandant for use on vessels.

§ 1.75-10 *Notices, hearings, and panels*. (a) The Merchant Marine Council is the deliberative body which will consider material and arguments for or against adoption of proposed regulations. The Council meets in regular session on the second Tuesday in February and in October and in special sessions as necessary. Such meetings are open to the public even though such public hearings may not be required by statutes.

(b) Notice of the time and place of the meeting will be published in the Federal Register approximately six weeks in advance of any meeting. In addition, either the full text of the proposed regulations or the substance of the proposed rules will be published in the same notice. In the latter case copies of the proposed regulations will be mailed to interested parties who will be advised in the published notice that such copies may be obtained from the Commandant. Invitations to appear at the hearing will be extended and opportunity for submission of comments on the proposals will be given.

(c) After deliberation on the comments and arguments the Council recommends to the Commandant regulations for adoption or rejection. Publication of the changes adopted will be made in the Federal Register with the effective date to be not less than 30 days after such publication except in those cases where for good cause the effective date should be earlier.

(d) Adoption of regulations other than those above and which have general application will be made in accordance with the above procedure with the exception that the Chief of the Office charged with the enforcement of such regulations will preside at the hearing instead of the Merchant Marine Council.

(e) Regulations which have only local application will be made in accordance with the above procedure except that the hearing will be held in the locality to which the regulations apply.

SUBPART 1.80—OFFICIAL RECORDS AND DOCUMENTS

§ 1.80-1 *Access to records*. Official records will be made available to persons who have legitimate and valid reasons for seeking access to records, which are not classified as confidential by reason of military necessity or for other good cause.

§ 1.80-10 *Records at Headquarters*. There are retained on file at Headquarters the following types of official records, access to which may be had by a person establishing an interest in the particular record on request to the Commandant, who will refer the matter to the chief of the division responsible for the files: Records of Boards of investigation of claims or marine casualties and accidents; records of boards of review of discharges, dismissals, or retiring boards; shipping articles; central records of merchant seamen; deeds or leases of property held by Coast Guard; contracts; changes in regulations; opinions and orders of the Commandant.

§ 1.80-60 *Records at field offices*. There are retained on file at each field office the records of matters in which final actions have been taken by them under functions delegated as set forth in §§ 1.50-1 to 1.50-30, inclusive. Access to any particular record may be had by a person establishing an interest in the particular record on request to the appropriate field officer responsible for the records, and in any case where the field officer doubts the right of the person to see the record, such field officer will refer the matter to the Commandant by letter or dispatch for decision. Because of the

nature of some records, examination in those cases will be permitted only in the presence of a responsible Coast Guard officer or employee.

§ 1.80-90 *Copies of records*. Within the discretion of the responsible officer, and without unduly interfering with the activities of the field office, certain records may be copied or duplicated at the labor and expense of the person requesting a copy of the records. If extra copies of records were made by the Coast Guard and are readily available, the officer responsible for the records may furnish such copies to the applicant establishing an interest in the particular record and a specific need for it.

PART 20—PROCEDURES APPLICABLE TO THE PUBLIC

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CROSS REFERENCES: For description of Coast Guard organization see Part 1, General Organization and Jurisdiction, of this chapter, *supra*. For description of procedures dealing with merchant marine activities in particular see parts 1 to 4, inclusive, of Title 46, *infra*.

SUBPART 20.01—GENERAL PROCEDURES

§ 20.01-1 *Theory of chain of command.* The Commandant, U. S. Coast Guard, is charged with the duty of directing the activities of the Coast Guard; however, certain administrative staffs have been provided to assist him in the performance of his responsibility. The chain of command ordinarily runs from the Commandant to the District Commander, and in turn from the District Commander to the commanding officer or officer in charge of a particular operating unit.

§ 20.01-10 *Commandant's decisions.* The Commandant is directed, under the law, to administer the functions of the Coast Guard. His authority is derived from statutes, regulations promulgated pursuant thereto, executive orders, and proclamations, which cover the finality of decisions made by him.

§ 20.01-20 *District Commanders' decisions.* The District Commanders are regarded as staff officers of the Commandant and as such are authorized to take definitive action on matters provided they do so by virtue of the proper delegation of authority.

§ 20.01-30 *Field units' decisions.* The field units perform certain duties and make decisions under the direction and supervision of the District Commander. Generally their authority comes either from the Commandant or the District Commander, however, in addition the Captain of the Port derives certain authority over the anchorage and movement of vessels from 50 U. S. C. 191 and 191c and the regulations promulgated pursuant thereto.

SUBPART 20.10—NORTH ATLANTIC PASSENGER ROUTES

§ 20.10-1 *Notice of ship routes.* The procedures for filing either notices of routes to be followed by passenger vessels in crossing the North Atlantic Ocean or reports of deviation from such routes are contained in §§ 3.1 and 3.2 of this chapter.

§ 20.10-10 *Penalties.* Penalties are provided for violations and the procedure for the imposition of such penalties are set forth in § 3.6 of this chapter.

SUBPART 20.15—ENTRANCE REQUIREMENTS FOR COAST GUARD ACADEMY

§ 20.15-1 *Application.* An applicant who is able to meet the requirements set forth in § 4.2 of this chapter and Coast Guard Form 144—Regulations governing appointment to cadetship, and special notice of examination, which forms may be obtained from the Commandant, U. S. Coast Guard, Coast Guard Recruiting Offices, or the United States Coast Guard Academy, and who desires to enter the Academy should execute one copy of Coast Guard form 9530, Application to take the examination for appointment as a cadet, which form may be obtained from the Commandant, Coast Guard Recruiting Offices, or the Coast Guard Academy. This form will be approved or disapproved by the Commandant, U. S. Coast Guard, whose decision is final. The applicant will be notified of the decision of the Commandant by letter.

§ 20.15-5 *Preliminary physical examination.* Before filing an application or preparing for an examination, a candidate must be examined thoroughly by a competent physician, the results of which are tabulated on Coast Guard form 9530A, Preliminary physical examination record, which form may be obtained from the Commandant, Coast Guard Recruiting Offices, or the Coast Guard Academy, to determine whether or not he can meet the physical requirements set forth in Appendix A of Coast Guard form 144, which form will be approved or disapproved by the Commandant by letter.

§ 20.15-10 *Educational questionnaire.* This questionnaire, Coast Guard form 9530B, may be obtained from the Commandant, Coast Guard Recruiting Offices, or the Coast Guard Academy, is not an application nor does it take the place of any information required by the Coast Guard in connection with applications. It is for the information of the Academy and is to be mailed directly to the United States Coast Guard Academy, New London, Connecticut.

§ 20.15-15 *Transcripts of education.* Each candidate must submit one or more copies of Coast Guard forms 9539, Certificate for accredited college, university, or technological school, and 9539A, Certificate for preparatory school or public high school, which forms may be obtained from the Commandant, Coast Guard Recruiting Offices, or the Coast Guard Academy, which forms are approved or disapproved by the Commandant, on the basis of the requirements listed in the regulations in part 4 of this chapter, and Coast Guard form 144,

which form may be obtained from the Commandant, U. S. Coast Guard, Coast Guard Recruiting Offices, or the U. S. Coast Guard Academy. The applicant will be notified of the decision of the Commandant by a letter, whose decision is final.

§ 20.15-20 *Review and rating of examination papers.* The papers of candidates will be examined and rated by commissioned officers of the Coast Guard. After the papers have been rated, a board of commissioned officers of the Coast Guard, appointed by the Commandant, will consider applicants who have attained a passing grade according to the procedure set forth in § 4.7 of this chapter.

§ 20.15-25 *Final physical examination; appointments.* Candidates who are considered eligible will be required to report to the Coast Guard Academy, New London, Connecticut, where they will be given a final physical examination by a board of medical officers of the Public Health Service. Candidates who successfully pass this physical examination will be issued appointments as cadets, except, the number appointed is discretionary with the Secretary of the Treasury and will depend upon the needs of the service at the time.

SUBPART 20.20—COAST GUARD AUXILIARY

§ 20.20-1 *Application for membership.* A candidate for membership in the Auxiliary shall make application on Coast Guard form 2730, in accordance with the requirements set forth in § 5.3 of this chapter.

§ 20.20-10 *Admission to membership.* An applicant who is accepted for membership will be issued a membership certificate, Coast Guard form 2737-A and an Identification Card, Coast Guard form 2650, under the conditions set forth in § 5.3 of this chapter.

SUBPART 20.30—CLAIMS

§ 20.30-1 *General.* The General Claims Regulations in Part 15 of this chapter are prescribed to govern the administration of claims for damage to or loss or destruction of property, or for personal injury or death, caused by Coast Guard personnel or civilian employees of the Coast Guard, while acting within the scope of their employment, or otherwise incident to the activities of the Coast Guard, when the Coast Guard is not operating as a part of the Navy.

§ 20.30-5 *Bailed personal property and use and occupancy of real property.* Claims for damage to or loss or destruction of such property are payable under sections 15.7 and 15.8 of this chapter; however, if deemed in the best interest of the Government, they may be processed as contract claims through the General Accounting Office.

§ 20.30-10 *Contract claims.* Claims for damage to such property, except those under §§ 15.7 and 15.8 of this chapter, are normally not payable under the provisions of Part 15 of this chapter; however, any claim which is apparently within the provisions of the Act of March 20, 1946, but appears to be founded in contract, express or implied, will be

forwarded with related files and recommendations by or through the Commandant of the cognizant Coast Guard district or activity to the Commandant for appropriate administrative action.

§ 20.30-15 *Form of claim and place of filing.* Claims should be submitted in triplicate in accordance with the requirements set forth in § 15.22 of this chapter, or by using Coast Guard Form 2880—General Claims—whenever practicable. These forms may be obtained from the Commandant, District Commanders, and independent units, and should be filed with the nearest commanding officer of the activity involved or with the Commandant, Washington 25, D. C.

§ 20.30-20 *Boards of investigation.* (a) The regulations in § 15.25 of this chapter, provide that if the facts of the case require that a board of investigation be convened it will be convened as prescribed in Article 900—Coast Guard Courts and Boards, 1935. Access may be had to this publication at any Coast Guard office or unit.

(b) The regulations in § 15.25 of this chapter, provide that in the case of a marine casualty involving a Coast Guard vessel and a private vessel or instrumentality, the procedure set forth in the Commandant's letter of March 30, 1943, and section 7-3-5 A, of the Merchant Marine Inspection Instructions shall be followed. Access may be had to these instructions at Coast Guard Headquarters, or the office of any District Commander.

§ 20.30-25 *Approval of claims.* Subject to appeal to the Secretary of the Treasury, claims under the provisions of Part 15 of this chapter may be approved or disapproved by the Commandant, Assistant Commandant, or the Chief Counsel, U. S. Coast Guard. These claims when approved as aforesaid will be forwarded to the appropriate certifying officer for certification as provided in Chapter XVI, Pay and Supply Instructions, U. S. Coast Guard. Access may be had to this publication at any Coast Guard office or unit.

§ 20.30-30 *Appeals.* The regulations in § 15.29 of this chapter provide that any claimant may appeal to the Secretary of the Treasury for a review of the adjustment or determination of his claim. Such appeal shall be made in writing and shall be addressed to the Secretary of the Treasury, Washington 25, D. C.

§ 20.30-35 *Claims in excess of \$500.* Claims in excess of \$500 (\$1,000 in time of war) if otherwise within the scope of the regulations in Part 15 of this chapter may be reported pursuant to the procedure as set forth in § 15.20 of this chapter.

SUBPART 20.40—COURTS MARTIAL

§ 20.40-1 *Offenses against military discipline.* These offenses are punishable by Coast Guard Courts under the jurisdiction set forth in 14 U. S. C., Chapter 5. The only aspect of such courts martial not relating solely to the internal management of the Coast Guard rests upon the right of the accused or the de-

fendant to employ civilian counsel to represent him in the trial. This right may be exercised at the time of arrest, the service of charges, or at any subsequent stage of the proceedings. The regulations governing court martial trials and procedures are contained in a publication known as "Coast Guard Courts and Boards, 1935." Civilian counsel may have access to this publication at any Coast Guard office or unit.

SUBPART 20.50—CONTRACTS

§ 20.50-1 *Procurement of supplies and services.* In procuring supplies and services the Coast Guard uses Standard Government Contract forms and procedures, which are supplemented by forms containing contract conditions peculiar to the Coast Guard. Invitations for bids are solicited from prospective bidders as well as posted in public places. Contract forms and supplemental material are available at the time of the solicitation of the bid, or these forms may be obtained upon request from Coast Guard Headquarters and from field offices.

SUBPART 20.55—COAST GUARD RESERVE

§ 20.55-1 *Application for commission or warrant.* A person who desires to be appointed in the Coast Guard Reserve must execute Coast Guard form 2725, which form may be obtained from the Commandant, U. S. Coast Guard, or the District Commander of any Coast Guard District. This form must be executed in duplicate and submitted to the Procurement Division at Coast Guard Headquarters, Washington, D. C., or to the District Commander, of the district in which the applicant resides. The approval of the Commandant will be based upon existing regulations, which may be inspected at Coast Guard Headquarters, Washington, D. C., or at any Coast Guard field office, and on the needs of the Coast Guard. The applicant will be notified by letter of the decision of the Commandant, which decision is final.

§ 20.55-5 *Finger-print record.* A person submitting an application for a commission in the Coast Guard Reserve must submit Coast Guard form 2515, Finger-print record, obtainable from the Commandant, U. S. Coast Guard, or any of the district offices, which must be presented in person at Coast Guard Headquarters, any district office, or to local police who will make the impressions. This form is then submitted with the application referred to in § 20.55-1.

§ 20.55-10 *Correspondence courses.* A person submitting an application for a commission must execute a form entitled "agreement to enroll in correspondence courses", obtainable from the Commandant, U. S. Coast Guard, or any district office. This formal agreement in duplicate to enroll in such correspondence courses as may be designated from time to time is furnished as a supporting paper to the application.

§ 20.55-15 *Statement regarding pension from the government.* A person submitting an application for a commission in the Coast Guard must submit a sworn statement in duplicate that he is not drawing nor has he a claim pending,

on account of his own service, for a pension, disability allowance, disability compensation, or retired pay from the government of the United States, which statement is furnished as a supporting paper to the application for a commission.

§ 20.55-20 *Personal history statement.* A person submitting an application for a commission in the Coast Guard Reserve must submit Coast Guard form 2527, Personal history statement, which form may be obtained from the Commandant, U. S. Coast Guard, which is submitted as a supporting paper to the application.

SUBPART 20.60—ENLISTMENTS

§ 20.60-1 *Application.* A person who desires to enlist in the Coast Guard shall execute one copy of Coast Guard form 2520, obtainable from any Coast Guard Recruiting office, and submitted to the recruiting officer who will approve or reject such application on the basis of Regulations for the U. S. Coast Guard 1940, as amended, which may be inspected at any district office. Any person aggrieved by a decision of the recruiting officer may appeal to the Commandant, U. S. Coast Guard, Washington, D. C. The individual will be notified of the decision of the Commandant by a letter, whose decision is final.

§ 20.60-5 *Enlistment contract.* Two copies of Coast Guard form 2500 will be prepared by the enlisting officer for enlistment or re-enlistment in the regular establishment of the Coast Guard or Coast Guard Reserve.

§ 20.60-10 *Special enlistment contract.* Two copies of Coast Guard form 2500B are prepared by the enlisting officer for enlistment in the Special Temporary Establishment of the Coast Guard. The original of this form will be sent to the Commandant, United States Coast Guard, Washington, D. C., and the copy will accompany the jacket of the particular man.

§ 20.60-15 *Consent of parent or guardian.* In the case, a minor, under the age of 21 years, desires to enlist in the Coast Guard, the parent or guardian must consent to such enlistment by executing two copies of Coast Guard form 2551, which will be mailed or sent to the parent or guardian by the Coast Guard Recruiting officer, and is a supporting paper to the application.

§ 20.60-20 *Report of Police record.* When a candidate for enlistment submits his application for enlistment in the Coast Guard, the Recruiting Officer mails a copy of Coast Guard form 2679 to the Chief of police, of the locality where the applicant resides requesting that he furnish certain information concerning the applicant, and is a supporting paper to the application.

§ 20.60-25 *Character references.* When a candidate for enlistment submits his application for enlistment in the Coast Guard the Recruiting Officer mails a copy of Coast Guard form 2682 to the persons referred to by the applicant for a character reference, requesting that he furnish certain information concerning the applicant, which is supporting papers to the application.

§ 20.60-30 *Report of fitness.* When a candidate for enlistment submits his application for enlistment in the Coast Guard, the recruiting officer mails a copy of Coast Guard form 2678 to a former employer or school official, of the applicant, who is requested to furnish certain information concerning the applicant, which is a supporting paper to the application.

SUBPART 20.65—RETIRING REVIEW BOARD

§ 20.65-1 *Application for review.* Any Coast Guard officer retired or released to inactive service, without pay, for physical disability, pursuant to the decision of a retiring board may request review of the findings and decision of such board. An application requesting a review must be in writing and addressed to the Retiring Review Board, Coast Guard Headquarters, Washington 25, D. C. Forms for application for review may be obtained from said Board.

§ 20.65-5 *Hearings and review.* The Retiring Review Board will hold hearings, if necessary, and review the evidence in accordance with the procedures set forth in Part 11 of this chapter. As far as practicable the hearings of the Board will be conducted in accordance with the pertinent instructions contained in a publication known as "Coast Guard Courts and Boards, 1935." Access may be had to this publication at any Coast Guard office or unit.

§ 20.65-10 *Notification.* Final action in the case will be by letter to the officer requesting the review.

SUBPART 20.70—BOARD OF REVIEW, DISCHARGES AND DISMISSALS

§ 20.70-1 *Petition for review.* A person receiving an honorable discharge certificate, Coast Guard form 2510; certificate of discharge under honorable conditions, Coast Guard form 2510A; undesirable discharge, Coast Guard form 2510B; bad conduct discharge, Coast Guard form 2510C; or dishonorable discharge, Coast Guard form 2510D, and which he deems inappropriate may petition for a review of such discharge or dismissal by submitting one copy of Coast Guard form 10034, discharge review petition, authorized by 38 U. S. C. 693 (h) and regulations in 34 CFR Part 21, promulgated pursuant thereto, except that a dismissal by a sentence of a General Court Martial cannot be reviewed. This form will be furnished on individual request, addressed to the Board of Review, Discharges and Dismissals, Coast Guard Headquarters, Washington 25, D. C. The individual will be notified of the action taken by the board, which is final.

§ 20.70-30 *Application for certificate in lieu of discharge.* A person whose Discharge Certificate has been lost or destroyed without privity or procurement on his part, may make application for a certificate in lieu of discharge on Coast Guard Form 9552, which form may be obtained from the Commandant, U. S. Coast Guard. This application should be sent to the Commandant, where the application will receive consideration and either be accepted or rejected and the applicant so notified.

§ 20.70-35 *Certificate in lieu of discharge (yellow).* In case the applicant had received a discharge under other than honorable conditions, and should affirmative action be taken on the application for certificate in lieu of discharge, the Commandant will issue the applicant a certificate in lieu of discharge (yellow), Coast Guard form 9553A.

§ 20.70-40 *Certificate in lieu of discharge (white).* In case the applicant had received a discharge under honorable conditions, and in case affirmative action is taken on the application for certificate in lieu of discharge the Commandant will issue a certificate in lieu of discharge (white), Coast Guard form 9553.

SUBPART 20.75—DESERTION

§ 20.75-1 *Declaration and reward for deserter from U. S. Coast Guard.* Coast Guard form 2840, Declaration and Reward for Deserter from the U. S. Coast Guard, will be prepared and issued by Coast Guard Headquarters and Commanding officers of vessels and stations outside the continental United States after a man has been declared a deserter. A copy of this form will be sent to the Chief of Police of the city given as the home address of the deserter and to the Chief of Police or police officials in the cities adjacent to the port in which absence occurred. A copy of this form should be presented when delivering the man described on the form.

§ 20.75-10 *Notification of return of a deserter.* Coast Guard form 2842, Notification of Return of a Deserter, will be prepared and issued by Coast Guard Headquarters upon the receipt of information that a deserter, for whom a reward for apprehension has been offered on the form referred to in § 20.75-1, has returned or has been apprehended. This form will be sent to the Chief of Police of the city given as the home address of the deserter, to the Chief of Police or police officials in the cities adjacent to the port in which absence occurred and such others as may be necessary.

SUBPART 20.80—AIDS TO NAVIGATION

§ 20.80-1 *Notice to Mariners.* These notices, Coast Guard Form 2535, are mailed to the public, also posted in public places for the purpose of dissemination of information of changes in aids to navigation. The regulations in § 402.2 of this title set forth the information as to how or where copies of such notices may be obtained. Coast Guard form 2545 will be sent to addressees on Local Notice to Mariners mailing lists, yearly or whenever the list is in need of revision, by Coast Guard District Commanders for the purpose of revising the mailing lists.

§ 20.80-5 *Distribution and Sale of Publications.* The regulations in § 402.3 indicate where copies of light and buoy lists may be obtained.

§ 20.80-10 *Private Aids to Navigation.* Any person desiring to establish a private aid to navigation or discontinue such aid shall submit Coast Guard form 2554 in accordance with the procedures set forth in § 402.4 of this title.

§ 20.80-25 *Marking of Wrecks.* The regulations in § 402.5 of this title set forth the requirements for the marking of wrecks and notice of abandonment of such wreck.

SUBPART 20.85—LIGHTING OF BRIDGES

§ 20.85-1 *Notice Concerning Lighting of Bridges.* This notice, Coast Guard form 2544, is a form letter sent by the District Commander to persons, firms, companies or corporations owning, occupying, or operating bridges over any navigable water, to advise them concerning their responsibility relative to maintaining lights on bridges for the security of navigation.

§ 20.85-5 *Approval of fog signals.* The regulations in § 403.1 require that when the Engineer Department of the War Department has issued regulations requiring such signals, the District Commander of the district in which the structure is located, shall pass upon the size, weight, tone, and characteristic of the bell, or the efficiency and characteristic of any other signal. The District Commander will give notification of his decision.

§ 20.85-10 *Approval of bridge lights.* Approval of lights and other signals required by 33 U. S. C. 494 must be obtained from the Commander of the Coast Guard District in which the structure is located. Applications for approval shall be by letter addressed to the District Commander of the appropriate district in accordance with the requirements set forth in § 403.1 of this title. The applicant will be notified of the decision of the District Commander.

§ 20.85-20 *Visibility of lights.* Lights required by the regulations in § 403.1 shall be located with colors and arcs of illumination as specified, and of such power as in the opinion of the Commandant is required for the safety of navigation.

§ 20.85-30 *Lights on sheer booms.* The color and characteristics of the lights required by § 403.1 shall be determined by the District Commander, with the approval of the Commandant.

§ 20.85-40 *Bridges infrequently used, and unusual cases.* (a) Bridges infrequently used, may on the recommendation of the proper District Commander, with the approval of the Commandant, be exempted from certain provisions of Part 403 of this title, provided such lights as may in the opinion of the appropriate District Commander be maintained for the security of navigation.

(b) The lighting of structures not covered by the regulations in Part 403 of this title shall be referred to the Commandant for his decision. In special cases the Commandant may, in his discretion, if satisfied that the safety of navigation is adequately protected, waive or modify the requirements of the regulations in Part 403 of this title.

§ 20.85-50 *Additional lights on high bridges without draws.* The regulations in § 403.2 of this title provide that additional lights may be required upon the recommendation of the proper District Commander, with the approval of the Commandant.

§ 20.85-60 *Draw span of deck and half-through bridge.* The regulations in § 403.3 of this title provide that where there is but one permanent channel passing beneath the bridge, the lighting of the unused channel may be omitted with the permission of the proper District Commander.

§ 20.85-70 *Appeals.* An applicant may appeal the decision of a District Commander to the Commandant, United States Coast Guard, within 30 days from the date of disapproval by letter or such other means as he desires. The decision of the Commandant is final.

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PART 1—GENERAL COURSE AND METHODS

CROSS REFERENCE: For Coast Guard organization and jurisdiction see Part 1 of Title 33, *supra*. For procedures affecting merchant marine activities in particular see Parts 2, 3, and 4 of this chapter, *infra*, and for other general procedures see Part 20 of Title 33, *supra*.

§ 1.01 *General flow of functions.* (a) The general course and method by which the functions concerning merchant marine activities are channeled begins with the local Officer in Charge, Marine Inspection, through his subordinates, the Senior Marine Inspector, Matériel, Senior Marine Inspector, Personnel, Shipping Commissioner, and Hearing Officer. The functions are listed in §§ 1.10-20, *supra*. As indicated in §§ 1.50-20, *supra*, he is deemed to have final authority subject to the rights of appeal set forth in §§ 2.01-70, *supra*.

(b) The course from the Officer in Charge, Marine Inspection, or his subordinate, is to the Marine Inspection Officer on the staff of the District Commander, then to the District Commander. From the latter officer the chain is to the Chief of one of the three divisions within the Office of Merchant Marine Safety at Headquarters. In most administrative cases the channel ends at that point. However, on matters of policy and of appeals from decisions of Officers in Charge, Marine Inspection, or the District Commander, the matters are referred to the Commandant, through the Chief, Office of Merchant Marine Safety.

PART 2—VESSEL INSPECTIONS

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CROSS REFERENCE: For Coast Guard organization and jurisdiction see Part 1 of Title 33, *supra*.

SUBPART 2.01—INSPECTING AND CERTIFICATING OF VESSELS

§ 2.01-1 *Applications for inspections—*
(a) *Application Forms.* Applications for the annual inspections of vessels required to be inspected by 46 U. S. C. 362, 363, 367, 391, 391a, 395, 404, 405, 1332, shall be made by the master, owner or agent on the following Coast Guard forms which are obtainable from the Officer in Charge, Marine Inspection at any local Marine Inspection Office, U. S. Coast Guard:

- 833—Application for Inspection of Vessel.
- 986—Application for Inspection of Foreign Passenger Vessel.

These applications require information on name and type of vessel, nature of employment and route in which to be operated, and place where and date when she may be inspected.

(b) *Certificates issued.* The completed forms shall be submitted to the Marine Inspection Officer located in, or nearest, the port at which the inspection is to be made. The applicant will be advised in writing of the time when the inspection will be made. Applications for inspection of new vessels of over 100 gross tons shall be preceded by the submission of drawings or prints described in §§ 31.3-3, 63.8, 79.8 or 116.8 or 97.8 cf. this chapter.

§ 2.01-5 *Certificates of inspection.*

(a) Certificates issued upon completion of the inspection of a vessel and on condition that the vessel and her equipment are approved by the inspectors a certificate on one of the following Coast Guard forms will be issued by the Officer in Charge, Marine Inspection as required by

- 46 U. S. C. 399:
- 841—Certificate of Inspection for Steam or Motor Vessels.
- 856—Certificate of Inspection for Seagoing Barges of 100 Gross Tons or Over.
- 852—Certificate of Inspection for Sail Vessels and Barges Carrying Passengers for Hire.
- 842—Certificate of Inspection for Tank Barges.
- 987—Certificate of Inspection for Foreign Passenger Vessels.
- 864—Temporary Certificate of Inspection.
- 989—Certificate of Examination of Foreign Passenger Vessel of Country Having Inspection Laws Approximating Those of the United States.

- A—Approval of Boilers and Machinery on Steam Propelled Motorboats.
- B—Inspection of Boilers on Steam Propelled Motorboats.

(b) *Description of certificate.* These certificates describe the vessel; the route over which she may travel; the minimum manning requirements; the safety equipment and appliances required to be carried on board; the total number of persons which may be carried; the condition of the vessel and her machinery; the names of the master and the owner. The duration of the certificates is for a period of one year after which they must be renewed by making application for inspection as provided for in § 2.01-1.

(c) *Inspection requirements.* If during the inspection, the vessel or her equipment is found not to conform to the requirements of law, notice is given to the master of the vessel on Coast Guard form 835, List of Inspection Requirements, of the requirements which must be met.

(d) *Vessel repairs.* If repairs to a vessel are necessary, such vessel may be permitted to proceed to another port for repairs, if in the opinion of the inspector it can be done with safety. The permit is granted by the Officer in Charge, Marine Inspection, under authority 46 U. S. C. 438, upon request in writing by the Master or owner of the vessel and is issued on Coast Guard Form 948, Permit to Proceed to Another Port for Repairs. No repairs or alterations effecting safety of a vessel or her machinery shall be made unless requirements of 46 CFR, 31.3-8, 63.5, 79.5, 97.5 or 116.5 of this chapter are met.

(e) *Amending certificates.* Where by reason of a change in the character of a vessel or in her route, equipment, etc., the vessel will not comply with the requirements of the certificate of inspection previously issued a certificate amending such certificate may be issued at the discretion of the Officer in Charge, Marine Inspection, to whom request is made, on Coast Guard Form 853, Certificate Amending Certificate of Inspection by Changing Character of Vessel, Route, Equipment, etc.

§ 2.01-25 *International safety certificates and safety radiotelegraph certificates—*(a) *General.* International safety certificates are required to be carried on certain U. S. passenger vessels engaged in International voyages. At the request of the Government of a country in which are registered vessels engaged in International voyages such foreign vessels may be issued safety certificates by the Commandant, U. S. Coast Guard. Such certificates are issued only after inspections have been made of the vessels and they have been found to comply with the requirements of the International Convention for the Safety of Life at Sea, 1929.

(b) *Applications.* (1) Applications for the inspections of passenger vessels are made on the appropriate form listed in § 2.01-1, or by letter, to the Officer in Charge, Marine Inspection in, or nearest, the port at which the inspection is to be made and shall be signed by the master or agent of the vessel.

(2) Applications for the inspection of vessels other than passenger vessels concerning the issuance of a Safety Radio Telegraph Certificate are made by letter to the local office of the Federal Communications Commission, which agency is responsible for the inspection. The local inspector of the agency reports the results of the inspection to the Officer in Charge, Marine Inspection, who issues the certificate. In the case of foreign vessels the publication shall be made to the Commandant by the diplomatic representative of the country concerned.

(c) *Certificates issued.* (1) If a passenger vessel meets the requirements of Chapters II, III and IV of the convention, it shall be issued on Coast Guard Form 968, Safety Certificate for an (a short) International Voyage. A vessel of 1,600 gross tons or over and which is other than a passenger ship is issued a certificate on Coast Guard Form 966, Safety Radiotelegraphy Certificate, if it has been found to comply with the requirements of Chapter IV of the above convention. These certificates describe the vessel or state the vessel is in compliance with the requirements of the convention.

(2) Where completion of the certification of any vessel cannot be effected prior to the sailing of the ship on a foreign voyage, a letter in lieu of a certificate is issued by the Officer in Charge, Marine Inspection, on Coast Guard Form 696, explaining the failure of the ship to have on board the certificate required.

(d) *Exempted vessel.* A vessel may be exempted by the Commandant, U. S. Coast Guard, from complying with certain requirements of the Convention upon request made in writing to him. In such case the exemptions are stated in Coast Guard form 967. Exemption Certificate, which is issued by the Commandant through the appropriate Officer in Charge, Marine Inspection.

§ 2.01-35 *Revocation of certificates of inspection.* Under authority of 46 U. S. C. 435 the certificates of inspection referred to in § 2.01-5 may be revoked if the vessel is found at reinspections not to comply with the terms of the vessel's certificate of inspection.

§ 2.01-50 *Special permits—(a) Passengers or persons in addition to crew.* Special permits may be issued to certain vessels subject to inspection to carry persons in addition to those allowed by the certificates of inspection. Under authority of 46 U. S. C. 453 a passenger vessel may be permitted to engage in excursions and carry additional numbers of passengers. Application for the permit is made by the master, owner, or agent of the vessel to the Officer in Charge, Marine Inspection, on Coast Guard form 950, Application for Excursion Permit. If, after inspection, permission is granted, it is given on Coast Guard form 949, Permission to Carry Excursion Party. The permit describes the vessel, the route over which and the period during which the excursions may be made, and the safety equipment required for the additional persons indicated.

(b) *Persons other than crew on towing, oyster, or fishing steamers.* Steam towing, oyster dredging, and fishing ves-

sels may be permitted to carry persons in addition to their crews under authority of 46 U. S. C. 458 by the District Commander. Application for such a permit is made by the master or agent of the vessel to the District Commander on Coast Guard form 955, Application for Towing, Oyster and Fishing Steamers to Carry Persons Other Than the Crew, which form is obtainable from the District Commander. If the application is approved the permit is issued by the District Commander on Coast Guard form 957, Permit to Towing, Oyster and Fishing Steamers to Carry Persons Other Than the Crew. The master, owner, or agent of any of the above vessels carrying persons in addition to the crew is required to report to the District Commander that he has on board the vessel life preservers in addition to those required for the crew to accommodate the additional persons carried. This report is made on Coast Guard form 956, Affidavit of Master or Owner of Towing, Oyster or Fishing Steamer That Life Preservers Are on Board, which may be obtained from any District Commander. The permit describes the vessel, the number of persons which may be carried in addition to her crew, and the number of life preservers provided.

(c) *Lifeboats on river passenger vessels.* A District Commander may exempt a river steam vessel carrying passengers from carrying metallic lifeboats required by 46 U. S. C. 475 when the character of navigation is such that in his opinion the metallic lifeboats can be dispensed with or substitutions made. The exemption is granted on Coast Guard form 958, Permit Exempting River Vessels from Carrying Metallic Lifeboats.

§ 2.01-60 *Overtime Compensation—*

(a) *General.* Extra compensation for overtime services performed by inspectors of vessels and their assistants, shipping commissioners and their deputies and assistants who may be required to remain on duty between the hours of 5:00 p. m. and 8:00 a. m. or on Sundays or holidays to perform services in connection with the inspection of vessels or their equipment, supplying or signing on or discharging crews of vessels is authorized by 46 U. S. C. 382b and regulations in Part 143 of this chapter, together with the method of computing such extra compensation.

(b) *Application and certification of time.* Application for the performance of such overtime services and certification of services performed is made by the master, owner, or agent of a vessel to the Officer in Charge, Marine Inspection, on Coast Guard form 830, Application for and Certification of Overtime Service.

(c) *Collection.* The bill for the collection of the overtime compensation is submitted by the Officer in Charge, Marine Inspection, to the master, owner, or agent on whose vessel overtime services are performed on Coast Guard form 832, Bill for Collection Overtime Services. Payment is made to the Collector of Customs of the port designated.

§ 2.01-70 *Appeals—(a) General.* Any person aggrieved by any decision or action of the inspectors of vessels or Officer

in Charge, Marine Inspection, may appeal therefrom to the District Commander of the district in which the action or decision was made. A further appeal may be made to the Commandant, U. S. Coast Guard, from the decision of the District Commander. These rights of appeal are granted by 46 U. S. C. 431.

(b) *Time limits.* (1) Appeals from decisions of the inspectors or the Officer in Charge, Marine Inspection, to the District Commander, shall be made in writing within thirty days after the decisions or actions appealed from shall have been rendered or taken. Such appeals shall set forth the requirements appealed from and the reasons why the decision or action should be set aside or revised.

(2) Appeals from the decisions of the District Commander to the Commandant shall be made in writing within thirty days after the decisions appealed from shall have been rendered.

SUBPART 2.20—REPORTS AND FORMS

§ 2.20-1 *Forms.* Statutes and regulations require that certain forms be posted on vessels referred to in the statutes and regulations. The titles of the forms indicate the contents of the forms. They may be obtained from any Marine Inspection Office. The Coast Guard forms and the statutes or regulations which require that they be posted are as follows:

(a) 803. Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico, required by 33 U. S. C. 157, and 33 CFR 312.13 (b).

(b) 804a. Rules for Lights for Certain Classes of Vessels Navigating the Harbors, Rivers, and Other Inland Waters except the Great Lakes and their Connecting Tributary Waters as far East as Montreal and the Red River of the North and Rivers Emptying into the Gulf of Mexico, required by 33 U. S. C. 157.

(c) 805. Pilot Rules for the Rivers and their Tributaries whose waters flow into the Gulf of Mexico, and the Red River of the North, required by 46 U. S. C. 381, and 33 CFR 332.13 (b).

(d) 807. Pilot Rules for the Great Lakes and their Connecting and Tributary Waters. 33 U. S. C. 243, 33 CFR 322.15 (b).

(e) 811. Instructions for the use of the Gun and Rocket Apparatus for Saving Life from Shipwreck as Practiced by the United States Coast Guard, required by §§ 33.9-5, 59.60, 59.61, 60.53, 60.54, 79.17 of this chapter.

(f) 802. Persons Allowed in Pilot-house and on Navigation Bridge, required by §§ 62.17, 78.17, 96.17, or 115.17 of this chapter.

(g) 809A. Station Bills, Drills and Reports of Masters, required by § 62.18 of this chapter.

(h) 809B. Station Bills, Drills and Reports of Masters, required by §§ 78.18, 96.18, 115.18, or 35.1-7 of this chapter.

(i) 810. Duties of Mates of Inland Steamers Carrying Passengers, required by §§ 78.34, 96.33, or 115.32 of this chapter.

§ 2.20-40 *Reports.* (a) The officer in charge of a vessel carrying passengers is required to report monthly for the months during which the vessel was navigated of the drills held, the condition

of the vessel and her equipment, and the total number of passengers carried during the month. Complete instructions for making the report are contained in forms 809A and 809B referred to in § 2.20-1. Report is made to the proper District Commander on Coast Guard form 941, Monthly Report of Officer in Charge of Vessel Carrying Passengers. Notice of failure to submit such monthly report is given to the officer in charge of a vessel by the District Commander on Coast Guard form 942, Notice to Officer in Charge of Vessel Carrying Passengers of Neglect to Forward Monthly Report.

(b) The chief engineer of any steam vessel is required to report the renewing of every fusible plug in any boiler under his charge in accordance with §§ 54.18-5, 62.61, 78.53, 96.53, or 115.46 of this chapter.

§ 2.20-60 *Reports of casualties and accidents*—(a) *General*. Reports of casualties occurring on or to vessels is required by 33 U. S. C. 361 and the regulations supplementary thereto in §§ 62.16, 35.2-9, 78.16, 96.16, 115.16, or 136.103 of this chapter. The statute requires a report by letter from the master, owner, or agent of a vessel of the United States to the officer in charge, marine inspection, within five days after the accident, or as soon thereafter as possible. The regulations provide that a report on prescribed forms are acceptable if submitted promptly. The report is required whenever any vessel of the United States is involved in an accident involving loss of life, material loss of property, serious injury to any person, damage affecting the seaworthiness of the vessel.

(b) *Accidents*. Coast Guard form 924E, Report of Personal Accident Not Involving Death, is used in reporting accidents to passengers, members of crew and other persons, except long-shoremen and harbor workers, who may be injured on board a vessel and incapacitated for a period in excess of 72 hours. The form contains spaces for information of the vessel, persons injured, nature and cause of injury, and witnesses.

(c) *Casualties*. Coast Guard form 2692, Report of Marine Casualty (or Accident), is used in reporting accidents involving deaths, damage affecting seaworthiness of the vessel, or material property in excess of \$1500. Description of vessel, names of owner and master, location, nature and cause of casualty are inserted in the proper spaces.

(d) *Forms*. The Coast Guard forms 924E and 2692 may be obtained from any local Marine Inspection Office.

CROSS REFERENCE: For investigations and hearing on marine casualties see Part 4, *infra*.

SUBPART 2.30—NUMBERING OF UNDOCUMENTED VESSELS

§ 2.30-1 *Numbering*. Every undocumented vessel described in 46 U. S. C. 288 must obtain a certificate of award of number which number must be painted or attached to each bow of the vessel. The procedures to be followed in applying for such certificate; on transfer, loss, or destruction of the vessel; and on change of residence of owner

from one customs district to another are set forth in part 29 of this chapter.

§ 2.30-10 *Application*. Application for a certificate is made on Coast Guard form 1512. Application for Number for Undocumented Motor Vessel, by the owner to the District Commander of the district in which the vessel is owned. The form is obtained at the office of the appropriate District Commander. The application lists the name and address of owner and description of the vessel and the engine and must be submitted together with evidence of ownership of the vessel.

§ 2.30-20 *Certificate issued*. Upon complying with the necessary requirements as to prima facie evidence of ownership. Coast Guard form 1513, Certificate of Award of Number to an Undocumented Vessel, is issued by the District Commander.

SUBPART 2.50—NAVIGATION AND VESSEL INSPECTION LAWS

§ 2.50-1 *Waivers*—(a) *Authority*. Compliance with the navigation and vessel inspection laws may be waived by the Commandant under authority of 50 U. S. C. 635, as amended, and waiver of the Secretary of the Navy dated June 5, 1945, as affirmed, if the waiver is deemed necessary in the conduct of the war. Since cessation of hostilities the term "conduct of the war" is interpreted to include the process of readjustment and conversion of the economy of the nation from a war to a normal peacetime basis.

(b) *Specific waivers*. Applications for waivers of the above laws are made on Coast Guard form 2633, Application for Waiver Order, and the reverse side of the form is used for granting of the waiver. The application shall state the name of vessel, her employment, the requirements of law or regulations, waiver of which is requested, the reasons why waiver is necessary, and shall be signed by the master, owner, or agent of the vessel, or by the representative of any interested government agency. The waiver order describes the vessel, the requirements of law waived, the conditions to which waiver is subject, and the period of time for which the waiver is effective.

(c) *General waivers*. Applications for waivers having general applicability should be addressed to the Commandant. Applications for waivers affecting a particular ship should be made to the nearest Marine Inspection Office at which office the forms may be obtained.

§ 2.50-20 *Violations*—(a) *Reports and assessments of penalties*. Reports of violations of navigation and vessel inspection laws and regulations, and Load Line Regulations administered and enforced by the Coast Guard are reported by Coast Guard personnel detecting them to the District Commander of the district in which the violations occurred. Coast Guard form 2767, Notice of Report of Violation, is used to inform the alleged offender of the nature of the violations and of his right to apply for relief from the assessment of penalties or to appear in person. Application is made to the District Commander on form 2767A, Application for Relief from Penalties for Violation of Navigation

Laws and Regulations. If the application for relief is granted the case is closed; if denied, the full or mitigated penalty is assessed and notice given on Coast Guard form 2767B, Assessment of Penalties for Violation of Navigation Laws and Regulations, and Conditional Mitigation of Penalties. The notice may provide for a reduction in the penalty on condition that the lesser penalty be paid within 30 days of the date of the notice. Instructions for making an appeal to the Commandant from the mitigated penalty, if the amount of such penalty exceeds \$50, are contained in the notice. If payment of the mitigated penalty is not made within 30 days of the date of this notice, or if appeal is not made, action to collect the full penalty is taken. If Form 2767A is not submitted, assessment of penalties is made on form 2767C, Assessment of Penalties for Violation of Navigation Laws and Regulations, and the offender is advised that court action by the United States Attorney will be recommended if payment is not made within 30 days.

(b) *Payment of penalty*. (1) Payment of any penalty is acknowledged on Coast Guard form 2767E, Disbursing Officer's Receipt (Navigation Fine).

(2) If the penalty paid is determined by the Commandant to have been imposed illegally or excessively, application for a refund may be made on Coast Guard form 1086, Claim for Navigation Fine Exacted in Excess or in Error, which should be mailed to the appropriate District Commander for transmission to the Commandant. Such application must be made within one year of payment of the penalty.

(c) *Motorboat act violations*. The same procedure is followed in the assessment of penalties for violations of the Motorboat Act and regulations. 46 U. S. C. 288, 526-526t.

SUBPART 2.75—APPROVALS OF SAFETY EQUIPMENT, MATERIALS, AND INSTALLATIONS, AND QUALIFICATIONS FOR CONSTRUCTION PERSONNEL

§ 2.75-1 *Approvals*—(a) *General*. The Commandant is required by law or regulations in this chapter to approve certain installations and items of safety equipment before they may be installed or used on merchant vessels subject to inspection or on certain other vessels and motorboats.

(b) *List of items*. The following list comprises the items approved by the Commandant:

- (1) Balloons and gas cylinders for lifeboat antennas.
- (2) Boilers.
- (3) Buoyant apparatus.
- (4) Buoyant cushions for motorboats.
- (5) Cleaning processes for life preservers.
- (6) Containers for rations and water.
- (7) Davits.
- (8) Daytime distress signals.
- (9) Disengaging apparatus for lifeboats.
- (10) Engineering equipment, miscellaneous.
- (11) Emergency lighting systems.
- (12) Feedwater regulators, evaporators, or separators.
- (13) Fire extinguishing and detecting systems.
- (14) Fire-resistive substances for treatment of life preserver covers.
- (15) Fire retardant materials.

- (16) Firing attachments for line throwing guns.
- (17) Flame arrestors.
- (18) Flame safety lamps.
- (19) Flashlights and flashlight batteries.
- (20) Fuel oil systems.
- (21) Gas ranges.
- (22) Gas masks and breathing apparatus.
- (23) Hand distress signals and containers therefor.
- (24) Hand propelling gear for lifeboats.
- (25) Lifeboats.
- (26) Life floats.
- (27) Lifeboat compasses.
- (28) Life preservers.
- (29) Life rafts.
- (30) Line throwing guns and appliances.
- (31) Loudspeaker systems.
- (32) Motion picture projectors.
- (33) Embarkation ladders.
- (34) Portable radio installations.
- (35) Ring life buoys.
- (36) Safety valves.
- (37) Signaling mirrors.
- (38) Signal pistols and parachute flares.
- (39) Sprinkler systems.
- (40) Telephone systems.
- (41) Water indicators.
- (42) Water lights.
- (43) Water spray nozzles.
- (44) Welding rods and electrodes.
- (45) Winches for lifeboats.

§ 2.75-10 *Requirements and tests.*

(a) The requirements and tests which the items are required to meet are contained in specifications, copies of which may be obtained from the Commandant. If the requirements are met a certificate of approval for a term of five years is issued on Coast Guard form 10030—Certificate of Approval. Notice of such approval is published in the FEDERAL REGISTER. The five-year system is not in effect as to all items at this time. Such items as have not been brought within this plan are approved by letter by the Commandant and the period for which granted is indefinite.

(b) These items which do not meet the requirements are returned to the applicants who are informed in what respects they failed to meet the requirements.

(c) Applications for approval shall be made to the Commandant and there shall be submitted with the application the item for which approval is desired or the plans and specifications for installations, such as boilers, evaporators, etc.

(d) After approval is granted, manufacturers of certain items are required to submit an affidavit that the manufactured item will comply with the applicable rules and specifications. The affidavit is made on one of the following appropriate Coast Guard forms:

935—Affidavit of Manufacturer of Marine Boilers.

935A—Affidavit of Manufacturer of Materials or Appliances on Vessels Subject to the Rules and Regulations of the U. S. Coast Guard (required only for manufacturers of engineering material or appliances).

Form (no number)—Affidavit of Manufacturer of Standard Type Life Saving Equipment (buoyant cushions and cork and balsa life preservers only).

The latter two forms are submitted to the Commandant and the other to the Officer in Charge, Marine Inspection, of the district in which the boiler is being constructed.

§ 2.75-50 *Withdrawals of approval.* Approvals may be withdrawn if items are

found not to be in compliance with the conditions of approval or if necessary by reason of changes in regulations. Notice will be given to the manufacturer who is given an opportunity to present his case at a meeting of the Merchant Marine Council. (See 33 CFR 1.75-1, 1.75-10, supra.)

§ 2.75-60 *Certification of ship's stores and supplies.* Ship's stores and supplies of a dangerous nature as defined in §§ 147.02-1 and 147.02-2 shall not be used on board vessels, domestic or foreign, on the navigable waters of the United States, including its territories and possessions, unless they have been certified for such use by the Government. The procedure for obtaining certification and the stores of a dangerous nature which do not require such certification are contained in or referred to in §§ 147.03-1 to 147.03-11, inclusive, of this chapter.

§ 2.75-70 *Welders.* Welders are required to pass tests before being permitted to make welds subject to inspection by the Coast Guard. Description of the tests is contained in § 56.20-3 of this chapter. Upon satisfactory performance of the tests, form 965, Record Card Welder's Qualification Tests, is issued by the Officer in Charge, Marine Inspection to the applicant who shall carry such card while engaged in welding subject to inspection by the Coast Guard.

SUBPART 2.85—LOAD LINES

§ 2.85-1 *Assignment of load lines.* Vessels listed in 46 U. S. C. 85 and 46 U. S. C. 88 are required by those acts to have load lines assigned. The procedures for the assignment of load lines, the issuance of Load Line Certificates, the annual inspections required, the causes for cancellation of certificates, and the forms of those certificates are contained in the regulations appearing in Part 43 of this chapter, copies of which may be obtained from the Commandant.

SUBPART 2.90—PLANS, DRAWINGS OR BLUE-PRINTS

§ 2.90-1 *General requirements.* Drawings, blueprints or plans showing the details of construction of the following installations on vessels subject to inspection are required to be submitted for approval in accordance with applicable regulations referred to, information as to which may be obtained at any local Marine Inspection Office.

(a) Boilers and pressure vessels, § 52.1-2 of this chapter.

(b) Foundations or saddles for boilers, § 53.17-1 of this chapter.

(c) Boilers of foreign built vessels to be admitted to American registry, § 57.21-15 of this chapter.

(d) Piping systems, §§ 55.19-2 or 56.20-19 of this chapter.

(e) Superheaters, headers, water walls and economizers not previously approved, § 52.13-2 of this chapter.

(f) Safety valves not previously approved, § 52.14-2 of this chapter.

(g) Evaporators, heater, traps, valves and fittings, separators and pressure vessels, § 52.16-1 of this chapter.

(h) Certain plans are required to be submitted prior to assignments of load lines in accordance with §§ 43.90, 43.101,

45.74 or 46.024 of this chapter, inspection of which regulations may be had at any local Marine Inspection Office.

(i) The procedure for the submission for approval of plans for the construction or material alteration of passenger vessels of the United States of 100 gross tons and over which are propelled by machinery is contained in Part 144 of this chapter, which regulations may be obtained from the Commandant or from any local Marine Inspection Office. Plans for the construction of both cargo and passenger vessels of over 100 gross tons and all tank vessels are required to be submitted in accordance with §§ 31.3-3, 63.8, 79.8, 97.8 or 116.8 of this chapter.

PART 3—MERCHANT MARINE PERSONNEL

SUBPART 3.01—LICENSES AND DOCUMENTS

Sec.

- 3.01-1 Applications for licenses or documents.
3.01-75 Appeals.

SUBPART 3.13—SHIPMENT AND DISCHARGE OF SEAMEN

- 3.13-1 Signing on and discharging seamen.
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3.13-25 Crew deficiencies.
3.13-30 Allotments.
3.13-35 Log books.
3.13-40 Discharges.
3.13-45 Seamen not shipped or discharged before shipping commissioners.
3.13-50 Service record.

SUBPART 3.15—ARBITRATION BY SHIPPING COMMISSIONERS

- 3.15-1 Arbitration.
3.15-5 Mutual releases.

SUBPART 3.19—EFFECTS OF DECEASED OR DESERTING SEAMEN

- 3.19-1 Accounts of wages and effects.
3.19-5 Kinsman's petition.

CROSS REFERENCE: For Coast Guard organization and jurisdiction see Part 1 of Title 33, supra.

SUBPART 3.01—LICENSES AND DOCUMENTS

§ 3.01-1 *Applications for licenses or documents.* Applications for licenses, extension of routes, or documents required for officers or seamen by 46 U. S. C. 214, 224, 226, 228, 229, 230, 237, 243, 367, 391a, 404, 405, 526-526t, 1333, 672, 643, 481, or 50 U. S. C. 1275 and the regulations in Parts 25, 36, 62, 78, 96, 115, or 138 of this chapter, or by War Shipping Administration General Order No. 41, in §§ 304.61 to 304.72 of this title, as a prerequisite for employment shall be made on one of the following Coast Guard forms which are obtainable from the Officer in Charge, Marine Inspection, at any local marine inspection office: 866, License application; 719, Seaman's certificate application; War Shipping Administration's form "Application for seaman's employment card under War Shipping Administration General Order 41." The procedures for obtaining the licenses or documents, renewals, if necessary, or duplicates, if lost; the qualifications; and examinations necessary are all set forth in Parts 25, 36, 62, 78, 96, 115, or 138 of this chapter, together with Coast Guard numbers and titles of forms used, obtainable from any marine in-

spection office. Under War Shipping Administration General Order No. 41, a "Seaman's Employment Card" will be issued under the same procedures as are followed for other licenses or documents.

§ 3.01-75 *Appeals*. Within 30 days any person aggrieved by any decision made by the Officer in Charge, Marine Inspection, or his subordinate officer, may appeal therefrom to the Commandant, U. S. Coast Guard, by letter or in person. The appeal shall set forth the requirements appealed from and the reasons why the decision or action should be set aside or revised. The decision of the Commandant is final.

SUBPART 3.13—SHIPMENT AND DISCHARGE OF SEAMEN

§ 3.13-1 *Signing-on and discharging seamen*. The master of any merchant vessel of 75 tons or upward, engaged in the intercoastal trade or of any vessel bound from a port in the United States to any foreign port, other than vessels engaged in trade between the United States and the British North American possessions or the West Indies, or the Republic of Mexico, is required to enter into an agreement with each member of the crew who shall be discharged under the agreement and receive wages in the presence of a shipping commissioner in accordance with 46 U. S. C. 564. Where the complete crew has been signed on in the presence of a shipping commissioner and the later shipment of other seamen becomes necessary because of desertion or casualty, the master may sign on such replacements without the presence of a shipping commissioner but he is required to report the transaction immediately upon arrival at first port of call to the United States consul at or nearest such port, or in the Panama Canal Zone to the shipping commissioners or deputy shipping commissioners there. Shipping commissioners may, at the request of the master or owner of a vessel, ship and discharge all or part of the crew of a vessel engaged in the coastwise trade, or trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or Mexico, in accordance with 46 U. S. C. 646.

§ 3.13-10 *Shipping articles*. For the signing-on and discharging of seamen in accordance with 46 U. S. C. 564, 565, 566, and 713, the shipping commissioners furnish Coast Guard Forms 705, 705-A, and 705-B, Shipping articles, same except for size, to record the agreement entered into between the master and crew of a vessel. Copies of these forms are obtainable upon request from shipping commissioners or Officers in Charge, Marine Inspection, at marine inspection offices, U. S. Coast Guard. It is the duty of shipping commissioners to see that each officer signing on is in possession of a continuous discharge book, certificate of identification, or U. S. Merchant Mariner's document, and a license; and that each signing on in an unlicensed capacity is in possession of a continuous discharge book or a certificate of identification and a certificate of service or certificate of efficiency or a U. S. merchant mariner's document representing such certificates. The shipping articles are prepared in quadruplicate,

original and duplicate retained by the master pending completion of voyage, the triplicate retained by shipping commissioner, and quadruplicate forwarded to Commandant, U. S. Coast Guard. After the members of the crew are signed on the shipping commissioner prepares Coast Guard Form 708, Shipping of Seamen, certifying that the crew members knew and willingly signed the shipping articles, which is attached to the shipping articles. When the voyage or period of time covered by the shipping articles is completed, the members of the crew are discharged and the wages paid in the presence of the shipping commissioner, if required by law, and proper entries made in the shipping articles.

§ 3.13-15 *Forecastle card*. At the commencement of every voyage or engagement the master is required to post certain excerpts from the shipping articles in such part of the vessel as to be accessible to the crew in accordance with 46 U. S. C. 577. The Forecastle Card, Coast Guard Form 704, is obtainable from shipping commissioners or Officers in Charge, Marine Inspection, at marine inspection offices, U. S. Coast Guard.

§ 3.13-20 *Crew list*. The master of a merchant vessel in certain cases is required to file with the Collectors of Customs a list of crew members. Coast Guard Form 710A is furnished for this purpose and may be obtained from shipping commissioners or Officers in Charge, Marine Inspection.

§ 3.13-25 *Crew deficiencies*. When the master cannot obtain the crew required, he may substitute therefor the best qualified men obtainable under the conditional waiver of manning requirements in Appendix A. The report required by the Coast Guard has to be made on Coast Guard Form 729, Crew Deficiency Report, which may be obtained upon request from any Officer in Charge, Marine Inspection. Three copies must be filed, two with the shipping commissioner who signed on the crew, or if crew was not signed on before shipping commissioner to the nearest Officer in Charge, Marine Inspection, and one copy must be submitted to the Collector of Customs at time application for clearance of vessel is made. Where officers are not available, a request for a waiver to employ an alien watch officer may be made on Coast Guard Form 2633, obtainable from the Officer in Charge, Marine Inspection. The Officer in Charge, Marine Inspection, may grant a waiver only for a single voyage which may be amended by extensions. To report crew shortages, the master may use Form 729, Crew Deficiency Report, if the form is appropriately corrected to indicate it is a crew shortage report under 46 U. S. C. 222.

§ 3.13-30 *Allotments*. A merchant mariner desiring to make an allotment of his wages, in accordance with the regulations in Part 132 of this chapter, fills out Coast Guard Form 722, Seaman's Allotment Note, furnished by the shipping commissioner at the time he signs the shipping articles, or copies may be obtained upon request from shipping commissioners in the United States ports, or

from United States consular officers in foreign ports. If the allotment complies with the law, it is approved. No appeals are permitted.

§ 3.13-35 *Log books*. Every vessel of 75 tons or upward, engaged in the intercoastal trade, or any vessel bound from a port in the United States to any foreign port, other than in the British North American possessions, shall have an official log book and every master of such vessel shall make or have entries made therein regarding matters required by 46 U. S. C. 201, 202, 203, 701, 702, and 85. One or more copies of the official log book, Coast Guard form 706-B or 706-C, depending upon the number of persons employed as crew, is furnished the master of a vessel at the time the crew is signed on before a shipping commissioner; or copies of the official log book are obtainable upon request from the Officer in Charge, Marine Inspection. After the official log books have served their purpose they are filed with the shipping commissioner or Officer in Charge, Marine Inspection.

§ 3.13-40 *Discharges*. When a master of a vessel in accordance with § 138.9 of this chapter discharges a merchant seaman and makes entries in the seaman's continuous discharge book, he will fill out Coast Guard form 718E, Record of Entry in Continuous Discharge Book, which is forwarded to the Commandant, U. S. Coast Guard. The form 718E is obtainable from shipping commissioners, collectors of customs and deputy collectors of customs acting as shipping commissioners or Officers in Charge, Marine Inspection. When a seaman holds a certificate of identification, a certificate of discharge, Coast Guard form 718A, is issued and approved by a shipping commissioner or master as evidence of service performed. This form may be obtained upon request from shipping commissioners, collectors of customs or deputy collectors of customs acting as shipping commissioners or Officers in Charge, Marine Inspection.

§ 3.13-45 *Seamen not shipped or discharged before shipping commissioners*. Masters of certain vessels are required to report on ship personnel not shipped or discharged before a shipping commissioner. The Coast Guard form 735 (T) has been prepared and must be used by the masters in accordance with Part 138 of this chapter. The form may be obtained upon request from shipping commissioners, collectors or deputy collectors of customs acting as shipping commissioners, or Officers in Charge, Marine Inspection. When voyage is completed, it must be delivered to nearest marine inspection office for transmission to Headquarters.

§ 3.13-50 *Service record*. A merchant mariner upon discharge in accordance with the requirements of section 138.9 of this chapter has recorded in his continuous discharge book entries regarding his service. When the merchant mariner requests in person or writing for a record of sea service shown in a surrendered continuous discharge book, the Officer in Charge, Marine Inspection, or other issuing officer will prepare in duplicate Coast

- (16) Firing attachments for line throwing guns.
- (17) Flame arrestors.
- (18) Flame safety lamps.
- (19) Flashlights and flashlight batteries.
- (20) Fuel oil systems.
- (21) Gas ranges.
- (22) Gas masks and breathing apparatus.
- (23) Hand distress signals and containers therefor.
- (24) Hand propelling gear for lifeboats.
- (25) Lifeboats.
- (26) Life floats.
- (27) Lifeboat compasses.
- (28) Life preservers.
- (29) Life rafts.
- (30) Line throwing guns and appliances.
- (31) Loudspeaker systems.
- (32) Motion picture projectors.
- (33) Embarkation ladders.
- (34) Portable radio installations.
- (35) Ring life buoys.
- (36) Safety valves.
- (37) Signaling mirrors.
- (38) Signal pistols and parachute flares.
- (39) Sprinkler systems.
- (40) Telephone systems.
- (41) Water indicators.
- (42) Water lights.
- (43) Water spray nozzles.
- (44) Welding rods and electrodes.
- (45) Winches for lifeboats.

§ 2.75-10 *Requirements and tests.*

(a) The requirements and tests which the items are required to meet are contained in specifications, copies of which may be obtained from the Commandant. If the requirements are met a certificate of approval for a term of five years is issued on Coast Guard form 10030—Certificate of Approval. Notice of such approval is published in the FEDERAL REGISTER. The five-year system is not in effect as to all items at this time. Such items as have not been brought within this plan are approved by letter by the Commandant and the period for which granted is indefinite.

(b) These items which do not meet the requirements are returned to the applicants who are informed in what respects they failed to meet the requirements.

(c) Applications for approval shall be made to the Commandant and there shall be submitted with the application the item for which approval is desired or the plans and specifications for installations, such as boilers, evaporators, etc.

(d) After approval is granted, manufacturers of certain items are required to submit an affidavit that the manufactured item will comply with the applicable rules and specifications. The affidavit is made on one of the following appropriate Coast Guard forms:

- 935—Affidavit of Manufacturer of Marine Boilers.
- 935A—Affidavit of Manufacturer of Materials or Appliances on Vessels Subject to the Rules and Regulations of the U. S. Coast Guard (required only for manufacturers of engineering material or appliances).
- Form (no number)—Affidavit of Manufacturer of Standard Type Life Saving Equipment (buoyant cushions and cork and balsa life preservers only).

The latter two forms are submitted to the Commandant and the other to the Officer in Charge, Marine Inspection, of the district in which the boiler is being constructed.

§ 2.75-50 *Withdrawals of approval.* Approvals may be withdrawn if items are

found not to be in compliance with the conditions of approval or if necessary by reason of changes in regulations. Notice will be given to the manufacturer who is given an opportunity to present his case at a meeting of the Merchant Marine Council. (See 33 CFR 1.75-1, 1.75-10, *supra*.)

§ 2.75-60 *Certification of ship's stores and supplies.* Ship's stores and supplies of a dangerous nature as defined in §§ 147.02-1 and 147.02-2 shall not be used on board vessels, domestic or foreign, on the navigable waters of the United States, including its territories and possessions, unless they have been certified for such use by the Government. The procedure for obtaining certification and the stores of a dangerous nature which do not require such certification are contained in or referred to in §§ 147.03-1 to 147.03-11, inclusive, of this chapter.

§ 2.75-70 *Welders.* Welders are required to pass tests before being permitted to make welds subject to inspection by the Coast Guard. Description of the tests is contained in § 56.20-3 of this chapter. Upon satisfactory performance of the tests, form 965, Record Card Welder's Qualification Tests, is issued by the Officer in Charge, Marine Inspection to the applicant who shall carry such card while engaged in welding subject to inspection by the Coast Guard.

SUBPART 2.85—LOAD LINES

§ 2.85-1 *Assignment of load lines.* Vessels listed in 46 U. S. C. 85 and 46 U. S. C. 88 are required by those acts to have load lines assigned. The procedures for the assignment of load lines, the issuance of Load Line Certificates, the annual inspections required, the causes for cancellation of certificates, and the forms of those certificates are contained in the regulations appearing in Part 43 of this chapter, copies of which may be obtained from the Commandant.

SUBPART 2.90—PLANS, DRAWINGS OR BLUE-PRINTS

§ 2.90-1 *General requirements.* Drawings, blueprints or plans showing the details of construction of the following installations on vessels subject to inspection are required to be submitted for approval in accordance with applicable regulations referred to, information as to which may be obtained at any local Marine Inspection Office.

- (a) Boilers and pressure vessels, § 52.1-2 of this chapter.
- (b) Foundations or saddles for boilers, § 53.17-1 of this chapter.
- (c) Boilers of foreign built vessels to be admitted to American registry, § 57.21-15 of this chapter.
- (d) Piping systems, §§ 55.19-2 or 56.20-19 of this chapter.
- (e) Superheaters, headers, water walls and economizers not previously approved, § 52.13-2 of this chapter.
- (f) Safety valves not previously approved, § 52.14-2 of this chapter.
- (g) Evaporators, heater, traps, valves and fittings, separators and pressure vessels, § 52.16-1 of this chapter.
- (h) Certain plans are required to be submitted prior to assignments of load lines in accordance with §§ 43.90, 43.101,

45.74 or 46.024 of this chapter, inspection of which regulations may be had at any local Marine Inspection Office.

(i) The procedure for the submission for approval of plans for the construction or material alteration of passenger vessels of the United States of 100 gross tons and over which are propelled by machinery is contained in Part 144 of this chapter, which regulations may be obtained from the Commandant or from any local Marine Inspection Office. Plans for the construction of both cargo and passenger vessels of over 100 gross tons and all tank vessels are required to be submitted in accordance with §§ 31.3-3, 63.8, 79.8, 97.8 or 116.8 of this chapter.

PART 3—MERCHANT MARINE PERSONNEL

SUBPART 3.01—LICENSES AND DOCUMENTS

- Sec.
- 3.01-1 Applications for licenses or documents.
- 3.01-75 Appeals.

SUBPART 3.13—SHIPMENT AND DISCHARGE OF SEAMEN

- 3.13-1 Signing on and discharging seamen.
- 3.13-10 Shipping articles.
- 3.13-15 Forecastle card.
- 3.13-20 Crew list.
- 3.13-25 Crew deficiencies.
- 3.13-30 Allotments.
- 3.13-35 Log books.
- 3.13-40 Discharges.
- 3.13-45 Seamen not shipped or discharged before shipping commissioners.
- 3.13-50 Service record.

SUBPART 3.15—ARBITRATION BY SHIPPING COMMISSIONERS

- 3.15-1 Arbitration.
- 3.15-5 Mutual releases.

SUBPART 3.19—EFFECTS OF DECEASED OR DESERTING SEAMEN

- 3.19-1 Accounts of wages and effects.
- 3.19-5 Kinsman's petition.

CROSS REFERENCE: For Coast Guard organization and jurisdiction see Part 1 of Title 33, *supra*.

SUBPART 3.01—LICENSES AND DOCUMENTS

§ 3.01-1 *Applications for licenses or documents.* Applications for licenses, extension of routes, or documents required for officers or seamen by 46 U. S. C. 214, 224, 226, 228, 229, 230, 237, 243, 367, 391a, 404, 405, 528-526t, 1333, 672, 643, 481, or 50 U. S. C. 1275 and the regulations in Parts 25, 36, 62, 78, 96, 115, or 138 of this chapter, or by War Shipping Administration General Order No. 41, in §§ 304.61 to 304.72 of this title, as a prerequisite for employment shall be made on one of the following Coast Guard forms which are obtainable from the Officer in Charge, Marine Inspection, at any local marine inspection office: 866, License application; 719, Seaman's certificate application; War Shipping Administration's form "Application for seaman's employment card under War Shipping Administration General Order 41." The procedures for obtaining the licenses or documents, renewals, if necessary, or duplicates, if lost; the qualifications; and examinations necessary are all set forth in Parts 25, 36, 62, 78, 96, 115, or 138 of this chapter, together with Coast Guard numbers and titles of forms used, obtainable from any marine in-

spection office. Under War Shipping Administration General Order No. 41, a "Seaman's Employment Card" will be issued under the same procedures as are followed for other licenses or documents.

§ 3.01-75 *Appeals*. Within 30 days any person aggrieved by any decision made by the Officer in Charge, Marine Inspection, or his subordinate officer, may appeal therefrom to the Commandant, U. S. Coast Guard, by letter or in person. The appeal shall set forth the requirements appealed from and the reasons why the decision or action should be set aside or revised. The decision of the Commandant is final.

SUBPART 3.13—SHIPMENT AND DISCHARGE OF SEAMEN

§ 3.13-1 *Signing-on and discharging seamen*. The master of any merchant vessel of 75 tons or upward, engaged in the intercoastal trade or of any vessel bound from a port in the United States to any foreign port, other than vessels engaged in trade between the United States and the British North American possessions or the West Indies, or the Republic of Mexico, is required to enter into an agreement with each member of the crew who shall be discharged under the agreement and receive wages in the presence of a shipping commissioner in accordance with 46 U. S. C. 564. Where the complete crew has been signed on in the presence of a shipping commissioner and the later shipment of other seamen becomes necessary because of desertion or casualty, the master may sign on such replacements without the presence of a shipping commissioner but he is required to report the transaction immediately upon arrival at first port of call to the United States consul at or nearest such port, or in the Panama Canal Zone to the shipping commissioners or deputy shipping commissioners there. Shipping commissioners may, at the request of the master or owner of a vessel, ship and discharge all or part of the crew of a vessel engaged in the coastwise trade, or trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or Mexico, in accordance with 46 U. S. C. 646.

§ 3.13-10 *Shipping articles*. For the signing-on and discharging of seamen in accordance with 46 U. S. C. 564, 565, 566, and 713, the shipping commissioners furnish Coast Guard Forms 705, 705-A, and 705-B, Shipping articles, same except for size, to record the agreement entered into between the master and crew of a vessel. Copies of these forms are obtainable upon request from shipping commissioners or Officers in Charge, Marine Inspection, at marine inspection offices, U. S. Coast Guard. It is the duty of shipping commissioners to see that each officer signing on is in possession of a continuous discharge book, certificate of identification, or U. S. Merchant Mariner's document, and a license; and that each signing on in an unlicensed capacity is in possession of a continuous discharge book or a certificate of identification and a certificate of service or certificate of efficiency or a U. S. merchant mariner's document representing such certificates. The shipping articles are prepared in quadruplicate,

original and duplicate retained by the master pending completion of voyage, the triplicate retained by shipping commissioner, and quadruplicate forwarded to Commandant, U. S. Coast Guard. After the members of the crew are signed on the shipping commissioner prepares Coast Guard Form 708, Shipping of Seamen, certifying that the crew members knew and willingly signed the shipping articles, which is attached to the shipping articles. When the voyage or period of time covered by the shipping articles is completed, the members of the crew are discharged and the wages paid in the presence of the shipping commissioner, if required by law, and proper entries made in the shipping articles.

§ 3.13-15 *Forecastle card*. At the commencement of every voyage or engagement the master is required to post certain excerpts from the shipping articles in such part of the vessel as to be accessible to the crew in accordance with 46 U. S. C. 577. The Forecastle Card, Coast Guard Form 704, is obtainable from shipping commissioners or Officers in Charge, Marine Inspection, at marine inspection offices, U. S. Coast Guard.

§ 3.13-20 *Crew list*. The master of a merchant vessel in certain cases is required to file with the Collectors of Customs a list of crew members. Coast Guard Form 710A is furnished for this purpose and may be obtained from shipping commissioners or Officers in Charge, Marine Inspection.

§ 3.13-25 *Crew deficiencies*. When the master cannot obtain the crew required, he may substitute therefor the best qualified men obtainable under the conditional waiver of manning requirements in Appendix A. The report required by the Coast Guard has to be made on Coast Guard Form 729, Crew Deficiency Report, which may be obtained upon request from any Officer in Charge, Marine Inspection. Three copies must be filed, two with the shipping commissioner who signed on the crew, or if crew was not signed on before shipping commissioner to the nearest Officer in Charge, Marine Inspection, and one copy must be submitted to the Collector of Customs at time application for clearance of vessel is made. Where officers are not available, a request for a waiver to employ an alien watch officer may be made on Coast Guard Form 2633, obtainable from the Officer in Charge, Marine Inspection. The Officer in Charge, Marine Inspection, may grant a waiver only for a single voyage which may be amended by extensions. To report crew shortages, the master may use Form 729, Crew Deficiency Report, if the form is appropriately corrected to indicate it is a crew shortage report under 46 U. S. C. 222.

§ 3.13-30 *Allotments*. A merchant mariner desiring to make an allotment of his wages, in accordance with the regulations in Part 132 of this chapter, fills out Coast Guard Form 722, Seaman's Allotment Note, furnished by the shipping commissioner at the time he signs the shipping articles, or copies may be obtained upon request from shipping commissioners in the United States ports, or

from United States consular officers in foreign ports. If the allotment complies with the law, it is approved. No appeals are permitted.

§ 3.13-35 *Log books*. Every vessel of 75 tons or upward, engaged in the intercoastal trade, or any vessel bound from a port in the United States to any foreign port, other than in the British North American possessions, shall have an official log book and every master of such vessel shall make or have entries made therein regarding matters required by 46 U. S. C. 201, 202, 203, 701, 702, and 85. One or more copies of the official log book, Coast Guard form 706-B or 706-C, depending upon the number of persons employed as crew, is furnished the master of a vessel at the time the crew is signed on before a shipping commissioner; or copies of the official log book are obtainable upon request from the Officer in Charge, Marine Inspection. After the official log books have served their purpose they are filed with the shipping commissioner or Officer in Charge, Marine Inspection.

§ 3.13-40 *Discharges*. When a master of a vessel in accordance with § 138.9 of this chapter discharges a merchant seaman and makes entries in the seaman's continuous discharge book, he will fill out Coast Guard form 718E, Record of Entry in Continuous Discharge Book, which is forwarded to the Commandant, U. S. Coast Guard. The form 718E is obtainable from shipping commissioners, collectors of customs and deputy collectors of customs acting as shipping commissioners or Officers in Charge, Marine Inspection. When a seaman holds a certificate of identification, a certificate of discharge, Coast Guard form 718A, is issued and approved by a shipping commissioner or master as evidence of service performed. This form may be obtained upon request from shipping commissioners, collectors of customs or deputy collectors of customs acting as shipping commissioners or Officers in Charge, Marine Inspection.

§ 3.13-45 *Seamen not shipped or discharged before shipping commissioners*. Masters of certain vessels are required to report on ship personnel not shipped or discharged before a shipping commissioner. The Coast Guard form 735 (T) has been prepared and must be used by the masters in accordance with Part 138 of this chapter. The form may be obtained upon request from shipping commissioners, collectors or deputy collectors of customs acting as shipping commissioners, or Officers in Charge, Marine Inspection. When voyage is completed, it must be delivered to nearest marine inspection office for transmission to Headquarters.

§ 3.13-50 *Service record*. A merchant mariner upon discharge in accordance with the requirements of section 138.9 of this chapter has recorded in his continuous discharge book entries regarding his service. When the merchant mariner requests in person or writing for a record of sea service shown in a surrendered continuous discharge book, the Officer in Charge, Marine Inspection, or other issuing officer will prepare in duplicate Coast

Guard form 723, Certificate of seamen's service, and will deliver the original to the seaman and send the duplicate to Commandant, U. S. Coast Guard.

SUBPART 3.15—ARBITRATION BY SHIPPING COMMISSIONERS

§ 3.15-1 *Arbitration.* The Coast Guard form 717, Agreement as to arbitration, is used by seamen, master, consignees, agents or owners of vessels in submitting matters to shipping commissioners. This form is obtainable from shipping commissioners or collectors of customs or deputy collectors of customs acting as shipping commissioners. One copy of the form is made and this copy is retained by the shipping commissioner who acts on the matters submitted and his decision is final. No appeals are allowed.

§ 3.15-5 *Mutual releases.* The Coast Guard form 713A, Mutual Release, is used by masters and seamen to effect settlement of claims for wages in cases of seamen signed off prior to completion of a voyage. This form may be obtained from shipping commissioners or collectors of customs or deputy collectors of customs acting as shipping commissioners. One copy is prepared and retained by the shipping commissioner who acts on the matters involved and his decision is final. A certificate of mutual release, Coast Guard form 739, is prepared by the shipping commissioner or person acting as shipping commissioner, signed by the seaman when given to him by the shipping commissioner, and is used by the seaman not present at sign-off of vessel's crew as evidence that he has signed a mutual release. This form is prepared in duplicate from information in shipping articles and official log book.

SUBPART 3.19—EFFECTS OF DECEASED OR DESERTING SEAMEN

§ 3.19-1 *Accounts of wages and effects.* The masters of certain U. S. vessels in the cases of deceased or deserting seamen have to prepare Coast Guard form 1517, Account of Wages and Effects of Deceased or Deserting Seamen, for use in disposition of the wages and effects of such seamen. The forms may be obtained upon request from shipping commissioners, collectors or deputy collectors of customs acting as shipping commissioners, or Officers in Charge, Marine Inspection. Four copies are prepared and submitted to the shipping commissioner for transmission to the District Court. The shipping commissioner upon examination of information on the form, may approve or disapprove the account after reviewing the vessel's official log book. No appeal is permitted. The seaman's next of kin is informed of the action taken.

§ 3.19-5 *Kinsman's petition.* The next of kin of a deceased seaman has to petition the District Court of the United States for the wages and effects of the deceased seaman on Coast Guard form 726, Kinsman's petition for wages and effects of deceased seaman. This form may be obtained upon request from shipping commissioners, collectors or deputy collectors of customs acting as shipping commissioners, or Officers in Charge,

Marine Inspection. One copy of the form is presented by the next of kin to the U. S. District Court who acts upon the petition and either approves or disapproves the petition.

PART 4—INVESTIGATIONS AND HEARINGS

SUBPART 4.01—CASUALTIES AND ACCIDENTS

Sec.

- 4.01-1 Investigations.
- 4.01-15 Board investigations.
- 4.01-30 Board investigation reports.
- 4.01-45 Procedures followed in investigations.
- 4.01-60 Preferring charges.

SUBPART 4.05—DISCIPLINARY PROCEEDINGS

Sec.

- 4.05-1 General.
- 4.05-5 Investigations.
- 4.05-20 Hearings.
- 4.05-35 Appeals.

CROSS REFERENCE: For Coast Guard organization and jurisdiction see Part 1 of Title 23, *supra*.

SUBPART 4.01—CASUALTIES AND ACCIDENTS

§ 4.01-1 *Investigation.* The Coast Guard District Commander after receiving in either a notice or report of a marine casualty or accident submitted on Coast Guard form 2692 or 924E, submitted in accordance with the requirements of § 136.103 of this chapter and described in § 2.20-60 of this chapter will cause such preliminary investigations of marine casualties and accidents as may be necessary in accordance with § 136.104 of this chapter. The investigations of marine casualties and accidents and the determinations made as a result of such investigations are for the purpose of taking appropriate measures for safety of life and property at sea, and are not intended to fix civil or criminal responsibility. The investigations determine:

- (a) The cause of the accident.
- (b) Whether any failure of material (either physical or design) was involved so that proper recommendations for the prevention of the recurrence of similar casualties may be made.
- (c) Whether any act of misconduct, inattention to duty, negligence, or wilful violation of law on the part of any licensed or certificated man was involved so that appropriate proceedings against such person under 46 U. S. C. 239 may be recommended and taken.
- (d) Whether any Coast Guard personnel or any representative of any other government agency was guilty of any neglect or inattention to duty contributing to the casualty.

§ 4.01-15 *Board investigations.* Where the casualty or accident is considered as a major casualty and the Commandant, U. S. Coast Guard, believes that further investigation thereof would tend to promote safety at sea and would not be inimical to the public interest, the Commandant will designate an appropriate board to conduct such investigation as necessary in accordance with the requirements of §§ 136.101 to 136.110 of this chapter. Unless otherwise designated by the Commandant, the board of investigation consists of the Coast Guard District Commander, the Officer in Charge, Marine Inspection,

within whose jurisdiction the casualty or accident occurred or within whose jurisdiction the casualty or accident is reported, and another Coast Guard officer designated by the Commandant, except in San Juan and Honolulu Districts where the board will consist of the Coast Guard District Commander, the Officer in Charge, Marine Inspection, and the district law officer.

§ 4.01-30 *Board investigation reports.* The Board of Investigation will make a complete report containing findings and recommendations to the Commandant in accordance with § 136.105 of this chapter. Disclosure of records will be in accordance with § 136.109 of this chapter, or §§ 1.80-1 to 1.80-80, inclusive, *supra*.

§ 4.01-45 *Procedures followed in investigations.* All witnesses called to testify in any preliminary investigations or board investigations are entitled to be represented by counsel if they so desire. In preliminary investigations private counsel are not permitted to examine or cross-examine witnesses unless such counsel represents the witness being interviewed, and may do no more than advise the witness. In public hearings conducted by a board, counsel for interested parties may attend and take part in the examination and cross-examination.

§ 4.01-60 *Preferring charges.* If upon investigation of a casualty or accident, it is determined that charges shall be or have been preferred against any licensed officer or certificated seaman, the report will set forth such information, stating the nature of the charge briefly, the name of the person charged, the misconduct file number, and the status of the proceedings of the charge. The report of the hearing on the charge will be separate and will not supplant the report of the investigation. The charges which may be brought will be made by the examining officer in accordance with the regulations in §§ 136.101 to 136.110, inclusive, of this chapter.

SUBPART 4.05—DISCIPLINARY PROCEEDINGS

§ 4.05-1 *General.* (a) The basic statute for investigations and trials of licensed officers and certificated seamen is 46 U. S. C. 239, which provides authority to promulgate such necessary regulations as set forth in Part 136 of this chapter and by War Shipping Administration General Order 41, in §§ 304.61 to 304.72 of this title. The proceedings against licenses and certificates and Seaman's Employment Cards are undertaken by Merchant Marine Hearing Units in the United States and by Coast Guard Merchant Marine Details in certain foreign ports with the following purposes:

- (1) The maintenance of discipline on merchant vessels.
- (2) The safety of life and property at sea.
- (b) The examining officer conducts the investigation and presents the case to the hearing officer who makes the finding and orders after all the evidence is in.

§ 4.05-5 *Investigations.* Immediately upon receipt of a complaint made to a local office or when a violation of any

law or regulation is noted, an examining officer is dispatched to the vessel for the purpose of making a preliminary investigation in accordance with the regulations in Part 136 of this chapter. In making his investigation the examining officer interviews all interested parties and witnesses. On the basis of his findings he determines whether charges should or should not be preferred. If the examining officer finds that there is a prima facie case within the jurisdiction of 46 U. S. C. 239 he immediately writes out the charges and specifications on Coast Guard form 2639, Charge and Specification Sheet, and serves them. At this time he informs the person charged of all his rights under the law, such as right to counsel, nature of the proceedings, possible penalties, the bringing of witnesses in his behalf by subpoena. Should the person desire counsel and has no means of securing one, the Coast Guard supplies an officer to act in his defense. It is the duty of the examining officer on Coast Guard form 2639-B to subpoena any or all of the witnesses that the person charged desires to appear in his behalf.

§ 4.05-20 *Hearings.* (a) After service of a notice of hearing or a subpoena, the examining officer will indorse a return on the carbon copy showing the kind, time, and place of service and file the same with the Merchant Marine Hearing Unit, and a hearing will be set for the earliest possible time consistent with fairness. The hearing is usually held in the offices of the Merchant Marine Hearing Unit or wherever most convenient for everyone concerned. Every effort is made to conduct a hearing with dignity and in the fairest possible fashion. After the opening of the hearing, the examining officer outlines the whole case and then presents the case to the hearing officer. The following steps are usually followed in a hearing:

- (1) Hearing Officer's opening statement.
 - (2) Production of documents and Selective Service data.
 - (3) Advising person charged of right to counsel.
 - (4) Appearances.
 - (5) Removal of all witnesses from the hearing room.
 - (6) Arraignment and plea.
 - (7) Opening statement of examining officer.
 - (8) Opening statement of person charged or statement in mitigation if a "guilty" plea.
 - (9) Testimony of witnesses (omitted in "guilty" cases).
 - (10) Findings.
 - (11) Prior record.
 - (12) Order.
 - (13) Service of original findings and order on person charged and return of certificate or license if appropriate; advising person charged that findings and order are not in any way binding on matters under jurisdiction of the shipping commissioner.
 - (14) Advising person charged of right of appeal.
 - (15) Declaration that the hearing is closed.
- (b) After all the evidence has been presented and arguments made by the

examining officer and the counsel for the person charged, the hearing officer makes his decision and issues a findings and order in each case on Coast Guard form 2639-C. If the finding is "not proved" the case is closed. If the charges are found proved the hearing officer may order his license or certificate suspended for a period of time or revoked. In the discretion of the hearing officers the order may be suspended and the person charged placed upon probation. The testimony at the hearing is taken down by a reporter. If an appeal from the decision of the hearing officer is made, a copy of the transcript is made available to the applicant.

§ 4.05-35 *Appeals.* Within 30 days an appeal may be made from the decision of the hearing officer to the Coast Guard District Commander of the district wherein the hearing was held. Should the District Commander uphold the decision of the hearing officer, a further appeal from his decision may be made to the Commandant, whose action is final. The appeal shall set forth the requirements appealed from and the reasons why the decision or action should be set aside or revised, in accordance with the procedures in § 136.107 or 136.112 of this chapter.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary.

[F. R. Doc. 46-15356; Filed, Aug. 28, 1946;
4: 18 p. m.]

COMMITTEE ON PRACTICE

[31 CFR, Subtitle A]

PART 12—ORGANIZATION AND FUNCTIONS OF THE COMMITTEE ON PRACTICE

- Sec.
- 12.1 Organization and functions.
 - 12.2 Delegations of authority.
 - 12.3 Information, requests and submittals.
 - 12.4 Official records.
 - 12.5 Substantive rules.

§ 12.1 *Organization and functions.* (a) The central organization and functions of the Committee on Practice are described generally in Treasury Department Circular No. 230, Revised (31 CFR Part 10) and Treasury Department Circular No. 559 (31 CFR Part 11).

(b) The Committee on Practice has no field organization.

§ 12.2 *Delegations of authority.* There have been no delegations of final authority by the Committee on Practice.

§ 12.3 *Information, requests and submittals.* The public may secure information from, or make submittals or requests to, the Committee on Practice, Treasury Department, Room 106, Tower Building, 14th and K Streets NW., Washington 25, D. C., by personal appearance, by telephone, or by written communication.

§ 12.4 *Official records.* (a) There are made available to public inspection at the office of the Committee on Practice:

- (1) The roster of all persons admitted to practice before the Treasury Department pursuant to the Act of July 7, 1884, 23 Stat. 258 (5 U. S. C. 261).
- (2) The roster of all persons licensed as customhouse brokers pursuant to

amended section 641 of the Tariff Act of 1930, 46 Stat. 759 (19 U. S. C. 1641).

(3) The final opinion or order in the adjudication of any case in which there was sought revocation of any license of the character indicated in paragraphs (a)(1) and (2) of this section, provided the licensee (or former licensee) expressly consents to publication.

(b) Matters of official record pertaining to the enrollment of persons to practice before the Treasury Department and pertaining to the licensing of customhouse brokers are available at the office of the Committee on Practice to persons properly and directly concerned.

(c) The official records pertaining to the revocation (or the proposed revocation) of licenses of the character indicated in paragraphs (a)(1) and (2) of this section, and to the investigation of applicants therefor, constitute confidential information, except as provided in paragraphs (a) and (b) of this section. These records are held confidential for these good causes:

(1) Publication is capable of injuring licensees and former licensees without furthering the public interest.

(2) Much of the information is elicited without the aid of the subpoena power on the assurance that the sources will be protected.

§ 12.5 *Substantive rules.* The substantive rules and statements of general policy of the Committee on Practice are embodied in Treasury Department Circular No. 230, Revised (31 CFR Part 10) regarding practice before the Treasury Department, and in Treasury Department Circular No. 559 (31 CFR Part 11) regarding customhouse workers.

PART 13—PROCEDURES OF THE COMMITTEE ON PRACTICE

§ 13.1 *Procedures.* (a) Licensing to practice before the Treasury Department is subject to this procedure:

(1) An applicant is required to file with the Committee on Practice an application on the form prescribed by section 4 of Treasury Department Circular No. 230, Revised (31 CFR 10.4). The application form calls for these items of information regarding the applicant: identification, description and location of his practice, qualifications, references, etc. Copies of the form may be procured from the Committee on Practice.

(2) Upon receipt of the application, the Committee on Practice grants a temporary license, provided the application is regular on its face; provided the averments of fact made therein, if true, would warrant issuance of a license; provided nothing of record before the Committee on Practice indicates the averments to be untrue; and provided there is nothing before the Committee on Practice to indicate that the applicant has not a good character.

(3) If a temporary license is not granted, the Committee on Practice accords the applicant an opportunity by correspondence or conference to correct any deficiency in the application.

(4) Upon the granting of a temporary license the Committee on Practice refers the application to the Intelligence Unit

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of the Bureau of Internal Revenue, Treasury Department, for investigation as to the truth of the averments made in the application and as to the character of the applicant.

(5) Upon completion of investigation, the Intelligence Unit sends the resultant report to the Committee on Practice for consideration.

(6) If the application and the investigative report are favorable to the applicant, the Committee on Practice recommends to the Secretary of the Treasury that the temporary license be replaced with a permanent license; replacement normally being accomplished in due course without the necessity of special request or petition on the part of the applicant.

(7) If the application and investigative report are not favorable to the applicant, the Committee on Practice by letter notifies the applicant of the apparent deficiencies and accords the applicant opportunity to show cause why a permanent license should be granted, the nature of the opportunity being determined by the character of the questions presented by the deficiencies.

(8) A controverted question is not determined adversely to the applicant by the Committee on Practice without according the applicant the opportunity for a hearing.

(9) Upon determination by the Committee on Practice that an application should be denied, the Committee on Practice so recommends to the Secretary of the Treasury, who thereupon affirms, overrules, or remands the recommendation.

(b) Licensing (*i. e.*, the granting of the consent of the Secretary of the Treasury to) former personnel of the Treasury Department to act as attorney or agent (or as employee of an attorney or agent) within two years after the termination of the employment by the Treasury Department is subject to the procedure described in section 2 (a) of Treasury Department Circular No. 230, Revised (31 CFR 10.2 (a) (2)). The application form prescribed by section 2 (a) of the circular calls for the items of information specified in that section. Copies of the form may be procured from the Committee on Practice.

(c) Proceedings for suspension, disbarment, and reinstatement of licensees to practice before the Treasury Department are subject to the procedure described in section 7 of Treasury Department Circular No. 230, Revised (31 CFR 10.7).

(d) Licensing to be a customhouse broker is subject to the procedure described in sections 3 and 4 of Treasury Department Circular No. 559 (31 CFR 11.3, 11.4). The application form prescribed by section 3 (a) of the circular calls for these items of information regarding the applicant: identification, description and location of his business, qualifications, references, etc. Copies of the form may be procured from the Committee on Practice and from the offices of Collectors of Customs.

(e) Proceedings for revocation and suspension of customhouse brokers' licenses are subject to the procedure described in sections 10, 11 and 13 of

Treasury Department Circular No. 559 (31 CFR 11.10, 11.11, 11.13).

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary.

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4:11 p. m.]

FISCAL SERVICE: BUREAU OF
ACCOUNTS

[31 CFR, Ch. II]

PART 270—ORGANIZATION, FUNCTIONS AND
PROCEDURES OF THE BUREAU OF ACCOUNTS.

SUBPART A—ORGANIZATION

- Sec.
270.1 Central organization.
270.2 Field organization.
270.3 Public information, submittals, and requests.
270.4 Delegations of final authority.

SUBPART B—FUNCTIONS AND PROCEDURES

- 270.5 Surety companies and surety bonds.
270.6 Substitute checks.
270.7 Claim for proceeds of "stale" checks.
270.8 Salvage of Philippine valuables and records.
270.9 Depositaries of public funds.
270.10 Federal Savings and Loan Associations as fiscal agents of the United States.
270.11 Undelivered War Savings Bonds and cash withheld by employers.
270.12 Checks withheld from foreign delivery.
270.13 Mexican claims.
270.14 German, Austrian, and Hungarian claims.
270.15 Turkish claims.
270.16 Director General of Railroads and Railroad Obligations.

SUBPART C—FINAL OPINIONS AND ORDERS

- 270.17 Availability of final opinions and orders.

SUBPART D—PUBLIC RECORDS

- 270.18 Public records.

SUBPART A—ORGANIZATION

§ 270.1 *Central organization.* The Bureau of Accounts, succeeding the Office of the Commissioner of Accounts and Deposits, was created and established as a part of the Fiscal Service of the Treasury Department by the President's Reorganization Plan No. III, effective June 30, 1940, 54 Stat. 1231. The Commissioner of Accounts, aided by the Associate Commissioner and the Assistant Commissioner, has general administrative supervision and control over all of the work of the Bureau, which is concerned with the maintenance of control appropriation accounts and issuance of warrants for all of the departments and agencies of the Government except the Postal Service, the performance of collection and disbursing functions for Government agencies, the supervision of accounting procedures of the various Treasury bureaus and offices, the handling of matters relating to investment accounts under the control of the Secretary of the Treasury, the liquidation of the residual fiscal affairs of certain discontinued war agencies, general supervision over the preparation of the Daily Statement of the United States Treasury, and the performance of other accounting and reporting duties. The work is carried on through the Office of the Chief

Accountant, and six divisions and one section, each headed by a Chief of Division or Section. In addition, there is an Administrative Division which handles personnel and budgetary matters, office services and files.

(a) *Office of the Chief Accountant.* The Chief Accountant exercises general and technical supervision over accounting systems in the Treasury Department and the accounting and reporting development work under Executive Order 8512 dated August 13, 1940; serves in a consulting capacity to and collaborates with the appropriate authorities in the several bureaus, offices and divisions of the Treasury, in the establishment, revision, maintenance and elimination of accounting and reporting systems; makes recommendations to the Commissioner and presents plans and procedures for the improvement of the accounting and reporting procedures.

(b) *The Division of Bookkeeping and Warrants.* This Division was created by the Act of July 31, 1894, 5 U. S. C. 255, which provides that upon the books of this Division shall be kept all accounts of receipts and expenditures of public money, except those relating to postal revenues and expenditures therefrom. The Division, in the name of the Secretary of the Treasury, issues all warrants on the Treasurer of the United States, makes analyses of acts of Congress carrying appropriations and maintains the appropriation accounts on its ledgers relating to all activities of the Government. It issues warrants for placing disbursing funds to the credit of disbursing officers, for the payment by the Treasury of claims settled by the General Accounting Office, and for covering into the Treasury the revenues and receipts of the Government. It also compiles and publishes an annual digest of the appropriations made by Congress.

(c) *The Division of Financial Reports.* This Division supervises and coordinates the work relating to the compilation and publication of the annual Combined Statement of Receipts, Expenditures and Balances of the Government required by the Act of July 31, 1894, 5 U. S. C. 264; produces reports on the financial condition and operations of the entire Government pursuant to Executive Order 8512, dated August 13, 1940; prepares quarterly reports and special corporation statements; and prepares such other financial reports and statements as may be required in connection with the Annual Report of the Secretary of the Treasury, the annual Budget, the monthly Treasury Bulletin, the daily Treasury statement, and for other purposes.

(d) *The Division of Disbursement.* This Division was created by Executive Order 6166, dated June 10, 1933, which transferred the function of disbursement of money of the United States exercised by any agency of the executive branch of the Government to the Treasury Department and consolidated the function in that Division. The War and Navy Departments, except with respect to departmental salaries and expenses in the District of Columbia, were exempted from Executive Order 6166 by Executive Order 6726, dated May 29, 1934. The

function of disbursement of moneys of the United States in the other executive departments and agencies in Washington and in the field has been taken over and consolidated in this Division with the exception of the Postal Service and United States marshals, which were exempted from Executive Order 6166 by the President's Reorganization Plan No. IV, effective June 30, 1940, 54 Stat. 1234. The Division includes the central office in Washington, D. C., 21 regional offices in the several Federal Reserve districts and 4 offices outside the continental limits of the United States.

(e) *The Division of Investments.* This Division keeps the accounts and supervises collections of railroad obligations owned by the United States which are under the control of the Secretary of the Treasury; handles the collection of other obligations owned by the United States which are turned over to the Treasury by other departments for collection; makes payments and keeps accounts on awards (1) under the Settlement of War Claims Act of 1928, 45 Stat. 254, as amended, (2) under the claims agreement of October 25, 1934, between the United States and Turkey, (3) under the Acts of April 10, 1935, 49 Stat. 149, and December 18, 1942, as amended, 22 U. S. C., Sup., 661-672, covering claims against the Republic of Mexico, and (4) under the agreement of November 19, 1941, between the United States and Mexico relating to expropriated petroleum properties; and handles matters relating to investment accounts under control of the Secretary of the Treasury and securities held by the Treasurer of the United States and the Federal Reserve Banks for which the Secretary of the Treasury is responsible, other than those related to public debt operations. It also maintains special deposit accounts of the Secretary of the Treasury relating to alien property trust funds, offers in compromise under the provisions of section 3469 of the Revised Statutes, 31 U. S. C. 194, Philippine trust funds held in interest-bearing accounts, withheld foreign check payments, and other miscellaneous special deposit accounts.

(f) *The Division of Deposits.* This Division is charged with the administration of all matters pertaining to designation of Government depositaries and the deposit of Government funds in such depositaries, which include the Federal Reserve banks, general and limited national and insured state bank depositaries, special depositaries under the Second Liberty Bond Act, as amended, 31 U. S. C. 771, foreign depositaries, Territorial depositaries, Federal land banks, and the Philippine Treasury; matters pertaining to the qualification of Federal Savings and Loan Associations as fiscal agents of the United States; and matters pertaining to certain of the functions of the Treasury under the Government Losses in Shipment Act, as amended, 5 U. S. C. 134-134h.

(g) *The Section of Surety Bonds.* This Section considers applications of surety companies to transact business with the Government and is responsible for analyzing the financial statements of surety companies authorized to transact busi-

ness with the United States. It determines the underwriting qualifications of surety companies, audits their quarterly financial statements, makes examinations into their financial condition at the home offices wherever necessary, and performs other duties to determine whether the companies observe the requirements of existing law and regulations of the Treasury. The Section has custody of all fidelity bonds in favor of the United States, with a few exceptions, and notifies the accounting offices of the receipt and filing of such official bonds. The Section examines and approves as to corporate surety all fidelity and surety bonds taken by Treasury officers, except customs bonds filed in the field, and also examines and approves as to corporate surety the fidelity and surety bonds accepted by practically all of the executive departments and establishments in Washington.

(h) *The Liquidation Division.* (1) This Division has administrative and technical responsibility for the liquidation of the residual fiscal affairs of certain discontinued war agencies of the Government. This liquidation of the following agencies has been assumed pursuant to Presidential authorization: Central Administrative Services of the Office for Emergency Management (Executive Order 9471 dated August 25, 1944), Office of Civilian Defense (Executive Order 9562 dated June 4, 1945), War Refugee Board (Executive Order 9614 dated September 14, 1945), Office of Censorship (Executive Order 9631 dated September 28, 1945), Office of War Information, exclusive of those functions transferred to the Department of State and Bureau of the Budget (Executive Order 9608 dated August 31, 1945), and the Committee on Fair Employment Practice (letter of the President dated May 18, 1946). The winding up of the administrative affairs of the foregoing activities, involves generally the termination of contracts for rental or services; the liquidation of obligations incurred including payment of vouchers and certification of claims; the collection of moneys owed to the Government; the clearance of post-audit exceptions taken by the General Accounting Office; the disposition of equipment, supplies, and other property; the separation of remaining war agency personnel; and the submission of final reports on liquidation.

(2) This Division also handles the functions with respect to the maintenance of lend-lease accounts and other fiscal records relating to lend-lease and reverse lend-lease matters which functions were transferred from the Department of State to the Treasury Department by Executive Order 9726, dated May 17, 1946. The lend-lease fiscal operations handled by this Division relate to accounting and reporting in respect to appropriations and allocations, and to billing and collecting for supplies and services furnished foreign governments. All other functions relating to the administration of the Lend-Lease Act, 22 U. S. C., Supp., 411-419, remain with the Office of the Foreign Liquidation Commissioner, Department of State.

§ 270.2 *Field organization.* Regional offices of the Division of Disbursement are located throughout the continental limits of the United States, Hawaii, Alaska, Philippine Islands, and Puerto Rico, to carry out disbursing functions in the field. Each office is in charge of an Assistant Disbursing Officer. The following is a list of the regional offices:

1. Albuquerque, N. Mex.
2. Atlanta, Ga.
3. Boston, Mass.
4. Chicago, Ill.
5. Cleveland, Ohio.
6. Columbus, Ohio.
7. Dallas, Tex.
8. Denver, Colo.
9. Helena, Mont.
10. Honolulu, T. H.
11. Juneau, Alaska.
12. Kansas City, Mo.
13. Los Angeles, Calif.
14. Manila, Philippine Islands.
15. Minneapolis, Minn.
16. New Orleans, La.
17. New York, N. Y.
18. Philadelphia, Pa.
19. Portland, Oreg.
20. Richmond, Va.
21. St. Louis, Mo.
22. Salt Lake City, Utah.
23. San Francisco, Calif.
24. San Juan, P. R.
25. Seattle, Wash.

§ 270.3 *Public information, submittals, and requests.* Except as hereinafter specified in this Part or the Parts referred to herein, public information may be obtained from and submittals and requests may be made to the Commissioner of Accounts, Treasury Department, Washington, D. C.

§ 270.4 *Delegations of final authority.* (a) Pursuant to section 2 (b) of the President's Reorganization Plan No. II, effective July 1, 1939 (53 Stat. 1431, 1432), the Commissioner of Accounts and Assistant Commissioner of Accounts have been designated to perform on behalf of the Secretary of the Treasury the duties and functions of the former Director General of Railroads.

(b) Under the provisions of section 3646 of the Revised Statutes of the United States, as amended, 31 U. S. C., Sup., 528 (h), any power, authority, or discretion conferred upon the Secretary of the Treasury in respect to the approval of evidence and the receipt and approval of agreements of indemnity to support the issuance of substitutes of original checks drawn against accounts maintained outside the continental limits of the United States by the Chief Disbursing Officer or by his predecessor, has been delegated to the Chief Disbursing Officer and his duly authorized assistant disbursing officers.

SUBPART B—FUNCTIONS AND PROCEDURES

§ 270.5 *Surety companies and surety bonds.* (a) The Section of Surety Bonds administers the provisions of the Act of August 13, 1894, as amended, 6 U. S. C. 6-13, relating to the issuance by the Secretary of the Treasury of certificates of authority to bonding companies to do business with the United States on recognizances, stipulations, bonds and undertakings. The general course and methods of procedure as to companies desiring a certificate of authority are contained in

31 CFR 223. Applications when received are reviewed by the Section on the basis of financial statements and other data submitted in support of the application, and if it appears from the evidence submitted that the company has authority under its charter or articles of incorporation to do the business provided for by the act above referred to, and that the company is solvent and financially and otherwise qualified to do the business provided in the said act, as amended, recommendation is made to the Secretary for issuance of a certificate of authority to the company to qualify as surety on obligations permitted or required by the laws of the United States. Further regulations, procedures and information in respect to surety companies doing business with the United States appear in 31 CFR 220-222, 224, 226, 227.

(b) Regulations, procedures and information concerning the acceptance of bonds, notes or other obligations, issued or guaranteed by the United States, as security in lieu of surety or sureties on penal bonds running to the United States are contained in 31 CFR 225.

§ 270.6 *Substitute checks.* Under the provisions of section 3646 of the Revised Statutes of the United States, as amended, 31 U. S. C., Sup., 528, whenever a Government check has been lost, destroyed, or stolen, a substitute check may be issued only with the approval of the Secretary of the Treasury. This authority, with respect to checks drawn on accounts maintained outside the continental limits of the United States, has been delegated to the Secretary of War, Secretary of the Navy, certain officers of the Panama Canal for checks drawn by disbursing officers under their respective jurisdictions, and the Chief Disbursing Officer, Treasury Department. Regulations, procedures and other information concerning the issuance of substitute checks are contained in 31 CFR 204.

§ 270.7 *Claims for proceeds of "stale" checks.* With the exception of checks relating to public debt obligations or transactions under the banking and currency laws, all checks drawn on the Treasurer of the United States are payable only for one year after the close of the fiscal year in which issued. Thereafter the proceeds are cleared out of the disbursing officers' accounts and covered into a trust fund known as "Outstanding Liabilities." As provided in 31 CFR 202.28, checks for which the period of payment by the Treasurer of the United States has expired should be transmitted to the Secretary of the Treasury, Division of Disbursement, for payment from the "Outstanding Liabilities" appropriation, accompanied by an application for payment over the signature and address of the owner of such checks. Claims on account of such checks are reviewed in the Division of Disbursement, forwarded to the General Accounting Office for further consideration and the issuance of a certificate of settlement in the case. The certificates of settlement are sent to the Treasury for issuance and mailing of a new check to the claimant by the Division of Disbursement.

§ 270.8 *Salvage of Philippine valuables and records.* With the Japanese invasion

of the Philippine Islands, the U. S. High Commissioner accepted, by direction of the President, bullion, currency, securities, and other valuables to avoid seizure. The bulk of these valuables were sent to the United States for safekeeping in the San Francisco Mint, the Federal Reserve Bank of San Francisco, or the U. S. Treasury in Washington. The remainder, principally currency and paid checks, was inventoried and destroyed. The records relating to these transactions were turned over to the Bureau of Accounts, which handles the claims for restitution. Claims and requests for information on the subject should be addressed to the Secretary of the Treasury, Washington 25, D. C.

§ 270.9 *Depositaries of public funds.*—
(a) The Secretary of the Treasury designates the depositaries authorized to accept deposits of public funds. There are several classes of domestic depositaries: Federal Reserve banks, General Depositaries, Limited Depositaries, Special Depositaries, and Depositaries for Withheld Taxes. General Depositaries are depositaries and financial agents of the Government which have been authorized to maintain on their books an account in the name of the Treasurer of the United States. They are designated and maintained only at points where a depositary is needed to receive deposits of public moneys for credit to the account of the Treasurer of the United States or to render other essential banking services authorized by the Secretary of the Treasury.

(1) *Limited Depositaries* are depositaries which have been designated by the Secretary of the Treasury for the sole purpose of receiving, up to specified maximum amounts, deposits made by Government officers for credit in their official checking accounts with such depositaries and are not authorized to accept deposits for credit to the account of the Treasurer of the United States.

(2) *Special Depositaries* of public moneys are depositaries designated by the Secretary of the Treasury pursuant to authority contained in the Second Liberty Bond Act, as amended, 31 U. S. C. 771, to receive and hold deposits on account of the sale of Government securities.

(3) *Depositaries for Withheld Taxes* are depositaries designated pursuant to the Current Tax-Payment Act of 1943, 26 U. S. C., Sup., 1631, to receive from employers amounts withheld as taxes from the salaries and wages paid their employees.

(b) Regulations, procedures and other information concerning the designation, qualification and operations of general and limited depositaries of public moneys, of special depositaries of public moneys, and of depositaries for withheld taxes are set forth in 31 CFR; 202, 203, and 212, respectively.

§ 270.10 *Federal Savings and Loan Associations as fiscal agents of the United States.* Certain Federal Savings and Loan Associations have been designated pursuant to the authority contained in the Home Owners Loan Act of 1933, as amended, 12 U. S. C. 1464 (k) as fiscal agents for the collection of de-

linquent accounts under Title I of the National Housing Act, 12 U. S. C. 1702-1706. Regulations, procedures and other information concerning Federal Savings and Loan Associations as fiscal agents of the United States are contained in 31 CFR 312.

§ 270.11 *Undelivered War Savings Bonds and cash withheld by employers.* In connection with the operation of the payroll savings system for the purchase of war savings bonds by employees of private contractors performing work for the Government under cost-plus-a-fixed-fee contracts, arrangements have been made for the safekeeping by the Treasury Department of undelivered bonds and unclaimed payroll deductions. These funds, which belong to persons whose whereabouts are unknown, are received by the Bureau of Accounts of the Treasury Department through the various Government departments and establishments having jurisdiction over the contracts and from other employers who may care to avail themselves of this facility. The funds are held subject to claim by such former employees. Claims may be in the form of an ordinary letter addressed to the Commissioner of Accounts, Treasury Department, Washington 25, D. C., identifying the claimant and requesting payment. These claims are subject to approval by the Secretary of the Treasury. Upon his approval, a check representing funds held for the claimant's account is transmitted to the claimant. Claims for bonds should be addressed to the Chicago Office, Bureau of the Public Debt, Merchandise Mart, Chicago 54, Illinois.

§ 270.12 *Checks withheld from foreign delivery.* In accordance with the provisions of Executive Order 8389 of April 10, 1940, as amended, and the act of October 9, 1940, as amended, 31 U. S. C. Sup., 123, and regulations issued pursuant thereto, 31 CFR 211, United States Government checks issued in favor of payees residing in certain areas outside the United States where postal, transportation, banking facilities in general or local conditions are such that there is not a reasonable assurance that the checks will be delivered and negotiated for full value, have been withheld from delivery and their proceeds have been deposited in a special account for the owners thereof. Except for claims on account of checks representing payments under laws administered by the Veterans Administration, claims for payment of such withheld amounts should be presented to the Secretary of the Treasury. Claims involving payments under laws administered by the Veterans Administration should be presented direct to the Administrator of Veterans' Affairs. Regulations, procedures, and other information concerning checks withheld from foreign delivery are set forth in 31 CFR 211.

§ 270.13 *Mexican claims.*—(a) In accordance with the provisions of the Act of April 10, 1935, 49 Stat. 149, the Joint Resolution of August 25, 1937, 50 Stat. 783, and the Settlement of Mexican Claims Act of 1942, as amended, 22 U. S. C., Sup., 661-672 and Treasury Department regulations, 31 CFR 254, awards

and appraisals in favor of nationals of the United States on claims against the Government of Mexico are certified to the Treasury Department for payment.

(b) The Bureau of Accounts is charged with maintaining special accounts and certifying disbursements pertaining to such awards. Applications for payment made to the Bureau of Accounts, Division of Investments, with accompanying evidence, are examined in order to insure that payment is made in accordance with the awards and relevant statutes and regulations. Statutory interest and deductions are computed. Pursuant to a finding by the Secretary that payment is in order, the claims are certified to the Division of Disbursement for payment. Regulations, procedures and other information concerning payment of these awards and appraisals are set forth in 31 CFR 254.

(c) Claims against the Government of Mexico for expropriation of petroleum properties pursuant to the agreement of November 19, 1941 between United States and Mexico have been certified by the Secretary of State to the Secretary of the Treasury for payment. Inquiries with respect to payment of these claims should be addressed to the Commission of Accounts, Treasury Department, Washington 25, D. C., Attention of the Division of Investments.

§ 270.14 *German, Austrian, and Hungarian claims.* The Settlement of War Claims Act of 1928, 45 Stat. 254, authorized the Secretary of the Treasury to make payments on account of (a) awards of the Mixed Claims Commission, United States and Germany, for claims of American nationals against the Government of Germany; (b) awards of the War Claims Arbitrator for claims of German, Austrian, and Hungarian nationals against the Government of the United States, and (c) awards of the Tripartite Claims Commission for claims of American nationals against the Governments of Austria and Hungary. Payment is made from Special Deposit Accounts established pursuant to the Act. Inquiries should be made to the Commissioner of Accounts, Treasury Department, Washington 25, D. C., Attention of the Division of Investments. Applications and accompanying evidence are examined to determine whether payment may be made in accordance with statutory priorities. Statutory interest and deductions are computed and, subsequent to determination by the Secretary of the Treasury, checks are issued from the relevant Special Deposit Account. Regulations, procedures and other information with respect to payment of awards of the Mixed Claims Commission, United States and Germany, are set forth in 31 CFR 245; with respect to awards of the War Claims Arbitrator, in 31 CFR 248, 249, 252; and with respect to awards of the Tripartite Claims Commission, in 31 CFR 247, 251.

§ 270.15 *Turkish claims.* Awards of the Special Claims Commission, United States and Turkey, under the Joint Resolution of June 18, 1934, 48 Stat. 1018, and the Act of March 22, 1935, 49 Stat. 67, 76, were certified by the Secretary of State to the Secretary of the Treasury for payment pursuant to the Act of February 27,

1896, 31 U. S. C. 547. Inquiries with respect to payment of these claims should be addressed to the Commissioner of Accounts, Treasury Department, Washington 25, D. C., Attention of the Division of Investments.

§ 270.16 *Director General of Railroads and Railroad Obligations.*—(a) Pursuant to section 2 (b) of the President's Reorganization Plan No. II, effective July 1, 1939, 53 Stat. 1431, 1432, the Office of the Director General of Railroads was abolished and the functions and duties transferred to the Secretary of the Treasury to be exercised and performed by him personally or through such officer or officers of the Department of the Treasury as he may authorize. The Secretary of the Treasury was also designated an agent against whom actions or other proceedings may be brought in accordance with section 206 of the Transportation Act of February 28, 1920, 49 U. S. C. 74. The Secretary of the Treasury has designated the Fiscal Assistant Secretary, the Commissioner of Accounts, and the Assistant Commissioner of Accounts to perform on his behalf the duties and functions of the former Director General of Railroads. Requests for information should be submitted to the Secretary of the Treasury, Washington 25, D. C.

(b) Railroad obligations acquired on behalf of the United States under the provisions of the Transportation Act, 1920, as amended, are under the control of the Secretary of the Treasury by virtue of section 213 of Title II thereof, 40 U. S. C. 316, and Executive Order No. 8533 dated September 5, 1940, issued pursuant thereto. Inquiries with respect to these obligations should be addressed to the Secretary of the Treasury, Washington 25, D. C.

(c) Section 204 of the Transportation Act of 1920, as amended, 49 U. S. C. 73, permits certain short-line rail carriers to present claims against the United States before the Interstate Commerce Commission. Under the Act, the Commission is authorized to ascertain and certify to the Secretary of the Treasury the amounts payable to carriers under these claims. Inquiries with respect to payment of these claims should be addressed to the Secretary of the Treasury, Washington 25, D. C.

SUBPART C—FINAL OPINIONS AND ORDERS

§ 270.17 *Availability of final opinions and orders.* Final opinions and orders in the adjudication of cases falling within the jurisdiction of the Bureau of Accounts are made available to public inspection except those held confidential and not cited as precedents. The determination as to whether in a particular case a final opinion or order is confidential will be made in accordance with the standards set forth in § 270.18 of this subpart. All rules issued by the Bureau of Accounts will be made available upon request. Requests for such opinions, orders, or rules may be made to the Commissioner of Accounts, Treasury Department, Washington 25, D. C.

SUBPART D—PUBLIC RECORDS

§ 270.18 *Public records.* The official records on file in the Bureau of Accounts

include appropriation accounting records, collection and disbursing accounting records, accounting records relating to investment accounts under the control of the Secretary of the Treasury, various other accounting records and records relating to the functions described in §§ 270.5 through 270.16 hereof. Certain of the information contained in these records is held confidential and is not available to the public because it relates to the personal financial transactions of individuals or corporations, or because the disclosure of the information would clearly be inimical to the public interest. All requests for information in respect to matters contained in the official records of the Bureau of Accounts should be addressed to the Commissioner of Accounts, Treasury Department, Washington 25, D. C. The request should set forth the interest of the applicant in the subject matter and the purpose for which information is desired. The determination as to whether the information is available for disclosure will be made by the Secretary, the Under Secretary, or the Fiscal Assistant Secretary. Whenever it is determined that a matter of official record is available for disclosure in a particular case, a copy of said official record will be furnished the party requesting the same, or the officer passing upon the request may, in his discretion, allow a personal inspection of the official record in question at the place where the document is normally kept. The regulations contained in this section shall supersede any other Treasury Department orders, rules, or regulations to the extent that they are in conflict with these regulations.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary.

[F. R. Doc. 46-15351; Filed Aug. 28, 1946;
4:15 p. m.]

FISCAL SERVICE: BUREAU OF THE PUBLIC DEBT

[31 CFR, Ch. II]

PART 323—PUBLIC INFORMATION CONCERNING THE BUREAU OF THE PUBLIC DEBT

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SUBPART B—FUNCTIONS AND PROCEDURES

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- 323.10 Undeliverable savings bonds.
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SUBPART C—RULES; OPINIONS AND ORDERS; PUBLIC RECORDS

- 323.12 Substantive rules.
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- 323.14 Records.

SUBPART A—ORGANIZATION

§ 323.1 *Central organization.* The Bureau of the Public Debt, a branch of the fiscal service, is generally charged

with the administration of the public debt. The functions of the Bureau are exercised at Washington through the Office of the Commissioner, the Division of Loans and Currency, the Office of the Register of the Treasury, the Division of Public Debt Accounts and Audit, the Division of Paper Custody, and at Chicago by the Chicago Office of the Bureau, including branches of the foregoing offices and divisions (except the Division of Paper Custody) and a Division of Savings Bonds. Five Regional Offices of the Register of the Treasury and a small force at the Government Mill where distinctive paper is produced comprise the "field" organization of the Bureau. Of these enumerated offices those which deal generally with the public are described below.

(a) *The Office of the Commissioner.* The Commissioner of the Public Debt, aided by an Assistant Commissioner and a Deputy Commissioner, has general administrative supervision and control over the entire Bureau and its work. The Commissioner's office is generally concerned with the preparation (subject to the approval of the Secretary) and the effectuation of regulations, circulars, and instructions governing the offering and issue of public debt securities and the conduct of subsequent transactions therein.¹ In addition the Commissioner's office handles contracts for the distinctive paper used in the printing of securities and currency.

(b) *The Division of Loans and Currency.* This Division is charged with the receipt and custody of all stocks of securities and distribution thereof to other issuing agents directly, or through the Federal Reserve Banks and Branches. The Division issues securities, other than Treasury bills, and conducts transactions in such securities after issue, including exchanges, transfers, conversions, maintenance of marketable registered bond accounts and the issue of checks for interest thereon, the settlement of claims on account of lost or destroyed securities, and those held in estates of deceased owners. It also conducts correspondence with the public regarding such securities and transactions therein. (For savings bonds see § 323.8 and paragraph (c) of this section.) It is under the supervision of the Chief of the Division who is aided in the performance of his duties by an Assistant Chief.

(c) *The Chicago Office of the Bureau.* This office, with headquarters at the Merchandise Mart, Chicago 54, Illinois, is charged with the maintenance of records of the ownership and the redemption of savings bonds, the issue of checks in payment of interest on savings bonds of Series G (interest on other series of savings bonds is payable with the principal when the bonds are redeemed) and with all matters relating to United States Savings Bonds after their original issue

¹ As agent the Bureau also conducts transactions in interest-bearing issues of the Philippine and Puerto Rican Governments, and establishments of the Federal Government such as the Home Owners' Loan Corporation, the Federal Farm Mortgage Corporation, the Reconstruction Finance Corporation, and others—under the procedures and regulations set forth in Sec. 823.7 of this Part.

(except payment thereof), including correspondence with the public concerning such matters. Within the Chicago Office after-issue transactions are largely conducted by the Chicago Branch of the Division of Loans and Currency. The office is under the supervision of the Deputy Commissioner in Charge who is aided in the performance of his duties by an Assistant Deputy Commissioner in Charge.

§ 323.2 *Associated organizations.* Numerous organizations are associated with the Bureau in conducting public debt functions, including certain offices in the Treasury in addition to those enumerated above; The Post Office Department and postal service; the Federal Reserve Banks, fiscal agents of the United States, and their Branches; and banks, trust companies, savings and loan associations and the like.

§ 323.3 *Delegations of final authority.* The Second Liberty Bond Act, as amended, authorizes the issuance of various classes of securities of the United States (see 31 U. S. C., ch. 12). The circulars concerning the various types of securities which are offered for sale establish, for the most part, the delegations of final authority to handle transactions arising in connection with such securities from their issue to their redemption. The various types of securities, the numbers of the circulars relating thereto (accompanied by references to the places in which they are published in the Federal Register) are enumerated and described in §§ 323.7 and 323.8, which show the practical application of the delegations of final authority of interest to the public.

§ 323.4 *Established places for obtaining information and making requests.* In addition to the constituent offices and divisions of the Bureau of the Public Debt, including the Chicago Office of the Bureau, the most important places for obtaining information and making submissions or requests are the Federal Reserve Banks, fiscal agents of the United States, and their Branches, which are listed at the end of this section. However, thousands of banks, trust companies, savings and loan associations, and other financial institutions, as well as other agencies which have qualified as issuing agents for savings bonds of Series E or paying agents for savings bonds of Series A through E registered in the names of individuals and, in some cases, in both capacities will be able to give the public information concerning the issuance of savings bonds of Series E and payment of savings bonds of Series A through E registered in the name of individuals. The circulars concerning the various types of securities and the circulars containing the regulations governing them, which may be obtained from the Federal Reserve Banks and Branches, will also be of considerable value to any one seeking information.

Federal Reserve Banks and Branches and Their Locations

Federal Reserve Bank of Boston, Boston 6, Mass.
Federal Reserve Bank of New York, Federal Reserve Post Office Station, New York 7, N. Y.
Buffalo Branch, Federal Reserve Bank, Buffalo 8, N. Y.

Federal Reserve Bank of Philadelphia, Philadelphia 1, Pa.

Federal Reserve Bank of Cleveland, Cleveland 1, Ohio. Cincinnati Branch, Federal Reserve Bank, Cincinnati 1, Ohio. Pittsburgh Branch, Federal Reserve Bank, Pittsburgh 19, Pa.

Federal Reserve Bank of Richmond, Richmond 13, Va. Baltimore Branch, Federal Reserve Bank, Baltimore 3, Md. Charlotte Branch, Federal Reserve Bank, Charlotte 1, N. C.

Federal Reserve Bank of Atlanta, Atlanta 3, Ga. Birmingham Branch, Federal Reserve Bank, Birmingham 2, Ala. Jacksonville Branch, Federal Reserve Bank, Jacksonville 1, Fla. Nashville Branch, Federal Reserve Bank, Nashville 3, Tenn. New Orleans Branch, Federal Reserve Bank, New Orleans 11, La.

Federal Reserve Bank of Chicago, Chicago 90, Ill. Detroit Branch, Federal Reserve Bank, Detroit 31, Mich.

Federal Reserve Bank of St. Louis, St. Louis 2, Mo. Little Rock Branch, Federal Reserve Bank, Little Rock, Ark. Louisville Branch, Federal Reserve Bank, Louisville 1, Ky. Memphis Branch, Federal Reserve Bank, Memphis 1, Tenn.

Federal Reserve Bank of Minneapolis, Minneapolis 2, Minn. Helena Branch, Federal Reserve Bank, Helena, Mont.

Federal Reserve Bank of Kansas City, Kansas City 18, Mo. Denver Branch, Federal Reserve Bank, Denver 17, Colo. Oklahoma City Branch, Federal Reserve Bank, Oklahoma City 1, Okla. Omaha Branch, Federal Reserve Bank, Omaha 2, Nebr.

Federal Reserve Bank of Dallas, Dallas 13, Tex. El Paso Branch, Federal Reserve Bank, El Paso, Tex. Houston Branch, Federal Reserve Bank, Houston 1, Tex. San Antonio Branch, Federal Reserve Bank, San Antonio 6, Tex.

Federal Reserve Bank of San Francisco, San Francisco 20, Calif. Los Angeles Branch, Federal Reserve Bank, Los Angeles 54, Calif. Portland Branch, Federal Reserve Bank, Portland 8, Oreg. Salt Lake City Branch, Federal Reserve Bank, Salt Lake City 9, Utah. Seattle Branch, Federal Reserve Bank, Seattle 14, Wash.

§ 323.5 *Notice of Department circulars; description of circulars.* The text, front or back, of the various public debt securities usually, if not always, refers by number to the circular under which those securities are offered for sale and the offering circulars in turn refer to the governing regulations. The offering circular is not primarily concerned with regulations as such, but with the announcement that a particular security is offered for sale and with giving a description of the terms and conditions of issue of the security, including the places at which it may be purchased, the purchase price, the investment yield, etc. For example, Department Circular No. 653, Second Revision, describes the terms and conditions of issue of savings bonds of Series E and only incidentally refers to matters of regulation, whereas Department Circular No. 530, Sixth Revision, contains the regulations governing savings bonds of all series.

SUBPART B—FUNCTIONS AND PROCEDURES

§ 323.6 *General.* The functions of the Bureau and organizations associated therewith referred to in § 323.2 and the general course in which they are channeled and determined are summarized in the following sections under the two broad classes of "marketable" and "non-marketable" securities. In general, owners of Government securities of all classes and persons desiring to purchase

them will find it more convenient to deal with the nearest Federal Reserve Bank or Branch (see § 323.4) concerning the purchase of such securities or any transaction with respect thereto, except for the purchase of savings bonds of Series E, as to which see § 323.8 (e) (1).

§ 323.7 *Marketable securities.* These securities are transferable either by assignment as in the case of registered Treasury bonds or merely by delivery as in the case of Treasury bonds in bearer form and other bearer securities such as Treasury notes, bills, and certificates of indebtedness. The circulars concerning these securities and a description of the method of channeling and determining transactions in connection therewith follow:

(a) *Treasury bonds, notes, and certificates of indebtedness.* Department Circular No. 300, 31 C. F. R. Part 306, contains the general regulations governing them. Department Circular No. 666, 31 C. F. R., Cum. Supp., Part 307, is concerned exclusively with the regulations governing payment or redemption of those securities and other transferable public debt securities of the United States at maturity or before maturity pursuant to call for redemption in accordance with their terms.

(b) *Treasury bills.* For regulations governing the issue and sale of Treasury bills see Department Circular No. 418, 31 CFR (Cum. Supp.) 309.

(1) *Where to purchase.*—(i) *Treasury bonds, notes, and certificates of indebtedness.* Unlike United States Savings Bonds and Treasury Savings Notes of Series C, Treasury bonds, notes, and certificates of indebtedness are not on continuous sale, except on the market at prevailing market prices. They are offered for subscription by the Treasury only from time to time, and the official circulars governing their offering are published in the Federal Register. Information regarding new offerings may be obtained from any Federal Reserve Bank or Branch or the Treasury Department, and subscriptions may be placed directly with the Treasury or any Federal Reserve Bank or Branch during the period the subscription books are open. Usually the offering circulars provide that banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

(ii) *Treasury bills.* Treasury bills are issued on a discount basis under competitive and limited fixed-price bidding, tenders for which are invited by the Secretary of the Treasury and may be received only at the Federal Reserve Banks and Branches up to a specified closing hour for each issue.

(2) *Transactions after purchase.* Transactions after the purchase of these securities, including the issuing of checks for interest¹ on registered Treasury bonds, are largely conducted by the Division of Loans and Currency, Washington, D. C., which has final authority to act in

any matter clearly within the governing regulations, with certain limited exceptions, as for example the granting of relief on account of the loss, theft, destruction, mutilation, or defacement of securities and matters involving questions of policy not heretofore decided. The Federal Reserve Banks and Branches also have broad authority to handle any transactions arising after the purchase of these securities without referring them elsewhere for review.

§ 323.8 *Nonmarketable securities.* These securities are subject to certain restrictions against any transfer by voluntary act of the owner during his lifetime and may not be sold on the market. They are:

(a) *Treasury Savings Notes of Series C.* See Department Circular No. 696, Second Revision.

(b) *Savings bonds of Series E.* The offering circular for which is Department Circular No. 653, Second Revision, 31 CFR, 1943 Supp., Part 316. Department Circular No. 657, 31 CFR Part 317, contains the regulations governing agencies for the issue of bonds of that series.

(c) *Savings bonds of Series F and G.* The offering circular for which is Department Circular No. 654, Second Revision, 31 CFR, 1944 Supp., Part 318.

(d) *United States Savings Bonds of all series—regulations.* The regulations governing those securities are set forth in Department Circular No. 530, Sixth Revision, 31 CFR, 1945 Supp., Part 315. Regulations governing cash payments of savings bonds of Series A through E are set forth in Department Circular No. 750, Revised, 31 CFR, 1945 Supp., Part 321.

(e) *Transactions in nonmarketable securities.*—(1) *Where to purchase.* Treasury Savings Notes of Series C and United States Savings Bonds of any series may be purchased from the Treasury Department, Washington, D. C., and from the Federal Reserve Banks and Branches. Bonds of Series E may also be purchased from thousands of organizations throughout the United States and its possessions, including post offices, banks, trust companies, building and savings and loan associations, credit unions, and other financial institutions; and from employers operating payroll savings plans, and national farm and loan associations. Various government offices or officials, Federal and state may issue bonds of Series E to their employees.

(2) *Where to redeem.* The majority of the banks of the country and many other financial institutions are qualified to cash United States Savings Bonds of Series A through E, (with limited exceptions) for individuals named as registered owners of the bonds. The Federal Reserve Banks and their Branches have much broader authority to redeem savings bonds of Series A through E and in addition have authority to redeem savings bonds of Series F and G in many cases. The Treasury Department pays United States Savings Bonds of any series. Treasury Savings Notes of Series C may be redeemed by any Federal Reserve Bank or Branch or the Treasury Department, Washington, D. C.

(3) *Other transactions.*—(i) *By Federal Reserve Banks.* The Federal Re-

serve Banks and their Branches have been authorized to conduct many classes of reissue transactions (and other transactions arising after the original issue of savings bonds) in unmatured savings bonds of any series, without referring them elsewhere for review. The classes of reissue transactions which the Federal Reserve Banks and Branches are authorized to complete include, but are not limited to, reissue to correct an error in original issue, to add, omit, or substitute a beneficiary; to add a coowner or to change a beneficiary to a coowner; to show a change of name of any individual named on a bond, to name a trustee of a living trust; to make disposition to persons entitled upon the death of an owner in certain cases and to name a succeeding fiduciary. Other transactions in Treasury Savings Notes of Series C should be handled by or through the agency which issued the Notes.

(ii) *By the Chicago Office.* This Office has final authority to conduct all transactions in savings bonds after their issue (as authorized under the governing regulations) with certain exceptions described below, but even in these exceptional cases the Chicago Office is charged generally with the responsibility of setting forth requirements, obtaining the necessary evidence, preparing the case, and transmitting it with appropriate recommendations to the Treasury Department, Washington, D. C., for review by the Commissioner of the Public Debt, and action thereon by the Fiscal Assistant Secretary of the Treasury. The exceptional cases are:

(a) Approval of evidence and granting of relief on account of the loss, theft, destruction, mutilation or defacement of savings bonds under the provisions of Sec. 8 of 50 Stat. 481 as amended (U. S. C. 1940 Ed., Title 31, Sec. 738a).

(b) Acceptance of indemnity bonds when required under the law cited above or the savings bond regulations.

(c) Transactions (1) which are not authorized by the savings bond regulations, (2) which under the applicable regulations require approval by the Secretary of the Treasury, and (3) which involve a question of Department policy that has not heretofore been decided.

§ 323.9 *Nature and requirements of procedures and forms.* The terms and conditions under which securities will be issued, reissued, or redeemed, and the evidence required in connection with any transaction in the securities after their original issue are set forth in the offering circulars and in the circulars containing the governing regulations (for which see §§ 323.7 and 323.8), and for the most part references to the numbers of the forms to be used are made in such circulars, especially in the circulars containing the regulations. For example, § 315.46 (b) (2) of Department Circular No. 530, Sixth Revision, makes it quite clear that in order to have a savings bond reissued during the lifetime of the beneficiary named thereon, the registered owner should execute a request for such reissue on Form PD 1787 and the beneficiary should execute his consent thereto on the same form. There are some forms in ordinary use in connection with transactions in various securities which

¹Interest on bearer securities is usually payable by coupons which may be detached and cashed as they mature. The text of the securities will state how interest is to be paid.

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are not mentioned in the circulars. The principal forms in that respect are as follows:

(a) *Forms for transactions in United States Savings Bonds.*

- P. D. 1048—Application for relief on account of loss, theft, or destruction of savings bonds.
 P. D. 1474—Request for reissue as result of change of name.
 P. D. 1491—Request for reissue to correct error in issue.
 P. D. 1564—Request for reissue in name of succeeding individual fiduciary.
 P. D. 1565—Request for reissue in name of succeeding corporate fiduciary.
 P. D. 1902—Statement of owner, coowners, or agent, if any, concerning the nonreceipt of United States Savings Bonds.
 P. D. 1946—Application for reissue or redemption of bonds of a deceased owner without administration of his estate (maturity value of bonds not to exceed \$250).

(b) *Other Forms.*

- P. D. 1461—Application for transfer, exchange, or redemption of United States registered securities or securities with respect to which the Treasury Department acts as transfer agency, upon assignment or request by a voluntary guardian of an incompetent.
 P. D. 1642—Request for exchange of coupon bonds for registered bonds.
 P. D. 1643—Request for exchange of registered securities for coupon securities.
 P. D. 1644—Request for transfer of registered securities.
 P. D. 1646—Application for transfer, exchange, reissue, or redemption without administration of registered securities of a deceased owner, including registered Treasury Bonds as well as United States Savings Bonds if maturity value exceeds \$250.

§ 323.10 *Undeliverable savings bonds.* (Bonds which for various reasons the issuing agent has not been able actually to deliver to the owner.) Savings bonds which issuing agents have not been able actually to deliver to the owner after trying to do so for a period of six months are on file at the Chicago Office, except savings bonds purchased through the War and Navy Departments including the Coast Guard and Marine Corps. Application for these undeliverable bonds which are at the Chicago Office may be made by letter, and upon proper identification the bonds will be released to the owner or person entitled to them, such as an executor or administrator in case of the owner's death. Application for undeliverable bonds held by the War Department should be made to United States Savings Bond Branch, Army Finance Center, OCF, Building 204, 4300 Goodfellow Blvd., St. Louis 20, Missouri. Application for undeliverable bonds issued by the Navy Department should be made to Field Branch; Bureau of Supplies and Accounts, Cleveland 15, Ohio. Application for undeliverable bonds issued by the Coast Guard or Marine Corps should be made to Coast Guard Headquarters, Washington, D. C., or Marine Corps Headquarters, Washington, D. C., as the case may be.

NOTE: Certain employers performing work for the Government, and some other employers voluntarily, have deposited cash accumulated in connection with the operation of the payroll savings plan for the purchase of United States Savings Bonds by their employees. For various reasons such

employers were not able to apply the cash to the purchase of the bonds or return it to their employees. The disposition of this cash is covered in Subchapter A dealing with the Bureau of Accounts. Claims for such funds should be addressed to the Commissioner of Accounts, Treasury Department, Washington 25, D. C.

§ 323.11 *Nonreceipt of savings bonds.* If after submitting an application and paying for savings bonds the purchaser does not receive them within a reasonable time or they are lost in the mail, he should contact the agent from which he purchased them for appropriate instructions as to how to proceed in trying to obtain the original bonds, or bonds to replace them. This is not to be confused with the procedure required to procure duplicate bonds in place of those which the owner has lost or which have been stolen or destroyed after he receives them. In the event that bonds are lost, stolen, or destroyed after the owner actually received them, the appropriate procedure is to submit a claim on Form PD 1048, referred to in § 323.9 (a), which may be obtained from any Federal Reserve Bank or Branch, or from the Chicago Office of the Bureau.

SUBPART C—RULES; OPINIONS AND ORDERS; PUBLIC RECORDS

§ 323.12 *Substantive rules.* Substantive rules adopted as authorized by law and statements of general policy or interpretations formulated and adopted by the Bureau of the Public Debt for the guidance of the public will be published as required by the Administrative Procedure Act. All of the regulations now in effect in the Bureau of the Public Debt are published in the FEDERAL REGISTER.

§ 323.13 *Opinions and orders.* Final opinions and orders by the Bureau of the Public Debt in the adjudication of cases involve the ownership of securities and transactions with respect thereto by individuals, organizations, and others. These final opinions and orders are not cited as precedents and, except under limited circumstances as set forth in § 323.14, are held confidential for the reason that they involve private financial affairs of individuals, organizations, and others who purchased Government securities in the belief that in so doing their affairs would not be exposed to public scrutiny. Rules of the Bureau of the Public Debt are published in 31 CFR, Chapter II, Subchapter B.

§ 323.14 *Records.* Apart from records pertaining solely to internal management, the records maintained by the Bureau of the Public Debt and organizations associated with the Bureau in carrying on its work pertain to the purchase and ownership of Government securities and transactions in connection therewith. These records ordinarily will be disclosed only to the owners of such securities, to their executors, administrators, or other legal representatives or to their survivors, or to investigative and certain other agencies of the Federal and state governments, to trustees in bankruptcy, receivers of insolvents' estates, or to Federal and state courts, where proper order has been en-

tered requesting disclosure of information. The records are held confidential as to others for the reason that they involve private financial affairs of individuals, organizations, and others who purchased Government securities in the belief that in so doing their affairs would not be exposed to public scrutiny. Persons seeking information concerning official records should submit their applications to the Division of Loans and Currency, Bureau of the Public Debt, Treasury Department, Washington 25, D. C., if it concerns marketable securities; to the agency of issue if it concerns Treasury Savings Notes of Series C; and to the Chicago Office of the Bureau of the Public Debt, Merchandise Mart, Chicago 54, Illinois, if it concerns United States Savings Bonds of any series. The request for the information should be accompanied by a statement of the reasons why such information is requested and evidence that the person requesting the information is entitled thereto.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary.

[F. R. Doc. 46-15352; Filed, Aug. 28, 1946; 4:16 p. m.]

FISCAL SERVICE: OFFICE OF THE
TREASURER OF THE UNITED
STATES

[31 CFR, Ch. II]

PART 351—ORGANIZATION, FUNCTIONS, AND
PROCEDURES OF THE OFFICE OF THE
TREASURER OF THE UNITED STATES

SUBPART A—ORGANIZATION

- Sec.
351.1 Central organization.
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351.3 Delegations of final authority.

SUBPART B—FUNCTIONS AND PROCEDURES

- 351.4 Payment of checks.
351.5 Lost, stolen and destroyed checks.
351.6 Currency exchange and redemption.
351.7 Securities.

SUBPART C—FINAL OPINIONS AND ORDER

- 351.8 Final opinions and orders.

SUBPART D—PUBLIC RECORD

- 351.9 Official records.

SUBPART A—ORGANIZATION

§ 351.1 *Central organization.* (a) The Treasurer of the United States is appointed by the President, by and with the advice and consent of the Senate, pursuant to section 301 of the Revised Statutes, as amended, 31 U. S. C. 141. Pursuant to section 304 of the Revised Statutes, as amended, 31 U. S. C. 144, there are appointed an Assistant Treasurer, an Acting Treasurer to act in the absence of the Treasurer and Assistant Treasurer, and Special Assistant Treasurers.

(1) Pursuant to the President's Reorganization Plan No. III, effective June 30, 1940, 54 Stat. 1231, the Office of the Treasurer of the United States was established as a part of the Fiscal Service of the Treasury Department.

(2) The Office of the Treasurer of the United States is essentially a banking facility for the Government, being par-

ticularly charged with the receipt and accounting for public moneys; the custody, issue, and redemption of United States currency and coin; the payment of checks, and performance of certain functions in respect to claims for the proceeds of lost, stolen, or fraudulently negotiated Government checks; the safekeeping of securities deposited as collateral and otherwise; and the payment of principal and interest on public debt obligations.

(b) The work is carried on through five operating divisions, and the administrative Division which handles personnel and budgetary matters, office services and files.

(1) *Accounting Division.* Maintains checking accounts of Government disbursing officers and Government owned corporations; pays checks drawn on the Treasurer of the United States; directs the activities of Federal Reserve Banks, when acting as agents of the Treasurer in paying Government checks; and performs certain functions in connection with claims relating to lost, stolen, destroyed, and fraudulently negotiated checks.

(2) *Cash Division.* Credits money and checks received for deposit to the accounts of various Government agencies; collects the amounts of commercial checks and other orders for the payment of money drawn in favor of the United States or its agencies or officials; receives and accounts for coin presented in Washington, D. C. for redemption and exchange; has official custody of United States currency and makes such currency available, as required, to various Federal Reserve Banks and branches, to banks in Washington, D. C. and others.

(3) *Currency Redemption Division.* Exchanges and redeems United States currency; examines and ascertains the redemption value of mutilated and burned currency and makes payment to the owners thereof.

(4) *Division of General Accounts.* Maintains ledger accounts of all transactions involving receipts and expenditures in the accounts of the Treasurer of the United States; assembles financial data and prepares the Daily Statement of the United States Treasury, monthly statements of the Public Debt and of Currency Outstanding.

(5) *Division of Securities.* Pays the principal and interest on Public Debt obligations of the United States Government, on obligations of Government agencies, Government owned corporations, and Puerto Rico; maintains custody of securities deposited with the Treasurer of the United States to secure deposits of public money and custody of Postal Savings bonds and securities deposited by various Federal agencies as collateral or for safekeeping; and receives for safekeeping United States Savings Bonds from the general public. The Division of Securities maintains a branch office in the Merchandise Mart, Chicago, Illinois, the functions of which consist of the examination and verification of United States Savings Bonds paid by Federal Reserve Banks.

§ 351.2 *Public information, submittals, and Requests.* Public information may be obtained from and submittals and requests made to the Treasurer of

the United States, Treasury Department, Washington 25, D. C.

§ 351.3 *Delegations of final authority.* The Federal Reserve Banks of Boston, New York, Philadelphia, Cleveland, Richmond, Atlanta, Chicago, St. Louis, Kansas City, Dallas and San Francisco have been designated as agents of the Treasurer of the United States for the purpose of making payment of specified classes of Government checks drawn on the Treasurer of the United States. Checks payable through Federal Reserve Banks bear on their face the name of the Federal Reserve Bank through which they are payable.

SUBPART B—FUNCTIONS AND PROCEDURES

§ 351.4 *Payment of checks.* Checks drawn on the Treasurer of the United States by Government disbursing officers and Government owned corporations, which are received in the mail from various Federal Reserve Banks and other Government depositories through which they have been cleared, and over the counter from local banks, are examined for validity in the Accounting Division of the Treasurer's Office and if found to be in order, are paid; checks which are not payable upon presentation because of forgery of the drawer's signature, alteration, or other reasons, or because stoppage of payment has been entered, are returned to the presenter with the reasons for declination of payment. In the case of checks payable through designated Federal Reserve Banks the examination for validity is made by the Federal Reserve Bank through which the checks are payable. In addition to checks presented by mail, the Cash Division of the Treasurer's Office has facilities for cashing over the counter for the payees Government checks presented directly to the Treasurer of the United States. Full information as to the conditions governing payment of checks is contained in 31 CFR 202, 206 and regulations concerning indorsements are set forth in 31 CFR 360.

§ 351.5 *Lost, stolen and destroyed checks.* When an original check is lost, stolen or destroyed, the owner notifies the Government disbursing officer who issued the check, who thereupon requests the Treasurer of the United States to stop payment of it. If the owner of the check cannot identify the disbursing officer who issued it, the notification of the loss, theft or destruction should be sent to the Treasurer of the United States, Accounting Division, Washington 25, D. C. If the check is found to be outstanding, the Accounting Division of the Treasurer's Office forwards to the claimant a form for execution to secure a substitute check, together with full instructions. Information as to the conditions governing the issuance of substitute checks is contained in 31 CFR, 204. Information as to settlements with payees or other owners of checks which have been paid upon forged indorsements appears in 31 CFR 207.

§ 351.6 *Currency exchange and redemption.* United States currency which has been burned or otherwise mutilated is redeemed or exchanged by the Currency Redemption Division of the Treasurer's Office, which ascertains the redemption value of the currency and

makes payment by check or other appropriate means to the owner. Regulations governing the redemption and exchange of such currency are set forth in 31 CFR 100.

§ 351.7 *Securities.* Full information as to the issue and redemption of United States bonds and other Government securities, including Treasury savings notes and Treasury bills, appears in Subchapter B of Chapter II of this title.

SUBPART C—FINAL OPINIONS AND ORDERS

§ 351.8 *Availability of final opinions and orders.* Final opinions and orders in the adjudication of cases falling within the jurisdiction of the Office of the Treasurer of the United States are made available to public inspection except those held confidential and not cited as precedents. The determination as to whether in a particular case a final opinion or order is confidential will be made in accordance with the standards set forth in § 351.9. All rules issued by the Office of the Treasurer will be made available upon request. Requests for such opinions, orders, or rules may be made to the Treasurer of the United States, Treasury Department, Washington 25, D. C.

SUBPART D—PUBLIC RECORDS

§ 351.9 *Official records.* The official records on file in the Office of the Treasurer include paid checks and records thereof; retired obligations of the United States and records thereof; records relating to coin, bullion and currency; and various accounting and other records relating to the functions described in §§ 351.4 through 351.7. Certain of the information contained in these records is held confidential and is not available to the public because it relates to personal financial transactions of individuals or corporations, or because the disclosure of the information would clearly be inimical to the public interest. All requests for information in respect to matters contained in the official records of the Office of the Treasurer of the United States, should be addressed to the Treasurer of the United States, Treasury Department, Washington 25, D. C. The request should set forth the interest of the applicant in the subject matter and the purpose for which the information is desired. The determination as to whether the information is available for disclosure will be made by the Secretary, the Under Secretary or the Fiscal Assistant Secretary. Whenever it is determined that a matter of official record is available for disclosure in a particular case, a copy of said official record will be furnished the party requesting the same, or the officer passing upon the request may, in his discretion, allow a personal inspection of the official record in question at the place where the document is normally kept. The regulations contained in this section shall supersede any other Treasury Department orders, rules or regulations to the extent that they are in conflict with the regulations in this part.

[SEAL] JOSEPH J. O'CONNELL, JR.,
Acting Secretary.

[F. R. Doc. 46-15353; Filed, Aug. 28, 1946;
4:16 p. m.]

FOREIGN FUNDS CONTROL

[31 CFR, Ch. I.]

PART 138—ORGANIZATION OF FOREIGN FUNDS CONTROL

Sec.

- 138.1 General statement of functions.
 138.2 Outline of organization.
 138.3 Description of functions performed by divisions and offices.
 138.4 Delegation of final authority.
 138.5 Official records.
 138.6 Places and methods of securing information and making submittals.

§ 138.1 *General statement of functions.* The Bureau of Foreign Funds Control acts pursuant to powers of the President under Sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended, (50 U. S. C., App., secs. 3 (a) and 5 (b)) delegated to the Secretary of the Treasury by Executive Orders Nos. 8389 and 9193, as amended, (31 CFR, Cum. Supp., 127.9-127.17; 3 CFR, Cum. Supp., Chap. II; 3 CFR, 1945 Supp., Chap. II). The Control exercises these powers so far as they apply to property of and transactions with foreign countries and their nationals and to trade and communication with the enemy. Through a system of licenses, rulings and other documents, collectively known as the freezing regulations, the Control regulates financial and property transactions involving blocked countries and their nationals as defined under Executive Order No. 8389. With regard to liberated and neutral blocked countries, the primary purposes of the Control are to uncover enemy assets and prevent the consummation of looting transactions initiated by enemy countries. The general aim with respect to enemy countries and their nationals is to immobilize their assets pending their ultimate disposition, while additional controls are maintained on trade and communication with Germany and Japan with a view to insuring that they are conducted only in accordance with the national policy of the United States. The Control also administers regulations designed to prevent the importation into the United States of looted securities, currency, checks and drafts.

§ 138.2 *Outline of organization—(a) The central organization.* Foreign Funds Control is headed by the Director, who exercises his functions through four administrative divisions: (1) the Licensing Division, including the Trade and Remittance Section and the Business and Securities Section, (2) the Enforcement Division, including the Compliance Section and the Program Planning Section, (3) the Statistics and Reporting Division, including the Statistical Operations Section and the Property Accounts Section, and (4) the Administrative Services Division, including the Personnel Office, the Budget and Planning Office, and the Office Service Section. Each division is headed by a Chief. In addition, there is a Legal Division functioning under the Chief Counsel of Foreign Funds Control, who is responsible to the General Counsel of the Treasury Department.

(b) *The field organization.* Foreign Funds Control is represented in the field by the Federal Reserve Banks of New

York, Chicago and San Francisco. There is also a small Liberated Areas Staff. The Federal Reserve Bank of New York has jurisdiction with respect to the Federal Reserve Districts of New York, Boston, Philadelphia, Cleveland, Richmond and Atlanta, and with respect to Puerto Rico. The Federal Reserve Bank of Chicago has jurisdiction with respect to the Federal Reserve Districts of Chicago, St. Louis, Minneapolis, Kansas City and Dallas. The Federal Reserve Bank of San Francisco has jurisdiction with respect to the Federal Reserve District of San Francisco. Under General Ruling No. 5 (31 CFR, 1943 Supp., 131, App. A) controls over the importation of securities and currency are in the first instance enforced in the field by the Bureau of Customs and the Post Office Department, as agents of the Control.

§ 138.3 *Description of functions performed by divisions and offices—(a) Licensing Division.* This division has general responsibility for the licensing activities of the central organization. In addition to reviewing and acting upon specific applications, the division (1) establishes policies and procedures to guide the licensing activities of the field organization, (2) formulates general or blanket licenses under which broad categories of acceptable transactions may be consummated, and (3) has primary responsibility for developing unblocking arrangements with liberated and neutral countries.

The Trade Section deals with matters relating to trade and shipping involving non-enemy blocked countries; trade or communication with enemy territory; business and personal remittances; patents, trademarks and copyrights; granting of generally licensed national status to individuals and organizations; release of accounts from freezing control; internees; benevolent and charitable payments; and diplomatic and governmental expenses of blocked countries.

The Business and Securities Section deals with matters relating to securities and currency; foreign exchange; attachments; litigation, and the creation and administration of trusts and estates; real estate; business enterprises which are controlled by nationals of blocked countries; and miscellaneous transactions.

(b) *Enforcement Division.* This division directs the enforcement operations of the Control. It investigates activities which appear to be in violation of the freezing regulations and recommends appropriate action to prevent or punish such violations. The Compliance Section is responsible for the direct domestic and foreign enforcement functions of the Control, including cases involving blocking by specific action. The Program Planning Section coordinates enforcement activities of the Control with those of the corresponding authorities in liberated areas and assists in searching out enemy assets throughout the world in implementation of this Government's security and reparations programs.

(c) *Statistics and Reporting Division.* This division develops and carries out the statistical and reporting program of the Control including the analysis of data reported in the Census of Foreign-Owned

Property on Form TFR-300 and the Census of American-Owned Property Abroad on Form TFR-500. (See § 139.3 of this chapter.)

(d) *Administrative Division.* This division provides all administrative management services of the Control.

(e) *Legal Division.* This division performs all legal functions of Foreign Funds Control, including the drafting of public documents.

(f) *Federal Reserve Banks.* Under general supervision of the central organization, the Federal Reserve Banks perform substantially all field operations of the Control in the territorial United States and Puerto Rico other than initial enforcement of controls over importation of securities and currency under General Ruling No. 5 (31 CFR, 1943 Supp., 131, App. A). Excepting a limited category of cases directly involving foreign governments, all license applications arising within the territorial jurisdiction of the Banks are filed with them and final action on the applications is announced through them.

(g) *Liberated Areas Staff.* This group assists the military authorities in Germany and Japan and the Governments of liberated areas in tracing Axis assets and in investigating and uncovering the network of financial and commercial interrelationships by means of which enemy interests have penetrated the economic systems of other countries.

§ 138.4 *Delegation of final authority—(a) The central organization.* Regulations, rulings, general licenses, and other public documents, except public interpretations, are issued by the Secretary of the Treasury. The Director of Foreign Funds Control has been delegated general authority to take final action with respect to all other Foreign Funds Control matters.

Authority to take final action on license applications referred to the central office has been granted to the Chiefs of the Licensing and Enforcement Divisions and of the Sections within these Divisions. Final action on license applications is taken within the Division through the Section Chiefs, subject to instructions to secure clearance from the Division Chief or the Director, where the application involves an important policy decision.

Officers acting in the place of other officers have all the authority of the persons for whom they act.

(b) *The field organization.* Authority to take final licensing action on most types of applications arising within their respective jurisdictions has been delegated to the Federal Reserve Banks of New York, Chicago and San Francisco, subject to policies and procedures prescribed by Foreign Funds Control. Applications which are of a special nature or involve policy decisions are forwarded to the central office for review before final action.

§ 138.5 *Official records—(a) Classification.* The official records of Foreign Funds Control are divided into the following categories:

(1) Applications, correspondence relating thereto and licenses, denials, or other final opinions, orders or other official responses thereon.

(2) Transcripts of hearings with exhibits and other supporting documents.

(3) Reports, including reports on Form TFR-300 relating to foreign-owned property, and on Form TFR-500 relating to American-owned property abroad. (See § 138.3 (c).)

(4) Miscellaneous correspondence.

(5) Documents submitted by the public in connection with rule-making.

(b) *Who may inspect records.* Any application, report, or correspondence submitted to Foreign Funds Control and any license, denial, or other final opinion or order or other official response pertaining to any such document is available for inspection by the person submitting such document or his agent or successor in interest by operation of law upon the filing of a written request with the Director. Transcripts of hearings and supporting documents are available to any participant upon similar application. The foregoing matters of official record are available to other persons properly and directly concerned upon written request to the Director supported by a court order entered in pending litigation, or in lieu of such order the written consent of the applicant, reporter or author, but reports on Forms TFR-300 and TFR-500 will be made available only to the reporter or his agent or successor in interest by operation of law. Documents submitted by the public in connection with rule-making may be inspected by any person upon written or oral request.

In all other cases and under all other circumstances all official records in the files of Foreign Funds Control are held to be confidential. Information contained therein and final opinions and orders involve matters of public or private confidence. Applications and other submissions by members of the public, and official action taken by the Control thereon, involve private financial or business affairs. Any publication of such matters would deter persons dealing with the Control from supplying necessary information fully and freely. Accordingly, it would be contrary to the best interests of the Government and of persons dealing with Foreign Funds Control to make such information available for general purposes by permitting inspection on a broader basis than provided above. Final opinions and orders are not cited as precedents.

Rules of Foreign Funds Control are published in 31 CFR, Chap. I, Part 127 et seq.

(c) *Methods of inspection.* Matters of official record which are available for inspection as provided above may be examined in the files of Foreign Funds Control or when available in the appropriate field office or by securing a photostatic copy which will be furnished upon the payment of a standard charge.

(d) *Information required in requests for inspection.* Except as provided above with regard to documents submitted by the public in connection with rule-making, requests for inspection must set forth in detail the interest of the applicant in the subject matter and the purpose for which inspection is desired.

(e) *Decision on requests.* Decision on requests for inspection will be made by the Director or under his direction.

§ 138.6 *Places and methods of securing information and making submittals—(a) Information, submittals and requests, in general.* The public may in general secure any information or make submittals, requests or petitions with respect to any Foreign Funds Control matters by communicating through correspondence or telephone or by coming in person or sending a representative, either to the central office in Washington or to the Federal Reserve Banks of New York, Chicago, or San Francisco.

(b) *Applications for licenses.* Applications for licenses to effect transactions subject to the Control should be filed with the Federal Reserve Bank or other agency prescribed by the appropriate regulations, 31 CFR, 130.3 (11 F. R. 1769, 7184), or other applicable document. Instructions in this respect are set forth in Section 139.1 of this chapter.

(c) *Prescribed forms.* Forms and instructions to be used in submitting license applications, reports and certain other types of submittals or requests are covered in §§ 139.1-139.3 of this chapter.

(d) *Addresses.* Correspondence with the central office should be directed to "Foreign Funds Control, United States Treasury Department, Washington 25, D. C." Personal inquiries to the central office should be made at the District National Bank Building, 1406 G Street, NW., Washington, D. C. All correspondence or inquiries to the respective Federal Reserve Banks should be addressed as follows: (1) Foreign Funds Control Department, Federal Reserve Bank of New York, 33 Liberty Street, New York 7, New York, (2) Federal Reserve Bank of Chicago, Chicago 90, Illinois, and (3) Federal Reserve Bank of San Francisco, San Francisco 20, California.

PART 139—PROCEDURES OF FOREIGN FUNDS CONTROL

| | |
|-------|--------------|
| Sec. | |
| 139.1 | Licensing. |
| 139.2 | Unblocking. |
| 139.3 | Reporting. |
| 139.4 | Rule making. |

§ 139.1 *Licensing—(a) General licenses.* General licenses have been issued authorizing under appropriate terms and conditions, many types of transactions which are subject to Executive Orders Nos. 8389 and 9193, as amended (31 CFR, Cum. Supp., 127.9-127.17; 3 CFR, Cum. Supp., Chap. II; 3 CFR, 1945, Supp., Chap. II). All such licenses are published in 31 CFR, 131. Persons availing themselves of certain general licenses are required to file reports in the form and in accordance with the instructions specified in the licenses.

(b) *Specific licenses—(1) General course of procedure.* Transactions subject to the Executive Orders which are not authorized by general license may be effected only under specific license. The specific licensing activities of Foreign Funds Control are performed by the central organization, the Federal Reserve Banks of New York, Chicago, and San Francisco. Under policies and procedures prescribed by the Control, the Federal Reserve Banks take final action upon most applications filed with them. All other applications are forwarded to the

central office and are initially referred to the Section within the Control dealing with the type of subject matter or transaction with which the application is concerned. (For a description of the organization of the Control see Sections 138.2-138.3 of this Chapter). When an unusual problem is presented, the proposed action is cleared with the Chief of the Division or with the Director.

(2) *Applications for specific licenses.* Except as provided below, applications for specific licenses are to be filed on Form TFE-1 with the Federal Reserve Bank or other agency prescribed in the appropriate regulations, 31 CFR, 130.3 (11 F. R. 1769, 7184).

Applications for the release of securities imported into the United States and surrendered in accordance with the provisions of General Ruling No. 5 (31 CFR, 1943 Supp., 131, App. A) are to be filed on Form TFA-1 with the Federal Reserve Bank or other agency holding such securities as prescribed in the ruling and the regulations.

Applications for the attachment of Form TFE-2 to securities with reference to General License No. 25 (31 CFR, Cum. Supp., 131.25) are to be filed on Form TFE-2 with the appropriate Federal Reserve Bank or other agency in accordance with the regulations.

(3) *Information to be supplied.* Applicants must supply all information specified by the respective forms and instructions, including, in the case of business enterprises applying for operating licenses, the information required by Form TFBE-1. They may also be required to furnish such further information as is deemed necessary to a proper determination by the Control or any of its offices or agencies. If an applicant or other party in interest desires to present additional information or discuss or argue the application, he may do so at any time before or after decision. Arrangements for oral presentation should ordinarily be made with the agency with which the application was filed.

(4) *Effect of denial.* Except as provided by General Ruling No. 19 (31 CFR, 131, App. A; 11 F. R. 8350) relating to property vested by the Alien Property Custodian, the denial of a license does not preclude the reopening of an application or the filing of a further application. The applicant or any other party in interest may at any time request explanation of the reasons for a denial by correspondence or personal interview.

(5) *Reports under specific licenses.* As a condition upon the issuance of any license, the licensee may be required to file reports with respect to the transaction covered by the license, in such form and at such times and places as may be prescribed in the license or related communication.

§ 139.2 *Unblocking.* The procedure to be followed by any person desiring the unblocking of accounts or other property on the ground that no person having an interest in the property is a national of a blocked country is set forth by General Ruling No. 13 (31 CFR, Cum. Supp., 131, App. A).

§ 139.3 *Reporting.* Information with respect to property in which nationals of blocked countries have an interest is required to be submitted in certain cases on Report Form TFR-300, Series L, as prescribed in Public Circular No. 4C (31 CFR, Cum. Supp., 131, App. B; 31 CFR, 1945, Supp., 131, App. B). The question of reports under licenses is treated in § 139.1.

§ 139.4 *Rule making.* All rules and other public documents, except public interpretations, are issued by the Secretary of the Treasury upon recommendation of the Director. Public interpretations are issued by the Director. Except when interpretative rules, general statements of policy, or rules of agency organization, practice, or procedure are involved or when notice and public procedure are impracticable, unnecessary or contrary to the public interest, interested persons will be afforded an opportunity to participate in rule making through submission of written data, views, or argument, with oral presentation in the discretion of the Director. In addition, it is the practice to hold, as far as possible, informal consultations with interested groups or persons before the issuance of any rule or other public document.

Any interested person may petition the Director in writing for the issuance, amendment, or repeal of any rule.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Active Secretary.

[F. R. Doc. 46-15651; Filed, Aug. 30, 1946;
2:29 p. m.]

PROCUREMENT DIVISION

[41 CFR, Ch. I]

PART 5—ORGANIZATION AND PROCEDURES

SUBPART A—ORGANIZATION

Sec.

- 5.1 Central organization.
- 5.2 Field organization.
- 5.3 Delegations of final authority.
- 5.4 Public information, submittals and requests.
- 5.5 Final opinions or orders and rules.
- 5.6 Official records.

SUBPART B—PROCEDURES

- 5.101 Contracts.
- 5.102 Forfeited distilled spirits.
- 5.103 Motor accident claims.

SUBPART A—ORGANIZATION

§ 5.1 *Central organization.* The Procurement Division of the Treasury Department, created under Executive Order 6166, dated June 10, 1933 (41 CFR, Part 1), is under the general supervision and control of the Director of Procurement, aided by an Assistant Director, with the principal office located at 7th and D Streets SW., Washington 25, D. C. The work of the Procurement Division is concerned chiefly with the purchase, warehousing and distribution of supplies, materials, equipment and services generally required or used by the departments, agencies, boards, bureaus, divisions or other establishments in the Executive Branch of the Government, the determination of policies and methods relating thereto and the standardization and promulgation of specifications for

such supplies, materials, equipment and services.

The work of the Procurement Division is carried on through five separate branches, each operating directly under a Deputy Director, and two divisions and two boards.

(a) *Purchase branch.* Responsible for the purchase of supplies, materials, equipment and services (including public utility services) for the general requirements of the Executive Branch of the Government; the purchase of supplies, materials, equipment and services under special procurement programs; purchase of strategic and critical material and the transportation, maintenance and warehousing of stock piles thereof under the Strategic and Critical Materials Stock Piling Act (Pub. Law 520, 79th Congress), and section 22 of the Surplus Property Act of 1944 (50 U. S. C. App., Sup., 1631); the design of furniture and furnishings; through its central traffic service, the coordination and direction of traffic and transportation activities to secure the most economical movement of such supplies, materials and equipment and the negotiation with carriers for special rates to effectuate such purpose; economic and technical analyses of public utility services, to effect rate reductions, consolidations, and realignment of equipment with consequent increased efficiency and savings in cost. In connection with special procurement programs, it is also responsible for the inspection, expediting, transportation and storage of the supplies, materials and equipment purchased thereunder.

(b) *Administrative branch.* Responsible for the personnel administration and management for the Procurement Division; the preparation and justification of all budgetary requirements; centralizing and coordinating organizational, procedural and management studies to develop standard administrative procedures and policies; controlling all administrative functions of the Procurement Division, including mail, files, messengers, supplies and space requirements; disseminating general information of the Procurement Division to the public, other governmental agencies and Congress through press and other releases, developing conservation programs for more efficient and economical use of supplies, materials, equipment and services throughout the Executive Branch of the Government; supervising Federal Business Association located in various parts of the country.

(c) *Stores Distribution Branch.* Arranges for the receipt, storage and issue of supplies, materials and equipment for use by the Executive agencies in Washington, D. C., and the purchase, receipt, warehousing and issue of supplies, materials and equipment for use by Executive agencies in the areas served by the eleven supply centers at the locations hereafter referred to; stores and issues solid and liquid fuels for use by the Federal Government and the District of Columbia Government in Washington, D. C., and vicinity; operates a furniture repair shop, an automobile repair shop, and a typewriter repair shop; investigates complaints on purchases by Executive agencies under Procurement Divi-

sion contracts with respect to compliance with contract conditions and specifications and recommends remedial steps in cases of non-compliance.

(d) *Fiscal Branch.* Responsible for the accounting, auditing and financial reporting operations of all Procurement Division activities; prepares regulations, instructions and procedures relating to the foregoing; conducts audits for proposed contract termination settlements to determine proper costs to be charged and allowances to be made to the Government; conducts regular audits of field fiscal activities; performs special audits as the need or requirements therefor arise; and collaborates with other Government agencies in developing new and improved accounting and financial operating methods, techniques and practices.

(e) *Standards Branch.* Develops and promulgates standard Federal and Procurement Division specifications required by the Executive Branch of the Government in its supply processes; maintains the Federal Standard Stock Catalog of uniform property classification and item identification of commodities entering the Federal supply system; responsible for development of the operating details of a unified catalog system for the Executive Branch, providing a common reference language, classification and numbering system applicable to personal property entering the Federal supply system and available to supply personnel to be used in designs, drawings, specifications, standards of designs and specifications, and in matters of requirements, inventory control, procurement, storage, issue, transfer, maintenance, accounting, disposal and other processes of supply; coordinates all existing cataloging operations for the Executive Branch with this unified system; and acts as the contact with industry, technical societies and trade associations in the development and furtherance of such program.

(f) *Legal Division.* Headed by a Chief Counsel is under the administrative direction of the General Counsel of the Treasury Department and is responsible for planning and directing all legal work of or pertaining to the Procurement Division.

(g) *Governmental Requirements Division.* Under the supervision of a Chief of the Division, conducts economic studies and statistical analyses and develops plans and policies to be used as a basis for determining purchase policies and methods for carrying out the purposes of Executive Order 6166 (41 CFR, part 1).

(h) *Treasury Department Price Adjustment Board.* Under the direction of the Board, consisting of three members, headed by a Chairman, renegotiates under the authority of the Renegotiation Act (50 U. S. C. App., Sup., 1191) such contracts of the Procurement Division, War and Navy Departments, United States Maritime Commission, War Shipping Administration and Reconstruction Finance Corporation as are assigned to it by the War Contracts Price Adjustment Board and formulates suitable recommendations for the final approval of the Director of Procurement. The Chairman of the Board serves as a member of the War Contracts Price Adjust-

ment Board established under the renegotiation Act.

(1) *Contract Termination Settlement Review Board.* Consists of four members headed by a Chairman and is responsible for review of proposed settlements recommended by the Chief of Contract Terminations of claims in excess of \$50,000, determined in the manner provided in section 6 (c) of the Contract Settlement Act of 1944 (41 U. S. C., Sup., 106 (c)), and arising out of termination of Procurement Division war contracts under the authority of such act. Disposal of contract termination inventory is subject to review by the Termination Inventory Disposal Review Board, consisting of three members headed by a Chairman.

§ 5.2 *Field organization.* (a) Composed of five Regional Offices, each headed by a Regional Director, five District Offices, each headed by a District Manager, and the Toledo Medical Depot. Each District Office is a self-contained operating unit depending upon the Regional Office to which it is assigned for administrative guidance and assistance only and otherwise reporting directly to the Washington Office. Each field office includes a supply center and is assigned specific areas within which it operates. Each office is responsible for effectively carrying out the activities and responsibilities of the Procurement Division within the areas assigned to it, following for these purposes the directives, policies and procedures established by the Washington Office. Field office activities include procuring, inspecting, storing, issuing and delivering supplies, materials and equipment to Executive agencies within the assigned area and, in addition, acting as liaison with such agencies to improve and develop centralized procurement and distribution within such assigned areas; inspecting, expediting, storing, and transporting supplies, materials and equipment purchased by the Washington Office for special procurement programs; performing administrative functions incident to its field activities, including maintenance of accounts, preparation and certification of vouchers, auditing of invoices and other documents, and performing necessary service functions required in its activities. The Regional Offices and District Offices thereunder, together with the areas assigned to each, are as follows:

(1) **REGION 1.** *Regional Office,* 50 Church Street, New York 7, New York, operates in the States of New Jersey, New York, and Pennsylvania; *District Office,* 55 Tremont Street, Boston 8, Massachusetts, operates in the States of Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island;

(2) **REGION 2.** *Regional Office,* 228 West Jackson Boulevard, Chicago 6, Illinois, operates in the States of Illinois, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin; *District Office,* 4th Floor, Huron Sixth Building, 626 Huron Road, Cleveland 15, Ohio, operates in the States of Indiana, Kentucky, Ohio, and West Virginia; *District Office,* 2605 Walnut Street, Kansas City

8, Missouri, operates in the States of Iowa, Kansas, Missouri, and Nebraska;

(3) **REGION 3.** *Regional Office,* 10 Forsythe Street Building, Atlanta 3, Georgia, operates in the States of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee; *District Office,* 8th Floor, Transportation Building, 110 West Fifth Street, Fort Worth 2, Texas, operates in the States of Arkansas, Louisiana, Oklahoma, and Texas;

(4) **REGION 4.** *Regional Office,* 7th Floor, Pacific Building, 821 Market Street, San Francisco 3, California, operates in the States of Arizona, California, and Nevada; *District Warehouse and Supply Center,* 1206 South Maple Street, Los Angeles 15, California, operates as sub-office of San Francisco;

(5) **REGION 5.** *Regional Office,* 4th Avenue, South and Lander Streets, Seattle 4, Washington, operates in the States of Idaho, Montana, Oregon, and Washington; *District Office,* 1030 15th Street, Denver 2, Colorado, operates in the States of Colorado, New Mexico, Utah, and Wyoming.

(b) With respect to the area embraced in the States of Delaware, Maryland and Virginia and the District of Columbia, such functions as are ordinarily handled by a field office are handled in the Washington Office.

(c) The service area within which the supply center operating in each field office performs its functions is not restricted to the actual State lines bounding the area assigned to such field office but has been established to secure the greatest speed and economy in transportation from such field office to the Executive agencies within the area served thereby. For the general service area embraced by each supply center, reference is made to the map set out in the Procurement Division Stock Catalog, copies of which are available at all offices.

(d) *Toledo Medical Depot.* Located at 1002 W. Central Avenue, Toledo 6, Ohio, in charge of a Manager and responsible for receiving, sorting, processing, packing and shipping medical supplies for United Nations Relief and Rehabilitation Administration.

§ 5.3. *Delegations of final authority.* Final authority has been delegated as follows as to:

(a) *Contracts and agreements.* Award and execution of contracts and agreements, including formal contracts and agreements, commitment or acceptance documents, notices of award, orders for surplus property, and orders for supplies or services from Executive agencies, but not including leases and performance and exercise of functions and powers under section 201 of the First War Powers Act, 1941 (50 U. S. C. App., Sup., 611):

(1) *Washington Office:*

(i) Without limitation—Director of Procurement; Assistant Director; Special Assistant to the Director; Deputy Director, Purchase Branch; the Chief of Contract Terminations, as to agreements relating to the termination and settlement of contracts under the Contract Settlement Act of 1944 (41 U. S. C. Sup., 101-125).

(ii) Not exceeding \$25,000—Head, Contract Division.

(iii) Not exceeding \$10,000—Chief, Commodity Section.

(iv) Not exceeding \$2,500—Chief, Printing and Binding Section; Chiefs, Commodity Groups.

(2) *Field Offices:*

(i) Not exceeding \$100,000 for United Nations Relief and Rehabilitation Administration and Lend-Lease purposes—Regional Director, New York.

(ii) Not exceeding \$25,000—All Regional Directors.

(iii) Not exceeding \$10,000—Chiefs and Assistant Chiefs, Regional Purchase and Supply Divisions; Chiefs, Regional Contract and Purchase Sections; District Managers.

(b) *War powers functions.* Performance and exercise of functions and powers of the Secretary of the Treasury under section 201 of the First War Powers Act, 1941, and Executive Order 9023 (50 U. S. C. App., Sup., 611): Director of Procurement; Assistant Director; Special Assistant to the Director; Deputy Director, Purchase Branch; Regional Directors.

(c) *Buy American Act.* Determinations under the Buy American Act (41 U. S. C. 10a) that articles, materials, or supplies to be used, or those from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality: Director of Procurement; Assistant Director.

(d) *Leases.* Award and execution of leases: Director of Procurement and Assistant Director after approval by the Administrative Assistant to the Secretary.

(e) *Surplus property disposal.* Donations or abandonments where it is found that surplus personal property has no reasonable prospect of sale for any purpose, including sale as scrap, salvage or otherwise, or that the estimated cost of its care, handling and disposition would exceed the estimated proceeds of sale for any purpose: Assistant Director; Regional Directors; District Managers. Dispositions by donation of such property costing originally in excess of \$1,000 are subject to the approval of the Assistant Director or, if he made the finding, by the Director of Procurement, and, in addition, if the property cost originally in excess of \$25,000, the appropriate disposal agency must concur in the findings. Dispositions by abandonment of property costing originally in excess of \$1,000 are subject to approval by the Assistant Director or, if he made the finding, by the Director of Procurement.

(f) *Renegotiation of contracts.* The powers, functions and duties conferred upon the Secretary of the Treasury by delegation from the War Contracts Price Adjustment Board under the authority of the Renegotiation Act (50 U. S. C. App., Sup. 1191): Director of Procurement. The Director of Procurement has delegated to the Treasury Department Price Adjustment Board all of his powers, functions and duties with respect to conducting renegotiation with a direction to recommend to the Director of Procurement the amount of excessive profits to be recovered by agreement or order to be executed by such Director of Procurement. The Chairman, Treasury Department Price Adjustment Board, has been designated by the Secretary of the

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Treasury as the Treasury Department member of the War Contracts Price Adjustment Board.

(g) *Contract termination settlements.* Review of proposed contract termination settlements in excess of \$50,000 as provided by section 6 (c) of the Contract Settlement Act of 1944 (41 U. S. C., Sup., 106 (c)): Contract Termination Settlement Review Board.

(h) *Termination inventory disposals.* Review of proposed contract termination inventory disposals as required by Regulation 9 of the War Assets Administration (32 CFR, 1945 Supp., part 8309) and review of determinations of the Chief of Contract Terminations that inventory costing more than \$1,000 is worthless and should be destroyed or abandoned: Termination Inventory Disposal Review Board.

§ 5.4 *Public information, submittals and requests.* The public orally or in writing, may secure information from or make submittals or requests to the heads of pertinent local field offices (§ 5.2) or the Director of Procurement, Washington, D. C., concerning the organization and operations of the Procurement Division.

§ 5.5 *Final opinions or orders and rules.* Final opinions and orders in the adjudication of cases, including findings in contract disputes and determinations of motor accident damage claims, and all rules issued by the Procurement Division are available to public inspection. Requests to examine such final opinions and orders shall be addressed to the Director of Procurement, Washington, D. C.

§ 5.6 *Official records.* Records pertaining to contracts for the procurement of strategic and critical materials deemed vital to the defense of the United States are held confidential for reasons of national security. All other official records of the Procurement Division will be made available by the Director of Procurement to persons properly and directly concerned for inspection or copying, and copies of such records will be provided upon payment of costs of reproduction. These records relate principally to the procurement of supplies, materials, equipment and services, the award, performance, payment, amendment and termination of contracts, the disposal of forfeited distilled spirits, and the settlement of motor accident claims involving Procurement Division vehicles.

SUBPART B—PROCEDURE

§ 5.101 *Contracts—(a) Invitations for bids.* Bids are solicited for the procurement of supplies, materials, equipment and services and the disposition of surplus supplies through public notices posted or published and invitations for bids sent to suppliers and purchasers believed qualified and interested, within such limits as the public interest requires. Invitations for bids are issued by both the Washington Office and the several field offices. Those wishing to receive invitations for bids should apply separately to each office as desired. Before being placed on the mailing list to receive pertinent invitations for bids, Procurement Division Form 705 (Revised), "Data Con-

cerning Prospective Bidders" must be filed. Copies are available at all offices.

(b) *Awards.* Contracts are awarded to the lowest responsible bidder offering to furnish supplies, materials, equipment and services and to the highest responsible bidder offering to purchase surplus supplies in the absence of special security or other public interest factors. Contracts are signed by authorized contracting officers in Washington, D. C., and the field (41 CFR 5.3) upon the recommendations of purchasing and sales officers and their supervisors. Standard Government contract forms are used as applicable (41 CFR, Part 12). However, for war contracts, Procurement Division Form No. 818 and Contract Terms No. 7, dated March 7, 1946, as revised from time to time, are used. Copies are available at all offices.

(c) *Protests of awards.* Protests of awards of contracts should be in writing and filed with the head of the local field office or the Special Assistant to the Director, Procurement Division, Treasury Department, Washington 25, D. C., depending on the place of award. No special forms are needed, but the protester should indicate the nature of his interest in the matter. Hearings will be arranged on request, in Washington, D. C., before a committee composed of the Special Assistant to the Director, a member of the Legal Division, the Head, Contract Division and the chief of the commodity group concerned. Recommendations of this committee will be made to the Director of Procurement.

(d) *Disputes.* All questions and disputes with respect to contract performance, payment and procedure should be referred to the contracting officer concerned, through an inspector if available at the premises, in the absence of special instructions or notice received in particular cases. Determinations of the contracting officer are ordinarily reviewable, in the manner prescribed by the contract, by the Secretary of the Treasury or such representative as he may designate from time to time. No special forms are required to submit questions, disputes and claims, or appeals from determinations thereon. However, claims for amounts due deceased contractors must be filed on Standard Form No. 1055 (Revised), "Claim Against the United States for Amounts Due in the Case of a Decedent."

(e) *Termination settlements.* Settlements of terminated war contracts are made by the Chief of Contract Terminations, subject to review by his supervisors and, as required by law, by a settlement review board and an inventory disposal review board. The procedure to be observed by the contractor in filing and settling his claim is stated in the notice of termination received and the standard Office of Contract Settlement inventory and claim forms also received. Settlements are made in Washington, D. C., but Government inspectors and accountants may assist the contractor at his plant.

(f) *Term contracts.* Where contracts are made by contracting officers of the Procurement Division with contractors to furnish supplies, materials, equipment and services as required by Executive

agencies during specified periods, frequently referred to as contracts composing the General Schedule of Supplies, purchase orders are placed directly with contractors by ordering Executive agencies which have been informed of such contracts. Ordering offices make payments directly to the contractor and, in the first instance, determine whether performance is in accordance with contract requirements. In the event the contractor offers defective supplies, they may accept or reject them, make price adjustments or seek replacements, or terminate purchase orders, purchase from other sources and charge the contractor with any resulting excess costs. All disputes concerning questions of fact arising under the contract which cannot satisfactorily be settled between the ordering office and the contractor and all notices filed by the contractor that a delay in the time of performance was due to an excusable cause preventing assessment of excess costs under the provisions of the contract must be referred to the contracting officer of the Procurement Division for consideration. His determinations are reviewable by the Secretary of the Treasury as in other contracts (see paragraph (d) of this section). In order that the Procurement Division may properly supervise operation of the contracts and ascertain the suitability of the contractor for further awards, ordering offices are required to report to the Procurement Division, Washington 25, D. C., the details concerning all material instances of unsatisfactory performance by a contractor, whether or not adequately adjusted and settled.

§ 5.102 *Forfeited distilled spirits.* In the disposal of forfeited distilled spirits, wine and malt beverages as a gift to eleemosynary institutions for medicinal purposes (41 CFR, Part 36), institutions are required to establish eligibility and needs by filing with the Director of Procurement, Washington 25, D. C., Procurement Division Form No. 735, "Affidavit on Behalf of Eleemosynary Institution." Eligible institutions are placed on a mailing list to receive circulars of available distilled spirits and from time to time request transfers of distilled spirits in the circulars. No special form of request for transfer is prescribed.

§ 5.103 *Motor accident claims.* Those desiring to file claims for damages resulting from accidents involving Procurement Division motor vehicles must do so on Government Standard Form No. 28, "Claim for Damages—Accident, Motor Transportation." The completed form should be delivered to the Government accident investigator, or it may be submitted to the head of the local field office or to the Deputy Director, Administrative Branch, Procurement Division, Treasury Department, Washington 25, D. C., depending upon the place of accident. Claims must be supported by at least three reliable estimates of the cost of repairing any property alleged to have been damaged by the accident.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary.

[F. R. Doc. 46-15355; Filed, Aug. 28, 1946;
4:17 p. m.]

SECRET SERVICE

[31 CFR, Ch. IV]

PART 406—ORGANIZATION

- Sec. 406.1 Central organization.
- 406.2 Field organization.
- 406.3 Public information; submittals and requests.
- 406.4 Delegations of final authority.

§ 406.1 *Central organization.* (a) The origin of the Secret Service Division may be traced from June 23, 1860, when the Congress appropriated \$10,000 to be expended by the Secretary of the Treasury for the suppression of counterfeiting of United States coins (12 Stat. 102). The Chief of the Secret Service, aided by an Assistant Chief and an Assistant to the Chief, supervises the activities of the Division subject to the direction of the Secretary of the Treasury or the Asst-

ant Secretary of the Treasury in charge of the Secret Service Division. The Chief is charged with the direction of the White House Police Force, the Uniformed Force of the Secret Service, and the Field and Departmental Forces of the Secret Service.

(b) A major function of the Secret Service, since the assassination of President McKinley in 1901, has been the protection of the President of the United States. Other major functions and duties are as follows: Protection of the President's immediate family, the President-elect, the White House, and buildings housing Treasury Department activities; suppression of counterfeiting, forging, and alteration of obligations and securities, as well as coins, of the United States and of foreign governments; investigation of the forgery of endorsements on, or the fraudulent negotiation

of, United States Treasury checks; protection of the production, transportation, and storage of money, securities, and obligations of the United States; investigation of crimes against the laws of the United States relating to the Treasury Department; and other investigative and law enforcement work as provided by law or ordered by the Secretary of the Treasury. The principal laws enforced by the Secret Service may be found in 18 U. S. C., Chapter 7.

§ 406.2 *Field organization.* The field organization is divided into Districts, each in charge of a Supervising Agent who is directly responsible to the Chief. Districts are divided into Sub-Districts, each under the direction of an Agent-in-Charge who reports to a Supervising Agent. The following is a list of District headquarters and Sub-District offices:

| Districts | Headquarters | Subdistrict offices | Districts | Headquarters | Subdistrict offices |
|---|----------------------|--|---|-----------------------|--|
| No. 1, Vermont, New Hampshire, Connecticut, Massachusetts, Maine, and Rhode Island. | Boston, Mass. | New Haven, Conn. Providence, R. I. | No. 9, Illinois, Indiana, and Wisconsin. | Chicago, Ill. | Indianapolis, Ind. Milwaukee, Wis. Springfield, Ill. |
| No. 2, New York State, Puerto Rico and the following counties in New Jersey: Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union, and Warren. | New York City, N. Y. | Buffalo, N. Y. Newark, N. J. Utica, N. Y. | No. 10, Texas, Louisiana and Mississippi. | Dallas, Tex. | Houston, Tex. El Paso, Tex. San Antonio, Tex. New Orleans, La. Jackson, Miss. Fort Worth, Tex. Little Rock, Ark. |
| No. 3, Pennsylvania, Delaware and counties in New Jersey as follows: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean, Salem. | Philadelphia, Pa. | Pittsburgh, Pa. Scranton, Pa. | No. 11, Missouri, Oklahoma, Arkansas, and Kansas, and the following counties in Illinois: Madison, Monroe, St. Clair. | Kansas City, Mo. | Oklahoma City, Okla. St. Louis, Mo. |
| No. 4, Maryland, West Virginia, Virginia, North Carolina, District of Columbia. | Washington, D. C. | Baltimore, Md. Charlotte, N. C. Richmond, Va. Charleston, W. Va. Birmingham, Ala. Jacksonville, Fla. Miami, Fla. | No. 12, Minnesota, North Dakota, South Dakota, Iowa, and Nebraska. | St. Paul, Minn. | Omaha, Nebr. |
| No. 5, Georgia, Florida, Alabama, South Carolina. | Atlanta, Ga. | Nashville, Tenn. Memphis, Tenn. Cincinnati, Ohio. Cleveland, Ohio. Columbus, Ohio. Grand Rapids, Mich. | No. 13, Colorado, New Mexico, Wyoming, Utah, and that part of Idaho south of Idaho County. | Denver, Colo. | Albuquerque, N. Mex. Salt Lake City, Utah. |
| No. 6, Kentucky and Tennessee. | Louisville, Ky. | No. 14, California, Nevada, Arizona, and Hawaii. | No. 15, Washington, Oregon, Montana, and that part of Idaho north of and including Idaho County and Alaska. | San Francisco, Calif. | Los Angeles, Calif. Sacramento, Calif. Phoenix, Ariz. Portland, Oreg. Spokane, Wash. |
| No. 7, Michigan and Ohio. | Detroit, Mich. | No. 16, The White House. | | Seattle, Wash. | |

§ 406.3 *Public information; submittals and requests.*—(a) *Rules as to access to records.* Apart from records pertaining solely to matters of internal management, the Secret Service Division has in the files the following types of records and materials:

(1) Records containing reports, directions, and determinations pertaining to criminal investigations, protection of the President, and criminal law enforcement activities.

(2) Contraband material confiscated pursuant to law, together with descriptive records pertaining thereto.

(3) Records of public education activities relative to counterfeiting and to the theft, forgery, or fraudulent negotiation of Government checks.

(4) Records of inquiries from the public relative to application of the criminal laws enforced by the Secret Service.

Records in subparagraph (1) of this paragraph contain final orders in the adjudication of cases, but such orders relate solely to the arrest and prosecution of criminals and to the confiscation of contraband. These orders are not cited as precedents and are held confidential in the public interest because they contain information of value to criminals, the disclosure of which might reduce the effectiveness of Secret Serv-

ice law enforcement operations. The Secret Service Division has issued no final opinions in the adjudication of cases.

The records described in subparagraphs (1) and (2) of this paragraph (other than the final orders already referred to) are not deemed to constitute official records within the meaning of section 3 of the Administrative Procedure Act (Public Law 404, 79th Congress, 60 Stat. 238), but they are in any case held confidential for the reason that the information contained therein would be of material assistance to criminals and potential law violators, disclosure of which information might reduce the effectiveness of Secret Service law enforcement operations.

Records described in subparagraphs (3) and (4) of this paragraph are not deemed to constitute official records within the meaning of section 3 of the Administrative Procedure Act but will, upon application in writing to the Chief of the Secret Service or to a Supervising Agent of a District headquarters, be made available to inspection by members of the public.

The Secret Service Division has adopted no rules other than the following previously published in the FEDERAL REGISTER: rules, issued pursuant to 18 U. S. C. 264, 350, authorizing under certain con-

ditions illustrations of United States postage stamps, reproduction of canceled United States internal revenue stamps, film recordation by banking institutions of United States securities, checks, warrants, and paper money, and illustration of War Savings Bonds and Stamps (31 CFR and Supps., Parts 400, 402, 404, 405); a rule, issued pursuant to 18 U. S. C. 286, authorizing all banking institutions to deliver to the Treasury Department counterfeit obligations and other securities and coins of the United States or of any foreign government (31 CFR, Part 403); rules, issued pursuant to 49 U. S. C. 781-788, relating to seizure and forfeiture of vessels, vehicles and aircraft used to transport counterfeit coins, obligations, securities, and paraphernalia (31 CFR, Part 401).

(b) *Submittals and requests.* The public may secure information from, or make submittals or requests to, the Chief of the Secret Service, Treasury Department, Washington, D. C., the Supervising Agent of a District headquarters, or the Agent-in-Charge of a Sub-District office. Among other matters, information may be obtained relative to the criminal laws enforced by the Secret Service (including the laws and regulations relating to reproductions in the likeness of stamps, obligations, securities, and coins of the United States and of foreign govern-

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ments), the detection of counterfeit money, and the guarding against theft, forgery, and fraudulent negotiation of Government checks.

§ 406.4 *Delegations of final authority.* Supervising Agents of District headquarters and Agents-in-Charge of Sub-District offices are authorized to make determinations in matters with respect to which the policy and practice of the Secret Service Division have been established. All final authority resides in the Secretary of the Treasury, the Assistant Secretary of the Treasury in charge of the Secret Service Division, and the Chief of the Secret Service.

PART 407—PROCEDURES

§ 407.1 *Procedures in general.* There is no general course and method by which the functions of the Secret Service Division are channeled and determined in the sense that the public may rely upon and utilize such procedures.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary.

[F. R. Doc. 46-15354; Filed, Aug. 28, 1946;
4:16 p. m.]

WAR DEPARTMENT

NOTE: The material submitted by the War Department appears in a later section of this issue.

DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

[28 CFR, Ch. I]

PART 51—ORGANIZATION AND FUNCTIONS

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SUBPART C—FIELD ORGANIZATION

- 51.51 Antitrust Division.
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SUBPART E—AVAILABILITY OF OPINIONS, ORDERS AND RECORDS

- 51.71 General rule as to non-availability of Department of Justice records.
51.72 Opinions of the Attorney General.
51.73 Office of the Pardon Attorney.
51.74 Federal Bureau of Investigation.
51.75 Immigration and Naturalization Service.

SUBPART A—GENERAL STATEMENT

§ 51.1 *Functions.* The Department of Justice is the law department of the Federal Government. It conducts litigation in which the United States is interested and renders legal advice and opinions, upon request, to the President and to the heads of the executive departments. It handles all arguments in the Supreme Court of the United States in cases in which the United States or any of its agencies is concerned. In addition to handling the law business of the United States, the Department of Justice exercises general superintendence and direction over United States attorneys and marshals in the several judicial districts. The Department, through its Bureau of Prisons, has charge of the custody of United States prisoners, and, through its Federal Bureau of Investigation, investigates violations of most Federal criminal statutes. Through the Immigration and Naturalization Service, the Department controls and supervises the laws applicable to aliens.

§ 51.2 *General organization.* The Department of Justice is organized into the following offices, divisions, bureaus and boards:

Offices:

- Office of the Attorney General.
Office of the Solicitor General.
Office of The Assistant to the Attorney General.
Office of the Assistant Solicitor General.
Office of the Pardon Attorney.

Divisions:

- Antitrust Division.
Tax Division.
Claims Division.
Lands Division.
Criminal Division.
Customs Division.
Administrative Division.

Bureaus:

- Federal Bureau of Investigation.
Bureau of Prisons.
Immigration and Naturalization Service.

Boards:

- Board of Immigration Appeals.
Board of Parole.

SUBPART B—CENTRAL ORGANIZATION

§ 51.11 *Main offices.* The main offices of the Department of Justice, with the exception of the Customs Division, the Immigration and Naturalization Service, the Board of Parole, and Federal Prison Industries, Inc., are in the Department of Justice Building at Constitution Avenue and Tenth Street NW, Washington 25, D. C. The Customs Division is located at 201 Varick Street, New York 14, New York, the Immigration and Naturalization Service is located at Fifteenth and Chestnut Streets,

Philadelphia 2, Pennsylvania, and the Board of Parole and Federal Prison Industries, Inc., are located in the Federal Home Loan Bank Board Building, First Street and Indiana Avenue, NW, Washington 25, D. C.

§ 51.12 *Office of the Attorney General.* As the head of the Department of Justice, the Attorney General is the chief law officer of the Government, representing it in legal cases to which it may be a party, and appearing in person in the United States Supreme Court in cases of exceptional gravity and importance. He is the legal adviser to the President and to the heads of the executive departments, and as such is required by statute to give his advice and opinion on any questions of law arising in the conduct of administrative affairs. He exercises general superintendence and direction over United States attorneys and marshals in the various judicial districts of the United States, and provides special counsel for the United States in cases of exceptional importance or when the character of the interests involved requires such action. The Office of the Attorney General supervises all matters relating to the direction and control of the Department of Justice. The Executive Assistant to the Attorney General and the Director of Public Relations, who is in charge of the release of all information regarding the Department and its work, are attached to this office and report directly to the Attorney General.

§ 51.13 *Office of the Solicitor General.* Headed by the Solicitor General, the office has as its principal function the conduct of the Government's litigation in the Supreme Court of the United States. This involves the revision and initial preparation of briefs and other papers in all Government cases in that Court, the presentation of oral argument in many of these cases, the assignment of the remainder to attorneys in other divisions and agencies, and, also, the final determination whether the Government should seek review in the Supreme Court of adverse decisions in Government cases in the lower federal and state courts. Another important activity of the office is the determination whether the Government should take appeals from adverse decisions by courts of first instance to intermediate appellate courts. From time to time the office is called upon to give consideration to the formulation of legal policies before they ripen into litigation and to handle various assignments from the Attorney General. In the absence of the Attorney General, the Solicitor General is the Acting Attorney General (5 U. S. C. 293).

§ 51.14 *Office of The Assistant to the Attorney General.* (a) Headed by The Assistant to the Attorney General, the office is charged with: (1) Assisting the Attorney General in the over-all supervision and administrative management of the Department; (2) assisting the Attorney General in the formulation of departmental policies and programs and in the development of improved ways and means of effectuating such departmental policies and programs; (3) supervising, under the direction of the

Attorney General, the following: (i) Formulation of the Department's personnel policies and assurance of their proper execution, including appointments, promotions, and other personnel management activities; (ii) preparation of recommendations for Presidential appointments; (iii) other staff services; (iv) drafting Department legislation and reports on legislative proposals and enrolled bills; (v) exercising administrative supervision over the Board of Immigration Appeals and the United States Board of Parole; (vi) coordinating and directing the relationships of departmental divisions with United States attorneys and marshals, and exercising general departmental supervision with respect to such attorneys and marshals and their activities; (vii) supervising the Library; (viii) directing the handling of conscientious objector cases (other than criminal) under the Selective Training and Service Act; and special assignments from the Attorney General. In addition, the Office of The Assistant to the Attorney General examines into the qualifications of prospective candidates for Presidential appointments to the office of judge, United States attorney, United States marshal and miscellaneous offices. The Assistant to the Attorney General, in the absence of the Attorney General and the Solicitor General, is the Acting Attorney General.

(b) The Conscientious Objectors Section of the office handles all of those matters relating to conscientious objectors, responsibility for which has been delegated to the Department of Justice by the provisions of the Selective Training and Service Act of 1940 (50 U. S. C. App. 305g). This section maintains supervision and control over the various stages of administration through which conscientious objectors' claims pass, after the initiation of an appeal from the decision of the local Selective Service Board. Findings and recommendations of Hearing Officers are reviewed in this section and recommendations are made to the various local Boards of Appeal.

§ 51.15 *Office of the Assistant Solicitor General.* Headed by the Assistant Solicitor General, the office performs the legal work involved with respect to gifts and bequests made to the Government, and is authorized to accept or reject settlements in connection therewith in cases where the claim by the United States does not exceed \$50,000. In cases of this type over that amount proposed settlements are submitted to the Attorney General by the Assistant Solicitor General. With this exception, the work of the office consists of giving legal advice to officers of the Department of Justice and of the executive branch of the Government. The office has the responsibility of assisting the Attorney General in the performance by the latter of the following functions: Preparing the formal opinions of the Attorney General; rendering informal opinions and legal advice to the President, Members of the Cabinet, and various governmental agencies; reviewing as to form and legality, and making necessary revisions of, all proposed Executive orders and proclamations prior to their final submission to the President, as well as regulations

which require the approval of the President or the Attorney General; assisting the President and the heads of the Federal agencies in connection with matters of State and local law and State and local legislation; and performing special assignments on the direction of the Attorney General and the Solicitor General.

§ 51.16 *Office of the Pardon Attorney.* Headed by the Pardon Attorney, the office has charge of all applications for Executive clemency, including pardons, commutations, respites and remissions of fines, filed by persons convicted of offenses against the United States, except persons convicted in military or naval courts or tribunals.

§ 51.21 *Antitrust Division.* (a) Headed by an Assistant Attorney General, the Antitrust Division is responsible for the enforcement of statutes which have been enacted by Congress to maintain and foster a system of free competitive enterprise. It receives complaints and initiates investigations of violations of: (1) The Sherman Act of 1890 (26 Stat. 209 as amended, 15 U. S. C. 1 et seq.); (2) the Clayton Act of 1914 (38 Stat. 730 as amended, 15 U. S. C. 12 et seq.) including amendments to the Clayton Act made by the Robinson-Patman Act of 1936 (49 Stat. 1526; 15 U. S. C. 13, 13 (a)-13 (b)); (3) the Wilson Tariff Act of 1894 as amended (28 Stat. 570 as amended; 15 U. S. C. 8 et seq.); (4) the Elkins Act of 1903 (32 Stat. 847 as amended, 49 U. S. C. 41-43; (5) the Revenue Act of 1916 (39 Stat. 798; 15 U. S. C. 71-72); (6) the Ashurst-Sumners Act of 1935 (49 Stat. 494; 18 U. S. C. 396b-396e); (7) section 11 of the Panama Canal Act of 1912 (37 Stat. 567; 15 U. S. C. 31). Where appropriate, the Antitrust Division initiates judicial proceedings to enforce the foregoing acts. Such proceedings are designed to prevent and to dissipate the effects of restraints of trade, including monopolies and cartels. Under the Sherman Act criminal prosecution or equity proceedings, or both, may be instituted.

(b) The Antitrust Division is in charge of judicial proceedings for the enforcement or defense of orders, among others, (1) of the Federal Trade Commission under the Federal Trade Commission Act of 1914; (2) of the Interstate Commerce Commission under the Interstate Commerce Act of 1887; the Motor Carrier Act of 1935; the Transportation Act of 1940; and the Freight Forwarders Act of 1942; (3) of the Civil Aeronautics Authority under the Civil Aeronautics Act of 1938; (4) of the Federal Communications Commission under the Communications Act of 1934; (5) of the Secretary of Agriculture under the Capper-Volstead Act of 1922; the Agricultural Adjustment Act of 1933; the Agricultural Marketing Agreement Act of 1937; the Perishable Agricultural Commodities Act of 1930; the Produce Agency Act of 1927; the Tobacco Inspection Act of 1935; the Sugar Act of 1937; the Packers and Stockyards Act of 1921; (6) of the Secretary of the Treasury under the Federal Alcohol Administration Act of 1935; (7) of the National Railroad Adjustment Board under the Railway Labor Act of 1926.

(c) The Division performs legal services for the Tennessee Valley Authority created under the Tennessee Valley Authority Act of 1933, and reviews recommendations made by the Federal Trade Commission under the Webb Export Trade Act of 1918.

(d) In connection with its functions under the statutes referred to above, the Division receives and reviews complaints from small businessmen regarding problems which they have encountered in their dealings with other Government agencies.

(e) The Division is charged with rendering advice to the War Assets Administration under section 20 of the Surplus Property Act of 1944 and with making surveys and reporting to Congress under section 205 of the War Mobilization and Reconversion Act of 1944.

(f) The Complaints and Small Business Section of the Division supervises investigations of all general antitrust complaints, including complaints from small businessmen regarding problems which they have encountered in their dealings with other Government agencies, and conducts grand jury presentation of selected matters.

(g) The Decree and Surplus Property Section of the Division considers and makes recommendations on offers of settlements in equity cases, supervises the observance of judgments, considers whether criminal prosecutions under the Sherman Act will be waived in connection with proposed plans submitted by interested persons before being put in operation, and advises disposal agencies pursuant to section 20 of the Surplus Property Act of 1944 whether the disposition of surplus property would violate the antitrust laws.

§ 51.22 *Tax Division.* Headed by an Assistant Attorney General, the Tax Division is charged with the prosecution and defense of all civil suits arising out of the internal revenue laws and, subject to the approval of the Solicitor General, of appellate proceedings in connection therewith, including briefing and argument in the Federal Circuit Courts of Appeals of petitions to review decisions of The Tax Court of the United States. It has charge of all criminal prosecutions of violations of the internal revenue laws, except criminal prosecutions arising out of the liquor tax laws, including cooperation with and direction of the United States attorneys in the conduct of such cases. The Division has control over the enforcement of tax liens and the conduct of mandamus and injunctive proceedings, as well as supervision over other general matters relating to all taxes, including questions of intergovernmental tax immunity. With respect to cases under his jurisdiction, the Assistant Attorney General in charge of this Division is authorized to accept or reject offers in compromise of claims in behalf of the United States in all cases wherein the gross amount of the original claim does not exceed the sum of \$50,000, and of claims against the United States wherein the amount of the proposed settlement does not exceed the sum of \$10,000. In the settlement of claims over these amounts, the Assistant Attorney General recommends acceptance or rejection of

tax compromises to the Attorney General.

§ 51.23 *Claims Division.* (a) Headed by an Assistant Attorney General, the Claims Division has the responsibility for the conduct of all civil suits and claims for and against the Government not otherwise specially assigned. The list of litigated matters handled by the Division includes: (1) All shipping and admiralty matters in which the Government is interested, including cases arising out of the operation of naval vessels and the shipping activities of the Government; (2) the defense of suits for injunction, mandamus, or damages against Government officers arising out of activities performed in an official capacity; (3) the collection of sums other than taxes due the United States, including all war frauds civil actions, sums due the United States under the Litvinov assignment, and the collection of defaulted loans referred by the War and Navy Departments, the Federal Housing, Farm Credit and Farm Security Administrations; (4) cases arising out of the requisitioning of ships, tools, and all property other than land; (5) suits based upon contracts, express or implied, with the United States, and suits in contract and tort against cost-plus war contractors for which the Government may ultimately be liable; (6) all patent, copyright and bankruptcy cases; (7) the protection of Federal property, programs and transactions from illegal interference by private persons or state or local governments, as well as all cases, other than tax, involving inter-governmental immunities; (8) the defense of suits against the Government upon claims (other than Indian, tax, and claims for compensation for the alleged taking of interests in land) whether for legal or equitable relief, founded upon the Constitution, any law of Congress or any regulation or order of an executive department; (9) civil litigation arising under the Trading With the Enemy Act, as amended; (10) litigation brought by alien enemies growing out of the World War II alien enemy program of the Department of Justice; (11) interventions in constitutional cases under the act of August 24, 1937; (12) representation of the people of Puerto Rico in the courts of the United States in cases appealed from the Supreme Court of Puerto Rico; (13) briefs and arguments in the Supreme Court on assignment from the Solicitor General; and special assignments from the Attorney General. The Assistant Attorney General in charge of the Division is authorized and empowered to accept or reject offers in compromise of claims in behalf of the United States in all cases wherein the gross amount of the original claim does not exceed the sum of \$50,000.00, and of claims against the United States wherein the amount of the proposed settlement does not exceed the sum of \$10,000.00. In the settlement of claims over these amounts, the Assistant Attorney General recommends acceptance or rejection thereof to the Attorney General.

(b) The Veterans Affairs Section of the Division handles civil matters involving the rights of veterans, their dependents or beneficiaries, to benefits under laws enacted by Congress pertaining

to veterans. This includes suits for recovery of insurance, including War Risk, U. S. Government Life, National Service Life and Seamen's Insurance, and suits to enforce the reemployment rights of veterans. Also handled are suits and proceedings of the following character involving the rights of veterans, their dependents or beneficiaries: suits for the recovery of benefits erroneously paid by the Government, suits involving escheats, interpleader actions, suits for declaratory judgments, and mandatory proceedings brought by or against officials or agencies of the Government. Excluded are suits in the nature of tort actions.

§ 51.24 *Lands Division.* Headed by an Assistant Attorney General, the Lands Division has the responsibility for all litigation and legal matters connected with the public domain, public lands, or any interest therein, including the acquisition thereof by direct purchase or through condemnation proceedings (with the exception of acquisitions for TVA), and for all litigation pertaining to Indians, their lands and property, including tribal suits in the Court of Claims. With certain exceptions specified by statute, the Division passes upon the title to all lands acquired by the United States by direct purchase. Subject to the approval of the Solicitor General, the Division has responsibility for the conduct of all appellate proceedings in the litigation of matters coming within its jurisdiction, including the preparation of briefs and argument of cases in the circuit courts of appeals and also, when the Solicitor General so directs, in the Supreme Court. With respect to cases under his jurisdiction, the Assistant Attorney General in charge of this Division is authorized to accept or reject offers in compromise of claims in behalf of the United States in all cases wherein the gross amount of the original claim does not exceed the sum of \$50,000, and of all claims against the United States wherein the amount of the proposed settlement does not exceed the sum of \$10,000. In the settlement of claims over these amounts, the Assistant Attorney General recommends acceptance or rejection of compromises to the Attorney General.

§ 51.25 *Criminal Division.* (a) Headed by an Assistant Attorney General, the Criminal Division has responsibility for and supervises the enforcement of all federal criminal statutes except such statutes as are within the jurisdiction of the Anti Trust and Tax Divisions, and supervises certain civil matters such as (1) those arising under the immigration and naturalization laws, including expatriation and cancellation of citizenship proceedings; (2) extradition proceedings; (3) habeas corpus proceedings; (4) the acceptance or rejection of compromises of criminal liability under current liquor laws, including compromises or civil tax liability in pending criminal cases, wherein the gross amount of the original claim by the United States does not exceed the sum of \$50,000, and the consideration, for the purpose of submitting recommendations to the Attorney General, of such compromises where

the gross amount claimed exceeds \$50,000; and the consideration of petitions for the mitigation or remission of civil forfeitures under the current liquor laws, and the collection of outstanding bail bond judgments and unpaid fines; (5) libel actions under the Food, Drug and Cosmetic Act and the Gold Hoarding laws; (6) proceedings to recover penalties in civil actions under the Hours of Service Act, and Safety Appliance Acts, the Signal Inspection Act, and similar statutes; (7) determination of whether the Federal Government has exclusive or concurrent jurisdiction over offenses committed upon lands acquired by the United States; (8) administration of the Act of October 17, 1940 (Voorhis Act).

(b) The Foreign Agents Registration Section is, for administrative purposes, under the Criminal Division. The section administers the Foreign Agents Registration Act of 1938, as amended (22 U. S. C. 611-21). In this connection, it receives and reviews statements, reports, propaganda, and other material filed under the act and the rules issued thereunder, and, upon request, assists persons in determining their obligations under the act and in complying with the act.

§ 51.26 *Customs Division.* Headed by an Assistant Attorney General, the Customs Division represents the United States in litigation on tariff matters. The Division protects the interests of the Government in matters of reappraisal and classification of imported goods and all litigation incident thereto. The Customs Division does not give opinions as to the valuation or classification of merchandise, nor does it participate, in any way, in customs matters over which the Secretary of the Treasury or the Commissioner of Customs has statutory jurisdiction.

§ 51.27 *Administrative Division.* Headed by the Administrative Assistant to the Attorney General, the Division handles general administrative and fiscal matters of the Department, including the preparation and execution of the budget, improvement of administrative organization and procedure, financial and fiscal matters, accounting and auditing, personnel, examination of judicial offices, collection and compilation of statistics, operation of the library, transcription and duplication, supplies, printing and procurement, mail and records, buildings and space, garage and automotive equipment, health services, and the administration of similar staff services.

§ 51.31 *Federal Bureau of Investigation.* Headed by a Director, the Federal Bureau of Investigation has general charge of the investigation of all violations of Federal laws with the exception of those matters, such as counterfeiting, postal violations, customs violations, and internal revenue matters, specifically assigned by legislative enactment or otherwise to some other Federal investigative body. The Bureau conducts investigations of cases of espionage, sabotage, and of other matters pertaining to internal security, as well as all investigations under the Selective Training and Service Act, including civil inquiries relating to those who claim exemption because of

conscientious opposition to war. It performs cooperative services for local law enforcement agencies in identification, technical and training matters.

§ 51.32 *Bureau of Prisons.* (a) Headed by a Director, the Bureau of Prisons is responsible for the management and operation of all Federal penal and correctional institutions and for the safekeeping, care, protection, instruction and discipline of all prisoners charged with or convicted of offenses against the United States, other than prisoners under military custody and those on probation. The United States Public Health Service furnishes all medical and psychiatric services to Federal penal and correctional institutions and is represented in the Bureau of Prisons by a medical officer designated by the Surgeon General to serve as Medical Director of the Bureau of Prisons.

(b) *Federal Prison Industries, Inc.* The governing body of the Corporation consists of a board of five directors appointed by the President of the United States who hold office at his pleasure and serve without compensation. One member of the Board represents industry, one labor, one agriculture, one retailers and consumers, and one the Attorney General (18 U. S. C. 744j). The board is required by the statute (18 U. S. C. 744m) to make an annual report to Congress on the conduct of the business of the Corporation and the condition of its funds. Under the general direction and supervision of the Attorney General, the Board of Directors determines the policy of the Corporation. The chief executive officer of the Corporation is the Commissioner of Industries. The Corporation's operating staff in the field is under the immediate direction of the wardens and superintendents of the various penal and correctional institutions operated by the Bureau of Prisons. The functions of the Corporation include the establishment and operation of industries in the United States penal and correctional institutions for the production of articles and commodities for consumption in the institutions or for sale to the departments and independent establishments of the Federal Government and not for sale to the public in competition with private enterprise. The Corporation is required to diversify these industries so as to "reduce to a minimum competition with private industry or free labor." It is further required to provide such forms of employment as will give the inmates of the institutions "a maximum opportunity to acquire a knowledge and skill in trades and occupations which will provide them with a means of earning a livelihood upon release" (18 U. S. C. 744c).

§ 51.33 *Immigration and Naturalization Service.* Headed by the Commissioner of Immigration and Naturalization, the Service administers the laws relating to immigration and nationality. For a fuller discussion of its organization reference should be made to Title 8, Chapter I published in this issue.

§ 51.41 *Board of Immigration Appeals.* The Board consists of five members appointed by the Attorney General. The Board acts in a quasijudicial capacity to review exclusion and deportation

cases. It has jurisdiction over advance authorizations for admission of aliens under the seventh and ninth provisions to section 3 of the Immigration Act of 1917 and over fines for violations of the immigration laws by steamship companies and others. For a fuller discussion of its organization and functions, see Title 8 of the Code of Federal Regulations, Chapter I, Part 90.

§ 51.42 *Board of Parole.* The Board, consisting of three members appointed by the Attorney General, exercises all functions with respect to the granting and revoking of parole, the establishment of policies with reference to parole and parole supervision, and the imposition or modifications of conditions of parole (46 Stat. 272; 18 U. S. C. 723b). The Parole Executive, who is the Board's executive officer, keeps the record of the Board's proceedings and is the custodian of the Board's seal and records. In addition, under the general direction of the Board, the Parole Executive is charged with the supervision of all Federal prisoners on parole. The Parole Executive is the Board's Washington representative when all members of the Board are in the field, except that only the Board or a member of the Board may sign a warrant for the retaking of a prisoner who has violated his parole. The remainder of the Board's organization consists of examiners (whose function is described hereafter) and clerical and stenographic personnel. The Board has no field organization. All personnel engaged in parole work in several Federal penal institutions are employees of the Bureau of Prisons, Department of Justice, although in handling parole matters they are governed by such policies as the Board may promulgate pursuant to the Parole Act (18 U. S. C. 714-723). The United States Probation Officers who participate in the supervision of parole are appointed and supervised by the United States district courts. It is provided by law that such probation officers "shall perform such duties with respect to persons on parole as the Attorney General shall request." (18 U. S. C. 727.)

SUBPART C—FIELD ORGANIZATION

§ 51.51 *Antitrust Division.* Under the supervision of the First Assistant to the Assistant Attorney General in charge of the Antitrust Division, the field offices conduct antitrust litigation in the particular city in which they are located and in surrounding territory. Temporarily the Antitrust Division has representatives stationed in the following locations:

- Boston, Mass.
- Chicago, Ill.
- Danville, Ill.
- Denver, Colo.
- Los Angeles, Calif.
- New York, N. Y.
- San Francisco, Calif.
- Seattle, Wash.

§ 51.52 *United States attorneys.* (a) The United States attorney is the local representative of the Attorney General. He is appointed by the President, subject to confirmation by the Senate, for a term of four years. Except in the few instances where the Attorney General as-

signs special counsel to certain litigation, the United States attorney, under the direction and control of the Department of Justice, makes or causes to be made all necessary investigations of violations of the Federal criminal laws, presents evidence of such violations to the grand jury, and renders assistance to the grand jury in the conduct of its work, including the preparation of indictments. He prosecutes Federal criminal cases in his district, and is the Government's attorney in civil litigation in which the United States is involved or has an interest. He also represents the Government in cases which are appealed from the district court for his district to the appropriate court of appeals.

(b) The respective United States attorneys are authorized and empowered to accept or reject offers in compromise of claims:

(1) Involving debts due to the United States arising out of loans made by the Secretary of Agriculture or by the Farm Credit Administration wherein the gross amount of the original claim is not in excess of the sum of \$500, if the acceptance or rejection of the claim is in accordance with the recommendation to him of the Regional Manager of the Emergency Crop and Feed Loan Office of the Farm Credit Administration.

(2) Involving debts due to the United States arising out of loans made by the Farm Security Administration wherein the gross amount of the original claim is not in excess of the sum of \$500, if the acceptance or rejection of the claim is in accordance with the recommendation to him of the Regional Director of the Farm Security Administration.

(c) The headquarters of the various United States attorneys are located as follows:

- Alabama:
 - Northern District..... Birmingham.
 - Middle District..... Montgomery.
 - Southern District..... Mobile.
- Alaska:
 - Division No. 1..... Juneau.
 - Division No. 2..... Nome.
 - Division No. 3..... Anchorage.
 - Division No. 4..... Fairbanks.
- Arizona..... Phoenix.
- Arkansas:
 - Eastern District..... Little Rock.
 - Western District..... Fort Smith.
- California:
 - Northern District..... San Francisco.
 - Southern District..... Los Angeles.
- Canal Zone..... Ancon.
- Colorado..... Denver.
- Connecticut..... Hartford.
- Delaware..... Wilmington.
- District of Columbia..... Washington.
- Florida:
 - Northern District..... Pensacola.
 - Southern District..... Tampa.
- Georgia:
 - Northern District..... Atlanta.
 - Middle District..... Macon.
 - Southern District..... Savannah.
- Hawaii..... Honolulu.
- Idaho..... Boise.
- Illinois:
 - Northern District..... Chicago.
 - Eastern District..... E. St. Louis.
 - Southern District..... Springfield.
- Indiana:
 - Northern District..... Fort Wayne.
 - Southern District..... Indianapolis.
- Iowa:
 - Northern District..... Sioux City.
 - Southern District..... Des Moines.

DEPARTMENT OF JUSTICE

| | | |
|-------------------|-------|-----------------|
| Kansas | ..... | Topeka. |
| Kentucky: | | |
| Eastern District | ..... | Lexington. |
| Western District | ..... | Louisville. |
| Louisiana: | | |
| Eastern District | ..... | New Orleans. |
| Western District | ..... | Shreveport. |
| Maine | ..... | Portland. |
| Maryland | ..... | Baltimore. |
| Massachusetts | ..... | Boston. |
| Michigan: | | |
| Eastern District | ..... | Detroit. |
| Western District | ..... | Grand Rapids. |
| Minnesota | ..... | St. Paul. |
| Mississippi: | | |
| Northern District | ..... | Oxford. |
| Southern District | ..... | Jackson. |
| Missouri: | | |
| Eastern District | ..... | St. Louis. |
| Western District | ..... | Kansas City. |
| Montana | ..... | Billings. |
| Nebraska | ..... | Omaha. |
| Nevada | ..... | Reno. |
| New Hampshire | ..... | Concord. |
| New Jersey | ..... | Newark. |
| New Mexico | ..... | Santa Fe. |
| New York: | | |
| Northern District | ..... | Syracuse. |
| Southern District | ..... | New York City |
| Eastern District | ..... | Brooklyn. |
| Western District | ..... | Buffalo. |
| North Carolina: | | |
| Eastern District | ..... | Wilmington. |
| Middle District | ..... | Greensboro. |
| Western District | ..... | Charlotte. |
| North Dakota | ..... | Fargo. |
| Ohio: | | |
| Northern District | ..... | Cleveland. |
| Southern District | ..... | Columbus. |
| Oklahoma: | | |
| Northern District | ..... | Tulsa. |
| Eastern District | ..... | Muskogee. |
| Western District | ..... | Oklahoma City |
| Oregon | ..... | Portland. |
| Pennsylvania: | | |
| Eastern District | ..... | Philadelphia. |
| Middle District | ..... | Lewisburg. |
| Western District | ..... | Pittsburgh. |
| Puerto Rico | ..... | San Juan. |
| Rhode Island | ..... | Providence. |
| South Carolina: | | |
| Eastern District | ..... | Columbia. |
| Western District | ..... | Greenville. |
| South Dakota | ..... | Rapid City. |
| Tennessee: | | |
| Eastern District | ..... | Chattanooga. |
| Middle District | ..... | Nashville. |
| Western District | ..... | Memphis. |
| Texas: | | |
| Northern District | ..... | Fort Worth. |
| Southern District | ..... | Houston. |
| Eastern District | ..... | Beaumont. |
| Western District | ..... | San Antonio. |
| Utah | ..... | Salt Lake City. |
| Vermont | ..... | Burlington. |
| Virgin Islands | ..... | St. Thomas. |
| Virginia: | | |
| Eastern District | ..... | Richmond. |
| Western District | ..... | Roanoke. |
| Washington: | | |
| Eastern District | ..... | Spokane. |
| Western District | ..... | Seattle. |
| West Virginia: | | |
| Northern District | ..... | Clarksburg. |
| Southern District | ..... | Charleston. |
| Wisconsin: | | |
| Eastern District | ..... | Milwaukee. |
| Western District | ..... | Madison. |
| Wyoming | ..... | Cheyenne. |

§ 51.53 *United States marshals.* (a) In each of the 93 judicial districts in the United States and its Territories and possessions there is a United States marshal, appointed by the President and subject to the general supervision and direction of the Attorney General. The marshal is the executive officer of the Federal courts. His general duties, among others, are to attend the terms of the district courts, to execute and serve or cause to

be executed and served all process issued to him by the United States courts and United States commissioners, and to disburse moneys for which he is responsible. Legal process is served for private litigants in Federal courts by United States marshals on payment of the statutory fees and expenses.

(b) The headquarters of the marshals in the various districts are as follows:

Judicial districts and headquarters

| | | |
|----------------------|-------|----------------|
| Alabama: | | |
| Northern | ..... | Birmingham. |
| Middle | ..... | Montgomery. |
| Southern | ..... | Mobile. |
| Alaska: | | |
| 1st Divison | ..... | Juneau. |
| 2nd Division | ..... | Nome. |
| 3rd Division | ..... | Anchorage. |
| 4th Division | ..... | Fairbanks. |
| Arizona | ..... | Tucson. |
| Arkansas: | | |
| Eastern | ..... | Little Rock. |
| Western | ..... | Fort Smith. |
| California: | | |
| Northern | ..... | San Francisco. |
| Southern | ..... | Los Angeles. |
| Colorado | ..... | Denver. |
| Connecticut | ..... | New Haven. |
| Delaware | ..... | Wilmington. |
| District of Columbia | ..... | Washington. |
| Florida: | | |
| Northern | ..... | Pensacola. |
| Southern | ..... | Jacksonville. |
| Georgia: | | |
| Northern | ..... | Atlanta. |
| Middle | ..... | Macon. |
| Southern | ..... | Savannah. |
| Hawaii | ..... | Honolulu. |
| Idaho | ..... | Boise. |
| Illinois: | | |
| Northern | ..... | Chicago. |
| Eastern | ..... | Danville. |
| Southern | ..... | Springfield. |
| Indiana: | | |
| Northern | ..... | South Bend. |
| Southern | ..... | Indianapolis. |
| Iowa: | | |
| Northern | ..... | Dubuque. |
| Southern | ..... | Des Moines. |
| Kansas | ..... | Topeka. |
| Kentucky: | | |
| Eastern | ..... | Lexington. |
| Western | ..... | Louisville. |
| Louisiana: | | |
| Eastern | ..... | New Orleans. |
| Western | ..... | Shreveport. |
| Maine | ..... | Bangor. |
| Maryland | ..... | Baltimore. |
| Massachusetts | ..... | Boston. |
| Michigan: | | |
| Western | ..... | Detroit. |
| Eastern | ..... | Grand Rapids. |
| Minnesota | ..... | St. Paul. |
| Mississippi: | | |
| Northern | ..... | Oxford. |
| Southern | ..... | Jackson. |
| Missouri: | | |
| Eastern | ..... | St. Louis. |
| Western | ..... | Kansas City. |
| Montana | ..... | Helena. |
| Nebraska | ..... | Omaha. |
| Nevada | ..... | Reno. |
| New Hampshire | ..... | Concord. |
| New Jersey | ..... | Newark. |
| New Mexico | ..... | Santa Fe. |
| New York: | | |
| Northern | ..... | Utica. |
| Eastern | ..... | Brooklyn. |
| Southern | ..... | New York. |
| Western | ..... | Rochester. |
| North Carolina: | | |
| Eastern | ..... | Raleigh. |
| Middle | ..... | Greensboro. |
| Western | ..... | Asheville. |
| North Dakota | ..... | Fargo. |
| Ohio: | | |
| Northern | ..... | Cleveland. |
| Southern | ..... | Columbus. |

Judicial districts and headquarters—Con.

| | | |
|-----------------|-------|-----------------|
| Oklahoma: | | |
| Northern | ..... | Tulsa. |
| Eastern | ..... | Muskogee. |
| Western | ..... | Oklahoma City |
| Oregon | ..... | Portland. |
| Pennsylvania: | | |
| Eastern | ..... | Philadelphia. |
| Middle | ..... | Scranton. |
| Western | ..... | Pittsburgh. |
| Puerto Rico | ..... | San Juan. |
| Rhode Island | ..... | Providence. |
| South Carolina: | | |
| Eastern | ..... | Charleston. |
| Western | ..... | Greenville. |
| South Dakota | ..... | Sioux Falls. |
| Tennessee: | | |
| Eastern | ..... | Knoxville. |
| Middle | ..... | Nashville. |
| Western | ..... | Memphis. |
| Texas: | | |
| Northern | ..... | Fort Worth. |
| Eastern | ..... | Texarkana. |
| Southern | ..... | Houston. |
| Western | ..... | San Antonio. |
| Utah | ..... | Salt Lake City. |
| Vermont | ..... | Rutland. |
| Virginia: | | |
| Eastern | ..... | Norfolk. |
| Western | ..... | Roanoke. |
| Washington: | | |
| Eastern | ..... | Spokane. |
| Western | ..... | Seattle. |
| West Virginia: | | |
| Northern | ..... | Fairmont. |
| Southern | ..... | Charleston. |
| Wisconsin: | | |
| Eastern | ..... | Milwaukee. |
| Western | ..... | Madison. |
| Wyoming | ..... | Cheyenne. |
| Canal Zone | ..... | Ancon. |
| Virgin Islands | ..... | St. Croix. |

§ 51.54 *Federal Bureau of Investigation.* For purposes of efficiency, public convenience, and adequate territorial coverage, the Federal Bureau of Investigation maintains field divisions in 51 cities throughout the continental and territorial United States. Each field office is administered by a special agent in charge. The field offices are as follows:

Division

1. Albany 7, N. Y.
2. Anchorage, Alaska.
3. Atlanta 3, Ga.
4. Baltimore 2, Md.
5. Birmingham 3, Ala.
6. Boston 9, Mass.
7. Buffalo 2, N. Y.
8. Butte, Mont.
9. Charlotte 2, N. C.
10. Chicago 3, Ill.
11. Cincinnati 2, Ohio.
12. Cleveland 13, Ohio.
13. Dallas, Tex.
14. Denver 2, Colo.
15. Detroit 26, Mich.
16. El Paso, Tex.
17. Honolulu 16, T. H.
18. Houston 2, Tex.
19. Indianapolis 4, Ind.
20. Jackson 1, Miss.
21. Kansas City 6, Mo.
22. Knoxville 02, Tenn.
23. Little Rock, Ark.
24. Los Angeles 13, Calif.
25. Louisville 2, Ky.
26. Memphis 3, Tenn.
27. Miami 32, Fla.
28. Milwaukee 2, Wis.
29. Newark 2, N. J.
30. New Haven 10, Conn.
31. New Orleans 12, La.
32. New York 7, N. Y.
33. Norfolk 10, Va.
34. Oklahoma City 2, Okla.
35. Omaha 2, Nebr.
36. Philadelphia 7, Pa.
37. Phoenix, Ariz.

- 38. Pittsburgh 19, Pa.
- 39. Portland 5, Oreg.
- 40. Richmond 19, Va.
- 41. St. Louis 1, Mo.
- 42. St. Paul 1, Minn.
- 43. Salt Lake City 1, Utah.
- 44. San Antonio 6, Tex.
- 45. San Diego 1, Calif.
- 46. San Francisco 4, Calif.
- 47. San Juan, P. R.
- 48. Seattle 4, Wash.
- 49. Savannah, Ga.
- 50. Springfield, Ill.
- 51. Washington 25, D. C.

§ 51.55 *Bureau of Prisons.* Throughout the country are situated several Federal penal and correctional institutions under the direction of wardens and superintendents. The Federal prison system includes the following institutions:

Penitentiaries. Alcatraz, Calif., Atlanta, Ga., Leavenworth, Kans., Lewisburg, Pa., McNeil Island, Wash., Terre Haute, Ind.

Reformatories. Alderson, W. Va., Chillicothe, Ohio, El Reno, Okla., Englewood, Colo., Petersburg, Va.

Institutions for juveniles. National Training School, D. C., Natural Bridge, Va.

Correctional Institutions. Ashland, Ky., Danbury, Conn., LaTuna, Tex., Milan, Mich., Sandstone, Minn., Seagoville, Tex., Tallahassee, Fla., Texarkana, Tex.

Prison camps. Benton City, Wash., Mill Point, W. Va., Montgomery, Ala., Tucson, Ariz.

Detention headquarters. New York, N. Y. *Medical Center for Federal Prisoners,* Springfield, Mo.

§ 51.56 *Immigration and Naturalization Service.* For a description of its field Service, see Title 8, Chapter I, Part 1, published in this issue.

SUBPART D—PLACES AT WHICH INFORMATION MAY BE OBTAINED

§ 51.61 *Information generally.* Any person desiring information about a particular case or phase of work in which the Department of Justice (except the Federal Bureau of Investigation and the Immigration and Naturalization Service) is engaged may write to the Attorney General, attention of the office, division, bureau or board in which the matter is commonly handled; e. g., for matters over which the Claims Division has jurisdiction, communications should be addressed to the Attorney General, Attention Claims Division, Washington 25, D. C. Matters for the attention of the central office of the Federal Bureau of Investigation should be addressed to the Director, Federal Bureau of Investigation, Washington 25, D. C. Where it is a matter which is handled in the field, communications should be addressed to the particular field office of the Department of Justice; e. g., to the Special Agent in Charge of a particular field office of the Federal Bureau of Investigation, to the United States Attorney for the district in which a case is being handled, etc.

§ 51.62 *Immigration and Naturalization Service.* For the manner in which information may be secured from this Service, see Title 8, Chapter I, Part 1, published in this issue.

§ 51.63 *Applications for attorney positions.* Persons desiring positions as attorneys with the Department of Justice may apply to The Assistant to the Attorney General, Washington 25, D. C.

§ 51.64 *Procurement.* The Division of Supplies and Printing of the Administrative Division of the Department of Justice is in charge of all purchases made by the Department. Communications should be addressed to that Division, Washington 25, D. C.

SUBPARAGRAPH E—AVAILABILITY OF OPINIONS, ORDERS AND RECORDS

§ 51.71 *General rule as to non-availability of Department of Justice records.* All official files, documents, records and information in the offices of the Department of Justice, including the several offices of United States Attorneys, Federal Bureau of Investigation, United States Marshals, and Federal penal and correctional institutions, or in the custody or control of any officer or employee of the Department of Justice, are to be regarded as confidential. No officer or employee may permit the disclosure or use of the same for any purpose other than for the performance of his official duties, except in the discretion of the Attorney General, The Assistant to the Attorney General, or an Assistant Attorney General acting for him. Whenever a subpoena duces tecum is served to product any of such files, documents, records or information, the officer or employee on whom such subpoena is served, unless otherwise expressly directed by the Attorney General, will appear in court in answer thereto and respectfully decline to produce the records specified therein, on the ground that the disclosure of such records is prohibited by this regulation.

§ 51.72 *Opinions of the Attorney General.* The formal opinions which he renders are collected and published in volumes known as Opinions of the Attorney General, cited as — Op. A. G. These opinions are available at the Department of Justice, at most law libraries, and may be obtained upon payment of reasonable fees from the Superintendent of Documents, Government Printing Office, Washington, D. C.

§ 51.73 *Office of the Pardon Attorney.* As to the nature and availability of reports and papers filed in connection with petitions for Executive clemency, see 11 F. R. 4786, dated May 2, 1946 (§ 1.15).

§ 51.74 *Federal Bureau of Investigation.* (a) Pertinent information contained in the identification records of the Federal Bureau of Investigation is available to domestic law enforcement agencies, and to certain foreign law enforcement agencies on a reciprocal basis, and to other Federal agencies having an official interest therein. Application for such information should be made to the Director, Federal Bureau of Investigation, Washington 25, D. C.; (b) The Federal Bureau of Investigation Law Enforcement Bulletin, issued monthly, is confidential and restricted to the use of law enforcement officials to whom it is distributed gratuitously; (c) The Uniform Crime Report, a semi-annual publication, consists of a compilation of police statistics submitted by various law enforcement agencies of the country and presents an analysis of those statistics, reflecting, among other things, the extent and fluctuation of crime in this

country. The publication is distributed gratuitously and is available to any interested person upon application to the Director, Federal Bureau of Investigation, Washington 25, D. C.

§ 51.75 *Immigration and Naturalization Service.* For a listing of the material available in the Immigration and Naturalization Service, see Title 8, Chapter I, Part 1, published in this issue.

PART 52—PROCEDURES OF THE DEPARTMENT OF JUSTICE

| Sec. | |
|-------|--|
| 52.1 | Office of the Assistant to the Attorney General. |
| 52.2 | Office of the Pardon Attorney. |
| 52.3 | Tax Division. |
| 52.4 | Lands Division. |
| 52.5 | Criminal Division. |
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| 52.7 | Immigration and Naturalization Service. |
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| 52.11 | Parole of violators of Selective Training and Service Act. |

§ 52.1 *Office of the Assistant to the Attorney General. Conscientious Objectors.* (a) Where a Draft Board of Appeal does not place a registrant in any of the deferred classifications stated in § 623.21 of the Selective Service Regulations (32 CFR 623.21) or if, in an appropriate case, it does not affirm the Local Draft Board's conscientious objector classification, it is required by section 5 (g) of the Selective Training and Service Act (50 U. S. C. App. 305 (g)), and § 627.25 of the Selective Service Regulations (32 CFR 627.25) to refer the registrant's file to the Department of Justice for "inquiry and hearing" and advisory recommendation as to the validity of the registrant's claim for exemption as a conscientious objector.

(b) "Reference" to the Department of Justice by a Board of Appeal is made by transmitting the file, with the notations required by § 623.25 of the Selective Service Regulations (32 CFR 623.25), to the United States Attorney having jurisdiction over the registrant's Local Board.

(c) The United States Attorney thereupon examines the file to determine if the Department has jurisdiction in the case, and if he is satisfied that it has, he forwards the file to the nearest Field Office of the Federal Bureau of Investigation and notifies the Department of his action.

(d) Upon receipt of the file by the Federal Bureau of Investigation, the documents therein are photostated and the photostatic copy is sent to the Office of The Assistant to the Attorney General for examination and retention in the Departmental file. The Federal Bureau of Investigation thereupon conducts the "inquiry" contemplated by section 5 (g) of the act, and investigates the religious background, character and sincerity of the registrant.

(e) Upon completion of the "inquiry", the file and a copy of the investigative report are returned to the United States Attorney by the Federal Bureau of Investigation, and a copy of the investigative report is forwarded to the Office of the Assistant to the Attorney General in Washington.

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(f) The United States Attorney thereupon transmits the original file and the copy of the investigative report to the Special Assistant to the Attorney General designated as Hearing Officer for this district.

(g) Upon receipt of the file and investigative report, it is studied by the Hearing Officer and he issues a "Notice of Hearing" to the registrant. The Hearing Officer has no power of subpoena, and the appearance of the registrant and his witnesses is purely voluntary.

(h) After the hearing, the Hearing Officer prepares a report in triplicate in which he makes a recommendation to the Department of Justice. This report, together with the file and the copy of the investigative report, is forwarded to the Office of The Assistant to the Attorney General in Washington for examination and review.

(i) Upon receipt of the entire file and reports in the Office of The Assistant to the Attorney General, the case is reviewed to ascertain if it has been handled in conformity with departmental advices, instructions and policy.

(j) The Assistant to the Attorney General thereupon makes a definite recommendation to the Board of Appeal, returning the file and the original copy of the Hearing Officer's report.

(k) Upon receipt of the departmental recommendation, the Board of Appeal proceeds independently to classify the registrant, on the basis of the entire record, and in its determination it gives consideration to, but is not bound to follow, the recommendation of the Department. The Board of Appeal notifies the Department of its action on the recommendation and advises the Department of the classification accorded to the registrant.

§ 52.2 *Office of the Pardon Attorney.* Petitions for Executive clemency are entertained in accordance with the rules published in 11 F. R. 4785, dated May 2, 1946.

§ 52.3 *Tax Division.* As a matter of policy the procedures of the Division relating to discussions with opposing counsel and the securing of information and the making of submittals or requests by them, or other persons having a legitimate interest, are entirely informal. No forms are required in submitting offers in compromise or in transacting business with the Division. Upon timely request by counsel, or other persons having a legitimate interest, the Division affords the opportunity of an informal discussion with appropriate members of its staff concerning any matter pending before it.

§ 52.4 *Lands Division—(a) Title opinions in acquisitions of land by direct purchase.* Offers to sell land, or any interest therein, to the United States are negotiated and accepted by the agency or department of the Government for the use of which the land is being acquired. Title opinions (preliminary and final) on the validity of the titles are prepared after an examination of the purchase contract, evidence of title and other related documents submitted to the Department of Justice by the acquiring

agency. To be acceptable, abstracts of title prepared by approved abstractors or title companies, or certificates of title issued by approved title corporations, must be prepared in accordance with "Regulations for the Preparation of Title Evidence, dated January 1, 1946," issued by the Department of Justice; copies of these regulations will be supplied to interested parties upon request.

(b) *Offers in compromise.* In cases other than those in the Court of Claims, offers in compromise should be submitted to the United States Attorney or other field representative of the Department in charge of the litigation and should be accompanied by cashiers' or certified checks or money orders in the amount of the offers. Pending acceptance or rejection of the offers the checks or money orders are often cashed and the proceeds placed in a special account to the credit of the debtor; the cashing of the checks or money orders under these circumstances is without prejudice to the Government and does not constitute an acceptance of the offers in compromise. United States Attorneys are authorized to accept or reject offers in compromise in matters involving trespasses on lands, buildings or projects, or the collection of delinquent rentals on property, under the jurisdiction of the Department of Agriculture, the National Housing Agency or the Office of Indian Affairs when the gross amount of the claim is not in excess of \$500.00 and the local field officer of the interested department or agency concurs in the recommendation of the United States Attorney.

§ 52.5 *Criminal Division—(a) Offers in compromise.* Offers of compromise in internal revenue liquor cases involving criminal, forfeiture, and tax liability in instances where a criminal or forfeiture case is pending, compromise offers in customs cases, narcotic cases, and cases under the immigration laws involving an immigration fine or penalty, should be submitted through the offices of the respective United States attorneys. The offers, together with the remittance in the form of certified checks, cashier's checks or money orders are transmitted by letter, by the United States Attorney, to the Department of Justice for action by the Criminal Division.

(b) *Petitions for remission or mitigation of forfeitures.* (1) Petitions for remission or mitigation of forfeitures under internal revenue laws relating to liquor valued at more than \$500 and under laws to enforce the Twenty-First Amendment (27 U. S. C. 224) should be submitted through the offices of the respective United States Attorneys.

(2) Petitions for remission or mitigation of forfeitures or penalties under the customs laws may be filed with the Secretary of the Treasury prior to reference of the case to the Department of Justice for action, or prior to filing of a claim and cost bond if the value of the property is \$1,000 or less. After the case is referred to a claim and cost bond is filed, the petition is filed with the Department of Justice, preferably through the office of the United States Attorney.

(3) Petitions for remission or mitigation of forfeitures under the internal

revenue and customs laws, and the contraband transportation laws relating to narcotics violations (49 U. S. C. 781-788) may be filed with the Secretary of the Treasury prior to reference of the case to the Department of Justice for action, or prior to the filing of a claim and cost bond if the property is valued at less than \$500 in internal revenue cases, or \$1,000 in customs and contraband transportation cases. After the case is referred or a claim and cost bond filed, the petition is filed with the Department of Justice, preferably through the office of the United States Attorney.

(c) *Procedure for Administration of the Act of October 17, 1940 (Voorhis Act).*

(1) The Criminal Division supplies information concerning the Act and Rules, provides forms, and receives registrations.

(2) The forms consist of a registration statement and a supplemental registration statement. The latter must be filed within 30 days after the end of each 6-months period following the original filing. The Attorney General must be promptly notified on the cessation of registrable activity.

(d) *Foreign Agents Registration Section—(1) Procedure for persons required to register under section 2 of Foreign Agents Registration Act—(i) Procedure before registration.* (a) Read the Act and Rules, which may be obtained from the Foreign Agents Registration Section, Department of Justice, Washington 25, D. C.

(b) Procure from the Foreign Agents Registration Section copies of Form FA-1 (for individuals) or Form FA-2 (for others), together with copies of Exhibit A form (where necessary) and Exhibit C form.

(c) Execute form FA-1 or FA-2 and the Exhibit C form.

(d) Have Exhibit A form executed where required.

(e) Prepare such further Exhibits as may be necessary.

(ii) *Registration.* (a) Within 10 days after the agency begins, file the required forms in duplicate with the Foreign Agents Registration Section. Filing may be by mail or in person. Retain for reference a copy of all forms filed.

(iii) *Procedure after registration.* (a) Label political propaganda as required. Send two copies to the Librarian of Congress, Washington 25, D. C. File one copy with Foreign Agents Registration Section, together with distribution report.

(b) File in duplicate a supplemental registration statement (Form FA-1-6M or FA-2-6M), together with Exhibits as required, with the Foreign Agents Registration Section within 30 days after the end of each 6-months period following the original filing.

(c) Within 10 days after changes occur in the information referred to in section 2 (b) of the Act, advise the Foreign Agents Registration Section.

(d) Within 30 days after the termination of the agency, file a final supplemental registration statement (Form FA-1-6M or FA-2-6M) covering the period of the agency not previously reported.

(e) Maintain books and records as required by section 5 of the Act and Rule 500.

(2) Procedure for persons claiming exemption under section 3 (f) of the Act.

(i) Procure from the Foreign Agents Registration Section copies of Form FA-3F, together with copies of Exhibit A form (where necessary).

(ii) Execute Form FA-3F and have it certified by the appropriate diplomatic officer.

(iii) Have Exhibit A form executed where required.

(iv) Within 30 days after the agency begins, furnish the above statement in duplicate to the Secretary of State, Washington 25, D. C., for transmittal to the Foreign Agents Registration Section.

(v) Execute and furnish in duplicate to the Secretary of State for transmittal to the Foreign Agents Registration Section a supplemental statement (Form FA-3F-6M), within 30 days after the end of each 6-months period and a final statement (Form FA-3F-6M) within 30 days after the termination of the agency.

(3) Forms used under the Foreign Agents Registration Act. (i) Form FA-1. Registration statement form for individuals.

(ii) Form FA-2. Registration statement form for others than individuals.

(iii) Exhibit A. Form for agent's officials or policy making personnel.

(iv) Exhibit C. Form to describe foreign principal of registrant.

(v) Form FA-1-6M. Six months supplemental registration statement for individuals.

(vi) Form FA-2-6M. Six months supplemental registration statement for others than individuals.

(vii) Form FA-3F. Exemption statement form under section 3 (f) of the act.

(viii) Form FA-3F-6M. Six months supplemental exemption statement.

(ix) Amendment Forms. For use in correcting or supplementing statements previously filed.

NOTE: Instructions accompany registration and exemption forms. Copies of all forms may be obtained from the Foreign Agents Registration Section, Department of Justice, Washington 25, D. C.

§ 52.6 Customs Division. The method by which an importer may challenge the appraised value of his merchandise is set forth in section 1501 of Title 19 of the United States Code; a claim for remission of additional duties assessed because of undervaluation is filed in the manner set forth in section 1489; all decisions of the collector affecting the rate and amount of duties are subject to judicial review under the procedure in section 1514.

Actions may be instituted in any port or sub-port of the United States where an importer may have entered his merchandise. The matter is transmitted to the United States Customs Court for hearing and determination. That Court is located in New York City but conducts regular circuits for the purpose of hearing cases arising at the principal ports in the United States. The Customs Division represents the United States at such circuits. In representing the Government the Customs Division has no au-

thority to compromise cases. As a general rule it does not make any settlement but defends the decision which the importer has brought into question and leaves determination of the case to the Customs Court.

(c) Frequently numerous actions are instituted involving substantially the same questions of law or fact, or both. In such cases, the Customs Division agrees by stipulation with the plaintiffs' attorneys that a test case shall be tried and all others suspended pending the determination of the litigated action. When the test case is finally settled, if the decision is adverse to the Government and no new trial is recommended, all pending cases can be settled by stipulation, in which the importer recites sufficient information to establish that the question at issue in the suspended cases is the same as in the test case. The truth of the factual matters in the stipulation is attested by a certificate signed by the Customs official who saw the merchandise at the time of importation and has first-hand knowledge thereof. No set form of stipulation or certificate is required, but the Customs Division will, upon request, furnish an importer or his attorney with a form of stipulation which embodies the necessary requirements in any given case.

(d) The attorney in charge of the Classification Section of the Customs Division maintains a catalog of all pending cases which have arisen under section 1514. The attorney in charge of the Reappraisal Section maintains a similar catalog of all pending issues which have arisen under section 1489 or 1501. In order to avoid a multiplicity of suits, an importer who has instituted an action under any of these sections may inquire of either of these two officials and be advised whether a similar case is pending, in which case the Customs Division will agree to suspend the new action. This is true whether the test case is before the Customs Court for determination after trial, or is on appeal before the United States Court of Customs and Patent Appeals or the Supreme Court of the United States.

(e) Whenever cases are docketed for trial before the United States Customs Court, the Customs Division presumes that they will be moved for trial, in the absence of notice to the contrary. Requests for adjournment or suspension are customarily directed to the Customs Court but are first-submitted, with a carbon copy, to the Customs Division for approval. Approval for adjournments and suspensions, not in excess of two, is given as a matter of course.

(f) The manner of filing pleadings and briefs with the Customs Court and the United States Court of Customs and Patent Appeals is governed by the rules of those tribunals. Acknowledgement of service of such papers is given by the Customs Division when the papers are presented through ordinary mail.

(g) All pleadings and documents requiring the assent of the Customs Division should be prepared for the signature of the Assistant Attorney General, with an additional line beneath for the signature of the Special Attorney to whom the matter will be assigned.

§ 52.7 Immigration and Naturalization Service. For a description of its procedures, reference should be made to Title 8, Chapter I, Part 1, published in this issue.

§ 52.8 Alien enemies—(a) Removal of alien enemies. In any case where the Attorney General has tentatively determined to order the removal of an alien enemy, a hearing is given to the alien enemy. The hearing is conducted by a traveling hearing board, the membership of which is appointed by the Attorney General. Hearings are held at such times and places as are determined by the Director of the Alien Enemy Control Unit of the Department of Justice. After opportunity is granted to the alien to present witnesses and evidence in his own behalf, the hearing board transmits its recommendation to the Alien Enemy Control Unit which, in turn, forwards it to the Attorney General for his final determination as to how the discretion vested in him under the Alien Enemy Act of 1798 and Presidential proclamations issued pursuant thereto shall be exercised. No fixed procedures or procedural requirements have been established by which appeal to the discretion of the Attorney General must be made. All appeals, whether by the alien himself or his friends or representatives and whether formal or informal, are considered on their merits.

(b) Return of articles to alien enemies. On February 5, 1942, the Attorney General issued regulations requiring that certain articles, the possession of which by alien enemies was prohibited, be deposited with the local or state police. These articles were turned over to the marshals for custody. On December 10, 1945, such regulations were revoked. The deposited articles will now be returned to the alien enemies upon application to the United States marshal for the district in which the articles were deposited, subject to delivery of the original receipt thereof and proper identification of the owner. Where the property cannot be located, the owner may file a claim on a form which will be furnished by the marshal. No funds are presently available for the payment of such claims, but the form will be accepted as a means of protecting the owner's interests and for use if funds are made available for settlement of such claims.

§ 52.9 Board of Immigration Appeals. For a description of its procedures, reference should be made to 8 CFR Cum Supp., Parts 90 and 95.

§ 52.10 Board of Parole. For a description of its procedures, reference should be made to Title 28 of the Code of Federal Regulations, Chapter I, Part 2.

§ 52.11 Parole of violators of Selective Training and Service Act. Executive Order 8641, issued by the President on January 18, 1941, authorizes the Attorney General, acting for the President, and with the approval of the Director of National Selective Service, to release on special parole certain violators of the Selective Training and Service Act who have been sentenced to imprisonment under that act. The Attorney General may parole such violators for induction

into the land or naval forces, or for work of public importance or in the national interest. Recommendations for parole are sent from the Federal prisons to the Director of the Bureau of Prisons where they are reviewed before being forwarded to the Attorney General for his decision.

DOUGLAS W. MCGREGOR,
Acting Attorney General.

[F. R. Doc. 46-15711; Filed, Sept. 3, 1946;
9:19 a. m.]

PART 81—INTERDEPARTMENTAL COMMITTEE
ON EMPLOYEE INVESTIGATIONS

- Sec.
81.1 Organization.
81.2 Records.
81.3 Procedure.

§ 81.1 *Organization.* The Interdepartmental Committee on Employee Investigations was established within the Department of Justice by Executive Order 9300, dated February 5, 1943 (3 CFR Cum. Supp. Ch. II). The Committee's functions are defined in Executive Order 9300. Generally, the Committee serves as an advisory and coordinating agency in matters relating to the investigation and disposition of complaints of subversive activity on the part of employees of the executive branch of the Federal Government.

The organization of the Committee is described in Executive Order 9300, *supra*. The Committee has no field organization.

Interested persons may secure information or make submittals or requests by writing to the Committee at the Department of Justice, Washington 25, D. C.

§ 81.2 *Records.* The Committee's records, consisting largely of confidential reports of the Federal Bureau of Investigation and inter-agency communications and memoranda, are confidential and are not available to the public.

§ 81.3 *Procedure.* The Committee does not employ any procedures applicable to members of the public. The procedure under which the Committee carries out its functions in cooperation with other governmental agencies is governed by Executive Order 9300, *supra*.

DOUGLAS W. MCGREGOR,
Acting Attorney General.

[F. R. Doc. 46-16060; Filed, Sept. 5, 1946;
4:48 p. m.]

IMMIGRATION AND
NATURALIZATION SERVICE

[8 CFR, Ch. I]

PART 1—GENERAL INFORMATION REGARDING
THE IMMIGRATION AND NATURALIZATION
SERVICE

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1.17 Central Office: The General Counsel.
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1.82 Inspection of records by attorneys.
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§ 1.1 *Introduction.* (a) The Immigration and Naturalization Service, Department of Justice, has already published in the Code of Federal Regulations and in the FEDERAL REGISTER much of the material required to be published by section 3 of the Administrative Procedure Act. This previously published material appears under Title 8, Chapter I, of the Code of Federal Regulations.

(b) There may also be procured from the United States Government Printing Office a copy of the publication entitled "Immigration and Nationality Laws and Regulations", containing currently effective statutes as well as prior statutes, Presidential proclamations, Executive orders, regulations issued by the Attorney General, regulations issued by the Commissioner of Immigration and Naturalization with the approval of the Attorney General, and other official matter. Annual supplements to such publication may also be purchased from the same source covering years in which a cumulative, superseding edition is not published. A loose-leaf edition of such publication containing integrated, cur-

rent supplements may be examined at offices of the Immigration and Naturalization Service.

ORGANIZATION

§ 1.10 *Organization of the Immigration and Naturalization Service.* The organization of the Immigration and Naturalization Service—exclusive of that part of its organization handling matters pertaining solely to its internal management—is shown in §§ 1.11 to 1.23, inclusive, by stating the title and general function of its principal officials and officers.

§ 1.11 *Departmental: The Attorney General.* The Attorney General of the United States has general direction of the Immigration and Naturalization Service and possesses final statutory authority in determining certain matters arising under the provisions of the immigration and nationality laws and other laws administered by the Service.

§ 1.12 *Departmental: The Board of Immigration Appeals.* Under the direction of the Attorney General, the Board of Immigration Appeals in behalf of the Attorney General considers and determines certain cases in accordance with the provisions of Parts 90 and 95 of this chapter.

§ 1.13 *Central Office: The Commissioner.* Under the direction of the Attorney General, the Commissioner of Immigration and Naturalization supervises and directs the administration of the Immigration and Naturalization Service and, subject to such limitations and conditions as are provided in Part 90 and elsewhere in this chapter, administers the laws relating to immigration and nationality.

§ 1.14 *Central Office: The Deputy Commissioner.* The Deputy Commissioner assists the Commissioner generally in the performance of the duties of his office and, under the latter's direction, has particular supervision of Service operations and the personnel engaged therein.

§ 1.15 *Central Office: The Assistant Commissioner for Adjudications; Chief, Exclusion and Expulsion Section.* (a) Under the immediate direction of the Deputy Commissioner, the Assistant Commissioner for Adjudications considers, and determines or recommends the determination in, numerous types of quasi-judicial cases handled by the Service.

(1) The Chief of the Exclusion and Expulsion Section aids the Assistant Commissioner for Adjudications in his consideration of and action in, among others, those cases involving the admission, exclusion and deportation, or arrest and deportation of aliens.

§ 1.16 *Central Office: The Assistant Commissioner for Alien Control.* Under the immediate direction of the Deputy Commissioner, the Assistant Commissioner for Alien Control supervises and directs that part of the work of the Service relating to the guarding of the boundaries of the United States, the detention of aliens, and the execution of warrants of deportation.

§ 1.17 *Central Office: The General Counsel.* Under the direction of the Commissioner, the General Counsel exercises powers and performs legal duties such as those stated in §§ 90.17 and 60.25 (e) of this chapter.

§ 1.18 *Central Office: The Director of Research and Educational Services.* Under the direction of the Commissioner, the Director of Research and Educational Services supervises and directs that part of the work of the Service relating to the citizenship education program provided by section 327 (c) of the Nationality Act of 1940 (54 Stat. 1151; 8 U. S. C. 727 (c)) as implemented by Part 356 of this chapter.

§ 1.19 *Central Office: The Director of Administrative Services.* Under the direction of the Commissioner, the Director of Administrative Services supervises and directs that part of the work of the Service relating to budgetary and fiscal matters, procurement and supply, records, mail and other communications, information service, and planning.

§ 1.20 *Central Office: The Director of Personnel.* Under the direction of the Commissioner, the Director of Personnel supervises and directs that part of the work of the Service relating to the recruitment, placement, and training of personnel; position classification; and employee relations.

§ 1.21 *Field Service: District directors.* In each of the field districts defined in § 60.1 of this chapter, a district director, under the direction of the Commissioner, supervises the work of the Service in accordance with the general provisions contained in § 60.2 of this chapter.

§ 1.22 *Field Service: Officers in charge of ports of entry and other offices.* Under the immediate direction of a district director, an officer in charge of a port or other office performs assigned duties within a designated part of a district.

§ 1.23 *Field Service: Immigrant inspectors; boards of special inquiry; naturalization examiners; patrol inspectors—(a) Immigrant inspectors.* Under the administrative supervision of an officer in charge, an immigrant inspector makes the initial determinations on applications of aliens for admission to the United States and conducts investigations and examinations in connection with the right of aliens to be or remain in the United States.

(b) *Boards of special inquiry.* Under the administrative supervision of a district director and in accordance with the provisions of parts 130 and 136 and other applicable provisions of this chapter, a board of special inquiry makes decisions in the cases of certain aliens seeking to enter the United States.

(c) *Naturalization examiners.* Under the administrative supervision of an officer in charge, a naturalization examiner conducts examinations and investigations in connection with applications for the various rights or privileges granted by the nationality laws and makes recommendations as to the determination of such applications; a naturalization

examiner represents the Service at judicial hearings on petitions for naturalization and, when designated by the Commissioner or Deputy Commissioner, conducts preliminary hearings on petitions for naturalization.

(d) *Patrol inspectors.* Under the immediate direction of an officer in charge, a patrol inspector guards the boundaries of the United States against the illegal entry of aliens.

STATEMENT OF DELEGATIONS OF FINAL AUTHORITY

§ 1.40 *Final authority; power to delegate.* The final authority of the Attorney General in the administration of any designated provision of the immigration and nationality laws may be, and has in some instances been, delegated to the Board of Immigration Appeals, the Commissioner, or to such other officers of the United States Department of Justice, respectively, as the Attorney General may specifically designate. The delegation of any such authority by the Attorney General does not divest the Attorney General of such authority. With respect to any authority delegated, the Attorney General retains concurrent and coexistent power and authority.

(R. S. 161, 360, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 327 (b), 54 Stat. 1151; 5 U. S. C. 22, 311, 8 U. S. C. 108, 222, 458 (a), 727 (b))

§ 1.41 *Final authority; delegation to Board of Immigration Appeals.* A statement of the final authority of the Attorney General which has been delegated to the Board of Immigration Appeals is included in Part 90 of this chapter.

§ 1.42 *Final authority; delegation to Commissioner.* The Commissioner has authority to exercise or direct the exercise by subordinate officers of certain powers granted to him by the immigration and nationality laws. In addition, where a statute renders an action or determination by the Commissioner subject to the approval of the Attorney General, the Attorney General's authority to approve has been, with prescribed limitations, delegated to the Commissioner by § 90.1 of this chapter. The Commissioner has also been granted power to exercise such final authority of the Attorney General as is delegated by § 90.1 of this chapter, which includes, but is not limited to, determinations involving the following, subject to such provisions of Part 90 of this chapter as may be applicable:

(a) Appeals from decisions of boards of special inquiry in exclusion or pre-examination proceedings;

(b) Deportation (or expulsion) proceedings;

(c) Administrative fines and penalties against persons, steamship companies, or other carriers, for violations of the immigration laws;

(d) Applications for admission under the 7th or 9th proviso to section 3 of the Immigration Act of 1917;

(e) Requests for stay of execution of a warrant of deportation;

(f) Applications filed in accordance with section 9 of the Immigration Act of 1924 for nonquota or preference quota status;

(g) Denial of the privilege of landing alien immigrant passengers at United States ports in the case of transportation companies persistently violating the provisions of section 7 of the Immigration Act of 1917 (39 Stat. 879; 8 U. S. C. 143);

(h) Landing for medical treatment in a hospital of aliens certified to be suffering from tuberculosis in any form or from a loathsome or dangerous contagious disease other than one of a quarantinable nature (sec. 18, 39 Stat. 887; 8 U. S. C. 154);

(i) Admission of otherwise admissible immigrants not of the nationality specified in the immigration visa or not non-quota although so specified in the immigration visa (sec. 13 (d), 43 Stat. 161; 8 U. S. C. 213 (d));

(j) Permission to aliens admitted temporarily when under 16 years of age prior to May 26, 1924, either of whose parents was a citizen of the United States, to remain permanently in the United States (sec. 14, 43 Stat. 162; 8 U. S. C. 214).

§ 1.43 *Final authority; delegation to General Counsel.* The final authority of the Attorney General or the Commissioner delegated to the General Counsel is stated in § 90.17 of this chapter, and also includes authority to determine applications for copies of, information from, and certifications of immigration and naturalization records in the custody or control of the Commissioner, as provided in § 383.7 of this chapter (sec. 6 (a), 48 Stat. 1109, sec. 327 (g), 54 Stat. 1151, sec. 341 (e), 54 Stat. 1161; 28 U. S. C. 661, 8 U. S. C. 727 (g), 741 (e)).

§ 1.44 *Final authority; delegation to Assistant Commissioner for Adjudications.* The final authority of the Attorney General or the Commissioner delegated to the Assistant Commissioner for Adjudications includes determinations involving the following:

(a) Applications for permission to re-apply for admission to the United States after exclusion and deportation or arrest and deportation from the United States (sec. 3, 39 Stat. 875, sec. 1 (d), 45 Stat. 1551, sec. 7, 47 Stat. 166; 8 U. S. C. 136 (j), 181);

(b) Applications for removal to their native country of aliens who fall into distress or need public aid from causes arising subsequent to their entry (sec. 23, 39 Stat. 892, 50 Stat. 164; 8 U. S. C. 102);

(c) Applications for readmission to the United States of aliens removed on account of distress (50 Stat. 164; 8 U. S. C. 102);

(d) Applications to import skilled labor if labor of like kind cannot be found unemployed in the United States (sec. 3, 39 Stat. 875; 8 U. S. C. 136 (h)), subject, however, to the approval of the Attorney General where the application is granted;

(e) Petitions for approval as accredited institutions of learning for attendance by bona fide alien students (sec. 4 (e), 43 Stat. 155; 8 U. S. C. 204);

(f) Applications for recognition as American institutions of research, for the purposes of the nationality laws (sec. 307, 54 Stat. 1142, sec. 312, 54 Stat. 1145; 8 U. S. C. 707, 712);

(g) Applications for exemption from loss of residence for naturalization purposes (sec. 307, 54 Stat. 1142, sec. 308, 54 Stat. 1143; 8 U. S. C. 707, 708);

(h) Prescription of conditions of admission of alien instrumental musicians seeking temporary admission to the United States who are found to be admissible as artists or professional actors under the 5th proviso to section 3 of the Immigration Act of 1917, so as to insure that at the termination of their contracts such aliens will depart from the United States (sec. 3, 39 Stat. 875, sec. 3, 47 Stat. 67; 8 U. S. C. 136 (h), 137d);

(i) Conditions of readmission of legally admitted immigrants who have departed temporarily from the United States and who apply for readmission without obtaining immigration visas (sec. 13 (b), 43 Stat. 161; 8 U. S. C. 213 (b));

(j) Applications for copies of, information from, and certifications of immigration and naturalization records in the custody or control of the Commissioner (sec. 6 (a), 48 Stat. 1109, sec. 327 (g), 54 Stat. 1151, sec. 341 (e), 54 Stat. 1161; 28 U. S. C. 661, 8 U. S. C. 727 (g), 741 (e)); this authority is concurrent with and coextensive with that of the General Counsel as provided in § 383.7 of this chapter.

§ 1.45 *Final authority; delegation to Chief, Exclusion and Expulsion Section.* Authority generally to issue warrants of arrest and warrants of deportation is delegated to the Chief, Exclusion and Expulsion Section. The authority of district directors to issue warrants of arrest and orders and warrants of deportation under the provisions of Part 150 of this chapter is not thereby impaired.

§ 1.46 *Final authority; delegation to district directors.* In addition to the powers granted to them by law, district directors have the final authority delegated to them in Part 60 and other parts of this chapter, including determinations involving the following:

(a) Waiver of the ninety days' notice required by section 326 (b) of the Nationality Act of 1940, as provided in § 335.3 (b) of this chapter (56 Stat. 183; 8 U. S. C. 1003);

(b) Approval and cancellation of bond Form I-354 (Old 554) entitled "Bond That Alien Shall Not Become a Public Charge", within the limitations of § 110.21 of this chapter (sec. 21, 39 Stat. 891; 8 U. S. C. 158); this authority is concurrent with and coextensive with that of officers in charge of ports of entry under the provisions of § 1.48 (c);

(c) Issuance of warrants of arrest and orders and warrants of deportation within the limitations stated in Part 150 of this chapter;

(d) Deportation of alien seamen on vessels other than the ones on which such seamen arrived, as provided in § 120.36 of this chapter (sec. 20 (c), 43 Stat. 164; 8 U. S. C. 167 (c)); this authority is concurrent with and coextensive with that of officers in charge of ports of entry under the provisions of § 1.48 (d);

(e) Approval and cancellation of bond Form I-375, within the limitations of § 127.4 of this chapter (sec. 4, act of June 29, 1946, Public Law 471, 79th Congress); this authority is concurrent with and coextensive with that of officers in charge

of ports of entry under the provisions of § 1.48 (e);

(f) Applications for copies of, information from, and certifications of immigration and naturalization records in their custody or control, as provided in § 383.7 of this chapter (sec. 6 (a), 48 Stat. 1109, sec. 327 (g), 54 Stat. 1151, sec. 341 (e), 54 Stat. 1161; 28 U. S. C. 661, 8 U. S. C. 727 (g), 741 (e)).

§ 1.47 *Final authority; delegation to boards of special inquiry.* In addition to the powers granted to them by law, boards of special inquiry have final authority delegated to them to make determinations involving the following:

(a) Admission of alien stowaways, within the limitations of § 110.50 of this chapter (sec. 3, 39 Stat. 875; 8 U. S. C. 136 (1));

(b) Admission on bond, or other security, of alien immigrants liable to exclusion because likely to become public charges or because of physical disability other than tuberculosis in any form or a loathsome or dangerous disease, within the limitations of § 110.20 of this chapter (sec. 21, 39 Stat. 891; 8 U. S. C. 158).

§ 1.48 *Final authority; delegation to officers in charge of ports of entry.* In addition to the powers granted to them by law, officers in charge of ports of entry have final authority delegated to them to make determinations involving the following:

(a) Admission of unaccompanied children under 16 years of age, within the limitations of § 110.49 of this chapter (sec. 3, 39 Stat. 875; 8 U. S. C. 136 (m));

(b) Admission on bond, or other security, of alien immigrants liable to exclusion because likely to become public charges or because of physical disability other than tuberculosis in any form or a loathsome or dangerous disease, within the limitations of § 110.20 of this chapter (sec. 21, 39 Stat. 891; 8 U. S. C. 158);

(c) Approval and cancellation of bond Form I-354 (Old 554) entitled "Bond That Alien Shall Not Become a Public Charge", within the limitations of § 110.21 of this chapter (sec. 21, 39 Stat. 891; 8 U. S. C. 158); this authority is concurrent with and coextensive with that of district directors under the provisions of § 1.46 (b);

(d) Deportation of alien seamen on vessels other than the ones on which such seamen arrived, as provided in § 120.36 of this chapter (sec. 20 (c), 43 Stat. 164; 8 U. S. C. 167 (c)); this authority is concurrent with and coextensive with that of district directors under the provisions of § 1.46 (d);

(e) Approval and cancellation of bond Form I-375, within the limitations of § 127.4 of this chapter (sec. 4, act of June 29, 1946, Public Law 471, 79th Congress); this authority is concurrent with and coextensive with that of district directors under the provisions of § 1.46 (e).

§ 1.49 *Final authority; delegation to immigrant inspectors.* In addition to the powers granted to them by law, immigrant inspectors have final authority delegated to them to make determinations involving the admission of unaccompanied children under 16 years of age, within the limitations of § 110.48 of this chapter (sec. 3, 39 Stat. 875; 8 U. S. C. 136 (m)).

PLACES AND MANNER OF SECURING INFORMATION

§ 1.60 *Places where, and methods whereby, information may be secured or submittals or requests made.* (a) Any person desiring information relative to a matter handled by the Immigration and Naturalization Service or any person desiring to make a submittal or request in connection with such a matter should communicate either orally or in writing with whichever of the following offices is most convenient for him:

(1) A district headquarters office of the Service. There are sixteen such offices located in the cities shown in § 60.1 of this chapter.

(2) A Class A port of entry shown in § 110.1 of this chapter.

(3) A United States immigration station located in Canada. Such offices are located in several of the large cities in Canada. They are shown in § 110.2 of this chapter.

(4) In addition to the places indicated in (1) and (2) of this paragraph, an Immigration and Naturalization Service office, one of which is located in most of the large cities of the United States including its insular possessions.

(5) With respect to naturalization matters only—the office of the clerk of any United States district court or of any other court exercising jurisdiction over naturalization.

(b) If the office where such communication is received is unable to handle the matter—because, for example, it does not have jurisdiction or facility—the communication, if written, will be forwarded to the proper office of the Service or, if oral, the person will be advised how to proceed. If the submittal or request consists of a formal application for one of the numerous documents, privileges, or other benefits provided for in the immigration and nationality laws, the instructions on the form as to preparation and place of submission should be followed (see 8 CFR 60.30). In such cases, the part or section of this chapter dealing with the particular type of application may be consulted for regulatory provisions.

PROCEDURES

§ 1.70 *General.* The regulations of the Immigration and Naturalization Service, published as Title 8, Chapter I, Code of Federal Regulations, contain information which, under the provisions of section 3 (a) (2) and (3) of the Administrative Procedure Act, is required to be published. Any person desiring information with respect to a particular procedure (other than rule making) under the immigration and nationality laws should examine the part or section in Title 8, Chapter I, Code of Federal Regulations, dealing with such proceeding, as well as the statutes implemented by such part or section. The list of part numbers and designations appearing at the beginning of Title 8, Chapter I, Code of Federal Regulations, may be used as a guide to the regulation dealing with any particular type of proceeding. For example, in the immigration regulations Part 105 deals with "Head tax"; Part 107, with "Manifests"; Part 110, "Primary inspection and detention"; Part 114, "Inspection of citizens and aliens entering from

or through contiguous territory"; Part 116, "Civil air navigation"; Part 118, "Aliens in transit"; Part 120, "Alien seamen"; Part 123, "Foreign government representatives to international organizations"; Part 124, "Alien contract laborers"; Part 125, "Students"; Part 126, "Admission of alien spouses and alien minor children of citizen members of the United States armed forces"; Part 127, "Fiancées and fiancés of citizen members of the United States armed forces"; Part 128, "Persons arriving by way of or from Hawaii; certificates"; Part 130, "Boards of special inquiry"; Part 132, "Readmission and temporary admission"; Part 136, "Appeals from decisions by board of special inquiry"; Part 142, "Preexamination of aliens within the United States"; Part 145, "Exclusion and deportation"; Part 150, "Arrest and deportation"; Part 155, "Detention expenses"; Part 160, "Imposition and collection of fines"; Part 164, "Permit to reenter the United States"; Part 166, "Allens' border crossing identification cards"; and Part 170, "Registration and fingerprinting of aliens in accordance with the Alien Registration Act, 1940". In the nationality regulations Part 320 deals with "Naturalization courts and their jurisdiction"; Part 322, with "General class of persons who may be naturalized"; and Parts 324, 325, 326, 330, 332, 334, 335, 337, 338, 339, 345, 347, and 348, with "Special classes of persons who may be naturalized", such as children, spouses of United States citizens, former United States citizens, veterans of the United States armed forces, alien enemies, seamen, and Puerto Ricans; Part 350 deals with "Racial limitations upon naturalization"; Part 353, with "Good moral character"; Part 354, "Residence and absence"; Part 356, "Educational requirements and education for citizenship"; Part 360, "Clerks of naturalization courts and their duties"; Part 361, "Official forms"; Part 362, "Registry of aliens under Nationality Act of 1940"; Part 363, "Certificate of arrival"; Part 364, "Photographs"; Parts 365, "Declaration of intention"; Part 370, "Petition for naturalization"; Part 373, "Naturalization hearings and proof of naturalization requirements"; Part 375, "Oath of renunciation and allegiance"; Part 377, "Certificate of naturalization"; Part 378, "Certificate of naturalization for veteran of First or Second World War allied forces"; Part 379, "Certificates of citizenship where citizenship acquired (1) by naturalization of parent, parents, or husband, or (2) by birth abroad to citizen parent or parents"; Part 382, "Naturalization papers replaced; new certificate in changed name"; and Part 385, "Revocation of records created and of naturalization and citizenship documents issued by the Commissioner".

§ 1.71 *Rule making.* (a) There are numerous provisions in the statutes dealing with immigration and nationality which require the Commissioner of Immigration and Naturalization to issue, with the approval of the Attorney General, rules and regulations to implement such statutes (e. g., sec. 23, 39 Stat. 892, sec. 15, 43 Stat. 162, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 327 (b), 54 Stat. 1151, sec. 507, 56 Stat. 183, sec. 4, Act of June 29, 1946 (Public Law 471,

79th Congress); 8 U. S. C. 102, 215, 222, 458 (a), 727 (b), 1005). Such valid rules and regulations have the force and effect of statutes. The authority of the Attorney General to approve the issuance of such rules and regulations has not been delegated by § 90.1 of this chapter, or otherwise. Rules and regulations are drafted by the Commissioner with the assistance of his staff (see § 90.17 of this chapter). The provisions of the Federal Register Act (49 Stat. 500, 50 Stat. 304, 56 Stat. 1045; 44 U. S. C. Ch. 8B) and of the regulations thereunder (1 CFR, Cum. Supp., Part 2) governing the issuance of rules and regulations are observed. Rules and regulations drafted by the Commissioner are submitted to the Attorney General for approval and, upon being so approved, are filed with the Division of the FEDERAL REGISTER of The National Archives for publication in the FEDERAL REGISTER. Rules dealing with Service organization, including delegations of authority, are now and will hereafter be separately stated; that is, they appear in separate parts such as this Part 1 and Parts 60 and 90 of this chapter. Substantive rules will, on and after September 11, 1946, usually be issued in connection with adjective or other rules, but within each part dealing with a particular proceeding will be observed the requirements of section 3 (a) of the Administrative Procedure Act for separation of rules by type and content.

(b) There is no requirement in the immigration and nationality laws for the giving of notice of, or for hearing on, proposed rules or regulations under these laws. Pursuant to the provisions of section 4 (b) of the Administrative Procedure Act, substantive rules will hereafter be issued after the giving of notice and all interested persons will be given an opportunity to participate in such rule making under such conditions as may be specified in the notice of proposed rule making. Rules other than substantive may be issued without either notice or hearing. Petitions by interested persons for the issuance, amendment, or repeal of a rule may be submitted to the Commissioner of Immigration and Naturalization. Such petitions will be considered by the Commissioner and the petitioner will be notified of any denial of such petition and, where considered appropriate, of any other action taken in connection therewith.

(c) Authority is vested in the Attorney General by section 7 (d) of the Air Commerce Act of 1926 (44 Stat. 572; 49 U. S. C. 177 (d)) to issue certain rules applying immigration laws to civil air navigation. While such statute does not place any responsibility on the Commissioner of Immigration and Naturalization, such rules are recommended to the Attorney General by the Commissioner and the provisions of this section will be followed to the extent applicable where regulations dealing with civil air navigation are involved.

AVAILABILITY OF OPINIONS, ORDERS, AND RECORDS

§ 1.80 *Opinions, orders, and records of the Immigration and Naturalization Service regarded as confidential.* Under existing regulation (Order No. 3229 is-

sued by the Attorney General on May 2, 1939 (11 F. R. 4920)) issued pursuant to statute, all official files, documents, records, and information in the offices of the Immigration and Naturalization Service of the United States Department of Justice or in the custody or control of any officer or employee of the Immigration and Naturalization Service are to be regarded as confidential. No such officer or employee may permit the disclosure or use of the same for any purpose other than for the performance of his official duties, except in the discretion of the Attorney General, The Assistant to the Attorney General, an Assistant Attorney General acting for him, or the Commissioner of Immigration and Naturalization acting for the Attorney General pursuant to the provisions of § 90.1 of this chapter. Therefore, such official files, documents, records, and information shall not be published, opened to public inspection, or made available to the public in any other way, except where the Attorney General, The Assistant to the Attorney General, or the Commissioner permits disclosure, either by the exercise of discretion in particular cases or, generally, through specific provisions of this section, part, or chapter.

§ 1.81 *Administrative Decisions under Immigration and Nationality Laws.* There may be purchased when available from the United States Government Printing Office, Washington 25, D. C., or inspected at a Service office indicated in § 1.60, a publication entitled "Administrative Decisions under Immigration and Nationality Laws." Periodic and cumulative supplements are to be published as required. The decisions in such publication may be cited as precedents, but are in no manner binding upon subsequent administrative decisions.

§ 1.82 *Inspection of records by attorneys.* Attorneys and representatives, and the persons whom they represent, may review and be lent copies of records, subject to the conditions prescribed in this chapter (see Part 95, more particularly § 95.6 (b)).

§ 1.83 *Persons subject to proceeding.* Any person who is the subject of a proceeding under the immigration and nationality laws in which final determination is duly made by or for the Attorney General or the Commissioner shall, after notification of final decision and on his request, be afforded an opportunity to review any opinion prepared as a basis for the decision. The right provided in this section shall extend to any attorney or representative who is recognized by the Service as counsel for the person in the proceeding.

§ 1.84 *Copies of records.* In accordance with the provisions of this part, Part 383, and all other applicable provisions of this chapter and subject to all applicable statutory provisions relating to applications, fees, and other requirements, and where not prejudicial to the interests of the public or the Government, copies of and information from records of the Immigration and Naturalization Service may be furnished to persons who establish that they have a reasonable and legitimate need for them.

Such privilege is ordinarily granted with respect to records which are statistical in nature, such as records of arrival or of naturalization.

§ 1.85 *Intra-Service manuals.* The following manuals are prepared solely for the guidance of the Immigration and Naturalization Service and the contents of such manuals shall not be published, opened to public inspection, or made available to the public in any other way except in unusual cases where the Commissioner specifically authorizes the furnishing of an excerpt from such manuals:

Immigration Manual.
Nationality Manual.
Administrative Manual.
Operations Instructions.

L. PAUL WININGS,
*Acting Commissioner of
Immigration and Naturalization.*

[F. R. Doc. 46-15710; Filed, Sept. 3, 1946;
9:20 a. m.]

POST OFFICE DEPARTMENT

[39 CFR, Ch. I]

SUBCHAPTER A—ORGANIZATION

Part

1—Establishment and organization of the Post Office Department.

SUBCHAPTER B—REGULATIONS¹

- 2—Supply contracts.
- 3—Postage stamps and other stamped paper.
- 4—Letter boxes, call and lock boxes.
- 5—Classification and rates of postage.
- 6—Provisions applicable to the several classes of mail matter.
- 7—Unmailable matter; excepted firearms.
- 8—Free matter in the mails.
- 9—The privacy and safeguarding of the mails.
- 10—Treatment of mail matter at mailing offices.
- 11—Short-paid and unmailable matter at mailing offices.
- 12—Treatment of mail matter at receiving offices.
- 13—Dead mail matter.
- 14—Delivery service.
- 15—Special delivery.
- 16—Registry system; insurance and collection-delivery services.
- 17—Money-order system.
- 18—Postal-savings system.
- 19—Transportation of mails.
- 20—Treatment of mail matter in the railway mail service.
- 21—International postal service.
- 22—Treatment of mail matter received from foreign countries involving the customs revenue.
- 23—Rules of practice in cases arising under the postal fraud, lottery and fictitious statutes.²

SUBCHAPTER C—PROCEDURES AND FORMS

- 50—Procedures of the Post Office Department.
- 51—Procedures before the Solicitor.
- 55—Forms of the Post Office Department.

SUPPLEMENTAL PUBLICATIONS

List of international money-order offices in certain foreign countries. Post Office Department. Rev. to July 1, 1939. (Form XIV.)

¹ Subchapter B appears in Part I of this issue.

² Part 23 redesignated §§ 51.1 to 51.27; § 51.25a added.

DEPARTMENT OF JUSTICE

Postal Laws and Regulations, Postmaster General. Irregular.

U. S. Official Postal Guide, Part I (Domestic Mail). Irregular.

U. S. Official Postal Guide, Part II (International Mails). Irregular.

Supplements to the U. S. Official Postal Guides. Quarterly.

The Postal Bulletin, Post Office Department. Semi-weekly.

Opinions of the Solicitor for the Post Office Department. Irregular.

SUBCHAPTER A—ORGANIZATION

PART 1—ESTABLISHMENT AND ORGANIZATION OF THE POST OFFICE DEPARTMENT

Sec.

- 1.1 Post offices and post roads.
- 1.2 Post Office Department.
- 1.3 General duties of the Postmaster General.

ORGANIZATION, FUNCTIONS, DELEGATIONS OF FINAL AUTHORITY

- 1.4 Office of the Postmaster General.
- 1.5 Office of the First Assistant Postmaster General.
- 1.6 Office of the Second Assistant Postmaster General.
- 1.7 Office of the Third Assistant Postmaster General.
- 1.8 Office of the Fourth Assistant Postmaster General.
- 1.9 Office of the Chief Inspector.
- 1.10 Office of the Comptroller, Bureau of Accounts.
- 1.11 Information concerning postal matters.
- 1.12 Availability of opinions, orders, and official records.

NOTE: For the text of sections listed in the above table and not appearing in this publication, see 39 CFR, Part 1.

AUTHORITY: §§ 1.2 to 1.12, inclusive, issued under R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369.

§ 1.4 *Office of the Postmaster General*—(a) *Matters assigned.* The Postmaster General assigns to his office: The superintendence and government of the department, and appointment of the officers, clerks, and employees; the general direction of the Postal Service in all its branches, the management of its finances, and disbursement of appropriations; the appointment of postmasters of the fourth class; the submission of cases to the President relating to appointments to be made by him; the determination of appeals from the action of the several Assistant Postmasters General; the promulgation of rules and regulations; the consideration of claims for damage done to persons or property by or through the operation of the Post Office Department and claims of postmasters for credit or reimbursement for losses by fire, burglary, or other unavoidable casualty; the issuance of all orders requiring the formal approval of the Postmaster General; the custody of the official seal; and the performance of all special duties enjoined by law upon the Postmaster General.

(b) *Officers attached to Office of the Postmaster General.* The Executive Assistant to the Postmaster General, the Special Assistant to the Postmaster General, the Director of Budget and Administrative Planning, the Commissioner of the Budget, the Commissioner of Administrative Planning, the Chief Clerk and Director of Personnel of the Post Office Department, the Personnel Officer, the Solicitor, and the Purchasing Agent, shall be attached to the Office of the Postmaster General.

(c) *Executive Assistant.* The Executive Assistant to the Postmaster General shall perform such duties as may be assigned to him from time to time by the Postmaster General.

(d) *Special Assistant.* The Special Assistant to the Postmaster General shall perform such duties as may be assigned to him from time to time by the Postmaster General.

(e) *The Office of Budget and Administrative Planning.* The Office of Budget and Administrative Planning shall be supervised by the Director, who, together with the Commissioner of the Budget and the Commissioner of Administrative Planning, shall be directly responsible to the Postmaster General. This office is charged with the budgeting, administrative and management planning activities for the Post Office Department. The various bureaus and offices of the Department will deal with the Office of Budget and Administrative Planning on all budgetary accounting matters, on new activities and procedures, and on proposed changes in operating and management procedures. In connection with the performance of all the functions of the Office of Budget and Administrative Planning the officials thereof shall use, insofar as practicable, the personnel and other facilities of the various Bureaus and Offices of the Postal Establishment, particularly those of the Office of the Chief Inspector and Bureau of Accounts.

(1) The Director of Budget and Administrative Planning is charged with the following duties: To supervise and coordinate the work of the Commissioner of the Budget and the Commissioner of Administrative Planning; in cooperation with the Commissioner of Administrative Planning, to devise improvements and changes in all operations of the Postal Establishment as may be desirable because of changing economic conditions or changes in business practices and management; to advise with and assist the departmental officials in charge of legislative matters; to attend and participate in hearings before the Bureau of the Budget, appropriations committees and other committees of Congress; to maintain a check on the execution of the budget program and general operations of the Postal Establishment; to prepare the material for annual and special public, or confidential, reports; and to perform such other duties as the Postmaster General may direct.

(2) The Commissioner of the Budget is charged with the following duties: To act as Budget Officer of the Department; to make recommendations to the Postmaster General as to policies and forecasts of volume of business upon which to base budget estimates; to advise all bureaus and offices as to policies and work load estimates to be used as the basis for budget estimates, and assist in the preparation thereof; to revise budget estimates as the Postmaster General may direct; to submit budget estimates to the Bureau of the Budget and attend and participate in hearings before the Bureau of the Budget and appropriations committees of Congress; to prescribe financial and operating reports for the information of the Postmaster General and Director of Budget and Admin-

istrative Planning; to prepare comments and recommendations as to the effect of proposed legislation on financial operations of the Department; to devise procedures for financial reimbursement for services rendered to other governmental agencies; to act as Liaison Officer with the Bureau of the Budget and the Treasury Department in the execution of Executive Order No. 8512, and with the General Accounting Office in all matters of policy and major changes in financial operations; and to perform such other duties as the Postmaster General may direct.

(3) The Commissioner of Administrative Planning is charged with the following duties: To plan, supervise, and conduct studies of administrative procedures and organization; to keep informed of the scope and major findings of the management, operations, planning, and research studies conducted by the bureaus and offices, and to recommend studies to be conducted by the bureaus and offices; to prepare comments and recommendations as to effect of proposed legislation on administrative procedures of the Department; to study, plan, and devise the simplification of postal laws, regulations, and instructions; to devise ways of making instruction data and material available to officials in charge of schools of instruction for postal personnel; in cooperation with the Director of Budget and Administrative Planning, to devise, plan, and make recommendations for improvements in postal service as may be desirable because of changing economic conditions or changes in business practices and management; to study and make recommendations with respect to suggestions made by postal personnel for improvements in the Postal Service; and to perform such other duties as the Postmaster General may direct.

(f) *Chief Clerk and Director of Personnel.* The Chief Clerk and Director of Personnel of the Post Office Department is charged with the general superintendence and assignment of the employees of the Department; the care and maintenance of public property located in the Department building; the advertising of the Department; the supervision of requisitions for supplies and services entailing expenditure of the appropriations for the departmental service; the preparation and certification of payrolls for the Department; the consideration of requisitions for the printing and binding required in the Department and field service; the supervision of receipt and inspection of supplies for the Department and field service delivered in Washington; superintendence of the compilation, publication and distribution of the Official Postal Guide and other postal publications; the preparation of estimates for Department appropriations covering contingent and miscellaneous expenses, printing and binding, travel expenses of the Postmaster General and Assistant Postmasters General, and salaries, Office of the Postmaster General; the custody of the journals, order books, miscellaneous correspondence and files of the Department; matters affecting the proper administration of the civil-service rules and regulations and the execution of the provisions of the Classification, the

Retirement, and the Employees' Compensation Acts with respect to departmental employees; together with such additional duties as may be assigned to him by the Postmaster General. The Chief Clerk and Director of Personnel is the liaison officer between the Department and the Civil Service Commission and is a member of the Council of Personnel Administration. He is the surplus-property officer for the department and entire postal service and is chairman of the Board of Appeals hearing employee grievances.

(g) *Solicitor.* (1) The Solicitor is the chief legal advisor of the Post Office Department. The office of the Solicitor is located in Room 3226, Post Office Department, Washington 25, D. C. There are no branch or field offices.

(2) The Assistant to the Solicitor, the Assistant Solicitor, and the assistant attorneys for the Post Office Department are assigned to the office of Solicitor. The Assistant to the Solicitor shall have general supervision of the work of the office under the Solicitor and in his absence shall discharge the duties regularly devolving upon that officer; and in the absence of both, the Assistant Solicitor and the attorneys in the order of their standing shall act in their stead. The office of the Solicitor has no field organization.

(3) Legal questions which are passed upon by the Solicitor are presented to his office from all sources within the postal service, and directly by members of the public. No particular method is prescribed for general communication by the public with the Solicitor for the purpose of securing information or making submittals or request. Requirements made in particular types of proceedings are described hereinafter in connection with such proceedings.

(4) The Solicitor is charged with the duty of giving opinions to the Postmaster General and the heads of the several offices of the department upon questions of law arising upon the construction of the postal laws and regulations, or otherwise, in the course of business in the Postal Service; with the duty of assisting in the defense of cases against the United States arising out of the transportation of the mails, and in other matters affecting the postal revenues. These include suits in the Federal courts involving claims of the department depending upon the questions of law; with the determining of questions as to the delivery of mail the ownership of which is in dispute; with the consideration of cases relating to lotteries and the misuse of the mails in furtherance of schemes to defraud the public; with the consideration of all questions relating to the mallability of alleged indecent, obscene, scurrilous, or defamatory matter; with determining the legal acceptability of securities offered by banks to secure postal savings deposits; with the examining and, when necessary, drafting of all contracts of the department; with the handling of cases arising from the application of the private express statutes (Government monopoly of carrying letters); with the legal work incident to the enforcement of those provisions of the espionage law which concern the Post Office Depart-

ment; with the consideration of alleged extortion letters; with the receipt of suggestions for changes in the Postal Laws and Regulations; editing of all proposed amendments and with the responsibility of seeing that the Postal Laws and Regulations are amended in accordance with legislation; and with such other like duties as may from time to time be required by the Postmaster General.

(5) The Solicitor for the Post Office Department is hereby authorized to issue regulations governing the admission of attorneys to practice before this Department; to maintain a roll of those admitted pursuant to such regulations; to issue rules governing such practice and to prescribe procedures governing disbarment proceedings which shall provide for service of a specification of charges on any attorney accused of any improper practice, together with notice of the time and place of hearing thereon and of the rules of practice governing such hearing. A hearing on such charges shall be held before the railroads and other contractors for the carriage of the mails; the representation of the Postmaster General and the preparation and presentation of the department's cases in proceedings before the Interstate Commerce Commission for the determination by the commission of the basis for adjustment of railroad mail pay and the fixing of fair and reasonable rates for the transportation of the mails and for services in connection therewith by railroads and urban and interurban electric railway common carriers, and in other matters of petition by the Postmaster General to the commission; the representation of the Postmaster General in hearings before the department on orders changing the mode of transporting periodical mail matter in connection with reviews of such orders by the Court of Appeals of the District of Columbia; with the consideration and submission (with advice) to the Postmaster General of claims for damage done to persons or property by or through the operation of the Post Office Department, and of all claims of postmasters for losses by fire, burglary, or other unavoidable casualty, with the giving of advice, when desired, in the preparation of correspondence with the Department of Justice and other departments, including the Court of Claims, involving questions of law or relating to prosecutions or suits affecting or arising out of the Postal Service, and with assisting when desired in the prosecution or defense of such cases, and the maintenance of suitable records of opinions rendered affecting the Post Office Department and the Postal Service; and with the consideration of applications for pardon for crimes committed against the postal laws which may be referred to the department; with the preparation and submission (with advice) to the Postmaster General of all appeals to him from the heads of the offices of Solicitor, who shall report to the Postmaster General his findings made upon the record of such hearing, together with a recommendation as to whether an order of disbarment shall be issued.

(h) *The Purchasing Agent.* The Purchasing Agent for the Post Office Department is assigned, under the direction and

control of the Postmaster General, the supervision of the purchase of all supplies; and all purchases of supplies of every nature and character, whether under contract or not, either for the Post Office Department proper or for any branch of the Postal Service, shall be made by the Purchasing Agent: *Provided, however,* That the bureau officer controlling an appropriation may authorize postmasters and other postal officials to purchase supplies chargeable to that appropriation, subject to the approval of the Purchasing Agent in each instance.

§ 1.5 *Office of the First Assistant Postmaster General*—(a) *Matters assigned.* The First Assistant Postmaster General is charged with the duty of handling for the Postmaster General all matters relating to the establishment, discontinuance, and changes of names of post offices, classified and contract stations and branches, and rural stations; the changes of sites of offices of the fourth class; the selection and preparation for nomination of postmasters at post offices of the first, second, and third classes, and the appointment of postmasters at offices of the fourth class; the bonding and commissioning of postmasters; the designation of Army mail clerks and assistant Army mail clerks; the general management of post offices, and the instruction of postmasters in regard to all functions of the Bureau; the authorization of allowances for clerk and city and village carrier hire, carfare and bicycle hire, and other expenses connected with post offices; the conduct of the city delivery, village delivery, rural delivery, and special-delivery services; the treatment of all unmailable and undeliverable mail matter; the preparation of budget estimates; and the control and disbursement of the appropriations for the Bureau of the First Assistant.

(b) *Deputy First Assistant Postmaster General.* The two Deputies First Assistant Postmaster General, of equal rank, are assistants to the First Assistant Postmaster General. Each is in charge of a geographical area of two divisions, and each exercises administrative responsibility for decisions in his assigned geographical field in all matters under the jurisdiction of the First Assistant Postmaster General.

(c) *Special Administrative Aide.* The Special Administrative Aide to the First Assistant Postmaster General is charged with the following duties: budgetary control officer for the Bureau; special assignments involving research and planning activities affecting the work under the jurisdiction of the Bureau; and the annual adjustment of salaries of postmasters at all post offices.

(d) *Post Office Service.* Post Office Service under the jurisdiction of the First Assistant Postmaster General is divided into four geographical divisions. Each division is under the supervision of a superintendent who is charged with the following duties: the establishment, organization and management, maintenance, hours of service, change in name, and discontinuance of classified and contract stations and branches, and rural stations; the designation of Army mail clerks and assistant Army mail clerks,

and the supervision of the performance of their official duties; the appointment, disciplining, removal, and salaries of assistant postmasters, supervisors, clerks, watchmen, messengers and mail handlers, printers, mechanics, and skilled laborers, and city, village, and rural carriers, also cleaners, janitors, telephone operators, elevator conductors, and firemen paid from the appropriation of the First Assistant Postmaster General; the establishment, extension, maintenance and conduct of city and village delivery and collection service, and rural delivery service, and the authorization of all allowances for expenditures for such services, including car fare, and bicycle hire; also all matters concerning special-delivery service; allowances for clerk hire at first-, second-, and third-class post offices, for the separation of mail and unusual conditions at fourth-class offices, and for miscellaneous service items at first- and second-class offices, such as telephone, telegraph, cleaning, travel expense, etc.; the treatment of all unmailable and undeliverable mail matter sent to dead-letter branches for disposition; the enforcement of the prompt sending of such matter according to the regulations; the correcting of errors of postmasters connected with the nondelivery of mail matter sent to dead-letter branches, and the investigation by correspondence of complaints made with reference thereto; the examination and forwarding or return of all such matter which has failed of delivery; the inspection and return to the country of origin of undeliverable foreign matter; recording and restoration to owners of letters and parcels which contain valuable enclosures; care and disposition of money, negotiable paper, and other valuable articles found in undeliverable matter; and correspondence, both foreign and domestic, relating to these subjects.

(e) *Division of Postmasters.* The Division of Postmasters, under the supervision of the superintendent, is charged with the preparation of cases for the establishment, change of name, and discontinuance of post offices; the selection and preparation for nomination of postmasters at post offices of the first, second, and third classes, and the appointment of postmasters at offices of the fourth class; the keeping of a record of the appointment of postmasters; the obtaining, recording, and filing of bonds and oaths of office and issuance of postmasters' commissions; the consideration of charges and complaints against postmasters; all service matters in connection with fourth-class post offices; and the regulation of hours of business and changes of sites of post offices of the fourth class.

(f) *Field organization.* All post offices in the United States, its territories, and possessions are field branches of the Post Office Department, and of the Bureau of the First Assistant Postmaster General. Each post office is under the general supervision of a postmaster and is charged with providing postal facilities and administering the postal affairs to the communities they serve. Postmasters receive complaints regarding mishandling or mistreating of the mails and loss or nondelivery thereof and all requests for information on purely local

postal matters, sending to the Post Office Department such of the complaints and inquiries as they may deem necessary. Complaints involving the conduct of a postmaster should be directed to the First Assistant Postmaster General. Complaints should be in writing, complete as to detail, and on the prescribed form when available.

(g) *Official records available to the public.* Historical and statistical records of public interest pertaining to the Postal Service are on file in the Bureau of the First Assistant Postmaster General, Washington 25, D. C., and are available at that place to all persons properly or directly concerned.

(h) *General information.* Detailed instructions on procedure are available in the current issue of the United States Official Postal Guide, Part I for domestic mail, and Part II for foreign mail. There is also available a list of post offices by classes which is published annually and a list of first- and second-class post offices showing population, post office receipts, and salaries of postmasters which is published annually. The Postal Laws and Regulations also outline procedures and statutes governing the conduct of the Postal Service. The Postal Bulletin issued twice weekly is an informative publication on procedure and policy. The annual report of the First Assistant Postmaster General to the Postmaster General contains information concerning the operation of the Bureau of the First Assistant Postmaster General and the field service under its control. These publications are available at all post offices or may be secured from the Government Printing Office, Washington 25, D. C.

§ 1.6 *Office of the Second Assistant Postmaster General*—(a) *Matters assigned.* To the Second Assistant Postmaster General are assigned the authorization and management of the transportation of the domestic and international mails by means of railroads, electric and cable cars, highway post offices, steamships, steamboats and other power boats, mail messengers, star routes, and air-mail routes; the preparation of advertisements for mail lettings for the transportation of mail by power boats and star routes, the preparation of orders of awards thereon, and the execution of contracts accordingly; the authorization of changes in schedules on power boat routes and star routes where they are fixed by orders, and the passing upon schedules for airmail routes; the receipt and examination of reports from postmasters and others as to the performance of such service and the preparation of orders for the Postmaster General making deductions for nonperformance and imposing fines for delinquencies; the issuance of statements of amounts found upon administrative examination to be due the various companies, contractors, and others for the performance of such service, and the forwarding of such statements to the General Accounting Office for payment; the authorization of payment of salaries to railway postal clerks and making allowances for their travel expenses; the distribution of pouches, sacks and pouch locks used in the transportation of the mails; the

designation and supervision of mail-bag depositories; the direction of the mail distribution and the course of the mails; the preparation of postal conventions and agreements (except those relating to the money-order system) and the regulations for their execution; the supervision of the Railway Mail Service, International Postal Service (including the sea post, Navy mail, and international registry, insurance, and collect-on-delivery services), the Air Mail Services, and other classes of transportation mentioned above; and the general supervision of the divisions of the Bureau.

(b) *Central offices.* The central offices of the Bureau are located in the Post Office Department Building, 12th and Pennsylvania Avenue, Washington 25, D. C.

The divisions of the central office shall perform duties as follows:

(c) *Division of Railway Adjustments.* The Division of Railway Adjustments, under the supervision of the superintendent, is charged with the preparation of cases authorizing the transportation of mails on railroad, electric and cable car, mail messenger, steamboat, and Alaska star routes, and changing authorizations on such routes; passing upon claims of railroads for side and transfer service required of them in connection with the transportation of the mails; examining evidence of the performance of those services, passing upon the application of the requirements and rates fixed by the Interstate Commerce Commission governing service on railroad and electric car routes, and preparing statements of accounts of the carriers for payment (except for mail messenger service), and the consideration of cases of delinquencies in service and preparation of orders thereon of fines or deductions.

(d) *Division of International Postal Service.* The Division of International Postal Service, under the supervision of the Director, is charged with the arrangement of all details connected with the exchange of mails with foreign countries, including the ocean transportation of mails from the United States and of other mails the United States is obligated to convey; the handling of all matters pertaining to the foreign air mail service, including the authorization and management thereof, the preparation of orders relating to deductions for the non-performance of service or other delinquencies on the part of carriers, and the preparation of monthly statements to the General Accounting Office of the amounts found upon administrative examination to be due carriers for the performance of the service; the arrangement of all details in connection with preparation of postal conventions and agreements (except those relating to the money-order system); the preparation of instructions to postmasters in regard to the International Postal Service; the preparation of the general correspondence with foreign countries (except that assigned to the Third Assistant Postmaster General and the Chief Inspector); the consideration of and preparation of replies to inquiries relating to the international postal and parcel-post services (except those intended for the Chief Inspector); the consideration and

disposal of applications for the return to senders of, or change or address on, articles contained in the mails exchanged with foreign countries; compilation of statistics of international mails, the translation of letters and documents in foreign languages received by the Department (except those intended for the Third Assistant Postmaster General or the Chief Inspector); the administrative preparation of the accounts of each vessel or line carrying mails from the United States to foreign countries; the administrative preparation of parcel-post accounts with foreign countries covering terminal, transit, and other charges, and the administrative preparation of accounts with foreign countries for the transmission of mail by air; administrative determination of the balances due from or to foreign countries on account of intermediary maritime and land transit of international mails, as well as the preparation of instructions to govern the collection of the transit statistics on which these balances are based; the management of the international registry, insurance, and collect-on-delivery services, and all instructions and correspondence in relation thereto, except that assigned to the Third Assistant Postmaster General (Division of Money Orders) and the Chief Inspector; the adjustment of indemnity claims for international mail; and the supervision of the sea post service, Navy mail service, and the international parcel post service, as well as the authorization of refunds of postage on foreign mail (ordinary, registered, insured, and collect-on-delivery).

(e) *Division of Railway Mail Service.* The Division of Railway Mail Service, under the supervision of the general superintendent, is charged with the preparation of all regulations for the government of the Railway Mail Service, and of cases for the appointment, removal,

transfer, promotion and reduction of all officers of the service and railway postal clerks; the general conduct of the mail service on railroad and inland steamboat routes; the investigation and report of the necessity for the establishment of new or additional service on railroads; reporting as to necessary changes in car space; the instruction of postmasters relative to the distribution and dispatch of mails at post offices; the distribution of pouches, sacks, and pouch locks used in the transportation of the mails other than those used exclusively in the city and rural delivery services; the designation and supervision of mailbag depositories; the preparation of statements of allowances for travel expenses of railway postal clerks; and preparation of cases for the authorization of miscellaneous expenditures and credits for the incidental needs of the Railway Mail Service; star-route contract service (except in Alaska); highway post office service; the preparation of advertisements inviting proposals for the transportation of mails on star routes (except in Alaska), the drafting of orders awarding such service and the preparation of contracts therefor, the performance of service, the examination of monthly and special reports of postmasters, and the preparation of orders making deductions and imposing fines for nonperformance of service and other delinquencies on the part of contractors and carriers on star routes, and the preparation of monthly statements to the General Accounting Office of the amounts found upon administrative examination to be due contractors for the performance of such star-route service.

(1) *Field divisions of Railway Mail Service.* The Railway Mail Service is divided into fifteen field divisions, each in charge of a division superintendent. The locations of the division superintendents' offices and the area under the jurisdiction of each are shown below:

| Division | Jurisdictional area | Office location |
|-----------------|--|---|
| First..... | Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut. | Post Office Bldg., Boston 9, Mass. |
| Second..... | New York, New Jersey, Delaware, the Eastern Shore of Maryland, Accomac and Northampton Counties, Va. | General Post Office Bldg., 31st St. and 8th Ave., New York 1, N. Y. |
| Third..... | District of Columbia, Maryland, North Carolina, Virginia, and West Virginia (except the peninsula of Maryland and Virginia). | City Post Office Bldg., Washington 25, D. C. |
| Fourth..... | Alabama, Florida, Georgia, South Carolina, Tennessee, Puerto Rico, and Virgin Islands. | Federal Annex, Atlanta 4, Ga. |
| Fifth..... | Ohio, Indiana, and Kentucky..... | Post Office Annex, Liberty and Dalton Sts., Cincinnati 35, Ohio. |
| Sixth..... | Illinois and Iowa..... | Main Post Office Bldg., Chicago 7, Ill. |
| Seventh..... | Kansas and Missouri..... | Post Office Bldg., St. Louis 3, Mo. |
| Eighth..... | Arizona, California, Guam, Hawaii, Nevada, Samoa, and Utah..... | Post Office Bldg., San Francisco 1, Calif. |
| Ninth..... | Lower Peninsula of Michigan, the main line of the New York Central R. R. between New York, N. Y., and Chicago, Ill., and collateral lines. | Post Office Bldg., Cleveland 1, Ohio. |
| Tenth..... | Northern Peninsula of Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin. | Post Office Bldg., St. Paul 1, Minn. |
| Eleventh..... | New Mexico, Oklahoma, and Texas..... | Post Office Bldg., Fort Worth 1, Tex. |
| Twelfth..... | Arkansas, Louisiana, and Mississippi..... | Post Office Bldg., New Orleans 6, La. |
| Thirteenth..... | Alaska, Idaho, Montana, Oregon, and Washington..... | Post Office Bldg., Seattle 11, Wash. |
| Fourteenth..... | Nebraska, Colorado, and Wyoming..... | Post Office Bldg., Omaha 1, Nebr. |
| Fifteenth..... | Pennsylvania and main line of Erie R. R. west of Salamanca, N. Y., main lines of the Baltimore & Ohio R. R. and Pennsylvania R. R. system west of Pittsburgh, Pa., and collateral lines. | Federal Bldg., Pittsburgh 19, Pa. |

(2) *Division Superintendent.* The division superintendent shall supervise the operation of the service and clerks assigned to his division; see that the Postal Laws and Regulations and all departmental orders are complied with; prepare schemes of distribution and schedules for

use as guides to the correct dispatch of the mails; prepare semimonthly pay sheets and quarterly pay rolls showing the names of the employees and the amounts of salaries and travel allowances to be paid by checks issued by postmasters at division headquarters of

the Railway Mail Service; make investigations ordered by the department, and of irregularities occurring within his territory, except losses, taking corrective action when necessary, and report upon all essential matters to the General Superintendent.

(f) *Division of Air Mail Service.* The Division of Air Mail Service, under the supervision of the Superintendent, is charged with consideration of all matters within the jurisdiction of the Post Office Department pertaining to the operation of the domestic air mail service; the designation and preparation of air mail schedules and the preparation of orders authorizing air mail service and changes therein on all domestic routes; the exam-

ination of regular and special reports covering the performance of service; the preparation of orders relating to deductions for the nonperformance of service or other delinquencies on the part of carriers; the preparation of monthly statements to the General Accounting Office of the amounts found upon administrative examination to be due carriers for the performance of service; the compilation of various statistics and the supervision and conduct of the domestic air mail service generally.

(1) *Field divisions of Air Mail Service.* There are five regional air mail districts, each with a Superintendent in charge, further described as follows:

| Regional area | Jurisdictional area | Office location |
|------------------|---|--|
| Eastern..... | Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Virginia, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, transatlantic services. | General Post Office Bldg., New York 1, N. Y. |
| Central..... | Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, Nevada, North Dakota, South Dakota, Wisconsin, Wyoming. | Main Post Office Bldg., Chicago 7, Ill. |
| Western..... | Arizona, California, Idaho, Washington, Montana, Oregon, Utah, Hawaii. | Post Office Bldg., 7th and Mission Sts., San Francisco 1, Calif. |
| Southwestern... | Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Texas, Central and South Americas and Caribbean area jointly with southeastern regional area. | Post Office Bldg., Fort Worth 1, Tex. |
| Southeastern.... | Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Central and South Americas and Caribbean area jointly with southwestern regional area. | Federal Annex, Atlanta 4, Ga. |

(2) *Regional Superintendents.* Regional Superintendents, Air Mail Service, have general supervision over the Air Mail Service in their areas. They are responsible for seeing that proper service is rendered by carriers; for coordinating air mail activities between post offices, air mail fields, and railway post offices; for making regular air mail inspections at post offices which are stop points on air mail routes and at air mail fields and other special inspections as conditions require; for issuing dispatch schedules for the routing of air mail and diverting air mail from its regular routing when necessary because of weather, operations, or volume requirements; for checking flight reports submitted by carriers; for assisting post offices in handling souvenir mail when air mail service is inaugurated at a new point; for surveying proposed new routes; for rendering reports of accidents to planes carrying mail; for acting as representatives of the Second Assistant Postmaster General before Chambers of Commerce, service clubs, etc., when such is required; for investigating mail failures and other irregularities on the part of the carriers and submitting reports of same to the Second Assistant Postmaster General, Division of Air Mail Service, Washington 25, D. C., with appropriate recommendation of action to be taken.

(g) *Information.* (1) Requests for information concerning any matters under the jurisdiction of the Second Assistant Postmaster General may be directed to local postmasters or to any of the field officials listed in this Section. Requests for information which can not be obtained satisfactorily in the field may be addressed to the Second Assistant Postmaster General, Washington 25, D. C.

(2) Detailed information concerning

postal matters is available to the public in the current issue of the U. S. Official Postal Guide, Part I for domestic mail and Part II for foreign mail; the Postal Laws and Regulations, as amended; the Postal Bulletin, issued twice weekly; and in the annual reports of the Postmaster General. These publications may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

(h) *Official records.* Official records of public interest pertaining to service actions or request for service actions are on file in the Bureau of the Second Assistant Postmaster General, Washington 25, D. C. and, with the exception of those held confidential, are available at that place to all persons properly and directly concerned.

§ 1.7 *Office of Third Assistant Postmaster General—*(a) (1) *Matter assigned.* The Third Assistant Postmaster General is charged with the general supervision of the financial operations of the Postal Service; the supervision of the Postal Savings System and of the sale of United States Savings Bonds at post offices; the supervision, through the Government agencies, of the manufacture of all postage stamps, postal cards and stamped envelopes, and migratory-bird hunting stamps, and their distribution; the distribution of internal-revenue stamps, motor vehicle tax stamps, and War Savings stamps for sale in post offices and the accounting therefor; the determination in complicated cases of responsibility for shortages of any kind in postmasters' accounts; and the preparation of the Postmaster General's reports to Congress in cases involving loss of Government funds or stamped paper through embezzlement or otherwise; the general conduct of the money-order and the

postal-note systems; the classification of domestic mail matter and supervision of the collection of postage thereon, including the use of precanceled stamps and the acceptance of matter without stamps affixed as metered and nonmetered mail; the supervision of the use of the penalty, franking and other domestic free mail privileges authorized by law; the enforcement of the laws relative to the limit of weight and size of domestic mail; the granting of authority to refund postage charges on domestic mail in excess of the lawful amounts; the supervision of, and issuance of instructions pertaining to, the inclusion of any advertisements, slogans, pictures, and insignia in the cancellation portion of any post-marking device or equipment, including postage meters, used by the postal service or the public; the administration of the laws governing second-class matter; the supervision and management of the domestic registry system and the domestic insurance and collect-on-delivery services; general supervision of investigations of methods designed to improve the Parcel Post Service, and its adequacy and adaptability for handling mailable articles.

The officers and divisions of the Bureau shall perform duties as follows:

(2) *Deputies Third Assistant Postmaster General.* The two Deputies Third Assistant Postmaster General, of equal rank, are assistants to the Third Assistant Postmaster General, one being in charge of the Division of Finance, the Division of Postal Savings, and the Division of Stamps; and the other in charge of the Division of Money Orders, the Division of Letter and Miscellaneous Mail, the Division of Newspaper and Periodical Mail, the Division of Registered Mails, and the Division of Parcel Post, and each deputy exercises administrative responsibility for decisions in his assigned Divisions in all matters under the jurisdiction of the Third Assistant Postmaster General.

(3) *Special Administrative Aide to the Third Assistant Postmaster General.* The Special Administrative Aide to the Third Assistant Postmaster General and serving directly under him is budgetary control officer for the Bureau appropriations, selects, assigns, and allocates Bureau personnel, acts as technical adviser to the Third Assistant Postmaster General, and performs such planning and research assignments involving policies, practices and activities within the Bureau's jurisdiction as may be required by the Third Assistant Postmaster General.

(b) *The Division of Finance.* (1) The Division of Finance, under the supervision of the superintendent who is also the Disbursing Officer for the Post Office Department, is charged with gathering and distributing funds derived from the collection of the revenues of the Postal Service for the purpose of meeting the obligations of the service when and where payable; supervision of the handling and remitting of funds by postmaster; covering postal moneys into the Treasury of the United States; receiving moneys coming directly to the department; paying indebtedness not settled by postmasters; making chargebacks in ac-

counts of fourth-class postmasters in connection with the rendering of false returns of cancellations; handling matters affecting the postal revenues; the regulation of box-rent rates and deposits for keys of lock boxes in post offices; the payment of all salaries to all officers, clerks, and employees of the department; the making of all payments for rent of departmental buildings, contingent expenses, printing and binding, and such other expenditures as may be authorized; the sale of post route and rural delivery maps, and the keeping of accounts of expenditures.

(2) The Superintendent of Finance shall give bond to such amount as the Postmaster General may determine for the faithful discharge of his duties (34 Stat. 438, June 22, 1906).

(3) The Superintendent Division of Finance and Disbursing Officer shall give bond in the sum of \$25,000, and the Assistant Superintendent Division of Finance and Assistant Disbursing Officer shall give bond in the sum of \$10,000.

(c) *Division of Postal Savings.* The Division of Postal Savings, under the supervision of the superintendent, is charged with the general direction of postal-savings, United States savings-bond, and United States savings-stamp business at post offices, the administrative examination of postal-savings, savings-bond, and savings-stamp accounts, the preparation of correspondence, and the keeping of records of accounts pertaining thereto.

(d) *Division of Stamps.* The Division of Stamps, under the supervision of the Superintendent, is charged with the general supervision of the production of postage stamped paper, and Federal migratory-bird hunting stamps, the examination, verification, and adjustment of the accounts of contractors for these supplies; the disposition of requisitions for stamped paper supplies, the distribution of such supplies, the keeping of the accounts of stamped paper issued to postmasters and on hand in post offices, and the audit and disposition of reports and inventories regarding the same; the distribution of Internal Revenue stamps sold through the Postal Service and the accounting thereof; the distribution of International Reply Coupons and the accounting thereof and the distribution of war savings stamps; the adjustment of cases of loss, miscarriage, or detention of stamp supplies in transit; the receipt, examination, and disposition of stamped paper including International Reply Coupons and Americo-Spanish Reply Coupons sent by postmasters to the Department for redemption and the certification of credit in the accounts of postmasters therefor; the submission of accounts to the countries of origin for International Reply Coupons and Americo-Spanish Reply Coupons redeemed by postmasters in this country; the consideration of cases relating to the counterfeiting or imitating of United States stamps and the legitimacy of postmasters' sales of stamped paper; the operation of the Philatelic Agency and consideration of philatelic matters.

(e) *Division of Money Orders.* The Division of Money Orders, under the supervision of the superintendent, is charged with the general direction of the postal money-order system, both domestic and international, the postal-note system, and the preparation of conventions for the exchange of money orders with foreign countries.

(f) *Division of Letter and Miscellaneous Mail.* (1) The Division of Letter and Miscellaneous Mail, under the supervision of the superintendent, is charged with the consideration of all questions relating to the classification of matter, excepting that of the second class, admissible to the mails, intended or deposited for mailing; the limit of weight and size of mail; the admissibility of meat and meat-food products under the Meat Inspection Act, and of nursery stock, etc., under the Plant Quarantine and Terminal Inspection Acts; and of dead bodies, or parts thereof, of any wild animals or birds, or the eggs of any such birds, under the laws pertaining to their shipment; the requirements as to the name and address of the sender on mail and the addressing thereof; the use of precanceled stamps; the mailing without stamps affixed of metered and nonmetered matter; the supervision of use of the penalty, franking, and other domestic free mail privileges authorized by law; the supervision of the collection of postage; the granting of authority to refund postage charges on domestic ordinary mail in excess of the lawful amounts; the verification and allowance of claims for credit by postmasters for postage-due stamps affixed to undeliverable matter; and the supervision of, and issuance of instructions pertaining to, the inclusion of any advertisements, slogans, pictures, and insignia in the cancellation portion of any postmarking device or equipment, including postage meters used by the Postal Service or the public. (Sec. 12 as amended by P. M. G. Order 26818, Dec. 23, 1944.)

(2) Authority to render final rulings on the above subjects is delegated to the Third Assistant Postmaster General. In the following cases authority is also delegated to local postmasters to issue the following permits after the initial permit of the same kind: permit to mail second-, third- and fourth-class nonmetered matter without stamps affixed, permit to mail matter when postage is prepaid with precanceled stamps or by means of precanceled stamped envelopes, permits to distribute business reply cards and envelopes.

(3) Persons desiring information on the subjects mentioned in paragraphs (f) (1) and (2) of this section, should inquire of the local post office or address the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail.

(g) *Division of Newspaper and Periodical Mail.* The Division of Newspaper and Periodical Mail, under the supervision of the superintendent, is charged with the consideration of all questions relating to the classification of newspapers and periodical publications as second-class mail matter and the administration of the laws and regulations governing their ac-

ceptance as such, including the consideration of applications for their original entry and requests for the reentry or additional entry thereof as second-class matter; the consideration of the revocation of second-class mail privileges of publications not conforming to the requirements (see §§ 5.32 and 5.37); the determination of questions pertaining to the preparation, wrapping, addressing, weighing and exceptional dispatch of publications of the second class, and the permissible additions to and inclosures therein and other related matters; the application of the various rates of postage prescribed for mailings of publications of the second class, and the supervision of the collection of, and accounting for, such postage; the examination of postmasters' quarterly statements of second-class postage collected and the receipts issued to publishers therefor; the granting of authority to refund postage paid thereon in excess of the lawful amounts; and the examination of sworn statements of ownership, management, and circulation, required to be filed by publishers of publications admitted as second-class matter in the mails, and the consideration of questions arising therefrom. (Sec. 12, as amended by Order No. 25494, dated July 26, 1944, by Postmaster General.)

(h) *Division of Registered Mails.* (1) The Division of Registered Mails, under the supervision of the superintendent, is charged with the management of the domestic registry system and the domestic insurance and collect-on-delivery features of the Postal Service and the issuance of all instructions and correspondence in relation thereto, except that assigned to the Chief Inspector; the issuance of instructions concerning receipts or certificates of mailing for domestic ordinary, registered, insured, and collect-on-delivery mail; the authorization of all domestic rotary-lock, brass-lock, lead-seal, and exceptional exchanges and dispatches of registered mail; the authorization of refunds of postage on domestic registered, insured, and collect-on-delivery mail; the recovery and disposition of domestic indemnities found to have been improperly paid; the supervision of the adjustment by postmasters of claims involving domestic insured and collect-on-delivery mail; and the adjustment of indemnity claims for domestic registered mail and such claims for domestic insured and collect-on-delivery mail as are not adjusted by postmasters.

(2) Except such claims as are reserved for adjustment by the Department, the postmasters at Central Accounting Post Offices for the States or sections in which insured and collect-on-delivery articles are mailed are authorized to pay limited indemnity claims, not to exceed \$200, arising from the loss or rifling of, or damage to, insured and unregistered collect-on-delivery articles, and exchanged within and between the continental United States (including Alaska), Guam, Hawaii, Pago Pago, Samoa, Puerto Rico, and the Virgin Islands. Below is a list of Central Accounting Post Offices with territory served:

POST OFFICE DEPARTMENT

Central-accounting post offices Territory served
 Omaha, Nebr.----- Nebraska
 Reno, Nev.----- Nevada
 Concord, N. H.----- New Hampshire
 Newark, N. J.----- New Jersey
 Albuquerque, N. Mex.----- New Mexico
 New York, N. Y.----- New York
 Charlotte, N. C.----- North Carolina
 Fargo, N. Dak.----- North Dakota
 Cincinnati, Ohio.-----

The following counties of Ohio: Adams, Allen, Athens, Auglaize, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Defiance, Delaware, Fairfield, Fayette, Franklin, Fulton, Gallia, Greene, Hamilton, Hancock, Hardin, Henry, Highland, Hocking, Jackson, Lawrence, Licking, Logan, Lucas, Madison, Marion, Meigs, Mercer, Miami, Montgomery, Perry, Pickaway, Pike, Preble, Putnam, Ross, Scioto, Shelby, Union, Van Wert, Vinton, Warren, Williams, Wood, Wyandot.

The following counties of Ohio: Ashland, Ashtabula, Belmont, Carroll, Columbiana, Coshocton, Crawford, Cuyahoga, Erie, Geauga, Guernsey, Harrison, Holmes, Huron, Jefferson, Knox, Lake, Lorain, Mahoning, Medina, Monroe, Morgan, Morrow, Muskingum, Noble, Ottawa, Portage, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Tuscarawas, Washington, Wayne.
 Cleveland, Ohio.----- Oklahoma
 Oklahoma City, Okla.----- Oklahoma
 Portland, Oreg.----- Oregon
 Philadelphia, Pa.-----

The following counties of Pennsylvania: Adams, Berks, Bradford, Bucks, Carbon, Chester, Columbia, Cumberland, Dauphin, Delaware, Franklin, Fulton, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, York.

The following counties of Pennsylvania: Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Potter, Somerset, Venango, Warren, Washington, Westmoreland, Fayette, Pa.-----

The third and fourth class post offices in Virgin Islands.
 San Juan, P. R.-----
 Providence, R. I.----- Rhode Island
 Charlotte, N. C.----- South Carolina
 Sioux Falls, S. Dak.----- South Dakota
 Nashville, Tenn.----- Tennessee
 Austin, Tex.-----

The following counties of Texas: Angelina, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bell, Bexar, Blanco, Brazoria, Brazos, Brewster, Brooks, Burtleson, Burnet, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, Concho, Coryell, Crane, Crockett, DeWitt, Dimmitt, Duval, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Hidalgo, Houston, Irion, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kinney, Kinney, Kleberg, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Live Oak, Llano, McCulloch, McMullen, Madison, Mason, Matagorda, Maverick, Medina, Menard, Milam, Montgomery, Nacogdoches, Newton, Nueces, Orange, Peccos, Polk, Presidio, Reagan, Real, Refugio, Robertson, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Shelby, Starr, Sterling, Sutton, Terrell, Tom Green, Travis, Trinity, Tyler, Upton, Uvalde, Valverde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, Zavala.

Central-accounting post offices Territory served
 Birmingham, Ala.----- Alabama
 Seattle, Wash.----- Alaska
 Phoenix, Ariz.----- Arizona
 Little Rock, Ark.----- Arkansas
 San Francisco, Calif.----- California
 Denver, Colo.----- Colorado
 New Haven, Conn.----- Connecticut
 Wilmington, Del.----- Delaware
 Jacksonville, Fla.----- Florida
 Atlanta, Ga.----- Georgia
 Honolulu, Hawaii.----- Hawaii
 Boise, Idaho.-----

The following counties of Idaho: Ada, Adams, Bannock, Bear Lake, Bingham, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, Washington.

See Spokane, Wash., for other counties of Idaho.
 Illinois.-----
 Indiana.-----
 Des Moines, Iowa.----- Iowa
 Topeka, Kans.----- Kansas
 Louisville, Ky.----- Kentucky
 New Orleans, La.----- Louisiana
 Portland, Maine.----- Maine
 Baltimore, Md.----- Maryland
 Boston, Mass.----- Massachusetts
 Detroit, Mich.-----

The following counties of Michigan: Alcona, Allegan, Alpena, Antrim, Arcac, Barry, Bay, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Cheboygan, Clare, Clinton, Crawford, Eaton, Emmet, Genesee, Gladwin, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kalkaska, Kent, Lake, Lapeer, Leelanau, Lenawee, Livingston, Macomb, Manistee, Mason, Mecosta, Midland, Missaukee, Monroe, Montcalm, Montmorency, Muskegon, Nwaygo, Oakland, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, Saginaw, Saint Clair, Saint Joseph, Sanilac, Shiawassee, Tuscola, Van Buren, Washtenaw, Wayne, Wexford.

The following counties of Michigan: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, Schoolcraft, Mackinac, Marquette, Menominee, Ontonagon, Schoolcraft, Minnesota.-----

The following counties of Missouri: Andrew, Atchison, Barry, Barton, Bates, Benton, Buchanan, Caldwell, Carroll, Cass, Cedar, Chariton, Christian, Clay, Clinton, Cooper, Dade, Daviess, De Kalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Howell, Jackson, Jasper, Johnson, Lafayette, Lawrence, Linn, Livingston, McDonald, Mercer, Moniteau, Morgan, Newton, Nodaway, Oregon, Ozark, Pettis, Platte, Polk, Putnam, Ray, Saint Clair, Saline, Stone, Sullivan, Taney, Texas, Vernon, Worth.

The following counties of Missouri: Adair, Audrain, Bollinger, Boone, Butler, Callaway, Camden, Cape Girardeau, Carter, Clark, Cole, Crawford, Dallas, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Knox, Laclede, Lewis, Lincoln, Macon, Madison, Maries, Marion, Miller, Mississippi, Monroe, Montgomery, New Madrid, Osage, Pemiscolt, Perry, Phelps, Pike, Pulaski, Ralls, Randolph, Reynolds, Ripley, Saint Charles, Sainte Genevieve, Saint Francois, Saint Louis, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Warren, Washington, Wayne, Webster, Wright.
 Helena, Mont.----- Montana

Central-accounting post offices
Dallas, Tex.....

Territory served

The following counties of Texas: Anderson, Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Bosque, Bowie, Briscoe, Brown, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Comanche, Cooke, Cottle, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Donley, Eastland, Ector, Ellis, El Paso, Erath, Falls, Fannin, Fisher, Floyd, Foard, Franklin, Freestone, Gaines, Garza, Glasscock, Gray, Grayson, Gregg, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Howard, Hudspeth, Hunt, Hutchinson, Jack, Johnson, Jones, Kaufman, Kent, King, Knox, Lamar, Lamb, Limestone, Lipscomb, Loving, Lubbock, Lynn, McLennan, Marion, Martin, Midland, Mills, Mitchell, Montague, Moore, Morris, Motley, Navarro, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Potter, Rains, Randall, Red River, Reeves, Roberts, Rockwall, Runnels, Rusk, Scurry, Shackelford, Sherman, Smith, Somervell, Stephens, Stonewall, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Upshur, Van Zandt, Ward, Wheeler, Wichita, Wilbarger, Winkler, Wise, Wood, Yoakum, Young.

Salt Lake City, Utah..... Utah.
Burlington, Vt..... Vermont.
Richmond, Va..... Virginia.
San Juan, P. R..... Virgin Islands.
Seattle, Wash..... All third and fourth class post offices in Alaska. The following counties of Washington: Chelan, Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Klickitat, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, Whatcom, Yakima.

Spokane, Wash..... The following counties of Idaho: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone.
The following counties of Washington: Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman.

Charleston, W. Va..... The following counties of West Virginia: Boone, Braxton, Cabell, Calhoun, Clay, Fayette, Gilmer, Greenbrier, Jackson, Kanawha, Lincoln, Logan, McDowell, Mason, Mercer, Mingo, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Roane, Summers, Wayne, Webster, Wirt, Wood, Wyoming.

Wheeling, W. Va..... The following counties of West Virginia: Barbour, Berkeley, Brooke, Doddridge, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Monongalia, Morgan, Ohio, Pendleton, Pleasants, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Wetzel.

Milwaukee, Wis..... Wisconsin.
Cheyenne, Wyo..... Wyoming.

(3) Except such claims as are reserved for adjustment by the Department, the postmaster at Washington, D. C., is authorized to pay limited indemnity claims, not to exceed \$200, arising from the loss or rifling of, or damage to, insured and unregistered collect-on-delivery articles mailed at Washington, D. C.

(4) Claims involving both insured and C. O. D. parcels mailed at post offices in Alaska are, upon completion, sent to the postmaster at Seattle, Washington.

(5) Claims for indemnity involving parcels mailed at or addressed to post offices in Hawaii are, upon completion, sent to the postmaster at Honolulu, if the payee is located in Hawaii; but if the payee is located elsewhere in the United States, the claim papers are sent to the postmaster at San Francisco, California.

(6) Claims for indemnity involving parcels mailed at or addressed to post offices in Puerto Rico are, upon completion, sent to the postmaster at San Juan, Puerto Rico, if payment is to be made in Puerto Rico. If payment is to be made elsewhere in the United States, the claim papers are sent to the postmaster at New York, N. Y.

(7) Claims for indemnity involving

parcels mailed at or addressed to post offices in the Virgin Islands are, upon completion, sent to the postmaster at San Juan, Puerto Rico, if the payees are located in the Virgin Islands or Puerto Rico, but if payment is to be made elsewhere in the United States, the claims for indemnity are sent to the postmaster at New York, N. Y.

(8) Claims for indemnity involving parcels mailed at Washington, D. C., are upon completion, sent to the postmaster at Washington, D. C.

(9) Information regarding the registration of valuable mail matter, insurance of parcels, and sending of articles collect-on-delivery, to domestic destinations, fees and limits of indemnity, and the advantages to be derived from the use of each of the services may be obtained at any post office or station or branch thereof.

(10) Information concerning certificates of mailing of domestic ordinary mail of any class, or additional receipts or certificates of mailing of any domestic ordinary, registered, insured, or collect-on-delivery mail, may be obtained at any post office or station or branch thereof. Requests for such receipts or certificates of mailing may be made at

the offices at which the articles are mailed.

(11) Applications for the registration of mail may be made at a post office, branch, or station, or to a city, village, or rural delivery carrier.

(12) At the time of mailing, or after mailing, of a domestic registered article, the sender may make request for a return receipt showing to whom and when the article was delivered, or, at the time of mailing only, the sender may make request for a return receipt showing to whom, when and the address where the mail was delivered, upon payment of the prescribed fee.

(13) The sender may restrict the delivery of registered mail by indorsing each such article on the address side "Deliver to Addressee Only," or "Deliver to the Addressee or Order," or with words of similar import, upon payment of the required fee.

(14) When the sender of registered mail desires to reclaim or recall it at any time before delivery, application may be made to the mailing postmaster.

(15) Requests for firm registration records by patrons who customarily present an average of three or more articles for registration at one time and for firm mailing books by patrons who customarily mail an average of three or more insured or C. O. D. parcels at one time may be made at any post office.

(16) Requests for information as to the proper method of packing and wrapping of articles intended for registration, insurance, or collection-on-delivery, may be made at any post office, or station or branch thereof.

(17) Requests for information regarding the sending of inquiries for domestic registered, insured, or C. O. D. mail and the charges therefor, if any, may be obtained at any post office.

(18) Requests for insurance of parcels may be made at a post office, or branch or station, or to a rural carrier, Matter intended for insurance may be left in a rural patron's mail box for collection, provided sufficient stamps are affixed for postage and fee, or money therefor is left in the box, and the article is properly packed and marked "Insured." A note should be left in the rural box stating contents and what part of the stamps or money represents the insurance fee.

(19) Requests that articles be sent collect-on-delivery may be made at a post office, or station or branch, or to a rural carrier. Matter intended for collection on delivery may be left in a rural patron's box for collection, provided sufficient stamps are affixed for postage and fee, or money therefor is left in the box, and the article is properly packed and marked "C. O. D." A C. O. D. tag must be properly filled in and attached to the article. A note should be left in the rural mail box stating the contents of the article if other than first class matter, and what part of the stamps or money represents the C. O. D. fee.

(20) At the time of mailing, and upon payment of the required fee, the sender may request restriction in delivery of an insured or C. O. D. parcel by indorsing each such article on the address side "Deliver to Addressee Only," or "Deliver to

the Addressee or Order," or with words of similar import.

(21) Requests for information regarding the use of multiple forms providing in one operation, by carbon process, address labels, firm mailing and post office records, and in the case of C. O. D. mail, labels to be affixed over the corresponding portions of the official C. O. D. tags, and for information concerning the use of recapitulation sheets in conjunction with these multiple forms, may be made at any post office.

(22) The sender may request that the amount originally stated as due him on delivery of a C. O. D. parcel be increased (not to exceed \$200), decreased, or canceled, or the parcel delivered to a new addressee at the office where it is held.

(23) When the sender of a C. O. D. parcel is advised by the addressee that it has not been received, and a sufficient length of time has elapsed from the date of mailing for the parcel to have been received at the office of address in the usual course of the mails and delivered to the addressee, inquiry may be made at the mailing post office or branch or station thereof. However, if such advice is dated at least ten days from the date on which the parcel should have reached the office of address and been delivered to the addressee, claim for indemnity may be filed.

(24) When the sender of a C. O. D. parcel is advised that it was received by the addressee with all or a part of the contents missing or damaged, claim for indemnity may be made without preliminary inquiry.

(25) When the sender of a C. O. D. parcel fails to receive a C. O. D. money order at the expiration of at least fifteen days following the date of mailing, in addition to the time limit for retention specified by the sender, or the parcel itself is not returned as undelivered at the expiration of a similar period, inquiry may be made at the mailing post office or branch or station thereof for the parcel.

(26) Written complaints concerning the disposition or delay (as distinguished from loss or rifling of, or damage to), domestic registered mail, including that exchanged with the Canal Zone, and applications for indemnity on account of the loss or rifling of, or damage to, domestic registered mail, including that cluding that exchanged with the Canal Zone, may be made at any post office.

(27) Information concerning refunds of postage paid on domestic registered, insured and collect-on-delivery mail may be obtained at any post office. Request for refunds of any postage paid on domestic registered, insured, or collect-on-delivery mail for which service was not rendered, or was collected in excess of the lawful rate, may be made in writing at the office where mailed.

(28) Applications for indemnity for lost, rifled, or damaged domestic registered, insured, or collect-on-delivery mail may be made by the public to the postmaster at any post office.

(29) Request for information concerning the status of claims involving domestic registered mail should be addressed to the Third Assistant Postmaster General, Division of Registered

Mails, Washington 25, D. C. Requests for reports of the status of claims involving domestic insured or collect-on-delivery mail should be addressed to the designated paying postmaster.

(i) *Division of Parcel Post.* The Division of Parcel Post, under the supervision of the director, is charged with the general direction of investigations of methods designed to improve the Parcel Post Service, and the study and analysis of data, information and suggestions pertaining to this service. (Sec. 12, as amended by P. M. G. Order 25494, July 26, 1944.)

CROSS REFERENCE: For regulations of the Office of the Commissioner of Accounts and Deposits relating to the Postal Savings System, see 31 CFR, 306.33, 314.6.

§ 1.8 *Office of the Fourth Assistant Postmaster General*—(a) *Matters assigned.* To the Fourth Assistant Postmaster General are assigned the authorization of allowances for rent, light, fuel, power and water and the consideration of general engineering problems affecting the activities of the Postal Service; the custody and distribution of equipment and supplies for the Postal Service, the administration and operation of Government-owned post office buildings, appointment and discipline of personnel engaged in the operation and maintenance; purchase and distribution of cleaning and operating supplies and equipment; the authorization of allowances for hire of vehicles used in the delivery and collection service, and the conduct of the screen-wagon, pneumatic-tube, and vehicle services in cities; the production and distribution of post-route maps and parcel-post zone keys; the general supervision of the Mail Equipment Shops and the manufacture and repair of mail bags, locks, keys, and key chains.

The divisions of this Bureau shall perform duties as follows:

(b) *Division of Engineering and Research.* The Division of Engineering and Research, under the supervision of the superintendent, is charged with the planning of postal quarters in new or remodeled Federal post office buildings, and extension of such buildings, or changes in any postal-occupied space; all general engineering problems affecting the activities of the Postal Service, and the consideration of the practicability of devices and inventions for use in the Postal Service.

(c) *Division of Post Office Quarters.* The Division of Post Office Quarters, under the supervision of the superintendent, is charged with the selection, equipping, and leasing of quarters for post offices of the first, second, and third classes, and stations thereof (except those located in Federal buildings which are under the jurisdiction of the Administrator, Federal Works Agency, Public Buildings Administration); the leasing and equipment of post-office garages; granting allowances for rent, light, power, heat and water at presidential offices and stations and branches thereof.

(d) *Division of Motor Vehicle Service.* The Division of Motor Vehicle Service, under the supervision of the superintendent, is charged with the authorization,

operation, and maintenance of the Government-owned motor vehicle service including the appointment and discipline of the personnel employed in connection therewith; requisitions for materials, supplies, and garage equipment; allowances for rent, light, fuel, power, water, and telephone service for post-office garages; the monthly and quarterly reports and the motor vehicle accounting system; transportation of the mails in cities by means of screen wagons and pneumatic tubes; allowances for the hire of vehicles used in the delivery and collection service; deductions and fines for non-performance of service and other delinquencies on the part of contractors.

(e) *Division of Equipment and Supplies.* The Division of Equipment and Supplies, under the supervision of the superintendent, is charged with the preparation of requisitions for blanks, blank books, zone keys, twine, facing slips, canceling ink, ink pads, and other items of stationery, arms and ammunition, postal savings certificates and supplies for the Postal Savings System, blank money-order forms, medical supplies and requests for and repair of adding machines, baling machines, canceling machines, duplicating machines, numbering machines, typewriters, scales, printing presses, steel and rubber stamps, motors, trucks, canvas baskets, conveyors, lock boxes, and furniture and mail handling equipment for post offices in leased and rented quarters, letter boxes, posts (including painting and erecting), satchels, straps, rural carrier separating cases, and miscellaneous mechanical appliances used in the Postal Service; also supplies for Government-owned motortrucks, including local and emergency purchases.

(f) *Division of Federal Building Operations.* The Division of Federal Building Operations, under the supervision of the superintendent, is charged with the administration and operation of Government-owned post-office buildings: Appointment, promotion, and discipline of custodial personnel engaged in their operation and maintenance; contracting for electric, gas, and other operating services, removing ashes and rubbish, laundering towels; purchase and distribution of cleaning and operating supplies and equipment, including fuel, oils, and grease, electric and gas lamps; assignment of space, door keys, display of posters in lobbies, erection of signs on grounds, stands in lobbies, and the granting of privileges; joint telephone facilities serving two or more governmental agencies, installation of public pay-station telephones; purchase and distribution of furniture, floor coverings, window shades, awnings, and repairs thereto; moving into Federal buildings; and safes and their fittings.

Correspondence relative to repairs to building and fixed equipment, including heating plant, elevators, ventilating equipment, vaults, lock boxes; lighting fixtures (Federal buildings only); interior and exterior painting, seeding and grading, should be addressed to the District Engineer, Federal Works Agency, of the district in which the building is located. For further instructions see pamphlet "Instructions and Suggestions for Postmasters in the Operation of Pub-

lic Buildings under the Administration of the Post Office Department."

(g) *Division of Mail Equipment Shops.* The Division of Mail Equipment Shops, under the supervision of the superintendent, is charged with the manufacture and repair of mail sacks, pouches, locks and keys; distribution of letter-box locks, mail keys, including keys for lock boxes in leased quarters, and key chains.

(h) *Division of Topography.* The Division of Topography, under the supervision of the Topographer, is charged with the preparation, revision, printing, and distribution of post route state maps, rural delivery county maps, and rural delivery "local" maps.

(i) *Division of Traffic.* The Division of Traffic, under the supervision of the Traffic Manager, is charged with the preparation of instructions relative to freight, express, drayage; crating, routing and billing shipments of equipment, material and supplies for the Post Office Department and Postal Service, following carefully instructions appearing in Order No. 22930, published on page 29 of the November 1943 Supplement to the Postal Guide.

§ 1.9 Office of the Chief Inspector—

(a) *Matters assigned.* The Chief Inspector is charged with keeping the department advised as to the condition and needs of the postal service; with the inspection and rating of post offices, and the certification of the results to the First Assistant Postmaster General; with the inspection, audit, and inventory of finances, valuables, equipment, supplies, and property, and the examination of procedures relating thereto in every Bureau or agency of the Postal Establishment in Washington and in the field, and the certification of the results to the Postmaster General or the Assistant Postmaster General in charge of the unit inspector; with the authorization, coordination, and disposition of all investigations by the Post Office Inspection Service; with all matters relating to depredations upon the mails and losses therein; with the consideration of complaints and correspondence relative to criminal offenses against the postal service; with the treatment of claims for rewards and correspondence relative to the department's interest in the prosecution of offenders against the postal laws; with the consideration of matters arising from the application of the private express statutes; with the coordination and supervision of plans and arrangements for the handling of the President's mail while he is traveling, and advising with White House officials on matters connected therewith; with the coordination of plans and arrangements for the handling of Army mail by the Post Office Department in the event of an emergency, and advising with the War Department on matters connected therewith; with the direction of all inquiries for the purpose of determining whether articles of mail matter have been delivered except as provided in section 810 of the Postal Laws and Regulations, Postmaster General, 1940; with the treatment of all inquiries addressed to the United States Post Office Department by foreign postal administrations or by persons interested, or reported by postal officials and others under

sections 809 and 2233 of the Postal Laws and Regulations, Postmaster General, 1940, concerning losses and irregularities in the international mails; with the treatment of all cases involving international mail where some form of return receipt is required which has not been received; with the general supervision of the business of the Post Office Inspection Service and of the divisions of his Bureau; with the custody and proper disposition of all money and property coming into the possession of the Post Office Inspection Service or any division of his Bureau; with the selection, government, and assignment to duty of post office inspectors in charge, post office inspectors and clerks at division headquarters of post office inspectors; with the operation of the Post Office Department Library; with the printing, numbering, and assignment of commissions for officers of the department and post office inspectors; with the performance of such other duties as may from time to time be required by the Postmaster General.

(b) *Field organization.* For the purposes of the Post Office Inspection Service, the country is divided into fifteen field divisions, each of which comprises one or more states and bears the name of the city at which its headquarters is located. A list of these divisions follows:

Atlanta Division (comprising Florida, Georgia, North Carolina, Puerto Rico, South Carolina, and Virgin Islands); Post Office Inspector in Charge, Atlanta, Ga.

Boston Division (comprising Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont); Post Office Inspector in Charge, Boston, Mass.

Chattanooga Division (comprising Alabama, Mississippi, and Tennessee); Post Office Inspector in Charge, Chattanooga, Tenn.

Chicago Division (comprising Illinois, Michigan, and Wisconsin); Post Office Inspector in Charge, Chicago, Ill.

Cincinnati Division (comprising Indiana, Kentucky, and Ohio); Post Office Inspector in Charge, Cincinnati, Ohio.

Denver Division (comprising Colorado, New Mexico, Utah, and Wyoming); Post Office Inspector in Charge, Denver, Colo.

Fort Worth Division (comprising Louisiana and Texas); Post Office Inspector in Charge, Fort Worth, Tex.

Kansas City Division (comprising Kansas, the city of Kansas City, Mo., Nebraska, and Oklahoma); Post Office Inspector in Charge, Kansas City, Mo.

New York Division (comprising New York); Post Office Inspector in Charge, New York, N. Y.

Philadelphia Division (comprising New Jersey and Pennsylvania); Post Office Inspector in Charge, Philadelphia, Pa.

St. Louis Division (comprising Arkansas, Iowa, Missouri, except the city of Kansas City); Post Office Inspector in Charge, St. Louis, Mo.

St. Paul Division (comprising Minnesota, North Dakota, and South Dakota); Post Office Inspector in Charge, St. Paul, Minn.

San Francisco Division (comprising Arizona, California, Guam, Hawaii Territory, Nevada, and American Samoa); Post Office Inspector in Charge, San Francisco, Calif.

Seattle Division (comprising Alaska Territory, Idaho, Montana, Oregon, and Washington); Post Office Inspector in Charge, Seattle, Wash.

Washington Division (comprising Delaware, District of Columbia, Maryland, Virginia, and West Virginia); Post Office Inspector in Charge, Washington, D. C.

(c) *Post-office inspectors in charge.* To the post-office inspectors in charge are intrusted the supervision of the post-office inspectors assigned to their respective divisions and such clerks as may be allowed their offices; the administrative examination of the traveling expense and other accounts of such post-office inspectors; the consideration of requests for leave of absence of all postmasters and post-office inspectors within their respective divisions, and clerks at their division headquarters; the investigation through correspondence of such service complaints and inquiries as may be delegated by the department from time to time, complaints and inquiries relative to loss, rifling, damage, wrong delivery, delay, and disposition of international mails reported under sections 809, 811, and 2233, of the Postal Laws and Regulations, Postmaster General, 1940, also miscellaneous complaints against postmasters, employees, and the service at post offices of the second, third, and fourth classes, and delay or other mistreatment of ordinary or special delivery ordinary mail in post offices (see sections 809 and 810 of the Postal Laws Regulations, Postmaster General, 1940 as to complaints concerning registered, insured, and collect-on-delivery mail and concerning delay of ordinary mail in transit); and requests from postmasters at post offices of the second, third, and fourth classes for interpretations of the Postal Laws and Regulations, notices and orders relating to such laws and regulations published in the Official Postal Guide and the Postal Bulletin, except that requests for interpretations of registry, insured, or collect-on-delivery regulations should be addressed to the Third Assistant Postmaster General, Division of Registered Mails, when domestic service is involved and to the Second Assistant Postmaster General, Division of International Postal Service, when international service is involved.

(d) *Post-office inspectors.* (1) Post-office inspectors are the special representatives of the Postmaster General. They are charged with the investigation of post offices and all matters connected with the Postal Service; and with keeping the department advised as to the condition and needs of the service. Alleged violations of law shall be investigated and reported upon by them, and they shall, when necessary, aid in the prosecution of all criminal offenses.

(2) Postmasters, clerks, employees, contractors, and others connected with the postal service, are subordinate to post-office inspectors when acting within the scope of their duty and employment. But no arbitrary power is hereby conferred upon them. They shall not interfere with any officer or employee who is in the proper discharge of his duty further than to examine his methods, system, and accounts, or any complaints which may be made against him. Nor shall they interfere with the mails or the transportation thereof, except as expressly authorized by law and as permitted by the regulations.

(3) Inspectors are empowered to open pouches and sacks and examine the mails therein and are authorized to enter and inspect post offices at all times.

(4) Inspectors shall exhibit as evidence of their authority the commission issued by the Postmaster General. At the end of each calendar year, or in the event of death, resignation, or removal, the commissions issued to inspectors or to other field inspection personnel shall be transmitted to the inspector in charge of the division to which they are assigned. Commissions issued to all other officers in the service shall be returned through official channels to the chief inspector at the end of each calendar year, or in the event of the death, resignation, or removal of the holder. The chief inspector and the inspectors in charge shall arrange in their offices to check the returned commissions with the list of those issued and cancel such commissions.

(e) *Information, requests, submittals.* Inquiries and requests by the public for information concerning the Postal Service or complaints concerning mail matter should be addressed to the Postmaster or to the Post Office Department, Washington 25, D. C.

(f) *Official reports and records confidential.* (1) All records and information in the custody of the Chief Inspector or of his representatives are intended for use in the detection and correction of postal offenses and abuses. Inspectors and other officers and employees having possession of inspectors' reports and inspection records have no control thereof with regard to permitting the use of same for any other than official purposes, except in the discretion of the Postmaster General. Inspectors and other employees are hereby prohibited from presenting such records or information in a State court, whether in answer to a subpoena duces tecum or otherwise. Whenever a State court subpoena shall have been served upon them, they will appear in court and respectfully decline to present the records or divulge the information called for, basing their refusal upon this regulation.

(2) If records or information are desired for use in a State court or for the use of parties to a suit or habeas corpus proceedings in a Federal court, and if the United States is not a party in interest, employees shall inform the persons interested that they are prohibited by the regulations of the Post Office Department from furnishing official records or information direct; that official records or information may only be furnished by the Postmaster General after the court has made rule upon him for same. Whenever such rule of the court shall have been made, employees shall carefully prepare or procure a copy of the record or statement of information called for and forward the same to the Chief Inspector, whereupon it will be referred through the Solicitor to the Postmaster General, and thereafter under the seal of the Department be transmitted to the judge or the court calling for it, unless it shall be found that circumstances or conditions make it necessary to decline in the interest of public policy to furnish the information.

(3) With regard to inspectors and other employees testifying on official matters of a confidential nature in a Federal court, each case must be given individual consideration as it arises. The

Department will offer every possible assistance to the courts. Nevertheless, the question of disclosing privileged information is a matter entirely in the discretion of the head of the Department, and should an attorney for a private litigant attempt to compel an employee to disclose sources of official information or similar matter deemed to be confidential, the employee shall respectfully decline to answer. Should his reasons be asked by the court, he shall courteously state that the matter is regarded as privileged and therefore cannot be disclosed without specific approval from the Postmaster General.

§ 1.10 *Comptroller, Bureau of Accounts—(a) Matters assigned.* The Bureau of Accounts of the Post Office Department is located in Washington, D. C., and is headed by the Comptroller, who is appointed by the President with the advice and consent of the Senate. The Comptroller is charged with the performance of the administrative duties previously performed by the Auditor for the Post Office Department and such other duties in relation thereto as the Postmaster General may direct.

(1) To the Comptroller, Bureau of Accounts, are assigned the administrative examination of all postal, money order and postal note accounts of postmasters at direct and central accounting offices and the accounts of foreign administrations; the prescribing and supervising the administrative examination of district office accounts at central accounting offices; the administrative examination of the accounts and conducting of physical audits of the cash and accountability of the Philatelic Agent and the Superintendent, Division of Finance and Disbursing Office; the instructing of postmasters relative to the maintenance of financial records and the preparation and rendition of their accounts; the supervising of the quarterly counts of penalty mail and determining the quantity of penalty matter procured and mailed by each department, agency, or organization of the Government and the cost of handling such mail; the work of ascertaining the revenues derived from and the cost of carrying and handling the several classes of mail matter and of performing the special postal and nonpostal services; the keeping of administrative appropriation and cost accounts; the maintenance of control accounts of appropriations, apportionments, allotments, obligations, revenues, receipts, and expenditures; the maintenance of records of gross postal receipts, by calendar years, of post offices; the compilation of statistical reports, monthly operating statements, and other financial data for the information of the Postmaster General and other officers of the Post Office Department; the ascertainment of the facts and the preparation of certifications relating to proposed compromise of liabilities to the Department under section 306 of the Postal Laws and Regulations of 1940; the general supervision of the administration of the Retirement Act; and, in collaboration with the Office of the Budget and Administrative Planning, the conducting of surveys and research necessary to the de-

velopment of improved cost accounting and control procedures and the formulation of policies with respect to the financial accounting and statistical systems of the postal establishment. (See secs. 41, 255, 256 and 261 of the Postal Laws and Regulations of 1940.)

The divisions of this bureau shall perform duties as follows:

(b) *Division of Accounts.* The Division of Accounts, under the supervision of the superintendent, is charged with the administrative examination of accounts rendered by postmasters; the administrative examination of the accounts of the Philatelic Agent and the Superintendent, Division of Finance and Disbursing officer; the maintenance of control accounts showing the daily transactions and financial accountability of the Philatelic Agent and the Superintendent, Division of Finance and Disbursing Officer; the maintenance of control accounts showing the annual cost of maintaining Federal buildings in which post offices are housed; the keeping of individual accounts maintained in the Department of the statutory deductions from the basic salaries of employees in the Department and Postal Service for credit to the Civil Service Retirement and Disability Fund; for compilation of statistical data relative to newspapers and other periodical publications admitted to the mails as second-class matter; the maintenance of records showing the quantity of penalty matter procured by each department, agency, or organization of the Government and the quantity of such matter on hand at the close of each fiscal year; the ascertainment, from accounts and reports rendered by postmasters, of the gross postal receipts, by calendar years, of each post office and the compilation of such data; and the ascertainment of the amount withheld, by quarters, from the earnings of employees for Federal tax on salaries and wages.

(c) *Division of Cost Ascertainment.* The Division of Cost Ascertainment, under the supervision of the superintendent, is charged with the general direction of the work of ascertaining the revenues derived from and the cost of carrying and handling the several classes of mail matter and of performing the special postal and nonpostal services; and the supervision of the quarterly counts of penalty, franked, and matter mailed free of postage and the preparation of reports showing the results thereof.

(d) *Division of Methods and Procedures.* The Division of Methods and Procedures is charged with making detailed investigations in research surveys undertaken by the Office of Budget and Administrative Planning.

(e) *Inquiries and requests for information.* All requests for information shall be addressed to the Comptroller, Bureau of Accounts, Post Office Department, Washington 25, D. C.

(f) *Official records available to the public.* The complete record of the compromise of obligations with the Post Office Department are the only records available to the public. These records are available only from the time a compromise case is received in the Bureau of Accounts until it is referred to the Comptroller General of the United

States for approval, and access to these records is restricted to those who establish a direct and proper interest therein.

§ 1.11 *Information concerning postal matters.* Members of the public may request information concerning any postal matter by communicating with the bureau or office which has assigned to it the duty of handling the matter regarding which information is desired. No special form is required to be followed in making such requests.

§ 1.12 *Availability of opinions, orders and official records.* (a) There shall be made available for public inspection: (1) All final opinions or orders in the adjudication of cases, except those required for good cause to be held confidential and not cited as precedents.

(2) All postal statements of general or particular applicability and future effect designed to implement, interpret or prescribe law or policy or to describe the organization, procedure or practice requirements of the postal service.

(b) Except as otherwise required by statute, matters of official record shall be made available to persons properly and directly concerned except information held confidential for good cause found.

(c) All matters shall be deemed confidential for good cause found which: (1) Are classified as confidential by regulation or order, (2) are found to be confidential upon specific request being made therefor by any member of the public.

(d) All requests for inspection or information pursuant to this regulation shall be referred to the Solicitor of the Department who after consultation with the Bureau or Office affected shall recommend to the Postmaster General such action as he deems appropriate. Such requests shall be complied with only upon approval of the Postmaster General.

SUBCHAPTER B—REGULATIONS

NOTE: Subchapter B appears in Part I of this issue.

SUBCHAPTER C—PROCEDURES AND FORMS

PART 50—PROCEDURES OF THE POST OFFICE DEPARTMENT

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- 50.2010 Grounds for revocation of permits.
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- 50.2302 Sworn statements required of publishers concerning extraordinary number of copies over the usual circulation.
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- Sec.
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- 50.2310 Evidence to be submitted before advertising zone rates are waived for publications of religious, educational, scientific, philanthropic, agricultural, labor, or fraternal organizations or associations.
- 50.2311 Single sheets or portions thereof sent in proof of the insertion of advertisements.
- 50.2312 Copy marked to show advertising and reading matter to be filed by publishers with each mailing.
- 50.2313 Publishers required to separate copies or file zone analyses on Form 3539-A.
- 50.2314 Postage must be paid at the second-class pound rates in money before the copies are dispatched.
- 50.2315 Receipt for postage on Form 3539 to be furnished by postmaster to publishers.
- 50.2316 An advance deposit of money to cover postage may be received by postmasters from publishers.
- 50.2317 Place to which second-class matter must be brought for mailing.
- 50.2318 Application of news agents for registration.
- 50.2319 Evidence concerning publication to be furnished by news agents.
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- 50.2321 Applications for refunds of postage for which service is not rendered or which is paid in excess of the lawful rate.
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- 50.2600 Preparation of matter for registration.
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- 50.2609 Registration of mail by city and village carriers.
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- 50.2612 C. O. D. service for registered mail.
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- 50.2616 Demurrage charges on domestic C. O. D. mail.
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- Sec.
50.2618 Recovery of registered, insured, or C. O. D. mail.
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- 50.3111 Applications for duplicates of lost, destroyed, invalid or mutilated postal notes.
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- 50.3123 Bond of indemnity for issue of duplicate of lost money order.
- 50.3124 Report of wrong payment of money order.
- 50.3125 Claim against the United States for amounts due in case of a decedent.
- 50.3132 Notifying payee to present order.
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- SUBPART E—PROCEDURES BEFORE THE FOURTH ASSISTANT POSTMASTER GENERAL
- 50.3500 Rental of garage accommodations without formal lease.
- 50.3501 Contracts for servicing Government-owned vehicles.
- 50.3502 Contracts for carrying the mails in panel or screen body motor vehicles.
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- 50.3505 Fines and deductions; contractors for carrying the mails by panel or screen body vehicles or by pneumatic tubes.
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- 50.3600 Sale of post-route maps and rural-delivery maps to the public.
- 50.3700 Leasing and equipping of quarters for post offices of the first, second and third classes; for stations and branches thereof; and for post office garages and railway mail terminals.
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SUBPART F—PROCEDURES BEFORE THE CHIEF INSPECTOR

- Sec.
50.4300 Inquiries and complaints.
- 50.4301 Disposition of money or other property lost or stolen from the mails and recovered by Post Office Inspectors.
- 50.4302 Payment of rewards.
- AUTHORITY: §§ 50.500 to 50.4600, inclusive (with the exception noted in the text), issued under R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369.

SUBPART G—PROCEDURES BEFORE THE COMPTROLLER, BUREAU OF ACCOUNTS

- 50.4600 Compromise of obligations.
- § 50.500 *Contract procedure.* All contract procedure has been standardized and outlined in U. S. Standard Form No. 22 approved by the Secretary of the Treasury. (33 Stat. 440, sec. 2, 47 Stat. 1520; 5 U. S. C. 366; 41 U. S. C. 10a.)
- CROSS REFERENCES: For procedure see 39 CFR, 2.1 to 2.12, and 41 CFR, 12.22.
- § 50.501 *Invitation, bid and acceptance.* All persons or concerns interested in receiving invitations to bid on proposals should write to the Purchasing Agent, Post Office Department, Washington 25, D. C.

CROSS REFERENCES: For form of invitation, bid and acceptance and formal contract see 41 CFR, 12.32, 12.33.

§ 50.502 *Open market purchases.*

CROSS REFERENCES: For procedure see §§ 2.6, 2.8 of this chapter.

§ 50.700 *Establishment of rural delivery service.* Petitions for the establishment of a rural delivery service shall be submitted on Form 4001 and forwarded by the petitioner to the First Assistant Postmaster General. Forms are available at the office of the First Assistant Postmaster General, Washington 25, D. C. Before circulating Form 4001, petitioners should procure from the First Assistant Postmaster General Form 4002 containing information concerning rural delivery service. (Sec. 1, 39 Stat. 423; 39 U. S. C. 191, 192)

CROSS REFERENCE: For substantive rules see 39 CFR, 14.15 to 14.62. Forms described in §§ 55.700, 55.701 of this chapter.

§ 50.701 *Establishment, changing, or extending city delivery service.* All requests or petitions for establishment, change or extension of city and village delivery service shall be addressed to the local postmaster. No formal petition is prescribed. (R. S. 161, 396 secs. 304, 309; 42 Stat. 24, 25; 5 U. S. C. 22, 369; 39 U. S. C. 151, 152)

CROSS REFERENCE: For substantive rules see 39 CFR 14.1 to 14.14.

§ 50.702 *Establishment of contract stations or contract branches.* Members of the public may petition a local postmaster for the establishment of a contract station or branch of a post office. No formal petition is prescribed. Subject to Department approval, intention to establish a contract station or a contract branch will be advertised at offices to which the station or branch is to be attached. Persons interested in securing a contract to operate a contract station must submit an agreement on Form

1459. Persons interested in securing a contract to operate a contract branch must submit an agreement on Form 1459-A. Forms are available at the office of the First Assistant Postmaster General, Washington 25, D. C. (R. S. 3871; 41 Stat. 323; 39 Stat. 163, 313; 39 U. S. C. 158-161)

CROSS REFERENCE: Forms described in §§ 55.702, 55.703 of this chapter.

§ 50.703 *Change of post office address.* Notification of change of address shall be submitted to the local postmaster on Form 22, available at all post offices. (R. S. 161; 5 U. S. C. 22)

CROSS REFERENCE: Form described in § 55.704 of this chapter.

§ 50.704 *Withdrawal of mail.* Applications to withdraw mail deposited for mailing shall be made to the local postmaster on Form 1509, available at all post offices. Applicants will be required to bear any expense incident to the return of mail deposited for mailing. (R. S. 161; 5 U. S. C. 22)

CROSS REFERENCE: Form described in § 55.705 of this chapter.

§ 50.705 *General delivery service.* Where city or village delivery service is provided, applications for general delivery service shall be made to the local postmaster on Form 1527, available at all post offices. (R. S. 161; 5 U. S. C. 22).

CROSS REFERENCE: For substantive rules see 39 CFR, 12.14, 12.20. Form described in § 55.706 of this chapter.

§ 50.706 *Report of the loss, rifling, delay, wrong delivery or other improper treatment of mail matter.* Persons experiencing the loss, rifling, delay, wrong delivery, or other improper treatment of mail matter should make report thereof to their local postmaster and secure from him a Form 1510 on which formal complaint should be completed. Upon completion, the form should be delivered to the local postmaster. (R. S. 161; 5 U. S. C. 22)

CROSS REFERENCE: Form described in § 55.4302 of this chapter

§ 50.800 *Establishment of post offices.* Petitions for the establishment of a post office shall be submitted on Form 1000 and shall be forwarded by the petitioner to the First Assistant Postmaster General. Forms are available at the office of the First Assistant Postmaster General, Washington 25, D. C. (R. S. 161; 5 U. S. C. 22)

CROSS REFERENCE: Form described in § 55.800 of this chapter.

§ 50.801 *Change of site of post office.* All positions or requests for the change of site of a post office shall be addressed to the First Assistant Postmaster General, Washington 25, D. C. No formal petition is required except that the request will show the direction and distance the office is to be moved and bear the signature or signatures of the petitioners. (R. S. 161; 5 U. S. C. 22)

§ 50.802 *Change in name of post office.* Requests for change in name of a post office shall be directed to the First Assistant Postmaster General, Washington 25, D. C. No form is prescribed

for this purpose except that the request shall show the present name and the proposed new name of the office and bear the signature or signatures of the petitioners. Requests for the change in name of a post office will be passed upon by the Post Office Department and the United States Board of Geographical Names, Department of the Interior. (R. S. 161; 5 U. S. C. 22)

§ 50.900 *Rules of practice governing proceedings before the Post Office Department to revoke orders changing the mode of transportation of periodical mail of the second class—(a) Proceedings governed.* These rules shall govern all proceedings under section 1752, Postal Laws and Regulations, 1940, as amended (39 U. S. C. 576), relating to the revocation of orders of the Post Office Department changing the mode of transportation of periodical mail.

(b) *How instituted.* Whenever the owner of any publication entered as second class matter believes that a Post Office Department order requiring the transportation of his publication by freight constitutes unjust discrimination he may petition the Second Assistant Postmaster General for revocation of said order.

(c) *Contents of petition.* The petition shall state the statute and portions of the Postal Laws and Regulations involved; shall identify the order sought to be revoked; and shall contain a concise statement of the manner in which the said order is alleged to constitute unjust discrimination. All petitions shall be signed by the petitioner or his attorney. If the petitioner is a corporation, association or partnership the petition shall be signed by a bona fide officer thereof or by one or more partners. All petitions shall show the office and post office address of the petitioner. All petitions shall be verified. Petitions may be accompanied by supporting affidavits or other documentary evidence.

(d) *Filing.* The original and two copies of the petition shall be filed with the Second Assistant Postmaster General, Post Office Department, Washington 25, D. C.

(e) *Amendment.* The petition may be amended or supplemented at any time prior to the hearing.

(f) *Designation of Trial Examiners.* All hearings shall be held before one or more trial examiners designated by the Postmaster General to preside at administrative proceedings before the Post Office Department.

(g) *Authority of Trial Examiners; powers.* The Trial Examiners are charged with the duty of conducting a fair, impartial, expeditious and orderly hearing to the end that petitioners shall have a full and fair hearing. Trial Examiners shall have the authority to rule upon offers of proof; to receive oral or documentary evidence; to regulate the course of the hearing and the conduct of participants; to grant continuances after commencement of the hearing; dispose of procedural motions; hold prehearing conferences for the settlement or simplification of the issues by consent of the parties; require oral argument or briefs upon any question at the close of

the hearing; and make recommended decisions to the Second Assistant Postmaster General. The Trial Examiners shall have no power to decide any matter which involves a final determination of the merits of the proceeding.

(h) *Place of hearing.* In setting the place for the hearing due regard will be given to the convenience and necessity of all parties.

(i) *Preliminary review of petition.* Upon receipt of the petition the Second Assistant Postmaster General shall, when time, the nature of the proceeding and public interest permit, examine the same and determine whether the relief requested can be granted upon the basis of the matter submitted.

(j) *Responsive pleadings.* If the petition cannot be granted as provided in paragraph (i) of this Section the Second Assistant Postmaster General shall serve a copy thereof upon the Solicitor of the Post Office Department, the Trial Examiners and any person or concern directly interested in the proceeding. He shall also notify the interested parties that they may intervene, if they see fit, by filing a responsive pleading within the time limit designated. The Solicitor of the Post Office Department shall also be required to file a responsive pleading. Responsive pleadings shall clearly show the controverted issues of fact or law.

(k) *Date and time of hearing.* After the time for filing responsive pleadings has expired the Second Assistant Postmaster General shall set a time and place for the hearing.

(l) *Continuances prior to commencement of hearing.* Continuances of the hearing will be granted only in unusual or extraordinary circumstances. All requests for continuances prior to the commencement of the hearing shall be in writing and directed to the Second Assistant Postmaster General. The request shall contain a concise statement of the basis for the continuance.

(m) *Prehearing conferences.* In any proceeding assigned for hearing the Trial Examiners or either party may request a prehearing conference for the settlement or simplification of the issues by consent of the parties. No transcript of such conference shall be made but the Trial Examiners shall prepare and file for the record a written summary of the action taken at the conference which shall incorporate any written stipulations or agreements made by the parties at the conference or as a result of the conference.

(n) *Order of procedure.* The Petitioner shall have the burden of proof and shall have the right to open and close.

(o) *Witnesses.* All witnesses shall be duly sworn and shall be subject to cross-examination.

(p) *Evidence.* Competent, material and relevant oral or documentary evidence may be offered and received. Documentary evidence must be properly identified or authenticated. Three copies of all documentary exhibits must be supplied for the record.

(q) *Objections.* If any party objects to the admission or rejection of any evidence, or to the limitation of the scope of direct or cross-examination, he shall state briefly the grounds for such objec-

tion. Exceptions to all adverse rulings are automatic. The objection, grounds and ruling thereon shall become a part of the record. Oral argument thereon shall be omitted from the record.

(r) *Subpenas.* The Post Office Department is not authorized by law to issue subpenas requiring the attendance or testimony of witnesses.

(s) *Oral argument.* At the conclusion of the testimony the parties shall have the right to argue the issues orally before the Trial Examiner, within such limits as to time and subject matter as may be prescribed by him. Oral arguments shall become a part of the record of the case. The petitioner shall have the right to open and close.

(t) *Transcript of proceedings.* The hearing shall be reported and transcribed by the reporting system made available by the Post Office Department. Said transcript together with all preliminary papers filed in the case and exhibits received in evidence and those identified and offered but excluded and which are necessary to complete the record of the proceeding and all briefs, proposed findings of fact and conclusions of law; the Trial Examiner's findings, report and recommended decision, shall be included in the official record of the proceeding and shall become a part of the files of the Post Office Department. A copy thereof shall be loaned to each party for use in preparing briefs and must be returned to the Department with the brief.

(u) *Briefs.* Within such time limit as the Trial Examiner shall specify and prior to any recommended decision each party may file a brief and proposed findings of fact and conclusions of law. If it shall be deemed necessary the Trial Examiner may require the attorney for the Department to brief his side of the case.

(v) *Trial Examiner's report.* Upon the basis of the entire record as hereinabove defined the Trial Examiner shall promptly prepare a report which shall include his recommended decision and his rulings upon each proposed finding of fact and conclusion of law with the reasons or basis for such ruling, and transmit it to the Second Assistant Postmaster General, together with the transcript of proceedings. Such report will be advisory only and not binding upon the Second Assistant Postmaster General.

(w) *Decision.* Upon the basis of the transcript of proceedings, the Second Assistant Postmaster General shall revoke the order in question or deny the petition. No oral argument before the Second Assistant Postmaster General will be allowed.

(x) *Administrative appeals.* Section 576 of Title 39 U. S. Code provides for direct appeal to the United States Court of Appeals for the District of Columbia within twenty days of any final decision adverse to the petitioner. Rehearings or administrative appeals to the Post Office Department are neither allowed nor necessary. (39 Stat. 424, 48 Stat. 926; 39 U. S. C. 576.)

§ 50.1000 *Air mail service, Alaska—*

(a) *Application and authorization of service.* Upon application of carriers to engage in air transportation in Alaska,

investigation is made by the Civil Aeronautics Board to determine the carrier most fit, willing and able to perform the service. When determined, such carrier is issued a certificate of convenience and necessity, in some cases for the transportation only of persons and property, and in others for the transportation of persons, property and mail. When the certificate authorizes the transportation of mail between any points in Alaska, such service is designated by the Postmaster General if the needs of the service require it. If mail service by aircraft is found to be necessary at other points in Alaska in addition to that authorized in certificates, the Postmaster General may certify such finding to the Civil Aeronautics Board with a statement showing the additional service required. If found to be in the public interest, a new or amended certificate may be issued authorizing the service.

(b) *Special contracts.* The Postmaster General may contract, in accordance with the procedure set out in § 50.1300, for the carriage of all classes of mail in Alaska when the needs of the service require transportation by aircraft and where no transportation has been authorized under the Civil Aeronautics Act of 1938, title IV. (49 U. S. C. 481.) Form 2253, "Contract for Mail Service by Airplane on Star Route in Alaska," is used in connection with this service when contracts are awarded on a four-year basis; when authorized for one year, Form 2252, "Contract for Temporary Mail Service by Steamboat or other Power Boat," amended for the airplane service, is used.

(c) *Emergency service contracts.* Contracts for emergency air mail service due to flood, fire, or other calamitous visitation are authorized, without advertising, when service by other facilities is not available, and are for periods of the emergency, not exceeding one year. Form 2252 mentioned above is used for these contracts.

(d) *Rates.* The rates of payment for transportation of all classes of mail in Alaska by air carriers authorized to engage in the transportation of mail under title IV of the Civil Aeronautics Act of 1938 are established by the Civil Aeronautics Board. (43 Stat. 960; 52 Stat. 987; 54 Stat. 1175, 1235; 39 U. S. C. 488a; 49 U. S. C. 481, Supp. V)

CROSS REFERENCE: See 5 F. R. 2421; for forms see §§ 55.1000; 55.1001 of this chapter. For similar procedures see §§ 50.1401, 50.1402, 1.6 (g).

§ 50.1001 *Mail messenger service—*(a) *General provisions.* This class of service is not let for any stated period, and no formal contract or bond is required for the reason that by its nature the service is flexible, and changes may be necessary at any time. Mail messengers are not employees of the classified service and are not entitled to the benefits applying to the classified service. Generally, it is not the practice of the Department to disturb the service where it is rendered in a satisfactory manner, unless it is indicated after the service has been in effect for at least one year, that a material reduction in cost can be obtained, or for some other reason the issuance of an ad-

vertisement for new bids becomes necessary. Any postmaster where the service is in effect will furnish information desired regarding the operation of the service, the issuance of new advertisements or other questions with respect thereto.

(b) *Advertisement for bids.* Before establishing this service or before changing an existing service, an advertisement setting forth the service to be provided shall be issued and the postmaster shall post notices thereof in public places for ten days.

(c) *Awards.* The report on the advertisement, with all bids submitted, is forwarded to the Second Assistant Postmaster General, where the bids are opened, and the lowest bidder, if in all other respects acceptable, shall be designated, in the event that an award is made. If the Department considers the rates of the bids to be excessive, they may be rejected and another advertisement may be issued.

(d) *Termination or discontinuance of service.* In the event the Second Assistant Postmaster General considers that for any reason the termination of service and pay of a mail messenger is warranted, an advertisement for new bids may be issued. In such a case the postmaster and mail messenger are notified in writing. There is no appeal from the decision of the Second Assistant Postmaster General. (24 Stat. 492; 43 Stat. 352; 39 U. S. C. 578, 579)

§ 50.1002 *Fines and deductions, mail messengers—*(a) *Reports of irregularities.* Reports of failures or irregularities on the part of Mail Messengers are made to the Second Assistant Postmaster General by field operating officials.

(b) *Notice of irregularity and answer.* When a failure or irregularity occurs, the mail messenger is called upon for a statement as to the reason therefor, and he is given the opportunity to explain the circumstances in writing and offer such defense as he may desire in his behalf. No form is provided for this purpose.

(c) *Notice of fine.* When the investigation is completed and all reports are received at the Post Office Department, the facts are considered and the amount of the fine, if any, is decided upon and imposed by authority of the Postmaster General. (44 Stat. 499; 48 Stat. 952; 39 U. S. C. 443)

CROSS REFERENCE: For similar procedures, see §§ 50.1003, 50.1401, 50.1402.

§ 50.1003 *Fines and deductions, railroad, electric car companies, power boat contractors and carriers in the United States, Alaska, Puerto Rico and Hawaiian service, airplane and overland star route contractors and carriers in Alaska and carriers on certificated air mail routes in Alaska—*(a) *Notice of irregularity, answer; assessment of fine.* Briefs of irregularities involving delays, loss or damage to the mails, careless handling, rough switching and unsatisfactory condition of postal cars or other delinquencies are reported by the Postmaster, Transfer Clerk or Postal Clerk to the Chief Clerk, Railway Mail Service, who then advises the company or contractor of same; and requests the delinquent party to advise if responsibility is acknowledged. When the investigation

is completed the briefs with statement of facts on Forms 5178 and 5179 are forwarded to the Second Assistant Postmaster General and carefully examined to determine the responsibility of the company or contractor involved and the amount of fine, if any, is then decided upon.

(b) *Damage or loss of mails; responsibility of carrier.* Damage cases are handled in the same manner as the class of cases mentioned above except that where it is found, after investigation, that the Government has suffered a loss through the payment of indemnity or otherwise resulting from damage or loss of mails, such loss is taken into consideration when determining the amount of the fine.

(c) *Notice of fine, appeal.* When a fine is imposed the carrier involved is mailed a notice on proper forms stating the facts and the amount of the fine. The carrier may protest the imposition of fine but must file application in the office of the Second Assistant Postmaster General with evidence in support thereof, within six months from the date of notice of fine. (44 Stat. 499; 48 Stat. 952; 39 U. S. C. 443)

CROSS REFERENCE: For Forms see §§ 55.1002, 55.1003. For similar procedures see §§ 50.1002, 50.1401, 50.1402.

§ 50.1100 *International mail; admissibility to mails.* The question of the mailability or of the rates, classification, or other conditions of admissibility of an article or parcel it is desired to mail to a foreign country should first be taken up with the post office where the article or parcel is to be mailed. Detailed information concerning the rules of mailing may also be found in Part II of the U. S. Official Postal Guide. If the article or parcel is refused for mailing and there is doubt that it is in fact nonmailable, the question may be submitted by the proposed sender by letter to the Second Assistant Postmaster General, Washington 25, D. C., for review and final determination. (See also 39 CFR, 6.12.) (R. S. 398; 48 Stat. 943; R. S. 161, 396 secs. 304, 309; 42 Stat. 24, 25; 5 U. S. C. 22, 369, 372)

§ 50.1101 *International mail, inquiries, complaints and claims—(a) Filing of forms.* Complaints of loss, rifling, damage, delay, or wrong delivery of international mail are to be made on Form 1510, which should be filed at the office of mailing; however, for mailings at first- and second-class offices and except in the case of Canada, Form 540 is used for loss of ordinary parcel post; Form 541 for loss of other ordinary mail, and Form 542 for loss of registered mail (including registered parcel post). Form 1510, as well as Form 2855, must be executed and filed for insured mail addressed to Canada. Inquiries concerning disposition or complaints relative to insured parcels to other countries are handled in the same manner as complaints of loss of registered mail, except that in case of prima facie loss, rifling, damage, delay, or wrong delivery of an insured parcel, Forms 1510 and 2855 may be executed. Inquiries are accepted only within the period of one year, counting from the day following that of mailing of the article. Simple requests for information presented after

that period are complied with regarding articles mailed less than 2 years previously. In the case of insured mail with Canada and Newfoundland, however, the inquiry, oral or written, must be made within 6 months from the date of mailing. Claims for indemnity on account of the loss, rifling, or damage of international registered (Postal Union or Parcel post) or registered C. O. D. mail shall be filed on Form 565. Form 2855 shall be used in connection with complaints of the loss, rifling, or damage of international insured, insured C. O. D. or Americo-Spanish ordinary parcel post and for nonreceipt or shortage of C. O. D. charges borne by all international C. O. D. parcels.

(b) *Fees charged.* A charge of 10 cents (5 cents in the case of ordinary Postal Union mail) shall be made for an inquiry or complaint in connection with registered or insured mail addressed to a foreign country, unless the sender has failed to receive a return receipt for which he paid the required fee, or is able to show that a prima facie loss or other irregularity has occurred through fault of the Postal Service by (1) exhibiting a letter or other report from the addressee dated a reasonable time after the article involved would, in regular course, have been delivered, or (2) satisfactorily accounting for the failure to exhibit such letter or report. If an inquiry or complaint is accepted without collection of a fee under the foregoing but it is subsequently found that there was no mistreatment or unreasonable delay of the article chargeable to the Postal Service, the prescribed fee shall be collected when the result of the trace is furnished the sender. However, no fee shall be collected for inquiries or complaints regarding international C. O. D. mail, nor in the event of loss due to war causes or inability to account for an article due to the same causes. Registry return receipts for Postal Union mail articles and insured parcels may be obtained upon payment of a fee of 5 cents if requested at time of mailing or 10 cents if requested after mailing, except that no return receipts are furnished for insured parcels for Canada. The charge for return receipts for registered parcels varies according to the country of destination. Form 2865 is designed for this purpose and for complaints of failure to receive return receipts. However, at first- and second-class offices Form 542 is also used in connection with such complaints and Form 1510 at third- and fourth-class offices. (R. S. 398; 48 Stat. 943; R. S. 161, 396 secs. 304, 309; 42 Stat. 24, 25; 5 U. S. C. 22, 369, 372)

CROSS REFERENCE: For forms see §§ 55.4302; 55.1101, 55.1102; 55.1103; 55.1104; 55.2601; 55.1106, of this chapter.

§ 50.1102 *International mail, requests for refund of postage and fees.* Requests for refund of postage paid on international mail for which no service has been rendered, requests for refund of fees collected for return receipts when not furnished because of some fault of the Postal Service, and requests for refund of fees for inquiries and complaints when caused by some irregularity of the Postal Service, should be made in writing to the

postmaster at the office of mailing, accompanied with the address portion of the relative envelope or wrapper with canceled postage affixed. Such requests are forwarded to the Second Assistant Postmaster General, Division of International Postal Service, for decision. (5 U. S. C. 22, 369, 372)

§ 50.1103 *International Mail; Recall and Change of Address—(a) General provisions.* The sender of any mail article addressed for delivery in a foreign country may cause it to be withdrawn from the Postal Service, or have its address changed (1) provided the article has not been dispatched from the United States, and (2) in case it has been dispatched from the United States and not delivered to the addressee and provided the legislation of the country of destination of the article allows such withdrawal or alteration.

(b) *Applications.* Application should be made at the office of mailing. If the article has actually been dispatched from the United States, the applicant must deposit with the postmaster a sum sufficient to cover the amount chargeable on a single rate registered letter to the country concerned, 23 or 25 cents as the case may be, as well as the amount necessary to prepay an air-mail letter or a cablegram to the country of destination if such service is desired by the applicant. The applicant will be required to pay any expenses incident to the return. (R. S. 398; 48 Stat. 943; R. S. 161, 396, secs. 304, 309; 42 Stat. 24, 25; 5 U. S. C. 22, 369, 372)

§ 50.1104 *International mail; sealed articles not properly endorsed or labeled.* In the case of sealed articles (other than parcel post) received in the mails from foreign countries which are known or believed to contain merchandise and do not bear the label Form C 1 (2976) or the endorsement "May be opened for customs purposes prior to delivery to addressee", or words of similar purport, the addressee may be required to furnish written authority for a customs officer to open the article in the presence of a representative of the postmaster, the article to be detained by the postmaster until opened. If the addressee does not furnish such written authority within 30 days after date of the notice or within such further time as may be allowed, the article may be treated as undeliverable mail matter and disposed of as such. (5 U. S. C. 22, 369, 372)

CROSS REFERENCE: For forms see § 55.1107 of this chapter.

§ 50.1105 *International mail; importations prohibited by copyright law.* Parcels and other mail from foreign countries which prove to contain articles prohibited importation by the copyright act are required to be retained by customs officers and the addressee notified of the facts. If an application is not made within a reasonable time to the Secretary of the Treasury for permission to return such articles to the country of export, the articles will be forfeited as provided in the copyright law. (5 U. S. C. 22, 369, 372; 17 U. S. C. 32.)

§ 50.1106 *International mail, securities or currency from abroad.* In the

case of mail articles supposed to contain securities or currency (except currency mailed from Mexico) received in the mails from foreign countries other than Great Britain, Canada, Newfoundland or Bermuda, the addressee may be requested to appear at the post office and open the article for inspection. If the article is found to contain securities or currency subject to license or other authorization from the Secretary of the Treasury to bring into the country, the securities or currency are required to be sent to a Federal Reserve Bank or, in the case of Alaska, Hawaii, the Virgin Islands and the Canal Zone, to the Governor or Foreign Funds Control Office of the respective territory or possession, for further disposition. The addressee will be given a receipt for the securities or currency so sent. (5 U. S. C. 22, 369, 372.)

§ 50.1107 *International mail; prepayment of customs duty, in certain cases only.* Customs duties can be prepaid by mailers only on advertising matter sent to Australia, Canada, Newfoundland (including Labrador) and the Union of South Africa. In the case of Newfoundland (including Labrador), prepayment of customs duty on advertising matter sent thereto is compulsory. For further information see Regular Mail "Observation" under the country headings of the above named countries in Part II of the U. S. Official Postal Guide. (R. S. 398; 48 Stat. 943; R. S. 161, 396, secs. 304, 309; 42 Stat. 24, 25; 5 U. S. C. 22, 369, 372)

§ 50.1108 *International mail; fraudulent or previously used stamps on mail from abroad.* Articles bearing fraudulent or previously used postage stamps received from foreign countries will not be delivered unless the addressee pays the postage due and agrees to disclose the name and address of the sender and surrenders the envelope or cover concerned. (R. S. 398; 48 Stat. 943; R. S. 161, 396, secs. 304, 309; 42 Stat. 24, 25; 5 U. S. C. 22, 369, 372)

§ 50.1109 *International mail; certificates of mailing.* On request at the time of mailing and on payment of a fee of 1 cent for each article or parcel involved, senders of Postal Union (regular) mail articles and international parcel-post packages may obtain a certificate attesting the mailing of the article or parcel. (R. S. 398, 48 Stat. 943; R. S. 161, 396 secs. 304, 309; 42 Stat. 24, 25; 5 U. S. C. 22, 369, 372)

CROSS REFERENCE: For forms see § 55.1108 of this chapter.

§ 50.1110 *International mail, claims for compensation due for conveyance of mails to foreign countries by steamship—*

(a) *Monthly accounts.* Monthly accounts are to be submitted on standard government Forms 1034 and 1034a—revised showing amount due for the conveyance of all mails for which the Post Office Department is obligated to pay. The accounts must be accompanied by a statement showing the name of each vessel conveying the mails during the month for which pay is claimed, date of sailing and particulars of classes of mail conveyed by each vessel (this information

is obtainable from Form 2963 furnished the carrier by the dispatching office).

(b) *Rates of pay.* The rates of pay applicable are stated in the Postal Laws and Regulations, section 2240.

(c) *Payment through intermediary party.* The term "third service", in so far as concerns the conveyance of mails by sea, is applied when compensation for the steamship service performed is paid by the postal administration of the country dispatching the mails to the postal administration of the country in which the conveying steamship is registered, pursuant to notification given through the International Bureau of the Universal Postal Union, Berne, Switzerland, by the postal administration of the country of registry, as authorized by Article 75 of the Universal Postal Convention. Such payments are normally based on postal statistics taken every three years for a period of 28 days. At present, because of disruptions of service by hostilities, payments are based on actual weights of the mails transported. There is no prescribed form on which report is to be made by the steamship companies of the actual weights of mails conveyed. Amounts due steamship companies under third service arrangements, are paid them by the post office department when the amounts are paid by the foreign countries concerned, without claim being filed by the steamship company. (44 Stat. 9900; 45 Stat. 696, 1175; 54 Stat. 2049; 5 U. S. C. 22, 369, 372; 39 U. S. C. 654)

CROSS REFERENCE: For forms see §§ 55.1109 and 55.1110 of this chapter.

§ 50.1111 *Establishment or extension of air mail routes.* (49 U. S. C. 485, 486) (See §§ 50.1400, 50.1000)

§ 50.1112 *International mail, foreign air mail routes, procedure in filing claims for compensation due for conveyance of air mails.* Monthly accounts are to be submitted on Post Office Department Form 2703-A showing amount due at rates specified by the Civil Aeronautics Board. These accounts are to be accompanied by trip reports, Form 2901, in support of the miles reported to have been flown on flights designated by the Second Assistant Postmaster General for the carriage of the mails. (5 U. S. C. 22, 369)

CROSS REFERENCE: For forms see §§ 55.1111 and 55.1112 of this chapter.

§ 50.1113 *Fines and deductions; transportation of mails by air or water on routes extending beyond the borders of the United States.* Upon receipt of information by the Second Assistant Postmaster General, either from a representative of the United States Post Office Department or a foreign country to which the mail was destined, reporting apparent delinquencies in the transportation of the mails a communication is addressed to the carrier requesting that a complete report be furnished in connection with the reported failure to render satisfactory service and that he further show cause in writing why a fine should not be imposed in the case. Upon receipt of the information requested, decision will be made as to the amount of fine to be imposed, if any, and the carrier will be informed accordingly. Non-

receipt of further communication from the carrier will imply acceptance of the fine. (46 Stat. 1049; 39 U. S. C. 655; 49 U. S. C. 485, 486)

CROSS REFERENCES: For further procedures see §§ 50.1003 and 50.1401.

§ 50.1300 *Star route and power boat service—*(a) *General provisions.* The star route and power boat service is maintained primarily for the supply of post offices not afforded other means of supply, and is operated on a contractual basis. The United States is divided into four contract sections and contracts are let for a term of four years. General advertisements are issued the latter part of each calendar year, inviting proposals for all star and power boat routes in one of the contract sections effective at the beginning of the next fiscal year. Each post office named in the advertisement is furnished a copy of the advertisement and proposal forms. Advertisements for miscellaneous mail lettings are posted as the occasion requires in the post offices at the termini of any route to be let and upon a bulletin board in the Post Office Department. The post offices are also furnished with proposal forms. Copies of general advertisements and proposal forms may be obtained from the Second Assistant Postmaster General, Washington 25, D. C. For more detailed information concerning the contract sections and method of advertising see section 1793 to 1795 of the Postal Laws and Regulations, edition of 1940.

(b) *Petition for establishment of service.* Requests for establishment of or changes in star route and power boat service should be submitted to the Second Assistant Postmaster General. No special form of petition is provided.

(c) *Advertisements inviting proposals.* Advertisements inviting proposals for star route and power boat state the service contemplated, the time limits for submitting bids and general instructions. Proposals should be submitted to the Second Assistant Postmaster General. Proposal forms may be obtained from the post offices at the termini of any route to be let, the local Chief Clerk, Railway Mail Service, or the Second Assistant Postmaster General.

(d) *Awards.* Contracts are awarded by the Second Assistant Postmaster General to the lowest responsible bidder tendering sufficient guaranties for faithful performance in accordance with the terms of the advertisement. (21 Stat. 374; 27 Stat. 268; 54 Stat. 228; 39 U. S. C. 421, 422, 426, 429)

§ 50.1301 *Highway Post Office contract service.* Contracts for carrying the mails and railway postal clerks on routes in motor vehicles especially designed and equipped for the distribution of mail en route may be awarded. (21 Stat. 374; 27 Stat. 268; 54 Stat. 228; 39 U. S. C. 421, 422, 426, 429, 505)

CROSS REFERENCE: For procedure see § 50.1300.

§ 50.1302 *Fines and deductions—star route service.* Deductions may be made from the pay of contractors for failure to perform service according to contract and fines may be imposed for other de-

linquencies as authorized by statute. Deductions and fines are based upon evidence received from postmasters and other field officials. Contractors are given written notice by the Second Assistant Postmaster General of the amount of deduction or fine and the reason therefor. (44 Stat. 499; 48 Stat. 952; 39 U. S. C. 443)

§ 50.1303 *Miscellaneous contract items; railway mail service.* From time to time local field officials require miscellaneous items and services such as ice, water coolers, window washing services, and printing. Advertisements specifying the items or services required are published and the contract is awarded to the lowest bidder, if in other respects acceptable, for a period of one year. (5 U. S. C. 22, 369)

§ 50.1304 *Mail bags; availability for public use.* Mail bags are made available to patrons when such action will result in a material benefit to the postal service. Application or requisition therefore should be made on Form 3970 and filed at the post office. Upon return of the bags, receipt on Form 3971 will be given to the borrower. Applicant must show a legitimate need for such bags. Further details are available at all post offices. (R. S. 398, 48 Stat. 943; R. S. 161, 396 secs. 304, 309; 42 Stat. 24, 25; 5 U. S. C. 22, 369, 372)

CROSS REFERENCE: For forms see §§ 55.1300 and 55.1301 of chapter.

§ 50.1350 *Leases, terminal railway post offices.* When additional space or new quarters are needed for terminal railway post offices, advertisements are published and bids are accepted.

CROSS REFERENCE: For procedure see §§ 50.3700 and 50.3701.

§ 50.1360 *Fines and deductions.* Power boat contractors.

CROSS REFERENCE: For procedure see § 50.1003.

§ 50.1307 *Second Assistant Postmaster General to determine what matter shall be excluded as liable to injure mails.*

CROSS REFERENCE: For procedure see 39 CFR, 6.12 to 6.21 inclusive.

§ 50.1400 *Establishment or extension of air mail routes.* The authorization of all new air routes, extensions of existing routes, and additional points to be served, and the determination of rates for the carriage of mail by aircraft on certificated routes, are functions of the Civil Aeronautics Board. Requests for information concerning the filing of applications for new air mail service certificates of public convenience and necessity should be directed to the Civil Aeronautics Board, Washington 25, D. C. (52 Stat. 987; 54 Stat. 1235; 49 U. S. C. 481) (See also 5 F. R. 2421)

§ 50.1401 *Fines and deductions; Air Mail Service—(a) Report of irregularities.* Irregularities in the handling of mail on the part of carriers are detected by examination of trip reports, Form 2702, submitted by carriers and by reports from postmasters and clerks in charge of air mail field post offices.

(b) *Investigation of irregularity reported.* Each mail failure or other ir-

regularity in the handling of mail on the part of the carrier is investigated by the Regional Superintendent, Air Mail Service, in whose area such failure or irregularity occurs.

(c) *Notice to carrier; answer.* The carrier is advised in writing of the irregularity and is requested to make his investigation and to state whether he accepts responsibility for same. Upon receipt of the carrier's reply, Form 2744, "Brief of Irregularity", with all papers bearing on the case, is submitted to the Second Assistant Postmaster General, Division of Air Mail Service, Washington 25, D. C., for determination of the penalty (fine) to be assessed.

(d) *Assessment of fine; notice of; appeal.* The carrier is notified of the penalty (fine) assessed and may protest same. In case of a protest by the carrier against a fine, either on the basis of alleged error, new information, or other reason, the case is further reviewed by the Second Assistant Postmaster General and his decision is final. (44 Stat. 499; 48 Stat. 952; 39 U. S. C. 443)

CROSS REFERENCES: See also §§ 50.1002, 50.1003, 50.1402. For forms see §§ 55.1400, 55.1401 of this chapter.

§ 50.1402 *Fines and deductions; Alaska, Puerto Rico, and Hawaii.* (44 Stat. 499; 48 Stat. 952; 39 U. S. C. 443)

CROSS REFERENCE: For procedure see §§ 50.1002, 50.1003, 50.1401.

§ 50.1600 *Rent of boxes.* The first step in the renting of a post office box is for the patron who desires the box to go to the post office and secure a blank application Form 1092½ which he appropriately fills out and leaves at the post office. If the applicant is well and favorably known to the postmaster and a box of the type desired is immediately available, the postmaster may assign the box for use at the beginning of the period for which the rental is paid. If a box of the type or size desired is not immediately available the applicant's name will be placed on a waiting list in the order in which his application is filed. The applicant is required to give references on his application and if he is unknown to the postmaster, the references are asked for a report as to the character and responsibility of the applicant, using Form 1092 for this purpose. When an applicant rents a post office box which operates with lock and key he is required to put up a deposit for whatever number of keys may be furnished him, usually one, two, or three, and he is given a receipt for the rental paid on Form 1538 on which is noted a receipt for the key deposit. If, when surrendering the box he returns this receipt with the keys to the post office, the deposit will be refunded to him. If, for any reason, when a box is surrendered a patron does not return any keys, a notice is sent him on Form 1093, asking that he return his keys for redemption. If the applicant wants more than three keys, special application must be made on Form 1094. At least 10 days prior to the beginning of each quarter the postmaster gives a patron a notice that his box rent is due, using Form 3908. (R. S. 3901; 39 U. S. C. 279)

CROSS REFERENCE: For description of Forms 1092½, 1902, 1538, 1093, 1094 and 3908 see

§§ 55.1600 to 55.1605, inclusive, of this chapter. For rates see 39 CFR 4.2.

§ 50.1601 *Withdrawal of lock box privilege for improper use.* Use of lock box may be denied or withdrawn for improper use.

CROSS REFERENCE: For procedure see 39 CFR, 4.3 (g).

§ 50.1701 *Opening of accounts and bankrupt funds.*

CROSS REFERENCE: For procedure see 39 CFR 18.8 and 18.3. For Form PS 600, see § 55.1703 of this chapter.

§ 50.1702 *Deposits made through representative or by mail.*

CROSS REFERENCE: For procedure see 39 CFR 18.5. For Form PS 300B, see § 55.1705 of this chapter; for Form PS 629, see § 55.1706 of this chapter; and for Form PS 600, see § 55.1703 of this chapter.

§ 50.1703 *Description of certificates of deposit.*

CROSS REFERENCE: For procedure see 39 CFR 18.6.

§ 50.1704 *Correction of errors on certificates or change of name of depositor.*

CROSS REFERENCE: For procedure see 39 CFR 18.7. For Form PS 305, see § 55.1710 of this chapter; and for Form PS 600, see § 55.1703 of this chapter.

§ 50.1705 *Certificates lost, stolen, or destroyed.*

CROSS REFERENCE: For procedure see 39 CFR 18.8. For Form PS 607, see § 55.1711 of this chapter; and for Form PS 600, see § 55.1703 of this chapter.

§ 50.1706 *Rate of interest payable on certificates.*

CROSS REFERENCE: For procedure see 39 CFR 18.9. For Form PS 100 see § 55.1707 of this chapter.

§ 50.1707 *Withdrawal of deposits.*

CROSS REFERENCE: For procedure see 39 CFR, 18.12. For Form PS 600, see § 55.1703; for Form PS 45, see § 55.1717; and for Form PS 100, see § 55.1707, of this chapter.

§ 50.1708 *Withdrawal of deposits through a representative or by mail.*

CROSS REFERENCE: For procedure see 39 CFR, 18.13. For Form PS 304, see § 55.1718; for Form PS 302, see § 55.1719; for Form PS 315, see § 55.1720; for Form PS 315-A, see § 55.1721; for Form PS 100, see § 55.1707; for Form PS 600, see § 55.1703; and for Form PS 320, see § 55.1722, of this chapter.

§ 50.1709 *Payment of account on death or legal disability of depositor.*

CROSS REFERENCE: For procedure see 39 CFR, 18.14. For Form PS 114, see § 55.1715; for Form PS 115, see § 55.1713; for Form PS 115-A, see § 55.1714; and for Form PS 112, see § 55.1712, of this chapter.

§ 50.1710 *Board of Trustees will purchase postal-savings bonds at par.*

CROSS REFERENCE: For procedure see 39 CFR, 18.15.

§ 50.1711 *When ownership of an account is in dispute adjudication of court is accepted by Board of Trustees.*

CROSS REFERENCE: For procedure see 39 CFR, 18.16.

§ 50.1712 *Privacy of accounts.*

CROSS REFERENCE: For procedure see 39 CFR, 18.17.

§ 50.1713 Pledge for repayment of deposits.

CROSS REFERENCE: For procedure see 39 CFR, 18.19.

§ 50.1714 How a bank may become a depository for postal-savings funds.

CROSS REFERENCE: For procedure see 39 CFR, 18.20. For Form PS 2, see § 55.1716; and for Form PS 226, see § 55.1723, of this chapter.

§ 50.1895 United States Savings Bonds, Series E—(a) Post Offices where bonds may be purchased. The Postal Service offers United States savings bonds, issued by the Secretary of the Treasury, for sale at all post offices of the first, second, and third classes and at such branches, stations, and fourth-class offices as the Third Assistant Postmaster General shall select and designate for the purpose.

(b) *How to apply for bonds.* At the time of issue (sale) of each bond, the postmaster will require an application in writing on Form 920 on which the applicant shall state the quantity and denominations of bonds desired and the name and post office address of the owner as well as the name of the co-owner or designated beneficiary if any. Postmasters shall accept lists in lieu of individual Forms 920 from business concerns, schools, or associations applying for bonds to be issued on behalf of their employees or members.

(c) *Acceptable funds.* The provisions of § 18.2 (f) defining what may be accepted as postal-savings deposits are applicable to savings-bond purchases.

(d) *Errors on bonds.* If a postmaster has made an error in issuing a bond and the error is discovered and the bond returned to the postmaster during the month of issue, the postmaster, on positive identification of the presenting party, shall treat the bond as spoiled and issue a new bond in its stead. If a bond is returned to the postmaster subsequent to the month of issue for correction of the postmaster's error, or if a bond recalled by the Post Office Department is returned during or subsequent to the month of issue, or if a bond is returned at any time for correction of an error other than the postmaster's, the postmaster shall complete a transmittal letter, Form 922, in triplicate, give one copy to the owner of the bond as a receipt, and forward the bond with the original Form 922 to the Third Assistant Postmaster General, Division of Postal Savings. The serial numbers and face value of the savings bonds transmitted therewith are listed on Form 922 and the owner's name and address as it is to be inscribed on the new bonds issued in replacement are shown, as well as the address to which the new bond are to be sent.

If the returned bond was issued under the pay-roll deduction plan of a business concern and the error was made by the group agent, the bond and transmittal letter, Form 922, shall be accompanied with the group agent's signed statement that the error was made by him. The name or date as it should have been shown on the firm's application or list shall be stated. The group agent's employer or an executive official of the or-

ganization should endorse the group agent's statement substantially in the form:

I, _____ (Name, official title and name of concern) certify that _____ (Name of group agent) whose signature appears above has been designated group agent in connection with the pay-roll allotment plan (or other plan) in this organization for the purchase of United States savings bonds.

If a bond is returned by mail to a postmaster for correction, the envelope in which it was mailed shall be submitted to the Third Assistant Postmaster General, Division of Postal Savings, with the bond and the Third Assistant Postmaster General shall reimburse the owner for the postage and registry fee.

CROSS REFERENCE: For regulations prescribed by the Secretary of the Treasury governing the registration of savings bonds, the safekeeping facilities provided therefor, and the provisions for payment thereof, see 31 CFR §§315.1 to 315.14, §315.13, and §§315.17 to 315.24. For a description of United States savings bonds of Series E and information as to their terms, see 31 CFR §§ 316.1 to 316.10.

§ 50.1896 United States Savings Stamps—(a) Accountability transferred to Treasury Department. The authority of the Postmaster General contained in section 6 of the act of June 25, 1910, as amended (U. S. C., 1940 edition, Title 39, sec. 756), and section 22 (c) of the Second Liberty Bond Act, as amended, to prepare and issue postal-savings cards and postal-savings stamps shall terminate on such date as stamps issued by the Secretary of the Treasury pursuant to the authority contained in section 22 (c) of the Second Liberty Bond Act, as amended, are made available for sale to the public; and, as soon as practicable thereafter, the Board of Trustees of the Postal Savings System shall pay to the Secretary of the Treasury a sum equal to the redemption value of all postal-savings stamps outstanding, and after such payment has been made the obligation to redeem such stamps shall cease to be a liability of the Board of Trustees of the Postal Savings System but shall constitute a public debt obligation of the United States.

NOTE: By agreement between the Postmaster General and the Secretary of the Treasury the liability for outstanding postal-savings stamps of all series, including the so-called defense savings stamps and war savings stamps, and the accountability for unsold savings-stamp stock charged to postmasters were transferred to the Treasury Department as of the close of business September 30, 1942.

(b) *Where stamps may be purchased.* Savings stamps furnished by the Secretary of the Treasury in such denominations as he may determine shall be offered for sale at all post offices. Postmasters shall put them on sale at any classified branch or station where there is a demand and may put them on sale at contract branches and stations. Postmasters from whose offices rural-delivery service is operated shall extend to rural carriers, on routes where there is a demand for savings stamps, a reasonable credit in such stamps, and rural carriers shall carry for sale to their patrons an

adequate supply of such stamps. Postmasters shall sell savings stamps to business houses, schools, institutions, or other organizations that desire to purchase them for resale, but shall not extend any savings-stamp credits outside of the Postal Service. Postmasters shall have on hand for distribution without cost to stamp purchasers and, in reasonable quantities, to persons engaged in promoting savings-stamp sales, albums, cards, or other devices furnished by or with the approval of the Secretary of the Treasury to which savings stamps may be affixed after purchase.

(c) *Denominations.* Savings stamps in denominations of 10 cents, 25 cents, 50 cents, and \$1.00 are printed in sheets of 100; and \$5.00 stamps, in sheets of 25. The 10-cent and 25-cent stamps are also bound in books which are packaged in lots of 10. Books of fifty 10-cent savings stamps sell for \$5.00 and books of forty 25-cent savings stamps, for \$10.00.

(d) *Acceptable funds.* The provisions of § 18.2 (f) of this chapter defining what may be accepted as postal-savings deposits are applicable to the purchase of savings stamps.

(e) *Redemption of savings stamps.* Savings stamps are transferable and payable to bearer at any post office and at any branch or station authorized to sell them. Postmasters shall not be required to identify the person presenting the savings stamps for payment as the owners thereof. Savings stamps affixed to stamp albums, savings cards, or other authorized devices may be accepted in payment for United States savings bonds, postal-savings certificates, or may be exchanged for cash.

When savings stamps that have been torn, burned, or badly mutilated are presented, the postmaster shall accept at face value of the whole stamp one or more fragments identifiable as constituting clearly more than one-half of the same stamp. If the fragment or fragments are not so identifiable, the holder shall be advised to send them, and if affixed to an album the entire album, to the Treasurer of the United States, Washington 25, D. C. If stamps are presented that have stuck together and the holder is unable to separate them and determine their value, he shall likewise be advised to forward them to the Treasurer of the United States for redemption. Savings stamps that are stuck together may be separated by soaking them in warm water (sec. 5, 56 Stat. 189; 39 U. S. C., Sup., 756a) [Sec. 158½].

§ 50.1900 Stamps available. (a) Postage stamps are manufactured by the Bureau of Engraving and Printing and made available to the public through postmasters in the following denominations and varieties:

(b) Ordinary stamps: ½, 1, 1½, 2, 3, 4, 4½, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 30, and 50-cents; \$1.00, \$2.00, and \$5.00.

(c) Air mail stamps: 5, 10, 15, 20, 30, and 50-cents.

(d) Special delivery: 10, 13, 15, 17, and 20-cents.

(e) Special handling: 10, 15, and 20-cents.

(f) Ordinary stamps in books: 24 2-cent, 12 3-cent, and 24 3-cent.

(g) Coils: 1, 1½, 2, and 3-cents are issued in coils of 500 and 1,000 arranged sidewise or endwise and in sidewise coils of 3,000. The 4, 4½, 5, 6, and 10-cent stamps are furnished in coils of 500 or 1,000 arranged sidewise. A charge of 3 cents for each 500 stamps is made over and above the face value of the stamps to cover arrangement in this manner.

CROSS REFERENCE: For regulations see § 3.11 of this chapter.

§ 50.1901 Receipt to purchasers. Postmasters or clerks acting for them shall sign receipts for money paid for postage stamps and stamped paper, provided the receipts are prepared in advance by the purchasers and presented at the time of purchase. Receipts must be given for advance deposit on special-request envelopes.

CROSS REFERENCES: For procedure see § 3.3 of this chapter. For description of forms see §§ 55.1901, 55.1902, and 55.1905 of this chapter.

§ 50.1902 Stamped envelopes. Stamped envelopes may be obtained by the public at post offices in three general varieties; namely, plain, with post office return address, and with the name and address of the patron. Government stamped envelopes are manufactured by a private corporation which secures the contract for a four-year period through competitive bidding. The Government Stamped Envelope Factory is at present located at Dayton, Ohio. (34 Stat. 476)

CROSS REFERENCE: For prices and complete varieties see § 50.1908.

§ 50.1903 Window stamped envelopes. Stamped window envelopes are manufactured only in standard quality paper and must bear the printed return address of the sender. Sales are restricted to minimum lots of 250 or multiples thereof.

CROSS REFERENCE: For price see § 50.1908.

§ 50.1906 Air mail stamped envelopes. Air mail stamped envelopes have not been provided for civilian use since the war, due to overseas requirements of our Armed Forces. It is expected, however, that their issuance to postmasters will be resumed in the near future. Air mail envelopes are manufactured in extra quality paper only. They are printed with a border arrangement of red and blue parallelograms so that air mail matter may be readily identified in the mails.

CROSS REFERENCE: For sizes and prices see § 50.1908.

§ 50.1907 Precanceled stamped envelopes. Precanceled stamped envelopes of the 1-cent denomination are issued for the mailing of third class matter in bulk. Such envelopes are sold only to persons who hold permits for the use of precanceled stamps. All precanceled envelopes are furnished un gummed.

CROSS REFERENCE: For prices see § 50.1908. For permits see 39 CFR, 6.5.

§ 50.1908 Envelope varieties and prices.

EXTRA QUALITY, PRINTED "SPECIAL-REQUEST," AND UNPRINTED ENVELOPES

| No. | Denomination (cents) | Dimensions (inches) | Price per M in addition to postage value | |
|-----|----------------------|---------------------|--|---------|
| | | | Un-printed | Printed |
| 5 | 1, 1½, and 3 | 3½ x 6½ | \$3.32 | \$3.56 |
| 13 | 1, 1½, and 3 | 3¾ x 6¾ | 3.48 | 3.72 |
| 8 | 1, 1½, and 3 | 4¾ x 9½ | 4.64 | 4.88 |

AIR MAIL, PRINTED "SPECIAL-REQUEST," AND UNPRINTED ENVELOPES

| | | | | |
|----|---|---------|------|------|
| 13 | 6 | 3¾ x 6¾ | 3.16 | 3.40 |
| 8 | 6 | 4¾ x 9½ | 3.72 | 3.96 |

STANDARD QUALITY

| | | | | |
|----|--------------|---------|------|------|
| 5 | 1, 1½, and 3 | 3½ x 6½ | 2.48 | 2.72 |
| 13 | 1, 1½, and 3 | 3¾ x 6¾ | 2.56 | 2.80 |
| 8 | 1, 1½, and 3 | 4¾ x 9½ | 3.32 | 3.56 |

WINDOW

| | | | | |
|----|--------------|---------|------|------|
| 5 | 1, 1½, and 3 | 3½ x 6½ | 2.56 | 2.80 |
| 13 | 1, 1½, and 3 | 3¾ x 6¾ | 2.76 | 3.00 |
| 6 | 3 | 3¾ x 8¾ | 2.88 | 3.12 |
| 7 | 3 | 3¾ x 8¾ | 3.24 | 3.48 |
| 8 | 1, 1½, and 3 | 4¾ x 9½ | 3.48 | 3.72 |

NOTE: Manufacture of envelopes of the following types, sizes, cuts, and denominations which are ordinarily available, has been temporarily suspended due to wartime conditions:

Office-request—Blank printed return card. Blue and amber—All sizes, cuts, and denominations.

Size No. 7 (3¾ x 8¾)—All solid face. Size No. 9 (4¾ x 10¾)—All sizes, cuts, and denominations.

Denominations of 2-cents, 4-cents, 5-cents, and 6-cents.

Precanceled—All sizes, cuts, and denominations.

Air Mail—All varieties.

§ 50.1909 Postal cards. (a) Postal cards are manufactured by the Government Printing Office and shipped to postmasters on orders of the Post Office Department.

(b) Sheet cards, supplied in this form as a convenience to printers, must be cut to regulation size for the type involved to be acceptable for mailing and if spoiled in the process all sections of the sheets necessary to restore the cards to standard measurement must be submitted in order to obtain redemption.

CROSS REFERENCE: For varieties see § 3.16 of this chapter.

§ 50.1910 Stamped paper redemption. When uncanceled, unserviceable, or spoiled stamped envelopes or postal cards are presented for redemption in large quantities, the postmaster will furnish a receipt therefor on Form 3210. Upon verification he will advise the patron that stock desired in exchange can be secured.

CROSS REFERENCES: For rules see § 3.7 of this chapter. For description of Form 3210 see § 55.1904 of this chapter.

§ 50.1911 Sales by Philatelic Agency. All current and some discontinued varieties of postage stamps are carried in stock by the Philatelic Agency, Post Office Department, which was established with a view to supplying stamp collectors

specimens of selected quality at face value. Persons desiring to obtain stamps by mail order should first obtain a copy of the list of issues currently available. Mail order patrons are required to pay, in addition to the face value of stamps desired, return postage and registration. The Agency was established by Postmaster General Order No. 6747 on November 25, 1921.

CROSS REFERENCE: For stock list see § 55.1903 of this chapter.

§ 50.1912 Philatelic mailing list. The Philatelic Agency maintains a mailing list through the facilities of which collectors are furnished advance information when new issues are to be provided so they may make the necessary arrangements for securing first-day cancellations and otherwise complete their collections. Names will be added to the mailing list upon request.

§ 50.1913 Philatelic exhibit. The Philatelic Agency maintains a comprehensive exhibit of United States and foreign postage stamps embracing die proofs of all domestic stamps since 1847. There are approximately 25,000 foreign stamps in this exhibit covering every postal administration in the world. Items of equipment used in the production of postage stamps are shown by way of exemplifying methods of manufacture employed. Philatelic publications are on file for the benefit of students and collectors generally.

§ 50.1914 International reply coupons.

CROSS REFERENCE: For procedure see § 3.17, 3.18, 3.99 of this chapter.

§ 50.1915 Americo-Spanish reply coupons.

CROSS REFERENCE: For procedure see § 3.20, § 3.21 of this chapter.

§ 50.1916 Internal Revenue stamps.

CROSS REFERENCE: For procedure see § 3.22, § 3.23, § 3.24 of this chapter.

§ 50.1917 Migratory-bird hunting stamps.

CROSS REFERENCE: For procedure see § 3.25, § 3.26, § 3.27 of this chapter.

§ 50.2000 Application for privilege of sending out business reply cards or envelopes.

CROSS REFERENCE: For procedure see 39 CFR, 5.11. For description of Form 3614 see § 55.2016 of this chapter.

§ 50.2001 Mail carried by airplane.

CROSS REFERENCE: For information as to the various designs which may be used for air-mail envelopes (or cards) and proper kind of indorsements, see § 5.12 of this chapter.

§ 50.2002 Free mailing privilege of members of armed forces. Letters mailed by such persons free of postage should bear in the upper right corner the word "FREE" and in the upper left corner the name of the sender together with his rank or rating and the designation of the service to which he belongs, all this to be in the handwriting of the sender.

CROSS REFERENCE: For procedure see 39 CFR, 5.16.

§ 50.2003 Absentee voting by members of armed forces.

CROSS REFERENCE: The procedure under which balloting material and ballots may be mailed free of postage by election officials and members of the armed forces is set forth in 39 CFR, 5.16 (f). (Public Law, 348, approved April 19, 1946.)

§ 50.2004 Pound rate postage for bulk mailings of third-class matter. (a) The law provides a bulk rate for third-class matter of 12 cents a pound or 8 cents a pound, according to the character of the matter, but in no case less than one cent apiece, as set forth in 39 CFR, 5.63.

(b) *Methods of mailing.* The postage on matter mailed under 39 CFR, 5.63, may be paid in any of the three ways described below:

(1) Without postage stamps affixed, as metered or nonmetered permit matter, the postage being paid in money and the permit indicia printed on the matter (except as otherwise stated, the provisions of 39 CFR, 6.4).

(2) With precanceled postage stamps affixed under permit. (Uncanceled postage stamps may not be used.)

(3) In precanceled Government stamped envelopes under permit.

(c) *Inscription.* The inscription "Sec. 562, P. L. and R.," must appear in the upper right corner of the address side of the mail whichever method is used.

(d) *Application for permit.* Persons desiring the privilege of mailing third-class matter in bulk shall make application to the postmaster stating the method, or methods, under which they desire to mail the matter, unless they already hold permits for the particular method of mailing desired. The postmaster, unless otherwise instructed, will then transmit the application to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, and await the receipt of a permit or permits and instructions as to procedure.

CROSS REFERENCE: For application forms see §§ 55.2012, 55.2021 and 55.2022 of this chapter.

(e) *Without stamps affixed—(1) Fee.* Each application for a permit to mail third-class matter without stamps affixed as nonmetered mail shall be accompanied with the fee of \$10, prescribed by 39 CFR, 6.4.

CROSS REFERENCE: For application forms see § 55.2012 of this chapter.

(2) *Permits.* Persons or concerns already holding permits to mail matter without stamps affixed under 39 CFR, 6.4, need not obtain an additional permit for the privilege of mailing third-class matter under 39 CFR, 5.63, without stamps affixed, but they may use the same permit number on mailings under 39 CFR, 5.63.

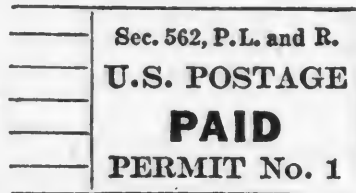
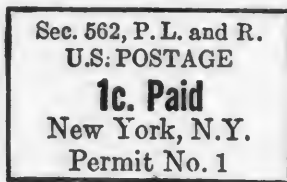
(3) *Indicia.* In the upper right corner of the address side of the envelope, wrapper, address label, or sticker properly affixed thereto, must be printed the indicia which may be in one of the forms prescribed by 39 CFR, 6.4, and of any color of sufficiently strong contrast to the paper on which printed, such indicia not to be obstructed or confused

with any other matter. The use of a handstamp for placing indicia on matter is not permissible. The inscription "Sec. 562, P. L. and R." must be included in or printed adjacent to the indicia. The amount of postage paid may be omitted (except when a meter device is used). The forms prescribed for non-metered matter are shown below:

should be preferably, but not necessarily, in a rectangle, thus **Sec. 562, P. L. and R.**

and may be hand stamped when it is not practicable for the mailer to have it printed.

(3) *Statement of mailing.* Each mailing on which precanceled postage stamps are used must be accompanied with a



(4) *Statement of mailing.* Each mailing without stamps affixed must be accompanied with a statement of mailing on Form 3602 (Form 3602-A in case of metered mail), prepared wholly by the mailer, in ink or indelible pencil, and must be carefully examined, counted, weighed, or verified in the manner set forth in the instructions printed on the cover of the receipt book (Form 3603 or Form 3603-A).

(f) *With precanceled postage stamps affixed—(1) Applications.* Persons or concerns already holding permits for the privilege of using precanceled postage stamps on second-, third-, or fourth-class matter need not obtain an additional permit for the use of such stamps on third-class matter mailed under 39 CFR, 5.63. All others desiring to mail matter in this manner should make application for this privilege to their postmaster on Form 3623 (see § 55.2021 of this chapter). No fee is required to accompany such applications.

(2) When postage is paid with precanceled stamps affixed to each piece, the amount of such stamps must fully cover the postage chargeable thereon. Where the postage is computed at the pound rate and the amount chargeable on each piece is not equivalent to the denomination of a postage stamp now in use, it is necessary to affix to each piece a precanceled stamp of a denomination sufficiently high to cover the full postage. The inscription "Sec. 562, P. L. and R.," must be printed in the upper right corner of the address side immediately above or below the precanceled stamp, but not covered by the stamp. This inscription

statement of mailing on Form 3602-PC, but no record of such mailings need be kept.

(g) *Precanceled Government-stamped envelopes.* (1) No fee is required to accompany applications for the privilege of using precanceled Government-stamped envelopes. (For form of application see § 55.3022 of this chapter.)

(2) *Requisition.* Precanceled one-cent Government-stamped envelopes are supplied for use by mailers who have been given permits to use them to mail third-class matter under 39 CFR, 5.63. Stamped envelopes which have not been precanceled may not be used to mail third-class matter under this section. Government-stamped envelopes may be precanceled by persons or concerns who have been given a permit therefor under 39 CFR, 6.5, and used for bulk mailings of third-class matter under 39 CFR, 5.63.

(3) *Statement of mailing.* Each mailing must be accompanied with a statement of mailing on Form 3602-PC.

(h) *General instructions regardless of the method under which matter is mailed—(1) Not to be postmarked.* Matter mailed under the provisions of 39 CFR, 5.63, is not postmarked. It is accepted only as ordinary mail, and cannot be registered or sent as insured or C. O. D. mail, since the pieces are not accepted and handled individually at the mailing office, but only in bulk.

(2) *Return card.* Each piece should bear, in the upper left corner of the address side, the name and address of the sender, including his street or post-office box number when at a letter-carrier office. The sender's post-office box may

be shown in lieu of his name or street number. The return card may be omitted from third-class matter not enclosed in window envelopes if the sender does not want it returned if undeliverable, but this is discouraged, since it is desirable to have the return card in all cases. When it is desired that the matter be returned in case of nondelivery, the pledge of the sender should be placed immediately under the return card. The words "Return Postage Guaranteed" are sufficient.

(3) *Separation.* In every instance mailers must separate and tie out mailings into directs for post offices whenever there are as many as 15 pieces for any post office in any mailing and must separate and tie out the pieces or packages into properly labeled State packages whenever there are as many as 15 pieces or packages for any State. Mailers must also make separations of such mail for post-office stations and branches if the name of a post-office station or a post-office branch forms a part of the address. Any mailings offered without the separations being made as outlined will be refused.

(4) *Presentation at post office or station.* The matter must be presented at the post office or station thereof designated by the postmaster. In no case may such matter be deposited in street letter boxes.

(5) *Return of undeliverable matter; rate.* When third-class matter mailed under these provisions is returned to the sender as undeliverable, it will be chargeable with postage at the regular third-class rates, namely 1½ cents for each 2 ounces or fraction thereof on circulars, cards, folders, and other miscellaneous printed matter and all other articles of the third-class, except books and catalogs having 24 pages or more, seeds, plants, etc., on which the rate is 1 cent for each 2 ounces or fraction of 2 ounces, computed on each individually addressed piece.

(6) *Mailings to foreign country.* No mailings to any foreign country will be accepted under 39 CFR 5.63.

(7) *Matter bearing inscription.* Matter bearing the inscription "Sec. 562, P. L. and R." must not be used as inclosures or distributed otherwise than through the mails.

(8) *Information or instructions.* For any further information or instruction address the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail.

CROSS REFERENCE: For regulation see 39 CFR, 5.63. For description of Forms 3602, 3602-PC, 3603, 3603-A and 3612 see §§ 55.2009, 55.2011, 55.2012, 55.2013 and 55.2014, of this chapter.

§ 50.2005 *Mailing of books at the postage rate of 3 cents a pound.* (a) Since the law provides that books mailed at the rate of 3 cents a pound may contain incidental announcements of books, such announcements, whether appearing in the books themselves or in the form of loose circular inclosures not weighing in excess of one and one-third ounces, will be permissible in addition to the inclosures described in § 5.73 (f) (6) of this chapter, without affecting the post-

age chargeable at that rate, such postage, of course, to be computed on the full weight of each parcel. However, loose inclosures of this kind weighing in excess of one and one-third ounces and other circulars of printed matter such as folders, pamphlets, calendars, catalogs, etc., which would not otherwise be permissible, may be inclosed in parcels of books, provided a permit is obtained and postage on such inclosures is paid at the third-class rate of 1½ cents for each two ounces or fraction thereof in addition to the postage at 3 cents a pound on the books themselves. In authorizing these inclosures, it is contemplated that they shall be merely incidental, in no case exceeding eight ounces. The wrapper of the parcel in such case should bear a printed or hand stamped indorsement in the following form:

Additional Postage at the Third-Class Rate
Paid for Inclosures.
New York, N. Y., Permit No. 1

(b) Each patron desiring to mail such inclosures with books should obtain a permit from his postmaster for this privilege, the permits being numbered consecutively, for which no fee shall be charged, unless it is desired to mail the matter under a nonmetered permit under 39 CFR, 6.4, and the patron has no such permit, in which event the regular \$10 application fee will be necessary.

§ 50.2006 *Metered mail.* (a) Metered mail is matter mailed under 39 CFR, 5.63 and 6.4, respectively (Sec. 562 and 579, Postal Laws and Regulations, Postmaster General, 1940) on which the required postage is printed by a postage meter approved for this purpose by the Post Office Department. Metered mail may be of any class and is entitled to all the privileges and subject to all the conditions applying to matter mailed with stamps affixed, except as stated herein. Its use eliminates the manufacture and sale of adhesive stamps and the facing, canceling, and postmarking of mail in the post office, thereby expediting its handling and dispatch.

(b) *Meter permit.* Meter permits must be obtained by persons or firms desiring to mail metered matter by applying on Form 3612 to the postmaster where the matter will be mailed.

(c) *Postage meters—(1) Description.* A postage meter is a device embodying a complete postage printing and recording mechanism which is brought to the post office by the mailer to be set for postage from time to time as required. The postage is paid for at time of setting. After the mailer has used the amount of postage so prepaid, the meter automatically locks and prevents further use.

(2) *Approval.* Only such devices as have been approved by the Post Office Department may be used.

(3) *Control.* Postage meters shall in every instance be obtained from the person or concern to whom such approval has been given. Such person or concern shall maintain control of them and be responsible for their proper servicing and maintenance in such manner that they will operate correctly and in accordance with postal requirements.

(4) *Use.* Meter permit holders may not have in their possession any postage meter until it has been set and sealed by the post office where the mailings will be made. When discontinuing the use of a meter, permit holders must deliver the meter to that post office, which will check it out of service and deliver it to the manufacturer. While meters are in service, they must remain in the custody of the meter permit holders to whom they have been issued.

(d) *Failure of printing and recording mechanism to operate correctly.* If the printing and recording mechanism of any meter fails to record its operation correctly and properly, its use must be discontinued immediately by the meter permit holder, and it must be promptly delivered to the postmaster and notification of such action sent by the postmaster to the manufacturer. Only representatives of the authorized manufacturer shall be permitted to service any meter. Tampering with or misuse of a postage meter is a misdemeanor and punishable under Postal Laws and Regulations.

(e) *Setting and payment of postage.* Meters must be brought to the post office or designated station for setting. Postal employees may not be sent to the office or plants of permit holders to set meters. The amount of postage for which set must be paid for in advance and a receipt issued therefor on Form 3603-A. All meter keys shall remain in the postmaster's custody.

(f) *Meter impressions or stamps—(1) Form.* In the upper right corner of the address side of the envelope, wrapper, address label, or tag of each piece, or on a label or sticker affixed thereto, must be printed the meter impression or stamp, showing the post office, postage paid, and meter number, in the form prescribed, such impressions or stamps not to be obstructed or confused with any other matter. When it is necessary to print multidomination meter impressions or stamps on more than one label or sticker, the circle showing the post office and date must appear on each label or sticker. The impressions or stamps may not overlap.

(2) *Date of mailing.* The meter impressions or stamps for first and fourth-class matter, and for all classes when on a separate label or sticker affixed, shall include the date of mailing. An hour may also be shown on first-class matter when it is presented for mailing in ample time to be dispatched at such hour. The date may not be shown in the meter impressions or stamps on second or third-class matter, except when on a separate label or sticker affixed.

(3) *Advertising slogans.* Restricted advertising matter within space limitations may be printed simultaneously with meter impressions or stamps by postage meters. However, meter permit holders must obtain the plates therefor from authorized manufacturers of meters to assure suitable quality and content in accordance with the requirements of the Department.

(g) *Return card.* Each piece should bear, in the upper left corner of the address side, the name and address of the sender, including his street or post

office box number when at a letter-carrier office. On ordinary mail the sender's post office box may be shown in lieu of his name or street number. The return card may be omitted from third-class matter not inclosed in window envelopes if the sender does not want it returned if undeliverable, but this is discouraged, since having the return address in all cases makes better service to the mailer possible.

(h) *Reply postage.* Meter impressions or stamps may be used to prepay reply or return postage, provided they are printed directly on envelopes or cards on which the return address—that of the meter permit holder—has been printed, and provided that there is imprinted immediately above such return address the inscription: "No postage stamp necessary—postage has been prepaid by _____." Such matter may be delivered only to the printed address shown thereon. If the printed address is changed, the matter must be held for postage.

(i) *Outside the mails.* Metered postage can be used for the prepayment of postage required on letters carried outside the mails under 39 U. S. C., Supp. 500.

(j) *Inscription on metered third-class matter.* Metered third-class matter mailed in bulk under 39 CFR; 5.63, must bear the printed inscription: "Sec. 562, P. L. and R.," as a part of the meter impression or stamp. The conditions applying to other matter mailed under this regulation with respect to quantity and separation also apply to Metered Mail.

(k) *Mailing*—(1) *Preparation.* Metered mail, except packages and irregular overnight matter, must be faced and secured in bundles, each class and denomination being kept together insofar as practical.

(2) *Place of mailing.* In general, metered matter may be deposited in any post office receptacle where similar matter bearing adhesive stamps has been accepted from the mailer. Whenever practical, however, it is desirable that all mail be brought to a post office or station thereof in order to expedite dispatch. Where meter permit holders mail in street or building receptacles, they should arrange with the postmaster for the designation of such depositories (usually not more than several in their immediate vicinity), and should not deposit matter elsewhere except by special arrangement with the postmaster.

(3) *Direct to train, dock, or airport.* When expedition is necessary, a small number of pieces of first-class matter may be taken direct to a train, dock, or airport by a permit holder authorized by the postmaster to do so, provided the pieces are accompanied with an identification label. (See paragraph (1) (3))

(4) *Pick-up privilege.* In case "pick-up" arrangements exist with a mailer using stamps and he desires to change from the stamp system to the meter system, the "pick-up" arrangement may be continued under proper precautions prescribed in each case, the matter to be accompanied with an identification label. (See paragraph (1) (3))

(1) *Statement of meter readings.* (1) The mailer must submit with the last mailing each day a statement on Form 3602-A, showing the permit number, the meter number, the readings of the registers at the end of the day, and the value of impressions printed but not used. In the case of bulk mailings of third-class matter under 39 CFR, 5.63, a separate statement should be submitted showing the number of pieces, the weight per piece, the postage per piece, and the readings of the registers at the completion of such mailing.

(2) When the last mailing of the day is made in a street collection box, the statement for the day's mailings should be inclosed in a red envelope securely tied to the face side of the package of letters and bear in a prominent manner the inscription "Metered mail," together with the name of the mailer.

(3) *Identification labels.* Mailings, other than the last for the day, deposited at places or points other than the post office or station where the meter is set, must have securely tied to them an identification label provided by the mailer, prominently bearing the words "Metered Mail" and showing the permit holder's name, date, and the meter number. Such label shall be considered in connection with the final statement with the last mailing of the day.

(m) *Refunds.* When complete and legible meter impressions cannot be used because of misprints, spoiled envelopes or cards, etc., an application for a refund of the postage to the extent of 90 percent of the postage value will be considered under 39 CFR, 6.9, Part 6, if submitted within 30 days by the permit holder to the postmaster for reference to the Division of Letter and Miscellaneous Mail. Such application should be accompanied with the complete envelopes, wrappers, or cards bearing the impressions and a list of the number of each denomination and the reason they were not used. In the event the unused impressions are due to repeated carelessness of the permit holder, refund may be refused.

(n) *Transfer of postage.* Unused postage remaining in any meter which is being discontinued may be transferred to another meter used by the same mailer. When meters are withdrawn from service they must be exhausted of postage, as far as possible, and turned over to the manufacturer by the postmaster, in which event refund of the unused postage will be authorized. If a meter fails to record its operations correctly and properly and a postage adjustment is necessary, the postmaster shall secure from the manufacturer of the device a statement as to the reason for such failure and send it with such further information as is pertinent to the Division of Letter and Miscellaneous Mail.

(o) *Improper use of meter impressions or stamps.* Except as provided in paragraphs (h) and (i), matter bearing meter impressions or stamps must not be distributed otherwise than through the mails, and may not be mailed at a post office other than the one shown in the meter impression or stamp. Meter permits will be revoked for such misuse.

(p) *Cancellation of permit.* If no mailing is made for 12 months the permit is canceled.

CROSS REFERENCE: For permit revocation procedures see §§ 50.2010 to 50.2012, inclusive.

(q) *Information and instructions.* For further information and instructions regarding acceptance of metered mail, address local postmasters or the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail. (R. S. 161, 396, Sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

CROSS REFERENCE: For description of Forms 3602-A, 3603-A and 3612, see §§ 55.2009, 55.2013 and 55.2014, of this chapter.

§ 50.2007 *Nonmetered mail.* (a) Nonmetered Mail is matter mailed without stamps affixed under 39 CFR, 6.43 (section 579, Postal laws and regulations), on which the required permit indicia are printed by means of a printing press, etc., or other device not having recording mechanism to be set by the postmaster for an amount of postage paid for at the time of setting. It is entitled and subject to all the privileges and conditions applying to matter mailed with stamps affixed, except as stated herein. It includes matter mailed at the regular rates of postage and also third-class matter mailed at the bulk rates under 39 CFR, 5.63 (section 562, Postal laws and regulations). Except in the case of third-class matter mailed under 39 CFR, 5.63, it may be mailed to foreign countries.

(b) *Application for permit.* Persons or concerns desiring permits for mailing nonmetered matter should apply to the local postmaster on Form 3612 (see § 55.2014 of this chapter), showing the means by which the indicia are printed, and kind and quantity of matter to be mailed. Each application must be accompanied with a fee of ten dollars as prescribed by 39 CFR, 6.4 (c) [see paragraph 3 (b) section 579, Postal laws and regulations, Postmaster General, 1940] and be sent by the postmaster to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, endorsed to show that the fee has been paid. Applications for permits to mail first class matter should give the name of the device and be accompanied with an envelope and specimen imprint of the indicia to be used.

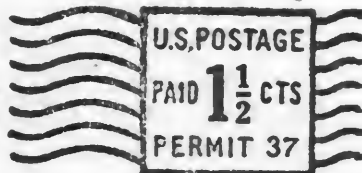
(c) *Indicia.* (1) In the upper right corner of the address side of the envelope, wrapper, address label, or tag of each piece, or on a label or sticker properly affixed thereto, must be printed the indicia, which may be in the form and within the sizes illustrated below and of any color of sufficiently strong contrast to the paper on which printed, such indicia not to be obstructed or confused with any other matter. The indicia may be printed by means of a mimeograph, multigraph, addressograph, etc., *Provided*, Such indicia are in the prescribed form and are not in facsimile of type-writing. The use of a handstamp for placing indicia on matter is not permissible, except on certain fourth-class matter, under special authority obtained from the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail.

FORM A



| | |
|--|--|
| | U. S. POSTAGE PAID 1½ CTS. PERMIT No. 1 |
| | |
| | |
| | |

FORM B



FORM C, SHOWING MINIMUM SIZE OF TYPE

| |
|--|
| U. S. POSTAGE ½c. Paid New York, N. Y. Permit No. 1 |
|--|

| |
|---|
| Sec. 562, P. L. & R. U. S. POSTAGE 1c. Paid New York, N. Y. Permit No. 1 |
|---|

(2) When form C is used, the figure representing the amount paid in money shall be printed from type not smaller than 14-point nor larger than 36-point and the other indicia not smaller than 10-point nor larger than 24-point. The inscription "Sec. 562, P. L. and R." must be included in or printed adjacent to the indicia on matter mailed under that section. The amount of postage paid may be omitted from indicia on third-class matter mailed under 39 CFR, 5.63 (Sec. 562, Postal laws and regulations, Postmaster General, 1940).

(d) *Return card.* Each piece should bear, in the upper left corner of the address side, the name and address of the sender, including his street or post-office box number when at a letter carrier office. On ordinary mail the sender's post-office box may be shown in lieu of his name or street number. The return card may be omitted from third-class matter not enclosed in window envelopes if the sender does not want it returned if undeliverable, but this is discouraged, since it is desirable to have the return card in all cases.

(e) *Mailing under 39 CFR 6.4 (Sec. 579, Postal laws and regulations, Postmaster General, 1940)*—(1) *Minimum quantity.* Second- and third-class matter mailed under this section must be presented in quantities of not less than 300 identical pieces and fourth-class matter in quantities of not less than 250 identical pieces. When a mailing of second-, third-, or fourth-class matter under this section extends over two or more consecutive days and the number of pieces presented on the last day to complete the mailing is less than above prescribed, such number will be accepted and an explanatory endorsement made on forms 3602 and 3603.

(2) *Separation.* To facilitate the handling of such matter in the mails, the mailer must in all cases face the matter, and must comply with the requests of the postmaster for the separation thereof into States, cities, etc.

(f) *Third-class matter mailed in bulk.* Third-class matter mailed in bulk under 39 CFR 5.63, must be prepared and presented in quantities of not less than 20 pounds or 200 identical pieces, and separated and tied out into directs for post offices when there are as many as 15 pieces for any post office, and tied into properly labeled State packages when there are as many as 15 pieces for any State. Separations must also be made for post-office stations if a station name is in the address. Such matter may be accepted only as ordinary mail and cannot be registered or sent as insured or c. o. d. mail, nor mailed to foreign countries.

(g) *Place of mailing.* Matter must be presented at the mailing section of the post office or station designated by the postmaster. In no case may it be deposited in street letter boxes.

(h) *Statement of mailing.* Each mailing must be accompanied with a statement on Form 3602, signed by the person to whom the permit is issued, showing the permit number, the class of matter, the number of pieces presented, and the weight of a single piece. In the case of third-class matter mailed under the provisions of 39 CFR 5.63 on which postage is paid at the pound rate, the mailer's statement shall show the number of pounds presented and such other information as may be provided for on the form.

(i) *Registration.* When matter of the second or third class, mailed without stamps affixed, is accepted for registra-

tion, it shall bear on the address side the complete indicia prescribed in paragraph c of this section.

(j) *Postage.* Postage in full on the entire quantity must be paid at or before the time the matter is presented for mailing, either in money or, at the option of the postmaster and at his risk, by check drawn to his order. The postmaster may receive from the mailer a deposit of money in advance (for which a receipt shall be given) sufficient to pay for more than a single mailing. The deposit shall be charged with the proper amount of each mailing, but if the amount on hand is not sufficient at any time to cover the postage due on the entire mailing, the excess shall be held until an additional deposit is made. Credit for postage shall never be allowed. Postage may not be prepaid by two methods—that is, partly in money and partly by ordinary stamps affixed.

(k) *Improper use of permit indicia.* Matter bearing permit indicia must not be distributed otherwise than through the mails, and may not be mailed at a post office other than the one shown in the indicia. Matter bearing permit indicia, or the inscription "Sec. 562, P. L. & R." must not be used as inclosures. Permits will be revoked for such misuse.

(l) *Cancellation of permit.* If no mailings are made under this permit for a period of 12 months, it may be canceled.

CROSS REFERENCE: For permit revocation procedure see §§ 50.2010 to 50.2012, inclusive.

(m) *Information and instructions.* For any further information or instructions regarding the acceptance of non-metered matter consult your postmaster or address the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail.

CROSS REFERENCES: For regulations see 39 CFR 5.63 and 6.4.

For description of Forms 3602, 3603 and 3612 see §§ 55.2009, 55.2012, and 55.2014 of this chapter.

§ 50.2008 *Precanceled stamps.* (a) Precanceled postage stamps may be used only by persons or concerns to whom they have been furnished by a postmaster after special authority in each case has been obtained from the Department. Any person desiring to use such stamps should file an application with the postmaster at the post office of mailing, showing:

(1) The class and character of the matter to be mailed.

(2) The approximate total number of pieces to be mailed.

(3) The average number of pieces to be mailed daily, weekly, monthly, etc.

(4) Business in which applicant is engaged.

(b) The application, together with the postmaster's recommendation thereon, shall be forwarded to the Third Assistant Postmaster General, Division of Classification, except where otherwise specifically authorized. All applications for permits from persons or concerns engaged in the selling, trading, or collection of precanceled stamps must be submitted to the Department. (For forms of application see §§ 55.2021 and 55.2022 of this chapter.)

(c) On receipt of the Department's authorization the postmaster will issue a permit to the applicant and furnish precanceled stamps and accept mailings bearing them under the following conditions:

(1) The name of the post office and State shall be printed between two parallel heavy black lines across the face of each stamp, ink furnished by the Department to be used for that purpose.

(2) Stamps may be precanceled only under the supervision of the postmaster or a sworn employee of the post office.

(3) Precanceled stamps are good for the payment of postage on matter of the third and fourth classes, and second-class matter mailed at the transient rate or the rates applicable at city delivery offices, and, when specially authorized, on first-class matter, presented at the office where precanceled. Precanceled stamps above the 6-cent denomination may be used only in accordance with special instructions issued by the Third Assistant Postmaster General.

(4) The date of mailing in connection with lines similar to those used in a cancellation postmark shall be placed by the mailer on each piece of first-class matter.

(5) Any number of pieces may be mailed at one time, regardless of whether they are identical, except in the case of third-class matter mailed under 39 CFR 5.63, Sec. 562, Postal laws and regulations, Postmaster General, 1940, when each mailing must consist of not less than 20 pounds or 200 pieces and be accompanied with a statement of mailing on Form 3602-PC.

(6) Matter bearing precanceled stamps shall be presented in such manner as to permit of easy examination and facilitate its handling in the mails. It is expected that the mailer will comply with all reasonable requests of the postmaster for the separation of the matter into States, cities, etc.

(7) Precanceled postage stamps may not be used for the payment of postage on matter mailed in boxes, cases, bags, or other containers specially designed to be reused for mailing purposes.

(d) Attention is especially directed to the following provisions of law:

(1) Whoever shall knowingly use or cause to be used in payment of postage . . . any postage stamp . . . issued in pursuance of law, which has already been used for a like purpose . . . shall be fined not more than \$500, or imprisoned not more than one year, or both. (Act of March 4, 1909; 18 U. S. C. 328.)

(2) If two or more persons conspire either to commit any offense against the United States or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than ten thousand dollars, or imprisoned not more than two years, or both. (Act of March 4, 1909; 18 U. S. C. 88.)

(e) The permit to use precanceled postage stamps issued to any person or concern, will be withdrawn by the Department if such person or concern should not comply strictly with the foregoing conditions, or should sell precanceled stamps either before or after they have been used. This includes the sale of such stamps affixed to wrappers of

parcels returned to the sender and disposed of as waste paper.

(f) Postmasters should carefully observe the use of precanceled stamps and promptly report to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, any irregularity in connection with the use of such stamps coming to their attention, whether occurring at their offices or elsewhere.

CROSS REFERENCES: For regulations see 39 U. S. C., 365.

For procedure see 39 CFR, 5.63 (5 U. S. C. 22 and sec 10, Ch. V, 1945 Postal Guide).

For description of Forms 3602-PC, 3623 and 3623-E, see §§ 55.2011, 55.2021 and 55.2022 of this chapter.

§ 50.2099 *Precanceled Government stamped envelopes and postal cards.* Persons desiring the privilege of using such envelopes or cards precanceled by themselves should make application to the postmaster on Form 3623.

CROSS REFERENCE: For procedure see 39 CFR, 6.5. For description of Form 3623 see § 55.2021 of this chapter.

§ 50.2010 *Grounds for revocation of permits.* Permits for mailing of metered, nonmetered, and precanceled matter, and enclosures with book rate mailings shall be invalid if not used for a period of twelve months. These permits may also be revoked if used in operating any scheme or enterprise of an unlawful character, or for the purpose of purchasing or acquiring stamps for other than legitimate mailing purposes.

§ 50.2011 *Method of revocation.* The holder of the permit will be notified by the postmaster at the office of mailing that his permit is subject to cancellation stating the reason therefor and will be allowed a period of ten days within which to file any written answer of explanation or statement of any reason why said permit should not be canceled pursuant to these regulations. The holder of the permit may also demonstrate or achieve compliance with the regulations in cases of nonuse of the permit only.

§ 50.2012 *Cancellations.* (a) Where no answer is filed to the notice sent to the permit holder by the postmaster as provided by § 50.2011, postmaster shall forthwith cancel the permit.

(b) Where an answer is filed by the permit holder to the charges served on him by the postmaster, the entire record together with the recommendation of the postmaster shall be transmitted to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail.

(c) Upon consideration of the entire record as submitted to him by the postmaster, the Superintendent of the Division of Letter and Miscellaneous Mail shall make an appropriate recommendation to the Third Assistant Postmaster General, who shall issue an order as to cancellation or continuance of the permit as the circumstances warrant.

(d) Notice of such final action shall be promptly transmitted to the permit holder through the postmaster at the office of issuance.

§ 50.2013 *Refunds of postage.* Persons desiring refunds for postage paid for which service is not rendered should

make application to the local postmaster with a statement of the facts and such evidence as is available.

CROSS REFERENCE: For procedure see 39 CFR, 6.9.

§ 50.2014 *Addressing mail matter.* (a) The Department urgently requests the public to exercise the greatest possible care to see that mail is sufficiently and correctly addressed in order to secure its prompt and certain delivery. Because of carelessness in addressing and preparing matter for mailing, or failure of sender to place his name and address thereon, millions of letters and other pieces of mail which cannot be delivered or returned to the sender are sent each year to Dead Letter branches. A fee of 5 cents is charged for the return of undeliverable letters to senders from a Dead Letter branch.

(b) Write plainly the name of the person addressed, street and number, number of rural route, or post office box and the name of the post office, including postal delivery zone number, if any and State in full. Do not use lead pencil. Use abbreviations only when they cannot be misunderstood. Standard abbreviations of States named are found on page 106 of the 1945 Postal Guide.

(c) The words "General delivery" should not be used as part of the address when delivery by city, village or rural carriers can be effected, but only in cases where the addressee has no permanent address and it is known that he calls at general delivery for his mail.

(d) Directions for delivery and forwarding or return of mail are deemed part of the address.

(e) When address labels or tags are used, the lower or right portion should be reserved for the name and address of the addressee, the sender's return card to be placed less prominently in the upper left corner and not on the back. The use of address labels or tags having the sender's name and address shown conspicuously in the lower portion frequently results in the mail matter being returned to the sender instead of being delivered as intended.

(f) *Model form of address and return card:*

| | |
|--|---------|
| After 5 days return to FRANK B. WHITE 2416 Front Street, St. Louis 25, Mo. | (Stamp) |
| Mr. Henry Brown, 24789 Alaska Ave., Chicago 52, Illinois. | |

CROSS REFERENCE: For procedure see 39 CFR 6.10. (See also paragraphs 1 and 2, Ch. VI, 1945 Postal Guide.)

§ 50.2300 *Application for acceptance of foreign publications at the second-class rates of postage.*

CROSS REFERENCES: For procedure see 39 CFR 5.20, 5.21, 5.24 to 5.32, inclusive. For form to be used see § 55.2302, of this chapter.

§ 50.2301 *Premiums given with subscriptions, and contracts between publishers and subscription agents or agen-*

cies; details to be filed with the Third Assistant Postmaster General.

CROSS REFERENCE: For procedure see 39 CFR 5.27.

§ 50.2302 Sworn statements required of publishers concerning extraordinary number of copies over the usual circulation.

CROSS REFERENCE: For procedure see 39 CFR 5.28.

§ 50.2303 Fees to accompany applications for entry, reentry, and additional entry of publications as second-class matter, and applications for registry of a news agent; receipt to be issued publishers on Form 3539.

CROSS REFERENCE: For procedure see 39 CFR 5.29. For receipt Form 3539 see § 55.2306, of this chapter.

§ 50.2304 Applications for original second-class entry, and additional second-class entry, for domestic publications.

CROSS REFERENCE: For procedure see 39 CFR 5.20 to 5.23, inclusive, and 5.25 to 5.32, inclusive. For application forms see §§ 55.2300 and 55.2301, of this chapter.

§ 50.2305 Conditional permit issued to publisher on Form 350.

CROSS REFERENCE: For procedure see 39 CFR 5.31. For conditional permit form see § 55.2304, of this chapter.

§ 50.2306 Requests for reentry of publications as second-class matter because of changes in title, frequency of issue, or office of publication.

CROSS REFERENCE: For procedure see 39 CFR 5.33.

§ 50.2307 Hearing required before suspension or annulment of second-class mail privileges.

CROSS REFERENCE: For procedure see 39 CFR Cum. Supp., 5.37a.

§ 50.2308 Statements of ownership, management, and circulation to be filed annually by publishers on Form 3526.

CROSS REFERENCE: For procedure see 39 CFR 5.38. For Form 3526 see § 55.2305, of this chapter.

§ 50.2309 Paid editorial matter to be designated with printed word "advertisement."

CROSS REFERENCE: For procedure see 39 CFR 5.39.

§ 50.2310 Evidence to be submitted before advertising zone rates are waived for publications of religious, educational, scientific, philanthropic, agricultural, labor, or fraternal organizations or associations.

CROSS REFERENCE: For procedure see 39 CFR 5.39.

§ 50.2311 Single sheets or portions thereof sent in proof of the insertion of advertisements.

CROSS REFERENCE: For procedure see 39 CFR 5.40.

§ 50.2312 Copy marked to show advertising and reading matter to be filed by publishers with each mailing.

CROSS REFERENCE: For procedure see 39 CFR 10.5.

§ 50.2313 Publishers required to separate copies or file zone analysis on Form 3539-A.

CROSS REFERENCE: For procedure see 39 CFR 10.5 and 5.45. For Form 3539-A see § 55.2307 of this chapter.

§ 50.2314 Postage must be paid at the second-class pound rates in money before the copies are dispatched.

CROSS REFERENCE: For procedure see 39 CFR 5.42.

§ 50.2315 Receipt for postage on Form 3539 to be furnished by postmaster to publishers.

CROSS REFERENCE: For procedure see 39 CFR 5.42. For Form 3539 see § 55.2306, of this chapter.

§ 50.2316 An advance deposit of money to cover postage may be received by postmasters from publishers.

CROSS REFERENCE: For procedure see 39 CFR 5.42.

§ 50.2317 Place to which second-class matter must be brought for mailing.

CROSS REFERENCE: For procedure see 39 CFR 5.42.

§ 50.2318 Application of news agents for registration.

CROSS REFERENCE: For procedure see 39 CFR 5.56. For revocation procedure, 39 CFR and Cum. Supp., 5.37 and 5.37a. For application form see § 55.2303, of this chapter.

§ 50.2319 Evidence concerning publications to be furnished by news agents.

CROSS REFERENCE: For procedure see 39 CFR 5.57.

§ 50.2320 Manner in which copies should be wrapped and folded for mailing.

CROSS REFERENCE: For procedure see 39 CFR 5.61.

§ 50.2321 Applications for refunds of postage for which service is not rendered or which is paid in excess of the lawful rate.

CROSS REFERENCE: For procedure see 39 CFR 6.9.

§ 50.2322 Applications for acceptance free of postage of publications for use of the blind.

CROSS REFERENCE: For procedure see 39 CFR 8.16.

§ 50.2323 Acceptance by publishers of notices concerning undeliverable copies and undeliverable copies which are returned.

CROSS REFERENCE: For procedure see 39 CFR 12.35. For forms used see §§ 55.2308 and 55.2309, of this chapter.

§ 50.2324 Direct dispatch by publishers of copies to railway mail service.

CROSS REFERENCE: For procedure see 39 CFR 20.2 and 20.3. For form used see § 55.2310, of this chapter.

§ 50.2325 Application to mail at bulk rate of postage publications weighing in excess of 8 ounces, circulated free or mainly free, and containing not more than 75 per centum advertising matter.

CROSS REFERENCE: For procedure see 39 CFR 5.76.

§ 50.2600 Preparation of matter for registration.

CROSS REFERENCE: For procedure see 39 CFR, 16.2.

§ 50.2601 Registration of unofficial matter; fees.

CROSS REFERENCE: For procedure see 39 CFR, 16.3.

§ 50.2602 Receipt to be given at time matter is accepted.

CROSS REFERENCE: For procedure see 39 CFR, 16.7.

§ 50.2603 Letters containing currency.

CROSS REFERENCE: For procedure see 39 CFR, 16.12.

§ 50.2604 Correction of address before dispatch.

CROSS REFERENCE: For procedure see 39 CFR, 16.14.

§ 50.2605 Registry return receipt.

CROSS REFERENCE: For procedure see 39 CFR, 16.15.

§ 50.2606 Inquiries for registered mail.

CROSS REFERENCE: For procedure see 39 CFR, 16.16.

§ 50.2607 Inquiries concerning disposition or delay of registered mail. Inquiries made by the public concerning the disposition or delay of domestic registered mail are reported to the Third Assistant Postmaster General, Division of Registered Mails. These reports should be made on Form 1510 (for description of Form 1510 see § 55.4302 of this chapter) or by letter, and in cases of delay the envelope or wrapper must be submitted if possible.

§ 50.2608 Recall of registered matter.

CROSS REFERENCE: For procedure see 39 CFR, 16.17.

§ 50.2609 Registration of mail by city and village carriers.

CROSS REFERENCE: For procedure see 39 CFR, 16.39.

§ 50.2610 Registration of mail by rural carriers.

CROSS REFERENCE: For procedure see 39 CFR, § 16.41.

§ 50.2611 Complaints of loss, rifling, damage or wrong delivery of registered mail. Complaints on account of the loss, rifling, damage, or wrong delivery of registered mail may be made at any post office. At first or second class offices use Form 565 (for description of Form 565 see § 55.2601 of this chapter) and at others use Form 1510 (for description of Form 1510 see § 55.4302 of this chapter) or by letter for transmission to post office inspectors in charge. After appropriate investigations by post office inspectors and review of reports by inspectors in charge and the Chief Post Office Inspector, applications for indemnity (Form 565) are sent to the Third Assistant Postmaster General, Division of Registered Mails, for adjustment. The postmaster at the office of mailing is required to enter the particulars of registration on the application for indemnity (Form 565). The sender is required to furnish a full description of the contents of the article and in case of par-

tial loss, to submit the envelope or wrapper, if available, and to state to whom indemnity should be paid. Claims for damage should show in detail how the article was packed and wrapped and be accompanied with the wrapper. Claims for duplication of valuable papers should be supported with receipted bills for any actual, necessary, and direct expense in connection therewith. The addressee is required to make a statement showing whether the article was received, and, if received, whether a portion of the contents was missing or damaged. The postmaster at the office of address is required to state whether the article was received, and, if so, in what condition.

§ 50.2612 *C. O. D. service for registered mail.*

CROSS REFERENCE: For procedure see 39 CFR § 16.62.

§ 50.2613 *Insurance, collect-on-delivery service.*

CROSS REFERENCE: For procedure see 39 CFR § 16.63.

§ 50.2614 *Matter which may be insured.*

CROSS REFERENCE: For procedure see 39 CFR § 16.64.

§ 50.2615 *C. O. D. service, domestic mail.*

CROSS REFERENCE: For procedure see 39 CFR 16.65.

§ 50.2616 *Demurrage charges on domestic C. O. D. mail.*

CROSS REFERENCE: For procedure see 39 CFR 16.66.

§ 50.2617 *Application for indemnity for lost, rifled, or damaged insured or collect-on-delivery mail.*

CROSS REFERENCE: For procedure see 39 CFR 16.67.

§ 50.2618 *Recovery of registered, insured, or C. O. D. mail.* When a lost registered, insured, or collect-on-delivery article is recovered, the article must be surrendered upon the return of the indemnity paid. The claimant must accept the article and reimburse the United States for the full indemnity paid if the article is undamaged, or such pro rata amount as may be deemed equitable by the Department if the article is damaged or has depreciated in value, or if the contents are not intact. The amount recovered is sent to the Department or to the paying postmaster, according to whether indemnity was paid by the Department or by a postmaster, for appropriate disposition.

§ 50.3101 *Correspondence.* Inquiries and reports concerning the transaction of money order business should be taken up first with the postmaster involved. If it then becomes necessary to address the Post Office Department, the communication should be sent to the Third Assistant Postmaster General, Division of Money Orders. Where a specific money order is referred to, its serial number, office of issue and other particulars should be stated as far as known. (Sec. 1406)

§ 50.3102 *Purchase of money orders.* (a) To purchase a domestic postal money order, the applicant will call at any post

office in the United States or its possessions with the exception of a few in Alaska.

(b) An application should be submitted on Form 6001 on which is entered the amount, name and address of the payee, and name and address of the remitter. These application forms will be furnished to business houses on request and may be overprinted and distributed with advertising matter.

(c) In the transaction of money order business only United States money shall be used, except that at post offices near the border between the United States and Canada, Canadian money may be used under such special restrictions as may from time to time be announced. Postmasters are not required to accept checks, either personal or governmental, and if they do so as an accommodation to their patrons it is at their own risk and they will be held accountable for any loss that may result.

(d) (1) A money order will be issued to only one person or one firm.

(2) If only the surname is entered on the application, the postmaster will decline to issue the order without a specific address, except that business names such as "Mason's", "Johnson's Store", or "Madam Saville" are permitted.

(3) The payee may be designated by an official title indicative of the capacity in which he is to receive payment, as "Receiver, U. S. Land Office" or "Cashier, First National Bank". When money orders are made payable to the Treasurer of the United States, the Department or Agency to which the remittance is to be sent should be added, as "Treasurer of the United States, Veterans Administration", if that information is known to the remitter.

(4) The payee may be designated by a name adopted under membership in a religious order, as "Sister Theresa, Academy of Visitation" or "Brother Joseph, St. Anselmo's College."

(e) A domestic postal money order will be drawn on any post office in the United States or its possessions or any branch post office, but not upon stations. Money orders payable to members of the armed services will be drawn upon the post office to which are attached the army or navy post offices serving the units of which the payees are members. If the remitter designates a station or a locality without a postal designation, the postmaster will draw the order on the appropriate post office or branch post office.

(f) An application for a domestic postal money order will not be accepted by a postmaster from a person adjudged by a court of competent jurisdiction to be incompetent, unless permission for the issue of the order has been given by the person in whose care the ward has been placed.

(g) When the recipient of a c. o. d. parcel pays therefor, he is not required to fill out an application form for the resulting money order, as the c. o. d. tag constitutes such application.

(h) A money order shall not be issued for more than \$100, but there is no limitation on the number of money orders that may be issued. The fees for domestic money orders are as follows:

| | Cents |
|------------------|-------|
| \$0.01 to \$2.50 | 6 |
| \$2.51 to \$5 | 8 |
| \$5.01 to \$10 | 11 |
| \$10.01 to \$20 | 13 |
| \$20.01 to \$40 | 15 |
| \$40.01 to \$60 | 18 |
| \$60.01 to \$80 | 20 |
| \$80.01 to \$100 | 22 |

(i) A money order will not be issued conditioned that identification of payee, endorsee, or attorney, may be waived.

(j) When a money order is issued payable to the remitter, he may furnish the issuing postmaster a specimen of his signature on Form 6339, which will be attached to a description of the order on Form 6006 and sent to the paying postmaster as an aid to identification. If the postmaster has no copy of Form 6339, a slip of paper containing the essential information indicated above may be substituted. If the remitter and payee are different persons, the signature of the payee may be dispatched in a similar manner if it is furnished by the remitter. (R. S. 4029; 39 U. S. C. 713. Sec. 5, 30 Stat. 966; 39 U. S. C. 724. Sec. 3, 22 Stat. 527, sec. 2, 28 Stat. 31, sec. 208, 43 Stat. 1068, 47 Stat. 409; 39 U. S. C. 716) [Sections 1407, 1408, 1409, 1410, 1411, 1412, 1414, 1415, 1416]. (See 39 CFR 17.5, 17.6, 17.7, 17.8, 17.9, 17.10, 17.11, 17.12, 17.13. For forms see §§ 55.3101, 55.3102, and 55.3103, of this chapter)

§ 50.3103 *Delivery of money orders to purchasers.* (a) The purchaser of a money order should examine it carefully upon delivery. The entries should agree with those on the application therefor. The signature of the postmaster should be written, or if stamped, should be followed by the written initials of the issuing clerk. In the lower right hand corner an impression of the "M. O. B." or postmarking stamp of the issuing post office should appear.

(b) If an error of any kind occurs in issuing an order and is discovered by the postmaster or the purchaser before the latter has left the window, the transaction should not be considered as completed and the order should be treated as "not issued" and another one drawn and delivered to the remitter in its stead. In such event, as but one order has been issued, only one fee shall be charged. Alterations must not be made on money orders under any circumstances.

(c) If a money order is returned after it has become an item of record, it cannot be treated as "not issued". If an error has been found, necessitating a new order, the first one must be treated as repaid. Therefore, the fee for the new order should be paid by the postmaster or the purchaser as determined by who made the error. (R. S. 4038; 39 U. S. C. 725) [Secs. 1418, 1419, 1421, and 1422] (See 39 CFR, 17.14, 17.15, 17.16, and 17.17).

§ 50.3104 *Payment of money orders.* (a) A postal money order is payable at the office drawn on or repayable at the office of issue at full face value for a period of one year from the last day of the month in which it was issued. A money order drawn on a post office or a branch thereof will be paid at the main office, branch, or station of that office.

(b) (1) If issued at any post office in the continental United States (except Alaska), it may be paid within 30 days from day of issue at any money order office in the continental United States (except Alaska). Money orders issued in and drawn on Hawaii and Puerto Rico may be paid at any post office in the respective territories under the same conditions. For the additional service of having the orders paid at post offices other than the ones on which drawn or at which issued, a fee is charged equal to the fee originally paid on the order. Money orders issued in Alaska, Guam, Samoa, and Virgin Islands will be paid only at the office on which drawn or repaid at the office of issue.

(2) When money orders are presented by members of the armed services as remitters or payees, the provisions of the foregoing paragraph have been modified to extend the time of payment at a third office to 60 days and to eliminate the fee charged for such payments. These privileges, however, do not extend to endorsed orders, which are handled under the regulations governing payments to civilians.

(c) If a money order bearing discrepancies or errors is presented at a post office for payment, the postmaster may advance the least amount shown thereon until verification is received from the issuing office, at which time final payment will be made, provided, of course, he can determine who is the rightful payee.

(d) Identification. The remitter of a money order expects payment thereof to be made to the person named as payee or the legal representative thereof. The paying postmaster, therefore, is required to identify the claimant for payment as the payee intended. In consequence, the claimant should be prepared to submit satisfactory evidence of identification and the postmaster may require personal identification. Drivers permits, social security cards, and similar articles cannot be relied upon wholly because a person who came into possession of a money order wrongfully may have also acquired various papers and documents in support of his claim to the amount. If payment is made to the wrong person, the paying postmaster or employees will be held accountable for the amount of the order.

(e) The person presenting a money order for payment should sign it below the words "Received payment" in the presence of the paying postmaster or clerk. The payee should sign in the name as it appears on the order and if there is a slight error therein, he should sign his name correctly. If the signature is by mark, it should be witnessed by a person who is able to sign his name. When presented by the payee, remitter, or endorsee, or legal representative of any of them, the order should be signed by the person legally entitled to receive the amount and any extraneous signatures appearing on the order may be crossed out.

(f) A postmaster is expected to provide for the prompt payment of money orders drawn on his post office. If in an emergency he is unable to do so and the payee is unable to wait until funds can

be obtained, the postmaster will give him a note addressed to the postmaster at a nearby larger post office where payment will be made without the deduction of the fee mentioned in paragraph (b) above.

(g) A money order sent to a postmaster by mail will not be paid in cash or by check, but a new order for the same amount, less the fee, will be drawn in lieu thereof, payable at any post office designated.

(h) Inquiry concerning payment of a money order may be made at any post office, but preferably should be made through the issuing office. Such inquiries should not be made prior to 15 days after issue of the order unless the remitter has a letter from the payee, written after the lapse of ample time for the payee to have received the order, denying receipt of the remittance. (38 Stat. 280, 48 Stat. 973; 39 U. S. C. 727). [Secs. 1427, 1428, 1429, 1430, 1439] (See 39 CFR, 17.20, 17.21, 17.22, and 17.23)

§ 50.3105 *Repayment to remitters.* A money order presented by the remitter may be repaid at the issuing office, paid at the office of payment, or, subject to conditions set forth in § 50.3104 (b), cashed at any other post office, provided, of course, the order is not invalid by age. (Sec. 1436)

§ 50.3106 *Endorsement of money orders.* The payee and the remitter of a money order may endorse it in the space provided therefor to any other person and the postmaster at the office of issue or the office on which it is drawn, or under the conditions set forth in § 50.3104 (b), any other post office will pay the amount to the person thus designated if he can establish the genuineness of the endorsement and his identity as endorsee. More than one endorsement renders the money order invalid and the second or subsequent endorsee to obtain payment must apply in writing on Form 6002 for a new order in lieu thereof as set forth in § 50.3121. In this event, the original order should be attached to the application and proof of the genuineness of endorsement submitted. (R. S. 4037, sec. 1, 18 Stat. 320; 39 U. S. C. 723) (Sec. 1435) (See 39 CFR 17.25. For Form 6002, see § 55.3121 of this chapter)

§ 50.3107 *Payment to others than persons named on money orders.* (a) A payee or remitter may by duly executed power of attorney designate and appoint some person to obtain payment on a money order or on money order thereafter received and a copy of the power of attorney should be filed at the office of payment. In such cases, the attorney will sign in the name of the payee or remitter followed by his own signature.

(b) When a person or firm makes an assignment and intends that money orders payable to them shall be paid to the assignee, they should execute a power of attorney or written order separate from the instrument of assignment to be filed in the post office of payment. The person receiving payment as attorney or agent should receipt the money order as such indicating beneath his signature the capacity in which he acts.

(c) In case of death of the payee or remitter, or first endorsee, money orders

payable to him shall be paid to his legal representative, who shall be required to present to the paying postmaster satisfactory evidence of his authority to act in such capacity and to sign the money orders as executor or administrator as the case may be. In the case of an endorsee, the genuineness of the endorsement must be established as set forth in § 50.3106. If an executor or administrator has not been and will not be appointed, the claimant should submit his claim on standard Form 1055 which may be obtained through the postmaster.

(d) A money order payable to a firm or organization which has ceased to exist, shall be paid to the legal representative thereof, who will be required to show evidence of his authority to receive such payment.

(e) A money order may be receipted by the payee, remitter, or first endorsee, and deposited in a bank for collection. The bank may present the order if drawn on a local post office and receive payment. If the order is drawn on a post office in another city, the bank may forward it through banking channels or directly by mail to the issuing or paying office and in the latter event a check drawn on the Treasurer of the United States for the face value of the order will be sent to the bank. The stamp impressions of the banks through which the money orders pass should be placed on the backs of them. Stamp impressions are not regarded as endorsements in contravention of the law prohibiting more than one endorsement.

(f) A money order payable to a person who has been adjudged incompetent by a court of competent jurisdiction will be paid only to the person designated by the court to act on behalf of the ward. The money order in such cases shall be receipted in the name of the ward followed by the signature and legal designation of the authorized agent. (Sec. 1436.) (See 39 CFR 17.26)

§ 50.3108 *Payment of money orders withheld.* (a) Upon request by the issuing postmaster or by the remitter, payment of a money order will be withheld for a sufficient time to enable the remitter to furnish proof that the order was purchased by him through false representation or other fraudulent action of the payee or that the payee is engaged in conducting a scheme or device for obtaining money through the mails by false or fraudulent pretenses, representations, or promises, the postmaster to whom the order is presented for payment will forward the request and proof submitted to the Third Assistant Postmaster General, Division of Money Orders. In the absence of action herein described, payment of the order will be made notwithstanding the protest of the remitter.

(b) The Postmaster General may, upon evidence satisfactory to him that a person or company is engaged in conducting a lottery, or scheme for the distribution of money, or other property by lot, or chance, or is conducting any other scheme to obtaining money or property of any kind through the mails by false or fraudulent pretenses, forbid the payment to such person or company of any postal money orders and on and after the issue of such order by the Postmaster General

the payment of such postal money orders will not be made. The amounts of the money orders, but not the fees, shall be returned to the remitters. (R. S. 4041, sec. 3, 26 Stat. 466; 39 U. S. C. 732) (Sec. 1438) (See 39 CFR 17.28)

§ 50.3109 *Purchase of money orders through rural carriers.* (a) The patron of a rural route may deliver an application on Form 6001 with the money to the carrier on the route and receive a receipt on Form 6387. If the amount tendered by the remitter is in excess of the amount required and the carrier cannot make change, he will request the patron to meet him on his next trip to receive the change. The carrier is not permitted to and the patron should not under any circumstances leave money in the mail box. On his return to the post office, the carrier will purchase the money order and on his next trip deliver the receipt detached from the money order to the remitter. If personal delivery of the receipt is impracticable, it may be enclosed in an official envelope and left in the remitter's mail box.

(b) If the purchaser delivers with the application and money the unsealed communication in which the money order is to be mailed, the postmaster will make the enclosure, seal and dispatch the communication; otherwise the money order will be delivered to the purchaser on the carrier's next trip.

§ 50.3110 *Payment of money orders through rural carriers.* The patron of a rural route who desires to obtain payment of a money order may deliver it with an order on Form 6387 or a note reading as follows:

Please pay to -----
carrier, for delivery to me, the amount of
money order No. -----, issued at -----
in my favor and this day handed to him by
me for collection.

When the money is delivered to the patron on the carrier's next trip, the former shall acknowledge receipt thereof on the same form or note authorizing payment.

§ 50.3111 *Applications for duplicates of lost, destroyed, invalid or mutilated postal notes (Form 6596).*

CROSS REFERENCE: For procedure see 39 CFR 17.1a (q), (r), and (s).

§ 50.3121 *Application for duplicate of lost or mutilated domestic money order or of an order rendered void by too many endorsements (Form 6002).*

CROSS REFERENCE: For procedure see 39 CFR 17.39, and § 55.3121 of this chapter.

§ 50.3122 *Application for payment of domestic money order invalid by reason of age (Form 6003).*

CROSS REFERENCE: For procedure see 39 CFR 17.49, and § 55.3122.

§ 50.3123 *Bond of indemnity for issue of duplicate of lost money order (Form 6116).*

CROSS REFERENCE: For procedure see 39 CFR 17.39, 17.40 and 17.49, and § 55.3123 of this chapter.

§ 50.3124 *Report of wrong payment of money order.* Whenever the sender or payee of any money has information to the effect that it has been wrongfully

paid, he shall promptly report the fact to his postmaster who will proceed according to the directions in 39 CFR 17.24a and shall report the results to the complainant.

§ 50.3125 *Claim against the United States for amounts due in case of a decedent (Forms 1055 and 6003).*

CROSS REFERENCE: For procedure see 39 CFR 17.49 and §§ 55.3122, 55.3125 of this chapter.

§ 50.3132 *Notifying payee to present order (Form 6706).*

CROSS REFERENCE: For procedure see 39 CFR, 17.78, and § 55.3132 of this chapter.

§ 50.3134 *Application for repayment of international order.* A remitter desiring repayment of an international money order should make application therefor at his local post office on Form 6759. (See 39 CFR 17.81, and § 55.3134 of this chapter.)

§ 50.3135 *Application for a duplicate of a lost money order issued in one of the countries with which business is transacted on domestic basis.* When a payee of a money order issued in one of the countries on a domestic basis desires to present a claim of non receipt he should apply for a duplicate at his local post office on Form 6002 or 6003.

CROSS REFERENCE: For procedure see 39 CFR, 17.82; for forms see §§ 55.3135, 55.3136 of this chapter.

§ 50.3140 *Application for duplicate of international order (Form 6753).*

CROSS REFERENCE: For procedure see 39 CFR, 17.83, and § 55.3140 of this chapter.

§ 50.3141 *Application for international money order.* When a patron desires to send money to a foreign country he should apply at his local post office and complete Form 6701.

CROSS REFERENCE: For procedure see 39 CFR 17.56, 17.57, 17.58, and 17.66a, and § 55.3141 of this chapter.

§ 50.3143 *Inquiry concerning disposal made of an international money order issued in the United States.* Such inquiry shall be made at the post office where order was purchased (Form 6684).

CROSS REFERENCE: For procedure see 39 CFR 17.64, and § 55.3143 of this chapter.

§ 50.3144 *Exchange office requested to correct error in particulars of the advice of a United States money order payable abroad (Form 6760).*

CROSS REFERENCE: For procedure see 39 CFR 17.62, and § 55.3144 of this chapter.

§ 50.3145 *Supplemental international advice to be filled in by remitter (Form 6083).*

CROSS REFERENCE: For procedure see 39 CFR 17.59, and § 55.3145 of this chapter.

§ 50.3146 *List of international money order offices in certain foreign countries (International List, Form XIV).*

CROSS REFERENCE: For procedure see 39 CFR 17.53, and § 55.3146 of this chapter.

§ 50.3500 *Rental of garage accommodations without formal lease.* (a) *Contracts made annually.* Formal leases of quarters for postal purposes are not required where the rental to be paid does

not exceed \$1,000 annually. Contracts are made annually for the storage of Government-owned vehicles used in the transportation of mail for the period of the Government fiscal year.

(b) *Advertisement for bids.* Under instructions from the Fourth Assistant Postmaster General, the postmasters at the offices where such storage is required, post in the lobby of the post office building a copy of U. S. Standard Form 33 in which are set forth the specifications for the desired garage accommodations for such vehicles and an invitation to bid. Upon the reverse of this form, furnished to bidders by the postmaster, are set forth the conditions of the proposed contract and instructions to bidders.

(c) *Bids.* Bids are received upon said Form 33 and publicly opened and then transmitted by the postmaster to the Fourth Assistant Postmaster General.

(d) *Awards.* The lowest bid conforming to the specifications and with consideration given to the travel time between the post office and the bidder's garage, will be accepted but the right is reserved to reject all bids. The acceptance by the Fourth Assistant Postmaster General of such bid upon Form 33 will constitute the contract and the postmaster will be authorized to pay the rent provided for therein. (44 Stat. 688; 12 Stat. 220; R. S. 3709; 39 U. S. C. 14 Supp.; 41 U. S. C. 5)

CROSS REFERENCE: For Form 33 see 41 CFR, 12.33.

§ 50.3501 *Contracts for servicing Government-owned vehicles—(a) Contracts made annually.* Contracts are made annually for the servicing of Government-owned vehicles used in the transportation of mail for the period of the Government fiscal year.

(b) *Advertisement for bids.* Under instructions from the Fourth Assistant Postmaster General, postmasters at the offices where such servicing of vehicles is required, post in the lobby of the post office building a copy of U. S. Standard Form 33 in which are set forth the specifications for the desired servicing of such vehicles and an invitation to bid. Upon the reverse of this form, furnished to bidders by the postmaster, are set forth the conditions of the proposed contract and instructions to bidders.

(c) *Bids.* Bids are received upon said Form 33 and publicly opened and then transmitted by the postmaster to the Fourth Assistant Postmaster General.

(d) *Awards.* The lowest and most advantageous bid to the Postal Service conforming to the specifications will be accepted but the right is reserved to reject all bids. The acceptance by the Fourth Assistant Postmaster General of such bid upon said Form 33 will constitute the contract and the postmaster will be authorized to pay for the various services at the rates provided for therein. (12 Stat. 220; R. S. 3709; 41 U. S. C. 5)

CROSS REFERENCE: For Form 33 see 41 CFR Part 12.

§ 50.3502 *Contracts for carrying the mails in panel or screen body motor vehicles—(a) Geographical divisions.* Contracts for the transportation of mails in panel or screen body motor vehicles between the terminals of common car-

riers and general post offices and the stations and branches thereof, are made for periods of four years. For purposes of advertising for proposals and awarding such contracts, the United States is divided geographically into four sections with contracts expiring in one of such sections each year.

(b) *Advertisements for proposals.* An advertisement for proposals to furnish this service in one of such sections is prepared in pamphlet form each year, giving therein specifications for the service required respectively at various cities located in such geographical section, and containing instructions to bidders and postmasters and also general conditions to be incorporated in the contracts. Such advertisement is conspicuously posted in each post office at which a contract is to be awarded for at least sixty days before the time for receiving proposals. Postmasters at such post offices are instructed to give other publicity to such advertisement for proposals.

(c) *Proposals.* Proposals are submitted upon Form A which likewise contains a bond and oath. This form may be obtained from the local postmaster or from the Fourth Assistant Postmaster General. The proposal is to be executed, the facts stated therein sworn to, and the execution thereof acknowledged under oath, by the bidder and two or more individual sureties or an approved surety company. Only one route may be included in a single proposal, and the bidder must agree to give his personal supervision to the performance of the contract and to reside on or contiguous to the route. Proposals must be sealed and transmitted to the Fourth Assistant Postmaster General, Post Office Department, Washington 25, D. C.

(d) *Awards.* While a bidder may submit proposals to perform this service on more than one route, he will only be awarded a contract for a single route upon or contiguous to which he must reside so as to give his personal supervision to performing the contract. A contract for each route advertised will be separately awarded to the lowest responsible bidder whose proposal and bond conform in all respects to the specifications, and to whom has not been awarded a similar contract on another such route; but the Department reserves the right to reject all bids or to negotiate with the only bidder or lowest bidder for more reasonable terms. The contract will be executed upon Form 1748 by the Fourth Assistant Postmaster General and by the contractor and two or more individual sureties or an approved surety company. The contract will provide for the imposition by the Postmaster General of deductions and fines against the contractor for any delinquency or omission of duty under the contract, as authorized by law. (17 Stat. 313; 18 Stat. 235; 19 Stat. 335; 21 Stat. 374; 36 Stat. 366; 39 Stat. 418; 39 Stat. 1068; R. S. 3941; R. S. 3944; R. S. 3945; R. S. 3949; R. S. 3956; R. S. 3962; R. S. 3975; 39 U. S. C. 421; 39 U. S. C. 425; 39 U. S. C. 426; 39 U. S. C. 429; 39 U. S. C. 430; 39 U. S. C. 434; 39 U. S. C. 436; 39 U. S. C. 443; 39 U. S. C. 493)

CROSS REFERENCE: For forms see § 55.3500 and 55.3501 of this chapter. For contract

cancellation procedure see R. S. 3951; 54 Stat. 227; 39 U. S. C. 434.

§ 50.3503 *Contracts for hiring vehicles on an annual basis*—(a) *Period and nature of contract.* Contracts are made for periods of one year for furnishing panel or screen body and other types of motor vehicles, without drivers, for use in collection, delivering and relaying mail and in special delivery service. These vehicles are to be furnished for specified numbers of hours respectively on week days, Sundays and holidays; and the owner is required to equip such vehicles with adequate locking devices, keep them in satisfactory mechanical condition, and bear all expense of the operation and maintenance thereof.

(b) *Advertisements.* Advertisements for proposals to furnish such vehicles are made upon Form MV-44, which is posted in the lobby of the post office where such vehicles are required. Such advertisement states the number and type of vehicles required and the number of hours they are to be used respectively on week days, Sundays and holidays, and advises where such proposal forms may be obtained.

(c) *Proposals.* Proposals are submitted upon Form MVS-1 to the local postmaster in response to the advertisement. These proposals are then transmitted by the postmaster to the Fourth Assistant Postmaster General for consideration.

(d) *Awards.* The contract is awarded to the lowest responsible bidder, but the Department reserves the right to reject all bids. The acceptance by the Fourth Assistant Postmaster General of such bid upon Form MVS-1 will constitute the contract, and the postmaster will be authorized to pay the rate of vehicle hire provided for therein. (12 Stat. 220; 19 Stat. 335; 36 Stat. 1333; 38 Stat. 303; 39 Stat. 1068; R. S. 3709; 39 U. S. C. 430; 39 U. S. C. 802; 41 U. S. C. 5)

(e) *Cancellation of contracts.* The Postmaster General may cancel any contract upon failure of the contractor to comply with the terms thereof.

CROSS REFERENCE: For forms see § 55.3502 and § 55.3503 this chapter.

§ 50.3504 *Contracts for hiring vehicles on an hourly basis*—(a) *Period and nature of contract.* Contracts are made for a period of one-quarter year for furnishing vehicles, without drivers, for use in collection, delivering and relaying mail and in special delivery service. These vehicles are to be furnished at an hourly rate of pay for an estimated number of hours on week days, Sundays and holidays; and the owner is required to keep the vehicles in satisfactory mechanical condition and bear all expense of the operation and maintenance thereof.

(b) *Advertisements.* Advertisements for proposals to furnish such vehicles are made upon Form MV-68, which is posted in the lobby of the post office where such vehicles are required. Such advertisement states the estimated number of hours the vehicles will be used respectively on week days, Sundays and holidays, and advises where such proposal forms may be obtained.

(c) *Proposals.* Proposals are submitted upon Form MV-67 to the local

postmaster in response to the advertisement. The postmaster reports the hourly rate of the lowest bid to the Fourth Assistant Postmaster General, and if it is considered reasonable, it is approved.

(d) *Awards.* Upon approval of such bid by the Fourth Assistant Postmaster General, the postmaster is authorized to pay the hourly rate of vehicle hire provided for therein. (12 Stat. 220; 36 Stat. 1333; 38 Stat. 303; R. S. 3709; 39 U. S. C. 802; 41 U. S. C. 5)

CROSS REFERENCE: For forms see §§ 55.3504 and 55.3505 of this chapter.

§ 50.3505 *Fines and deductions; Contractors for carrying the mails by panel or screen body vehicles or by pneumatic tubes.* (a) Reports of failures or delinquencies. Failures or delinquencies in the performance of services in accordance with contracts for carrying the mails by panel or screen body vehicles or pneumatic tubes are reported by field operating officials to the Fourth Assistant Postmaster General. Such reports are ordinarily accompanied by a written statement from the contractor concerning his responsibility for the failures or delinquencies reported.

(b) *Imposition of fines or deductions.* The amount of the fine or deduction is based upon the gravity of the delinquency, and when imposed the contractor is notified thereof by the Fourth Assistant Postmaster General upon Form 1729, which shows the amount of the fine or deduction and the reasons for its imposition.

(c) *Protests of contractors.* Contractors are given opportunity to protest the imposition of fines or deductions, and they may be changed or remitted if such action is justified. There is no formal procedure established for such protests. (R. S. 3962; 39 U. S. C. 443)

CROSS REFERENCE: For forms see § 55.3506 of this chapter.

§ 50.3506 *Contracts for the transmission of mail by pneumatic tubes or other similar devices.* The procedure for advertising for bids and contracting for the transmission of mail by pneumatic tubes or other similar devices is prescribed by statute. (32 Stat. 114; 34 Stat. 1211; 35 Stat. 412; 39 U. S. C. 423)

§ 50.3600 *Sale of post-route maps and rural-delivery maps to the public.* Post-route maps and rural-delivery maps prepared primarily for the official use of the Postal Service, are made available by law to the public at prices fixed by law. Information concerning available maps and price lists may be obtained from, and orders and remittances should be addressed to, the Third Assistant Postmaster General, Division of Finance, Washington 25, D. C. (Pub. Law 518, Title II, Treasury and Post Office Departments Appropriation Act, 1947.)

§ 50.3700 *Leasing and equipping of quarters for post offices of the first, second and third classes; for stations and branches thereof; and for post office garages and railway mail terminals*—(a) *Advertisement for bids.* Subject to Department approval, intention to lease quarters for a post office or station or branch thereof, or for post office garages

or railway mail terminals, will be advertised at such post office by the posting publicly of an advertisement upon Form 1410, signed by a post office inspector, calling for proposals to furnish such quarters, and by giving other publicity to such intention. This advertisement will give information concerning the space, equipment and services desired, and will advise from whom may be obtained the forms to be used in making a proposal; and to whom such proposal should be submitted.

(b) *Proposals.* Proposals will be made upon Form 1400 for instructions contained therein, and from information given in Form 1425 containing specifications for equipment, and Form 1425-A containing the general building requirements. The proposals received will be transmitted to the Fourth Assistant Postmaster General for consideration.

(c) *Awards.* The proposal most advantageous to the Postal Service will be accepted or all of the proposals may be rejected. The acceptance of a proposal will be followed by the execution by the successful proponent and the Postmaster General of a lease of the post office or other quarters upon Form 1449, Standard Form of Government Lease for use by the Post Office Department. These leases are usually for terms of ten years. Information concerning any existing or proposed lease may be obtained from the Fourth Assistant Postmaster General. (23 Stat. 386; 42 Stat. 656; 39 U. S. C. 10; 25 Stat. 345; 41 Stat. 578; 43 Stat. 1105; 44 Stat. 688; Supp.; 47 Stat. 412; 47 Stat. 1517; 39 U. S. C. 10; 39 U. S. C. 11; 39 U. S. C. 14, Supp.; 40 U. S. C. 278-A)

CROSS REFERENCE: For forms see §§ 55.3700, 55.3701, 55.3702, 55.3703 of this chapter.

§ 50.3701 *Rental of post office quarters without formal lease.* Arrangements for post office quarters occupied on month-to-month basis without formal lease and at a rental not exceeding \$1,000 per annum, are made by the local postmasters, subject to review and approval by the Fourth Assistant Postmaster General in all instances. No forms are used in making the arrangements with the property owner. (44 Stat. 688; 39 U. S. C. 14, Supp.)

§ 50.4300 *Inquiries and complaints.* (a) Inquiries and complaints hereinafter indicated should be made as follows:

(b) *To postmasters.* (1) Inquiries and complaints by the public in regard to mail except as hereinafter indicated, (See subparagraph (3) of this paragraph). Complaints regarding mishandling or mistreatment of mail should be accompanied with the envelope or wrapper to which the complaint refers, if available. Patrons are urged to report any loss or non-delivery or any other mistreatment of mail since these reports may be used to correct such conditions.

(2) Complaints in general affecting the Service should likewise be made to the postmaster.

(3) Where inquiries or complaints to the postmaster are manifestly improper under the circumstances, they should be made to the Post Office Department.

(c) *To Post Office Inspectors-in-Charge.* Included in the offenses against the postal service which should be promptly reported to a Post Office Inspector-in-Charge, or to the Chief Inspector, Post Office Department, are the theft, rifling, tampering with and interception of mail; mailing of intoxicants, poisons, firearms, explosives, etc.; mailing of obscene and scurrilous matter; using the mails to defraud and in the promotion of lotteries; violation of the private express statutes (Government monopoly of the transportation of letter mail); mailing of letters of extortion and other complaints alleging criminal offenses against the postal service.

(d) *To the Post Office Department.* Administrative matters such as charges against postal employees of all classes (except Post Office Inspectors-in-Charge, inspectors, and clerks at division headquarters and other posts of duty of post office inspectors) and the establishment of or changes in rural or star routes should be addressed to the proper bureau of the department, and if an investigation by an inspector is necessary, such bureau will make request therefore on the Chief Inspector who will have investigations made in the field division concerned by some inspector or inspectors thereof.

§ 50.4301 *Disposition of money or other property lost or stolen from the mails and recovered by post office inspectors.* (a) The Chief Inspector is authorized by the Postmaster General to determine upon satisfactory evidence the ownership of money or other property lost or stolen from the mails and recovered by Post Office Inspectors, and to dispose of same to the United States Government, or to the public as their interests shall appear, as is hereinafter indicated.

(1) When Post Office Inspectors establish through investigation individual responsibility for mistreatment of mail matter, collection therefor is given attention by them. Collections by Post Office Inspectors for mistreatment of mail are forwarded by them through their Inspectors in Charge to the Chief Inspector who reviews the facts and makes disposition of the money.

(2) Identical money and identified articles stolen from the mails, and recovered by Post Office Inspectors, if not needed as evidence, or when no longer needed as such may, unless otherwise directed by the United States Attorney or the court, or the Post Office Department, be restored by inspectors to the owners unless they have received payment of indemnity or other settlement is in order.

(3) Property other than money believed to be the contents of mail but not so identified, recovered by Post Office Inspectors, if not needed as evidence or when no longer needed as such may, unless otherwise directed by the United States Attorney or the court, or the Post Office Department, be forwarded to designated post offices for treatment as dead mail matter.

(4) When the inspector feels that the disposition of money or other property by him is inadvisable on account of insufficiency of identification, conflicting

claims, or other reasons, the disposition of the money or other property is determined by the Chief Inspector.

(5) If money collected by inspectors represents a compromise offer, or if advisable for other reasons, inspectors channel it to the Chief Inspector for treatment by him.

(6) Subject to the foregoing, inspectors generally disburse direct to those entitled thereto collections made by inspectors if they apply to wrong payment of a postal money order, a postal savings certificate, or a postal note, or to customs duty assessed on mail matter, or to damage by the public to a mail truck or to street letter box equipment.

(7) Moneys lost or stolen from the mails and recovered by Post Office Inspectors and thereafter sent by them to the Chief Inspector are deposited by him with the Superintendent, Division of Finance, of the Post Office Department, unless, as in the case of identical money or for other reasons, other action may be in order.

With respect to moneys deposited with the Superintendent, Division of Finance, the Chief Inspector, after determining upon satisfactory evidence the proper disposition thereof, either to the United States Government, or the public as their interests shall appear, furnishes the Superintendent, Division of Finance, with disbursement schedules. The Superintendent, Division of Finance, thereafter disposes of the money to the United States Government, or to the public in the form of negotiable paper, as prescribed on such schedules following their approval by the Comptroller General.

Persons suffering losses of money or other property from the mails should make report thereof to the postmaster. Form 1510, suitable and convenient for such purpose, may be obtained from any post office, or the matter may be communicated by means of a letter to the postmaster who channels such reports to the proper Post Office Inspector in Charge. When such money or other property is recovered by Post Office Inspectors, it is disposed of as hereinbefore shown.

§ 50.4302 *Payment of rewards.* (a) The Post Office Department will, on and after July 1, 1945, unless otherwise ordered, pay the following rewards, providing Congress makes available the necessary appropriation:

(1) Not exceeding two thousand dollars for the arrest and conviction of any offender on the charge of assaulting any person having lawful charge, control, or custody of any mail, or money or other property of the United States, with intent to rob, steal, or purloin such mail, or money or other property of the United States, or any part thereof, or on the charge of robbing any such person of any such mail, or money or other property of the United States, if in effecting or attempting to effect such robbery, he shall wound the person having custody of the mail, or money or other property of the United States, or put his life in jeopardy by the use of a dangerous weapon.

(2) Not exceeding two thousand dollars for the arrest and conviction of any

offender on the charge of mailing or causing to be mailed any bomb, infernal machine, or mechanical, chemical, or other device or composition which may ignite or explode, with the design, intent, or purpose to kill or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property.

(3) Not exceeding one thousand dollars for the arrest and conviction of any offender on the charge of assaulting any person having lawful charge, control, or custody of any mail, or money or other property of the United States, with intent to rob, steal, or purloin such mail, or money or other property of the United States, or any part thereof, or of robbing such person of such mail, or money or other property of the United States, or any part thereof, where the assault does not include the wounding of the person having custody of the mail, or money or other property of the United States, or the putting of his life in jeopardy by the use of a dangerous weapon.

(4) Not exceeding two hundred dollars for the arrest and conviction of any person on the charge of breaking into or attempting to break into a post office, or any building used in whole or in part as a post office, with intent to commit in such post office, or part of said building used as a post office, any larceny or other depredation. A post office station will be regarded as coming within the meaning of the term, post office, as used in this section.

(5) Not exceeding two hundred dollars for the arrest and conviction of any person on the charge of stealing mail or any valuable thing contained therein, or money or other property of the United States, while being conveyed over any post route, or while in the custody of any mail messenger, or being conveyed to or from any railroad depot, or of robbing or stealing from the mail while it remains at any railroad depot awaiting transfer.

(6) Not exceeding two hundred dollars for the arrest and conviction of any person on the charge of stealing mail or any valuable thing contained therein, or money or other property of the United States, from or out of any mail, post office, or station thereof, or from any person properly having custody of any mail, money or property as aforesaid, or of larceny from any letter box, street letter box, or other receptacle established, approved, or designated by the Postmaster General for the receipt of mail on any rural delivery route, star route, or other mail route, or from a box rented in a post office, or from any public receptacle or other authorized depository for mail.

(7) Not exceeding two hundred dollars for the arrest and conviction of any mail carrier on any mail messenger route or star route on the charge of embezzling or stealing mail or any valuable thing contained therein.

(8) Not exceeding two hundred dollars for the arrest and conviction of any person on the charge of mailing or causing to be mailed any bomb, infernal machine, or mechanical, chemical, or other device or composition which may ignite or explode, and which may kill or in anywise hurt, harm, or injure another, or damage,

deface, or otherwise injure the mails or other property.

(9) For the arrest and conviction of any person as accessory to any of the offenses above mentioned, or for receiving or having unlawful possession of any mail, money, or property stolen from a post office or from a station of a post office, or otherwise, as provided in this Notice of Reward, the same reward will be paid as for the arrest and conviction of the principal offender.

(10) When an offender is killed in the act of committing any of the crimes enumerated herein, or in resisting lawful arrest, the same reward may be paid as though he had been tried and convicted.

(11) When a person has been convicted of committing any offense enumerated herein a reward may be paid, even though such person when arrested was charged with committing an offense not so enumerated. When a person has been convicted on the charge of juvenile delinquency because of having committed any offense enumerated herein, the same reward may be paid as though he had been convicted of such offense.

(12) The reward that may be allowed under the offers made in the preceding paragraphs will be determined according to the circumstances surrounding the particular case and on the basis of the services personally rendered by each claimant. In deciding what amount should be paid, the importance and value of the service rendered, the character of the person arrested and convicted, the risks or hazards involved, the time consumed, the expenses incurred and the efforts put forth, will govern. Maximum rewards will be paid only when the services performed were of maximum value.

(b) *Applications.* Separate applications should be made in writing to the Chief Post Office Inspector, Washington 25, D. C. by each person who claims a reward. Applications for reward should state the name of the offender, and the date and nature of the offense.

(c) *Filing of applications.* Payment for services meriting a reward will be made, subject to the necessary appropriation, as aforesaid, upon presentation of satisfactory evidence and after appropriate investigation. A claim will not be considered unless presented within three months from the date of conviction of an offender, or within three months from the date of his death, if he was killed in the act of committing a crime, or in resisting lawful arrest.

(d) *Time of payment.* In order that all claimants for reward in any case may have an opportunity to present their claims, the Department reserves the right to withhold taking final action until the time limit specified in the preceding paragraph has expired and the claims have been investigated.

(e) *Conditions and reservations.* (1) The Post Office Department reserves the right to reject a claim when the circumstances in the case do not justify the payment of a reward or when, in its opinion, there has been collusion, or when improper methods have been used to effect an arrest or to secure a conviction; and it also reserves the right to allow only one reward where several persons have been convicted of the same offense,

or when one person has been convicted of several offenses, unless the circumstances, in its judgment, entitle the claimant to a reward for each conviction.

(2) All previous offers of reward are hereby rescinded except as they may apply to cases in which arrests were made prior to July 1, 1945.

§ 50.4600 *Compromise of obligations.* Any proposition of compromise shall be submitted in writing, and the amount offered in compromise shall be deposited with the Treasurer of the United States, or a national bank designated as a United States depository, in special account No. 5 of the Secretary of the Treasury, or with the Superintendent, Division of Finance and Disbursing Officer, Bureau of the Third Assistant Postmaster General, Post Office Department. If the offer in compromise is rejected the amount deposited will be returned. The amount of a compromise offer must be tendered unconditionally for deposit pending the consideration of acceptance. Checks and drafts cannot be accepted as offers in compromise when they bear endorsements or instructions to the effect that the acceptance of such checks or drafts constitutes settlement in full of the claim, fine, penalty, or liability in connection with which the offer is made, except that such checks or drafts may be accepted when they are accompanied with a written waiver of the endorsements or instructions printed thereon. Offers in compromise should be transmitted or delivered to the bureau of the Department, the Post Office Inspector, or the postmaster from whom demand is received for payment of the amount due. (R. S. 295, 409; 5 U. S. C. 383; 31 U. S. C. 115)

PART 51—PROCEDURES BEFORE THE SOLICITOR

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¹ §§ 51.1-51.27 were formerly designated 23.1-23.27. § 51.25a was added.

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SUBPART A—RULES OF PRACTICE IN CASES ARISING UNDER THE POSTAL FRAUD, LOTTERY, AND FICTITIOUS STATUTES

§ 51.1 *Offices.* The Office of The Solicitor is located in the Post Office Department Building, 12th Street and Pennsylvania Avenue, Northwest, Washington, D. C., in Room 3226. The Hearing Room is 3237. Attorney in Charge of the Fraud Section, in Room 3230.

§ 51.2 *Hours.* Offices are open on each business day, except Saturday, from 8:45 a. m. to 5:15 p. m.

§ 51.3 *Communications.* All communications should be addressed to "The Solicitor, Post Office Department, Washington 25, D. C."

§ 51.4 *Hearings.* All hearings in cases involving alleged violations of the postal fraud or lottery laws are held in Room 3237, Post Office Department, Washington, D. C. No hearings are held outside

of Washington, D. C. Hearings are public.

§ 51.5 *Complaints.* Whenever the Attorney in Charge of the Fraud Section shall have before him evidence upon the basis of which he shall have reason to believe that any person or concern is using the mails in the operation of an enterprise which is contrary to the provisions of the postal fraud or lottery laws, or of the so-called fictitious statutes, and if it shall appear that a proceeding before the Solicitor is required to determine whether or not such enterprise is unlawfully using the mails, he shall prepare and submit to the Solicitor a specification of charges naming the person or concern accused of violating the law, and charging the violations in such a manner as to enable such person or concern to answer such charges.

If upon presentation of such specification of charges to the Solicitor, he determines that, in the public interest a hearing is necessary to ascertain whether or not the postal laws are being violated as alleged in said specification of charges, he shall issue a notice to the accused person or concern to show cause upon a specific date why an order should not be issued against such person or concern pursuant to the provisions of the postal laws under which such proceedings are commenced.

§ 51.6 *Service of notice.* (a) Service of the complaint consisting of the notice to show cause and the specification of charges accompanied with copies of the postal laws involved in the proceeding shall be effected by the transmission of same to the postmaster at the office of address of the person or concern charged with violating the law and shall be delivered to said person or concern by said postmaster or an employee of the post office under his direction; and a receipt shall be secured from the accused person or concern or his agent acknowledging delivery of said complaint, which receipt shall be forwarded to the Solicitor of the Post Office Department and shall be incorporated in the record of the case.

(b) In the event that no person can be found upon whom service of the complaint can be effected pursuant to the above rule, the complaint may be delivered with other mail addressed to the respondent person or concern and a statement to that effect showing the time and place of such delivery signed by the postal employee who so delivered the complaint shall constitute evidence of service of the notice showing the time and place of the hearing, and of the specification of charges.

§ 51.7 *Answers.* (a) In case of desire to contest the proceeding, the respondent in any such case shall file with the Solicitor of the Post Office Department an answer to the complaint. Three copies of the answer shall be supplied. The answer shall contain a concise statement on behalf of the respondent admitting, denying or explaining each of the charges alleged in the complaint. All answers shall be signed by the respondent or by his attorney at law. Corporations or associations shall file answers through a bona fide officer or by an attorney at law. Answers shall show the office and post office address of the signer.

(b) The answer may be submitted by mail or presented by the respondent or his representative not later than the commencement of the hearing.

(c) The hearing will be held at the time and place stated in the notice regardless of whether the respondent files an answer or makes an appearance during the proceedings.

(d) If the respondent desires to waive a hearing on the allegations of fact set forth in the complaint, and does not desire to contest the allegations of fact, the answer shall consist of a statement that the respondent admits as true all the material allegations of fact charged. Contemporaneously with the filing of such answer the respondent shall state in writing whether he desires to appear and be heard on the question as to whether the admitted facts constitute the violation of law alleged in the complaint. Respondent may also file a brief in support of his contention.

§ 51.8 *Appearances.* (a) Any individual, receiver or trustee may appear and be heard in person or by attorney. A partnership may appear and be represented by any member thereof or any attorney. A corporation, association, joint-stock company or trust company may appear by a duly authorized officer or by an attorney.

(b) Any person appearing in behalf of any respondent may be required to show his authority to represent such respondent.

Appearance blanks. (c) Each attorney representing respondents shall enter his appearance in duplicate on the form to be prescribed for that purpose by the Solicitor and furnished to such attorney, prior to participating in a hearing, and said appearances shall be made a part of the record.

§ 51.9 *Failure to answer or appear.* If the respondent fails to appear or to be represented at the hearing, he shall be deemed to have waived the right to be heard in the proceeding. However, if respondent has filed an answer to the charges, he shall be loaned a copy of the transcript and accorded an opportunity to file a post hearing brief as hereinbefore provided. If no answer is filed and no appearance is made at the hearing the respondent will be deemed to have waived his rights as set forth above.

§ 51.10 *Amendments of pleadings.* Amendments to pleadings may be offered by any party during the course of a hearing and may be accepted by the Hearing Officer and incorporated into the record unless it shall be shown that the rights of the respondent will be unfairly prejudiced thereby.

§ 51.11 *Admission to practice.* Attorneys-at-law admitted to practice before any court of the United States, the District of Columbia, or the highest court of any State or Territory may be admitted to practice before the Department. Applications for admission to practice shall be upon a form prescribed by the Solicitor which may be obtained upon written application therefor. However, formal admission to practice shall not be prerequisite for appearing as a repre-

sentative of any respondent in a case already set down for hearing.

§ 51.12 *Suspension and disbarment.* The Solicitor may recommend to the Postmaster General that he censure, suspend, disbar, or revoke the right of any person who has been admitted to practice either formally or informally before this Department if he finds that such person has failed to conform to recognized standards of professional conduct or is not possessed of the character and integrity which is ordinarily required of an attorney-at-law practicing before a Federal court.

§ 51.13 *Subpenas.* The Post Office Department is not authorized by law to issue subpenas requiring the attendance or testimony of witnesses and cannot furnish or pay witness fees or transportation expenses.

§ 51.14 *Continuances.* A short continuance may be granted to a respondent in any case where application is made therefor in writing not later than ten days before the date set forth for the hearing, which application shall contain a statement of the reasons upon which such request for a continuance is based; but such reasons must be substantial and relate to the defense of the charges.

§ 51.15 *Hearing officers.* Hearing Officers presiding at the trial of cases involving alleged violations of the postal fraud, lottery and fictitious name laws shall be designated by the Solicitor. Hearing Officers shall have the authority to rule upon offers of proof and to receive oral or documentary evidence; to regulate the course of the hearing and the conduct of the parties; to dispose of procedural motions, requests for adjournment and similar matters; require oral argument upon any question raised in the course of a hearing, or at the close thereof, and to limit same as to time and subject matter. Hearings shall be conducted in such a way as to afford to interested persons a reasonable opportunity to be heard on matters relevant to the issues involved and so as to obtain a clear and orderly record.

§ 51.16 *Evidence.* (a) Except as otherwise provided here, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern formal proceedings before the Solicitor; provided, however, that such rules may be relaxed in any case where the ends of justice may be better served by so doing.

(b) The testimony of witnesses at a hearing shall be upon oath or affirmation and witnesses shall be subject to cross-examination. Any witness may, in the discretion of the Hearing Officer, be examined separately and apart from other witnesses except those who may be parties to the proceeding.

(c) In so far as practicable Hearing Officers shall exclude evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

§ 51.17 *Statements of facts.* Agreed statements of facts signed by all parties

to any hearing may be received in evidence.

§ 51.18 *Official notice.* Official notice may be taken of all matters of generally recognized or scientific fact of an established character.

§ 51.19 *Documentary evidence.* Relevant and material documents must be properly identified or authenticated. Medical or other scientific books or essays will not be admitted in evidence in lieu of oral expert testimony. Where such publications are cited or relied upon by an expert witness on direct examination, they are then admissible on cross-examination for the sole purpose of showing that they contradict the witness as to the matter upon which he cited them as supporting his testimony. Affidavits of physicians or others containing opinions or statements in the nature of expert testimony are not admissible. Testimonials are inadmissible.

§ 51.20 *Objections.* If any party objects to the admission or rejection of any evidence or to the limitation of the scope of cross-examination, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the Hearing Officer. The transcript shall not include argument or debate upon objections except as ordered by the Hearing Officer. The ruling of the Hearing Officer on any objection shall be a part of the transcript.

§ 51.21 *Depositions.* No provision has been made by the Post Office Department for the taking of depositions and no money has been appropriated by Congress for that purpose.

§ 51.22 *Transcript.* (a) The transcript of the proceedings before the Hearing Officer shall be made in every case by the reporting system of the Office of the Solicitor. Said transcript together with all documents and pleadings filed in the case, shall constitute the official record thereof. If answer to the charges is made, a copy of the transcript shall be loaned to the respondent after the conclusion of the hearing for use in preparing any written brief or argument which the respondent desires to have considered when the case is taken up for disposition. The Hearing Officer shall apprise each respondent present at a hearing of such fact and shall state the length of time to be allowed respondent for the preparation of the brief after he has been furnished the transcript.

(b) The transcript shall be returned with the respondent's brief.

§ 51.23 *Oral argument.* If oral argument before the Hearing Officer is desired he should be notified before the close of the hearing in order that he may arrange to hear the argument at the close of the testimony, within such limits of time as may be agreeable to the parties and as he may determine to be adequate. Such argument shall be transcribed and bound with the transcript of testimony, and shall be submitted to the Postmaster General for consideration in deciding the case.

§ 51.24 *Compromises.* (a) Any respondent charged with violating the

postal fraud, lottery or "fictitious" statutes, and who desires to arrange for a disposition of the pending charges without a formal hearing may apply for permission to file an affidavit of discontinuance. Such an affidavit shall provide for the discontinuance and abandonment of the enterprise charged in the complaint with violating the postal laws. It shall also authorize the postmaster at the post office through which the respondent receives mail addressed to the names used in the alleged unlawful enterprise to return such mail to sender marked "Out of Business." The affidavit further shall authorize said postmaster to refuse to cash money orders drawn in favor of the name or names involved in the unlawful scheme. Additional provision shall authorize summary action by the Postmaster General in the event that the respondent or his successors or assigns resumes under the same name or any other name the scheme agreed by the affidavit to be discontinued and abandoned.

(b) The Solicitor shall not be required to grant the privilege of filing affidavits of discontinuance in all cases in which application therefor is made. Permission or refusal to dispose of a pending case on such basis shall be a matter for the exercise of his discretion and judgment and shall depend upon the nature of the case and the circumstances involved.

(c) Application for permission to file an affidavit of discontinuance shall be filed at least seven days before the date set for the hearing of the case on the merits.

(d) Affidavits of discontinuance shall not be accepted after a case has gone to hearing and the Department's counsel has introduced evidence to substantiate the charges in the complaint, nor shall such affidavits embody any provisions other than those specified above unless in the judgment of the Solicitor the circumstances involved are such as to warrant a relaxation of this rule.

(e) The Post Office Department will not undertake to edit or censor advertising or to prescribe reforms for business methods and requests to dispose of cases on such basis shall be refused.

§ 51.25 *Petitions for further hearing.*

(a) An application for further hearing in a proceeding before final submission, or for reopening a proceeding after final submission, or for rehearing, reargument, or reconsideration after decision, must be made by petition stating specifically the grounds relied upon.

(b) Such petition shall be accompanied by a sworn statement of the party or his attorney that the petition is filed in good faith and not for purposes of delay.

(c) A petition for further hearing or for reopening a proceeding to take further evidence must (1) state briefly the nature and purpose of the evidence to be adduced; (2) show that such evidence would not be merely cumulative, and that the failure previously to present such evidence is not due to lack of reasonable diligence, and (3) show cause why the petition should be granted. A petition for rehearing, reargument or reconsideration must specify the matters claimed to have been decided erroneously and

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must briefly state the alleged errors. A petitioner praying that an order be vacated or modified by reason of matters which have arisen since the hearing, must briefly set forth all the matters relied upon by the petitioner.

(d) No petition filed under this Rule shall automatically stay the effect of, terminate or modify any order theretofore entered, whether or not such order is one which the petitioner prays to be reconsidered.

(e) A petition for rehearing, reargument, reconsideration, or modification of a final order must be filed within ten (10) days after the date of service of such order.

§ 51.25a *Decision and order.* Upon the basis of the complete record in any case the hearing officer shall make a finding of all the facts pertinent to the issues involved and shall state his recommendation as to the action to be taken. The hearing officer's finding and recommendation together with the record, shall be transmitted to and considered by the Solicitor, who shall state in writing his own recommendation, and, in cases where the issuance of an order denying the respondent the use of the mails is recommended by the Solicitor, he shall transmit the recommendation, together with the record in the case to the Postmaster General for final decision and the issuance of an order, if the evidence in the case be satisfactory to him that the postal laws have been violated as charged.

§ 51.26 *Supplementary fraud, lottery and fictitious orders.* Whenever substantial evidence is presented to the Solicitor, *ex parte*, that any person or concern is evading or attempting to evade the provisions of any fraud, lottery or fictitious order issued after notice and hearing against any person or concern operating an enterprise which was found to be unlawful under the postal fraud, lottery or fictitious name statutes, a recommendation shall be made by the Solicitor for the extension of the order sought to be evaded so as to include the name or names then and there being employed for the purpose of continuing the use of the mails in the operation of the unlawful scheme against which a previous order was directed.

§ 51.27 *Foreign fraud, lottery and fictitious orders.* Whenever substantial evidence is presented to the Solicitor, *ex parte*, that any person or concern in any foreign country is using or causing the United States mails to be used in the operation of any enterprise in violation of the postal fraud, lottery, or fictitious statutes, he shall submit forthwith to the Postmaster General a finding of law and fact and a recommendation that an appropriate order be issued against such person or concern under the provisions of the aforesaid statutes.

SUBPART B—PROCEDURE GOVERNING THE ADMISSION OF ATTORNEYS TO PRACTICE BEFORE THE POST OFFICE DEPARTMENT

§ 51.40 *Roster of attorneys.* A list of all persons entitled to practice as attorneys before the Post Office Department will be kept in the office of the Solicitor.

§ 51.41 *Requisites to admission.* It shall be requisite to the admission of attorneys to practice before this Department that they shall be members of the bar of the court of appellate jurisdiction of the State, Territory, or District of Columbia to which they respectively belong.

§ 51.42 *Oath required.* They shall respectively take and subscribe to the following oath or affirmation:

I, -----, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will demean myself as an attorney before the Post Office Department uprightly and according to law. So help me, God.

§ 51.43 *Application for admission.* An applicant for admission to practice must address a letter to the Solicitor, Post Office Department, Washington 25, D. C., giving his full name and post-office address, and enclosing a certificate of the State, Territory, or District Court, duly authenticated under the seal of the court, that he is an attorney in good standing, and also the oath above required. He must also state whether he has ever been suspended or disbarred from practice; whether he holds any office of trust or profit under the Government of the United States; and, if he does not at the time hold such office, but ever did, the time of his relinquishment of said office must be given.

§ 51.44 *Ruling upon application.* Upon receipt of the proper application the solicitor shall admit or refuse to admit the applicant to practice. The Solicitor may demand additional proof of applicant's qualifications including whether he is guilty of conduct of a nature making him liable to suspension or disbarment. The grounds for refusal of admission to practice shall be the same as in suspension or disbarment proceedings 39 CFR 51.60.

§ 51.45 *Persons ineligible for admission to practice.* (a) No attorney disbarred from practice in this Department or any other Executive Department will be placed upon said list until said order of disbarment shall have been revoked. Any attorney who, subsequently to being placed on said list, is disbarred by any other Executive Department, shall be deemed suspended from practice in this Department during the pendency of said order of disbarment.

(b) No person who has been an officer, clerk, or employee in this Department will be recognized as counsel or attorney for prosecuting any case or matter before this Department or any office thereof, with which he was in anywise connected while he was such officer, clerk, or employee.

(c) No attorney who has been appointed or generally retained by or for this Department will be recognized as attorney before this Department or any office thereof for two years next after he shall have ceased to act under such appointment or retainer.

(d) No person falling within either of the following prohibitions of the law will be recognized:

Every officer of the United States or person holding any place of trust or profit, or discharging any official under, or in connection with, any Executive Department of the Government of the United States, or under the Senate or House of Representatives of the United States who acts as an agent or attorney for prosecuting any claim against the United States, or in any manner or by any means, otherwise than in the discharge of his proper official duties, aids or assists in the prosecuting or support of any such claim or receives any gratuity, or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall pay a fine of not more than five thousand dollars, or suffer imprisonment not more than one year, or both." (Section 5498, Revised Statutes.)

It shall not be lawful for any person appointed after the first day of June, one thousand eight hundred and seventy-two, as an officer, clerk, or employee in any of the Departments, to act as counsel, attorney, or agent for prosecuting any claims against the United States, which was pending in either of said Departments, while he was such officer, clerk, or employee, nor in any manner, nor by any means, to aid in the prosecution of any such claim, within two years next after he shall have ceased to be such officer, clerk, or employee. (Section 190, Revised Statutes.)

§ 51.46 *Authorization of appearance required.* The head of any bureau or office may require an attorney to present satisfactory evidence of his authority to represent the person for whom he appears.

§ 51.47 *Complaint of misconduct.* If the head of any bureau or office of the Department have reason to believe, or if complaint be made to him, that any attorney is guilty of conduct subjecting him to suspension or disbarment, the head of such office shall report the same to the Solicitor, who shall proceed in accordance with the rules issued by him, which are set forth in §§ 51.60 to 51.81.

§ 51.48 *Suspension and disbarment from practice, grounds.* Any attorney or representative who is guilty of conduct falling in one or more of the following categories may be suspended or disbarred:

(a) Who charges or receives, either directly or indirectly, any fee or compensation for services which may be deemed to be grossly excessive in relation to the services performed by him in the case;

(b) Who, with intent to defraud or deceive, bribes, attempts to bribe, coerces, or attempts to coerce, by any means whatsoever, any person, including a party to a case, or an officer or employee of the Post Office Department or postal service, to commit an act or to refrain from performing an act in connection with any case;

(c) Who wilfully misleads, misinforms, or deceives an officer or employee of the Post Office Department or postal service concerning any material and relevant fact in connection with a case;

(d) Who wilfully deceives, misleads, or threatens any party to a case concerning any matter relating to the case;

(e) Who solicits practice by means of runners or other unethical methods;

(f) Who represents, as an associate, an attorney who, known to him, solicits practice by means of runners or other unethical methods;

(g) Who has been temporarily suspended, and such suspension is still in effect, or permanently disbarred from practice in any court, Federal, State (including the District of Columbia), territorial, or insular;

(h) Who is temporarily suspended, and such suspension is still in effect, or permanently disbarred from practice in a representative capacity before any executive department, board, commission, or other Governmental unit, Federal, State (including the District of Columbia), territorial, or insular;

(i) Who, by use of his name, personal appearance, or any device, aids and abets an attorney to practice during the period of his suspension or disbarment, such suspension, or disbarment being known to him;

(j) Who wilfully made false and material statements in his application for admission to practice, or in his appearance in any case;

(k) Who engages in contumelious or otherwise unprofessional conduct with respect to a case in which such attorney acts in a representative capacity which would constitute cause for suspension or disbarment were the case pending before a court;

(l) Who, having been furnished with a copy or copies of any portion of the record in any case, wilfully fails to surrender such copy or copies upon final disposition of the case, or wilfully and without authorization makes and retains a copy or copies of the material furnished;

(m) Who has been convicted of a felony, or, having been convicted of any crime, is sentenced to imprisonment for a term of one year or more;

(n) Who no longer possesses the qualifications required for admission to practice.

§ 51.49 *Notice of disbarment; exclusion from practice.* Upon the disbarment of an attorney, notice thereof will be given to the heads of the offices of this Department and to the other Executive Departments, and thereafter, until otherwise ordered, such disbarred persons will not be recognized as attorneys before the Post Office Department or any office thereof.

SUBPART C—PROCEDURE IN CASES RELATING TO DISBARMENT OF ATTORNEYS

§ 51.60 *Institution of Proceedings.*

(a) Whenever any person submits to the Solicitor a complaint against any attorney practicing before the Department, he may refer such complaint to the Chief Inspector for a complete investigation and report.

(b) Upon the receipt of the report of the Chief Inspector, the Solicitor will assign the matter to the Attorney in Charge of Admissions and Disbarment cases.

(c) Whenever the Attorney in Charge of Admissions and Disbarments shall have before him evidence on the basis

of which he has reasonable grounds to believe that any attorney or representative against whom a complaint has been made as aforesaid, has violated the conditions of his admission to practice, and if it shall appear that a proceeding before the Solicitor is required to determine whether or not such attorney should be disbarred from practice before the Department, he shall prepare and submit to the Solicitor a specification of charges naming the attorney accused of improper practices or lack of proper qualifications, and stating the charges against him in such manner as to enable such attorney to answer them.

(d) If upon the presentation of such specification of charges to the Solicitor he determines that in the public interest a hearing is necessary to ascertain whether or not the accused attorney has been guilty of improper practices or is deficient in qualifications as alleged in the specification of charges against him, the Solicitor will issue a notice to the accused attorney to show cause on a specified day why an order of disbarment or suspension, as the case may be, should not be issued against him pursuant to the provisions of the regulations governing such cases.

§ 51.61 *Service of complaint.* (a) Service of the complaint consisting of the notice to show cause and the specification of charges accompanied with copies of the Regulations Governing The Procedure And Practices Before The Solicitor of The Post Office Department In Cases Relating To The Disbarment Of Any Attorney Or Representative Practicing Before The Department, shall be effected by the transmission of same to the postmaster at the office of address of the person or concern charged with violating the law and shall be delivered to said person or concern by said postmaster or an employee of the post office under his direction; and a receipt shall be secured from the accused attorney acknowledging delivery of said complaint, which receipt shall be forwarded to the Solicitor of the Post Office Department and shall be incorporated in the record of the case.

(b) In the event that no person can be found upon whom service of the complaint can be effected pursuant to the above rule, the complaint may be delivered with other mail addressed to the respondent person and a statement to that effect showing the time and place of such delivery signed by the postal employee who so delivered the complaint shall constitute evidence of service of the notice showing the time and place of the hearing, and of the specification of charges.

§ 51.62 *Answers.* (a) In case of desire to contest the proceeding, the respondent in any such case shall file with the Solicitor of the Post Office Department an answer to the complaint. Three copies of the answer shall be supplied. The answer shall contain a concise statement on behalf of the respondent admitting, denying or explaining each of the charges alleged in the complaint. All answers shall be signed by the respondent or by his attorney at law.

(b) The answer may be submitted by mail or presented by the respondent or

his representative not later than the commencement of the hearing.

(c) The hearing will be held at the time and place stated in the notice regardless of whether the respondent files an answer or makes an appearance during the proceedings.

(d) If the respondent desires to waive a hearing on the allegations of fact set forth in the complaint, and does not desire to contest the allegations of fact, the answer shall consist of a statement that the respondent admits as true all the material allegations of fact charged. Contemporaneously with the filing of such answer the respondent shall state in writing whether he desires to appear and be heard on the question as to whether the admitted facts constitute the violation of the regulations "Rules Governing The Procedure And Practices Before The Solicitor Of The Post Office Department In Cases Relating To The Disbarment Of Any Attorney Or Representative Practicing Before The Department" as alleged in the complaint. Respondent may also file a brief in support of his contention.

§ 51.63 *Appearances.* Any respondent attorney who has been served with a complaint and notice to show cause as set forth above may appear or be heard in person or by an attorney who must have been duly qualified and admitted to practice before the Post Office Department prior to the entrance of his appearance in behalf of the respondent and the hearing upon the complaint in issue.

§ 51.64 *Appearance blanks.* Each attorney representing respondents shall enter his appearance in duplicate on the form to be prescribed for that purpose by the Solicitor and furnished to such attorney, prior to participating in a hearing, and said appearances shall be made a part of the record.

§ 51.65 *Failure to answer or appear.* If the respondent fails to appear or to be represented at the hearing, he shall be deemed to have waived the right to be heard in the proceeding and an order pro-confesso may be entered against him.

§ 51.66 *Amendments of pleadings.* Amendments to pleadings may be offered by any party during the course of a hearing and may be accepted by the Solicitor and incorporated into the record unless it shall be shown that the rights of the respondent will be unfairly prejudiced thereby.

§ 51.67 *Subpenas.* The Post Office Department is not authorized by law to issue subpenas requiring the attendance or testimony of witnesses and cannot furnish or pay witness fees or transportation expenses.

§ 51.68 *Continuances.* A short continuance may be granted to a respondent in any case where application is made therefor in writing not later than ten days before the date set forth for the hearing, which application shall contain a statement of the reasons upon which such request for a continuance is based; but such reasons must be substantial and relate to the defense of the charges.

§ 51.69 *Hearing officers.* Whenever it is impracticable for the Solicitor to preside at any departmental proceeding, or if for any other reason he deems it desirable to do so, he shall designate a member of the legal staff of the Post Office Department as a special hearing officer in the case. The Solicitor and any hearing officer acting in his behalf will rule upon all offers of proof; receive oral or documentary evidence; regulate the course of the hearing and the conduct of the parties; dispose of procedures of motions; requests for adjournment and similar matter; require oral argument upon questions raised in the course of the hearing or the close thereof, and limit such argument as to time and subject matters. Hearings will be conducted in such a way as to afford respondent persons a reasonable opportunity to be heard on matters relevant to the issues involved and so as to obtain a clear and orderly record.

§ 51.70 *Evidence.* Except as otherwise provided herein, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern formal proceedings before the Solicitor; provided, however, that such rules may be relaxed in any case where the ends of justice may be better served by so doing.

§ 51.71 *Testimony under oath.* The testimony of witnesses at a hearing shall be upon oath or affirmation and witnesses shall be subject to cross-examination. Any witness may, in the discretion of the Solicitor or hearing officer be examined separately and apart from other witnesses except those who may be parties to the proceeding.

§ 51.72 *Exclusion of irrelevant matter.* In so far as practicable the Solicitor or hearing officer shall exclude evidence which is immaterial, irrelevant or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

§ 51.73 *Statements of facts.* Agreed statements of facts signed by all parties to any hearing may be received in evidence.

§ 51.74 *Official notice.* Official notice may be taken of all matters of generally recognized or scientific fact of an established character.

§ 51.75 *Documentary evidence.* Relevant and material documents must be properly identified or authenticated.

§ 51.76 *Objections.* If any party objects to the admission or rejection of any evidence or to the limitation of the scope of cross-examination, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the Solicitor or by the Hearing Officer. The transcript shall not include argument or debate upon objections except as ordered by the Solicitor or Hearing Officer. The ruling on any objection shall be a part of the transcript.

§ 51.77 *Depositions.* No provision has been made by the Post Office Department for the taking of depositions and no money has been appropriated by Congress for that purpose.

§ 51.78 *Transcript.* The transcript of the proceedings before the Solicitor or Hearing Officer shall be made in every case by the reporting system of the Office of the Solicitor. Said transcript, together with all documents and pleadings filed in the case, shall constitute the official record thereof. If answer to the charges is made, a copy of the transcript shall be loaned to the respondent after the conclusion of the hearing for use in preparing any written brief or argument which the respondent desires to have considered when the case is taken up for disposition. The Solicitor or Hearing Officer will apprise each respondent present at a hearing of such fact and shall state the length of time to be allowed respondent for the preparation of the brief after he has been furnished the transcript.

The transcript shall be returned with the respondent's brief.

§ 51.79 *Oral argument.* If oral argument before the Solicitor or Hearing Officer is desired he should be notified before the close of the hearing in order that he may arrange to hear the argument at the close of the testimony, within such limits of time as may be agreeable to the parties and as he may determine to be adequate. Such argument shall be transcribed and bound with the transcript of testimony, and shall be submitted to the Postmaster General for consideration.

§ 51.80 *Petitions for further hearing.*

(a) An application for further hearing in a proceeding before final submission, or for reopening a proceeding after final submission, or for rehearing, reargument, or reconsideration after decision, must be made by petition stating specifically the grounds relied upon.

(b) A petition for further hearing or for reopening a proceeding to take further evidence must (1) state briefly the nature and purpose of the evidence to be adduced; (2) show that such evidence would not be merely cumulative, and that the failure previously to present such evidence is not due to lack of reasonable diligence, and (3) show cause why the petition should be granted. A petition for rehearing, reargument, or reconsideration must specify the matters claimed to have been decided erroneously and must briefly state the alleged errors. A petitioner praying that an order be vacated or modified by reason of matters which have arisen since the hearing, must briefly set forth all the matters relied upon by the petitioner.

(c) No petition filed under this Rule shall automatically stay the effect of, terminate or modify any order theretofore entered, whether or not such order is one which the petitioner prays to be reconsidered.

(d) A petition for rehearing, reargument, reconsideration, or modification of a final order must be filed within ten (10) days after the date of service of such order.

§ 51.81 *Findings of fact and conclusion.* Upon the basis of the complete record the Solicitor will make a finding of the facts on the issues involved and conclusions as to the action to be taken

and furnish a copy thereof to the respondent.

SUBPART D—PROCEDURE TO ADJUDICATE CLAIMS FOR PERSONAL INJURY OR PROPERTY DAMAGE ARISING OUT OF THE OPERATION OF THE POSTAL SERVICE

§ 51.90 *Character and limit of claims.* Proceedings to adjudicate claims for personal injury or property damage arising out of the operation of the postal service, under the provisions of the Federal Tort Claims Act, P. L. 601, 79th Congress; and the Deficiency Appropriation Act of June 16, 1921, as amended (31 U. S. C. 224c):

Claims for damage to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or omission of an employee of the Department acting within the scope of his employment under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death in accordance with the law of the place where the act or omission occurred. The authority of the Department to award compensation under this act is limited to claims not exceeding \$1,000. Where loss or damage occurs without negligence on the part of the Government employee involved, the maximum compensation which the Department may pay is \$500.

§ 51.91 *Time limit for filing.* The statutory period of limitation during which claim must be filed under these acts is one year.

§ 51.92 *Place of filing.* Written claim is usually filed with the postmaster of the office within the delivery limits of which the accident happened, but may be filed with any officer of the Department or sent directly to the Solicitor. Whenever such claim is filed, the officer receiving it must make the date of such receipt a matter of record.

§ 51.93 *By whom claims may be filed.* A claim may be filed by the person or firm sustaining injuries or damage in his/its own right or by an attorney representing the claimant. With respect to claims filed under the Federal Tort Claims Act, attorneys are required to submit to the Solicitor duly authenticated powers of attorney establishing their right to represent claimants. In filing such power of attorney the attorney should state whether he claims a fee, the amount of which however will be determined by the Department under the provisions of section 422 of the act.

§ 51.94 *Manner of filing claims.* Claim may be filed on Standard Form 28 (39 CFR, 55.400), which may be obtained from the local postmaster or from the Solicitor. The use of Form 28 is optional and the Department will accept in lieu thereof a sworn detailed statement of facts.

§ 51.95 *Evidence required to support claim.* Each claim filed must be supported as follows: (1) In cases of property damage, by an itemized, receipted bill or bills covering the repairs to the private property or the replacement of property destroyed, and limited to such

Items of repair or replacement as were necessitated by reason of the damage incurred in the specific accident giving rise to the claim; the testimony of any available witnesses which the claimant desires considered in the adjudication of such claim; (2) in cases of personal injury by doctors' bills, hospital bills, nursing bills, bills covering dental or optical services, a sworn statement from the claimant's employer establishing the amount of time and compensation lost by reason of the accident, a statement from the attending physician showing the extent of the injuries and the treatment thereof, and the sworn statements of any available witnesses. The evidence specifically described herein may be supplemented by any other documentary evidence that would be helpful to the Department in adjudicating claims.

§ 51.96 *Adjudication and settlement of claims.* In any case where the Solicitor, upon consideration of all of the evidence submitted finds that compensation is due a claimant under either of these acts, he will recommend to the Postmaster General that the amount found to be a proper charge be awarded to such claimant. If the Postmaster General concurs in his recommendation, the claim will be certified to the General Accounting Officer for payment and in due course a settlement warrant will be forwarded to the claimant. The provisions of 31 U. S. C. 203c, prohibit attorneys from receiving warrants issued to their clients in the settlement of claims. However, such attorney's fees as may be allowed out of the amount awarded to the claimant will be paid to the attorney direct.

§ 51.97 *Review of adjudications.* The Postmaster General's approval and acceptance of adjudication of any claim made by the Solicitor constitutes final action in the case so far as the Department is concerned, and there is no way by which review thereof in the Department may be obtained. However, with respect to claims filed under the Federal Tort Claims Act, suit may be instituted by the claimant in the District Court of the district of which he is a resident. Where such suit is brought in order to review the action of the Department in disallowing a claim, or upon a claim withdrawn from consideration by the Department prior to settlement, section 410 of the act (Public 601, 79th Congress) should be examined by the claimant in order that its specific conditions may be properly complied with.

SUPPORT E—PROCEDURE TO OBTAIN PERMITS TO RECEIVE DISEASED TISSUES BY MAIL

§ 51.100 *Requisites of application.* (a) Applications for a permit to receive through the mails specimens of diseased tissues, blood, serum or cultures of pathogenic microorganisms in accordance with the provisions of this section should be addressed to the postmaster at the office serving the applicant or to the Solicitor, Post Office Department, Washington 25, D. C.

(b) The application for a permit must be made in writing. It must state the name, address and business of the applicant and must set forth the name and

the scientific education, training and experience, particularly with reference to bacteriology and pathology, of the person who will handle the tissues which will be mailed under the permit.

(c) Postmasters shall transmit such applications promptly to the Solicitor for consideration.

§ 51.101 *Issuance of permit.* If the Solicitor is satisfied from the evidence transmitted that the application should be granted he shall prepare an appropriate order for the signature of the Postmaster General. The order signed by the Postmaster General granting the applicant permission to receive through the mails specimens of disease tissue as above set forth shall be forwarded by the Solicitor to the postmaster at the office serving the applicant. A copy of the order shall be furnished to the applicant. The applicant shall also be advised that the original permit has been transmitted to the postmaster.

§ 51.102 *Revocation and suspension of permits; basis.* Permits to receive diseased tissues may be suspended or revoked for the failure of the handler of such tissues to possess the necessary qualifications as to scientific education, training and experience. No permit shall be valid with respect to diseased tissue handled by any person other than the one named in the application or by some other person equally qualified whose name and qualifications shall be filed with the Solicitor prior to the receipt of tissues.

§ 51.103 *Revocation procedure.* Whenever any postmaster shall have reason to believe that the postal regulations have been violated as above stated, he shall call the matter to the attention of the Solicitor and submit all available evidence in support of his complaint. In the event that the postmaster's complaint warrants further consideration looking to a recommendation to the Postmaster General that any permit be revoked, the Solicitor shall advise the holder of the permit of the details of the complaint against him and request an explanation thereof and answer thereto in writing. Upon the basis of the entire record so made in any case, the Solicitor shall recommend to the Postmaster General revocation of any permit where the facts warrant such action. If revocation is not warranted, he shall so advise the complaining postmaster and the holder of the permit and shall include in such notice any instruction or warning which the circumstances in the case shall warrant.

SUBCHAPTER C—PROCEDURES AND FORMS

PART 55—FORMS OF THE POST OFFICE DEPARTMENT

| Sec. | |
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| 55.400 | Claim for Injuries or Damages arising out of the operation of the postal service. |
| 55.500 | Standard form of contract. |
| 55.501 | Form of invitation, bid and acceptance. |
| 55.502 | Instructions to bidders. |
| 55.700 | Form 4002; Information as to rural delivery. |
| 55.701 | Form 4001; Petition for the establishment of rural delivery. |

| Sec. | |
|---------|---|
| 55.702 | Form 1459; Agreement to conduct contract numbered station (non-delivery). |
| 55.703 | Form 1459-A; Agreement to conduct contract lettered or named station or contract branch (delivery). |
| 55.704 | Form 22; Order to change address. |
| 55.705 | Form 1509; Sender's application for withdrawal of mail. |
| 55.706 | Form 1527; Application for the use of the General Delivery. |
| 55.800 | Form 1000; Petition for establishment of post office. |
| 55.1000 | Form 2253; Contract for mail service by airplane on star route in Alaska. |
| 55.1001 | Form 2252; Contract for temporary mail service by steamboat or other power boat. |
| 55.1002 | Form 5178; Brief of irregularity in service; delay. |
| 55.1003 | Form 5179; Brief of irregularity in service; damage. |
| 55.1101 | Form 540; Inquiry for an ordinary postal parcel. |
| 55.1102 | Form 541; Inquiry about a missing ordinary article (other than parcel post mail). |
| 55.1103 | Form 542; Inquiry. |
| 55.1104 | Form 2855; Application for indemnity for loss, rifling, or damage of international insured, insured C. O. D., or Americo-Spanish ordinary parcel post mail and for non-receipt or shortage of C. O. D. charges. |
| 55.1106 | Form 2865; Return receipt. |
| 55.1107 | Form C 1 (2976); Customs sticker. |
| 55.1108 | Form 2965; Certificate of mailing. |
| 55.1109 | Forms 1034 and 1034a; Public voucher for purchases and services other than personal. |
| 55.1110 | Form 2963; Statement of mailing. |
| 55.1111 | Form 2703-A; Carrier's monthly statement of air mail service performed. |
| 55.1112 | Form 2901; Foreign air mail carrier's one-way trip report. |
| 55.1300 | Form 3970; Requisition for U. S. mail sacks. |
| 55.1301 | Form 3971; Postmaster's receipt for mail sacks returned. |
| 55.1400 | Form 2702; Report of one-way trip. |
| 55.1401 | Form 2744; Brief of irregularity. |
| 55.1600 | Form 1902½; Application for post office box. |
| 55.1601 | Form 1092; Verification of reference of applicant for box. |
| 55.1602 | Form 1093; Notice to present keys for redemption. |
| 55.1603 | Form 1538; Receipt for the rental paid for post office box. |
| 55.1604 | Form 1094; Application for additional keys to post office box. |
| 55.1605 | Form 3908; Notice of box rent due. |
| 55.1701 | Form PS 4; Information about the United States Postal Savings System. |
| 55.1702 | Form PS 929; Receipt for check accepted, subject to collection in payment of United States savings bonds or postal savings certificates. |
| 55.1703 | Form PS 600; Application to open a postal savings account. |
| 55.1704 | Form PS 160; Instructions concerning inactive postal savings accounts. |
| 55.1705 | Form PS 300-B; Application for opening account by mail. |
| 55.1706 | Form PS 629; Approval of application to open postal savings accounts by mail. |
| 55.1707 | Form PS 100; Instructions concerning the payment of interest on postal savings certificates. |
| 55.1708 | Form PS 301; Envelope furnished depositors in which to keep postal savings certificates. |
| 55.1709 | Form PS 301-A; Depositor's numerical reference card. |

Sec.
 55.1710 Form PS 305; Depositor's receipt for certificates surrendered without payment.
 55.1711 Form PS 607; Depositor's application for new postal savings certificates.
 55.1712 Form PS 112; Application of consular officer for payment of the balance remaining to the credit of a deceased depositor.
 55.1713 Form PS 115; Application of undertaker for payment of funeral expenses from the funds to the credit of a deceased depositor.
 55.1714 Form PS 115-A; Certification to the correctness of undertaker's claim.
 55.1715 Form PS 114; Application for payment of the postal savings deposits standing to the credit of a deceased depositor.
 55.1716 Form PS 2; Regulations governing the deposit of postal savings funds in banks and the acceptance of bonds as security therefor.
 55.1717 Form PS 45; Instructions concerning finger impressions in connection with postal savings transactions.
 55.1718 Form PS 304; Depositor's authorization to postmaster to pay principal and interest to a representative.
 55.1719 Form PS 302; Depositor's authorization to postmaster to pay interest to a representative.
 55.1720 Form PS 315; Depositor's application to withdraw principal and interest by mail.
 55.1721 Form PS 315-A; Depositor's application to withdraw by mail only the interest due on deposits.
 55.1722 Form PS 320; Letter transmitting postal savings by mail.
 55.1723 Form PS 226; Application to receive deposits of postal savings funds.
 55.1895 Form 920.
 55.1896 Form 922.
 55.1900 Form 3200.
 55.1901 Form 3202-A.
 55.1902 Form 3202-E.
 55.1903 Form P. S.
 55.1904 Form 3210.
 55.1905 Form 3232.
 55.2000 Form 3533.
 55.2001 Form 3540.
 55.2002 Form 3547.
 55.2003 Form 3548.
 55.2004 Form 3583-B.
 55.2005 Form 3583-F.
 55.2006 Form 3601.
 55.2007 Form 3601-A.
 55.2008 Form 3601-B.
 55.2009 Form 3602.
 55.2010 Form 3602.
 55.2011 Form 3602-PC.
 55.2012 Form 3603.
 55.2013 Form 3603-A.
 55.2014 Form 3612.
 55.2015 Form 3613.
 55.2016 Form 3614.
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 55.3700 Form 1410.
 55.3701 Form 1400.
 55.3702 Form 1425.
 55.3703 Form 1425-A.
 55.4300 Application for Reward.
 55.4302 Form 1510.

§ 55.400 *Claim for injuries or damages arising out of the operation of the postal service.* This form provides space for reporting the details concerning any accident involving the postal service. (See § 51.94 of this chapter.)

§ 55.500 *Standard form of contract.*

CROSS REFERENCE: For form see 41 CFR 12.32.

§ 55.501 *Form of invitation, bid and acceptance.*

CROSS REFERENCE: For form see 41 CFR, Cum. Supp., 12.33.

§ 55.502 *Instructions to bidders.*

CROSS REFERENCE: For form see 41 CFR, Cum. Supp., 12.22.

§ 55.700 *Form 4002; information as to rural delivery.* This is a mimeographed communication issued by the First Assistant Postmaster General, which explains how to obtain rural service, how the service is established, conditions necessary to establishment and maintenance of service, delivery limits, what the patrons must do, and what the carrier does.

§ 55.701 *Form 4001; petition for the establishment of rural delivery.* The heading of this form provides a space in which the name of the post office, county and state from which the route is to emanate, the nature of the roads to be travelled, the proposed length of the route, and provides space for the names of the heads of families, their occupations, number in the family, present mail service, distance from nearest post office, and distance from rural or star route service, who by their signature manifest their desire for the route.

§ 55.702 *Form 1459; agreement to conduct contract numbered station (nondelivery).* This form contains space for the name of the person interested in conducting a contract numbered station, his business, street address, zone number, name of post office, and state. Space is also provided for the contract rate he will agree to and specifies that he will provide space, furnish bond, and meet Post Office Department requirements in the conduct of such a station.

§ 55.703 *Form 1459-A; agreement to conduct contract lettered or named station or contract branch (delivery).* This form contains space for the name of the person interested in conducting a contract lettered or named station or contract branch having delivery service, his business, street address, zone number, and name of post office and state. Space is also provided for the contract rate he will agree to and specifies that he will provide space, furnish bond, and meet Post Office Department requirements in the conduct of such a station.

§ 55.704 *Form 22; order to change address.* This is a card form providing space which must be completed by persons moving from one address to another to show the name of the person or firm changing address, the old address, and the new address.

§ 55.705 *Form 1509; sender's application for withdrawal of mail.* This form provides space in which the mail matter to be withdrawn may be described with the complete particulars of mailing, and a facsimile of the address label, and indicates the amount deposited by the appli-

cant to cover expenses connected with the recovery of the mail matter.

§ 55.706 *Form 1527; application for the use of the general delivery.* This card form provides space for the name of the post office and state, the name and address of the applicant, and his reasons for desiring general delivery service in lieu of carrier or lock-box service.

§ 55.800 *Form 1000; petition for establishment of post office.* The heading of this form provides space for the proposed name of the office, county and state in which it is to be located, and alternate names provided the name selected is not approved. Space is also provided for the names of the heads of families, their occupations, and the number in the family over 16 years of age who, by their signatures, manifest a desire for the proposed office.

§ 55.1000 *Contract for mail service by airplane or star route in Alaska; Form 2253.* The form provides a standard form of contract and sets out the various conditions and requirements binding on the contractor and his sureties. (See § 50.1000 of this chapter.)

§ 55.1001 *Contract for temporary mail service by steamboat or other power boat; Form 2252.* The form provides a standard form of contract and sets out the various conditions and requirements binding on the contractor and his sureties. (See § 50.1000 of this chapter.)

§ 55.1002 *Brief of irregularity in service; delay; Form 5178.* The form is a brief report form to be completed by an appropriate field official to show details concerning delay to mails while in custody of a carrier. (See § 50.1003 of this chapter.)

§ 55.1003 *Brief of irregularity in service; damage; Form 5179.* The form is a brief report form to be completed by an appropriate field official to show details concerning damage to mails while in custody of a carrier. (See § 50.1003 of this chapter.)

§ 55.1101 *Inquiry for an ordinary postal parcel; Form 540.* The form serves as a tracer for parcels in the international mails. (See § 50.1101 of this chapter.)

§ 55.1102 *Inquiry about a missing ordinary article (other than parcel post mail); Form 541.* The form serves as a tracer for ordinary articles in the international mails. (See § 50.1101 of this chapter.)

§ 55.1103 *Inquiry; Form 542.* The form serves as a tracer for registered matter in the international mails. (See § 50.1101 of this chapter.)

§ 55.1104 *Application for indemnity for loss, rifling, or damage of international insured, insured c. o. d., or American-Spanish ordinary parcel post mail and for non-receipt or shortage of c. o. d. charges; Form 2855.* The form provides a standard form of application for indemnity for losses in the international mails. (See § 50.1101 of this chapter.)

§ 55.1106. *Return receipt; Form 2865.* The form may be utilized by the sender

of registered matter in the international mails to provide proof of delivery of the article mailed. (See § 50.1101 of this chapter.)

§ 55.1107 *Customs sticker; Form C 1 (2976).* The form is used to authorize the opening of sealed matter for customs inspection. (See § 50.1104 of this chapter.)

§ 55.1108 *Certificate of mailing; Form 2965.* The form is designed to show that a piece of a stated class of mail was mailed to a stated addressee. (See § 50.1109 of this chapter.)

§ 55.1109 *Public voucher for purchases and services other than personal; Form 1034 and 1034a (duplicate).* The form, approved by the comptroller general of the United States, is the standard voucher form to be used in obtaining payment from the United States for purchases and services other than personal. (See § 50.1110 of this chapter.)

§ 55.1110 *Statement of mailing; Form 2963.* The form provides for particulars of dispatch of shipments of international mail. (See § 50.1110 of this chapter.)

§ 55.1111 *Carrier's monthly statement of air mail service performed; Form 2703-A.* The form provides for detailed information as to mail matter carried by air, supported by sworn statement of the carrier. (See § 50.1112 of this chapter.)

§ 55.1112 *Foreign air mail carrier's one-way trip report; Form 2901.* The form provides for information concerning a trip such as times of departure and arrival, points where stops were made, failures, and irregularities. (See § 50.1112 of this chapter.)

§ 55.1300 *Requisition for U. S. mail sacks; Form 3970.* The form provides for information as to the sizes and quantity of equipment involved and embodies an agreement to pay for same if not returned. (See § 50.1304 of this chapter.)

§ 55.1301 *Postmaster's receipt for mail sacks returned; Form 3971.* The form is a simple receipt form for equipment returned to the postal service by borrowers of such equipment. (See § 50.1304 of this chapter.)

§ 55.1400 *Report of one-way trip; Form 2702.* The form constitutes a certification by air carrier as to details of a trip such as times of arrival and departure and disposition made of mails. (See § 50.1401 of this chapter.)

§ 55.1401 *Brief of irregularity; Form 2744.* The form provides for a statement of facts as to an irregularity in the transport of air mail and statement as to whether or not the carrier admits the facts and whether or not he denies responsibility. (See § 50.1401 of this chapter.)

§ 55.1600 *Form 1902½; application for post office box.* Form 1902½, application for post office box, must be dated and signed by the applicant who supplies the name of the post office, gives the character of business in which engaged, business address, residence address, and two references.

§ 55.1601 *Form 1092; verification of reference of applicant for box.* Form 1092, verification of reference of applicant for box, is dated and addressed to the reference, advising him of the name of the applicant and asking whether in his judgment the applicant is responsible and trustworthy, and provides a place for reply.

§ 55.1602 *Form 1093; notice to present keys for redemption.* Form 1093, notice to present keys for redemption, is dated and addressed to the renter of the box, gives number of keys held and the box number and advises deposit will be forfeited if he fails to return the keys by a specified date.

§ 55.1603 *Form 1538; receipt for the rental paid for post office box.* Form 1538 is a receipt for the rental paid for a post office box. It shows the post office, the renter, the box number, the quarter for which rent is paid, the amount of the payment, and is dated.

§ 55.1604 *Form 1094; application for additional keys to post office box.* Form 1094, application for additional keys to a post office box, shows the post office and date, the number of extra keys desired, the number of the box for which desired, the amount presented, and the reason for which extra keys are desired. It bears the signature of the applicant and must be approved by the postmaster.

§ 55.1605 *Form 3908; notice of box rent due.* Form 3908 is a notice of box rent due, advising that if the rent is not paid on or before the last day of the month the box will be closed and mail placed in the General Delivery or otherwise handled in accordance with Regulations. (R. S. 3901; 39 U. S. C. 279)

CROSS REFERENCES: For procedure involving the use of these Forms see § 50.1600 of this chapter.

§ 55.1701 *Form PS 4; Information about the United States Postal Savings System.* A four-page leaflet issued by the Postmaster General giving briefly information as to the important features of the System; such as, safety of deposits, privacy of accounts, taxability of deposits, who may open accounts, the manner in which accounts may be opened, the manner in which deposits and withdrawals may be made, the maximum balance a depositor may have in his account, the interest payable and the manner of computing interest, and the liquidation of the account of a deceased depositor. These transactions which constitute a "nuisance account" are also defined.

§ 55.1702 *Form PS 929; Receipt for check accepted, subject to collection, in payment of United States savings bonds or postal savings certificates.* A receipt issued by the postmaster for a check tendered in payment of savings bonds or postal savings certificates which will be delivered to the purchaser when sufficient time shall have elapsed to insure notice in the event the check fails to clear. Space is provided on the receipt for information as to the manner in which the bonds or certificates shall be delivered; that is, whether they will be

called for or whether they shall be mailed.

§ 55.1703 *Form PS 600, application to open a postal savings account.* This form is filled out by the postmaster to show personal identification data of the depositor which includes: residence, occupation, place of employment, birth-place, age, date of birth, sex, weight, color of eyes, race, height, color of hair, father's name, mother's given name, etc. When applying at post offices that have been furnished finger impression equipment, the depositor is required to give impressions of the first three fingers of the right hand. When the depositor signs the application, he affirms that he has no postal savings account in the office at which he is applying or at any other post office. The reverse side of the card serves as the original record of deposits and withdrawals, showing currently the balance to the credit of the depositor.

§ 55.1704 *Form PS 160, instructions concerning inactive postal savings accounts.* A leaflet of instructions to postmasters covering the handling of currently inactive postal savings accounts and those that have remained unclaimed for 20 years.

§ 55.1705 *Form PS 300-B; application for opening account by mail.* This form is used by persons applying by mail to open a postal savings account. It may be filled out in the presence of the postmaster at any post office. The applicant is required to furnish the identification data called for by Form PS 600 (See § 55.1703 of this chapter). The postmaster, before whom the form is completed, is required to certify the identity of the depositor.

§ 55.1706 *Form PS 629; approval of application to open postal savings accounts by mail.* This form is used by the postmaster to whom application has been made on Form PS 300-B, to open a postal savings account by mail, in notifying the applicant that his application has been approved and in instructing him as to the procedure to be followed in depositing funds. There is transmitted with the letter of approval Forms PS 315 and PS 315a which are to be used by the depositor in making withdrawals.

§ 55.1707 *Form PS 100; instructions concerning the payment of interest on postal savings certificates.* This is a four-page leaflet containing detailed instructions concerning the computation and manner of payment of interest on postal savings deposits and obtaining receipts therefor. The leaflet contains tables to facilitate the computation of interest.

§ 55.1708 *Form PS 301; envelope furnished depositors in which to keep postal savings certificates.* This is a substantial envelope furnished depositors in which to preserve their certificates from loss or damage.

§ 55.1709 *Form PS 301-A; depositor's numerical reference card.* Postal savings accounts are numbered consecutively and filed numerically. To facilitate the locating of an account by the window clerk, the depositor, at offices

having many accounts, should present this numerical reference card which shows the number of his postal savings account. The depositor is requested to refer to his account by number when making deposits or when writing concerning his account.

§ 55.1710 *Form PS 305; depositor's receipt for certificates surrendered without payment.* When it becomes necessary for a postmaster to recall certificates for transmittal to the Department for correction or for other valid reason, he is required to give the depositor a temporary receipt on Form PS 305 for the surrendered certificates. The serial numbers of the certificates are listed on the form and the receipt thereof is acknowledged over the postmaster's signature.

§ 55.1711 *Form PS 607; depositor's application for new postal savings certificates.* When certificates are lost, stolen, destroyed, or improperly withheld, the depositor may apply for their reissue. Form PS 607 is used for this purpose. It is completed by the postmaster to show the serial numbers, date of issue, and interest date of the certificates to be reissued. The depositor's identification data including finger impressions are shown and the form is signed both by the clerk or official who prepares it as well as the one who reviews it for accuracy and authenticity. Instructions concerning the preparation of the form are printed thereon. When certified by the postmaster, it is forwarded to the Third Assistant Postmaster General, Division of Postal Savings, for use in connection with the issuance of new certificates.

§ 55.1712 *Form PS 112; application of consular officer for payment of the balance remaining to the credit of a deceased depositor.* For use by a consular officer when applying for payment to himself on behalf of entitled heirs who are subjects of the country he represents of all or part of the proceeds of the postal savings account of a deceased depositor. This form is used only when administration is not required on the estate of the decedent and the consular officer certifies that to the best of his knowledge and belief that such administration has not been had and will not be asked for. The consular officer is also required to supply such information he has with respect to the funeral expenses and claims against the decedent's estate. Space is provided on the form for furnishing the name and relationship of the next of kin. The form is signed by the officer and authenticated by the seal of his office.

§ 55.1713 *Form PS 115; application of undertaker for payment of funeral expenses from the funds to the credit of a deceased depositor.* For the use of an undertaker, doctor, hospital, or other preferential creditor of a deceased depositor in filing a claim for a portion or the entire amount of the balance remaining to his credit provided administration proceedings are not required on the depositor's estate. This form, when used by a preferential creditor other than the undertaker, is amended to meet the requirements of the claim and shall be

supported by an itemized statement covering the claim specified.

§ 55.1714 *Form PS 115-A; certification to the correctness of undertaker's claim.* For use of a responsible heir-at-law, or in the absence of an heir-at-law, by a responsible friend or disinterested person familiar with the facts and capable of certifying as to the correctness of the claim filed on Form PS 115. This form may be amended to comply with the requirements of the claim submitted.

§ 55.1715 *Form PS 114; application for payment of the postal savings deposits standing to the credit of a deceased depositor.* For use by one of the entitled next of kin of the deceased postal savings depositor or the person who paid the funeral charges in applying for the balance remaining to the credit of the depositor and if the applicant is an heir-at-law, it is executed on behalf of all the heirs-at-law of the depositor entitled to share in the proceeds of the account. This form is used when administration proceedings are not required on the estate of the depositor or when the administration of the estate has been closed and the legal representative discharged, in which case, the form may be appropriately amended. The names, ages, addresses and relationships of the next of kin are to be listed thereon and the form is to be executed in the presence of two disinterested witnesses having knowledge of the depositor's death and acquainted with the applicant before a notary public. If the distributive balance of the account is \$25 or less, however, the form may be completed before a postmaster. Appropriate instructions covering the completion of the form are printed thereon.

§ 55.1716 *Form PS 2; regulations governing the deposit of Postal-Savings Funds in banks and the acceptance of bonds as security therefor.* A booklet issued by the Board of Trustees, Postal Savings System, containing the Organic Postal Savings Act with amendments and the regulations adopted by the Board of Trustees governing the qualification of banks as depositories for postal-savings funds, the pledging of security for deposits, the accrual and payment of interest on such deposits, the disposition of excess funds and the withdrawal, substitution, or exchange of collateral.

§ 55.1717 *Form PS 45; instructions concerning finger impressions in connection with postal savings transactions.* A booklet explaining the purpose of taking finger impressions in connection with postal-savings transactions, the materials used, and the method to be followed. The booklet also contains a list of the post offices that have been furnished finger impression equipment.

§ 55.1718 *Form PS 304; depositor's authorization to postmaster to pay principal and interest to a representative.* This form is used by a depositor in authorizing the postmaster at the office where his account is held to pay all or any part of the proceeds of the account as represented by the accompanying endorsed certificates to a representative. The form requires the depositor to furnish the identification data given when he opened the account.

§ 55.1719 *Form PS 302; depositor's authorization to postmaster to pay interest to a representative.* This form is used by a depositor in authorizing the postmaster at the office where his account is held to pay the interest on all or any part of the proceeds of the account, as represented by the accompanying endorsed certificates, to a representative. The form requires the depositor to furnish the identification data given when he opened the account.

§ 55.1720 *Form PS 315; depositor's application to withdraw principal and interest by mail.* This form is used by a depositor in applying to the postmaster at the office where his account is held for the payment by mail of all or any part of the proceeds of the account as represented by the accompanying endorsed certificates. The form requires the depositor to furnish the identification data given when he opened the account and he may indicate thereon whether he desires payment made by check on the Treasurer of the United States or by money order less the usual fee.

§ 55.1721 *Form PS 315-A; depositor's application to withdraw by mail only the interest due on deposits.* This form is used by a depositor in applying to the postmaster at the office where his account is held for the payment by mail of the interest due on all or any part of the proceeds of the account as represented by the accompanying endorsed certificates. The form requires the depositor to furnish the identification data given when he opened the account and he may indicate thereon whether he desires payment made by check on the Treasurer of the United States or by money order less the usual fee.

§ 55.1722 *Form PS 320; letter transmitting postal savings payments by mail.* This form is used by a postmaster in transmitting a check or money-order to a depositor in response to his request for payment of all or part of the proceeds of his account, or the interest due thereon, by mail.

§ 55.1723 *Form PS 226; application to receive deposits of postal savings funds.* This form is completed by the president or cashier of a bank applying to the Board of Trustees, Postal Savings System, to qualify as a depository for postal savings funds. The official is required to state whether the bank is incorporated under State or Federal laws, give the amount of the bank's capital and unimpaired surplus, and state whether the bank is a member of the Federal Reserve System and the Federal Deposit Insurance Corporation. The corporate seal of the bank must be affixed and the application must be executed before a notary public.

§ 55.1895 *Form 920; application for United States Savings Bonds.*

CROSS REFERENCE: For a description of Form 920 see § 50.1895 (b).

§ 55.1896 *Form 922; letter transmitting United States Savings Bonds to Third Assistant Postmaster General for reissue.*

CROSS REFERENCE: For a description of Form 922 see § 50.1895 (d).

§ 55.1900 *Form 3200.* Prices of printed and unprinted stamped envelopes showing sizes, denominations, varieties and price per thousand.

§ 55.1901 *Form 3202-A.* Memorandum of order for special-request envelopes on which is entered size, denomination, variety, with printing desired, and amount of advance deposit tendered. A copy of this form serves as receipt to purchaser. For use at main post offices.

§ 55.1902 *Form 3202-E.* Memorandum of order for special-request envelopes on which is entered size, denomination, variety, with printing desired, and amount of advance deposit tendered. A copy of this form serves as receipt to purchaser. For use at stations and branches.

§ 55.1903 *Form P. S.* Philatelic Agency stock list showing all issues available to the public at face value with complete instructions for the submission of mail orders and rules with respect to distribution of plate numbers.

§ 55.1904 *Form 3210.* Interim receipt for stock submitted for redemption pending verification of value by the post office involved.

§ 55.1905 *Form 3282.* Memorandum of order for special-request envelopes on which is entered size, denomination, variety, with printing desired, and amount of advance deposit tendered. A copy of this form serves as receipt to purchaser. For use only at the largest post offices.

§ 55.2000 *Form 3533.* Refund of Postage-Receipt form for refund of postage showing payee, amount of refund, and post office where refund is made.

CROSS REFERENCE: For regulations see 39 CFR 6.9.

§ 55.2001 *Form 3540.* Notice to Sender of Undelivered Mail—Showing kind or class of undelivered mail and giving addressee opportunity to remit postage for return, or forwarding of mail to new address.

CROSS REFERENCE: For regulations see 39 CFR 12.36(c).

§ 55.2002 *Form 3547.* Notice to Sender of Forwarding Address—Notifying sender that matter mailed by him is incorrectly addressed because addressee has removed to another office and requesting sender to remit postage required for forwarding to new address.

CROSS REFERENCE: For regulations see 39 CFR 12.5(e).

§ 55.2003 *Form 3548.* Notice to Addressee of Mail Held for Postage—Describing piece of mail held for postage and requesting addressee to remit an amount necessary to forward, if desired.

CROSS REFERENCE: For regulations see 39 CFR 6.9 (c).

§ 55.2004 *Form 3583-B.* Certificate to Accompany Mail Shipment of Meat or Meat Food Products by Retail Butcher or Dealer.

CROSS REFERENCE: For regulations see 39 CFR 6.17(b) (3).

§ 55.2005 *Form 3583-F.* Certificate to Accompany Mail Shipment of Unin-

spected Meat or Meat Food Products from Animals Slaughtered by a Farmer on a Farm.

CROSS REFERENCE: For regulations see 39 CFR 6.17 (b) (4).

§ 55.2006 *Form 3601.* Permit to Mail Nonmetered Matter Without Stamps Affixed of the Second, Third and Fourth Classes. In addition to authorization, the form contains in detail the conditions governing the mailing of matter under this permit and includes a notice that if the permit is not used for a period of twelve months it will be canceled.

CROSS REFERENCE: For regulations see 39 CFR 5.63 and 6.4. For procedure see §§ 50.2004, 50.2007 of this chapter.

§ 55.2007 *Form 3601-A.* Permit to Mail Metered Matter. In addition to authorization, the form contains in detail the conditions governing the mailing of matter under this permit and includes a notice that if the permit is not used for a period of twelve months it will be canceled.

CROSS REFERENCE: For regulations see 39 CFR 5.63 and 6.4. For procedure see §§ 50.2004, 50.2006 of this chapter.

§ 55.2008 *Form 3601-B.* Permit to Mail Nonmetered First-Class Matter Without Stamps Affixed. In addition to authorization, the form contains in detail the conditions governing the mailing of matter under this permit and includes a notice that if the permit is not used for a period of twelve months it will be canceled.

CROSS REFERENCE: For regulations see 39 CFR 6.4. For procedure see § 50.2007 of this chapter.

§ 55.2009 *Form 3602.* Statement of Mailing of Nonmetered Matter. This form calls for the name of the permit holder, permit number, receipt number, number of pieces, class of matter, weight of each piece, postage chargeable on each piece, number of pieces in a pound, total number of pounds, postage paid and manner in which payment is made, that is, "cash," "check" or "advance deposit."

CROSS REFERENCE: For regulations see 39 CFR 5.63 and 6.4. For procedure see §§ 50.2004, 50.2007 of this chapter.

§ 55.2010 *Form 3602-A.* Statement of Meter Readings. This Form calls for the meter permit number, the postage meter number, manufacturer, unit or denomination, readings of the ascending and descending registers, value of spoiled or unused impressions subject to refund, number of pieces, weight, and postage per piece of matter mailed under "Sec. 562, P. L. & R.," and name of meter user.

CROSS REFERENCE: For regulations see 39 CFR 5.63 and 6.4. For procedure see § 50.2006 of this chapter.

§ 55.2011 *Form 3602-PC.* Statement of Mailings at Bulk Third-Class Rate when postage is paid with precanceled stamps which identifies the mailing.

CROSS REFERENCE: For regulations see 39 CFR 5.63. For procedure see § 50.2004 of this chapter.

§ 55.2012 *Form 3603.* Receipt for Postage on Nonmetered Matter.

CROSS REFERENCE: For regulations see 39 CFR 5.63 and 6.4. For procedure see § 50.2007 of this chapter.

§ 55.2013 *Form 3603-A*. Receipt for Postage Set in Meter by Postmaster. Form shows amount paid and readings of registers of meter.

CROSS REFERENCE: For regulations see 39 CFR 5.63 and 6.4. For procedure see §§ 50.2004, 50.2006 of this chapter.

§ 55.2014 *Form 3612*. Application to Mail Matter Without Affixing Postage Stamps. This form calls for information as to the class of matter to be mailed, name and address of person or firm whose matter is to be mailed, means by which indicia are to be printed, quantity and frequency of mailing. Also contains certificate that application fee has been paid.

CROSS REFERENCE: For regulations see 39 CFR 5.63 and 6.4. For procedure see §§ 50.2004, 50.2007 of this chapter.

§ 55.2015 *Form 3613*. Monthly Statement Furnished Mailers on Request Showing Permit Matter Mailed During Month.

CROSS REFERENCE: For regulations see 39 CFR 5.63 and 6.4. For procedure see §§ 50.2004, 50.2007 of this chapter.

§ 55.2016 *Form 3614*. Application for the Privilege of Sending Out Business Reply Cards or Business Reply Envelopes for Distribution and Return. This form calls for information as to whether business reply cards or business reply envelopes are to be distributed and the name and address of the person or concern to whom the cards or envelopes are to be returned.

CROSS REFERENCE: For regulations see 39 CFR 5.11. For procedure see § 50.2000 of this chapter.

§ 55.2017 *Form 3616*. Permit to Distribute Business Reply Cards and Envelopes. This permit contains detailed information as to the conditions governing the business reply privilege.

CROSS REFERENCE: For regulations see 39 CFR, 5.11. For procedure see § 50.2000 of this chapter.

§ 55.2018 *Form 3620*. Permit to Use Precanceled Stamps on Second, Third and Fourth-Class Matter. This form contains detailed information regarding the conditions governing mailings under this permit.

CROSS REFERENCE: For regulations see 39 CFR, 5.63, and 39 U. S. C. 365. For procedure see § 50.2008 of this chapter.

§ 55.2019 *Form 3620-A*. Permit to Use Precanceled Stamps on First-Class Matter. This form contains detailed information regarding the conditions governing mailings under this permit.

CROSS REFERENCE: For regulations see 39 U. S. C. 365. For procedure see § 50.2008 of this chapter.

§ 55.2020 *Form 3620-CC*. Permit to Use Government Precanceled 1-Cent Stamped Envelopes Under "Sec. 562, P. L. & R."

CROSS REFERENCE: For regulations see 39 CFR, 5.63. For procedure see § 50.2009 of this chapter.

§ 55.2021 *Form 3623*. Application for the Use of Precanceled Stamps. This form calls for information as to the class, character and approximate num-

ber of pieces to be mailed daily, weekly, monthly and annually, and the name, address and business of the applicant.

CROSS REFERENCE: For regulations see 39 CFR, 5.63, and 39 U. S. C. 365. For procedure see § 50.2008 of this chapter.

§ 55.2022 *Form 3623-E*. Application for the Use of Government-Precanceled 1-Cent Stamped Envelopes. This form calls for the names and address of the applicant.

CROSS REFERENCE: For regulations see 39 CFR 5.63. For procedure see § 50.2009 of this chapter.

§ 55.2300 *Form 3501* is to be used by publishers for making application for entry of a publication to the second class of mail matter under the provisions of the act of March 3, 1879 (Sec. 10, 20 Stat. 359; 39 U. S. C. 224). Spaces are provided in this form for the publishers to show the following information concerning the publication: Title; frequency of issue; subscription price; place of printing; location of known office of publication; location of the headquarters or general business offices of the publishers; number of issues which have been published, complete data as to former second-class entries; name of publisher; names of owners, firm members, or stockholders; relationship between owners and advertisers; conditions under which advertising is carried; number of copies furnished advertisers; and complete details of the circulation. The application must be sworn to by the publishers and filed at the post office of the place where the known office of publication is located. The application form will be completed by the local postmaster who will request of the publishers evidence which will enable him to verify the circulation figures furnished by the publishers. Publishers may obtain copies of Form 3501 from local postmasters.

CROSS REFERENCE: For procedure see § 50.2304 of this chapter.

§ 55.2301 *Form 3501-B* is to be used by publishers for making application for entry of a publication to the second class of mail matter under the provisions of the act of August 24, 1912 (Sec. 1, 37 Stat. 550; 39 U. S. C. 229), or the act of June 6, 1900 (31 Stat. 660; 39 U. S. C. 230). Spaces are provided in this form for the publishers to show the following information concerning the publication: Title; name and classification of publishers; frequency of issue; subscription price; location of known place of publication; location of the headquarters or general business offices of the publishers; place of printing; conditions under which advertising is carried; number of copies regularly printed; disposition made of the copies; number of issues which have been published; complete data as to former second-class entries; evidence to establish classification of publishers; organizational details of benevolent, fraternal, professional, literary, historical, and scientific societies, trades-unions, and institutions of learning; and complete details of the circulation if the publication carries advertising. The application must be sworn to by the publishers and filed at the post office of the place where the known place

of publication is located. The application form will be completed by the local postmaster who will request of the publishers evidence which will enable him to verify the circulation figures furnished by the publishers of publications carrying advertising. Publishers may obtain copies of Form 3501-B from local postmasters.

CROSS REFERENCE: For procedure see § 50.2304 of this chapter.

§ 55.2302 *Form 3501-A* is to be used by publishers or their agents for making application for admission of a foreign publication to the United States mail at the second-class postage rates. Spaces are provided in this form for the publishers or their agents to show the following information concerning the publication: Title; place of publication; name of publishers; applicant's status and location of his place of business; frequency; subscription price; copyright data; number of copies imported; and complete details of the circulation. The application must be sworn to by the applicant and filed at the post office at which the copies of the publication are to be mailed. Publishers or their agents may obtain copies of this form from local postmasters.

CROSS REFERENCE: For procedure see § 50.2300 of this chapter.

§ 55.2303 *Form 3501-C* is to be used by persons, firms, or corporations for making application for registry as a news agent in order to mail second-class matter at the second-class pound rates of postage. Spaces are provided in this form for the applicants to show the following information: Nature of applicants' business; publications handled and places where published; and location of place of business. The application must be sworn to by the applicant and filed at the post office where mailings are to be made. Copies of this form may be obtained from local postmasters.

CROSS REFERENCE: For Procedure see § 50.2318 of this chapter.

§ 55.2304 *Form 3503* is a permit authorizing the mailing of publications in the manner in which second-class matter is mailed. It is issued by postmasters to publishers whose applications for second-class entry are pending. Spaces are provided on the form for the postmaster to make complete entries at the time of each mailing showing the postage chargeable on the mailing at the second-class rates and the third or fourth-class rates. If second-class entry is authorized, the publishers sign the receipt on the permit and surrender it to the postmaster to obtain a refund of the difference between the second-class postage rates and the third or fourth-class rates.

CROSS REFERENCE: For procedure see § 50.2305 of this chapter.

§ 55.2305 *Form 3526* is used by publishers for filing statements of the ownership, management, and circulation. This form is furnished to publishers by local postmasters.

CROSS REFERENCE: For description of Form 3526 see 39 CFR 5.38, For procedure see § 50.2308 of this chapter.

§ 55.2306 *Form 3539* is the receipt form issued by the postmaster for mailings of second-class publications. It provides spaces for the postmaster to enter the name of the post office, date of mailing, name of publication or news agent, date of issue, frequency, percent of advertising, detailed computation of the postage charged at the second-class pound rates, and the weight of copies accepted free of postage. The original copy of this receipt is signed by the postmaster and delivered to the publishers or their agents, or to news agents.

CROSS REFERENCE: For procedure see §§ 50.2303 and 50.2315 of this chapter.

§ 55.2307 *Form 3539-A* is used by publishers for filing zone analyses. Copies of this form may be obtained from local postmasters.

CROSS REFERENCE: For description of Form 3539-A see 39 CFR 10.5. For procedure see § 50.2313 of this chapter.

§ 55.2308 *Form 3578* is a card which is mailed by postmasters at the offices of address to publishers, rated with 2 cents postage due, notifying the publishers that copies of their publications are undeliverable as addressed. There are spaces on the card for the postmaster to enter the name of his office; the name of the publication and the publishers' address; the subscriber's address and key number as shown on the undeliverable copy; and the reason why the copy is undeliverable as addressed.

CROSS REFERENCE: For procedure see § 50.2323 of this chapter.

§ 55.2309 *Form 3579* is a label which is attached by postmasters to copies of second-class publications which are undeliverable as addressed and which are returned to publishers rated with postage due at the third-class rate. There are spaces on the label for the postmaster to enter the name of the publication; the address of the publishers; the reason for returning the copy; and the date upon which Form 3578 was sent.

CROSS REFERENCE: For procedure see § 50.2323 of this chapter.

§ 55.2310 *Form 3979*. Certificate of direct dispatch of second-class matter.

CROSS REFERENCE: For description of Form 3979 see 39 CFR 20.2 and 20.3. For procedure see § 50.2324 of this chapter.

§ 55.2311 *Form 3504* is prepared in triplicate by the Third Assistant Postmaster General upon his determination that a publication is entitled to second-class entry. The original and one copy of this form are sent to the local postmaster, the copy being furnished to the publisher. Spaces are provided in the form for inserting the following information: Title, frequency of issue, office of publication, and file number of the publication; the name of the publishers; date of the application; date of issue of approved copies; and effective date of second-class entry.

CROSS REFERENCE: For procedure see § 50.2304.

§ 55.2312 *Form 3505* is prepared in triplicate by the Third Assistant Postmaster General upon his determination

that a publication is entitled to second-class entry. The original and one copy of this form are sent to the local postmaster, the copy being furnished to the publisher. Spaces are provided in the form for inserting the following information: Title, frequency of issue, office of publication, and file number of the publication; the name of the publishers; date of the application; date of issue of approved copies; effective date of second-class entry; and instructions concerning the carrying of advertisements.

CROSS REFERENCE: For procedure see § 50.2304 of this chapter.

§ 55.2313 *Form 3506* is prepared in triplicate by the Third Assistant Postmaster General upon his determination that an individual person, firm, or corporation is entitled to registry as a news agent. The original and one copy of this form are sent to the local postmaster, the copy being furnished to the news agent. Spaces are provided in the form for inserting the name of the news agent, the office of mailing, and file number.

CROSS REFERENCE: For procedure see § 50.2318 of this chapter.

§ 55.2314 *Form 3504-B* is prepared in triplicate by the Third Assistant Postmaster General upon his determination that a publication is entitled to reentry as second-class matter because of a change in title, frequency of issue, or office of publication. The original and one copy are sent to the postmaster at the office of second-class entry, the copy being delivered to the publisher. This form shows the former title, frequency of issue, or office of publication, and the present title, frequency of issue, or office of publication.

CROSS REFERENCE: For procedure see § 50.2306 of this chapter.

§ 55.2315 *Form 3501-d* is used by publishers to show in detail the circulation of their publications. Spaces are provided in this form to show the title and date of issue of the publication and circulation figures. It must be sworn to and filed with the local postmaster when information concerning the circulation is requested by the Third Assistant Postmaster General. Copies of this form are furnished by the Third Assistant Postmaster General.

§ 55.2316 *Form 3544* is a receipt which is issued by postmasters to publishers for advance deposits of money to cover postage on mailings of second-class publications. Spaces are provided in this form for the name of the post office, date, name of publisher, name of publication and the amount of the deposit.

CROSS REFERENCE: For procedure see § 50.316 of this chapter.

§ 55.2317 *Form O* is used by publishers to furnish information showing the sales of copies by news agents. Spaces are provided in this form to show the title of the publication, date of issue, total number of copies printed, number of copies sent to news agents, number of copies sold by news agents, number of copies returned to the publisher, and price per copy received from the news agent. This statement must be sworn to and filed with the local postmaster when

information concerning the circulation of a publication is requested.

CROSS REFERENCE: For procedure see §§ 50.2300 and 50.2304 of this chapter.

§ 55.2601 *Form 565*. Application for indemnity for loss, damage or rifling of registered mail. This form provides spaces wherein the sender or addressee of a registered article, lost, rifled or damaged, or the owner thereof, may submit evidence essential to the consideration of the merits of a claim.

§ 55.2602 *Form 3801*. Standing delivery order. Written authorization issued by a firm or individual designating the person or persons who may receive unrestricted registered, insured and C. O. D. mail addressed to or in care of the firm or individual, and assuming full responsibility for the loss, rifling or damage of said mail after proper delivery.

§ 55.2603 *Form 3801-a*. Agreement by a hotel, apartment house, or the like to assume responsibility for registered mail delivered to authorized representatives.

§ 55.2604 *Form 3801-b*. Agreement by a hotel, apartment house, or the like to accept delivery through authorized representatives, and to keep proper record of, and properly care for and dispose of, insured and C. O. D. mail.

§ 55.2605 *Form 3802*. Card notice to sender showing particulars of mailing of a registered, insured or C. O. D. article held because incorrectly addressed, unmailable, insufficient postage, or registry surcharge apparently not fully prepaid. (Issued only when sender is located at office of mailing.)

§ 55.2606 *Form 3805*. Receipt for registered article.—Receipt given the sender at the time an article is accepted for registration. The receipt bears notations showing the amount of the registry fee; the amount of surcharge, if any; the amount of return receipt or special delivery fees, if any; restrictions in delivery, if any, and the full value of the article as declared by the mailer at the time of mailing.

§ 55.2607 *Form 3806*. Receipt for registered article. Sender's receipt similar to Form 3805, except that the name of the addressee is to be entered by the sender on the back of the receipt as an identification.

§ 55.2608 *Form 3806-S*. Receipt for registered article. Same as Form 3806, but limited to use at the larger post offices.

§ 55.2609 *Form 3809*. Card notice to sender, in response to inquiry made concerning a registered, insured, or C. O. D. article, showing the disposition made thereof.

§ 55.2610 *Form 3811*. Return receipt. Return receipt card furnished the sender of a registered or insured article showing to whom delivered and the date, and if requested at the time of mailing the address where delivery was effected, upon payment of the required fees therefor. This card will be received in the courts as prima facie evidence of such delivery.

§ 55.2611 *Form 3812*. Application for indemnity for loss, rifling, or damage of domestic insured or C. O. D. parcel. Affidavit which may be filed by the sender or addressee of an insured or C. O. D. article lost, rifled or damaged, or the owner thereof, in which spaces are provided for submitting evidence essential to the consideration of the merits of a claim.

§ 55.2612 *Form 3813*. Receipt for insured mail. Sender's receipt for mail insured at fees ranging from 10 cents to 25 cents, having spaces for the number of the article; postage and insurance fee paid; return receipt, restricted delivery, special delivery and special handling fees paid, if any, and indorsements, if any, showing whether fragile, perishable, and the like. Spaces are provided at the bottom of the form for entry by sender of name and address of addressee.

§ 55.2613 *Form 3813-B*. Receipt for insured parcel. Sender's receipt for parcels insured at the minimum fee of 3 cents, having spaces for entry of the office of address, the postage paid, and any special indorsements. Spaces are provided at the bottom of the form for entry by the sender of the name and address of the addressee.

§ 55.2614 *Form 3816*. C. O. D. tag. A long form of "tie-on" tag to be completed by the sender showing required particulars of mailing. One part, which is affixed to the package, constitutes the sender's application for a money order in the amount of charges shown thereon, and another part is issued to the sender as a receipt for the package.

§ 55.2615 *Form 3816a-C*. C. O. D. tag. A short form of "tie-on" tag, printed crosswise, to be completed by the sender and affixed to the package, showing required particulars of mailing, one part of which constitutes the sender's application for a money order in the amount of charges shown on the tag.¹

§ 55.2616 *Form 3816a-L*. C. O. D. tag. A short form of "tie-on" tag. Same as *Form 3816a-C*, but printed lengthwise.¹

§ 55.2617 *Form 3816a-S*. C. O. D. tag. A short form C. O. D. tag. Same as *Form 3816a-L*, but to be affixed to a sealed package by means of gummed tape or other approved method.¹

§ 55.2618 *Form 3817*. Sender's receipt or certificate of mailing for domestic ordinary mail of any class and additional receipt or certificate of mailing for domestic ordinary, registered, insured, and C. O. D. mail. A receipt furnished the sender upon request and payment of the required fee evidencing the mailing only of a domestic article.

§ 55.2619 *Form 3818*. Sender's authorization to cancel or change charges

¹For use only with firm mailing records, *Forms 3877*, *3877-LL* (loose-leaf), *3877-A*, *3877a-LL* (loose-leaf), *3881*, *3881-LL* (loose-leaf), *3881-A*, *3881a-LL* (loose-leaf), *3882*, *3882-LL* (loose-leaf), *3882-A*, *3882a-LL* (loose leaf), the sheets of which are completed in duplicate, one copy being retained by the sender as a receipt.

on a C. O. D. article, or to deliver the article to a new addressee at the post office where held.

§ 55.2620 *Form 3820*. Card notice to sender of the destruction or other disposition of an ordinary, insured or C. O. D. parcel containing perishable matter before delivery.

§ 55.2621 *Form 3820a*. Carrier's notice to addressee to call for an ordinary, insured or C. O. D. perishable parcel.

§ 55.2622. *Form 3824*. Temporary bulk receipt issued to the sender showing by count only the number of registered, insured and C. O. D. articles accepted for mailing. Permanent receipts are subsequently issued.

§ 55.2623 *Form 3846½*. Supplementary statement in indemnity claim, insured or C. O. D. parcel. A supplementary statement to be completed by the mailer of an insured or C. O. D. parcel and attached to *Form 3812* (Application for indemnity for loss, rifling, or damage of domestic insured or C. O. D. parcel) in each case of damage where the parcel was not properly prepared for mailing and in each case in which the claim was filed on account of the spoiling of, or damage to, matter of a perishable or fragile nature, where the records of the mailing office do not show that the parcel was marked "Fragile," "Perishable," "Eggs," etc.

§ 55.2624 *Form 3849*. Notice of arrival of and receipt for registered mail delivered to the addressee or to his authorized representative.

§ 55.2625 *Form 3849-B*. Notice of arrival or insured and C. O. D. mail, and receipt for insured mail, delivered to the addressee or to his authorized representative.

§ 55.2626 *Form 3849b-BP*. Same as *Form 3849-B*, except in pad form.

§ 55.2627 *Form 3849-D*. Card notice to sender of undelivered C. O. D. mail. Issued only when requested by sender by appropriate instructions on the mail.

§ 55.2628 *Form 3855*. Application to be filled in by sender for forwarding, delivery, or return of registered matter after dispatch.

§ 55.2629 *Form 3877*. Firm mailing book (15-entry page) for use by the sender of registered mail in descriptively listing, in duplicate, articles to be presented for registration or to be sent as registered C. O. D. mail, one copy being retained by the sender as a receipt for the mail.

§ 55.2630 *Form 3877-LL*. Same as *Form 3877*; in loose-leaf form.

§ 55.2631 *Form 3877-A*. Firm mailing book (15-entry page) for use in acceptance of and receipting for insured and unregistered C. O. D. mail.

§ 55.2632 *Form 3877a-LL*. Same as *Form 3877-A*; in loose-leaf form.

§ 55.2633 *Form 3881*. Firm mailing book (30-entry page) for use in acceptance of and receipting for registered mail and registered C. O. D. mail.

§ 55.2634 *Form 3881-LL*. Same as *Form 3881*; in loose-leaf form.

§ 55.2635 *Form 3881-A*. Firm mailing book (30-entry page) for use in acceptance of and receipting for insured and unregistered C. O. D. mail.-

§ 55.2636 *Form 3881a-LL*. Same as *Form 3881-A*; in loose-leaf form.

§ 55.2637 *Form 3882*. Firm mailing book (5-entry page) for use in acceptance of and receipting for registered mail and registered C. O. D. mail.

§ 55.2638 *Form 3882-LL*. Same as *Form 3882*; in loose-leaf form.

§ 55.2639 *Form 3882-A*. Firm mailing book (5-entry page) for use in acceptance of and receipting for insured and unregistered C. O. D. mail.

§ 55.2640 *Form 3882a-LL*. Same as *Form 3882-A*; in loose-leaf form.

§ 55.2641 *Form 3883*. Firm delivery book record (10-entry page). Post Office receipt signed by addressee or his authorized representative upon delivery of registered and insured mail.

§ 55.2642 *Form 3883-A*. Same as *Form 3883*, except for a 20-entry page.

§ 55.2643 *Form 3896*. Rural Carrier Registration Book. Sender's receipt for registered article issued by rural carrier when accepting an article for registration. The receipt bears notations showing where mailed; the amount of registry fee paid; the class of postage paid; the declared value of the article; the surcharge paid, if any; the amount of return receipt and special delivery fees, if any; the restrictions in delivery, if any, and the names and addresses of the sender and addressee.

§ 55.2644 *Form 3897*. Carrier's Quick Registration Book. Sender's receipt similar to *Form 3896*, except that the name of the addressee is to be entered by the sender on the back of the receipt as an identification.

§ 55.3101 *Form 6339*. Specimen of payee's signature.

CROSS REFERENCE: For description of *Form 6339* see 39 CFR 17.9, and § 50.3102 of this chapter.

§ 55.3103 *Form 6001*. Application for money order.

CROSS REFERENCE: For description of *Form 6001* see 39 CFR 17.11, and § 50.3102 of this chapter.

§ 55.3104 *Form 1055*. Claim against the United States for amounts due in the case of a decedent.

CROSS REFERENCE: For description of *Form 1055* see § 50.3107 of this chapter.

§ 55.3105 *Form 6387*. Receipt furnished by Rural Carrier for money in payment for money order.

CROSS REFERENCE: For description of *Form 6387* see 39 CFR 17.90, and § 50.3109 of this chapter.

§ 55.3106 *Form 6387-A*. Request for payment of a money order through Rural Carrier.

CROSS REFERENCE: For description of Form 6387-A see 39 CFR 17.97, and § 50.3110 of this chapter.

§ 55.3111 *Form 6596*. Application for duplicate postal note.

CROSS REFERENCE: For description of Form 6596 see 39 CFR 17.1a (q), (r), (s) and § 50.3111 of this chapter.

§ 55.3121 *Form 6002*. Application for duplicate of lost or mutilated domestic money order or of an order rendered void by too many endorsements.

CROSS REFERENCE: For description of Form 6002 see 39 CFR 17.39, Part 17, and § 50.3121 of this chapter.

§ 55.3122 *Form 6003*. Application for payment of domestic money order invalid by reason of age.

CROSS REFERENCE: For description of Form 6003 see 39 CFR 17.49, and § 50.3122 of this chapter.

§ 55.3123 *Form 6116*. Bond of indemnity for issue of duplicate of lost money order.

CROSS REFERENCE: For description of Form 6116 see 39 CFR 17.39, 17.40 and 17.49, and § 50.3123 of this chapter.

§ 55.3124 *Form 6065*. Request for information concerning paid domestic money order.

CROSS REFERENCE: For description of Form 6065 see 39 CFR 17.24a and § 50.3124 of this chapter.

§ 55.3125 *Form 1055*. Claim against the United States for amounts due in case of a decedent.

CROSS REFERENCE: For description of Form 1055 see 39 CFR 17.49 and §§ 50.3125, 55.3104.

§ 55.3132 *Form 6706*. Notifying payee to present order

CROSS REFERENCE: For description of Form 6706 see 39 CFR 17.78, and § 50.3132 of this chapter.

§ 55.3134 *Form 6759*. Application for repayment of international order

CROSS REFERENCE: For description of Form 6759 see 39 CFR 17.81, and § 50.3134 of this chapter.

§ 55.3135 *Form 6002*. Application for duplicate

CROSS REFERENCE: For description of Form 6002 see 39 CFR 17.82, and § 50.3135 of this chapter.

§ 55.3136 *Form 6003*. Application for Postmaster General's check

CROSS REFERENCE: For description of Form 6003 see 39 CFR 17.82, and § 50.3135 of this chapter.

§ 55.3140 *Form 6753*. Application for duplicate of international order

CROSS REFERENCE: For description of Form 6753 see 39 CFR 17.83, and § 50.3140 of this chapter.

§ 55.3141 *Form 6701*. Application for international money order

CROSS REFERENCE: For description of Form 6701 see 39 CFR 17.56, 17.57, 17.58 and 17.66a, § 50.3141 of this chapter.

§ 55.3143 *Form 6684*. Inquiry concerning disposal made of an international money order issued in the United States

CROSS REFERENCE: For description of Form 6684 see 39 CFR 17.64, and § 50.3143 of this chapter.

§ 55.3144 *Form 6760*. Exchange office requested to correct error in particulars of the advice of a United States money order payable abroad

CROSS REFERENCE: For description of Form 6760 see 39 CFR 17.62, and § 50.3144 of this chapter.

§ 55.3145 *Form 6083*. Supplemental international advice to be filled in by remitter

CROSS REFERENCE: For description of Form 6083 see 39 CFR 17.59, and § 50.3145 of this chapter.

§ 55.3146 *Form XIV*. List of international money order offices in certain foreign countries (International List)

CROSS REFERENCE: For description of Form XIV see 39 CFR 17.53, and § 50.3146 of this chapter.

§ 55.3500 *Form A*. Proposal, Bond, and Oath, Regulation Panel or Screen Body Motor-Vehicle Service.

CROSS REFERENCE: For description of Form A see § 50.3502 of this chapter.

§ 55.3501 *Form 1748*. Contract for Mail Service, Regulation Panel or Screen Body Motor-Vehicle Service.

CROSS REFERENCE: For description of Form 1748 see § 50.3502 of this chapter.

§ 55.3502 *Form MV-44*. Advertisement for Furnishing Vehicles on an Annual Basis for Use in Collecting, Delivering and Relaying Mail, and for Special Delivery Service.

CROSS REFERENCE: For description of Form MV-44 see § 50.3503 of this chapter.

§ 55.3503 *Form M. V. S. 1*. Annual Proposal, City Delivery Vehicle Service.

CROSS REFERENCE: For description of Form M. V. S. 1 see § 50.3503 of this chapter.

§ 55.3504 *Form MV-68*. Advertisement for Furnishing Vehicles for Use in Collecting, Delivering and Relaying Mail, and for Special Delivery Service.

CROSS REFERENCE: For description of Form MV-68 see § 50.3504 of this chapter.

§ 55.3505 *Form MV-67*. Quarterly Proposal for Furnishing Vehicles for Use in Collecting, Delivering and Relaying Mail, and for Special Delivery Service.

CROSS REFERENCE: For description of Form MV-67 see § 50.3504 of this chapter.

§ 55.3506 *Form 1729*. Notice of Fines.

CROSS REFERENCE: For description of Form 1729 see § 50.3505 of this chapter.

§ 55.3700 *Advertisement for proposals to lease post office quarters; Form 1410*. This form is used for the purpose of solicitation of proposals to lease quarters for post office purposes and gives information concerning requirements, method of submitting proposals and other pertinent data. (See § 50.3700 of this chapter.)

§ 55.3701 *Proposal to lease quarters; Form 1400*. This form is used by proponents in making offers to lease quarters for post office purposes and specifies the facilities, equipment and services to be furnished. On the reverse side is printed a copy of the Standard Form of Government Lease as modified for use by the Post Office Department, as well

as detailed information for proponents. (See § 50.3700 of this chapter.)

§ 55.3702 *Specifications for equipment for post office quarters; Form 1425*. This form is completed by the insertion of the equipment required for the conduct of an individual post office and is furnished to proponents who wish to include the item of equipment in their proposals. (See § 50.3700 of this chapter.)

§ 55.3703 *General building requirements for post office quarters; Form 1425-A*. This is a printed form outlining the general building requirements for post office quarters and is subject to modification in individual cases. This form is furnished to proponents for their information and use in connection with the preparation of their proposals. (See § 50.3700 of this chapter.)

§ 55.4300 *Application for reward*. This form provides space for listing complete and informative details concerning the arrest for which the reward is claimed, including the date, time and place of arrest and other pertinent details.

§ 55.4302 *Form 1510; report of the loss, rifling, delay, wrong delivery, or other improper treatment of mail matter*. This form provides space in which complete particulars of mailing, nature of the complaint, and all other information pertinent to the mistreated mail matter necessary for a complete investigation and should be completed in detail by the complainant.

[SEAL] ROBERT E. HANNEGAN,
Postmaster General.

[F. R. Doc. 46-15417; Filed Aug. 28, 1946; 2:18 p. m.]

DEPARTMENT OF THE NAVY

[34 CFR, Ch. I]

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

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§ 26.1 *Creation and authority*. (a) The Department of the Navy and the Office of the Secretary of the Navy were established by Act of Congress on April 30, 1798 (1 Stat. 553; 5 U. S. C. 411-412). The organization and functions of the Department of the Navy have been defined, expanded and affected by a con-

tinuous stream of legislation, the extent and character of which makes any summary or extended discussion thereof impossible. Certain of such legislation, as pertinent, is hereinafter referred to or discussed.

(b) The increased responsibilities and demands imposed by World War II necessitated a great expansion and alteration in the organization of, and distribution of functions within, the Naval Establishment. With the cessation of hostilities a contraction accompanied by reorganization became inevitable. The task of adapting the Naval Establishment to peacetime requirements is still in process. The description of the organization and functions of the Naval Establishment must therefore be understood to be based upon a transitional and necessarily fluid situation.

(c) The present organization and distribution of functions within the Naval Establishment is derived generally from Executive Order No. 9635 dated September 29, 1945 (10 F. R. 12419). The organization and distribution of functions is further outlined in somewhat amplified form in General Order No. 230 of January 12, 1946 entitled "Policies and Principles Governing the Distribution of Authority and Responsibility for the Administration of the Naval Establishment". Copies of General Orders are available for inspection at the Navy Department, Washington, D. C., and at the offices of each of the naval districts.

(d) For a helpful general statement of the organization and distribution of functions within the Naval Establishment, attention is invited to the current edition of the United States Government Manual (for sale by the Superintendent of Documents, Government Printing Office, Washington 25, D. C. at \$1.00 per copy), and to the current edition of the Congressional Directory (for sale at \$1.25 per copy by the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.)

§ 26.2 *The Naval Establishment.* The functional organization of the United States Navy, sometimes referred to as the Naval Establishment, may be divided into three principal parts:

(a) The Navy Department, the executive part of the Naval Establishment located at the seat of the Government, which comprises the bureaus, boards and offices of the Navy Department; the Headquarters of the Marine Corps; and the Headquarters of the Coast Guard (when assigned to the Navy).

(b) The Operating Forces, which include the sea, air and amphibious forces of the Navy, Marine Corps and Coast Guard (when assigned to the Navy), shore activities assigned to the command of Fleet and Sea Frontier Commanders and the personnel who man them.

(c) The Shore Establishment, which comprises all other activities of the Naval Establishment including all shore activities not assigned to the Operating Forces.

§ 26.3 *The Navy Department.* The executive part of the Naval Establishment, the Navy Department, is organized in terms of its functions which are best understood by reference to the statement

of fundamental naval policy: "To maintain the entire Naval Establishment in strength and readiness to uphold national policies and interests and to guard the United States and its continental and overseas possessions" (General Order No. 230, dated 12 January 1946). From this fundamental policy evolve four basic tasks or functions, the responsibility for which has been distributed within the Navy Department. These tasks or functions are policy control, naval command, logistics administration and control, and business management.

(a) *The Secretary.* The Naval Establishment is subject to the direction and control of the President of the United States as Commander-in-Chief. The immediate direction and control, however, are exercised by the Secretary of the Navy, acting as the representative of the President. The Secretary retains the general responsibility for supervision of all naval affairs while delegating certain responsibilities to his naval and civilian executive assistants. The Secretary retains direct control of policy and communicates directly with all principal officials and officers of the Naval Establishment, as necessary or desirable, remaining available for direct consultation by such officials and officers in the formulation and administration of naval policies, the Secretary avails himself of the advice and assistance of his principal executive assistants: (1) The Civilian Executive Assistants; (2) the Naval Command Assistant; and (3) the Naval Technical Assistants.

(b) *The Naval Command Assistant.* (1) The second of the four basic tasks or functions of the Navy Department is that of *Naval Command*, which has been assigned to the Naval Command Assistant, whose official title is the Chief of Naval Operations, and who acts as the principal adviser to the President and to the Secretary of the Navy on the conduct of war, and the principal naval adviser and military executive to the Secretary of the Navy on the conduct of the activities of the Naval Establishment, all as provided in Executive Order No. 9635 dated September 29, 1945 (10 F. R. 12419). Naval Command includes command of the Operating Forces and the maintenance of such Forces in a state of readiness to conduct war. In the accomplishment of the foregoing, the Chief of Naval Operations is responsible under the Secretary of the Navy for the command and administration of the Operating Forces, for the preparation, readiness and logistics support of such Forces, and for the coordination and direction of efforts of the bureaus and offices of the Navy Department with respect to foregoing. In the discharge of these responsibilities, the Chief of Naval Operations promulgates to the Naval Establishment directives embracing matters of operations, security, intelligence, discipline, naval communications, and similar matters of naval administration.

(2) The third task in implementing fundamental naval policy, namely, that of *Logistics Administration and Control*, involves two distinct elements, the logistics of consumption, i. e., the planning, forecasting, determining and distributing of the requirements of the Operating

Forces, and the logistics of production, i. e., the development, procurement, and production of the materiel and personnel required to meet the requirements of the Operating Forces. Although the two elements are interrelated and represent a continuous "cause and effect" relationship, it has been necessary, in the interest of efficient, orderly administration, to divide the responsibility for Logistics Administration and Control between the Chief of Naval Operations and the Civilian Executive Assistants aided by the Naval Technical Assistants. Accordingly, there has been delegated to the Chief of Naval Operations responsibility over the following:

(i) Planning and forecasting the requirements of the Operating Forces for finished materiel, trained personnel and supporting services.

(ii) Issuing statements of these requirements (in terms of what is needed, when it is needed and where it is needed) to the bureaus and offices of the Navy Department and, through them, to the Shore Establishment. This responsibility encompasses the determination of naval characteristics for materiel to be procured or developed, and the determination of the training and instruction required to fit naval personnel and commands for service with the Operating Forces.

(iii) Reviewing and evaluating the progress of the bureaus and offices and of the Shore Establishment in fulfilling these requirements, and issuing such orders as may be required to assure the requirements are met.

(iv) Collaborating with the Civilian Executive Assistants in expediting fulfillment of these requirements, in evaluating and strengthening the policies and procedures governing the determination of stock levels and replenishment requirements, and in the administration of inventory control systems.

(c) *The Civilian Executive Assistants.* The fourth task or function of the Navy Department, *Business Management*, and the balance of logistics administration and control discussed previously, are delegated to the Civilian Executive Assistants to the Secretary. These Civilian Executive Assistants are the Under Secretary, the Assistant Secretary, and the Assistant Secretary for Air.

(1) *The Under Secretary.* The Under Secretary, who is appointed by the President by and with the advice and consent of the Senate and who under present law (54 Stat. 494; 5 U. S. C. 421b) serves during a national emergency only, has been delegated the responsibility, in accordance with law and executive orders, for assuring that the *Business Management* of the Naval Establishment is properly conducted. This responsibility of the Under Secretary includes general supervision of matters of organization, staffing, administrative procedures, utilization of personnel, materials and facilities, and the budgeting and expenditure of funds. In this connection, the Under Secretary has immediate supervision of the activities of the Executive Office of the Secretary, listed under § 26.4(c).

(2) *The Assistant Secretary.* The Assistant Secretary, appointed by the President by and with the advice and consent

of the Senate (26 Stat. 254; 5 U. S. C. 420) has been delegated the responsibility, in accordance with law and executive orders, for that part of the *Logistics Administration and Control* of the Naval Establishment which relates to the promulgation of policies and general procedures governing (i) the procurement and production of matériel and facilities; (ii) the determination of stock levels and replenishment requirements in collaboration with the Chief of Naval Operations, and the administration of inventory control systems; and (iii) the correlation and programming of matériel research, experimental, test and development activities. In this connection, the Assistant Secretary has immediate supervision of the activities of the Executive Office of the Secretary which are listed under § 26.4 (d). The Assistant Secretary also is responsible for the presentation of the Navy's procurement requirements to other governmental agencies controlling the availability of products, materials and facilities.

(3) *The Assistant Secretary for Air.* The Assistant Secretary for Air, appointed by the President by and with the advice and consent of the Senate (44 Stat. 767; 5 U. S. C. 421a) has been delegated the responsibility, in accordance with law and executive orders, for all matters relating to aeronautics (except as otherwise assigned to the Under Secretary and the Assistant Secretary), including the coordination of naval aeronautics with other governmental agencies. In this connection, he supervises the Navy's participation on the Aeronautical Board and the Air Coordinating Committee (under § 26.4(e) (1) and § 26.4(e) (2)). In addition to his duties with respect to aeronautical matters, the Assistant Secretary for Air is responsible for that part of the logistics administration and control of the Naval Establishment which relates to the procurement and administration of personnel including labor relations in the plants of private contractors. In this connection, the Assistant Secretary for Air has immediate supervision of the activities of the Executive Office of the Secretary listed in § 26.4 (e).

(d) *Naval Technical Assistants.* The Naval Technical Assistants are the chiefs of bureaus, the Judge Advocate General, and the Commandant of the Marine Corps, and the Commandant of the Coast Guard (when assigned to the Navy) who are directly responsible for the discharge of all the duties assigned to their respective organizations, in accordance with the orders and directives of the Secretary, the Civilian Executive Assistants, and the Chief of Naval Operations; and are the technical advisers and assistants, in their special fields, to the Secretary, the Civilian Executive Assistants and the Chief of Naval Operations. In pursuance of the foregoing, the Naval Technical Assistants are immediately responsible, within the limits of their respective cognizance, for:

(1) The procurement, training, administration, and assignment of personnel.

(2) The operation of all activities under their cognizance.

(3) The research in, and the development, procurement, production and distribution of, material and facilities.

(4) The sound and legal expenditure of funds appropriated for the performance of their work, including the preparation of estimates for funds required to carry out approved plans and directives.

The Naval Technical Assistants perform these responsibilities through the organization of their respective bureaus and offices, which are described in detail in § 26.6 through § 26.13.

The discussion above has outlined in general terms the over-all organization of the Naval Establishment. A more detailed presentation of certain of its component parts is presented below.

§ 26.4 *Executive Office of the Secretary.* (a) To assist the Secretary and the Civilian Executive Assistants in the discharge of their functions and responsibilities, various Offices, Committees, Boards and Divisions have been created, which are directly responsible to and which act for the Secretary and his Assistants and which collectively constitute the Executive Office of the Secretary. Such Boards, Offices, Committees and Divisions generally assist the Secretary and such Assistants in the formulation of policy and in administration, and discharge for the Secretary and such Assistants specific functions as are from time to time assigned.

(b) *Boards, offices, and committees under the direct supervision of the Secretary—(1) Facilities Review Board.* The Board, established November 21, 1945, reviews and approves or disapproves all requests for new facilities projects for continental and overseas shore establishments. The Board may investigate any phase of the operating procedure of the shore establishments to insure more efficient use of facilities and may issue orders necessary or appropriate as a result of such investigation. Orders of the Board are construed as emanating from the Secretary of the Navy.

(2) *General Board of the Navy.* The General Board was established March 13, 1900. It acts in an advisory capacity to the Secretary of the Navy. Its composition and duties are set forth in the U. S. Navy Regulations, 1920, Art. 393, par. 4, and Arts. 400-404, inclusive.

(3) *Joint Army and Navy Board (Navy Participation).* The Joint Board, which was organized July 17, 1903, is composed of ranking officers of both War and Navy Departments. Any matters which, to either the War Department or the Navy Department, seem to require cooperation between the two services, may be referred by that Department to the Joint Board. It may also originate such consideration of subjects as, in its judgment, is necessary. The Board confers upon, discusses, and reaches such common conclusions as may be practicable. Since the beginning of World War II, most of the functions of the Joint Board have been performed by the Joint Chiefs of Staff.

(4) *Joint Chiefs of Staff (Navy Participation).* The Joint Chiefs of Staff came into being as a result of the organization of the Combined Chiefs of Staff (British and United States Chiefs of Staff), on February 9, 1942. The Chief of Staff to the Commander in Chief of the Army and Navy; the Chief of Naval Operations; The Chief of Staff, U. S. Army; and the Commanding General, Army Air Forces, comprise the Joint Chiefs of Staff. Under the direction of the President the Joint Chiefs of Staff consult together on matters of joint concern to the armed forces, advise the President as to their use, take appropriate action to implement his plans and policies as Commander in Chief of the Army and Navy, and coordinate the military efforts of the Army and the Navy.

(5) *Joint Economy Board (Navy Participation).* The Joint Economy Board, organized May 13, 1935, is charged with the responsibility of investigating and reporting on economies which can be effected from time to time, without loss of efficiency, by eliminating duplication and simplifying functions in those activities of the War and Navy Departments concerned with joint operations of the two services or which have approximately parallel functions.

(6) *Office of Naval History.* The Office of Naval History was established July 31, 1944, directly under the Secretary of the Navy. The Director of this Office is charged with coordinating the widely distributed work of the Navy Department in the preparation of histories and narratives of the present war, in order to assure adequate coverage to serve present and future needs and effectively to eliminate nonessential and overlapping effort. This includes supervision and coordination of the work of preparing histories of naval administration and naval operations for publication.

(7) *Office of Public Information.* The Office of Public Information was originally established on May 1, 1941 under the title of "Office of Public Relations". Under date of June 18, 1945, this title was changed to the "Office of Public Information". The function of this office is to inform the American public of the activities of its Navy.

(8) *State-War-Navy Coordinating Committee (Navy Participation).* The State-War-Navy Coordinating Committee, organized February 10, 1945, is charged with coordinating the view of the three departments on politico-military matters in which all have a common interest. Particular attention is paid to correlation of national policy with foreign policy.

(9) *The Patent Royalty Revision Board.* (i) The Royalty Adjustment Act of 1942 (35 U. S. C. 89-96) provides that whenever an invention, whether patented or unpatented, is manufactured, used, sold, or otherwise disposed of for the United States (in this case, the Navy Department) under the conditions set forth in the Act, and the license under which this is done includes provisions for the payment of royalties, the rates or

amounts of which are believed to be unreasonable or excessive by the Secretary of the Navy or his duly authorized delegate, the Secretary or such delegate shall give written notice of such facts to the licensor and the licensee. The Act further provides that within a reasonable time after the effective date of the notice, in no event less than ten days, the Secretary of the Navy or his authorized delegate by order shall fix and specify such rates or amounts of royalties, if any, as he shall determine are fair and just, taking into account the conditions of wartime production, and shall authorize the payment thereof by the licensee to the licensor on account of such manufacture, use, sale, or other disposition. Either the licensor or the licensee is privileged, if he so requests within ten days from the effective date of the notice, to present within 30 days from the date of his request, in writing or in person, any facts or circumstances which may, in his opinion, have a bearing upon the rates or amounts of royalties, if any, to be determined, fixed and specified as aforesaid and the order fixing such rates and amounts of royalties shall be issued within a reasonable time after such presentation. The written notice shall be mailed to the last known address of the licensor and the licensee and shall be effective upon receipt, or five days after the mailing thereof, whichever date is earlier. The licensee is forbidden after the effective date of the notice to pay to the licensor or to charge directly or indirectly to the United States, a royalty in excess of that specified in the order. Certain provisions of the Act grant an aggrieved licensor remedies which, in general, limit him to a claim against the United States in a suit in the Court of Claims, or in certain instances to a suit brought in a District Court of the United States.

(ii) Pursuant to the provisions of this Act the Secretary of the Navy by letter dated March 1, 1943, as amended by letter dated January 2, 1946, established in the Navy Department a Patent Royalty Revision Board which is composed of a chairman and seven members selected and appointed by the Secretary of the Navy to serve for such terms as the Secretary shall designate. Any three members designated by the chairman may act in any matters as and for the entire Board.

(iii) The following powers were delegated to the Board by the Secretary of the Navy:

(a) To receive and hear such facts or circumstances as may be presented in writing or in person at a hearing held pursuant to Section 1 of the Act.

(b) To fix and specify by the order, in accordance with Section 1 of the Act, fair and just rates or amounts of royalties and to authorize the payment thereof by the licensee to the licensor. To supplement, modify, or revoke any order heretofore or hereafter issued. Such order, or any supplement, modification, or revocation of any such order may be executed on behalf of the Board by the Chairman or by a member of the Board designated by the Chairman.

(iv) In addition, the Secretary of the Navy delegated the following powers of

the Chairman to any member of the Board designated by the Chairman, without reference to or action by any other member of the Board:

(a) To execute and issue written notice to licensor and licensee pursuant to the provisions of Section 1 of the Act, and to withdraw any notice heretofore or hereafter issued under said Section.

(b) To enter into and execute agreements with the owners or licensors of inventions or with contractors and subcontractors by the terms of which unreasonable or excessive rates or amounts are reduced to reasonable or unexcessive rates or amounts.

(c) To enter into and execute an agreement before suit against the United States has been instituted with the owner or licensor of an invention in full settlement and compromise of any claim against the United States accruing to such owner or licensor by reason of the manufacture, use, sale, or other disposition referred to in the Act and for compensation to be paid such owner or licensor based upon future manufacture, use, sale, or other disposition of such invention.

(d) To supplement, modify, or revoke any order, heretofore or hereafter issued, as a term of an agreement entered into under § 26.4 (b) (9) (iv) (b) or (c).

(v) In directing that bureau assistance be given, the Secretary of the Navy accorded to the Chief of each Bureau or the Commandant of the Marine Corps the right to conduct voluntary negotiations where it had been determined, after investigations, that excessive rates or amounts of royalties were being paid and empowered such officers to enter into and sign agreements of settlement and compromise embodying the terms of such negotiations, subject, however, to the approval of such agreements by the Secretary of the Navy. Should such officers fail to successfully conclude negotiations within a reasonable time, or should they desire not to conduct such negotiations, then they should transmit promptly to the Patents & Inventions Division, of the Office of Naval Research written reports reciting the facts and circumstances surrounding an alleged unreasonable or excessive royalty.

(vi) Any question of unreasonable or excessive royalty coming before the Price Adjustment Board should be referred to the Patent Royalty Revision Board for determination and all findings of the latter Board as to the reasonableness of royalties shall be binding on the Price Adjustment Board.

(c) *Boards, offices, committees and divisions under the direct supervision of the Under Secretary.*—(1) *Administrative Office.* This office was organized July 1, 1941, and assists the Under Secretary in the general administration and business management of the Navy Department. It is responsible for Departmental management services, including space, mail, telephone, office equipment and supplies, warehousing, printing and publications, correspondence and records management, microfilming (except V-mail), building security, transportation, rationing, housing, restaurants, civilian payrolls, machine tabulation services, personal business facilities, civilian

health services, improvement of working conditions, and related management functions to increase efficiency and economy of operation. It provides the civilian personnel administration for the Navy Department, and the fiscal control over several Naval appropriations. It is responsible for the operation of the records management and disposal program in the field and has technical control over field publications and printing offices.

(2) *Industrial Survey Division.* The Industrial Survey Division, organized June 20, 1944, acts to keep the Under Secretary of the Navy informed as to the efficiency of operation and utilization of manpower of the industrial activities of the shore establishments of the Naval Establishment, including the effective use of personnel engaged in industrial work.

(3) *Office of the Fiscal Director.* This office, organized December 2, 1944, formulates, establishes, supervises and coordinates all policies and procedures affecting the finance, budgeting, accounting and auditing activities of the Navy Department. With the exception of the Finance Division, the functions of this office relate solely to the internal management of the Navy.

On July 17, 1946, the Office of Budget and Reports was made a part of the Office of Fiscal Director. The Office of Budget and Reports has charge of the preparation and execution of the Navy Department's budget, and analyzes the estimates of the individual bureaus and offices and correlates them into a well-balanced program. After funds have been appropriated by Congress, the office revises the budgetary program to conform to specific funds and follows up the execution of that program.

On December 22, 1945, the Finance Division was placed under the cognizance of the Office of Fiscal Director. The directive bringing about this change delegated the following authorities to the Fiscal Director with power on his part to redelegate the same:

(i) All authority and discretion of the Secretary of the Navy under Executive Order No. 9112 (7 F. R. 2367);

(ii) All authority and discretion of the Secretary of the Navy under Executive Order No. 9001 (6 F. R. 6787) with respect to advance and progress payments;

(iii) All authority and discretion conferred on the Secretary of the Navy or the Navy Department under Sections 8, 9, and 10 of the Contract Settlement Act of 1944 (58 Stat. 649; 41 U. S. C. 101) with respect to loans and advance payments; and

(iv) All authority for the establishment, supervision and coordination of policies and procedures with respect to advance and progress payments under Navy contracts.

(4) *Office of Management Engineer.* The Office of Management Engineering, formerly a branch of the Industrial Survey Division, was organized as a separate entity on May 29, 1946. This office advises and assists the Under Secretary in the discharge of his responsibilities with respect to "business administration". It reviews, plans, coordinates, integrates and evaluates on a continuing basis, management planning and control programs throughout the Navy Department

and Shore Establishments; assists the heads of major activities in developing, training and establishing programs for their work, and develops criteria and techniques for appraising performance.

(5) *Office of the Judge Advocate General.* The Office of the Judge Advocate General (§ 26.13) is under the direct supervision of the Under Secretary of the Navy with respect to the review of records of naval courts.

(d) *Boards, Offices, Committees and Divisions under the direct supervision of the Assistant Secretary.*—(1) *Army and Navy Munitions Board* (Navy Participation). This Board, originally organized in 1922, has for its purpose coordinating the plans of the Army and Navy for the procurement of munitions and supplies for national defense. On August 18, 1945, the Board was reconstituted by an order approved by the President as Commander-in-Chief. As now constituted the Board comprises a Civilian Executive Chairman, the Under Secretary of War, and the Assistant Secretary of the Navy. The Executive Committee consists of the Civilian Executive Chairman, a general officer of the Army, and a flag officer of the Navy, with a secretariat and a staff made up of representatives from each service. In matters of major policy, the Board is advised by a Policy Committee made up of top echelon military representatives of the War and Navy Departments.

The functions of the Board include formulating plans and policies for industrial mobilization in an emergency and coordinating such plans between the Services; coordinating the work of the War and Navy Departments with regard to industrial matters, including procurement plans for the services; supervising such joint bodies as are or may be created to consider any subject falling within the scope of the Board's responsibility; and formulating and expressing the military interest of the War and Navy Departments with respect to our foreign trade.

The Board, in its capacity as representative of the Secretaries of War and Navy, has from time to time been assigned specific duties and functions by statute. Illustrative are the functions assigned to the Board under the Strategic and Critical Materials Stock Piling Act (Public Law 520—79th Congress).

(2) *Lend-Lease Liaison Office.* The Lend-Lease Liaison Office represents the Secretary of the Navy in negotiations between lend-lease representatives of foreign governments and lend-lease representatives of various bureaus and offices of the Navy Department. The activities of this Office are currently concerned chiefly with the settlement and closing out of lend-lease accounts and with the preparation of records.

(3) *Material Division.* The Chief of the Material Division is charged with the coordination, formulation of policy with respect to, and in certain cases the administration of all the material and procurement activities of the Naval Establishment, including contract termination and property redistribution and disposal, and the performance of such other duties as the Secretary of the Navy

may direct. The orders of the Material Division are considered as emanating from the Secretary of the Navy and have full force and effect as such.

The Chief is assisted by the Vice Chief of the Material Division, and by the Deputy Chiefs for Procurement Policy, Production Policy, Field Operations and Material Control Policy, who head respectively the four main branches of the Material Division.

To perform the functions for which the Chief of the Division is responsible, the Material Division is organized and its functions distributed, as follows:

(i) *Procurement Policy Branch.* This Branch formulates and promulgates policies and general procedures governing the activities of the Naval Establishment with respect to: (a) the procurement of material and facilities, including the negotiation of contracts, (b) the allocation of responsibility for procurement of common items among the various bureaus, (c) performance and payment bonds and insurance, (d) contract terminations, and related matters of industrial readjustment. This Branch further reviews and evaluates compliance with such policies and procedures and issues such orders as may be required to assure compliance.

(ii) *Production Policy Branch.* This Branch formulates and promulgates policies and general procedures governing the activities of the Naval Establishment with respect to the production of material. This Branch also reviews and evaluates compliance with such policies and procedures and issues such orders as may be required to assure compliance.

(iii) *Field Operations Branch.* This Branch formulates and promulgates policies and general procedures governing the material inspection activities of the Navy. This Branch further reviews and evaluates compliance with such policies and procedures and issues such orders as may be required to assure compliance. This Branch also exercises direct control of Supervising Inspectors of Naval Material and Inspectors of Naval Material and coordinate the activities of the foregoing and Bureau of Aeronautics General Representatives, Representatives, and Resident Representatives; Naval Inspectors of Ordnance; Supervisors and Assistant Supervisors of Shipbuilding, Inspectors and Assistant Inspectors of Machinery; Officers in Charge of Construction, Public Works and Public Utilities; and Marine Corps Inspectors. The foregoing Representatives, Inspectors and Supervisors are located in the field and at the plants of Navy contractors and constitute the Navy Department's immediate point of contact with such contractors and their vendors.

(iv) *Material Control Policy Branch.* (a) This Branch formulates and promulgates the policies and general procedures governing the activities of the Naval Establishment with respect to facilities, inventory control, and property redistribution and disposal. This Branch also reviews and evaluates compliance with such policies and procedures and issues such orders as may be required to assure compliance.

(b) The Navy Material Redistribution and Disposal Administration (NMR&DA) has been designated as the central agency within the Navy Department to carry out, under the supervision of the Material Division, those functions regarding the redistribution, disposal and custody of surplus property which are assigned to the Navy Department as an owning agency by the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. 1611) and regulations issued pursuant thereto. NMR&DA's primary responsibility includes clearance of war contractors' plants, including the disposition of scrap, salvage, waste material and small lots of contractor inventory and the declaration of usable surplus property to the appropriate disposal agency. The NMR&DA is located at the New York Naval Shipyard, Brooklyn 1, New York. To assist it in its functions, it has field representatives known as Material Redistribution and Disposal Offices (M. R. D. O.) at the following locations:

Location and address

Atlanta 3, Ga., 619 Peachtree St. N. E.
 Boston, Mass., Bldg. 21 U. S. Navy Drydock, South Boston, Mass.
 Chicago 4, Ill., Rm. 1230, Board of Trade Bldg., 141 W. Jackson Blvd.
 Detroit 26, Mich., Rm. 912, Book Bldg. 1249 Washington Blvd.
 Houston 2, Tex., 10th Floor, M. & M. Bldg. No. 1 Main St. Viaduct.
 Los Angeles 14, Calif., Rm. 707 Van Nuys Bldg., 210 W. 7th St.
 Brooklyn 1, N. Y., New York Naval Shipyard.
 Philadelphia 12, Pa., Bldg. No. 4, U. S. Naval Base.
 San Francisco, Calif., 600 Bryant St.
 Seattle 14, Wash., 526 Exchange Bldg.

The disposition of surplus property by the Navy as an owning agency is also participated in by other authorized selling activities of the Naval Establishment which are listed in § 27.5 (a) (7) below, dealing with the procedures for disposition of Navy Surplus Property.

The following two Boards, Navy Price Adjustment Board and Navy Department Board of Contract Appeals, are part of the Material Division for administrative purposes but exercise authority delegated to them by the Secretary of the Navy directly.

(v) *Navy Price Adjustment Board.* This Board renegotiates war contracts and subcontracts of contractors if and only when assigned to it by the War Contracts Price Adjustment Board under the Renegotiation Act (56 Stat. 245, 982; 58 Stat. 78; 50 U. S. C. 1191 et seq.). Organization functions and procedures of the Navy Price Adjustment Board are more fully described in the Renegotiation Regulations of the War Contracts Price Adjustment Board which have been published from time to time in the Federal Register (10 F. R. 963, 2026, 3236, 6107, 8661, 11515, 13640, 15037; 11 F. R. 3090, 4732, 8032). The Navy Board acts under authority which the War Contracts Price Adjustment Board has delegated to the Secretary of the Navy (10 F. R. 11515). The Secretary of the Navy has redelegated to the Chairman of the Navy Price Adjustment Board final authority with

respect to certain matters as set forth in the following directive:

22 AUGUST 1946.

From: The Secretary of the Navy.

To:

All Bureaus, Boards and Offices, Navy Department.

The Commandant, U. S. Marine Corps.

Subject:

Delegation of Authority to Chairman of Navy Price Adjustment Board.

References:

(a) Title XIII, Second War Powers Act, 1942 (Public Law 507, 77th Cong., approved March 27, 1942).

(b) Executive Order 9127, April 10, 1942. 3 CFR, Cum. Supp.

(c) Renegotiation Act of 1943. (Public No. 235, 78th Cong., enacted February 25, 1944).

(d) Delegation by the War Contracts Price Adjustment Board, August 10, 1945. Renegotiation Regulation 821.1. 10 F. R. 1515.

(e) Renegotiation Act of 1942 (Sixth Supplemental National Defense Appropriation Act, 1942, as amended).

(a) The Price Adjustment Board heretofore established in the Navy Department is reconstituted as hereinafter provided. The official title of such Board shall be "Navy Price Adjustment Board" and the same is hereinafter referred to in this directive as "the Board."

(b) The Board shall consist of a Chairman and such members as shall from time to time be appointed by the Secretary of the Navy. Each such appointment shall be made by instrument in writing and shall be accepted in writing by the appointee. Each such appointment shall be effective until revoked in writing by the Secretary of the Navy or until terminated by resignation in writing, delivered to the Secretary of the Navy, or as provided in subsection (c). The Chairman may from time to time designate in writing any member of the Board who shall, in the Chairman's absence, be Acting Chairman of the Board with all of the duties and authority of the Chairman, subject to such limitations as may be provided in such designation.

(c) The Board shall consist of a Washington Division and a New York Division, until the Chairman shall determine that the operations of such New York Division are no longer necessary, at which time he shall have authority to discontinue it by written notice to the Chairman of the Division. Members of the Board shall be assigned by the Secretary of the Navy to each such Division and one such member shall be designated in writing by the Secretary of the Navy to act as Chairman of the New York Division. The Chairman of the New York Division shall be generally responsible for the operations of his Division under the supervision of the Chairman of the Board. The Chairman of the New York Division may from time to time designate in writing any member of such division who shall, in the absence of such Chairman, be Acting Chairman of such Division with all of the duties and authority of the Chairman of such Division subject to such limitations as may be provided in such designation. Upon the discontinuance of the Division, the appointments of all Board Members assigned to the Division shall be deemed revoked.

(d) There is hereby delegated to the Chairman of the Board, subject to the provisions of reference (d):

(1) All of the powers, functions and duties conferred upon the War Contracts Price Adjustment Board by subsections (a) (4) (B); (a) (4) (C); (a) (4) (D); (a) (5) (B); (c) (1); (c) (2); (c) (3); (c) (4); (c) (5) (B); and (h) of reference (c).

(2) All of the powers, functions and duties conferred upon the War Contracts Price Adjustment Board to require the furnishing of

information, records and data pursuant to the provisions of subsection (c) (5) (A) of reference (c), except the financial statement provided for in the first sentence of said subsection; and

(3) All of the powers, functions and duties conferred upon the War Contracts Price Adjustment Board to interpret and apply the exemptions provided for in subsections (1) (1) (A); (1) (1) (B); (1) (1) (C); (1) (1) (E); and (1) (1) (F), the definition contained in subsection (a) (7) and the provisions of subsection (1) (3) of reference (c) pursuant to such interpretations thereof and regulations relating thereto as may be prescribed by the War Contracts Price Adjustment Board from time to time.

The powers, functions, duties, authority and discretion hereby delegated to the Chairman of the Board may be delegated in whole or in part by him to the Board and to the respective divisions, members and staffs thereof; provided, however, that except as set forth in paragraph 2 hereof, the power and authority to make a determination, by order or agreement, of excessive profits of any contractor or subcontractor shall not be subject to such delegation. In executing the powers, functions, duties, authority and discretion so delegated, and in performing any other duties assigned by the Chairman of the Board, the Board and each division or member and the staff thereof, shall act under the supervision of the Chairman of the Board.

(e) The personnel, authority and functions of the Services and Sales Renegotiation Section, are hereby transferred to the Navy Price Adjustment Board, and the power to make a determination by order or agreement of excessive profits of any contractor or subcontractor heretofore delegated to the Chief of the Services and Sales Renegotiation Section, is hereby transferred to the Chairman of the Price Adjustment Board.

(f) The Chairman of the Board in connection with any investigation deemed necessary to permit him or the Board or any division thereof to carry out the duties delegated to him or it is hereby authorized to exercise the authority conferred upon the Secretary of the Navy by references (a) and (b) to inspect the plant and to examine the books and records of contractors and subcontractors, and he may administer oaths and affirmations and may require by subpoena or otherwise the attendance and testimony of witnesses and the production of any books or records or any other documentary or physical evidence which may be deemed relevant to such investigation; and he shall have the right to demand of any contractor or subcontractor who holds contracts or subcontracts with respect to which the provisions of reference (c) are applicable statements of actual costs of production and such other financial data at such dates and in such form and detail as he may require.

(g) The Board shall, for administrative purposes, be part of the Material Division, Office of the Assistant Secretary. The Chief of the Material Division shall assign or cause to be assigned such personnel and shall provide such facilities and materials as may be required by the Chairman of the Board in connection with the exercise of any of his powers, functions, duties, authority, or discretion.

(h) The General Counsel for the Department of the Navy shall appoint a member of his office to act as Counsel to the Chairman of the Board and shall also assign members of such office to act as assistant counsel and attorneys under the supervision and direction of such Counsel. Such Counsel, and under his supervision, such assistant counsel and attorneys, shall perform all legal services incident to the discharge by the Chairman of the Board, the Board and each division thereof of his or its respective duties and functions and shall prepare and issue such legal interpretations, as may be necessary

or desirable, of the statutes, regulations and directives under which the Chairman of the Board, the Board and each division thereof act or which are pertinent to their operations, and of renegotiation agreements and orders. Counsel to the Chief of the Services and Sales Renegotiation Section and Assistant Counsel and attorneys under his direction shall also be attached to the office of Counsel to the Chairman of the Board. In the performance of the foregoing duties such Counsel shall be responsible to the General Counsel for the Department of the Navy.

(1) When a determination of excessive profits has been made by the Chairman of the Navy Price Adjustment Board, whether embodied in an order or an agreement, the Chief of the Bureau of Supplies and Accounts is hereby charged with the responsibility for the elimination of the excessive profits so determined (to the extent that the Secretary of the Navy is charged with the duty of eliminating such excessive profits). Without limiting the generality of the foregoing, the Chief of the Bureau of Supplies and Accounts is particularly authorized and directed:

(a) to receive and collect all payments, reports, financial data and other items, as provided in any such agreement or order, and to transmit all payments received by him to the Treasurer of the United States to be covered into the Treasury as miscellaneous receipts;

(b) when necessary in order to eliminate any such excessive profits (i) to effect the withholding from amounts otherwise due to a contractor or subcontractor of any amount of such excessive profits of such contractor or subcontractor; or (ii) to direct a contractor to withhold for the account of the United States, from amounts otherwise due to a subcontractor, any amount of such excessive profits of such subcontractor determined under the provisions of the Renegotiation Act of 1942; or (iii) to direct a contractor or subcontractor to withhold for the account of the United States, from amounts otherwise due to a subcontractor, any amount of such excessive profits of such subcontractor determined under the provisions of the Renegotiation Act of 1943.

(c) to keep appropriate records with respect to the performance of the terms and provisions of all renegotiation agreements and with respect to the discharge of liability of contractors and subcontractors under orders determining excessive profits made or entered pursuant hereto; and

(d) to advise the Secretary of the Navy as to any unremedied defaults under any such renegotiation agreements or orders and to recommend appropriate action with respect thereto.

In order that the Chief of the Bureau of Supplies and Accounts may expeditiously discharge such responsibility, the Chairman of the Board shall cause to be transmitted to the Chief of the Bureau of Supplies and Accounts a conformed copy of each renegotiation agreement and each order determining excessive profits made or entered pursuant hereto promptly after the same shall have become effective.

The powers, functions, duties, authority and discretion herein vested in the Chief of the Bureau of Supplies and Accounts may be delegated by him in whole or in part to such divisions and officers in the Bureau of Supplies and Accounts as he shall deem necessary or desirable.

(j) With respect to proceedings under the Renegotiation Act of 1942 (Ref. e), the Directive of the Secretary of the Navy dated 23 March 1944 (PM:370:FWRP:ap) (NPD 14201-14212) shall remain in effect until 11 September 1946, and shall thereafter be deemed revoked. As to proceedings under the Renegotiation Act of 1943, it is revoked immediately. All actions taken under and in accordance with its authority are hereby

ratified, approved, and confirmed. The Chairman shall have custody of the records of cases under the Renegotiation Act of 1942, and shall have authority with respect to such cases to take any action necessary in view of their having been disposed of by agreement or order, including, without limitation, the power to reopen such cases in the event of a showing of fraud or malfeasance or a willful misrepresentation of a material fact. The directives of the Acting Secretary of the Navy of February 8, 1945 (OGC/CMMCD:ms) (NPD 14241-14246) and of the Chairman of the Price Adjustment Board of February 8, 1945 (OGC/WLH:ss) (NPD 14251-14252) are hereby superseded and cancelled. All actions heretofore taken by the Price Adjustment Board of the Navy Department and any of its divisions and by the Services and Sales Renegotiation Section in accordance with previously applicable directives and delegations are hereby ratified, approved, and confirmed.

W. JOHN KENNY,
Acting Secretary of the Navy.

(vi) *Navy Department Board of Contract Appeals.* This Board, depending upon the applicable provisions of contracts or requirements of law, acts either collectively as a Board or through the Chairman individually as the agent and authorized representative for the Secretary to hear and determine appeals by Navy contractors from decisions by contracting officers on disputed questions and appeals by Navy contractors on decisions of contracting officers on termination claims pursuant to Section 13 of the Contract Settlement Act of 1944, (58 Stat. 649; 41 U. S. C. 101) or in an advisory capacity to make findings and recommendations to the Secretary of the Navy. The Board also, upon request of the contracting bureau, determines the fair value of facilities in those cases where the contract provides that such determinations shall be made either by the Compensation Board or by the Board of Contract Appeals, and prepares and submits to the Secretary findings and recommendations with respect to the fair value of facilities in those cases where the Secretary is required to determine such fair value.

(vii) *Navy Matériel Demobilization Board.* By directives dated January 19, 1946 and July 22, 1946, the Secretary created this special board to handle all matters pertaining to the demobilization of matériel in the Navy. The functions of the Board are: to expedite the release to the civilian economy of critical material; to establish policies for retention of reserve material by the Navy and declaration of the remainder as surplus; to expedite material demobilization in cooperation with material disposal agencies. In carrying out the foregoing functions the Board is authorized to act for both the Secretary of the Navy and the Chief of Naval Operations, to delegate such authority as may be necessary to any agency in the Navy Department and to issue directives with respect to surplus material to any agency of the Navy Department.

(4) *Office of the General Counsel.* The Office of the General Counsel provides all legal services for the Navy Department in connection with procurement, contract termination, property disposition, renegotiation and related

matters. The Office of the General Counsel has additional legal duties as assigned from time to time by the Secretary and his Civilian Executive Assistants. At the head of the Office of the General Counsel is the General Counsel for the Department of the Navy, under whom are two Assistant General Counsel. A branch office designated the Office of Counsel, exists in each of the contracting bureaus, the Office of Naval Research, the Navy Price Adjustment Board, the Material Division of the Office of the Assistant Secretary, and the Office of the Fiscal Director. At the head of each branch office is a Counsel who reports directly to the Chief of the bureau or the Director of the office concerned, and to the Assistant Secretary of the Navy through the General Counsel. In addition to the foregoing, branch offices have been established in the field at the following activities: Aviation Supply Office, Philadelphia; NMR&DA, New York; Navy Purchasing Office, New York; Army-Navy Medical Procurement Office, New York; and at Ships Store, New York. All such branch offices are available for consultation on the day-to-day legal problems and participate in the day-to-day activities of the bureaus and offices in which they are located, thereby providing direct, on-the-spot legal services and representation, subject to the general supervision and overall coordination of the General Counsel.

(5) *Office of the Judge Advocate General.* The Office of the Judge Advocate General is under the direct supervision of the Assistant Secretary of the Navy with respect to matters which relate to taxation, the settlement of claims, and legislation dealing with matters other than personnel.

(6) *Office of Naval Research.* (i) The Office of Naval Research was created by the Act of Congress of August 1, 1946, (Public Law No. 588, 79th Congress). Its duties are performed under the authority of the Secretary and its orders are considered as emanating from him and have full force and effect as such. The Office of Naval Research is directed by the Chief of Naval Research, appointed by the President, by and with the advice and consent of the Senate, for a term of not to exceed three years. The Assistant Chief of Naval Research performs the duties of the Chief in the event of the latter's absence. The Office of Naval Research performs the following functions: (a) the encouragement, promotion, planning, initiation, and coordination of naval research; (b) the conduct of naval research in augmentation of and in conjunction with the research and development conducted by the respective bureaus and other agencies and offices of the Navy Department; and (c) the supervision, administration, and control of activities within or on behalf of the Navy Department relating to patents, inventions, trade-marks, copyrights, royalty payments, and matters connected therewith; all as prescribed by the Secretary in a directive dated August 21, 1946.

(ii) To perform the functions for which the Chief of the Office of Naval Research is responsible, the Office of Naval Research is organized as follows: The Chief of Naval Research.

The Assistant Chief of Naval Research. Administrative and Staff Sections, including:

Matériel Branch (Contracts),
General Patent Counsel and sections dealing with scientific personnel, publications and inventions.

The Operating Divisions, each under the supervision of a Director, as follows:

Planning Division
Naval Research Laboratory
(Washington, D. C.)

Special Devices Division (Sands Point, Port Washington, L. I., N. Y.)

Patents Division
Underwater Sound Reference Laboratory

(iii) For information concerning the location and activities of branch offices maintained by the Office of Naval Research, inquiry should be addressed to The Office of Naval Research, Navy Department, Washington 25, D. C.

(7) *Requirements Review Board.* The Requirements Review Board is responsible for assuring that balance is maintained within and between Navy matériel and personnel procurement programs and for keeping procurement levels consistent with actual needs. The Requirements Review Committee assists the Requirement Review Board in the discharge of its responsibilities by keeping the major matériel and personnel procurement programs of the Navy under constant review. In performing this function, the Committee gives consideration to the conformity of these programs to strategic requirements, to rates of use and attrition and to inventory levels.

(8) *Coal Mines Administration.* Executive Order No. 9728 dated May 21, 1946 authorized the Secretary of the Interior to take possession of and to operate certain coal mines (11 FR 5461). The Secretary of the Interior requested Admiral Ben Moreell, C. E. C., U. S. N., to serve as Deputy Coal Mines Administrator in the operation and administration of the bituminous coal mines. The Secretary of the Navy by letter dated May 22, 1946 assigned Admiral Ben Moreell on temporary duty as such Deputy Coal Mines Administrator and authorized him in the performance of his duties to utilize to the extent necessary or appropriate naval officers, enlisted or civilian personnel. The description of the organization, functions and procedures of such Administration will be found in the material relating to the Department of the Interior.

(9) *Navy Department Specifications Board.* This Board is charged with the responsibility of fostering standardization and the establishment of uniform specifications for material common to two or more bureaus of the Navy Department.

(10) *Army-Navy Joint Specifications Board.* (Navy Participation) This Board, established under and directly responsible to the Army and Navy Munitions Board, is charged with the responsibility of fostering standardization and the establishment of uniform specifications for material common to the two services.

(11) *Joint Research and Development Board.* (Navy Participation) This Board is charged with responsibility for coordinating the conduct of research and development activities by the War and Navy Departments.

(e) *Boards, Offices, and Committees under the Direct Supervision of the Assistant Secretary of the Navy for Air—(1) Aeronautical Board.* (Navy Participation) The Aeronautical Board, reorganized pursuant to General Order No. 224, dated October 26, 1945, is charged with investigation, study and report upon all questions affecting jointly the development of aviation of the Army and of the Navy referred to it by the Secretary of War, the Secretary of the Navy, The Commanding General, Army Air Forces, the Deputy Chief of Naval Operations (Air), or the Chief of the Bureau of Aeronautics, and on its own initiative when in its judgment necessary. The Board is further charged with recommending whatever action it considers essential to establish sufficiency and efficiency of co-operation and coordination of effort between the Army and Navy as to aviation.

(2) *Air Coordinating Committee.* (Navy Participation) This Committee, established by action of the heads of the Departments concerned on April 19, 1945, includes representatives of the State, War, Navy, Commerce and Post Office Departments and the Civil Aeronautics Board. The Bureau of the Budget has a non-voting representative on this committee. Its purpose is to enable and foster consultation and coordinated action by the departments and agencies of the Federal Government charged with responsibilities in the aviation field. Its functions are to examine international and domestic aviation problems and developments affecting more than one department or agency, to coordinate activities of the interested departments or agencies and to recommend integrated policies and action.

(3) *Board of Decorations and Medals.* The Board of Decorations and Medals, organized by precept dated December 17, 1942, makes recommendations to the Secretary of the Navy on the award of honors of all types within the naval services; on the legislation, executive orders, and general orders pertaining to decorations, awards, and campaign medals; and on retirement benefits to personnel with previous commendations. The design of medals and the definition of policies come within the Board's purview. This Board should be distinguished from the Board to Review Recommendations for Awards of Decorations and Medals, established by precept dated December 18, 1945.

(4) *Board of Medical Examiners.* The Board of Medical Examiners, organized pursuant to law (14 Stat. 344; 34 U. S. C. 271), conducts the physical examinations of officers of the line and staff corps, U. S. Navy, Naval Reserve, Marine Corps, and Marine Corps Reserve, to determine their physical qualifications for promotion, appointment or advancement.

(5) *Board of Review, Discharges and Dismissals.* The Navy Department Board of Review, Discharges and Dismissals, was established by precept dated July 22, 1944, pursuant to Section 301 of the

Servicemen's Readjustment Act of 1944, approved June 22, 1944 (58 Stat. 286; as amended 50 U. S. C. 693), for the purpose of reviewing discharges and dismissals (except discharges and dismissals imposed as a result of sentences of general courts martial) of former personnel of the Navy and the Marine Corps to determine whether such discharges and dismissals were in conformity with reasonable standards of naval law and discipline, and where appropriate, to make recommendations to the Secretary of the Navy for modification.

(6) *Joint Army and Navy Committee on Welfare and Recreation.* (Navy Participation) The Joint Army and Navy Committee on Welfare and Recreation, organized January 27, 1944, is responsible for the coordination of policies and programs for the welfare, education, and recreation of service personnel. In carrying out this responsibility the Committee works in close association with the Federal Security Agency, the American Red Cross, the United Service Organizations, and other governmental and private agencies concerned with programs of this character.

(7) *Naval Examining Board (Line).* The Naval Examining Board (Line), organized pursuant to the Act of April 21, 1864, as amended (30 Stat. 1005; 34 U. S. C. 274), conducts the professional examinations of line officers, including warrant and chief warrant officers of the U. S. Navy, for promotion; and for appointment, transfer, and promotion of the U. S. Naval Reserve; competitive examinations of warrant and chief warrant officers for appointment to commissioned ranks of ensign, lieutenant (junior grade), and lieutenant of the Regular Navy; competitive examinations of enlisted personnel for appointment to warrant ranks of the Regular Navy; and examinations of records of chief warrant officers, Regular Navy and Naval Reserve for Certificates of Creditability of Record.

(8) *Naval Examining Board (Medical).* The Naval Examining Board (Medical), organized pursuant to the Act of April 21, 1864, as amended (34 U. S. C. 271, et seq.), conducts the professional examinations of Medical Corps officers of the U. S. Navy and Naval Reserve for promotion to the grades of commander and captain, Medical Corps. The examinations of officers for promotion to the grade of rear admiral, Medical Corps, are customarily conducted by a special examining board composed of officers of the grade of rear admiral of which the President of this Board is a member.

(9) *Naval Examining Board (Supply Corps).* The Naval Examining Board (Supply Corps), organized pursuant to the Act of April 21, 1864, as amended (34 U. S. C. 271, et seq.), conducts examinations of candidates for original appointment to the Supply Corps of the U. S. Navy and the U. S. Naval Reserve, and for appointment as acting pay clerk and pay clerk, U. S. Navy.

(10) *Naval Retiring Board.* The Naval Retiring Board, organized pursuant to the Act of August 3, 1861, as amended (34 U. S. C. 381, et seq.), conducts the examinations of such officers of the line

and staff corps of the U. S. Navy, Naval Reserve, Marine Corps, and Marine Corps Reserve as may be ordered to appear before it, or whose case may be referred to it by the Secretary of the Navy, to determine their physical fitness to perform all of the duties appropriate to their respective ranks or grades (commonly referred to as examinations for physical incapacity retirements).

(11) *Naval Retiring Review Board.* The Naval Retiring Review Board, organized September 6, 1944, pursuant to section 302 (a) of the Servicemen's Readjustment Act of 1944 (58 Stat. 287; 38 U. S. C. 693), was established for the purpose of reviewing and reporting on the findings and decision of any naval retiring board by reason of which any naval officer is retired or released to inactive service without pay. The Board's authority extends only to those individuals who request review within time limits specified in the Act.

(12) *Navy Medical Survey Review Board.* The Navy Medical Survey Review Board was established on February 4, 1946, by the Secretary of the Navy in compliance with section 302 (a) of the Servicemen's Readjustment Act of 1944, as amended by Section 4 of Public Law 268, 79th Congress. The Board reviews and reports upon the findings and recommendations of any Board of Medical Survey by reason of which any person who, while serving as an officer of the Navy or Marine Corps, or of the reserve components thereof, has been or may be retired or released from active service without pay. By the provisions of 58 Stat. 287; 38 U. S. C. 693i, as amended, the Board's authority is extended only to those individuals who request review within the limit prescribed in that Act.

An applicant should address his request for review of his case before this Board to the Chief of Naval Personnel or Commandant of the Marine Corps, as appropriate.

(13) *Office of Industrial Relations.* The Office of Industrial Relations, organized January 5, 1944, is responsible for the development of the Navy's personnel program for civilian employees and for advising and assisting bureaus, offices, and shore establishments in the application of the program. It is concerned with all matters relating to the employment, assignment, transfer, promotion, separation, efficiency rating, and training of civilian employees, as well as those relating to wage administration, classification, employee relations, safety engineering and allowances of personnel for civilian billets. It is responsible for coordinating the Department's overall personnel program so that uniform standards are maintained throughout. Procedures under which this Office operates and compilation of the laws and policies governing its actions are contained in the Navy Civilian Personnel Instructions.

(14) *Office of the Judge Advocate General.* The Office of the Judge Advocate General is under the direct supervision of the Assistant Secretary for Air except (i) as to matters which relate to taxation, the settlement of claims, and legislation dealing with matters other than personnel with respect to which

such Office is under the direct supervision of the Assistant Secretary and (ii) as to review of records of naval courts with respect to which such Office is under the direct supervision of the Under Secretary. The organization and functions of this Office are described in § 26.13.

(15) *Office of Naval Petroleum and Oil Shale Reserves.* The Office of Naval Petroleum Reserves was established in 1927 as a part of the Secretary's Office. A directive dated June 6, 1944, which redefined the duties and functions of this Office, established the Office of the Director of Naval Petroleum and Oil Shale Reserves to take custody and charge on behalf of the Secretary of the reserves created by law; to formulate plans and programs for the exploration, prospecting, protection, conservation, development, use, and operation of such reserves, and for the production of oil therefrom, and to make recommendations to the Secretary with respect thereto; to execute such plans and programs as are duly approved; and to consult with the bureaus and other offices of the Navy Department and other Government departments and agencies to the extent necessary for the administration and control of such reserves, and for obtaining production therefrom.

Jurisdiction over and administration of the naval petroleum and naval oil shale reserves is vested in the Secretary of the Navy by the Acts of Congress approved June 4, 1920 (41 Stat. 813), June 30, 1938 (52 Stat. 1252), and June 17, 1944 (58 Stat. 280), all as set forth in 34 U. S. C. 524.

(16) *Naval Clemency and Prison Inspection Board.* The Naval Clemency and Prison Inspection Board, convened by precept of the Acting Secretary of the Navy, of August 27, 1943, considers applications of naval prisoners for clemency and for restoration to duty. The Board makes recommendations to the Secretary of the Navy on such applications and on matters relating to the treatment of naval prisoners and to naval discipline. Members of the Board make frequent inspections of naval prisons, detention barracks, and brig, and recommendations upon the organization and conduct of such activities are submitted.

§ 26.5 *The Bureaus.* (a) The bureau scheme of functional organization in the Navy Department can be considered as dating from an 1842 Act of Congress (5 Stat. 579; S USC 429) establishing the Bureau of Provisions and Clothing, the Bureau of Yards and Docks, the Bureau of Construction, Equipment and Repair, the Bureau of Ordnance and Hydrography, and the Bureau of Medicine and Surgery. Subsequent Acts of Congress have consolidated, abolished, created, renamed and redefined the functions of the Bureaus. The present Bureaus are as set forth in 5 U. S. C. 429, which reads as follows:

Except as otherwise provided in this chapter, the business of the Department of the Navy shall be distributed in such manner as the Secretary of the Navy shall judge to be expedient and proper among the following bureaus:

- First. A Bureau of Yards and Docks.
- Second. A Bureau of Naval Personnel.

- Third. A Bureau of Ordnance.
- Fourth. A Bureau of Supplies and Accounts.
- Fifth. A Bureau of Medicine and Surgery.
- Sixth. A Bureau of Aeronautics.
- Seventh. A Bureau of Ships.

(b) Collectively, the Chiefs of the Bureaus, together with the Judge Advocate General, the Commandant of the Marine Corps, and the Commandant of the Coast Guard (when assigned to the Navy) constitute the Secretary's *Naval Technical Assistants* whose functions are described in § 26.3(d).

(c) The organization and functions of the Bureaus of the Navy Department, the Marine Corps, and the Office of the Judge Advocate General are described in detail in succeeding paragraphs.

§ 26.6 *Bureau of Aeronautics.* (a) The duties of the Bureau of Aeronautics are performed under the authority of the Secretary of the Navy; and its orders are considered as emanating from him, and have full force and effect as such (5 Stat. 580; 5 U. S. C. 430). The Bureau is directed by the Chief of the Bureau of Aeronautics who is appointed by the President by and with the advice and consent of the Senate for a term of four years (12 Stat. 510; 5 U. S. C. 432). The Deputy and Assistant Chief performs the duties of the Chief in the latter's absence (42 Stat. 140; 5 U. S. C. 452).

(b) The Bureau performs the following functions:

(1) The Bureau of Aeronautics is charged with such matters pertaining to naval aeronautics as have been prescribed by the Secretary of the Navy.

(2) To facilitate the formulation of operating plans the Bureau of Aeronautics makes recommendations to the Chief of Naval Operations as to the technical characteristics and limitations, and the available manufacturing sources, of naval aircraft and naval aviation equipment.

(3) It conducts research, makes tests, and participates with other Government agencies and with industry in the design, development, and improvement of naval aircraft and aviation equipment.

(4) It contracts for naval aircraft and aviation equipment of a technical specialized nature.

(5) It provides for plant facilities as necessary to meet production programs.

(6) It schedules, in accordance with requirements, the production of naval aircraft and naval aviation equipment and assists manufacturers in the production thereof, to the end that the various items may be delivered in the quantities, of the qualities, and at the times required.

(7) It collaborates with the Bureau of Yards and Docks in the design, construction, and alteration of all aeronautic shore establishments.

(8) It initially outfits and thereafter replenishes with aeronautical equipment and material all bases afloat and ashore from which naval aircraft operate.

(9) It supervises the service, repair, overhaul and salvage of naval aircraft and aviation equipment.

(10) It redistributes Government-owned material and settles termination claims under its cognizance.

(c) To perform the functions for which the Chief of the Bureau is responsible, the Bureau is organized as follows:

Chief of the Bureau.

Deputy and Assistant Chief of the Bureau of Aeronautics.

Executive Office.

Military Requirements Division.

Plans Coordination Division.

Fiscal Division.

Personnel Division.

Administrative Services Division.

Assistant Chief for Research, Development and Engineering.

Design Elements Division.

Piloted Aircraft Division.

Pilotless Aircraft Division.

Power Plants Division.

Armament Division.

Electronics Division.

Airborne Equipment Division.

Ships Installations Division.

Technical Data Division.

Assistant Chief for Material and Services.

Procurement Division.

Shore Establishments Division.

Maintenance Division.

Inspection Division.

Supply Division.

Publications Division.

Each Division in the Bureau is headed by a director and is generally subdivided into Branches and Sections.

(d) In the field, the Bureau of Aeronautics has decentralized its functions by establishing three district field offices and representatives: the Bureau of Aeronautics General Representatives (BAGR's) for Eastern District, Central District, and Western District. These regional representatives have general cognizance in their respective districts of all matters pertaining to the production of aircraft (both heavier and lighter-than-air) and aircraft accessories, equipment, devices, material and all related operational equipment and other projects forming a part of the over-all Bureau of Aeronautics program.

In performing the Bureau's functions in the field the three General Representatives work through and supervise the activities of numerous local representatives, frequently located at the plants of major aviation contractors. These local representatives, called Bureau of Aeronautics Representatives (BAR's) and Bureau of Aeronautics Resident Representatives (BARR's), assist contractors under their jurisdiction for the purpose of expediting the various Bureau production programs and provide on-the-spot Bureau contacts to coordinate all contacts (correspondence, visits to contractors' plants, and other representations) required by the various Bureau divisions.

In addition to the Representative mentioned above, the Bureau has various technical field activities for conducting research, development and engineering programs (including modification and testing work) for administering the aeronautical supply program, and for the maintenance and servicing of aircraft.

§ 26.7 *Bureau of Medicine and Surgery.* (a) The duties of the Bureau of Medicine and Surgery are performed under the authority of the Secretary of the Navy and its orders are considered as emanating from him and have full force and effect as such; (5 Stat. 580;

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5 U. S. C. 430). The Bureau is directed by the Surgeon General (Chief of the Bureau) who is appointed by the President by and with the advice and consent of the Senate for a term of four years (12 Stat. 510; 5 U. S. C. 432). The Deputy and Assistant Chief performs the duties of the Chief in the latter's absence (12 Stat. 587; 5 U. S. C. 451).

(b) The Bureau performs the following functions:

(1) It is charged with and responsible for the maintenance of the health of naval personnel, for the care of the sick and injured, for the custody and preservation of the records, accounts, and properties under its cognizance and pertaining to its duties and for the professional and educational training of officers, nurses and enlisted personnel of the Medical Department.

(2) It is charged with the management and control of all Naval hospitals, medical supply depots, medical laboratories, the National Naval Medical Center, and of all technical schools established for the education or training of members of the Medical and Dental Corps, Nurse Corps and Hospital Corps and with their upkeep and operation.

(3) It provides for the inspection of the sanitary condition of the naval service and recommends with respect to all questions connected with hygiene and sanitation affecting the service; it advises with the other Bureaus regarding the sanitary features of ships under construction and in commission, regarding berthing, ventilation, and location of quarters for the care and treatment of the sick and injured; as to provisions for the care of wounded in battle; and in the case of shore stations with regard to health conditions depending on location, the hygienic construction and care of public buildings, especially of barracks and other habitations such as camps. It also advises concerning clothing and food, water supplies used for drinking, cooking and bathing purposes, and drainage and disposal of wastes so far as these affect the health of the naval personnel. It safeguards personnel by the employment of the best methods of hygiene and sanitation, both afloat and ashore with a view to maintaining the highest possible percentage of the personnel ready for service at all times, and adopts for use such devices or procedures developed in the sciences of medicine and surgery as will in any way increase military efficiency.

(4) It provides for the physical examination of officers, nurses and enlisted personnel with a view to the selection or retention of only those whose physical condition is such as to maintain or improve the military efficiency of the service if admitted or retained therein; it passes upon the competence as from a professional standpoint of all the personnel of the Hospital Corps and their enlistment, enrollment and promotion by means of examinations conducted under its supervision or by such forms as it may prescribe.

(5) It recommends to the Bureau of Naval Personnel the complement of Medical Department personnel for hospitals and hospital ships and also recommends and has information as to the assign-

ment and duties of the personnel of the Medical and Dental Hospital Corps. It is charged with the administration of the Nurse Corps and has power to appoint and remove all nurses subject to the approval of the Secretary of the Navy.

(6) It has control of the preparation, reception, storage, care, custody, transfer and issue of all supplies of every kind used in the Medical Department for its own purposes; and has charge of the civilian force employed at Naval hospitals, medical supply depots, medical laboratories, the National Naval Medical Center, and at all technical schools for the education and training of medical department personnel.

(7) It approves the design of hospitals and other shore establishments and of hospital ships in relation to their efficiency for the care of the sick and wounded and provides for the organization and administration of the Medical Department of shore establishments and vessels.

(8) It arranges for care, transportation and burial of the dead.

(c) To perform the functions for which the Chief of the Bureau is responsible, the Bureau is organized as follows:

Chief of the Bureau of Medicine and Surgery (the Surgeon General).

General Inspector of the Medical Department.

Research Division.

Deputy and Assistant Chief of the Bureau:

Administration Division.

Amphibious and Marine Field Medical Division.

Finance Division.

Medical Statistics Division.

Office of Information.

Submarine Medical Division.

Assistant Chief for Aviation Medicine and Medical Military Specialties.

Aviation Medicine Division.

Naval Medical Material Board.

Army-Navy Medical Procurement Agency.

Assistant Chief for Dentistry.

Dentistry Division.

Assistant Chief for Planning and Logistics.

Planning Division.

Matériel Division.

Assistant Chief for Professional and Personnel Operations.

Professional Division.

Physical Qualifications and Medical Records Division.

Personnel Division.

Preventive Medicine Division.

Publications Division.

§ 26.8 *Bureau of Ordnance.* (a) The duties of the Bureau of Ordnance are performed under the authority of the Secretary of the Navy, and its orders are considered as emanating from him, and have full force and effect as such (5 Stat. 580; 5 U. S. C. 430). The Bureau is directed by the Chief of the Bureau of Ordnance who is appointed by the President by and with the advice and consent of the Senate for a term of four years. The Deputy and Assistant Chief performs the duties of the Chief in the latter's absence (30 Stat. 373; 5 U. S. C. 447).

(b) The Bureau performs the following functions:

(1) The Bureau of Ordnance is charged with and responsible with respect to vessels and aircraft for the design, manufacture, procurement, maintenance, issue, and efficiency of all offensive and defensive arms and armament (including armor, torpedoes, mines, depth charges, pyrotechnics, bombs, ammunition, war explosives, war chemicals, defensive nets, booms and buoys, plus anchors, moorings, and appliances therefor except fixtures on shore used to secure the ends of nets and booms) and, except as specifically assigned to other cognizance, optical and other devices and material for the control of guns, torpedoes, and bombs.

(2) It is charged with the upkeep and operation of the following naval ordnance establishments and with their repairs within the capacity of the force employed:

Naval Gun Factories, Naval Ordnance Plants, Naval.

Torpedo Stations, Naval Proving Grounds, Naval.

Powder Factories, Naval Ammunition Depots, Naval.

Magazine On Shore, Naval Mine Depots, Naval Net.

Depots, Naval Ordnance Test Stations, Naval Mine.

Warfare Test Stations, Naval Ordnance Laboratories.

(c) To perform the functions for which the Chief of the Bureau is responsible, the Bureau is organized as follows:

Chief of the Bureau of Ordnance.

Deputy Assistant Chief of the Bureau of Ordnance.

Assistant Chief for Naval Ordnance Establishments.

Naval Ordnance Establishment Division.

Assistant Chief for Planning and Progress.

Planning and Progress Division.

Assistant Chief for Research.

Research and Development Division, Administrative Division,

Financial Division.

Fleet Maintenance Division.

Production Division.

Quality Control Division.

Inspector of Explosive Activities and General Inspector.

Special Board of Naval Ordnance.

(d) The Bureau of Ordnance maintains in the field Naval Inspectors of Ordnance who are administratively responsible to the Field Operation Branch, Material Division, Office of the Assistant Secretary, and are also responsible to the Chief of the Bureau of Ordnance with respect to technical matters under his cognizance. This force is maintained for the inspection of arms and armament and of the materials entering into and the methods and procedures employed in their manufacture. It interprets and enforces strict compliance with the specifications and other contractual obligations for the manufacture, production, assembly and testing of ordnance and ordnance equipment.

§ 26.9 *Bureau of Naval Personnel.* (a) The duties of the Bureau of Naval Per-

sonnel are performed under the authority of the Secretary of the Navy, and its orders are considered as emanating from him, and have full force and effect as such (5 Stat. 580; 5 U. S. C. 430).

The Bureau is directed by the Chief of Naval Personnel who is appointed by the President by and with the advice and consent of the Senate for a term of four years (12 Stat. 510; 5 U. S. C. 432). The Deputy and Assistant Chief performs the duties of the Chief in the latter's absence (56 Stat. 276; 5 U. S. C. 446).

(b) The Bureau performs the following functions:

(1) The Bureau of Naval Personnel is charged with, and responsible for, the procurement, education, training, discipline, promotion, welfare and morale, and distribution of officers and enlisted personnel of the Navy, including the Naval Reserve and the Reserve Officers' Training Corps, except the professional education of officers, nurses, and enlisted men of the Medical Department.

(2) It is responsible for libraries on ships and in shore stations throughout the Naval Establishment.

(3) It is charged with the upkeep and operation of the following, and with their repair:

Naval Academy.
Postgraduate School.
Naval War College.
Schools for the training of naval personnel.

Training stations.

Naval Home.

Naval Reserve Shore Activities
and with the direction of receiving ships and stations.

(4) It issues, records, and enforces the orders of the Secretary of the Navy to the individual officers of the Navy and of the Naval Reserve.

(5) It has under its direction recruiting stations, and supervises the enlistment and discharge of all enlisted persons.

(6) It is charged with the operation of the Navy Demobilization Program.

(7) It has under its direction the responsibility for the development and coordination of the plans for the naval reserve programs and for the coordination of the implementation and operation thereof, embracing the organized reserve and volunteer reserve (except training of aviation component) and the Merchant Marine Reserve.

(8) It has cognizance of transportation for all naval personnel except the Marine Corps.

(9) It establishes the complements and allowances of ships and shore activities.

(10) It keeps the records of service of all officers and enlisted personnel, prepares an annual Navy Register and a Naval Reserve Register at intervals as directed by the Chief of Naval Personnel.

(11) It is charged with all matters pertaining to application for appointments and promotions in the Navy and with the preparation of such appointments and promotions for signature.

(12) It is charged with the preparation, revision, and enforcement of all

regulations governing uniforms, and with the distribution of general orders and regulations.

(13) Questions of naval discipline, rewards, and punishments are submitted by this Bureau for action of the Secretary of the Navy. The records of all general courts martial and courts of inquiry involving the personnel of the Navy are, before final action, referred to this Bureau for comment and recommendation as to disciplinary features.

(14) It receives all reports of services performed by individual officers or enlisted personnel.

(15) It is charged with the enforcement of regulations and instructions regarding naval ceremonies and naval etiquette.

(16) It is charged with the supervision of the welfare and recreational activities of the Navy.

(17) It is charged with the administration of the Servicemen's Dependents Allowance Act of 1942 (56 Stat. 381, as amended by 57 Stat. 577; 37 U. S. C. 201), the Missing Persons Act (56 Stat. 145; 50 U. S. C. 100), the Mustering Out Payment Act of 1944 (58 Stat. 8; 38 U. S. C. 691-691g) and makes certain determinations under the Pay Readjustment Act of 1942, (56 Stat. 359, 1037; 57 Stat. 13, 219, 571; 58 Stat. 682; 37 U. S. C. 101-120), and the Act of June 4, 1920, as amended (41 Stat. 812, 824; 34 U. S. C. 943), providing for payment of the Six Months' Death Gratuity.

(18) It is charged with the responsibility for the maintenance of all records concerning medals and awards; also the transmission of all decorations, citations, and commendatory letters issued by the Secretary of the Navy or delegated authority; the procurement of medals and appurtenances thereto; the preparation and promulgation of all data relative to eligibility of personnel for campaign and service medals and engagement stars.

(19) It is charged with the supervision and control of naval prisons and prisoners, including prisoners of war, and with the cognizance and responsibility for the preparation of the estimates, the justifications, and the administration of that part of the appropriation "Miscellaneous Expenses, Subhead", relating thereto.

(20) It is charged with the administration of the Navy's Government Insurance program, and liaison with the Red Cross and civilian welfare agencies.

(21) It is charged with the cognizance and the responsibility for the preparation of the estimates, justification, and the administration of that part of the appropriation "Pay, Subsistence and Transportation of Naval Personnel" relating to pay and transportation of naval personnel.

(22) It shall be charged with the regulation of officers' messes, aviation cadet messes, chief petty-officers' messes, and officers' and enlisted men's clubs, on shore, except those under the cognizance of the Marine Corps.

(23) It shall be charged with the supervision of the welfare and recreational activities of the naval service ex-

cept those under the cognizance of the Marine Corps, and with the supervision of libraries for the naval service and Marine Corps.

(c) To perform the functions for which the Chief of the Bureau is responsible, the Bureau is organized as follows:

Chief of Naval Personnel.

Deputy and Assistant Chief of Naval Personnel.

Management Adviser.

General Inspector.

Director of Research.

Director of Women's Reserve.

Director of Public Information.

Director of Congressional Liaison.

Chief of Chaplains and Director of Chaplain Activities.

Assistant Chief of Naval Personnel (Plans).

Planning and Control Activity.

Finance and Material Division.

Plans and Operations Division.

Records Activity.

Tabulated Records Division.

Officer Records Division.

Enlisted Records Division.

Miscellaneous Records Division.

Assistant Chief of Naval Personnel (Operations).

Demobilization Activity.

Central Control Division.

Civil Readjustment Division.

Field Service Division.

Information Division.

Planning Division.

Office Personnel Activity.

Officer Distribution Division.

Officer Performance Division.

Officer Procurement Division.

Enlisted Personnel Activity.

Recruiting and Induction Division.

Enlisted Distribution Division.

Enlisted Performance Division.

Medals and Award Activities.

Officers Processing and Transmittal Division.

Enlisted Processing and Transmittal Division.

Transportation Activity.

Services Division.

Claims Division.

Assistant Chief of Naval Personnel (Training and Welfare).

Training Activity.

Field Administration Division.

Standards and Curriculum Division.

Training Aids Division.

Welfare Activity.

Corrective Services Division.

Special Services Division.

Informational Services Division.

Dependents Welfare Division.

Assistant Chief of Naval Personnel (Reserves).

Each activity and each division in the Bureau is headed by a director and each division is further subdivided into sections and units of the sections. In addition to the foregoing, the Bureau of Naval Personnel is represented in the field by certain individuals and activities generally constituting a part of the Shore Establishment. (See § 26.15.)

(d) In each of the Naval Districts, on the staff of the Commandant is an As-

sistant Chief of Staff (Personnel) who represents the Chief of the Bureau in the field and advises the Commandant on matters pertaining to functions within the cognizance of the Bureau. The Assistant Chief of Staff (Personnel) is in turn assisted by the following officers: (1) Director of Distribution, (2) Director of Training, (3) Director of Naval Reserve, (4) Director of Welfare, and (5) Director of Chaplains, who act as liaison officers between the Bureau in Washington and the activities in the Naval Districts.

(e) Offices of the Naval Officer Procurement, located throughout the country receive and process applications for enrollment from civil life of candidates for the Naval Aviation College Program, and Naval Reserve Officers Training Corps and for enlistment and appointment in the Waves and do the preliminary processing of applications for commissions in the Naval Service. These offices also receive applications for enrollment as midshipmen of the Naval Reserve of enrollees and accepted candidates in Maritime training schools.

(f) Recruiting and Receiving Stations, located throughout the country, are also under the management and technical control of the Chief of Naval Personnel and constitute a part of the field organization of the Bureau. In addition the Bureau operates and maintains, in various centers in the United States, Navy and Fleet motion picture exchanges. The Bureau also has management and technical control of two disciplinary barracks and two retraining commands.

§ 26.10 *Bureau of Ships.* (a) The duties of the Bureau of Ships are performed under the authority of the Secretary of the Navy, and its orders are considered as emanating from him, and have full force and effect as such (5 Stat. 580; 5 U. S. C. 430). The Bureau is directed by the Chief of the Bureau of Ships who is appointed by the President by and with the advice and consent of the Senate for a term of four years (12 Stat. 510; 5 U. S. C. 432). The Deputy and Assistant Chief performs the duties of the Chief in the latter's absence (54 Stat. 493; 5 U. S. C. 448).

(b) The Bureau performs the following functions:

(1) The Bureau of Ships is charged with and responsible for the general design, structural strength, stability, and seaworthiness of all ships and floating craft of the Navy, except those assigned to Bureau of Yards and Docks and aircraft.

(2) It is responsible for the preparation of preliminary plans, approximate data, or both, showing the designs of new ships in accordance with the military characteristics recommended by the General Board and approved by the Secretary of the Navy, and for the preparation of final designs of new vessels in consultation with other bureaus.

(3) It is charged with and responsible for all that relates to details of designing, building, fitting-out, repairing, and altering of hulls, permanent fittings, and main machinery, including its related equipment used for propulsion of naval vessels, district craft (except those of the

Bureau of Yards and Docks), and small boats.

(4) It has similar responsibility in connection with auxiliary machinery not associated with propulsion equipment, including all pumps, distilling apparatus, refrigerating apparatus, air-conditioning apparatus, steering gear, anchor windlass, deck machinery, air compressors, heating systems, and piping systems.

(5) It has cognizance of all that relates to electric generating sets and storage batteries; the generation and distribution of electric power on board ships for all purposes; all means of interior communication; all electrical methods of signaling, internal and external; all other electrical apparatus on board ship, except fire-control instruments and motors and control appliances used to operate machinery under the specific cognizance of other bureaus; and all appliances and articles of equipment and supplies on its approved allowance list.

(6) It is charged with the design of all radio, radar, and sonar equipment, including ordnance and air-borne applications, and special devices used by the naval communications service together with research and development thereof, except that fire control radar is a matter of joint responsibility with the Bureau of Ordnance. It is responsible for installation and maintenance of radio, radar, and sonar apparatus ashore and afloat, except the installation of such equipment in aircraft which is under the cognizance of the Bureau of Aeronautics.

(7) The Bureau is responsible for the provision of facilities and arrangements for salvaging vessels.

(8) It has administrative supervision of the dry-docking of all vessels and district craft and of the operating and cleaning of drydocks and marine railways.

(9) It is charged with the design, development, and procurement planning for materials and appliances for defense against gas attacks, except as specifically assigned to other cognizance; for diving gear and experimental diving units, respiratory protective devices, paravanes and mine-sweeping gear, office labor saving devices for ships and certain shore activities, mess and galley equipment, ground tackle and towing gear, life-saving equipment and navigational equipment.

(10) It is responsible for the quality control of all petroleum products for the fleet. It prepares specifications and recommendations for the purchase on annual contracts of consumable engineering supplies and conducts tests for determining the quality which these supplies must meet. It prepares the specifications for lubricating oil purchased by the Navy.

(11) It prepares specifications and prescribes tests for material, equipment, and machinery under its cognizance. It is represented on many of the national standardization and engineering bodies, and on the various Federal specifications committees.

(12) The Bureau is charged with the upkeep, operation, and repair (within the capacity of station force) of the

David W. Taylor Model Basin, Carderock, Md.; the Naval Engineering Experiment Station, Annapolis, Md.; the Navy Electronics Laboratory, San Diego, Calif.; the Navy Electronics Laboratory, New London, Conn.; the Navy Code and Signal Laboratory, Washington, D. C.; the Naval Boiler and Turbine Laboratory, Naval Shipyard, Philadelphia, Pa.; the Material Laboratory, Naval Shipyard, New York, N. Y.; the Industrial Test Laboratory, Naval Shipyard, Philadelphia, Pa.; the Navy Mine Countermeasures Station, Panama City, Fla.; the Naval Landing Force Equipment Depots at Little Creek, Va., and San Diego, Calif.; the Industrial Command, U. S. Naval Repair Base, San Diego, Calif.; the Experimental Diving Unit, Naval Gun Factory, Washington, D. C.; the Office of the Supervisor of Salvage, New York, N. Y. These activities are employed for conducting necessary research, tests, investigations, and developments to obtain suitable apparatus and material for naval purposes.

(13) The Bureau participates in the operation of the Army-Navy Electronic and Electrical Standards Agency, Fort Monmouth, N. J., and maintains a liaison office with the Army laboratories at Fort Monmouth and the Army Electronics Standards Agency at Red Bank, N. J. It administers the Electronics Field Services Group at the Naval Research Laboratory, Anacostia, D. C., and directs the Air Navigation and Electronics Project at the Naval Air Facility, Charlestown, R. I.

(14) It is charged with management control of all United States naval shipyards.

(15) It nominates to the Bureau of Naval Personnel specially qualified officers for engineering duty at sea and on shore, including naval shipyards and those for duty as supervisors of shipbuilding and inspectors of machinery.

(16) It compiles and issues instructions for the care, operation, and maintenance of material, equipment, and machinery under its cognizance and prepares and issues bulletins of official information on these subjects.

(c) To perform the functions for which the Chief of the Bureau is responsible, the Bureau is organized as follows:

Chief of the Bureau.
Deputy and Assistant Chief of the Bureau.
Administrative Division.
Contract Division.
Finance Division.
Assistant Chief for Electronics.
Electronics Division.
Assistant Chief for Naval Shipyards.
Naval Shipyards Division.
Assistant Chief for Ship Design and Ship Building.
Ship Design and Shipbuilding Division.
Assistant Chief for Ship Maintenance.
Ship Maintenance Division.

(d) The Bureau of Ships maintains in the field Supervisors of Shipbuilding, Industrial Managers and Assistant Industrial Managers and Inspectors of Machinery. In the Offices of Supervisors of Shipbuilding and Inspectors of Machinery, a force of trained Naval and civilian

experts is maintained for the inspection of machinery and materials generally entering into the construction of new vessels; this force interprets and enforces strict compliance with the specifications and other contractual obligations for the construction of vessels as regard characteristics of materials used and the methods of installation of the completed parts.

§ 26.11 *Bureau of Supplies and Accounts.* (a) The duties of the Bureau of Supplies and Accounts are performed under the authority of the Secretary of the Navy, and its orders are considered as emanating from him, and have full force and effect as such. The Bureau is directed by a Chief who has the additional title of Paymaster General and who is appointed by the President by and with the advice and consent of the Senate for a term of four years. The Assistant Chief of the Bureau performs the duties of the Chief in the latter's absence.

The Bureau develops plans, formulates policies, and specifies procedures to be followed in the performance of supply, disbursing, and accounting activities afloat and ashore.

(b) The Bureau's detailed functions are as follows:

(1) Supervision over the operation of supply, disbursing, and accounting activities. This includes naval supply centers, supply depots, storehouses, clothing factory, coffee-roasting plants, fuel plants, supply piers, market offices, commissary and ship's store activities, purchasing offices, cost inspection offices, property transportation offices, supply corps schools, material redistribution and disposal activities, logistics support companies and supply activities.

(2) Furnishing to naval activities under cognizance of the Bureau of Supplies and Accounts, and as may be required by the other bureaus, technical direction on matters concerning materials handling, warehousing, carloading, and stevedoring to the end that naval materials may be expeditiously handled into and through naval activities at a minimum cost and with the least expenditure of manpower, storage and shipping space.

(3) Recommendations to the Bureau of Yards and Docks relative to the location, design, construction, and equipment of storehouses and other facilities ashore.

(4) Recommendations to the Bureau of Ships for space and equipment requirements of supply activities afloat.

(5) Coordinating the assembly of the supplies and materials required for the initial establishment of advance bases, and determining storage and space requirements in connection with the movement of such bases.

(6) Coordinating the compilation and arranging for the printing of Navy Department specifications, and supervising the upkeep of stocks of these specifications, and of the Navy stock of Federal specifications.

(7) Preparing budget estimates and controlling the expenditure of sums required for freight, fuel, clothing, subsistence of naval personnel, and for the

maintenance of supply, disbursing, and accounting activities ashore.

(8) Controlling the Naval Stock Fund, Naval Working Fund, Clothing and Small Stores Fund, and Naval Procurement Fund; and the stocks of supplies and materials procured with these funds.

(9) Developing fiscal and accounting policies and procedures relative to the possession and operating of private plants by the Navy, and their return to private ownership.

(10) Recommendations to the Bureau of Naval Personnel for the education and training of officers of the Supply Corps and their assignment to duty.

(11) Supervision of the reporting of the inventories, the usage, and the requirements of critical and strategic materials needed by the Navy, except for technical items which are procured directly by the bureau concerned.

(12) Supervision of the receipt, custody, warehousing, and issuance of navy supplies and materials, exclusive of medical items, and of ammunition, projectiles, mines and explosives.

(13) Administration of a centralized storage program for the navy within the continental United States, involving the monthly reporting of all storage space in use by all naval activities, the allocation of storage space in naval supply depots, and the recommendation for the increase, decrease, and transfer of storage facilities to meet over-all naval requirements. Directing the collection, classification, and re-use or ultimate disposal by sale or transfer of all Navy and Marine Corps scrap, salvage, and surplus materials. This includes condemned vessels, materials in offshore naval activities and combat areas, scrap and salvage materials in private plants engaged in work for the Navy, and residual materials created by contract modifications or terminations.

(14) Developing new containers and packaging methods for the Navy and Marine Corps.

(15) Authorizing and supervising the transportation of Navy property, civilian personnel, and the household effects of naval personnel, both military and civilian; the procurement of cargoes, the loading and discharging of supply ships and tankers, and the charter of merchant vessels for the transportation of supplies.

(16) Determining allowable costs under all types of Navy contracts wherein cost is the basis for compensation.

(17) Payment for all articles and services procured for the Navy; payment of payrolls, military and civilian; payment of family allowances to the dependents of naval personnel and of other allotments; and arranging for funds required by Navy disbursing officers.

(18) Supervising the issuance of U. S. Savings Bonds purchased by naval personnel, both military and civilian.

(19) Keeping and auditing the property and money accounts of the Naval Establishment, including accounts of all manufacturing and operating expenses at yards and stations; inventory records relating to the plant properties, facilities, and capital equipment owned in whole or in part by the Navy and

Marine Corps; the direction of naval cost accounting; and the rendering of periodic and special reports involved.

(c) To perform the functions for which the Chief of the Bureau is responsible, the Bureau is organized as follows:

Chief of the Bureau.

Assistant Chief of the Bureau.

Administrative Groups and Divisions.

Director of Supply and Staff.

Requirements Group.

Supply Services Group.

Fiscal Director and Staff.

Accounting Group.

Finance Group.

(d) The Bureau maintains three field offices: (1) the Catalog Office, New York, which compiles information for the General Stores Section of the Catalog of Navy Matériel, (2) the Ship's Store Office, New York, which administers Navy ship's store, commissary store, and ship service activities, and (3) the Field Branch, Cleveland, which is primarily concerned with disbursing and payments under the Servicemen's Dependents Allowance Act of 1942, the Missing Persons Act, the Mustering Out Payment Act and the six months death gratuity law.

(e) The Bureau is also primarily responsible for Supply Activities Ashore and Afloat.

(1) Supply Activities Ashore under the direction of the Secretary of the Navy and with the cooperation of the other bureaus has established stocks of matériel at various locations on the continent and in extra-continental bases. Approximately 580 major and minor supply activities, each in charge of a Supply Corps officer, carry out the assigned mission. Major supply activities replenish their stock through the Bureau of Supplies and Accounts, while minor activities replenish from major ones. Matériel from other bureaus is channeled through these supply outlets, the control being exercised by the Bureau concerned. The Bureau of Supplies and Accounts has complete responsibility for the procurement, storage, and distribution of general naval stores, provisions, ship's store items, clothing (except aeronautics), and to a certain extent, petroleum products. Responsibility is at times dual, as in the case of the large portion of aeronautical supplies under the joint control of the Bureau of Aeronautics and the Bureau of Supplies and Accounts in the office of the Aviation Supply Officer, Philadelphia, Pa., as well as in the case of technical ordnance supplies where joint control is exercised by the Bureau of Ordnance and the Bureau of Supplies and Accounts in the Ordnance Stock Office, Naval Gun Factory, Washington, D. C.

(2) The field of logistics and the supply of the fleet at the operating level (Supply Activities Afloat) are by and large the province of the Supply Corps. The hundreds of supply depots throughout the world are primarily concerned with supporting the striking force of the Navy, the Fleet. In fulfilling this role the activities of the Supply Corps are closely allied with logistics type commands established to implement the de-

livery of goods and services to the fighting forces.

§ 26.12 *Bureau of Yards and Docks.*

(a) The duties of the Bureau of Yards and Docks are performed under the authority of the Secretary of the Navy, and its orders are considered as emanating from him, and have full force and effect as such (5 Stat. 580; 5 USC 430).— The Bureau is directed by the Chief of the Bureau of Yards and Docks who is appointed by the President by and with the advice and consent of the Senate for a term of four years (12 Stat. 510; 5 USC 432). The Deputy and Assistant to the Chief perform the duties of the Chief in the latter's absence (39 Stat. 558; 5 USC 445).

(b) The Bureau performs the following functions:

(1) The duties of this Bureau comprise all that relates to the design and construction of public works and public utilities of the Naval Shore Establishment, and during the war period it supervises the construction of private plant facilities and extensions financed with naval funds. The scope of its functions includes structures and improvements located within the United States, in Alaska, various island possessions, in Panama, British Islands in the Atlantic, and temporary advance bases throughout the world.

(2) Its work embraces such major engineering categories as drydocks, both graving and floating, marine railways, shipbuilding ways, harbor works, quay walls, piers, wharves, landings, dredging operations, floating and stationary cranes, power plants, fuel plants, fleet facilities, shops and industrial buildings, turret and erection shops, machine and electric shops, foundries, structural shops, assembly and repair shops for aircraft, etc., Naval supply depots, administration buildings, barracks and quarters, Naval hospitals and dispensaries, refrigerating plants, ammunition storage plants, torpedo plants, Marine Barracks, fuel storage plants and distribution, Naval powder factories, heavier and lighter-than-air facilities for aviation, aircraft overhaul and assembly plants, landing fields, radio stations, sewage disposal plants and distribution systems for heating, lighting, power, telephone, water, sewer and railroads, roads, water supply and sanitation, etc.

(3) It is charged with the maintenance and upkeep of the Naval Shore Establishment where such responsibility is not assigned by law to some other Bureau. It is responsible for annual inspections and all major repairs of public works and public utilities; it designs and constructs all Naval public works and public utilities after consulting as to their operating features with the Bureau or office concerned.

(4) Its responsibilities include technical assistance and advice to the Bureau of Naval Personnel in connection with the training of Construction Battalions, personnel known as "Seabees", and technical assistance and advice to the Chief of Naval Operations relative to the assignment and work of the "Seabees." It is responsible for the design and assembly at ports of embarkation

and debarkation of all equipment and materials necessary for the operation of naval construction battalions at advance bases, and collaborates with the Bureau of Supplies & Accounts in the procurement of this equipment and materials.

(5) It has charge of the upkeep and operation of power plants, transportation facilities, weight-handling equipment, conductors for air, heat, light, power and steam at shipyards and at naval activities under its maintenance cognizance. It maintains such records of power plant installations and performance at all other naval activities as will enable it to act in an advisory capacity to the bureau or office concerned. It acquires real estate for the Navy by purchase or lease for Naval purposes, and has custody of real estate not in active use.

(c) To perform the functions for which the Chief of the Bureau is responsible, the Bureau is organized as follows:

Chief of the Bureau.

Assistant Chief of the Bureau.

Chief Planning Officer.

Chief Inspector.

Administrative and Personnel Department.

Construction Department.

Aviation Facilities Division.

Fleet and Industrial Facilities Division.

Hospital and Personnel Structures Division.

Ordnance Division.

Over-seas Bases Division.

Power and Utility Division.

Radio and Marine Corps.

Finance and Operating Department.

Planning and Design Department.

Progress, Control and Statistical Department.

(d) The functions of the Bureau of Yards and Docks in the field are performed under the supervision of (1) Directors of Geographic Divisions (Atlantic, Pacific and Alaskan) responsible to the Chief of the Bureau of Yards and Docks for management and technical control and to the Area Commander, Commander-in-Chief or Naval Commander for military and coordination control of Bureau activities; (2) Superintending Civil Engineers, who are the direct representatives of the Chief of the Bureau of Yards and Docks, the United States for this purpose having been divided into seven Areas; (3) Public Works Officers within the Naval Districts, or within specific established naval activities who, under the Commandant of the District or Commanding Officer of the activity, have cognizance over the design, construction, maintenance and repair of public works and public utilities in the several Naval Districts and Naval Stations; (4) Officers-in-Charge of Construction designated by the Bureau of Yards and Docks in connection with specific contracts under the cognizance of the Bureau of Yards and Docks, who, under the direction of the Chief of the Bureau as Contracting Officer, have complete charge of the work and exercise full supervision thereover and in addition supervise the con-

struction of civil works for the other Bureaus of the Navy Department; and (5) Civil Works Engineers who make inspections and prepare reports of maintenance, demolition, restoration and disposition of civil works and who, when ordered, perform the functions of Officers-in-Charge of Construction in those cases where the work under the cognizance of the Bureau of Yards and Docks is being performed at a privately operated establishment rather than at a shore establishment of the Navy.

§ 26.12 *United States Marine Corps.*

(a) While the Marine Corps operates as an integral part of the Naval Establishment, the Headquarters organization is a very complete operating organization in itself, and is more self-contained than are the Navy bureaus. By law the Marine Corps or component parts thereof may be detached from duty under the Navy by Executive Order and assigned duty elsewhere and must be self-sufficient to fulfill its traditional status of readiness.

The Continental Marines, forerunner of the present Corps, was organized by resolution of the Continental Congress November 10, 1775. The present United States Marine Corps was established by Act of Congress July 11, 1798. (1 Stat. 594, 34 USC 621).

(b) The Commandant of the Marine Corps, who is appointed by the President by and with the advice and consent of the Senate for a term of four years, is charged with and responsible for the procurement, discharge, education, training, discipline, and distribution of officers and enlisted personnel of the Marine Corps, including the Marine Corps Reserve, and its equipment, supply, administration and general efficiency.

(c) The Assistant to the Commandant is the Commandant's principal advisor and performs the duties of Chief of Staff. He also assists in coordinating the work of the separate divisions and staff departments and performs the duties of the Commandant in the latter's absence.

(d) Headquarters Marine Corps, under the direction of the Commandant, is composed of the following agencies:

Offices of the Commandant.

Administrative Division.

Division of Plans and Policies.

Division of Public Information.

Division of Aviation.

Division of Reserve.

Division of Recruiting.

Inspection Division.

Personnel Department.

Supply Department.

These agencies, under the direction of the below designated officer-heads, perform the functions as indicated.

(e) The Administrative Officer is responsible for administration of civilian personnel and placement of enlisted personnel at Headquarters, operation of services affecting Headquarters as a whole, and operation of Headquarters communications office.

(f) The Director of Plans and Policies, under the direction of the Commandant, formulates Marine Corps policy and develops plans for personnel, intelligence, operations, supply, equipment and train-

ing, maintains liaison regarding these matters with other agencies, and is responsible for the organization and training of all Marine Corps elements other than Marine Corps aviation.

(g) The Director of Public Information is responsible for informing the public of activities of the Marine Corps.

(h) The Director of Aviation is the senior naval aviator detailed to duty in the Division of Aviation. He is the Assistant Commandant for Air, and is advisor to the Commandant on all matters of policy pertaining to Marine Corps aviation. Under the direction of the Commandant, he is responsible for the administration, organization, training and other activities of Marine Corps aviation. Through the Deputy Chief of Naval Operations (Air) he maintains liaison between the Chief of Naval Operations and the Commandant of the Marine Corps on all matters pertaining to Marine Corps Aviation; he also maintains liaison between the Commandant and the Chief of the Bureau of Aeronautics.

(i) The Director of Reserve has supervision over matters relating to ground units of the Organized Marine Corps Reserve and all classes of the Volunteer Marine Corps Reserve.

(j) The Director of Recruiting carries out the policies of the Commandant respecting entry into the service and administers the various recruiting activities of the Marine Corps.

(k) The Inspector General makes periodic inspections and special investigations when ordered by the Commandant, making written reports containing findings of fact and recommendations concerning irregularities or for the improvement of the efficiency of the activity inspected.

(l) The Director of Personnel, Marine Corps carries out those policies of the Commandant which pertain to military personnel. He is especially concerned with promotion, discipline, decorations, retirement, discharge, dependency allowance, morale, post exchange, target practice records and statistics, casualties, classifications, detachment, and transfer. He is responsible for the maintenance of personnel records, statistics, and general files, and for the issuance of Savings Bonds.

(m) The Quartermaster General of the Marine Corps is the head of the former Quartermaster's Department and Paymaster's Department which have recently been consolidated into a single department.

(1) The Supply Department has the responsibility of procuring, storing and distributing all supplies for the Marine Corps. In addition to combat material, it provides for subsistence, construction material and labor; has jurisdiction over quarters, barracks, and other public buildings provided for officers and enlisted personnel, and repairs, alterations and improvements thereto; vehicles for the transportation of troops and supplies; furnishes means of transportation for movement of troops; and prints and issues blank forms for the Marine Corps.

(2) Likewise, this department has cognizance over all matters relating to the payment of pay and allowances of Marine Corps and attached Navy personnel

and to the administrative audit and analyses of accounts and returns of Disbursing Officers. This Department also has the responsibility for the disbursement of all monies necessary for the payment for all equipment, supplies, maintenance and services from funds appropriated by the Congress for the Marine Corps.

§ 26.13 *The Office of the Judge Advocate General* (a) The Office of the Judge Advocate General was authorized by the Act of June 8, 1880, as amended (21 Stat. 164; 5 USC 428).

In substance, this organization consists of a Judge Advocate General (Act of June 8, 1880, as amended, supra), an Assistant Judge Advocate General, who performs the duties of the Judge Advocate General, in the absence of the Judge Advocate General (5 U. S. C. 428), special staff consultants and assistants, legislative counsel, research and publications unit, aides and three principal divisions designated as the Military Law, Administrative Law and General Law Divisions, respectively.

(b) The general functions of the three divisions of the Judge Advocate General's office may be summarized as follows:

(1) *Military Law Division* (I)—(i) *Courts martial*. Reviews for legal sufficiency the records of proceedings of all general and summary courts martial, and deck courts. Prepares precepts convening general courts martial and changes in membership thereof. Prepares charges and specifications for general courts martial convened by the Secretary of the Navy after determining the legal sufficiency of the recommendations for trial. Prepares opinions on the legality of courtmartial trials, initiates action to correct legal and procedural errors in the administration on naval justice.

(ii) *Naval Boards*. Reviews for legal sufficiency the records of proceedings of investigation; boards of investigation; courts of inquiry; examining, promotion, retiring and selection boards; and boards of medical examiners. Prepares precepts for fact-finding bodies convened by the Secretary of the Navy, and changes in membership thereon. Prepares opinions on the legality of fact-finding bodies, and initiates action to correct legal and procedural errors in investigative matters.

(iii) *Other matters*. Reviews, for the Secretary of the Navy, cases acted upon by Boards of Review established under section 302 of the Servicemen's Readjustment Act of 1944 (58 Stat. 284, 286; 38 U. S. C. 693, 693h), relating to the review of retirement or release to inactive service of officers due to physical disabilities.

The basis instructions under which the above proceedings are conducted are contained in Naval Courts and Boards. Copies of this Manual may be purchased from the Government Printing Office, Washington 25, D. C., at \$1.50 per copy.

(iv) *Public information*. The public may secure information or make submittals or requests concerning military law matters by personal call or by mail to the Judge Advocate General, Navy Department, Washington 25, D. C. Letters

containing appeals directed to the severity of punishment, such as requests for clemency, should be forwarded to the Navy Department, Bureau of Naval Personnel or to Marine Corps Headquarters, Washington 25, D. C., as the case may be.

(2) *Administrative Law Division* (II)—(i) *Administration of Naval Affairs*. Advises and prepares opinions on administrative law questions including the status, enlistment, appointment, promotion, retirement and discharge of personnel of the naval service (including Marine Corps) and civilian personnel; prepares departmental actions in regard to Presidential pardons for desertion in time of war; prepares determinations as to whether death or injury in cases of naval personnel was due to misconduct; (Court-Martial Orders 2-1944, page 301); deals with civil authorities on surrender, delivery and extradition of naval personnel, or their appearance as witnesses, and the delivery of official records pursuant to court order. Prepares opinions and correspondence on miscellaneous matters not handled elsewhere, including review of telephone contracts and handling of requests for sale of naval vessels.

(ii) *Pay and allowances*. Advises and prepares opinions on pay and allowances for naval personnel, including travel, dependency benefits quarters; liaison with General Accounting Office and Veterans' Administration.

(iii) *Public information*. The public may secure information or make submittals or requests by personal call or by correspondence addressed to the Judge Advocate General, Navy Department, Washington 25, D. C.

(3) *General Law Division* (III)—(i) *Admiralty*. Negotiates the settlement of claims for damages caused by naval vessels; prepares defense in litigated cases; liaison with Department of Justice, War Shipping Administration and Maritime Commission.

(ii) *Delegation of final authority*. (a) Final authority is vested in the Secretary of the Navy under certain circumstances to settle claims not exceeding payment of one million dollars resulting from damages caused by naval vessels or for towage or salvage service to such vessels (58 Stat. 726; 46 U. S. C. 797).

(b) Final authority is vested in the Secretary of the Navy under certain circumstances to settle claims not exceeding payment of one million dollars for damage caused by a vessel or floating object to property of the United States under the jurisdiction of the Navy Department.

(c) The Secretary of the Navy is authorized to delegate final authority to such persons as he may designate to settle claims not exceeding payment of one thousand dollars under the aforesaid statutes. (Public Laws 595 and 598 respectively, 79th Congress.)

(d) The final authority to settle said claims not exceeding payment of one thousand dollars has been vested by the Secretary of the Navy in the Judge Advocate General, Assistant Judge Advocate General, Chief of the General Law Division, and the Chief Admiralty Officer.

(iii) *Public information*. Information as to the status of admiralty claims may be obtained upon application to the Chief

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Admiralty Officer, Office of the Judge Advocate General, Navy Department, Washington 25, D. C., or upon application to the Admiralty Officer or Legal Officer in the naval district where the matter may have arisen.

(iv) *Claims.* Determines validity of and settles or prepares for litigation, claims against the Navy on behalf of or in accordance with various claim statutes, except claims involving Admiralty or International Law, and except claims connected with or arising out of contracts, express or implied, which are under the cognizance of the Office of General Counsel.

(v) *International Law.* Advises and maintains liaison with offices of Navy Department affected by international law problems; advises on legal questions incident to operations of Foreign Claims Commission, leased base agreements, military government of occupied areas; prisoners of war and jurisdiction of foreign civil authorities over naval personnel; maintains liaison with State and War Departments. Foreign, non-combat claims may be allowed by a commission appointed by the Commanding Officer of the area of not more than one member when the amount is not greater than \$500.00, and three members when the amount is between \$500.00 and \$2,500.00. Such commissions have final authority (not subject to review) to approve payments up to \$2,500.00 in settlement of claims. Claims between \$2,500.00 and \$5,000.00 may be paid when the Commanding Officer has approved the award. Awards in excess of \$5,000.00 are reviewed by the Judge Advocate General and after appropriate administrative action are reported to the Congress for consideration. Information relative to claims may be procured by communicating with the Judge Advocate General, Navy Department, Washington 25, D. C.

(vi) *Legal Assistance.* Supervises and coordinates legal assistance for naval personnel and dependents throughout the Naval Service, in collaboration with national, state and local bar associations and legal aid organizations; provides legal assistance in Washington area.

(vii) *Taxes.* Prepares and proposes action to adjust and settle tax problems arising from liabilities asserted by federal, state and local tax authorities.

§ 26.14 *Staff of the Chief of Naval Operations.* (a) The functions of the Chief of Naval Operations, the principal naval adviser to the President and the Secretary's *Naval Command Assistant*, have been described in § 26.3 (b). Under authority of Executive Order 9635, dated September 29, 1945 (10 F. R. 12419), there is established the Staff of the Chief of Naval Operations which is composed of such numbers of Vice Chiefs of Naval Operations, Deputy Chiefs of Naval Operations, Assistant Chiefs of Naval Operations, the Naval Inspector General and of such other officers as may be considered by the Secretary of the Navy to be appropriate and necessary for the performance of duties assigned to the Chief of Naval Operations.

(b) The present staff of the Chief of Naval Operations and the principal functions of each are listed as follows:

(1) *Vice Chief of Naval Operations.* Principal assistant and adviser to the Chief of Naval Operations.

Head of the General Planning Group. The functions of the General Planning Group are to translate basic directives into planning directives, to allocate planning tasks, and to exchange information on the planning level.

(2) *Naval Inspector General.* Inquiry into and report upon all matters affecting the efficiency or economy of the U. S. Naval Service (as directed by Chief of Naval Operations).

Maintenance of contact with other inspection agencies in the naval service.

(3) *Deputy Chief of Naval Operations (Personnel).* Initiation and development of personal logistic plans and policies.

Development and preparation of operating force plan for personnel logistics.

Coordination of basic training.

Liaison with Army through joint personnel boards and agencies.

Liaison with Marine Corps in regard to Navy-Marine Corps personnel logistics.

The formation, coordination, and consolidation of plans, policies, and programs for the Naval Reserve Organization.

To continue a study of uniforms and special protective clothing for Naval Personnel.

(4) *Deputy Chief of Naval Operations (Administration).* General administration of the office of the Chief of Naval Operations.

Direction of Pan American Affairs and U. S. Naval Missions, Commissions and Naval Advisory Groups.

Supervision of U. S. Navy Island Governments.

Cognizance of Naval District administrative affairs.

Liaison with State and other Government Departments.

Over-all direction of Communication services.

Representation on Joint Administrative Agencies.

Supervisions of Naval Observatory and Hydrographic Office.

(5) *Deputy Chief of Naval Operations (Operations).* Formulation of strategic plans and policies.

Cognizance of organization, operational development and readiness, administration, plans and operations of sea-going forces, sea frontiers and overseas naval command areas.

Over-all direction of Intelligence services.

Representation on Joint operational agencies.

(6) *Deputy Chief of Naval Operations (Logistics).* Initiation, development, and implementation of logistic plans and policies, in accordance with approved War and operating plans.

Determination of the matériel requirements of the naval establishment, and the naval characteristics of matériel to be developed and procured, and issuing statements of these requirements to the Bureaus and Offices of the Navy Department.

Control of the distribution and disposal of all materials (including petroleum) for logistic support throughout the naval establishment.

Coordination and direction of the priorities of construction and maintenance of naval vessels and bases.

Coordination and direction of logistic efforts of the Bureaus and Offices of the Navy Department in their support of the Operating Forces. Review and evaluation of the progress of the Bureaus and Offices of the Navy Department and the Naval Shore Establishment in fulfilling the stated requirements for logistic support.

Collaboration with the Matériel Division, Office of the Assistant Secretary, in obtaining expeditious fulfillment of the stated requirements.

Supervision of the Board of Inspection and Survey.

Coordination of naval logistics efforts with Army and other Government agencies.

Representation on Joint Logistic Agencies.

Coordination of Research and development of new methods or furnishing logistic support.

"Control of the Naval Transportation Service and the vessels assigned or allocated thereto for the transportation of personnel and materials."

(7) *Deputy Chief of Naval Operations (Air).* Principal adviser to Chief of Naval Operations on aviation matters, including Naval Air Reserve Program.

Correlation and coordination of policy, plans and logistics of naval aviation.

Preparation, readiness and logistic support of the aeronautical elements of the Naval Establishment.

Integration of Marine aviation within over-all naval aviation program.

Supervision and direction of policies and programs affecting Naval Air Transport Service.

General cognizance of lighter-than-air activities.

Representation on joint air agencies and civil air agencies.

Coordination and direction of Navy photographic and meteorological matters.

(8) *Deputy Chief of Naval Operations (Special Weapons).* Principal adviser to the Chief of Naval Operations as the development and military application of special weapons, including atomic energy and guided missiles.

(c) The U. S. Marine Corps is an integral part of the Naval Establishment. The Commandant deals directly with the Chief of Naval Operations on matters of common interest as may be appropriate in the discharge of his prescribed duties. His subordinates deal directly with the Vice Chief of Naval Operations and the Deputy Chiefs of Naval Operations on routine matters within the scope of duties assigned those officers.

(d) In time of war when the President may so direct the U. S. Coast Guard is transferred to the Navy and becomes a part of the Naval Establishment.

During such periods the Commandant deals directly with the Chief of Naval Operations on matters of common interest as may be appropriate in the dis-

charge of his prescribed duties. His subordinates deal directly with the Vice Chief of Naval Operations and the Deputy Chiefs of Naval Operations as may be appropriate in routine matters within the scope of duties assigned those officers.

(e) The *Hydrographic Office* is established pursuant to Act of June 21, 1866 (14 Stat. 69) for "the improvement of the means of navigating safely the vessels of the Navy and the Merchant Marine by providing accurate and cheap nautical charts, sailing directions, and manuals of instructions for the use of all vessels of the United States, and for the use and benefit of navigators generally". Pursuant to the same Act, the Secretary of the Navy is authorized to cause to be prepared at the Hydrographic Office, "maps, charts, and nautical books relating to and required in navigation, and to publish and furnish them to navigators at the cost of printing and paper, and to purchase the plates and copyrights of such existing maps, charts, navigators' sailing directions and instructions, as he may consider necessary, and when he may deem it expedient to do so, and under such regulations and instructions as he may prescribe".

In accordance with the President's Reorganization Plan No. 3 of 1946, the Hydrographic Office was placed under the jurisdiction of the Chief of Naval Operations. The Hydrographic Office is under the immediate direction of an officer of the Navy detailed to duty as the Hydrographer. The affairs of the Hydrographic Office are under the cognizance of the Deputy Chief of Naval Operations (Administration).

The Hydrographic Office publishes and distributes nautical and aeronautical charts and publications to the Navy and sells them to the Merchant Marine and the public generally. These are made available through the Branch Hydrographic Offices, Air Navigation Offices, and civilian sales agents. The Hydrographic Office likewise collects, codifies, coordinates and implements basic oceanographic studies required by the various Bureaus of the Navy Department, and prepares various charts, manuals, and other publications of oceanographic nature.

In carrying out its duties, the Hydrographic Office maintains technical control of survey vessels operated by the U. S. Navy; cooperates with all states Members of the International Hydrographic Bureau and the Hydrographic Offices of other nations.

(f) The Naval Observatory is an activity established by Congress to operate under the Secretary of the Navy. By Executive Order dated April 8, 1942 the Naval Observatory was placed under the jurisdiction of the Chief of Naval Operations. Cognizance of Naval Observatory matters is assigned to Deputy Chief of Naval Operations (Administration).

As the only National Observatory the U. S. Naval Observatory collaborates where possible throughout the world with other observatories and astronomers in the exchange of data, the participation in long term worldwide astronomical programs, the attending of national and in-

ternational astronomical conferences, and the maintenance of programs undertaken.

The Naval Observatory publishes and distributes the American Ephemeris and Nautical Almanac, the American Nautical Almanac, the American Air Almanacs, and other astronomical publications for maritime, commercial and scientific use. The U. S. Naval Observatory also inspects, tests, develops, experimentally constructs, repairs, manufactures, stores, and distributes designated navigational and aerological material for the Navy Department and other governmental activities authorizing and furnishing funds.

(g) The Naval Communication Service is an activity under the cognizance of the Office of the Chief of Naval Operations and is directly administered by an officer of the Navy detailed to duty as the Chief of Naval Communications. The Chief of Naval Communications administers the operation of the Naval Shore Communication System; supervises Naval postal affairs and the accounting and disbursing of radio, wire and cable tolls; procures, assigns and protects naval radio frequencies and effects the necessary coordination and liaison in communication matters with civil and military services of the United States and other nations.

§ 26.15 *The Shore Establishment.* The Shore Establishment supplies and maintains the Operating Forces under the direct supervision of the Navy Department.

(a) The Secretary, through his Civilian Executive Assistants, provides general administrative supervision and establishes the operating policies and procedures governing civilian personnel, matters of procurement, production, and industrial management.

(b) The Navy Technical Assistants exercise technical supervision and, in specified cases, direct management control (within the limits of the responsibilities of their respective Bureaus), and in all cases control the expenditure of funds for the upkeep and operating of activities of the Shore Establishment; Bureau management here reflects and projects administrative and business methods, procedures and directions as channeled from the Civilian Executive Assistants charged with these responsibilities.

(c) The Naval Command Assistant (The Chief of Naval Operations) exercises military control and command, and oversees the coordination of all logistic services to the Operating Forces, through the District Commandants and Commanders of the Naval Bases, Naval Air Bases, and Sea Frontiers.

(d) Geographically, the Shore Establishment is distributed throughout the United States. Functionally, the more than 6300 (wartime) field activities within the continental limits may be grouped into nine general, broadly classified types of installations and activities as follows:

(1) *Shipbuilding and Repair activities* which include the eleven naval shipyards as well as numerous small activities for the construction and repair of ships. These activities contribute to the basic function by manufacturing many special

materials used in the construction and repair of ships, by supervising work performed in private yards, by conducting research and experimental work for the improvement of the air, surface and submarine fleet, and by engaging in many other types of allied service.

(2) *Naval Air activities* are the air bases, air training commands, air stations, and air facilities. These activities are engaged in a variety of functions including aeronautical research and development, specialized training of flight and ground personnel; and service-maintenance and supply of naval aircraft.

(3) *Naval Ordnance activities* include numerous depots for the maintenance, storage and issue of all items of ordnance material, for the actual manufacture of certain items of specialized ordnance such as guns, mines and torpedoes. Further, they include, for the development and test of ordnance materials, such facilities as proving grounds, ordnance laboratories, and ordnance test stations.

(4) *Procurement and Supply activities* cover the whole field of purchasing, expediting, storing, maintaining inventories, disbursing, inspection, and auditing. Major supply depots are engaged in the storage and issue of supplies, clothing provisions, fuel, and other classes of allied and general material. These activities also include field accounting and disbursing offices which pay for, control and check on all contracts consummated by the bureaus and other specified authority. In addition, these activities handle enlisted, officer and civilian pay and allowances as well as reimbursement, dependency claims, and the like.

(5) *Naval Personnel activities* are devoted largely to recruiting, training, welfare, enforcing of discipline and the distribution of Naval personnel. During the war there were some 1,600 of such activities, including in excess of 800 schools and various types of training units, of which the United States Naval Academy at Annapolis is one.

(6) *Medical Department activities* include hospitals, convalescent centers, and numerous clinics, dispensaries, laboratories, and medical supply depots which go to make up more than 150 medical department centers.

(7) *Marine Corps activities* within the United States are divided among two principal types: (i) those having as their primary objective the training, supplying and maintaining of Marine Corps personnel and equipment, and (ii) those activities located in naval shore activities performing largely guard duty, security, and policing functions.

(8) *Coast Guard activities*, which operate as an integral part of the Navy during time of war, have now reverted to the control of the Treasury Department, with the exception of certain search rescue (air-sea) and similar functions which remain under the operational control of the Navy in areas west of Pearl Harbor. There are approximately 1,600 Coast Guard activities administered directly by the Coast Guard through its own district officers and under its own command, much as in the case of the

Marine Corps. The function of these field units are supply, personnel (including the Coast Guard Academy), maintaining operating aids to navigation, light houses, life boat stations, port security, and similar duties.

(9) Special Service activities embrace radio stations, communications offices, fleet post offices, fleet liaison offices, commissioning details, intelligence, public information, and sundry other activities of a special or general nature.

(e) For military purposes and coordination of administrative control, certain activities of the Naval Shore Establishment, which have been described above in terms of their functions, are grouped into Naval Bases at various ports and Naval Air Bases within the respective Naval District. The respective District Commandants have direct military command, and administrative control for coordinating purposes, of these activities through the respective Commanders thereof. Other air activities are grouped under the Chief of Naval Operations, and Marine Corps Air Bases Command which is directly under the Commandant, Marine Corps. Management and technical control of the various activities are exercised by the cognizant bureau or office of the Navy Department.

§ 26.16 *Naval Bases and Naval Air Bases.* (a) Naval Bases, to which reference has been made in paragraph above, were created by General Order 223 of the Navy Department, dated 14 September 1945. Most naval bases may include a naval shipyard, with all of its related activities and such other adjacent activities as contribute to the support, service and maintenance of fleet components, such as a naval supply depot, a naval hospital, a naval ammunition depot, a naval receiving station, a marine barracks, etc.

Naval Air Bases were created by General Order 210 of the Navy Department, dated 10 August 1944, and, in general, comprise all Naval and Marine Corps aviation shore activities in each Naval District which furnish facilities for the operation of aircraft therein (other than those assigned to the Naval Air Training Command) as an activity under the Commandant thereof. In addition, this general order provides for naval air training bases and Marine Corps air bases to include such training and Marine Corps aviation activities as the Chief of Naval Operations shall assign thereto.

§ 26.17 *Naval Districts.* The United States, its territories and possessions, are divided into Naval Districts, the geographic limitations, organization, and responsibilities of which are as indicated below.

(a) *Geographical Limits and Headquarters:*

District and headquarters

No. 1: Maine, New Hampshire, Vermont, Massachusetts and Rhode Island (including Block Island)—Boston, Mass.

No. 3: Connecticut, New York, northern part of New Jersey including counties of Mercer, Monmouth, and all counties north thereof, also the Nantucket Shoals Lightship—New York, N. Y.

No. 4: Pennsylvania, southern part of New Jersey, including counties of Burlington, Ocean, and all counties south thereof; Dela-

ware, including Winter Quarter Shoal Light Vessel—Philadelphia, Pa.

No. 5: Maryland less Anne Arundel, Prince Georges, Montgomery, St. Marys, Calvert, and Charles Counties; West Virginia; Virginia less Arlington, Fairfax, Stafford, King George, Prince William and Westmoreland Counties; City of Alexandria, Va., and the counties of Currituck, Camden, Pasquotank, Gates, Perquimans, Chowan, Tyrrell, Washington, Hyde, Beaufort, Pamlico, Craven, Jones, Carteret, Onslow, and Dare in North Carolina; also the Diamond Shoal Lightship and all waters of Chesapeake Bay including its arms and tributaries except waters within the Fourth Naval District and the counties comprising the Potomac River and Severn River Naval Commands west of a line extending from Smith Point to Point Lookout thence following the general contour of the shore line of St. Marys, Calvert, and Anne Arundel Counties, as faired by straight lines from headland to headland across rivers and estuaries—Naval Station Base, Norfolk, Va.

No. 6: South Carolina, Georgia, and North Carolina except the counties of Currituck, Camden, Tyrrell, Washington, Hyde, Beaufort, Pamlico, Craven, Jones, Carteret, Onslow and Dare—Charleston, S. C.

No. 7: Florida, excepting those counties west of Apalachicola River—Jacksonville, Fla.

No. 8: Florida counties west of Apalachicola River, Alabama, Tennessee, Louisiana, Mississippi, Arkansas, Oklahoma, Texas—New Orleans, La.

No. 9: Ohio, Michigan, Kentucky, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas—Great Lakes, Ill.

No. 10: Beginning at Latitude 25°00' N., Longitude 72°00' W.; thence to a point on the north coast of Cuba in Latitude 22°47' N., Longitude 79°47' W., thence westerly around shore of western Cuba and easterly along shore to Clenfueros Light in Latitude 22°02' N., Longitude 80°27' W.; thence south to a point in Latitude 18°05' N., Longitude 80°27' W., thence to Punta de Gallinas, Colombia, thence along international boundaries to include all Venezuela, British Guiana, Surinam and French Guiana, to the including eastern boundary of French Guiana thence east true to a point in approximate Latitude 4°20' N., Longitude 50°20' W., thence to a point in Latitude 25°00' N., Longitude 65°00' W., and thence to a point of origin. The land areas of the Isle of Pines and other small coastal islands of Cuba are also placed in the Tenth Naval District—San Juan, P. R.

No. 11: New Mexico, Arizona, Clark County, Nevada, southern part of California, including counties of Santa Barbara, Kern and San Bernardino, and all counties south thereof—San Diego, Calif.

No. 12: Colorado, Utah, Nevada (except Clark County), northern part of California, including counties of San Luis Obispo, Kings, Tulare, Inyo, and all counties north thereof—San Francisco, Calif.

No. 13: Washington, Oregon, Idaho, Montana and Wyoming—Seattle, Wash.

No. 14: Hawaiian Islands and islands to westward, including Midway, Wake, Kure, Johnston and Sand Islands and Kingmen Reef—Pearl Harbor, T. H.

No. 15: Panama Canal Zone—Balboa.

No. 17: Alaska and Aleutians—Kodiak, Alaska.

(1) Territorial exceptions are as follows: Certain activities within the geographical limits of each naval district are not, for various reasons, under the command of the Commandant, or may be under his command only in a limited sense. The Fourteenth Naval District has a special status inasmuch as it is directly under the Commander in Chief,

Pacific Fleet, although in purely administrative matters the Commandant bears the same relationship to the Navy Department as do other Commandants. Numerous other examples might be cited, as a Naval Air Station where the Commander in Chief of a United States Fleet, may be vested with authority to exercise control of the operations of fleet aircraft units from Naval Air Stations, to allocate among units of the Fleet the services in facilities, equipment, and spaces made available to the Fleet, and to establish priorities with respect to overhaul of aircraft of the Fleet. The Severn River and the Potomac River Naval Commands are outside the geographical limits of the Naval Districts and are directly under the Navy Department.

(2) The geographical locations of these Commands are as follows:

(i) *Potomac River Naval Command.* The Potomac River up to the Great Falls, the District of Columbia, and the Counties of Prince Georges, St. Marys, Montgomery, and Charles in Maryland; Arlington, Fairfax, Stafford, King George, Prince William, and Westmoreland counties in Virginia, and the City of Alexandria, Virginia, less the Marine Barracks, Quantico, Va., and the Marine Barracks, Washington, D. C. (including Marine Barracks, Naval Gun Factory, Washington, D. C.).

(ii) *Severn River Naval Command.* Anne Arundel County, Md. (Headquarters United States Naval Academy, Annapolis, Md.).

(b) *Organization.* Each Naval District is commanded by a Commandant, who is the direct representative of the Navy Department, including its several bureaus and offices. In the event of absence of the Commandant from the limits of his command or while he is on leave or disabled for a period greater than 24 hours, the command of the district devolves upon the next senior line officer on duty within the district. The district is organized into groups or units according to the character of its activities and situation, with each group or unit under the command of an officer of that group or unit. The Commandant by Navy Regulations shall not personally supervise the details of work or administration of the several groups or units but will transact necessary business with the Commanding Officer of the group or unit. He is, however, charged with coordinating the groups or units in his district to develop complete intercommunication and cooperation among them. The organization of a Naval District establishes between the Commandant and the Commanding Officers of the groups and units included in the district relations similar to that which exists between the Commander in Chief of a Fleet and the various units of his command. District craft, including vessels, aircraft, and small boats, directly under the Commandant, are administered by him. Craft assigned to specific units are under the immediate jurisdiction of the commanding officers of the specific bases or stations to which they are assigned. Commanding Officers of the various units of the district may communicate directly with one another and with the Navy Department or

its offices and bureaus without forwarding such correspondence through the Commandant of the district, except on military matters, matters under the Commandant's coordination, and matters affecting the operations of another unit. The Commandant is required to be kept informed by the Commanding Officers of subordinate units, however, as to matters of administration and general interest. The administrative units referred to above comprise all facilities which are so grouped in one place as to come logically under the immediate military control of one commanding officer. These units include such activities as ship yards, torpedo stations, training stations, submarine bases, and schools, which are, where appropriate, included in *Naval Bases, Naval Air Bases*, etc., described in § 26.16.

(c) *Duties and Responsibilities*—(1) *Military Command*. The Commandants of the several Naval Districts and the Chief of Naval Air Training are the officers through whom the Chief of Naval Operations carries out his essential command responsibilities over the shore establishment; through the district flows the authority for the overall responsibility for exercising administrative coordination control.

(2) *Coordination*. As noted in the immediately preceding paragraphs, the Commandant provides the necessary coordination control among the numerous shore establishments in his Naval District.

(3) *Contact with public*. Navy Regulations provide that in intercourse with Government, State, and foreign officials or with local authorities in matters of business or ceremony of interest to the Navy, the District Commandant shall himself, or through his subordinates represent the Navy Department. In exercising this important function, the Commandant provides the necessary contact with the public throughout the United States, its territories and possessions, to keep the Nation apprised of the tasks and objectives which the Navy is pursuing in its readiness to defend and promote the national interest and security. The District Commandants provide the media for interpreting to the people the acts and policies, command responsibilities, and administrative effectiveness of their Naval Establishment.

(4) *Coastal defense*. With respect to coastal defense, the mission of the Commandant of the Naval District, under the Sea Frontier Commander, is to control sea communications within the district, repulsing hostile attacks on the seacoast, or upon naval vessels or merchant shipping in or off harbors or in the coastwise sea lanes. Commandants of Naval Districts cooperate with the Army officers commanding corps areas in the preparation of plans in time of peace, determining the more probable situations likely to arise and entering into advance agreements upon plans of joint action for each such situation.

§ 26.18 *The Operating Forces*. (a) Overall command of the *Naval Operating*

Forces devolves on the Chief of Naval Operations subject to the supreme authority vested in the President of the United States by the Constitution and in the Secretary of the Navy by law. In the discharge of his duties as the principal Naval Executive, the Chief of Naval Operations is responsible for executing the naval directives of the Joint Chiefs of Staff.

The Operating Forces of the Navy comprise the combatant forces of vessels, aircraft, and troops operating under naval authority, together with such additional vessels, district craft, aircraft, or other units as may be assigned thereto for training, utilitarian, or other purposes.

(b) All vessels and aircraft in the Operating Forces of the Navy are assigned by the Chief of Naval Operations in the *Administrative Organization* which is comprised of the following principal commands:

- (1) 1st FLEET (Active).
- (2) 2nd FLEET (Active).
- (3) 3rd FLEET (Reserve).
- (4) 4th FLEET (Reserve).
- (5) 16th FLEET (Inactive).
- (6) 19th FLEET (Inactive).
- (7) Naval Air Transport Service.
- (8) Naval Transportation Service.
- (9) Naval Air Training Command.
- (10) Severn River Naval Command.
- (11) Potomac River Naval Command.
- (12) Sea Frontiers.

Eastern Sea Frontier.
Caribbean Sea Frontier.
Gulf Sea Frontier.
Panama Sea Frontier.
Western Sea Frontier.
Alaskan Sea Frontier.
Hawaiian Sea Frontier.

- (13) Naval Districts.

(c) The *1st Fleet* is commanded by the Commander-in-Chief, U. S. Pacific Fleet, who is directly under the Chief of Naval Operations. Under command of Commander-in-Chief, U. S. Pacific Fleet are the *3rd Fleet* (Reserve), composed of vessels with reduced crews whose principal task is the training of Naval Reserves; the *5th Fleet*, which is a tactical organization without regular administrative functions and whose composition varies with the tasks or exercises ordered; and the *7th Fleet*, which is a tactical fleet similar to the 5th Fleet having currently assigned the task of supporting the U. S. occupation forces in the Western Pacific. Naval area commands and naval military governments, in the Pacific, are also under the Commander-in-Chief, U. S. Pacific Fleet, with the exception of Guam and Samoa. The headquarters of Commander-in-Chief, U. S. Pacific Fleet are at Pearl Harbor, T. H.

(d) The *2nd Fleet* is commanded by the Commander-in-Chief, U. S. Atlantic Fleet, who is directly under the Chief of Naval Operations. Under the command of the Commander-in-Chief, U. S. Atlantic Fleet are the *4th Fleet* (Reserve), composed of vessels with reduced crews whose principal task is the training of Naval Reserves; the *8th Fleet*, which is a tactical organization like the 5th Fleet, and the naval bases in the Atlantic out-

side the continental limits of the United States.

(e) The U. S. Naval Forces in European waters including the Mediterranean are organized as the *12th Fleet*. This fleet is composed of vessels assigned for temporary duty on a rotational basis from the 2nd Fleet as directed by the Chief of Naval Operations. The principal task is to support the U. S. forces of occupation in Europe.

(f) The *16th* and *19th Fleets* are comprised of vessels assigned by the Chief of Naval Operations to be inactivated and preserved for future emergency. The vessels of the 16th Fleet are berthed at naval bases, shipyards and berthing areas along the Atlantic and Gulf Coasts, those at each location comprising a Group. The 19th Fleet is distributed among berthing areas of the West Coast. The 16th Fleet is directly under the Commander Eastern Sea Frontier, with headquarters at 90 Church St., New York, N. Y., and the 19th Fleet directly under Commander Western Sea Frontier, with headquarters in Federal Building, San Francisco, Calif.

(g) The Naval Transportation Service, under the direction of the Chief of Naval Operations, operates passenger transports, oil tankers and cargo vessels to provide passenger, fuel and freight service to the fleets and to Naval bases not served by or inadequately served by commercial service. At principal U. S. ports and certain overseas bases, transportation matters are handled by U. S. Navy *Port Directors* under the technical control of the Chief, *Naval Transportation Service*, headquarters of the *Naval Transportation Service*.

(h) The Potomac River Naval Command administers directly under the Chief of Naval Operations the naval activities in and near Washington, D. C. Headquarters are located at Naval Gun Factory, Washington 25, D. C.

(i) The Severn River Naval Command administers directly under the Chief of Naval Operations the U. S. Naval Academy, its supporting and other activities in or near Annapolis, Md. Headquarters are in Annapolis, Maryland.

(j) The *Sea Frontiers* are delimited as indicated on Hydrographic Office chart Misc. 10194 which is revised concurrently with approved changes. The Commanders of Sea Frontiers exercise coordination and control of the logistic activities of the component Naval Districts as may be directed by the Chief of Naval Operations and operate, for inshore patrol, coastal escort and search or rescue operations off the coasts, such vessels as are assigned by the Chief of Naval Operations or the Fleet Commanders. The Commanders Eastern and Western Sea Frontiers are directly under the Chief of Naval Operations but deal directly with the Commanders-in-Chief of the Fleets on matters concerned with logistic support of the Fleets. The Sea Frontier Commanders make joint plans with Army area commands concerned for the coordinated defense of their respective areas.

The Alaskan and Hawaiian Sea Frontiers, being wholly within his area, are

directly under the Commander-in-Chief, U. S. Pacific Fleet. Likewise in the Atlantic the Caribbean Sea Frontier is directly under the Commander-in-Chief, U. S. Atlantic Fleet. The Gulf Sea Frontier extending from Key West, Florida, to Brownsville, Texas, and including all of the Gulf of Mexico, is, as a peace-time measure, under the overall command of Commander Eastern Sea Frontier.

The Headquarters of Commander Eastern Sea Frontier are located at 90 Church Street, New York, N. Y., and of Commander Western Sea Frontier at Federal Building, San Francisco, Calif.

(k) General administration of naval vessels and fleet activities located at a particular place is exercised by *Senior Officer Present Afloat*. The identity of this office changes with the composition of the forces present. It can always be ascertained from the local naval shore establishments, or if none are present, from any convenient ship. All matters of civil concern, legal process, and ceremonial or official requests pertaining to any ship or fleet activity present should be referred to the *Senior Officer Present Afloat*. He is the official point of contact for Operating Forces present with all private and public agencies.

§ 26.19 *Rule regarding final opinions and orders.* (a) With the exception of opinions of the Board of Contract Appeals on disputes arising under contracts of the Navy Department, which are formal and published, as set forth in § 27.2 (h) (4) below, and with the exception of certain selected decisions and opinions in general courts-martial (omitting actual names of the parties involved) which are periodically published, decisions by the Navy Department under statutes involving a determination of rights are not collected or compiled, are not indexed and are not cited as precedent. Such decisions are usually in the form of a letter addressed to the party concerned and so filed. Such decisions for the most part arise under statutes involving the granting or withholding of benefits depending as requisite or entitling facts exist. The statutes involving the granting or withholding of benefits include the Servicemen's Dependents Allowance Act of 1942 (56 Stat. 381, as amended by 57 Stat. 577; 37 U. S. C. 201 et seq.); the Mustering-Out Payment Act of 1944 (58 Stat. 10; 38 U. S. C. 691 et seq.); the Act of June 4, 1920, as amended (41 Stat. 824, as amended by 45 Stat. 710, 56 Stat. 145, and 58 Stat. 129; 34 U. S. C. 943); the Act of August 27, 1940, as amended (54 Stat. 864, as amended by 56 Stat. 780; 34 U. S. C. 855c-1); and the Armed Forces Leave Act of 1946 (Public Law 704, 79th Congress).

(b) Under a limited number of other statutes, reference in this connection being made to the Renegotiation Act (56 Stat. 245, as amended by 56 Stat. 982, 57 Stat. 348, 57 Stat. 564 and 58 Stat. 78; 50 U. S. C. App. 1191); the Royalty Adjustment Act (56 Stat. 1013; 35 U. S. C. 89 et seq.); the Contract Settlement Act of 1944 (58 Stat. 649; 41 U. S. C. 101); the Act of October 10, 1940 (54 Stat. 1090; 50 U. S. C. App. 711 et seq.); the

Act of October 16, 1941 (55 Stat. 742; 50 U. S. C. App. 721 et seq.); the Act of July 3, 1944 (58 Stat. 723; 46 U. S. C. 797); the Act of December 5, 1945 (59 Stat. 596; 34 U. S. C. 600a et seq.); the Act of December 28, 1945 (59 Stat. 662; 31 U. S. C. 223d); the Act of January 2, 1942, as amended (55 Stat. 880, as amended by 57 Stat. 66; 31 U. S. C. 224d); the Legislative Reorganization Act of 1946 (Public Law 601, 79th Congress); and the Act of August 7, 1946 (Public Law 657, 79th Congress), the Navy Department can determine and settle by agreement the matters arising under such statutes. Failing agreement the party concerned ordinarily has recourse to the courts. Orders in such matters are informal and ordinarily confined to a mere statement of the decision on the ultimate question in controversy; e. g., that excess profits in a specified amount have been realized, and are not accompanied by opinions or reasoned explanations, including findings or conclusions on subsidiary issues or matters.

(c) Accordingly, the opinions and orders of the Navy Department determined to be such within the meaning of the Administrative Procedure Act will, as consistent with the general filing system employed by the Navy Department, be available to public inspection on application to the Secretary identifying the opinion or order desired to be inspected with sufficient particularity to enable it to be located. The published opinions of the Board of Contract Appeals and in certain selected general courts-martial will be available for public inspection at the offices of the Board of Contract Appeals and the Judge Advocate General, respectively, Navy Department, Washington 25, D. C., without prior application to the Secretary. Opinions or orders constituting official records to which access will not be granted under § 26.20 will not be available for inspection, as confidential for good cause found.

§ 26.20 *Rules regarding public records.* The following rule is published to state how matters of official record are made available to persons properly and directly concerned except information held confidential within the meaning of the Administrative Procedure Act.

(a) Persons properly and directly concerned in any matter acted upon by the Navy Department or within its cognizance may apply in writing for access to official records of such matter. Such application should be addressed to the Secretary of the Navy unless otherwise specified herein. If the applicant believes that he is entitled to access under section 3 (c) of the Administrative Procedure Act, he will state the nature of his concern and identify as exactly as may be the records to which he desires access. If the applicant is an agent or attorney acting for another, he will attach to the application evidence of his authority to act for his principal. If such evidence is satisfactory, such agent or attorney will be given access to any record to which his principal would be given access.

(b) Official records, within the meaning of this rule, include applications, registrations, petitions, reports and returns

filed with the Navy Department by persons not in the Naval service, certain records relating to Naval personnel, and all documents embodying Navy action directly affecting persons outside the Naval service, such as orders, rules, licenses, and contracts. The great mass of material relating to the internal operation of the Navy Department and the Naval forces is not a matter of official record within the meaning of this rule. Official records in the Navy Department's files are merely incidental to the performance of its major functions and it is not practicable to list all types of such official records. The Secretary will, however, determine when application is made whether or not any document is an official record, and whether or not it should be withheld as confidential, according to the principles herein stated.

(c) Without limiting the discretion vested in the Secretary of the Navy by the other provisions of this rule access will not be granted to:

(1) Material classified "Restricted", "Confidential", "Secret", "Top Secret", or any other security classification which may be established, pursuant to Article 76 of the Navy Regulations.

(2) Material, such as tax returns, which is made confidential by law. (Cf. sec. 55 (f) (1) of the Internal Revenue Code.)

(3) Documents which in the opinion of the Secretary contain information which would be of possible assistance to a foreign power in time of peace or to an enemy in time of war, or containing information which, in his opinion, for reasons of public policy should not be disclosed to persons outside the naval or military establishments.

(4) Documents, the disclosure of which would involve the violation of a statute or the breach of a legal or moral obligation to keep information confidential.

(5) Intra-governmental memoranda, reports, and documents not prepared for publication or not official records. The foregoing are deemed confidential according to the principles herein stated.

(d) The Secretary will also determine whether an applicant is properly and directly concerned with the record to which he seeks access, when it is not specifically covered in this rule.

(e) Officers' and enlisted men's service records are deemed confidential for good cause found within the meaning of this rule except to persons properly and directly concerned, including the serviceman himself, and personal representatives of the serviceman, e. g., executors, conservators, etc., who present proper proof thereof. The serviceman, former serviceman, or personal representative may obtain access to health records by applying to the Chief of the Bureau of Medicine and Surgery, Navy Department, Washington 25, D. C., and to other personnel records to the Chief of Naval Personnel, Navy Department, Washington 25, D. C. Application may be made in person or in writing.

(f) Copies of office records or summaries thereof relating to deaths of naval personnel and information relating thereto will ordinarily be furnished upon application to the Judge Advocate

General, Navy Department, Washington 25, D. C., to persons properly and directly concerned.

(g) Access will normally be granted by inspection, at the place where the documents are kept and stored.

(h) If the Secretary determines that one or the other of the principles stated above requires the refusal of a request to make information available, prompt notice of any such refusal will be given to the applicant, together with a simple statement of the grounds for such refusal.

(i) The Secretary has legal custody of all official records of the Navy Department, and no subpoena duces tecum directed to any Navy Department employee or officer other than the Secretary is legally valid or effective to compel such officer or employee to produce any official record of the Navy Department, or other report, paper, or document in its custody. It is hereby declared to be contrary to the public interest to produce in any proceeding or trial any memorandum or document from Navy Department files to which access has not been asked and granted pursuant to this Rule, whether a Public Record or not.

(j) This rule regarding public records has no application to access to records by officers or employees of other agencies or branches of the Government.

(k) This rule regarding public records has no application to any records which by law or policy of the Department are made available to the public generally, to any records which are in the custody of the Archivist of the United States, nor to any records which are disposed of under U. S. Code, Title 44, Secs. 366 and following, as amended.

PART 27—PROCEDURES OF THE NAVAL ESTABLISHMENT

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| Sec. | |
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§§ 27.1 *Procedures of the Naval Establishment.* Set forth below are the procedures which have been established for handling of the public functions of the Naval Establishment.

§§ 27.2 *Procurement of matériel—*
(a) *Statutory authority.* Procurement by the Naval Establishment is now based

primarily upon the First War Powers Act (55 Stat. 838; 50 U. S. C. 601) except that research and development contracts negotiated by the Chief of Naval Research are based on the Act of August 1, 1946 (Public Law 588, 79th Congress).

Pursuant to the First War Powers Act, the President, in Title 1 of Executive Order 9001 (6 F. R. 6787), conferred authority upon the Navy Department as follows:

(1) The Secretary of the Navy is authorized to enter into contracts and into amendments or modifications of contracts theretofore or thereafter made, and to make advance, progress, and other payments thereon, without regard to the provisions of law relating to the making, amendment, or modification of contracts and to delegate these powers with authority to redelegate them.

(2) The contracts authorized to be made include agreements of all kinds (whether in the form of letters of intent, purchase orders, or otherwise) for all types and kinds of things and services necessary, appropriate or convenient for the prosecution of war, or for the invention, development, or production of, or research concerning any such things, including but not limited to, aircraft, buildings, vessels, arms, armament, equipment, or supplies of any kind, or any portion thereof, including plans, spare parts and equipment therefor, materials, supplies, facilities, utilities, machinery, machine tools, and any other equipment, without any restriction of any kind, either as to type, character, location or form.

(3) The Secretary of the Navy may by agreement modify or amend or settle claims under contracts, may make advance, progress and other payments upon such contracts of any percentum of the contract price, and may enter into agreements with contractors and/or obligors, modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds, whenever, in the judgment of the Secretary of the Navy the prosecution of the war is thereby facilitated. Amendments and modifications of contracts may be with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making of or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof.

(4) Advertising, competitive bidding and bid, payment, performance, or other bonds or other forms of security, need not be required.

(b) *Delegation of purchase responsibility.* (1). The Technical Bureaus. (i) In general: on December 13, 1942, the Secretary of the Navy reorganized the procurement procedures of the Naval Establishment by directing that: The chief of each bureau having technical cognizance of the matériel and services to be procured shall determine, in his discretion, the extent to which written contracts embodying the terms of negotiated deals or arrangements for such procurement will be negotiated, prepared and

executed in each such bureau and the extent, if any, to which the services of the Bureau of Supplies and Accounts will be availed of for the negotiation, preparation and execution of such contracts. The chief of each bureau is authorized to negotiate, prepare, and execute all contracts to be negotiated in his bureau and is further authorized to delegate such authority to such person or persons as may be selected by him. Pursuant to this directive, the technical bureaus purchase matériel through contracting officers within the bureaus.

(ii) *Bureau of Aeronautics.* The Bureau of Aeronautics purchases complete aircraft and government furnished component parts for installation therein; complete aircraft engines; catapults and catapult spare parts; arresting gear and arresting gear spare parts; aeronautical equipment and instruments; and other technical items which require close technical liaison between aeronautical engineers and the contractor manufacturers. The Bureau of Aeronautics also purchases for the Deputy Chief of Naval Operations for Air, aerological, photographic and training equipment.

The Aviation Supply Office, Philadelphia, Pa., under the joint direction of the Bureau of Aeronautics and the Bureau of Supplies and Accounts, procures, stores, and distributes aeronautical material including spare parts (except those parts purchased under the original airframes contract).

(iii) *Bureau of Medicine and Surgery.* All purchasing for the Bureau of Medicine and Surgery is handled by the Joint Army-Navy Medical Procurement Office, New York.

(iv) *Bureau of Naval Personnel.* The Bureau of Naval Personnel contracts for the use of quarters and facilities for training purposes and for welfare and recreational requirements. The Bureau of Supplies and Accounts purchases the matériel, equipment, and supplies required by the Bureau of Naval Personnel; non-professional books for use in libraries are purchased by the Navy Purchasing Office, New York.

(v) *Bureau of Ordnance.* The Bureau of Ordnance contracts for ordnance equipment, including guns, gun mounts, rocket launchers, fire control devices (for vessels and aircraft) and aircraft armament (less certain items of non-expendable equipment built into the planes); ammunition, torpedoes, mines, depth charges, projectiles, rockets, bombs and armor; and for services and facilities used in connection with research, development, and production of ordnance matériel and equipment.

(vi) *Bureau of Ships.* The Bureau of Ships contracts for the construction of ships of all types and for the repair, alteration and conversion of naval vessels; for facilities under its cognizance; for technical matériel and equipment required for the construction and outfitting of naval vessels; and for technical services and research and development work. Although the Bureau of Ships usually furnishes the main propulsion machinery and all technical equipment and matériel required for the construction of naval vessels, the "Lead Yard" purchases most of the other matériel

and equipment required by all yards building vessels of the same class. When the "Lead Yard" is a navy yard, such purchases are made by a field purchasing activity of the Bureau of Supplies and Accounts. With Bureau of Supplies and Accounts the Bureau maintains control centers for the procurement and inventory control of repair parts for matériel under the cognizance of the Bureau of Ships.

(vii) *Bureau of Yards and Docks.* The Bureau of Yards and Docks contracts for all matériel and services required for the construction of public works and public utilities at naval shore activities; for the purchase and lease of real property, and for all matériel and equipment under its cognizance when technical plans and nonstandard specifications are involved. Certain designated Public Works Officers are authorized to enter into informal construction, repair, engineering or maintenance contracts not in excess of \$5,000 and when payment is to be made in one lump sum. All acquisitions of private and public real property by lease or otherwise, whether directly by the Navy or through the Contractor who is to be reimbursed directly or indirectly with naval funds, are processed through the Bureau of Yards and Docks to the Naval Affairs Committees of the Congress.

(2) *The Bureau of Supplies and Accounts and its field activities.* The Bureau of Supplies and Accounts is responsible, on its own initiative and based upon its own estimates, for the purchase of clothing, provisions, ship's stores stock, fuel and lubricants, and general stores. Upon the initiation of requisitions by the technical bureaus or field activities, the Bureau of Supplies and Accounts and its field purchasing activities also procure services and items for which it has been assigned procurement responsibility.

(3) *Aviation Supply Office.* The Aviation Supply Office, an agency of the Bureau of Aeronautics and the Bureau of Supplies and Accounts, procures, stores and distributes all technical aviation matériel not under the direct control of the Bureau of Aeronautics. All aeronautical spare parts, except those parts purchased under the original airframe contract, are purchased by the Aviation Supply Office.

(4) *Headquarters, Marine Corps.* Headquarters, Marine Corps, contracts for matériel required by the Marine Corps, not procured through Bureaus of the Navy.

(5) *Delegation of authority within a purchasing activity.* Officers in Charge of Navy Purchasing Offices, Supply Offices in Command of Naval Supply Depots, and Supply Officers of ships or shore activities are authorized to sign contractual documents. These officers designate in writing the junior officers who are authorized to sign purchase documents. These authorizations are available for information purposes at all times.

(6) *Field purchasing activities under the cognizance of the Bureau of Supplies and Accounts.* All naval activities having a regularly organized Supply Department are authorized to purchase matériel and services, subject to the limitations established by the Bureau of Sup-

plies and Accounts or the Commandant of the Naval District. These purchasing activities are under the cognizance of the Bureau of Supplies and Accounts which promulgates purchasing policies and instructions in the field; reviews requisitions and other purchasing documents designated for field action to insure conformance with procurement policies; and acts as liaison between field purchasing activities, the other bureaus and offices of the Navy Department and other Government departments. The maximum dollar limit authorized for purchases by these activities will vary from \$25 to an unlimited amount dependent on the size of the activity and proximity to a central procurement office. The latter activities are strategically located throughout the country and are organized to effect any type of procurement assigned them. The major central procurement activities are located in New York, Norfolk, Charleston, Miami, Jacksonville, New Orleans, Chicago, Los Angeles, San Francisco, and Seattle. In addition, the Naval Supply Depot, Mechanicsburg, Pa., procures spare parts for ship hulls and machinery and for all internal combustion engines. Additionally, specific delegations of authority for particular procurements are, from time to time, made by the Bureau of Supplies and Accounts and the technical bureaus. Bureau of Aeronautics representatives, inspectors of naval material, inspectors of machinery, naval inspectors of ordnance, and supervisors of shipbuilding located outside the immediate vicinity of a navy yard or a naval supply depot are authorized to purchase sundry matériel and services costing less than \$500. Inspectors are subject to the same policies and limitations in the procurement of supplies and services as other field purchasing officers.

(d) *Methods of purchase.*—(1) *Direct negotiation with a selected supplier.* Direct negotiation with a selected supplier is used as a method of purchase when speed is essential, and the facilities of a given manufacturer are required, or competitive tenders fail or would fail to produce satisfactory prices.

(2) *Solicitation of competitive quotations.* Except when it is necessary to deal directly with a selected supplier, quotations are secured from a reasonable number of qualified suppliers.

(3) *Procedures for soliciting quotations.*—(i) *Solicitation by telephone, telegraph, and mail.* At the discretion of the purchasing officer, competitive quotations are solicited either by telephone, telegraph, or mail. When quotations are solicited by telephone, written confirmation normally is secured on all purchases over \$500. When the procurement is complicated or suppliers are located at a great distance, quotations are generally solicited by means of letters or written tenders.

(ii) *Informal solicitation.* With respect to items of relatively small value quotations are secured informally by "over the counter" solicitation or personal shopping.

(4) *Opening and acceptance of bids.*—(i) *Public opening not required.* When written quotations are obtained, it is not necessary to open them in public. As a

matter of policy, however, public openings are held when wide competition is secured; when competition is restricted or proprietary purchases are made, public openings are not held.

(ii) *Alternative bids accepted.* Acceptable alternative bids are encouraged when they may provide acceptable quality at a lower price than that obtainable under existing specifications. Purchasing officers are not authorized to buy matériel pursuant to alternative specifications, however, without obtaining the approval of the requisitioning activity.

(iii) *Modification of bids.* Although bidders may withdraw their tenders or alter them at any time before the scheduled hour of opening without the consent of the purchasing officer, subsequent to the opening of bids, suppliers are not permitted to alter their tenders, except when an obvious error has been made or when the proposed changes are in the interest of the Government. If a supplier insists upon improperly modifying or withdrawing his bid after the date of opening, his name may be placed upon the list of Defaulting Contractors. Purchasing officers recommend such action to the Bureau of Supplies and Accounts when a supplier's conduct warrants placing him on their list.

(iv) *Bids to be rejected and direct negotiations employed when the interest of the Government can be served.* When unsatisfactory terms are offered as a result of inadequate competition, possible collusion among suppliers, or for any other reason, all bids may be disregarded and direct negotiation employed to fill requirements. If it is in the interests of the Government to contract with suppliers who have submitted late or improper bids, all tenders may be rejected and direct negotiations conducted with the selected suppliers. Negotiations are not conducted with suppliers who have attempted to secure an unfair advantage by submitting their quotations after the scheduled hour of opening.

(5) *Conditions under which unpriced purchases are authorized.* When the estimated cost of an item or a group of similar items is \$5,000 or less, or, in the case of field purchasing activities, other than Aviation Supply Office, Navy purchasing offices, Navy Yards and naval supply depots, \$500 or less, and it is impractical to obtain prices before purchasing, unpriced orders may be employed, providing the desired items can be acquired from only one supplier or are sold on the basis of established price lists, and providing only one delivery is made and only one invoice is submitted.

(e) *Acceptable list of approved material.* The Bureau of Supplies and Accounts and the Bureau of Ships maintain lists of items which have been subjected to performance test to determine their suitability for Naval use. Products which must be subjected to test, and the manufacturers whose products have passed these tests are listed in the Acceptable List of Approved Materials of each Bureau. Prospective suppliers whose products meet other requirements of the specifications but have not been tested are encouraged to submit samples for test. Information as to the materials on the lists and as to the requirements

for submitting material for test may be obtained by writing the Purchase Division, Bureau of Ships, Navy Department, Washington 25, D. C. As a general rule contracts are not awarded for items on the Acceptable List to suppliers offering materials which have not been tested or have failed to perform satisfactorily under test.

(f) *Mailing list maintained by the Bureau of Supplies and Accounts and field activities.* The Bureau of Supplies and Accounts and the principal field activities maintain mailing lists of potential suppliers. The persons on the lists are forwarded requests for tenders with respect to matériel which they manufacture or sell. Any manufacturer or regular dealer desiring to be included on the mailing list of the Bureau of Supplies and Accounts or such field activities should address a request to the Purchase Division, Bureau of Supplies and Accounts, Navy Department, Washington 25, D. C., or the Officer-in-Charge of the field activity.

(g) *Standard specifications.* The Purchase Division of the Bureau of Supplies and Accounts maintains copies of all Navy Standard Specifications, Joint Army-Navy Specifications and Federal Specifications. Copies may be obtained by addressing a request to the Purchase Division, Bureau of Supplies and Accounts, Navy Department, Washington 25, D. C.

(h) *Rules of the Board of Contract Appeals.* (1) Each member of the Board, Counsel for the Board and the Secretary thereof is authorized to communicate directly with any person whomsoever in regard to any matter which relates to the business of the Board.

(2) Notices of appeal and other papers to be submitted to the Board should, wherever practicable, be clearly typewritten upon paper of standard letter size (8½ x 11 inches), upon one side only, without covers.

(3) An original and three copies of the notice of appeal and other data should be filed by the Appellant.

(4) The rules relating to the proceedings before the Board, all final opinions and orders in the adjudication of cases shall be available to public inspection at the offices of the Board in the Navy Department, Washington, D. C. Requests for information in connection with proceedings before the Board should be addressed to The Board of Contract Appeals, Navy Department, Washington, D. C.

(5) The Secretary's letter of September 16, 1942 (N. P. D., paras. 11, 601-08) provides that in disposing of disputes concerning questions of fact, contracting officers must adhere to the following procedure:

(a) Whenever any such dispute arises, the contracting officer shall request the contractor to furnish a full statement of the pertinent facts and the reasons in support of the contractor's contention, with reference to the contract provisions relied upon in support of such contention.

(b) The contracting officer shall in each instance decide the dispute and furnish directly to the contractor a statement in writing of his "decision," together with "findings of fact." The decision of the

contracting officer must not, however, be in conflict with any provision of the contract. Such "decision" and "findings of fact" shall be accompanied by a copy of the rules of the Board of Contract Appeals.

(c) A contracting officer in the field may, before reaching a decision, submit disputes and questions thereon to the Chief of the Bureau of Supplies and Accounts for advice and recommendation. It is, however, the responsibility of the contracting officer to exercise his own judgment in making his own findings of fact and in reaching his decision.

(6) An appeal from the decision of a contracting officer must be in writing and filed with the officer from whose decision the appeal is taken within the time specified therefor in the contract or allowed by applicable provision of law.

(7) The notice of appeal must indicate clearly that such an appeal is intended and must also indicate the decision from which the appeal is taken with sufficient clarity to allow it to be identified. The notice of appeal should also show the date on which the decision was made, the bureau, the contracting officer, the contract number, and the relief sought. Additional information, including arguments in support of the appeal, may be incorporated in the notice or submitted within thirty days of the filing of such notice unless the Board expressly permits otherwise. A suggested form of notice of appeal is attached hereto, but the notice of appeal may be in the form of a letter or in any other form which clearly presents the necessary information. The notice of appeal must be signed by the contractor making the appeal, personally, or by an officer of a corporation, member of a firm, or an attorney.

(8) When a notice of appeal in any form has been received by the contracting officer he will endorse thereon the date of its receipt and will promptly notify the Board that such an appeal has been filed. Thereafter within a reasonable time he will compile and transmit to the Board two copies of the documents relative to the appeal, which shall include the following:

(i) The notice of appeal and the supporting data specified in § 27.2 (h) (7).

(ii) The findings of fact and the decision from which the appeal is taken.

(iii) The contract and pertinent specifications, amendments, and plans.

(iv) Correspondence and other data relevant to the issue.

(v) A memorandum of counsel for the contracting bureau giving his opinion as to the propriety of the decision from which the appeal is taken. Such memorandum should include a statement with respect to compliance with the applicable contract provisions and directives; the power of the Secretary of the Navy to grant the relief sought; counsel's opinion upon all matters of law involved in the dispute and such comment as counsel for the bureau considers that the Board should have concerning the matter in dispute generally.

(vi) Such additional information as the contracting officer of counsel for the bureau may consider that the Board should have before reaching a decision.

(9) The contractor and the contracting officer may, by a stipulation signed by both, or by their authorized representa-

tives, set forth any agreed facts or matters in dispute, identifying, as exhibits, the contract and other documents necessary to a consideration of the dispute, and documentary evidence on which either of them relies. In the absence of such a stipulation, the contracting officer shall give to the contractor a copy of the material specified in § 27.2 (h) (8) (iv) to (vi), or notice of its proposed inclusion in the documents relative to the appeal, and an opportunity to examine it; and after the receipt of such a copy or notice, the contractor shall have twenty days, or such longer time as the Board may allow, in which to submit additional material and arguments. The contracting officer shall promptly transmit to the Board two of all such additional material, together with any statement or other data relative thereto. No other documents or written matter will be received except by permission of the Board.

(10) Notices of appeal and supporting data which are sent to a contracting officer pursuant to any provisions of these rules shall be deemed to have been sent to or filed with the Secretary of the Navy for the purpose of determining the contractor's compliance with the contract provisions relating to appeals to the Secretary of the Navy.

(11) When the Board has received the completed record in proper form, the Secretary of the Board will notify the contractor, who will have fifteen days from the date of the notice in which to indicate whether he wishes to appear or be represented at a hearing before the Board and any preference he may have for the date of such a hearing. If the contractor states that he wishes to appear or be represented at a hearing, a date for such a hearing will be assigned, of which at least fifteen days' notice shall be given by the Secretary of the Board to the contractor and the contracting officer. If the contractor states that he does not wish to appear or be represented at a hearing, or if he does not reply within fifteen days from the date of the notice first mentioned in this rule, the case will be considered and decided by the Board thereafter at its convenience. The contracting officer, or any person representing him may appear at any hearing held pursuant to a request by the contractor, and shall appear at any hearing or meeting of the Board at its request, but shall not otherwise have a right to appear except by permission of the Board.

(12) The unexcused absence of a party or his counsel at the time and place set for a hearing will not be the occasion for delay, but the hearing will proceed and the case will be regarded as submitted on the part of the absent party or parties.

(13) The parties may file briefs in lieu of personal appearances or in connection therewith. All briefs must be filed at least fifteen days prior to the hearing unless otherwise ordered by the Board.

(14) Hearings will be held at the office of the Board in Washington, D. C., unless otherwise ordered by the Board. Hearings will not ordinarily be held elsewhere, but the Board will consider any such request made by a contractor and received at the office of the Board before notice of

a hearing is sent; but the Board may without such a request order a hearing to be held at another place.

(15) A quorum of the Board shall be a majority of the members of the entire Board, unless the Board shall act in divisions, in which case a quorum shall be a majority of a division. The Board may in any case, with the consent of the contractor, designate one of its members or any other qualified person as an examiner to receive evidence and arguments presented by or on behalf of the contractor, or contracting officer, or both; but in such case the Board shall act on the appeal only after the examiner's report and a stenographic transcript of the proceedings before the examiner have been considered by a quorum of the Board, or of any authorized division thereof.

(16) Hearings before the Board, a division, or an examiner, will be informal, with no fixed form of procedure, the manner in which facts are ascertained and conclusions reached by the Board being, except as otherwise prescribed by these rules, a matter for its discretion. Ordinarily the contractor and contracting officer or their representatives may offer at a hearing such matter by way of evidence or argument as they see fit; but the extent of such evidence or argument, and the manner of its presentation, may be limited or otherwise controlled by the Board, the division, or the examiner, as the case may be.

(17) The Board may but shall not be required to have all or any part of the proceedings before it taken down stenographically, and to the extent that any proceeding before the Board is taken down stenographically the contractor shall be entitled to a transcript thereof upon request.

(18) No oaths shall be required of persons who present matter orally or in writing to the Board, but the Board, any division, thereof, or an examiner may, if it seems expedient, warn persons who make statements in writing or as part of a hearing that such statements may be subject to the provisions of section 35 (A) of the Criminal Code (18 U. S. C. 80), section 19 of the Contract Settlement Act of 1944 (41 U. S. C. 119), and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or within the jurisdiction of any department or agency thereof.

(19) An appellant may be represented by any duly authorized person.

(20) No decision of the Board, or of a division thereof, shall be conclusive or binding unless concurred in by a majority of the members of the Board, or of such division.

(21) When a decision has been reached by the Board, by a division thereof, by the Senior Member, or by the Secretary of the Navy, as the case may be, the Senior Member or the Secretary of the Board will advise the Chief of the Bureau concerned of such decision and of any action to be taken in regard to it. The Chief of the Bureau concerned will notify the parties of the decision and of the action taken with respect thereto.

(22) Whenever these rules or any order of the Board prescribe a time within which any act must be performed, Sundays and legal holidays in the District of Columbia count the same as other days, except that when the time prescribed for the performance of an act expires on a Sunday or legal holiday in the District of Columbia, such time shall extend to and include the next succeeding day that is not a Sunday or such legal holiday: Provided, that when the time for performing any act is prescribed by statute nothing in these rules shall be deemed to be a limitation or extension of the statutory time period.

(23) The Board may extend or waive any period of time or other limitation upon its action, except as prevented by law, a contract provision, a directive or other regulation.

(24) As used in these rules the term "contracting officer" includes any other authority from whose decision an appeal may be taken to the Secretary of the Navy pursuant to the provisions of a contract a directive or an applicable statute, and also includes any person or persons representing the contracting officer or other authority in the matter covered by the rule.

(i) *Navy procurement directives.*—The principal directives issued by the Secretary to all purchasing activities within the Naval Establishment for their guidance in the procurement of services and matériel have been published and made available to the public by the Commerce Clearing House, Chicago, Illinois. In addition, copies of specific directives may be obtained by addressing a request to the Secretary of the Navy, Washington, D. C.

§ 27.3 *Termination and settlement of war contracts*—(a) *Statutory authority.* The authority of the Navy Department to terminate prime contracts for the convenience or at the option of the Government is based upon its general authority to make contracts and to amend them in the interests of the Government, and upon its authority under Public Law 703, 76th Congress, as extended, (54 Stat. 712; 50 U. S. C. 1171) and the First War Powers Act of 1941 supra. The Contract Settlement Act of 1944 (58 Stat. 649 et seq.; 41 U. S. C. 101 et seq.) confers on the Department express authority to settle termination claims by agreement, by arbitration, and by determination without agreement, in accordance with the provisions of that Act, and authorizes the making and amending of contracts to carry out the provisions of the Act. The Act establishes the Office of Contract Settlement headed by a Director of Contract Settlement who has issued regulations prescribing policies, principles, methods, procedures, and standards governing the exercise, the authority and discretion, and the performance of the duties and functions of all Government Agencies under the Act.

(b) *Joint Termination Regulations.* The War and Navy Departments have issued a Joint Termination Regulation prescribing procedures to be followed in terminating and settling war contracts.

(c) *Delegations of authority.* Pursuant to the Joint Termination Regulation,

the bureau, office, or field activity which entered into the contract is generally authorized to terminate and settle that contract. The following are exceptions to this rule:

(1) Field activities not maintaining a contract termination section have been directed to transfer all termination claims, for settlement, to the nearest field activity maintaining a termination section.

(2) Certain companies have been assigned by the Director of Contract Settlement to a given bureau or office which is authorized to act for all the services of the War Department, for the bureaus of the Navy Department and (in some other cases) for other contracting agencies with respect to the settlement of the terminated war contracts of the assigned contractor.

(3) For purposes of convenience delegations of authority have been made by various bureaus to other bureaus and to services of the War Department to settle specific termination claims.

§ 27.4 *Payment of fair compensation under defective informal and quasi contracts*—(a) *Statutory authority.* Section 17 of the Contract Settlement Act of 1944 provides:

a. Where any person has arranged to furnish or furnished to a contracting agency or to a war contractor any materials, services, or facilities related to the prosecution of the war, without a formal contract, relying in good faith upon the apparent authority of an officer or agent of a contracting agency, written or oral instructions, or any other request to proceed from a contracting agency, the contracting agency shall pay such person fair compensation therefor.

b. Whenever any formal or technical defect of omission in any prime contract, or in any grant of authority to an officer or agent of a contracting agency who ordered any materials, services, and facilities might invalidate the contract or commitment, the contracting agency (1) shall not take advantage of such defect or omission; (2) shall amend, confirm, or ratify such contract or commitment without consideration in order to cure such defect or omission; and (3) shall make a fair settlement of any obligation thereby created or incurred by such agency, whether expressed or implied, in fact or in law, or in the nature of an implied or quasi contract.

The Director of Contract Settlement has issued Regulation No. 12 of the Office of Contract Settlement, dated January 24, 1945, prescribing procedures for the preparation, submission and allowance of Section 17 claims.

(b) *Preparation, submission and allowance of claims.* Under Section 17 of the Contract Settlement Act.

(1) Except as hereinafter provided, each claim for relief under section 17 of the Act shall be submitted in writing, and shall be under oath, verified by the claimant or by a principal executive officer of the claimant, and accompanied by affidavits of representatives of the claimant and other persons having knowledge of the relevant circumstances. If the claim is supported by a formal contract which may be invalid because of a formal or technical defect, or omission therein, or in its authorization, counsel of the bureau having cognizance of the matter may, in his discretion waive

the foregoing requirements with respect to verification and affidavits.

(2) If the claim is not based upon a formal contract, valid or otherwise, it shall be supported by such of the following information as is appropriate:

(i) The original or photostatic copies of any written instructions, and a full statement of any oral instructions, relied on.

(ii) Identification of any officer or agent upon whose authority to bind the Government the claimant relied, together with a statement of (a) the circumstances relied on in good faith by the claimant as indicating the existence of such authority, and (b) the efforts made by the claimant to obtain a formal contract or, if none was made, the reasons for the failure to make any such effort.

(iii) A full description of the materials, services, or facilities furnished or arranged to be furnished and of their relation to the prosecution of the war.

(iv) A statement of when and to whom such materials, services, or facilities were furnished or were arranged to be furnished, and of the arrangements made for furnishing them, together with a description of any guaranties, warranties, or indemnities customarily furnished or specifically required in connection therewith.

(v) A statement of all other action taken by the claimant with respect to the material, services, or facilities so furnished or arranged to be furnished and of any commitments that have been made to third parties in reliance on the written or oral instructions or other request to proceed, together with documentary evidence of any such commitments and a statement of any payments or settlements made with respect thereto.

(vi) A statement of the amount claimed, with a breakdown in sufficient detail to support the claim and certified by the claimant or its principal financial officer.

(vii) A statement of what steps have been taken to mitigate losses and reduce the claim to a minimum.

(viii) A statement of any payments or credits received or to be received on account of the materials, services, or facilities furnished or arranged to be furnished.

(ix) A statement of the salvage or recovery value of any such materials or facilities so arranged to be furnished but not disposed of.

(x) A statement of whether any other claim for any part or all of the relief requested has been, or is being, submitted to any other Government Agency or war contractor, and if so, of the action taken thereon.

(xi) Any additional information considered appropriate by the claimant.

Representatives of the Department authorized to consider the claim may require such further relevant information as they may deem necessary or appropriate.

(3) If the claim is based upon a formal contract which may be invalid because of a formal or technical defect or omission therein or in its authorization, the claim shall include a full statement of the rele-

vant circumstances and of the relief requested.

(4) A claim which is not supported by a formal contract shall be forwarded to the chief of the bureau which would normally have executed the contract for the materials, services, or facilities, with respect to which relief is being sought. A claim which is based upon a formal contract shall be forwarded to the bureau or office which executed the contract. Such bureau or office will forward the claim, with comments thereon, to the chief of the bureau having cognizance (in doubtful cases, the claim will be forwarded to the Chief of the Bureau of Supplies and Accounts). If the chief of the bureau or the contracting officer determines that a claim should be considered by a contracting agency of the Government other than the Navy Department, he will forward the claim and supporting papers to the Office of Contract Settlement with a statement of his reasons therefor and a statement of any information he may have concerning the facts set forth in or bearing on the claim.

(5) Each claim for relief under Section 17 will be promptly and carefully investigated by the chief of the cognizant bureau or his duly authorized representative. After such investigation, and determination that the facts justify relief if it may be legally granted under the Act, the claim together with a report of such investigation will be referred to counsel for the bureau, or to the Office of the General Counsel for the Department of the Navy if the arrangement or contract was made by the Marine Corps, for an opinion as to the extent to which the requested relief or action may legally be granted or taken under the provisions of Section 17 of the Act.

(6) If the counsel determines that relief may legally be granted, the chief of the cognizant bureau or his duly authorized representative will negotiate with the claimant with a view to settlement of the claim by agreement. Any such agreement involving payment to the claimant of any amount in excess of \$25,000 will not become binding upon the Government until it has been reviewed and approved by the head of the Procurement Policy Branch of the Material Division, Office of the Assistant Secretary of the Navy. In forwarding any such agreement to the Material Division, the cognizant bureau will include a statement of the factors bearing upon the determination of the amount agreed upon as fair compensation and a copy of the opinion of counsel.

(7) All relief granted or action taken under Section 17 of the Act must be embodied in a written agreement, executed by the chief or a contracting officer of the cognizant bureau and approved as to form and legality by counsel, which shall release and discharge the Government, its officers, agents and employees from all liability on account of the furnishing of, or the arrangement to furnish, the materials, services, or facilities in question.

(8) In any case where the chief of the cognizant bureau or his duly authorized representative has failed to settle the claim by agreement with the claimant

or has so settled only a part of the claim, the dispute will be subject to the provisions of Section 13 of the Act, governing the preparation of written findings and prescribing procedure for review and appeal. All written findings will be submitted to counsel for the bureau, or to the Office of the General Counsel for the Department of the Navy in the case of the Marine Corps, for approval as to form and legality. Following such approval, one copy of such findings will be forwarded to the claimant and two copies to the Office of Contract Settlement.

(9) Where an obligation or commitment created or incurred by a bureau might be invalidated because of a formal or technical defect or omission in a prime contract or in any grant of authority to an officer or agent who ordered materials, services, or facilities related to the prosecution of the war, the chief of the bureau or his duly authorized representative will formalize the obligation or commitment within ninety (90) days after notice of the existence of such formal or technical defect or omission.

(10) The Secretary of the Navy has delegated to the chiefs of the several bureaus the authority to grant relief under section 17 of the Act.

(11) The Secretary of the Navy has authorized the Judge Advocate General to convene a Philippine Contract Settlement Commission to settle pursuant to section 17 of the Contract Settlement Act, supra, claims for services or materials furnished representatives of the Navy in the Philippine Islands.

§ 27.5 *Disposition of property.* The Navy Department, as an "owning agency" under the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. 1611) and Regulations issued thereunder by War Assets Administration, is authorized to dispose of certain of its property in accordance with such Regulations. The Navy Department is also authorized to sell, transfer and otherwise dispose of vessels and other property under statutory authority other than the Surplus Property Act.

The following is set forth for the purpose of indicating the bureaus, offices, or activities of the Navy Department and their general procedures in respect to disposition of naval property.

The Navy Department has found it convenient to issue six comprehensive regulations covering disposition of all naval property as follows: The Army-Navy Joint Termination Regulation, and Navy Property Redistribution and Disposal Regulations Nos. 1 through 5, inclusive. The Navy Material Redistribution and Disposal Administration Handbook has also been published for the guidance of field personnel with particular reference to procedures governing sales of scrap, salvage and waste materials and small lots. All of the publications reflect the rules and requirements of applicable regulations issued by the War Assets Administration and the requirements of statutes covering dispositions other than those authorized pursuant to the Surplus Property Act. Access may be had to these publications through the Office of the Assistant Secretary of Navy, Material Division, Washington 25, D. C., at the Offices of the

Commandants of the several Naval Districts, and at the Material Redistribution and Disposal Offices listed in § 26.20.

The Chief of the Material Division, Office of the Assistant Secretary of Navy, is charged with the over-all responsibility for disposition of naval property and general inquiries for information should be addressed to the Material Division, Office of the Assistant Secretary of the Navy, Washington 25, D. C. Inquiries with respect to specific Navy property may be addressed to the Technical Bureau cognizant thereof or to the pertinent local selling activity referred to below.

(a) *Dispositions under the Surplus Property Act.* Dispositions of surplus property by the Navy Department authorized by the Surplus Property Act of 1944 and the regulations issued thereunder are of the following general types. Such dispositions are in each instance governed by the conditions and limitations imposed by and the procedure established under the applicable regulations of War Assets Administration and the property disposition publications referred to above:

(1) *Waste, scrap, and salvage.* Sales are made by the authorized selling activities listed in § 275 (a) (7) on the basis of competitive bids except in those exceptional cases (such as educational institutions) where it has been determined that it would be in the best interest of the Government to make disposition by negotiated sale, in which case such property may be disposed of at the best price obtainable. Purchasers may be required to warrant against use of property to be scrapped where appropriate in the public interest.

(2) *Worthless property.* Navy contractors may be authorized to sell for the account of the Government worthless property resulting from the termination or run-out of war contracts and the Navy Department may itself donate property which has no commercial value, or property the estimated cost of the care, handling and disposition of which would exceed the estimated proceeds of its sale to Federal or State supported agencies or institutions and to non-profit educational or charitable institutions. Except where military necessity or the public health or safety otherwise requires, no naval activity may destroy or abandon property until efforts to donate such property have failed.

(3) *Small lots.* The Navy Department may sell, or permit the retention or sale by a contractor of any item or group of items or property as provided in and constituting "small lots" under Regulation 9 of the War Assets Administration.

(4) *Contractor inventory.* Government-owned property resulting from the termination or run-out of war contracts in the possession of contractors of the Navy Department may be retained or sold by the contractor for the account of the Government.

(5) *Facilities and plant equipment.* The Navy Department may under applicable Regulations of War Assets Administration sell facilities, including im-

provements to land, and plant equipment which are located in a war contractor's plant to the contractor in possession thereof. Improvements on leased land, both industrial and non-industrial, may be disposed of by sale, transfer, demolition or abandonment.

(6) *Foreign areas.* In foreign areas (outside the continental United States, its territories or possessions), the Navy Department, acting through its Area Commander, is authorized to make direct disposition of scrap, salvage and waste property, and of subsistence and other property whenever such disposition is, in the judgment of the Area Commander, necessary to avoid spoilage or loss through rapid deterioration.

(7) *Conduct of sales.* With respect to facilities, improvements to land and plant equipment, Contracting Officers within the several Bureaus are authorized to negotiate and sell such property to the contractor in possession at prices determined to be fair and reasonable, subject to the review and approval of review boards established within the several Bureaus in cases of sale involving property which cost in excess of \$25,000 (excepting items sold under the formula established by War Assets Administration Regulation #13). Sales of other classes of property which the Navy Department as an owning agency has authority to sell under the Surplus Property Act of 1944 are effected by the Supply Officer at authorized selling activities. Such authorized selling activities are as follows:

Naval Shipyards

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|--------------------|-----------------------|
| Portsmouth, N. H. | Boston, Mass. |
| New York, N. Y. | Portsmouth, Va. |
| Philadelphia, Pa. | Mare Island, Calif. |
| Charleston, S. C. | Hunter's Point, |
| Puget Sound, Wash. | San Francisco, Calif. |

Naval Supply Depots

| | |
|--------------------|-------------------|
| Newport, R. I. | Oakland, Calif. |
| Bayonne, N. J. | Clearfield, Utah. |
| Mechanicsburg, Pa. | Spokane, Wash. |
| San Diego, Calif. | Seattle, Wash. |
| Scotta, N. Y. | San Pedro, Calif. |
| New Orleans, La. | Norfolk, Va. |

Naval Air Stations

| | |
|----------------------|---------------------|
| Quonset Point, R. I. | Miami, Fla. |
| Corpus Christi, Tex. | Pensacola, Fla. |
| Alameda, Calif. | San Diego, Calif. |
| Seattle, Wash. | Dallas, Tex. |
| Lakehurst, N. J. | Ottumwa, Iowa. |
| Jacksonville, Fla. | Patuxent River, Md. |

Authorized Selling Activities Marine Corps

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| Depot Quartermaster, Depot of Supplies, Marine Corps, Philadelphia, Pa. |
| Depot Quartermaster, Depot of Supplies, Marine, Corps, San Francisco, Calif. |
| Post Quartermaster, Marine Barracks, Quantico, Va. |
| Camp Quartermaster, Camp Lejeune, N. C. |
| Post Quartermaster, Marine Barracks, Parris Island, S. C. |
| Base Quartermaster, Marine Corps Base, Naval Operating Base, San Diego, Calif. |
| Camp Quartermaster, Marine Barracks, Camp Joseph H. Pendleton, Oceanside, Calif. |

Marine Corps Air Stations Designated By Commandant of the Marine Corps

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| Naval Supply Officers, Marine Corps Air Station, Cherry Point, N. C. |
| Naval Supply Officer, Marine Corps Air Station, El Toro, Calif. |

Other Naval Activities

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| Naval Academy, Annapolis, Md. |
| Naval Powder Factory, Indian Head, Md. |
| Naval Training Center, Great Lakes, Ill. |
| Naval Torpedo Station, Newport, R. I. |
| Submarine Base, New London, Conn. |
| Naval Aviation Supply Depot, Oxford Avenue and Martin's Mill Road, Philadelphia, Pa. |
| Naval Ammunition Depot, Crane, Ind. |
| Naval Training Center, Bainbridge, Md. |
| Naval Air Technical Training Center, Memphis, Tenn. |
| Naval Air Technical Training Center, Norman, Okla. |
| Navy Supply Storehouse, Naval Station, Portland, Maine. |
| Naval Repair Base, New Orleans, La. |
| Advance Base Depot, Port Hueneme, Calif. |
| Naval Gun Factory, Naval Base, Washington, D. C. |
| Naval Clothing Depot, Brooklyn, N. Y. |
| Naval Ammunition Depot, Hastings, Nebr. |
| Naval Ammunition Depot, McAlester, Okla. |
| Naval Storehouse, Gulfport, Miss. |
| Industrial Manager, Eighth Naval District, Federal Office Building, New Orleans, La. |
| Submarine Base, Key West, Fla. |
| Administrative and Disestablishment Unit, Davisville, R. I. |
| Naval Station, Tongue Point, Astoria, Oreg. |
| Naval Center, Sampson, N. Y. |

Sales by the above listed activities are made customarily by competitive bid, invitations being solicited verbally, by sales letter or by sales catalog. A deposit, generally 25% of the amount bid, is required of each bidder. Where, within permissible limits, negotiated sales are conducted, invitations are solicited informally without the preparation of catalogs or the formal opening of bids on a specified date.

In foreign areas sales are conducted by the Supply Officer of any regularly organized Supply Department or by persons delegated authority by him with the approval of the Area Commander. Ordinarily sales are made by competitive bid although negotiated sales may be made provided that the fair value of the property is obtained. Sales involving less than \$100,000 but more than \$10,000 must be approved by the Area Commander, and sales involving in excess of \$100,000 must in addition be approved by the Material Division of the Office of the Assistant Secretary of the Navy. No local sales in foreign areas may be made of weapons, ammunition, combat material or classified items without prior approval of the Chief of Naval Operations, nor may any material processed, produced or donated by the American Red Cross be disposed of without the approval of the American Red Cross.

(b) *Disposals under special Statutes.* In addition to the authority to dispose of surplus property under the Surplus Property Act of 1944 and the procedures in connection therewith, all as referred to and described in § 27.5 (a), the Navy Department has further authority to make dispositions of its property, including temporary leasing for commercial purposes, transfers to other Government agencies and loans or donations of specified property, under several Acts of Congress. Such dispositions are under the direction of the Chief of the Material Division, Office of the Assistant Secretary of Navy, and inquiries in respect of

such property or types of disposition should be directed to The Material Division, Office of the Assistant Secretary of the Navy, Washington 25, D. C.

Disposals under such special Acts of Congress fall into four main categories: disposition to other Government agencies; disposition in the public interest or in the interest of national defense; disposition of certain vessels, and miscellaneous dispositions.

(1) *Disposition to other Government agencies.* The Navy Department is authorized to transfer such of its property as may be excess to the Veterans Administration, U. S. Soldiers Home, Civil Aeronautics Administration, National Housing Administration, the War Department, Coast Guard and other Federal Agencies within the limitations of and in accordance with applicable statutes. Such transfers are made upon application by the Governmental department or agency concerned and are governed by the appropriate statutory requirements.

(2) *Disposition in the public interest or in the interest of national defense.* The Navy Department is authorized to grant for a monetary rental revocable rights to use real property not needed for the immediate requirements of the Navy Department for periods not exceeding five years under the Act of August 29, 1916, (39 Stat. 559, 34 U. S. C. 522). The Navy Department may also transfer, sell or otherwise dispose of real and personal property where such transfer, sale or other disposition has been determined to be in the interest of national defense, in Title II of the First War Powers Act, 1941 (55 Stat. 838; 50 U. S. C. 611), and the Act of July 2, 1940 (54 Stat. 712; 50 U. S. C. 1171), as made applicable to the Navy Department by Executive Order 9262 dated November 5, 1942 (7 F. R. 9105). Prior to the licensing, or leasing or other disposition of real property by the Navy Department, approval of the Naval Affairs Committee of Congress is required (Public Law 289, 78th Cong; 58 Stat. 189).

(3) *Disposition of certain vessels.* Combatant vessels are excluded from the Surplus Property Act of 1944 and are disposed of only under the Acts of August 5, 1882, and March 3, 1883 (34 U. S. C. 491, 492, 22 Stat. 296, 22 Stat. 599), the Executive Order of the President No. 5641, dated 15 October 1945 (10 F. R. 1), and Article 1897 of Navy Regulation, after a material survey has shown such a vessel to be *unfit* (not merely no longer needed) for further naval service and it has been stricken from the Navy Register. Combatant vessels include battleships, cruisers, aircraft and escort carriers, destroyers and destroyer escorts, and submarines.

When the Secretary of the Navy has determined that a combatant vessel shall be sold, the Navy Material Redistribution and Disposal Administration may offer such vessel for sale for the purposes of *scrapping* or for *use* and on such conditions as may be determined in each

case. If sale of the vessel as such is not feasible, arrangements may be made by the Bureau of Ships for demolition of the vessel and sale by an authorized selling activity of the resulting materials as scrap, salvage, or usable property, as may be appropriate.

Surplus non-combatant naval vessels are normally reported by the Navy Department to the appropriate disposal agency for disposition, but the Navy, itself as the *owning agency* disposes of such vessels determined to have scrap or salvage value only, and has been designated the *disposal agency* for frigates and eagles (patrol vessels) located in the continental United States and not subject to Public Law 305, 78th Congress (requiring certain vessels to be reported to War Shipping Administration for return to the former owners on the conditions stated in such law).

(4) *Miscellaneous dispositions* — (i) *Exchange of property.* Under Public Law 49, 79th Cong. the Navy Department is authorized to exchange in part payment for new equipment of the same or similar character certain types of automotive property and equipment and office machines.

(ii) *Disposal of property to Sea Scouts.* Obsolete property may be donated, and other excess property sold at a fair price, to the Sea Scouts under the authority of the Act of March 1, 1929 (45 Stat. 1430; 34 U. S. C. 546b) and the Act of April 10, 1936 (49 Stat. 1195; 14 U. S. C. 43a).

(iii) *Donations to schools, colleges and universities approved by the Federal Security Agency.* The Navy Department is authorized to make donations to properly accredited schools, colleges and universities which, pursuant to War Assets Administration Regulations Nos. 4 and 19 have received the approval of the Federal Security Agency (U. S. Office of Education). Such donations are limited to excess or obsolete boats and boat equipment, obsolete airborne electronics and radar equipment, and excess or obsolete machinery, mechanical equipment or tools common to the manual or mechanical arts or trades or commonly used by schools giving instruction therein. Such donations may be made only for purposes of actual instruction in courses of vocational training, or in aeronautical courses in the case of aeronautical property. In accordance with arrangements effected with the U. S. Office of Education applications for Navy donable property should be directed to the field representative of the U. S. Office of Education (Federal Security Agency) nearest the applicant.

(iv) *Loans or donations of condemned or obsolete material for memorial purposes.* Pursuant to 29 Stat. 133; 34 U. S. C. 546, the Secretary of the Navy is authorized to loan or donate condemned or obsolete ordnance, guns, projectiles, books and other similar condemned or obsolete materials to municipal corporations, soldiers monument associations, posts of war veterans associations, war battle associations, state museums and incorporated non-profit

museums intended for educational purposes. Requests for such donations are subject to the approval of the Curator for the Navy.

(5) *Approval by Congress of certain loans and gifts.* Pursuant to Public Law 649, 79th Congress, no transfer, loan or gift of *vessels*, captured, condemned, or obsolete ordnance, guns, projectiles, books, manuscripts, works of art, drawings, plans, models and other condemned or obsolete material, trophies, flags and other material of historical interest which may not be needed in service of the Navy Department, shall take effect until information of the proposal to make such transfer, loan or gift has been transmitted to the Congress and approval received.

§ 27.6 *Renegotiation of contracts.*
(See § 26.4 (d) (3) (v).)

§ 27.7 *The Patent Royalty Revision Board.* The organization and functions of this Board, together with its delegations of authority, have previously been discussed in § 26.4 (b) (9). The procedures of the Board are governed by the pertinent provisions of the Royalty Adjustment Act of 1942 (35 U. S. C. 89-96).

The hearing itself is informal and opportunity is afforded the parties involved to be heard in person, by their attorneys, or to present in writing such evidence, memoranda or briefs as have a bearing on the issues involved.

Prior to the hearing itself and wherever practicable every effort will be made to compromise on a voluntary basis any royalty believed to be unreasonable or excessive.

In determining what are fair and just rates and amounts of royalties payable for an invention, the Board takes into consideration the following factors:

- (a) The conditions of wartime production.
- (b) The production and use of the invention prior to any increase due to wartime procurement, including
 - (1) any established royalty rate;
 - (2) the volume on which royalty was paid;
 - (3) the yearly aggregate royalty paid; and
 - (4) the circumstances under which the licensing and the establishment of the royalty rate occurred.
- (c) The character of the invention and any patent protection therefor, the value of its contribution to the art in which it is used, and the character and expense of research and development that have been devoted to the invention.
- (d) The extent of use and proposed use of the invention by other departments or agencies of the Government and the amounts of royalties involved in the aggregate in such use.
- (e) All other considerations which are ordinarily and properly taken into account in determining fair and just royalties or which appear to be appropriate to the particular case.

NAVY DEPARTMENT

NAVY DEPARTMENT
WASHINGTON

ROYALTY ADJUSTMENT ORDER NO N-
In the Matter of

(f) Any person desiring to communicate with the Board should address his letter as follows: Patent Royalty Revision Board, Navy Department, Washington 25, D. C., Attention: Office of Naval Research.

(g) The following form of notice is approved for use subject to such deviations as may be appropriate:

NOTICE

In the Matter of

----- (et al.)

Licensor(s)

and

----- (et al.)

Licensee(s)

To: Licensor(s) and Licensee(s): You and each of you will hereby take notice, that;

Pursuant to the Royalty Adjustment Act 1942 (Public No. 768, 77th Congress; 35 U. S. C., 89-96), NOTICE IS HEREBY GIVEN that the royalties which are charged or chargeable directly or indirectly to the Navy Department on account of the manufacture, use or sale to or for the United States of the alleged inventions relating to ----- (subject-matter) -----, by virtue of the license agreement(s) between ----- as licensor, and the following licensees, are believed to be unreasonable or excessive:

(Name of all licensees)

This Notice becomes effective upon its receipt by you or five (5) days after the mailing hereof, whichever date is the earlier.

The licensor or any licensee, if he so requests within ten (10) days from the effective date of this Notice, may within thirty (30) days from the date of such request present in writing or in person any facts or circumstances which may, in his opinion, have a bearing upon the rates or amounts of royalties, if any, to be determined, fixed and specified.

From and after the effective date of this notice and until the making of an order under said Act, each licensee is hereby directed (a) not to pay to licensor any royalties under said license(s) which are charged or chargeable directly or indirectly to the Navy Department and (b) to segregate said royalties from licensee's general funds and safely keep the same until such time as the disposition thereof is directed by such order.

(Signature (and title) of delegate)

The foregoing Notice is directed to the following:

(Names and addresses of all licensors and licensees)

The foregoing notice is required to be mailed to the last known address of the licensor and the licensee and to other known interested parties, if any.

(h) The following form of order is approved for use subject to such deviations as may be appropriate:

(Insert name of each Licensor) Licensor(s),
and

(Insert name of each Licensee) Licensee(s)
Navy Department Contract Nos.

(Insert the identifying number of each Navy Department contract, if ascertained, which it is believed will be affected by the order; if no contract is ascertained, omit the above heading.)

Contractor:

(Insert names of Contractors in respect of each of the above identified contracts; if no contract is identified, omit the above heading.)

Whereas, pursuant to authority contained in the Royalty Adjustment Act 1942, Public No. 768, 77th Cong.: 35 U. S. C., 89-96, written notice was given on or about the ----- (Insert date of notice) to ----- (Insert name of each licensor) ----- (individually and collectively hereinafter called "Licensor") and to ----- (Insert name of each licensee) ----- (individually and collectively hereinafter called "Licensee") that the royalties, provision for the payment of which by Licensee to Licensor is included in the (license(s) dated -----) (licenses specified in Column 4 of Schedule A annexed hereto and by this reference made a part hereof), and which said royalties are charged or chargeable directly or indirectly to the Navy Department for or on account of the manufacture, use or sale to or for the United States of certain alleged inventions (pertaining to -----) (specified in Columns 1, 2 and 3 of said Schedule A), were believed to be unreasonable or excessive, and that until the making of an order herein no royalties were to be paid by Licensee to Licensor under the license(s) above referred to which are charged or chargeable directly or indirectly to the Navy Department, and

Whereas, Licensor, and Licensee, upon their request, have presented in writing and in person such facts and circumstances as they desired having a bearing upon the rates or amounts of royalties to be determined, fixed and specified by order pursuant to said Act:

Now, therefore, pursuant to the authority of and for the purposes set forth in said Act, and upon taking into account the facts and circumstances presented as aforesaid, the conditions of wartime production, and such other facts and circumstances as are proper to be considered in determining a fair and just rate or amount of royalties in the premises, it is hereby Ordered as follows, viz:

(1) that fair and just rates or amounts of royalties for the manufacture, use, sale or other disposition to or for the Navy Department of the said alleged inventions are hereby determined, fixed and specified to be (-----) (the rates or amounts set forth in Column 5 of said Schedule A);

(2) that until further order, Licensee is hereby authorized to pay to Licensor, on account of the manufacture, use, sale or other disposition of said alleged inventions to or for the Navy Department heretofore occurred, or hereafter occurring while Sections 1 and 2 of said Act remain in force, royalties, if any, at the rates or in the amounts determined, fixed and specified in paragraph (1) hereof, and no more, under

(a) the said license(s) (dated -----) (identified in Column 4 of said Schedule A), (and)

(b) any license between them, entered into on or after the effective date of said notice and so long as Sections 1 and 2 of said Act remain in force, which in any respect continues, supplements, modifies or supersedes (the license) (any of the licenses) referred to in subparagraph (a) hereof, (and

(c) any license between them, entered into on or after the effective date of said notice and prior to the date of this Order, which grants rights to practice the said alleged inventions;)

(Alternate A)

(3) that Licensee is hereby directed to pay over to the Treasurer of the United States (through -----), and at the same time and place to deliver a statement in writing signed by Licensee showing the amount and manner of computation thereof, the balance, in excess of the royalties authorized by paragraph (2) next above, of all royalties specified in the licenses referred to in said paragraph (2) which were due to Licensor and were unpaid on the effective date of said notice, and of all royalties which since said date have become and are now due to Licensor, and of all royalties which may hereafter become due to Licensor as and when the same fall due for payment to Licensor, for or on account of the manufacture, use, sale or other disposition of said alleged inventions to or for the Navy Department heretofore occurred or hereafter occurring while Sections 1 and 2 of said Act remain in force, and demand is hereby made for payment forthwith of the monies now due which are so directed to be paid; and

(Alternate B)

(3) that Licensee is hereby directed

(a) to pay over to the Treasurer of the United States (through -----), and at the same time and place to deliver a statement in writing signed by Licensee showing the amount and manner of computation thereof, the balance, in excess of the payments authorized by paragraph (2) next above, of all royalties specified in the licenses referred to in said paragraph (2) which were due to Licensor and were unpaid on the effective date of said notice, and of all royalties which since said date have accrued or may hereafter accrue in respect of supplies, equipment, materials, or parts thereof delivered to or for the Navy Department prior to the tenth (10th) day next following the receipt of this order by the Licensee, and demand is hereby made for payment forthwith of the monies so directed to be paid; and

(b) to reduce the contract price of all supplies, equipment, materials and parts thereof delivered to or for the Navy Department on and after the tenth (10th) day next following the receipt of this order by the Licensee, to the extent necessary to secure to the Government the full benefit of the reduction in royalties effected by this order; and

(4) that reservation is hereby expressly made of the right to amend, modify, revoke or extend this Order and of the right of the head of any department or agency of the Government, including but not limited to the Navy Department, to take such other, further and different action as may be authorized by any statute of the United States with respect to the subject matter.

Dated:

The foregoing Order is directed to the following: (Here list all parties affected by the Order):

SCHEDULE A

| Column 1 Title or short description of invention | Column 2 Patent numbers or application serial numbers | Column 3 Issue dates or filing dates | Column 4 Instrument(s) in which royalties are stipulated | | | Column 5 Fair and just royalties | |
|---|--|---|---|----------|----------|-------------------------------------|--------|
| | | | Effective date | Licensor | Licensee | Rate | Amount |
| | | | | | | | |

§ 27.8 *Claims arising under Act of Dec. 28, 1945, Ch. 597 (59 Stat. 662) and Public Law 601, 79th Congress.* Prior to making an analysis of the procedures involved, it is necessary to note that the Act of December 28, 1945, *supra*, has been amended in so far as certain negligence claims are concerned by Public Law 601, 79th Congress. The regulations issued pursuant to the Act of December 28, 1945, *supra*, are published in the Federal Register of 31 January 1946, Volume 11, pages 1156 to 1172. The Navy Personnel Claims Regulations (11 F. R. 1156-1164) pertain to certain property claims submitted by persons in the naval service or civilians employed by the Navy Department. The section of the statute pertaining to this type of claim was not repealed. The Navy General Claims Regulations (11 F. R. 1164-1172) pertain in part to the section of the statute which was repealed. The enactment of Public Law 601, 79th Congress, will require the publication of new regulations in so far as the currently published regulations are inconsistent therewith. These new regulations will be published in due course. The Secretary of the Navy has promulgated the following interim instructions:

for the administration of Public Law 277, 79th Congress (Act of Dec. 28, 1945, Ch. 597, 59 Stat. 662), published in Navy Department Bulletin 31 Jan. 1946 (11 F. R. 1156-1172), are applicable except in so far as in conflict with Public Law 601.

Provisions of certain laws authorizing consideration and adjustment of claims now cognizable under Public Law 601 are repealed. (ALNAV 448-46)

§ 27.9 *Procurement of officers and enlisted personnel—(a) Statutory authority.* The Navy Department is authorized by various statutes including the Act of April 18, 1946 (Public Law 347, 79th Congress; 60 Stat. 92; the Act of July 30, 1942, (56 Stat. 730-731; 34 U. S. C. 857-857g) and the Act of May 13, 1908, as amended (35 Stat. 146; 34 U. S. C. 887), to procure officers and enlisted personnel for the Naval Service including the Marine Corps, Marine Corps Women's Reserve, Navy Nurse Corps and the WAVES.

(b) *Method of procurement—(1) Enlisted personnel, Regular Navy.*

(i) The Navy Department maintains recruiting stations in various parts of the country which will receive and process applications for enlistment in the Naval Service.

(ii) Information as to the location of the nearest recruiting station may be obtained from any post office or by writing the Director, Recruiting and Induction Division, Bureau of Naval Personnel, Navy Department, Washington 25, D. C.

(2) *Enlisted personnel, Marine Corps.* (i) The Marine Corps maintains recruiting stations in the major centers of population throughout the country which will receive and process applications for the Marine Corps.

(ii) Information as to the location of the nearest recruiting station may be obtained from any post office or by writing the Director of Recruiting, Headquarters U. S. Marine Corps, Washington 25, D. C.

(3) *Officers.* The Navy Department maintains main offices and six branch offices of Naval Officer Procurement in the larger cities throughout the country which will receive and process applications for commissions in the Naval Service, applications for enlistment and appointment in the WAVES and applications for enlistment in Navy Aviation College Program, and in the Naval Reserve Officers Training Corps. Regulations for Administration and Training, Naval Aviation College Program and Regulations for Administration and Training, Naval ROTC, are in process of preparation at the present time.

Information concerning these programs may be obtained by writing to

Director of Training, Bureau of Personnel, Washington 25, D. C.

(4) *Naval Academy.* Appointments to the Navy Academy at Annapolis are made by the President, Vice-President, Secretary of the Navy, each Senator, Representative and Delegate to Congress. In addition, appointments are made as a result of competitive examination from the Regular Navy and Marine Corps. Regulations governing the admission of candidates into the U. S. Naval Academy as Midshipmen and sample examination questions may be obtained from the Bureau of Naval Personnel, Navy Department, Washington 25, D. C., and from the U. S. Government Printing Office, Washington 25, D. C.

§ 27.10 *Family Allowances to Servicemen—(a) Statutory authority.* The Servicemen's Dependents Allowance Act of 1942, as amended (56 Stat. 381 as amended by 57 Stat. 577; 37 U. S. C. 201-221) provides family allowances for the dependents of enlisted men of the Army, Navy and Marine Corps. Dependents are divided into three classes known as Class A, Class B and Class B-1 dependents. Class A dependents include wives, children, and divorced wives. Children of WAVES are entitled to Class A family allowance benefits if they are in fact dependent on the WAVE for their support. Class B dependents include parents, brothers, and sisters who are found to be dependent upon the enlisted person for a substantial portion of their support, and Class B-1 dependents include parents, brothers, and sisters who are found to be dependent upon the enlisted person for the chief portion of their support.

The Act provides that the determination of all facts, including the fact of dependency, which it shall be necessary to determine in the administration of such Act, shall be made by the Secretary of the Department concerned and such determination shall be final and conclusive for all purposes and shall not be subject to review in any court or by any accounting officer of the Government. The Act further authorizes the Secretaries of the Departments concerned to prescribe jointly or severally such regulations as they deem necessary to enable them to carry out the provisions of the Act and to delegate any of their functions under the Act.

(b) *Regulations of the War and Navy Departments.* Pursuant to the foregoing authority, the Secretary of War and the Secretary of the Navy issued on December 21, 1943, joint regulations under the Servicemen's Dependents Allowance Act of 1942, which are as follows:

Public Law 601 cited as Legislative Reorganization Act of 1946 was approved 2 August 1946. Pertinent provisions of Title Four thereof cited as the Federal Tort Claims Act, authorize administrative settlement and payment of property damage and personal injury and death claims accruing on and after 1 January 1945 not exceeding one thousand dollars caused by negligent or wrongful act or omission of any employee of Government while acting within scope of his office or employment under circumstances where the United States, if a private person, would be liable to claimant for such damage, loss, injury or death in accordance with the law of the place where the act or omission occurred. Part 3 of Title Four confers exclusive jurisdiction on U. S. district court for district wherein plaintiff is resident or wherein act or omission occurred including the U. S. district courts for the Territories and possessions of the United States, sitting without a jury, over claims for property damage or loss, or personal injury or death, occurring under conditions above described and makes United States liable to same extent as private individual except for interest prior to judgment and punitive damages. Claim is barred unless within one year after claim accrued or within one year after date of enactment of Act, whichever is later, it is presented in writing to the federal agency out of whose activity it arises or court action is instituted.

The JAG (Judge Advocate General) of the Navy; the ASTJAG (Assistant Judge Advocate General) of the Navy; or the Chief of the General Law Division, Office of the JAG (Judge Advocate General) have been appointed designees to administer the Federal Tort Claims Act for the Navy. Pending further instructions the regulations promulgated

(1) Payments of all family allowances shall be for periods of full calendar months.

(2) To insure expeditious payment of the initial family allowance:

(i) payment shall be made on the basis of the statements of the enlisted man in the application, filed within the prescribed period, and to or on behalf of eligible dependents designated therein; and

(ii) eligibility for initial family allowance will be deemed to have existed on and from the date of entry into active service if the application indicates eligibility on the date of application.

Erroneous statements or misrepresentations in applications for initial family allowances may, as determined by the Secretary of the department concerned, be the basis for recovery by charge against the pay of the applicant, or otherwise, and for disciplinary action.

(3) When an initial family allowance is paid to any dependent for the month of an enlisted man's entry into active service in a pay status, no regular monthly family allowance shall be paid to any dependent of such enlisted man for that month. When no initial family allowance is paid, the period of entitlement and payment of the regular monthly family allowance shall begin as hereinafter prescribed.

(4) Except as otherwise provided, the period of entitlement to and payment of regular monthly family allowances, including any increases therein, shall begin as of the first day of the calendar month in which a required written application (or a notice of change in a case of increase) is filed, or the first day of the calendar month in which a dependent is acquired, whichever is later, but in no case earlier than the month of entry of the enlisted man into active service in a pay status. In case of Class B or Class B-1 dependents the period of entitlement and payment may begin as of the first day of any subsequent calendar month that the enlisted man requests.

(5) Any increase in a regular monthly family allowance in effect to a wife, or wife and children, incident to the birth of a child or additional child, shall be effective as of the first day of the calendar month during which the birth occurs notwithstanding that notice or evidence thereof is received in a subsequent month.

(6) Except as otherwise provided, the period of payment of monthly family allowance shall terminate, or payment shall be decreased, as of the end of the calendar month during which any notice is received by the disbursing officer paying the allowance of a change which terminates or limits the entitlement of the dependent or dependents to such allowance. Entitlement to family allowance shall terminate or be modified at the end of the month in which such change occurs. Checks to which there is no entitlement may be permanently withheld.

(7) Insofar as practicable the period of entitlement and payment of any Class B or Class B-1 regular monthly family allowance requested in writing by the enlisted man to be discontinued, other than by reason of change in status of

dependents, shall terminate as of the end of the calendar month requested by the enlisted man or the end of the calendar month during which such request is received by the disbursing officer paying the allowance, and in no case later than the end of the next succeeding calendar month.

(8) For the purpose of determining amounts of family allowance to be paid:

(i) in cases in which no family allowance has been granted to a wife or divorced wife, the amount of family allowance payable to children shall be the amount specified in the statute where there is no wife or divorced wife;

(ii) in cases in which no family allowance has been granted to a parent, the amount of family allowance payable to brothers and sisters shall be the amount specified in the statute where there is no parent;

(iii) all children of an enlisted man shall be considered one family entity irrespective of differences in their custody, residence, or parentage;

(iv) parents of an enlisted man, and all his brothers and sisters irrespective of differences in their custody, residence, or parentage, shall be considered one family entity;

(v) the total amount of monthly family allowance payable to or for the benefit, respectively, of two or more children, of two parents, or of two or more brothers and sisters, shall be equally divided among the respective children, parents, or brothers and sisters or shall be otherwise apportioned and paid within the respective groups as the Secretary of the department concerned may direct.

(9) Whenever a court order or decree or written agreement of separation provides a single sum for alimony to a divorced wife or maintenance for a wife and also for the support of a child or children, the proportional share of the wife or divorced wife in such sum shall, for the purpose of carrying out the provisions of section 106 (c) of the Act, be deemed to be sixty per centum thereof in the case of one child and forty per centum thereof in any case of two or more children. Regardless of any limit stated in a court order or decree or written agreement the full statutory amount of family allowance shall be payable to or on behalf of any child or children.

(10) Application of section 106 (c) (1) shall be made in those cases in which there is a lawful wife living separate and apart from the enlisted man and there is also a court order or decree or a written agreement which expressly or impliedly provides for the beginning or continuance of such living separate and apart. In construing a court order or decree or written agreement full consideration shall be given to all the facts and circumstances under which the order, decree or agreement is issued or made. A penal order for marital support or an order in a desertion case is not within this statutory limitation; in such cases the full allowance for a wife is payable.

(11) The payment of any amounts of a family allowance uncollected at the time of death of a dependent shall be made to such payee or payees, including the enlisted man when appropriate, as the Sec-

retary of the department concerned shall deem equitable, subject to the provisions of Section 115 of the Act.

(12) The Secretary of the department concerned may at any time require additional evidence in any family allowance case. Failure to furnish such evidence within a reasonable time after request or any insufficiency of evidence shall constitute good cause for the discontinuance or modification of such family allowance.

(13) These Joint Regulations are effective November 1, 1943; they rescind and supersede the Joint Regulations approved July 19, 1943.

(c) *Regulations of the Navy Department.* The Secretary of the Navy approved certain regulations dated September 14, 1944 with respect to payments to dependents of servicemen involved in cases of desertion or imprisonment pursuant to sentence of general court martial, which regulations are as follows:

In accordance with sub-sections (a) and (b) of section 110 of the Servicemen's Dependents Allowance Act of 1942, approved June 23, 1942 (Public Law 625, 77th Congress), as amended effective November 1, 1943 (Public Law 174, 78th Congress), the following regulations are prescribed in connection with entitlement and payment of family allowance to dependents of enlisted men in cases involving absence without or over leave, desertion and imprisonment. These regulations supersede the prior regulations prescribed on this subject entitled, "Regulations for Administration of the Servicemen's Dependents Allowance Act of 1942 Involving Cases of Desertion or Imprisonment Pursuant to Sentence of General Court Martial", approved October 20, 1942 and amended May 29, 1943.

(1) Neither the enlisted man nor his dependents are authorized to apply for family allowance when any of the following conditions exist:

(i) An enlisted man is absent over or without leave from naval jurisdiction for a period in excess of 30 days and/or is declared a deserter, except when such absence is a result of detention or delivery to civil authorities, in which case, see § 27.10(c) (2).

(ii) The enlisted man is confined as a result of a general court-martial sentence (pursuant to section 622, Naval Courts and Boards).

An application which is filed when any of such conditions exist will not be effective for any purpose under the Act. Entitlement shall be predicated only on the basis of an application filed by the enlisted man (or by his dependents in Class "A" cases) after the man has returned to naval jurisdiction after absence or has returned to duty after confinement. This application will be effective even though the man is being held for trial on account of his absence or, on release from confinement, is returned to duty on probation. Entitlement shall begin as of the first day of the calendar month in which the application is filed. In the case of Class "B" or "B-1" dependents, a subsequent calendar month in which the allowance is to begin may be designated by the man if he so desires.

(2) If an enlisted man is absent from Naval jurisdiction for a period in excess

of 30 days, having been detained or delivered to the custody of civil authorities, an application filed by either the enlisted man or his dependents will be held in suspense pending the outcome of action by the civil authorities. If the action results in an acquittal, or a *nolle pros* is entered on the record, entitlement to family allowance will be considered to have arisen as of the first day of the calendar month in which the application was filed even though such application was filed during the period of detention except that, in case of Class "B" or "B-1" dependents, if so requested by the man, entitlement will be considered to have arisen as of any subsequent calendar month designated. If the action results in a conviction the application will not be effective for any purposes under the Act. In such a case when a man returns to naval jurisdiction he or his dependents (in Class "A" cases) may then apply for family allowance, and entitlement shall begin as of the first day of the calendar month in which such application is filed. In the case of Class "B" or "B-1" dependents, a subsequent calendar month in which the allowance is to begin may be designated by the man if he so desires.

(3) When family allowance has already been authorized, the period of entitlement shall terminate as of the end of the second month following the month that any of the following events occur:

(i) An enlisted man is absent over or without leave from naval jurisdiction for a period in excess of 30 days and/or is declared a deserter (in both of which instances the computation is made on the basis of the first day of unauthorized absence), except when such absence is a result of detention or delivery to civil authorities, in which case, see § 27.10 (c) (5).

(ii) An enlisted man is confined as a result of a general court-martial (pursuant to section 622, Naval Courts and Boards).

In such cases, the period of payment shall terminate after payment for the month prior to the month in which notice of the change in status of the enlisted man is received by the disbursing officer paying family allowance, if possible; otherwise, it shall terminate after payment for the month in which notice of the change in status is received; however, in no event shall the period of payment terminate prior to the termination of entitlement. In appropriate cases recovery may be made of payments to which there has been no entitlement.

(4) In those cases in which the entitlement to family allowance has been terminated on account of any of the reasons set forth in paragraph (3), entitlement shall begin anew only on the basis of a new application filed by the enlisted man (or by his dependents in Class "A" cases) after the man has returned to naval jurisdiction or has been returned to duty. Such application will be effective even though the man is being held for trial on account of his absence or, on release from confinement is returned to duty on probation. Entitlement shall begin as of the first day of the calendar month in which such application is filed. In the case of Class

"B" or "B-1" dependents, a subsequent calendar month in which the allowance is to begin may be designated by the man if he so desires.

(5) Where family allowance has already been authorized on account of an enlisted man who is thereafter absent from naval jurisdiction for a period in excess of 30 days, having been detained by or delivered to civil authorities, the period of entitlement will terminate as of the end of the second calendar month following the month in which the change of status of the man occurs. The period of payment shall terminate after payment for the month prior to the month in which notice of the change in status of the enlisted man is received by the disbursing officer paying family allowance, if possible; otherwise, it shall terminate after payment for the month in which notice of the change in status is received; however, in no event shall the period of payment terminate prior to the termination of entitlement. In appropriate cases recovery may be made of payments to which there has been no entitlement. If the action by the civil authorities leads to acquittal, or a *nolle pros* is entered upon the record, family allowance will be reinstated effective with the first day of the calendar month following the month of termination without necessity for new application. If action by the civil authorities results in a conviction, entitlement may begin anew only on the basis of a new application filed by the enlisted man (or by his dependents in Class "A" cases) after the man has returned to naval jurisdiction and entitlement shall begin as of the first day of the calendar month in which such application is filed. In the case of Class "B" or "B-1" dependents, a subsequent calendar month in which the allowance is to begin may be designated by the man if he so desires.

The Secretary of the Navy has delegated the authority and responsibility for carrying out the provisions of the Act to the Director of the Dependents Welfare Division, Bureau of Naval Personnel, with respect to personnel of the Navy and to the Officer-in-Charge, Casualty Division, Personnel Department, Marine Corps, with respect to personnel of the Marine Corps.

Cognizance of all matters relating to the actual payment of (as distinguished from entitlement to) allowances is vested in the Bureau of Supplies and Accounts with respect to personnel of the Navy and in the Quartermaster General, Disbursing Branch, Marine Corps, with respect to personnel of the Marine Corps. Inquiries concerning payment should be addressed to Field Branch, Bureau of Supplies and Accounts, Family Allowance Division, Cleveland, Ohio, or Quartermaster General, Marine Corps, Washington, D. C., as the case may be.

(d) *Applications.* Applications for benefits under the Servicemen's Dependents Allowance Act may be made by or on behalf of any Class A dependent by written request directed to the Dependents' Welfare Division, Bureau of Naval Personnel, Navy Department, Washington 25, D. C., in the case of personnel of the Navy and to the Officer-in-Charge, Casualty Division, Personnel Department of

the Marine Corps, Washington 25, D. C., in the case of personnel of the Marine Corps. The application should state the full name of the serviceman for whose service benefits are being claimed, his rating and service number, if known, his date and place of birth, his date and place of enlistment, and his last known station of duty. A simple request for family allowance benefits, stating the names and relationship to the enlisted man of the dependents for whom benefits are claimed, should be made. No special form of request is required. Informal requests for family allowance benefits from Class A dependents should be accompanied by a certified copy of the public or church record of the marriage, a certified copy of the public or church record of the birth of children, and other essential documentary evidence.

Applications for family allowance benefits on behalf of Class B and Class B-1 dependents may be made only by the serviceman and he must authorize the checkage of his pay which is required in connection therewith. Class B and Class B-1 dependents who desire family allowance benefits should, therefore, communicate directly with the enlisted personnel in this regard. The Secretary of the Navy, however, may authorize Class B and Class B-1 family allowance benefits in certain cases when circumstances prevent the enlisted person from making an application.

§ 27.11 *Missing Persons Act.* Under the provisions of the Missing Persons Act, Public Law 490, 77th Congress (56 Stat. 143; 50 U. S. C. 1001-1018), a finding of presumptive death is made by the Secretary of the Navy when a survey of all available sources of information indicates beyond doubt that the presumption of continuance of life has been overcome. When a finding of presumptive death is made, a man's pay accounts are closed as of the presumptive date of death, that is the day following the expiration of the 12 months' absence, and the various benefits, such as the six months' death gratuity, become payable. A finding of presumptive death concerning an officer or enlisted man of the Navy means simply that as of the date thereof he is for the purposes of Naval administration no longer alive. It does not mean that death occurred on that or on any other certain date. For purposes other than Naval administration, the law does not make these findings binding or conclusive but commercial insurance companies have, almost without exception, accepted them as evidence of the fact of death and have paid insurance claims on the basis thereof.

Findings of presumptive death are never made when the "missing" status has not continued for at least 12 months. Whenever, subsequent to the expiration of the 12 months, cumulative or other evidence establishes beyond doubt that a "missing" person is no longer alive, a prompt finding of presumptive death will be made. Also, such a finding will be made whenever justified by the lapse of time without specific information being received.

Public Law 408, 78th Congress (58 Stat. 679, 50 U. S. C. 1001-1018), amends

Public Law 490, to provide that the head of the department or such subordinate as he may designate, shall have authority to make all determinations necessary in the administration of the Act and for the purposes of this Act determinations so made shall be conclusive as to death or finding of death as to any other status dealt with by this Act and as to any essential date including that upon which evidence or information is received in such department. Further, that when any information deemed to establish conclusively the death of any person is received action shall be taken thereon as an official report of death, notwithstanding any prior action relating to death or other status of such person. The determination of the head of the department concerned or of such subordinate as he may designate shall be conclusive as to whether information received concerning any person is to be construed and acted upon as an official report of death. Under the foregoing provisions a determination of death is made prior to the expiration of 12 months when the evidence received is considered to establish conclusively the fact of death and settlement of accounts is made to the date established as the date of receipt of evidence on which the fact of death is established.

The Secretary of the Navy has delegated to the Director of the Dependent's Welfare Division, Bureau of Naval Personnel, authority to make all determinations as provided by Public Law 408, and as necessary to administer the law, and further to prepare the necessary findings and recommendations where persons are presumed dead under the provisions of the basic Act, Public Law 490.

§ 27.12 *Mustering-out payments*—

(a) *Statutory authority.* The Mustering-Out Payment Act of 1944 provides for mustering-out payments for each member of the armed forces who shall have been engaged in active service in the present war, and who is discharged or relieved from active service under honorable conditions on or after 7 December 1941.

(b) *Regulations.* Regulations issued by the Navy Department governing mustering-out payments were published at 10 F. R. 2188-2193 as amended by 10 F. R. 10363-10364.

(c) *Delegations.* (1) The Chief of the Bureau of Personnel has authorized the Officer-in-Charge, Casualties and Allotment Section, Welfare Division, to make such determinations as the Chief of Naval Personnel is authorized to make under the Regulations. Payments, other than initial payments, are made by the Field Branch (Cleveland, Ohio) of the Bureau of Supplies and Accounts.

(2) The Commandant of the Marine Corps has authorized the Officer-in-Charge, Enlisted Performance, Marine Corps, to make such determinations as the Commandant of the Marine Corps is authorized to make under the Regulations. Payments are made by the Supply Department of the Marine Corps, Disbursing Branch.

§ 27.13 *Death gratuity*—(a) *Statutory authority.* The Act of June 4, 1920, as amended (41 Stat. 824 as amended by

45 Stat. 710, 56 Stat. 145, 147 and 58 Stat. 129; 34 U. S. C. 943) and the Act of August 27, 1940 (54 Stat. 864, 865; 56 Stat. 780; 34 U. S. C. 855c-1) and the Act of March 17, 1941 (55 Stat. 43 as amended by 58 Stat. 129; 34 U. S. C. 855c-2) provide for the payment to the widow, child, or dependent relative of a deceased officer, nurse, or enlisted man, who died of wounds or disease not the result of his or her own misconduct, of an amount equal to six months pay at the date of his or her death, on date death is determined to have occurred under the Missing Persons Act, Public Law 490, 77th Congress, (56 Stat. 143; 50 U. S. C. 1001-1008.)

(b) *Delegations.* The Director of the Dependents Welfare Division of the Bureau of Naval Personnel certifies to the Bureau of Supplies and Accounts the person entitled under the Act to receive such gratuity. The Officer-in-Charge of Casualty Division, Personnel Department, Marine Corps, certifies to the Quartermaster General of the Marine Corps, Disbursing Branch, the person entitled to receive such gratuity.

(c) *Preparation, submission, and allowance of claims.* A claim form is ordinarily forwarded by the Bureau of Naval Personnel or by the Marine Corps to the person designated by the decedent as entitled to receive such gratuity. Information required is the name and address of the claimant, the full name of the decedent, the relationship of the claimant to the decedent, and a statement that payment of such gratuity has not already been received. In cases where the Act requires that the beneficiary be dependent upon the decedent at the time of death, proof of such dependency is also required. However, in doubtful cases, proof of relationship to the decedent may also be required.

§ 27.14 *Navy Medical Survey Review Board.* The organization and functions of this Board were previously discussed in § 26.4 (e) (12). It reviews, at the request of any officer retired or released from active service without pay for physical disability pursuant to the decision of a board of medical survey, the findings and decisions of such Board. Such review is based upon all available service records relating to the officer requesting such review and such other evidence as may be presented by such officer. Witnesses are permitted to present testimony either in person or by affidavit and the officer requesting review is allowed to appear before the Review Board in person or by counsel. Such Board has the same powers as were exercised by or vested in the Board whose findings and decisions are being reviewed. The proceedings and decisions of such Board, affirming or reversing the decisions of any board of medical survey, are transmitted to the Secretary of the Navy and laid by him before the President for his approval or disapproval and orders in the case.

§ 27.15 *Naval Retiring Review Board.* Procedures of this Board have been published in 10 F. R. 3981.

§ 27.16 *Board of Review, Discharges and Dismissals.* Procedures of this Board

have been published in 10 F. R. 6981-6984.

§ 27.17 *Naval courts and certain fact finding bodies.* (a) Rules of pleading, practice and procedure of naval courts and certain fact-finding bodies are published in Naval Courts and Boards (§ 6.13 (b) (1) (iii)). Certain sections of this volume have been published in the Code of Federal Regulations under substantially similar paragraph titles, with citations as follows:

(1) Section 213, "Same (Deposition): How Taken", 34 CFR, 1943 Supp., 11.213.

(2) Section 238, "Testimony of Husband and Wife", 34 CFR, 1943 Supp., 11.238.

(3) Section 240, "Testimony of Medical Officers and Civilian Physicians", 34 CFR, 1943 Supp., 11.240.

(4) Section 241, "Testimony of Children", 34 CFR, 1943 Supp., 11.241.

(5) Section 244, "Persons Amenable to Service as Witnesses", 34 CFR, 1943 Supp., 11.244.

(6) Section 245, "Summoning Witnesses", 34 CFR, 1943 Supp., 11.245.

(7) Section 247, "Same (Summoning Witnesses): Civilian Witness", 34 CFR, 1943 Supp., 11.247.

(8) Section 248, "Authority of the Judge Advocate in Summoning Civilian Witnesses", 34 CFR, 1943 Supp., 11.248.

(9) Section 253, "Service of Subpoenas", 34 CFR, 1943 Supp., 11.253.

(10) Section 254, "Advance Notice to Witnesses", 34 CFR, 1943 Supp., 11.254.

(11) Section 255, "When Subpoena is Disregarded", 34 CFR, 1943 Supp., 11.255.

(12) Section 256, "Same (When Subpoena is Disregarded): Warrant of Attachment", 34 CFR, 1943 Supp., 11.256.

(13) Section 257, "Fees of Civilian Witnesses", 34 CFR, 1943 Supp., 11.257.

(14) Section 258, "Same (Fees of Civilian Witnesses): Rates for Civilian Witnesses Prescribed by Law", 34 CFR, 1943 Supp., 11.258.

(15) Section 259, "Same (Fees of Civilian Witnesses): Civilian Witnesses in Several Trials on Same Day", 34 CFR, 1943 Supp., 11.259.

(16) Section 261, "Privilege of Witness in not Answering Particular Questions", 34 CFR, 1943 Supp., 11.261.

(17) Section 265, "Rule for Deciding Whether Witness Should Answer the Question When Privilege on the Ground of Self-Incrimination is Claimed", 34 CFR, 1943 Supp., 11.265.

(18) Section 290, "Authority of Naval Courts to Punish Contempts", 34 CFR, 1943 Supp., 11.290.

(19) Section 292, "Procedure When Witness is Charged with Contempt", 34 CFR, 1943 Supp., 11.292.

(20) Section 294, "In Case a Civilian Witness is Adjudged Guilty of Contempt the District Attorney Should be Informed", 34 CFR, 1943 Supp., 11.294.

(21) Section 720, "Purpose" (with regard to informing the convening authority in a preliminary way as to the facts involved in the inquiry and to aid with opinions and recommendations), 34 CFR, 1943 Supp., 11.720.

(b) The exercise of authority to review court-martial proceedings has been delegated by Acts of Congress in the following manner:

(1) The convening authority in each case may remit or mitigate the sentence of any court-martial, but may not commute it.

(2) The final authority with respect to deck courts and summary courts-martial is vested in the Secretary of the Navy, who may remit, mitigate or commute any sentence imposed by such courts and courts-martial.

(3) Except in cases where the death sentence has been imposed, final authority with respect to general courts-martial is vested in the Secretary of the Navy, who may remit, mitigate or commute any sentence imposed by such courts-martial.

(4) In the event of general courts-martial sentences involving the death penalty, the sentence may not be carried into effect until confirmed by the President of the United States.

W. JOHN KENNEY,
Assistant Secretary of the Navy.

[F. R. Doc. 46-15395; Filed, Aug. 28, 1946;
4:47 p. m.]

INTERIOR DEPARTMENT

OFFICE OF THE SECRETARY

[43 CFR, Subtitle A]

PART 01—ORGANIZATION AND PROCEDURE

SUBPART A—ORGANIZATION

DEPARTMENT OF THE INTERIOR

- Sec.
01.0 Creation and functions.
01.2 Organization in general.
- OFFICE OF THE SECRETARY
01.10 Secretary of the Interior.
01.11 Under Secretary; Assistant Secretaries.
01.12 Solicitor.
01.20 Administrative staff offices.
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01.22 Location of office of the Secretary.
01.30 United States Board on Geographical Names.

SUBPART B—PROCEDURE

- 01.50 Appeals.
01.51 Contract appeals.
01.52 Board of Appeals.
01.53 Committee on Practitioners.
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01.55 Invention patents and licenses.

SUBPART A—ORGANIZATION

DEPARTMENT OF THE INTERIOR

§ 01.0 *Creation and functions.* The Department of the Interior was created by the act of March 3, 1849. The Department is responsible for the management, conservation, and development of the natural resources of the United States. These resources include the public lands and the Federal range, water and power resources, oil and gas and other mineral resources, certain forest resources, fish and wildlife resources, and the national park system. In addition, the Department of the Interior has specialized responsibilities to the Indians and to the territories and island possessions of the United States. The Secretary of the Interior is presently charged with special duties concerning solid fuels and coal mines under Government control.

§ 01.2 *Organizations in general.* The Department of the Interior consists of

the Office of the Secretary and the various operating bureaus and agencies. The organizations and procedure of the bureaus and agencies are set out under the appropriate titles of this code. The following sections of this part deal with the Office of the Secretary.

OFFICE OF THE SECRETARY

§ 01.10 *Secretary of the Interior.* The Secretary of the Interior is the head of the Department and is charged with the supervision and direction of the functions performed and activities carried on by the offices and employees throughout the Department. All bureaus and offices of the Department are responsible directly to the Secretary.

§ 01.11 *Under Secretary, Assistant Secretaries.* The Under Secretary and the two Assistant Secretaries are the chief administrative officials of the Department under the Secretary of the Interior. In the absence or unavailability of the Secretary, the bureaus and offices of the Department are directly responsible to the Under Secretary. The Under Secretary and the Assistant Secretaries are authorized to exercise the powers of the Secretary with respect to matters which come before them, and, in certain cases, to serve as Acting Secretary of the Interior. See 43 CFR 4.0-4.3 (11 F. R. 8164).

§ 01.12 *Solicitor.* The Solicitor is the chief law officer of the Department and the advisor on legal matters to the Secretary and other Departmental officers. He is charged with the supervision of the legal work and legal staffs of the entire Department. The Solicitor is responsible for patent policies and procedures within the Department, and for the administrative adjustment of tort claims under the Federal Tort Claims Act. See 43 CFR 4.20, 4.21. The Solicitor's immediate staff constitutes the Office of the Solicitor.

§ 01.20 *Administrative Staff Offices.* The following staff offices advise the Secretaries and formulate and execute policies in matters relating to the internal management of the Department:

(a) The Division of Budget and Administrative Management, under a Director, supervises the budget and finance programs of the Department and advises the Secretary and other officials on organization, methods, and administrative management in general.

(b) The Division of Administrative Services has responsibility for providing building space, purchasing, communications, and other such office services. The Chief Clerk is in charge of the Division.

(c) The Division of Personnel Supervision and Management supervises the personnel program of the Department. The Director of Personnel is in charge of the Division.

(d) The Office of Field Representatives conducts investigations of departmental activities as directed by the Secretary. The Supervising Field Representative is in charge of the Office.

(e) The Office of Information formulates the informational program of the Department and prepares and disseminates information concerning its activities and policies. The Director of Information is in charge of the Office.

(f) The Office of Labor Relations under a Special Adviser on Labor Relations advises on labor policy and procedures within the Department.

§ 01.21 *Program staff offices.* The following staff offices coordinate various aspects of the functions performed by the Department and advise the Secretaries on matters of policy:

(a) The Division of Power assists the Secretary in supervising the discharge of the Department's responsibilities in electric power matters. The Division aids in the formulation and coordination of the Department's objectives, policies and programs, advises the various agencies of the objectives and policies and supervises their application and prosecution. A Director is in charge of the Division.

(b) The Division of Territories and Island Possessions is responsible for coordinating the activities of the Department in the territories and possessions, for advising the Secretary on the governments in these areas, for acting as an intermediary between these governments and other Federal agencies, and for furthering certain enterprises in the territories. (See 48 CFR Part 1.) A Director is in charge.

(c) The Office of Land Utilization coordinates all land classification, use, and management programs to insure consistency with departmental policy. It also assists the Secretary in developing departmental policy on land management matters and renders advisory services to the bureaus. An Assistant to the Secretary is in charge of the office.

(d) The Oil and Gas Division is responsible for formulating plans for the coordination of the policies and administration of Federal activities relative to oil, gas and synthetic fuels. The Division administers the Connally "Hot Oil" Act. A Director is in charge of the Division. See 30 CFR Part 400.

§ 01.22 *Location of Office of the Secretary.* The offices of the Secretary of the Interior, the Under Secretary, the Assistant Secretaries, the Solicitor, and all of the staff offices in the Office of the Secretary are located in Washington, D. C.

§ 01.30 *United States Board on Geographical Names.* (a) The United States Board on Geographical Names seeks to achieve uniform usage in regard to geographic names and spelling used in the many maps, charts, and other publications issued by the various departments and other agencies of the Federal Government. The Board is composed of the Division of Geography and the interdepartmental Advisory Committee on Geographic Names. A Director is in charge.

(b) Decision lists, brief directions and comprehensive guides for the treatment of geographic names in the United States and in foreign countries or areas for which they have been prepared, and other publications, may be had by addressing the Board. Inquiries should be addressed to the Board on Geographical Names, Department of the Interior, Washington 25, D. C.

SUBPART B—PROCEDURE

§ 01.50 *Appeals.* Appeals to the Secretary from actions taken by the heads

of the various bureaus and agencies of the Department of the Interior are governed by regulations issued by the Secretary. These regulations are indicated in the statements of procedure which relate to the various bureaus and agencies and which appear in the appropriate titles of this Code. See also, 30 CFR, Cum. Supp., 221.66 (Geological Survey); 43 CFR, Part 221 and 43 CFR, Cum. Supp., 501.9 (Bureau of Land Management); 25 CFR 81.35a, 15.6a, 82.0, and 177.19 (Office of Indian Affairs). Appeals to the Secretary are considered by the appropriate division of the Solicitor's Office, which prepares and submits to the Secretary a proposed decision for his consideration and action. In the absence of specific provisions for appeals, the Secretary will consider informal requests for reconsideration of bureau action.

§ 01.51 *Contract appeals.* Appeals to the Secretary from administrative findings made by a contracting officer are considered by the Solicitor's Office. The Solicitor's Office prepares a proposed decision, which is submitted to the Secretary for his consideration and action.

§ 01.52 *Board of Appeals.* The Board of Appeals, in the Office of the Solicitor, is composed of the Associate Solicitor as Chairman, and two of the chiefs of the Divisions of the Solicitor's Office designated by the Solicitor. The Board considers special cases referred to it by the Secretary. Decisions by the Board do not become effective until approved by the Secretary.

§ 01.53. *Committee on Practitioners.* The Committee on Practitioners is composed of the Solicitor, as Chairman, and four members appointed by the Secretary. At present these members are employees in different offices of the Department. The Committee administers all functions relating to the admission of, and practice by, attorneys and agents before the Department, except that decisions suspending or disbaring practitioners are made by the Secretary upon recommendation of the Committee. Disciplinary proceedings against practitioners are investigated and prosecuted before the Committee by a departmental lawyer who is not a member of the Committee and who is specially designated by the Secretary. The applicable regulations are set forth in 43 CFR, Cum. Supp., Part 1.

§ 01.54 *Tort claims.* Claims for personal injury or property damage should be filed with the bureau whose action is involved. Such claims are submitted to the Solicitor with recommendations and are considered by the Solicitor's Office. The Solicitor's Office prepares an opinion on the basis of which the claim is determined.

§ 01.55 *Invention patents and Licenses.* (a) An invention report made by an employee of the Interior Department must be prepared by the employee-inventor (or in some cases by his supervisor) and sent to the head of the employee's bureau or office, who then transmits it to the Solicitor's Office. The relative rights of the United States and of the employee to patent rights in any invention made by such employee are de-

termined by the Solicitor. See Order No. 1763 of November 17, 1942 (7 F. R. 10161); Order No. 1871 of September 7, 1943 (8 F. R. 12523); and 43 CFR 4.20.

(b) Persons desiring a license under patent rights of the United States, represented by the Secretary of the Interior, may file application for such license with the Solicitor. After consultation with the bureau or office most directly interested in the patent or invention involved, the Solicitor, on behalf of the Secretary, approves an appropriate license or denies the application. In particular instances and at the request of the Solicitor, royalty rates are recommended by an Evaluation Committee appointed by the Secretary. See 43 CFR 4.20, and Part 6.

C. GIRARD DAVIDSON,
Acting Secretary.

AUGUST 28, 1946.

[F. R. Doc. 46-15429; Filed, Aug. 28, 1946;
2:24 p. m.]

ALASKA RAILROAD

[48 CFR, Ch. IV]

PART 400—ORGANIZATION AND PROCEDURE

- Sec.
- 400.1 Creation.
 - 400.2 General description.
 - 400.20 Inquiries and requests in general.
 - 400.21 Location of offices.
 - 400.50 Formulation of tariffs and other charges.
 - 400.51 Revision or reexamination of tariffs and other charges.
 - 400.52 Publication of tariffs.

§ 400.1 *Creation.* The Alaska Railroad was established as an agency within the Department of the Interior under Executive Order No. 3861 (48 CFR 5.1) authorizing the Secretary of the Interior to operate railroads acquired or constructed under the act of March 12, 1914 (38 Stat. 305, 48 U. S. C. secs. 301-308), to stimulate settlement and the industrial and agricultural development of the Territory by providing transportation within the Territory, and by developing areas along the lines of the Railroad.

§ 400.2 *General description.* (a) The Alaska Railroad is composed of the Office of the General Manager in Anchorage, Alaska, and a Chicago Office under the supervision of an Assistant General Manager. The General Manager, appointed by the Secretary of the Interior, is in direct charge of all activities of the Railroad in Alaska which include the operation of a railroad line running from Seward to Fairbanks in the interior, and the management of tourist hotels at Curry and in Mt. McKinley Park. The Assistant General Manager in charge of the Chicago Office directs the handling of the Railroad's relationships with other Federal agencies, rail and steamship lines in the States, and the general public. The Division of Territories and Island Possessions is vested with general supervision of all activities and administrative functions of the Alaska Railroad.

§ 400.20 *Inquiries and requests in general.* Information concerning the Alaska Railroad may be secured by addressing the Alaska Railroad, Depart-

ment of the Interior, Washington 25, D. C. (or Anchorage, Alaska). Information as to tariffs or other charges relating to facilities operated by the Railroad may be obtained, in addition to the above addresses, at any station or agency maintained by the Railroad along its railroad lines in Alaska.

§ 400.21 *Location of offices.* The office of the General Manager of the Alaska Railroad is located in Anchorage, Alaska. The Chicago Office is located at 333 North Michigan Avenue, Chicago, Ill.

§ 400.50 *Formulation of tariffs and other charges.* The General Manager is authorized to set tariffs covering rates, rules and regulations for the movement of freight and passengers over the lines of the Alaska Railroad, and charges to be collected for use of the steamboats or hotel facilities operated by the Railroad. Interested parties are permitted upon request to present their views in writing. Railroad tariffs, except as otherwise specified in a particular tariff, are governed by the Western Classification. To the extent practicable, rates described in the tariffs are made subject to appropriate rules, regulations or orders of the Interstate Commerce Commission, although the Railroad, as a Federal instrumentality, is not under the jurisdictions of the Commission.

§ 400.51 *Revision or reexamination of tariffs and other charges.* There is no established formal procedure for the revision or reexamination of tariffs or other charges of the Alaska Railroad. Such revisions or reexaminations may be initiated by the Railroad from time to time as deemed necessary, or upon request of interested parties in writing. Changes in tariffs are usually issued on thirty days' notice as supplements to or revisions of the existing tariff, to be effective at future dates as specified in the particular tariff.

§ 400.52 *Publication of tariffs.* Tariffs of the Alaska Railroad applicable to the public are placed on file for public inspection at all stations of the Railroad where agencies are maintained, and may be obtained upon request from the General Manager of the Railroad at Anchorage, Alaska.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 28, 1946.

[F. R. Doc. 46-15421; Filed, Aug. 28, 1946;
2:21 p. m.]

BONNEVILLE POWER ADMINISTRATION

[18 CFR, Ch. III]

PART 400—ORGANIZATION AND PROCEDURE

Chapter III is added to Title 18 of the Code of Federal Regulations to read as follows:

SUBPART A—ORGANIZATION

ESTABLISHMENT

- Sec.
- 400.1 Creation.
 - 400.2 Purpose.

- Sec. 400.5 General description.
- 400.6 Advisory boards and committees.

HEADQUARTERS ORGANIZATION

- 400.10 Office of the Administrator.
- 400.11 Liaison office.
- 400.12 Branch of Power Management.
- 400.13 Branch of Engineering and Operations.

FIELD ORGANIZATION

- 400.20 District offices.
- LIST OF DELEGATIONS OF AUTHORITY**
- 400.30 Purpose of list of delegations of authority.
 - 400.31 Administrator.

PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS

- 400.50 Inquiries and requests in general.
- 400.51 Location of headquarters organization.
- 400.52 Location of district offices.

SUBPART B—PROCEDURE

- 400.80 Rates.
- 400.81 Marketing activities.

SUBPART A—ORGANIZATION

ESTABLISHMENT

§ 400.1 *Creation.* The Bonneville Power Administration was established by statute in 1937. The Office of the Administrator is an office of the Department of the Interior.

§ 400.2 *Purpose.* The Bonneville Power Administration is directed by statute to encourage the widest possible use of electric energy and to provide markets therefor by constructing, operating, maintaining and improving such power stations and transmission lines as may be necessary. Power generated at the Bonneville and Grand Coulee projects is distributed throughout Oregon and Washington. The Administration now wholesales power to the extent of approximately 50 per cent of the entire electric power supply of the Pacific Northwest. The Administration also has been designated power marketing agent for new Federal dams to be constructed in the Columbia River Basin.

§ 400.5 *General description.* The Bonneville Power Administration, headed by the Administrator, is composed of a headquarters staff located at Portland, Oregon, and six district offices located at points in the Pacific Northwest. In addition there are several advisory boards and committees established to consult with and advise the Administrator on matters of program and policy, and to coordinate major programs of the Bonneville Power Administration with programs of other Government agencies engaged in related activities throughout the Pacific Northwest.

§ 400.6 *Advisory Boards and Committees.* (a) The Bonneville Act provided that the Administrator "shall act in consultation with an advisory board composed of a representative designated by the Secretary of War, a representative designated by the Secretary of the Interior, a representative designated by the Federal Power Commission, and a representative designated by the Secretary of Agriculture." The Administrator has consulted with the Board during the

eight years on matters of Administration policy and programs.

(b) The Federal Inter-Agency River Basin Committee was established in 1943, to facilitate cooperation in the investigation and preparation of reports on multiple-purpose water projects and the correlation of the results of these investigations. The membership of this Committee is identical with the membership of the Bonneville Advisory Board.

(c) The Regional Advisory Council consists of a group of persons selected by the Bonneville Power Administrator by geographical areas in the region on the basis of special technical, planning, and business knowledge and civic leadership.

HEADQUARTERS ORGANIZATION

§ 400.10 *Office of the Administrator.* The Office of the Administrator, which includes the Assistant Administrator and several immediate staff assistants, coordinates and directs the activities of the Bonneville Power Administration. Staff units reporting to the Administrator include the Personnel Division, Information Division, Office of the General Counsel and Branch of Fiscal and Administrative Management.

§ 400.11 *Liaison office.* The Administration maintains a liaison office in Washington which represents the Administration in relationships with other Government agencies.

§ 400.12 *Branch of Power Management.* The Branch of Power Management, under the supervision of the Power Manager formulates and executes policies and activities relating to the sale of electric power and development of markets. It conducts investigations and prepares recommendations on programs relating to regional resources and to needed generation and transmission facilities. The Branch makes broad plans for the Bonneville Power Administration's transmission system, develops and supervises programs to increase agricultural, commercial, and domestic utilization of electric power. It maintains active sales contacts with the Administration's customers and assists them in improving operating efficiency and sales, and develops and establishes rates, terms, and conditions for power sales and exchanges.

§ 400.13 *Branch of Engineering and Operations.* The Branch of Engineering and Operations develops and executes policies relating to the engineering, operation and maintenance of the Bonneville Power Administration's electric transmission facilities. It designs and constructs additions to the Administration's power system. The Branch operates all administration electric power facilities, regulates stream flow by storage and release of waters, dispatches power through Administration and associated facilities in accordance with contractual provisions, and maintains all lines, substations, and other facilities. It coordinates the operation of the Administration's system with interconnected systems, and controls metering, relaying, testing, and communications.

FIELD ORGANIZATION

§ 400.20 *District offices.* The Administration at the present time maintains six District Offices in various parts of the Pacific Northwest. Each office consists of a District Manager and a small staff, who maintain contacts with customers and direct the execution of approved plans and programs within each District in accordance with the policies, objectives, and standards established by the Office of the Administrator. The District Offices initiate power sales contracts and perform related power marketing functions, assist the Administration's customers in management and operating problems, and conduct engineering and other investigations as required. Each District Office represents a cross section of the entire Bonneville Power Administration's activities in its particular area. The District Manager is the direct representative of the Administrator in his district, although he receives technical instruction from the branches and divisions.

LIST OF DELEGATIONS OF AUTHORITY

§ 400.30 *Purpose of list of delegations of authority.* The following sections are not in themselves delegations of authority. The sections are merely a list of delegations and indicate the various matters with respect to which delegations have been made. They are intended merely as an index and outline. For the scope and limitations of delegations of authority the specific regulations and orders to which cross references are made must be consulted.

§ 400.31 *Administrator.* The Bonneville Power Administrator has authority to:

(a) Market power generated at the Grand Coulee Dam project in Washington. See Executive Order No. 8526 (5 F.R. 3390).

(b) Market power generated at the Hungry Horse Dam project in Montana. See Order No. 1994 (9 F.R. 11966).

(c) Market power generated at the Lookout Point, Quartz Creek, Detroit, and Umatilla projects in Oregon and the lower Snake River projects, and the Foster Creek project in Washington. See Order No. 2115 (10 F.R. 14211) and Order No. 2237 (11 F.R. 8830).

PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS

§ 400.50 *Inquiries and Requests in General.* (a) Inquiries of a general nature concerning the administration should be addressed to Bonneville Power Administration, 811 Northeast Oregon Street, Portland, Oregon. Technical information on such matters as wholesale rates, rate policies, power contract procedures, availability of supply, construction plans, relationships with public utility districts, Rural Electrification Administration cooperatives, municipal and other power agencies, also may be secured from the same address.

(b) Inquiries concerning wholesale power contracts with large industries may be addressed to Power Manager, Bonneville Power Administration, 811 Northeast Oregon Street, Portland, Oregon.

(c) Inquiries regarding power contracts, including availability of supply and rates, which concern a particular locality of the Pacific Northwest may be addressed to the appropriate District office listed below.

§ 400.51 *Location of headquarters organization.* The office of the Bonneville Power Administrator and the chiefs of the staff units and Branches are located at 811 Northeast Oregon Street, Portland, Oregon.

§ 400.52 *Location of district offices.* The location of each district office is as follows:

(a) Lower Columbia District Office, 610 Panama Building, Portland, Ore.

(b) North Central Washington District, Fuller Quigg Building, 103 Palouse Street, Wenatchee, Wash.

(c) Southwestern District Office, New Post Office Building (P. O. Box 1269), Eugene, Ore.

(d) Mid-Columbia District Office, Breier Building (P. O. Box 118), 55 E. Main Street, Walla Walla, Wash.

(e) Upper Columbia District Office, Title Building, West 614 Sprague Street, Spokane, Wash.

(f) Puget Sound District Office, 1331 Third Avenue Building, Third Avenue and Union Street, Zone 1, Seattle, Wash.

SUBPART B—PROCEDURE

§ 400.80 *Rates.* Proposed rate schedules are initiated by the Division of Power Sales and Service. They are reviewed by the Power Manager, under whose jurisdiction the Division of Power Sales and Service operates, the Controller, the General Counsel, the Executive Committee, and the Assistant Administrator. The proposed rates are then submitted to the Administrator, who, if they meet with his approval, forwards them to the Division of Power, Office of the Secretary. The proposed rates, after being reviewed by the Division of Power, are submitted to the Secretary for approval, and, with respect to the Bonneville project, to the Federal Power Commission for confirmation pursuant to the requirements of the Bonneville Project Act.

§ 400.81 *Marketing activities.* In marketing power, Bonneville Power Administration negotiates power sales contracts with public utility districts, cooperatives, irrigation districts, municipalities, privately owned utilities, large industrial customers who take power in wholesale quantities, and other Federal agencies. Frequent contacts are made with potential industrial customers throughout the United States who might be interested in establishing power-consuming plants in the Pacific Northwest. Services of various types are rendered to customers under sales contracts for the purpose of making their power use more efficient and increasing that use.

Factors other than direct negotiations with customers and potential customers are involved. Surveys must be made to determine both existing and potential power markets as a prelude to the planning and construction of transmission systems. Surveys also are made of the power needs of the Pacific Northwest as a whole and of various portions thereof. Similar investigations are undertaken with respect to proposed power projects

to determine their capacity, the cost of transmission and marketing of power, and the ultimate economic feasibility of such projects. Special, as well as long range, studies on the economic, industrial and agricultural resources of the region, particularly as they relate to power sales and programming of power facilities, form a part of such surveys. Many research activities, including power transmission, new uses for power, and economics relating to the development of the area and increased power consumption are performed.

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

AUGUST 22, 1946.

[F. R. Doc. 46-15040; Filed, Aug. 28, 1946;
10:13 a. m.]

BUREAU OF LAND MANAGEMENT

[43 CFR, Ch. I]

PART 50—ORGANIZATION AND PROCEDURE

SUBPART A—ORGANIZATION

ESTABLISHMENT

Sec. Creation.

50.0 Purpose.

50.1 General description.

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HEADQUARTERS ORGANIZATION

50.3 Director.

50.4 Law Division.

50.5 Branch of Administration.

50.6 Branch of Classification and Planning.

50.7 Branch of Adjudication.

50.8 Branch of Engineering and Construction.

50.9 Branch of Range Management.

50.10 Branch of Timber and Resource Management.

50.11 Surplus Real Property Division.

FIELD ORGANIZATION

50.30 Supervision.

50.31 Types of field offices.

50.32 Cadastral Engineering Service.

50.33 District Land Offices.

50.34 Grazing Offices.

50.35 Branch of Field Examination.

50.36 Oregon and California Revested Lands Administration.

50.37 Range Development Service.

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SUBPART A—ORGANIZATION

ESTABLISHMENT

§ 50.0 *Creation.* The President's Reorganization Plan No. III, effective July 16, 1946, created the Bureau of Land Management in the Department of Interior by merging the General Land Office, established in 1812, and the Grazing Service, formed in 1934.

§ 50.1 *Purpose.* The Bureau of Land Management administers the federal laws relating to the public domain, which comprises at this time approximately three-quarters of a billion acres in the continental United States and Alaska. As the manager of the public domain, the Bureau administers the mining, mineral leasing and homestead laws, supervises the federal range, conducts surveys, classifies lands as to proper uses, and in general is responsible for matters involving the public lands. The basic objectives of the Bureau are the conservation, proper utilization and disposal of the natural resources of the public domain. It also has jurisdiction over minerals in certain acquired lands. In addition, the Bureau acts as a disposal agency for surplus real property in the United States and Alaska assigned to it by the War Assets Administration.

§ 50.2 *General description.* The Bureau of Land Management comprises a headquarters organization in Washington, D. C., and seven specialized groups of field offices. The chief executive of the Bureau is the Director.

HEADQUARTERS ORGANIZATION

§ 50.3 *Director.* The Director of the Bureau of Land Management develops and implements land policies expressed in various statutes, and supervises the entire Bureau staff. Information concerning the public lands is disseminated through the Office of the Director.

§ 50.4 *Law Division.* The Law Division, under the Chief Counsel, reviews and advises on all legal matters affecting the Bureau, including legislation and regulations.

§ 50.5 *Branch of Administration.* The Branch of Administration handles matters relating to the budget, finance, personnel and general administrative services. It also is responsible for the issuance and recording of land patents and the posting and maintenance of tract books.

§ 50.6 *Branch of Classification and Planning.* The Branch of Classification and Planning is charged with the development of programs for the most efficient

¹ At time of publication the new organization was still in a formative state with changes, especially in the field organization, in process of development.

classification of lands for agricultural, grazing, mineral and other purposes. It supervises general research on the use of public lands. The Branch establishes policies and procedures for the utilization of all the public lands, including lands in Alaska, through an orderly plan of land settlement and production of natural resources.

§ 50.7 *Branch of Adjudication.* The Branch of Adjudication examines and acts upon all classes of applications and claims involving patents, leases or other instruments relating to mineral resource development, land exchange, withdrawals and restorations, grazing privileges or other forms of land use or disposal. In the main, these matters are initiated in the respective district land offices. In cases involving land in States where no such offices are maintained by the Bureau, the action is filed directly with the Bureau of Land Management in Washington.

§ 50.8 *Branch of Engineering and Construction.* The Branch of Engineering and Construction formulates programs for, and has technical direction of, cadastral engineering surveys and resurveys on the public lands. The Branch designs and supervises construction of facilities for use in the field. It also supervises programs for maximum efficient utilization and improvement of public lands and ranges, including soil and moisture conservation projects.

§ 50.9 *Branch of Range Management.* The Branch of Range Management develops the policy and administers the program with respect to grazing on the public lands both inside and outside of grazing districts. The Branch promotes the economic employment of the Federal range through proper range management and grazing use. Re-seeding, water development, eradication of poisonous plants, destructive rodents, and predatory animals, erosion control, and inspections of grazing lands to stop overgrazing are measures taken by the Branch to achieve this goal.

§ 50.10 *Branch of Timber and Resource Management.* The Branch of Timber and Resource Management formulates policies for, and administers, public land programs involving all surface uses of the land except grazing. The Branch develops standards governing disposal of timber, supervises the protection of forest lands, plans sustained yield forest units, conducts timber marketing studies, establishes mineral development procedures and plans for the protection of public lands against trespass and other unlawful use. In general, the Branch is concerned with the conservation of the valuable natural resources of the public domain.

§ 50.11 *Surplus Real Property Division.* The Surplus Real Property Division is responsible for the handling and disposal of the surplus real property in the continental United States and Alaska for which the Department of the Interior has been designated by the War Assets Administration as the disposal agency. The Chief of the Division is immediately responsible to the Director. The Division

operates in the field through the regular organization of the Bureau.

FIELD ORGANIZATION

§ 50.30 *Supervision.* The headquarters organization of the Bureau of Land Management, in addition to formulating policies and programs concerning the public lands, has immediate supervision over the work of the various field offices.

§ 50.31 *Types of field offices.* (a) There are seven specialized types of field offices. The various heads of these offices report to the supervisor, in Washington, D. C., responsible for that particular activity. These supervisors in turn report to the Director of the Bureau of Land Management.

(b) The following are the types of field offices:

- (1) Cadastral Engineering Service.
- (2) District Land Offices.
- (3) Grazing Offices.
- (4) Branch of Field Examination.
- (5) Oregon and California Revested Lands Administration.
- (6) Range Development Service.
- (7) Alaska Fire Control Service.

§ 50.32 *Cadastral Engineering Service.* The Cadastral Engineering Service operates through five regional offices with headquarters at Denver, Colorado. It conducts surveys and resurveys, prepares and maintains plats and field notes, and supplies copies of land records. The Office of the Chief Engineer reviews and accepts the plats of surveys, which, upon final acceptance by the Director, become official records. The Service also arranges for mineral surveys.

§ 50.33 *District Land Offices.* There are twenty-two District Land Offices in the United States and three in Alaska, each in the charge of a Manager, who reports to the Director. The Bureau of Land Management at Washington, D. C., serves those States in which no district land office is maintained. The District Land Offices are the local source of information and records relating to the public lands. All applications and claims concerning land in the district and payment of required fees and rentals are filed in these offices. The Managers forward all matters requiring action by the Director or the Secretary. Patents, leases, and decisions are sent to the Managers for delivery to applicants and claimants.

§ 50.34 *Grazing Offices.* There are five Regional Grazing Offices, each in the charge of a Regional Grazier, and thirty-one District Grazing Offices, each under the control of a District Grazier. The Regional and District Graziers receive and act upon applications filed by stockmen for grazing permits, initiate improvements and protect the land from trespass and other violations.

§ 50.35 *Branch of Field Examination.* The Branch of Field Examination maintains a Washington headquarters and five regional offices concerned with the examination and classification of public lands as to present and potential uses. The Branch investigates trespass and other violations of law and handles matters relating to proof under the federal land laws. Problems involved in timber

cruises, valuation of lands, and range protection also are handled by this Branch.

§ 50.36 *Oregon and California Revested Lands Administration.* More than two and one-half million acres of valuable forest lands in western Oregon, comprising tracts of revested Oregon and California railroad and reconveyed Coos Bay wagon road grant lands, are administered by the Bureau of Land Management under special Congressional statutes. The Bureau's Oregon and California Revested Lands Administration, with headquarters at Portland, Oregon, maintains five district offices to manage these lands under a sustained yield forestry program. Its responsibilities include land classification, forestry, grazing, fire suppression and prevention, timber sales, timberland exchanges and special land use permits.

§ 50.37 *Range Development Service.* Operating through three regional offices, the Range Development Service executes projects dealing with range protection, pest and poison plant eradication, erosion control, re-seeding, fencing and other measures consonant with sound range management.

§ 50.38 *Alaska Fire Control Service.* The Alaska Fire Control Service has its headquarters at Anchorage, Alaska. It is the agency primarily concerned with the prevention and suppression of fires on federal public lands in Alaska. The Service also manages and disposes of timber on the public lands in the Territory.

LIST OF DELEGATIONS OF AUTHORITY

§ 50.75 *Purpose of list of delegations of authority.* The following sections are not in themselves delegations of authority. The sections are merely a list of delegations and indicate the various matters with respect to which delegations have been made. They are intended merely as an index and outline. For the scope and limitations of delegations of authority, the specific regulations and orders to which cross references are made must be consulted.

§ 50.76 *Secretary of the Interior.* (a) The President has authorized the Secretary to make, modify and revoke withdrawals and reservations, with the approval of the Director of the Bureau of the Budget and the Attorney General, and the concurrence of agencies having jurisdiction over the lands involved. See Executive Order No. 9337 (3 CFR, Cum. Supp., p. 1274). Public Land Orders, issued under the authority of E. O. 9337, are published as the appendix to this title.

(b) The Secretary has been authorized by the President to exercise certain powers relating to Alaska Railroad town site reservations made under the act of March 12, 1914 (38 Stat. 305; 48 U. S. C., secs. 301-308). See Executive Order No. 3489 of June 10, 1921 and 43 CFR, Cum. Supp.) 297.3, 297.4, and 297.7.

§ 50.77 *Director.* (a) All of the functions and powers, of the abolished predecessor agencies and offices, transferred to the Secretary of the Interior by Reor-

ganization Plan No. 3 of 1946, may be exercised by the Director of the Bureau of Land Management. See §4.250 of this title.

(b) The Director is authorized to:

(1) Act on applications for and issuance of various easements for rights-of-way on public land; approve clear lists of State selections and swamplands; authorize issuance of patents for school sections; authorize the survey of islands or omitted lands and the resurvey of public and private land; deny applications for stock-driveway withdrawals or for revocations of such withdrawals; open lands restored from power site withdrawals; issue, consolidate, modify, revoke and cancel various types of mineral leases, permits and licenses, including competitive oil and gas leases and mineral spring leases; act on bonds relating to oil and gas leases; act on applications for and issuance of leases of public lands, including those in Alaska, for various other purposes; accept surrender of all types of leases and permits; eliminate erroneously included land in leases and permits; extend time of and terminate timber patents; act on applications for stock watering reservoir sites; sell isolated tracts; restore national forest lands to homestead entry and revoke such restorations; classify land for disposal, as an isolated tract or Indian allotment, for private exchange, as a homestead or desert entry, a small tract or a public airport, issue special land use permits, negotiate compensatory royalty agreements relating to drainage. See § 4.275 of this title.

(2) With reference to grazing districts: Adjust grazing fees because of range depletion due to severe drought or other causes; act on applications to appropriate water; accept contributions; approve certain leases and cooperative agreements. See § 4.276 of this title.

(3) Permit filming of motion or sound pictures. See Order 2029 (10 F. R. 2522).

(4) Dispose of surplus real property in accordance with the provisions of Order No. 2061 (11 F. R. 5955) and Order No. 2162 (14 F. R. 5956).

§ 50.78 *Associate Director.* The Associate Director may exercise all powers and authority of the Director. See § 4.253 of this title.

§ 50.79 *Managers, District Land Offices.* The Managers of the District Land Offices possess the functions and powers previously exercised by the Register. See § 4.251 of this title. The Managers are also authorized to:

Act on applications for small tract leases. See § 4.300 of this title.

§ 50.80 *Chief Cadastral Engineer.* The Chief Cadastral Engineer of the Bureau of Land Management executes the former functions and powers of the United States Supervisor of Surveys. See § 4.252 of this title.

§ 50.81 *Chief Forester, Oregon and California Revested Lands Administration.* The Chief Forester, O & C Lands, may approve contracts for the sale of timber having a stumpage value of \$25,000 or less. See § 115.46 of this chapter.

PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS

§ 50.100 *Inquiries and requests in general.* (a) Information concerning the functions and activities of the Bureau of Land Management may be obtained by addressing the Director, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

(b) Inquiries relating to the status of particular tracts of public land should be addressed to the appropriate District Land Office in the State in which the land lies.

(c) The various field offices will furnish information regarding their particular activities and refer inquiries and requests to the proper offices.

§ 50.101 *Location of headquarters organization.* The office of the Director and the chiefs of the Branches and Services are located in Washington, D. C.

§ 50.102 *Locations of District Land Offices.* The locations of the District Land Offices are as follows:

Alaska: Anchorage, Federal Building. Fairbanks, 306 Cushman Street, P. O. Box 110. Nome, P. O. Building.

Arizona: Phoenix, Federal Building.

California: Los Angeles, Federal Building, Los Angeles 12, Calif. Sacramento, Federal Building, Sacramento 5, Calif.

Colorado: Denver, Federal Building, Denver 2, Colo. Pueblo, Federal Building.

Idaho: Blackfoot, Federal Building. Coeur d'Alene, Federal Building.

Montana: Billings, Federal Building. Great Falls, Federal Building.

Nevada: Carson City, Federal Building.

New Mexico: Las Cruces, Federal Building. Santa Fe, Federal Building.

North Dakota: Bismarck, Federal Building.

Oregon: Lakeview, Federal Building. Roseburg, Federal Building. The Dalles, Federal Building.

South Dakota: Pierre, Federal Building.

Utah: Salt Lake City, 313 Federal Building, Salt Lake City 1, Utah.

Washington: Spokane, Federal Building, Spokane 8, Washington.

Wyoming: Buffalo, Federal Building. Cheyenne, Federal Building. Evanston, Federal Building.

§ 50.103 *Locations of Grazing Offices.* The locations of Regional Grazing Offices are as follows:

Idaho-Oregon Region: *Headquarters:* 211 Sonna Building, Boise, Idaho.

Utah-Colorado Region: *Headquarters:* 238 Federal Building, Salt Lake City, Utah.

New Mexico-Arizona Region: *Headquarters:* Gas and Electric Building, Albuquerque, New Mexico.

Montana-Wyoming Region: *Headquarters:* 326 Stapleton Building, Billings, Montana.

Nevada-California Region: *Headquarters:* 15 Hughes-Porter Building, Reno, Nevada.

§ 50.104 *Locations of District Grazing Offices.* The locations of District Grazing Offices are as follows:

Arizona: Phoenix, 503 Heard Building. Safford, 315 Federal Building.

Colorado: Grand Junction, Room 225, Post Office Building. Meeker, Court House. Canon City, 920 Main Street.

Idaho: Burley, Rich Building. Boise, Broadbent Building. Idaho Falls, Federal Building. Shoshone.

Montana: Malta, McLellan-Edward Building. Miles City, Room 11, Strong Building. Billings, 338 Stapleton Building.

Nevada: Elko, Hesson Building. Ely, Bruce-Wallace Building. Las Vegas, Post Office Building.

New Mexico: Albuquerque, 416½ West Central Avenue. Roswell, J. P. White Building. Oregon: Lakeview, Federal Building. Burns, Post Office Building. Vale, City Hall. Baker, Federal Building.

Utah: St. George, Brigham City, Knudsen Investment Co. Building, 71 South Main. Salt Lake City, 116 Pierpont Avenue. Fillmore, Utah Oil Building. Cedar City, Federal Building. Richfield, Home Acceptance Corp. Building, 46 South Main Street. Vernal, Federal Building.

Wyoming: Worland, Court House. Rawland, Post Office Building. Rock Springs, First Security Bank Building.

§ 50.105 *Locations of Regional Survey Offices.* The locations of Regional Survey Offices are as follows:

Region I: States of Colorado, Illinois, Indiana, Iowa, Michigan, Missouri, Minnesota, Montana, North Dakota, Ohio, Kansas, Nebraska, South Dakota, Wisconsin and Wyoming. *Headquarters:* 531 U. S. National Bank Building, Denver 2, Colorado.

Region II: States of Alabama, Arizona, Arkansas, Florida, Louisiana, Mississippi, New Mexico and Oklahoma and Southern California. *Headquarters:* Post Office Building, Santa Fe, New Mexico.

Region III: States of Idaho, Nevada and Utah. *Headquarters:* Post Office Building, Salt Lake City, Utah.

Region IV: States of Oregon and Washington and Northern California. *Headquarters:* Post Office Building, Portland, Oregon.

Region V: Territory of Alaska. *Headquarters:* Juneau, Alaska.

§ 50.106 *Locations of Public Survey Offices.* The locations of Public Survey Offices are as follows:

Alaska: Juneau, Territorial Building.

Arizona: Phoenix, 105 U. S. Court House. California: Glendale, Box 1231.

Colorado: Denver, 531 U. S. National Bank Building.

Idaho: Boise, Post Office Building.

Montana: Helena, Post Office Building.

Nevada: Reno, Federal Building.

New Mexico: Santa Fe, Post Office Building.

Oregon: Portland, Post Office Building.

Utah: Salt Lake City, Post Office Building.

Washington: Olympia, Post Office Building.

Wyoming: Cheyenne, Federal Building.

§ 50.107 *Locations of Oregon and California Revested Lands Administration Offices.* The O & C Administration functions entirely within the State of Oregon. *Headquarters:* 901 Guardian Building, Portland 4, Oregon.

Its field offices are located as follows: New Post Office Building, Eugene, Oregon; City Hall, Medford, Oregon; 424 Pacific Building, Roseburg, Oregon; 307 Masonic Building, Salem, Oregon; Federal Building, Coos Bay, Oregon.

§ 50.108 *Locations of Range Development Service Offices.*

Region I: States of Arizona and New Mexico. *Headquarters:* Federal Building, Santa Fe, New Mexico.

Region II: States of Colorado, Montana, South Dakota and Wyoming. *Headquarters:* 205 Boyd Building, Cheyenne, Wyoming.

Region III: States of California, Idaho, Nevada, Oregon and Washington. *Headquarters:* 714 Spalding Building, Portland, Oregon.

§ 50.109 *Alaska Fire Control Service.* Alaska Fire Control Service maintains its Headquarters at Federal Building,

Box 120, Anchorage, Alaska and information concerning its work may be obtained there.

§ 50.110 *Locations of Field Examination Offices.* The locations of the field offices of the Branch of Field Examinations are as follows:

Region I: States of California, Washington and Oregon and the Coeur d'Alene Land District, Idaho. *Headquarters:* 808 Sharon Building, 55 Montgomery Street, San Francisco 5, California.

Region II: States of Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota and Wyoming. *Headquarters:* 308 Stapleton Building, Billings, Montana.

Region III: States of Arizona north of the Grand Canyon, Colorado, Nevada, and Utah, and the Blackfoot Land District, Idaho. *Headquarters:* 355 Federal Building, Salt Lake City 10, Utah.

Region IV: States of Arizona south of the Grand Canyon, Kansas, New Mexico, and Oklahoma. *Headquarters:* 211½ West Central Avenue, Albuquerque, New Mexico.

Region V: Territory of Alaska. *Headquarters:* Federal Building, P. O. Box 480, Anchorage, Alaska.

SUBPART B—PROCEDURE

§ 50.150 *Regulations.* (a) Regulations relating to the functions of the Bureau of Land Management are prepared in consultation with administrative and technical personnel of the Branches, reviewed by the Chief Counsel, and if approved by the Director, are submitted through the Solicitor's Office to the Secretary for approval.

(b) Proposed amendments to the Federal Range Code (Part 501 of this title) are submitted to the Grazing District Advisory Boards.

§ 50.151 *Grazing Districts.* Hearings are held on proposals to establish or to enlarge grazing districts, pursuant to the act of June 28, 1934 (sec. 1, 48 Stat. 1269; 43 U. S. C., sec. 315), as amended.

§ 50.152 *Withdrawals.* The procedure followed in connection with proposed withdrawals of land by executive order or public land order is set forth in Order No. 2232 of July 24, 1946 (11 F. R. 8168). Also see § 50.76.

§ 50.160 *Applications generally.* Regulations covering particular matters prescribe the office in which applications are to be filed, the information required, and in some cases the form to be used. Regulations dealing with matters administered by the Bureau of Land Management appear in Chapters I and III of this title, and Parts 8305 and 9000 of Title 32, and are classified according to subject matter. For example, the regulations relating to exchanges of privately owned lands within or outside of grazing districts are found in Subchapter G—Exchanges—of this Chapter, Part 146. Similarly, the procedure for filing applications relating to grazing within grazing districts is found in Chapter III of this title, Part 501—Federal Range Code. In the same way, Parts 8305 and 9000 of Title 32 contain information concerning procedures relating to the disposal of surplus real property.

§ 50.161 *Contests and Government contests.* The procedure relating to

contests and claims made to public lands is set forth in Parts 220 and 221 of this title. Subchapter P of this title contains procedural information incident to contest and other proceedings.

§ 50.162 *Appeals.* (a) The procedure for appeals to the Director from the action of a Manager of a District Land Office and from the Director to the Secretary is set forth in Part 221 of this title.

(b) The procedure relating to appeals from regional graziers to examiners, and from examiners to the Secretary is covered by § 501.9 of this title.

§ 50.300 *Forms for use by the public.* Copies of forms used by the Bureau of Land Management may be obtained from the Director, Bureau of Land Management, Department of the Interior, Washington, 25, D. C., or from the appropriate district land office or grazing district office. Regulations covering specific subjects contain references to the forms to be used. The following forms are available and must be used in applying for the privileges and rights in connection with particular public land matter:

| Subject | Description of form | Form No. |
|---|--|--|
| Airports and aviation fields, Alaska..... | Public airport lease..... | 4-445 |
| | Coal leases: Bond, act of Oct. 20, 1914. Lease..... | 4-692 4-031a |
| Amendments..... | Coal permits: Application..... | 4-020 |
| | Permit for free mining..... | 4-020a |
| | Prospecting permit..... | 4-031b |
| | Fur farm leases: Gross receipts, report of. Lease..... | 4-230a 4-230 |
| | Grazing leases: Application..... | 4-469 4-470 |
| | Indians and Eskimos, allotments: Application..... | 4-021 |
| | Oil and gas leases: Lease under act of Aug. 21, 1935..... | 4-208h |
| | Recreational sites: Lease..... | 4-978 |
| | Timber: Application to purchase. Notice of intention to cut for free use. Notice to be posted after filing of application. Permission to cut, under application to purchase. | 4-023 4-023f 4-023e 4-023b |
| | Town sites, railroad: Application to purchase town lot of less than two acres. Application to purchase town lot of two acres or more. | 4-013 4-015 |
| | Town sites, trustee: Application for deed.... Application for deed by native Indian or Eskimo. Deed of native Indian Eskimo. Deed to native Indian Eskimo. | 4-423 4-231 4-232a 4-232 |
| | Bonds, bonding companies. | Application for amendment of agricultural entry. Bond for \$5,000, sec. 2b, coal lease, act Feb. 25, 1920. Bond for mineral claimant, on pending or patented stockraising entry. Bond of coal permittee, act Feb. 25, 1920. Bond of coal permittee, acts June 22, 1910, and Feb. 25, 1920. Bond of mineral surveyor. Bond, oil and gas..... Bond under secs. 2a and 2b, coal mining lease, act Feb. 25, 1920; for investment of \$10,000 or less. | 4-005 4-692k 4-684 4-692h 4-692i 4-677 4-208g 4-692o |

| Subject | Description of form | Form No. | |
|-------------------------------------|---|---|--|
| Coal permits, leases, and licenses. | Application for license to mine coal. | 4-694a | |
| | Coal mining lease..... Coal prospecting permit..... | 4-696 4-694 | |
| Contests..... | Affidavit of stenographer as to correctness of transcript of notes. Answer by contestee..... Certificate of officer before whom testimony is taken. Notice of contest (personal service). Notice of contest (publication). Personal service of notice. Publication of notice, affidavit and order for. Stipulation of parties, agreeing to waive signature of witnesses. | 4-084a 4-072i 4-084 4-072a 4-072c 4-095 4-072b 4-083 | |
| | Desert land entries. | Affidavit of assignee..... Declaration of applicant... Final proof, deposition of witness. Final proof, testimony of claimant. Second entry, application. Yearly proof, testimony of claimant and witness. Notice of intention to make proof. | 4-274c 4-274 4-373 4-372a 4-007c 4-074b 4-348 |
| | Exchanges of lands. | Application for exchange of privately owned lands, sec. 8, Taylor Grazing Act. Indian reservation: Affidavit for lieu selection. Application for lieu selection. | 4-728 4-089 4-088 |
| | | Grazing district administration. | Application and affidavit for transfer of grazing privileges and action of regional grazier under sec. 7 (b) or (c) of the Federal Range Code. Application and transfer of grazing privileges based on owned, leased or controlled water under sec. 7 (b) of the Federal Range Code. Application for exchange of use license based on private lands owned or controlled. Application for grazing permit (long form). Application for permit to construct and maintain improvements on public lands in a grazing district. Cooperative agreement.... Exchange of use grazing license. Free use permit for grazing privileges. Grazing permit..... License for grazing privileges and fee notice. Agreement to maintain range improvements. Notice for district advisers only. Sec. 4 permit to construct and maintain range improvements. Short-form application for grazing permit. | GrS-62 GrS-62A GrS-116 1-291 1-275 1-377 GrS-106 GrS-89 1-292 1-402 GrS-32 1-269 1-276 1-195 4-724a |
| | Grazing leases..... | Agreement of assignee to include additional provisions in grazing lease. Application for lease..... Assignment of lease..... Lease..... Lease renewal..... Petition for renewal of lease. | 4-721 4-724 4-722a 4-722b 4-725 |
| | | Homesteads..... | Additional homesteads: Application, sec. 2, Kinkaid Act. Adjoining farm homesteads: Affidavit..... Final affidavit..... Application for amendment of entry, selection or location of agricultural lands. Application under R. S. 2289. Cultivation: Application for reduction of required area. | 4-018 4-066 4-067 4-005 4-007 4-007a |

| Subject | Description of form | Form No. | | | |
|---|---|--|--|--|---|
| Homesteads..... | Enlarged homesteads: Additional, sec. 8, application and affidavit. | 4-004 | | | |
| | Additional, sec. 7, application and affidavit. | 4-004a | | | |
| | Original, application and affidavit. | 4-003a | | | |
| | Final proof, testimony of claimant, other than stockraising. | 4-369 | | | |
| | Final proof, testimony of witness, other than stockraising. | 4-369a | | | |
| | Instructions for submitting proof. | 4-327 | | | |
| | Leave of absence: Application | 4-519 | | | |
| | Notice of beginning and notice of termination of absence. | 4-519b | | | |
| | Notice of beginning of absence from settlement claim. | 4-519 | | | |
| | Notice of intention to make proof. | 4-348 | | | |
| | Reclamation homesteads: Final affidavit. | 4-073 | | | |
| | Residence requirements: Application for change. | 4-017 | | | |
| | Second entries: Application. | 4-007e | | | |
| | Soldiers and Sailors: Application under R. S. 2395. | 4-008a | | | |
| | Declaratory statements: By agent | 4-545 | | | |
| | In person | 4-546 | | | |
| | Stockraising homesteads: Final proof, testimony of claimant. | 4-369b | | | |
| | Final proof, testimony of witnesses. | 4-369c | | | |
| | Isolated tracts..... | Application and affidavit, R. S. 2455, second proviso. | 4-008d | | |
| | | Notice for publication (register), public sale, preference right. | 4-348k | | |
| | | Notice for publication (publisher), public sale, preference right. | 4-348L | | |
| | | Kinkaid Act..... | Application for additional homestead, sec. 2, act Apr. 28, 1904. | 4-018 | |
| | | | Military service | Notice in connection with public land claim. | 4-975 |
| | | | | Mineral surveys | Application for survey of mining claim. | 4-680 |
| | | Application for repayment, survey deposit. | 4-109a | | |
| Final oath for assistant mineral surveyor. | | 4-685 | | | |
| Final oath of mineral surveyor. | | 4-686 | | | |
| Oath of mineral surveyors, as to examination of placer claims. | | 4-695 | | | |
| Nevada..... | Development and utilization of underground water: Final proof, testimony of claimant. | 4-383 | | | |
| | Final proof, testimony of witness. | 4-383a | | | |
| | Notice of intention to make final proof. | 4-364 | | | |
| | Notice for publication (publisher). | 4-364b | | | |
| | Notice for publication (register). | 4-364c | | | |
| | Permit to develop underground water. | 4-212 | | | |
| | Nonmineral affidavit. | 4-062 | | | |
| | Oil and gas leases | Application for permit to cut timber on oil and gas prospecting permit or lease. | 4-142 | | |
| | | Bond | 4-208g | | |
| | | Lease, under act August 21, 1935. | 4-208f | | |
| Letter of transmittal from lessee or permittee, transmitting permittee. | | 4-074 | | | |
| License to cut timber on oil and gas lease. | | 4-142a | | | |
| Oregon and California revested lands. | | Grazing: Application for grazing lease | 4-985 | | |
| | | Lease | 4-987 | | |
| | | Right of way for logging road: Agreement and permit | 4-988a | | |
| | | Application for permit | 4-980 | | |
| | | Prospecting permits | 4-128 | | |
| Potassium..... | Lease | 4-125 | | | |
| Public sale..... | Application and affidavit R. S. 2455 | 4-008b | | | |

| Subject | Description of form | Form No. | |
|---------------------------|--|---|--------|
| Public sale..... | Application and affidavit R. S. 2455, second proviso. | 4-008d | |
| | Notice for publication (publisher), rough or mountainous tract | 4-348d | |
| | Notice for publication (register) isolated tract, preference right clause | 4-348k | |
| | Notice for publication (publisher), isolated tract, preference right clause | 4-348L | |
| | Range development service | Range-development agreement | 4-241 |
| | | Of claims | 4-621 |
| | | Of right-of-way grants | 4-621a |
| | Reservoirs..... | Declaratory statements | 4-548 |
| | | Final certificate | 4-204 |
| | Small holding claims | Proof | 4-074 |
| | | Application for classification and lease | 4-775 |
| | Small tracts..... | Lease | 4-776 |
| | | Prospecting permit | 4-701 |
| | Sodium..... | Application | 4-972 |
| | | Application for permit for advertising displays | 4-972b |
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GIRARD DAVIDSON,
Acting Secretary.

AUGUST 28, 1946.

[F. R. Doc. 46-15419; Filed, Aug. 28, 1946; 2:21 p. m.]

BUREAU OF MINES
[30 CFR, Ch. I]

SUBCHAPTER A—ORGANIZATION AND PROCEDURE

Subchapters A, B, C, and D, respectively, are redesignated as Subchapters B, C, D, and E, and a new Subchapter

A — Organization and Procedure, is added:

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- 01.1 Purpose.
- 01.5 General description.
- HEADQUARTERS ORGANIZATION
- 01.10 Director.
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- 01.20 Economics and Statistics Branch.
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- 01.22 Fuels and Explosives Branch.
- 01.23 Mining Branch.
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- FIELD ORGANIZATION
- 01.40 Functions.
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- LIST OF DELEGATIONS OF AUTHORITY
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- PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS
- 01.100 Inquiries and requests in general.
- 01.101 Location of headquarters organization.
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ESTABLISHMENT

01.0 *Creation.* The Bureau of Mines was established in the Department of the Interior by statute on May 16, 1910. The Bureau was transferred to the Department of Commerce in 1925 and was returned to Interior by Executive Order, effective April 24, 1934, under statutory authority for reorganization of the executive branch.

01.1 *Purpose.* The Bureau, a "bureau of mining, metallurgy, and mineral technology", promotes safety in the mineral industries, aids conservation of mineral resources, and conducts investigations on the mining, preparation, and utilization of minerals. By developing and introducing safe practices and improvements in mining and in the use of mineral substances, the Bureau seeks to promote the progress of the industry through scientific, technical and economic studies in laboratory, office and field.

01.5 *General description.* The Bureau of Mines consists of a national headquarters in Washington, D. C., with a Director in charge and various activities outside of Washington. The national headquarters, known as the Office of the Director, is composed of five principal branches, one administrative service, and one information office. A field geophysical exploration unit also is attached to the office of one of the assistant directors. The five branches deal with health and safety, fuels and explosives, mining, metallurgy, and economics and statistics. The investigative and research work of these branches is conducted in the field (outside of Washington, D. C.) at special offices and installations designed to carry out this work.

HEADQUARTERS ORGANIZATION

01.10 *Director.* The Director of the Bureau of Mines is responsible for the formulation of policies and for the overall direction of programs.

01.11 *Office of Minerals Reports.* The Office of Minerals Reports directs informational activities.

01.12 *Administrative Service.* The Administrative Service is responsible for the administrative management functions of budget, finance, property, reorganization, personnel, and office services, and also is responsible for all general business phases of field stations and offices.

01.20 *Economics and Statistics Branch.* The Economics and Statistics Branch conducts statistical canvasses and economic studies on domestic minerals production, distribution, consumption, stocks, trends, employment, and kindred factors which are essential to industrial and governmental planning and operating. The Branch publishes the Minerals Yearbook and many weekly, monthly, annual, and incidental reports on minerals. It maintains a foreign-minerals fact-finding service for domestic mineral producers and consumers and for agencies concerned with this country's international economic relations.

01.21 *Health and Safety Branch.* The Health and Safety Branch is responsible for the conduct of health, and safety inspections of mines, for the conduct of scientific studies on health conditions in mining, and for the conduct of engineering investigations of safety factors in the mining industry.

01.22 *Fuels and Explosives Branch.* The Fuels and Explosives Branch is responsible for all research on the composition, handling, manufacture, and use of fuels and explosives, for engineering services dealing with coal, petroleum, natural gas, synthetic liquid fuels, mine explosions, and military high explosives, and for the production of helium. The Fuels and Explosives Branch conducts explorations for deposits of coal.

01.23 *Mining Branch.* The Mining Branch conducts engineering examinations of mineral deposits, explores and samples deposits, and studies new mining and milling methods. The Branch conducts experimental work on methods of exploration and mining, investigates the mining possibilities of individual districts as they relate to the minerals industry, and demonstrates the most effective methods for extracting previously unused ores. Operations are controlled through divisional field offices.

01.24 *Metallurgical Branch.* The Metallurgical Branch conducts fundamental and applied research on the conservation, preparation, and utilization of metals and non-metals, develops new metallurgical methods dealing with beneficiation processes, new techniques, and special equipment, and analyzes and tests ore samples. Operations are controlled through divisional field offices.

FIELD ORGANIZATION

01.40 *Functions.* Each of the field activities is in the charge of an engineer or specialist who is responsible for the conduct of the technical work assigned to him and who reports directly to his branch chief in Washington, D. C.; except in the case of the geophysical exploration head who reports to one of the assistant directors.

01.41 *Types of offices in the field.* There are eight basic types of offices in the field. Some types are grouped by region, some by district, and others operate by "function" and do not observe geographical boundaries.

(a) *Field headquarters.* All geophysical work for the Nation is carried on from the Bureau's one "field headquarters" office on geophysical exploration.

(b) *Division.* The divisional offices supervise and direct the work of their respective branches having such offices.

(c) *Field office.* Usually small installations, field offices perform specialized technical work on limited subjects.

(d) *Plant.* Pilot, production, and demonstration plants produce specific mineral products such as helium and synthetic liquid fuel.

(e) *Station.* Established by law as "experiment stations" of the Bureau, this type of office is larger than a field office and has several specialized lines of endeavor.

(f) *Laboratory.* Equivalent to experiment stations.

(g) *District.* The district offices carry out work of the Health and Safety Branch.

(h) *Sub-district.* The sub-district offices are under the Health and Safety district offices and their location is determined on an economic basis as to work load and proximity to certain coal fields.

LIST OF DELEGATIONS OF AUTHORITY

01.60 *Purpose of list of delegations of authority.* The following sections are not in themselves delegations of authority. The sections are merely a list of delegations and indicate the various matters

with respect to which delegations have been made. They are intended merely as an index and outline. For the scope and limitations of delegations of authority regulations and orders to which cross references are made must be consulted.

01.61 *Director, Bureau of Mines.* The Director has authority to:

(a) Inspect mines on public domain and Indian land for safety. See Order 1940 (9 F.R. 3748).

(b) Approve certain helium contracts. See 30 CFR 1.2, 1.3.

PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS

01.100 *Inquiries and requests in general.* Information concerning the policies and programs of the Bureau of Mines, including such publications as reports and bulletins dealing with activities and investigations that are issued for free distribution, can be secured by addressing the Director, Bureau of Mines, Department of the Interior, Washington 25, D. C.

Requests for copies of publications that are for sale should be directed to the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

Requests for loan copies of motion picture films in the Bureau's library should be sent to the Supervising Engineer, Graphics Service Section, Bureau of Mines Experiment Station, 4800 Forbes Street, Pittsburgh, Pennsylvania.

Coal Mine Inspection reports are available for inspection at the appropriate district and sub-district offices in the vicinity of the mine inspected.

Limited supplies of publications on specific subjects are sometimes available at the office or source of origin in the field.

01.101 *Location of headquarters organization.* The Office of the Director of the Bureau of Mines, the facilitating offices (Administrative Service and Office of Minerals Reports), and the offices of the chiefs of the Branches are in Washington, D. C.

01.102 *Locations of field offices and laboratories.* The locations of the principal field offices and laboratories of the Bureau of Mines are listed below alphabetically by states with the following symbols given to identify them as to Branch supervision:

Economics and Statistics Branch..... (E)
 Health and Safety Branch..... (H)
 Fuels and Explosives Branch..... (F)
 Mining Branch..... (MA)
 Metallurgical Branch..... (MB)

| State | City | Office and jurisdiction | Branch | State | City | Office and jurisdiction | Branch |
|----------|------------|--|------------|------------|---------------|---|--------|
| Alaska | Anchorage | District I (Alaska) | H. | California | Berkeley | Subdistrict, H (Calif. and Nev., W of and SW of Austin to Wash-Ariz. Boundary). | H. |
| | Juneau | Alaska Division | MA. MB. | | | | |
| Alabama | Birmingham | District D (Tenn., N. C., S. C., Miss., Ala., Ga., and Fla.) | H. | | | Experiment station (under Boulder City Div.) | MB. |
| | Tuscaloosa | Tusc. Div. (La., Miss., Ala., and Fla.) | MA and MB. | | Los Angeles | Field Office | E |
| | | Coal Preparation and Carbonization (Experiment Station) | F. | | Bedding | Ferroalloy Pilot Plant | MB. |
| | | | | | San Francisco | Field office | F. |
| | | | | | | Petroleum field office | F. |
| Arizona | Phoenix | Subdistrict, H (Ariz.) | H. | | | Field Office (under Reno, Nev. Div.) | MA. |
| | Tucson | Tucson Division (Ariz., N. Mex. and Tex.) | MA and MB. | Colorado | Denver | Subdistrict, H. | H. |
| Arkansas | | | | | | Oil-shale mining (field office) | F. |

(See "Dallas, Tex. H" & "Rolla, Mo. MB")

| State | City | Office and jurisdiction | Branch | State | City | Office and jurisdiction | Branch | |
|----------------|--------------------------------|--|------------|----------------|--------------------------|---|--|-----|
| Colorado | Denver | Field office (S. L. C. Div.) | MA. | Pennsylvania | Bruceton | Explosives Testing Station | F. | |
| | Golden | Field office | E. | | | Franklin | Experimental Coal Mine (Experiment Station) | F. |
| | Rifle | Subbituminous coal and lignite (field office) | F. | | | Johnstown | Synthetic Oil Laboratory | F. |
| Connecticut | (See "Md.," "Pa." and "N. Y.") | Md., MA & MB & Wilkes-Barre | | | | Pittsburgh | Petroleum Field Office | H. |
| Delaware | (See "Md." and "Pa.") | | | | | | District A (Pa.-W. of Harrisburg, Ohio, W. Va.-N. of Mason, Kanawha, Clay, Nicholas and Pocahontas counties, Md., and D. C.) | H. |
| Florida | (See "Ala.") | | | | | | Field Headquarters | H. |
| Georgia | (See "N. C." and "Ala.") | | | | | | Field Office (Under "College Park, Md.") | MB. |
| Idaho | (See "Oreg." and "Utah") | | | | | | Mining Experiment Station Lab. | F. |
| Illinois | (See "Mo." and "Ind.") | | | | | | Anthracite mechanical mining (field office) | F. |
| Indiana | Vincennes | District E (Nebr.-E, of N. Platte, Iowa, Ill., Ind., Mo., and Ky.-W of Frankfort). | H. | | | Wilkes-Barre | District B (N. Y., Pa.-E. of Harrisburg, N. J., Del., Maine, N. H., Vt., Mass., Conn., and R. I.) | H. |
| Iowa | (See "Minn." and "Ind.") | | | Rhode Island | (See "Md." and "Pa.") | | | |
| Kansas | Cunningham | Helium Plant (under "Amarillo, Tex.") | F. | South Carolina | (See "N. C." and "Ala.") | | | |
| | do. | do. | F. | South Dakota | Rapid City | Field Office (under "Minneapolis, Minn.") | MB. | |
| Kentucky | (See "N. C." and "W. Va.") | | | Tennessee | Norris | Experiment Station (under "Raleigh, N. C.") | MB. | |
| Louisiana | (See "Tex.") | | | | Jellico | Field Office | H. | |
| Maine | (See "Md." and "N. Y.") | | | Texas | Amarillo | Helium plant headquarters | F. | |
| Maryland | Baltimore | Field headquarters | | | Austin | Field office (under "Tucson, Ariz.") | MA. | |
| | College Park | College Park Div. (Maine, N. H., Vt., Mass., Conn., R. I., N. Y., N. J., Pa., Ohio, W. Va., Md., and Del.) | MA and MB. | | Dallas | Petroleum field office | F. | |
| | College Park | Field office | E. & H. | | Excelsior | District G (Kans., Okla., Ark., Tex., and La.) | H. | |
| Massachusetts | (See "Md." and "N. Y.") | | | | Utah | Helium plant (under "Amarillo, Tex.") | F. | |
| Michigan | (See "Minn.") | | | | Salt Lake City | Salt Lake City Div. (Utah, Wyo., & Colo.) | MA and MB. | |
| Minnesota | Minneapolis | Minneapolis Div. (N. Dak., S. Dak., Nebr., Minn., Iowa, Wis., and Mich.) | MA and MB. | | | Field office | E. | |
| | Duluth | District F (N. Dak., S. Dak., E. of Pierre, Minn., Wis. Mich.) | H. | | | District H (Wash. Mont., Oreg., Idaho, Wyo., S. Dak.-W. of Pierre, Calif., Nev., Utah, Colo., Nebr.-W. of N. Platte, Ariz. and N. Mex.) | H. | |
| Mississippi | (See "Ala.") | | | Vermont | (See "Md." and "Pa.") | | | |
| Missouri | Joplin | Field office | E. | Virginia | Mt. Weather | Field office (under "College Park, Md.") | MA. | |
| | Louisiana | Synthetic Liquid Fuels Lab. | F. | | Norton | Subdistrict, C. (Ky.-E. of Frankfort, and Va.) | H. | |
| | Rolla | Rolla Div. (Kans., Okla., Mo., Ark., Ill., and Ind.) | MA and MB. | Washington | Pullman | Field office (under "Albany, Oreg.") | MB. | |
| Montana | Helena | Field office (under "Albany, Oreg.") | MA. | | Seattle | Coal research (experiment station) | F. | |
| Nebraska | (See "Minn." and "Utah") | | | | | Experiment station (under "Albany, Oreg.") | MB. | |
| Nevada | Boulder City | Boulder City Div. (Nev. and Calif.) | MB. | | Spokane | Subdistrict, H (Wash. and Oreg.) | H. | |
| | Reno | Reno Div. (Nev. and Calif.) | MA. | | Fairmount | Field office (under "Albany, Oreg.") | MA. | |
| New Hampshire | (See "Md." and "N. Y.") | | | West Virginia | Morgantown | Field Office | H. | |
| New Jersey | (See "Md." and "Pa.") | | | | Mount Hope | Synthetic Liquid Fuels Lab. | F. | |
| New Mexico | Shiprock | Helium plant (under "Amarillo, Tex.") | F. | | | District C (W. Va.-S. of Jackson, Roane, Braxton, Webster, Randolph, and Pendleton Counties, Ky.-E. of Frankfort, and Va.) | H. | |
| | Silver City | Field Office (under "Tucson, Ariz.") | MA. | Wisconsin | (See "Minn.") | | | |
| New York | Albany | Subdistrict, B (N. Y., Maine, N. H., Vt., Mass., Conn., and R. I.) | MA and MB. | Wyoming | Laramie | Petroleum and oil-shale experiment station. | F. | |
| North Carolina | Raleigh | Raleigh Div. (Va., Ky., Tenn., N. C., S. C., and Ga.) | MA and MB. | | | Sponge iron pilot plant | MA. | |
| North Dakota | Grand Forks | Lignite gasification pilot plant (under "Golden, Colo.") | F. | | | | | |
| Ohio | (See "Md." and "Pa.") | | | | | | | |
| Oklahoma | Bartlesville | Petroleum experiment station. | F. | | | | | |
| | McAlester | Field Office | OF. | | | | | |
| Oregon | Albany | Albany Div. (Wash., Oreg., Idaho, and Mont.) | MA and MB. | | | | | |

PART 02—PROCEDURE

Sec.

- 02.1 Federal Explosives Act.
- 02.2 Sale of helium gas.
- 02.3 Tests and investigations.
- 02.4 Mine inspections.
- 02.5 Mineral investigations.

02.1 *Federal Explosives Act.* (a) The Federal Explosives Act of December 26, 1941 (55 Stat. 863; 50 U. S. C. 121-142), as amended, is an act administered by the Bureau of Mines regulating the manufacture, sale and use of explosives and ingredients thereof in time of war or national emergency. The regulations under the act are to be found in 32 CFR, Part 301. However, since funds to enforce the act have not been appropriated since the fiscal year of 1945, on October

5, 1945, General License No. 8, (32 CFR, 1945 Supp., Part 303), was issued by the Director of the Bureau of Mines and approved by the Secretary of the Interior, substantially abrogating the major portions of the regulations. All actions under the act are now taken through, and all inquiries concerning the act should be addressed to, the Chief of the Health and Safety Branch, Bureau of Mines, Washington 25, D. C.

(b) No forms relating to this act are now used by the public.

02.2 *Sale of helium gas.* (a) The manner in which applications for the purchase of helium are made, the way in which the price is determined, the method of payment, and shipping specifications are set forth in 30 CFR, Part 1.

(b) Regulations on the sale of helium gas are drafted by the Fuels and Explosives Branch of the Bureau of Mines, and are reviewed by the Solicitor's Office before they are signed by the Director of the Bureau of Mines. They must thereafter be approved by the Secretary of the Interior and by the President before they become effective.

(c) The forms used in applying for the purchase of helium and the purchase contract itself are set forth in 30 CFR, Part 1.

02.3 *Tests and investigations.* (a) The various types of tests of mineral substances, use of explosives and electricity, and safety appliances conducted by the Bureau of Mines, the conditions under which tests are made, the manner of

applying for tests, the schedules of fees, and the issuance of certificates of approval or permissibility, are set forth in 30 CFR Chapter I, Subchapters B, C, D, and E.

(b) The regulations for such tests are drafted by the appropriate technical divisions of the Bureau, reviewed by the Branch chief and by the Office of the Solicitor, signed by the Director of the Bureau of Mines and finally approved by the Secretary of the Interior.

(c) Forms for applications or approval plates or other devices to be used by manufacturers are set forth in the appropriate Subchapters of 30 CFR, Chapter I.

02.4 Mine inspections. (a) Under the act of May 7, 1941 (55 Stat. 177; 30 U.S.C., Supp., 4f-4o), Federal coal mine inspectors of the Bureau of Mines, make periodic inspections of all coal mines the products of which regularly enter commerce or the operations of which substantially affect commerce. Conditions affecting health and safety found in these mines form the basis for mine inspection reports transmitted to the mine operators by the Chief of the Health and Safety Branch, for the Director. Copies of the reports are sent to representatives of the mine workers and the State mine inspection authorities.

The standards used by the Federal coal mine inspectors in making inspections are drafted by the Health and Safety Branch and issued by the Director of the Bureau of Mines. Prevailing standards are contained in the Bureau's publication I. C. 733 dated July 1945 covering underground mines, I. C. 7350 dated March 1946 covering strip mines, and I. C. 7282 dated May 1944 covering anthracite mines.

(b) The Bureau of Mines makes mine safety inspections on the public domain and Indian lands, and other Government lease mining operations. For coal mines, the standards used are those referred to in paragraph (a) of this section, but any violations of the "Coal-Mining Operating and Safety Regulations" of the Geological Survey, Department of the Interior (30 CFR, Part 211) are also noted. For mining operations other than coal mines, the inspection standards are based upon standards formulated during the war by the Mineral Production Security Division, Health and Safety Branch, of the Bureau of Mines, but violations of the "Operating and Safety Regulations Governing the Mining of Potash; Oil Shale, Sodium, and Phosphate; Sulphur; and Gold, Silver, and Quicksilver" of the Geological Survey (30 CFR, Part 231) are also noted. In addition to the usual copies of mine inspection reports, copies of reports based upon inspections under this order are also furnished to the Geological Survey, in order that compliance with its regulations may be enforced.

(c) The Director of the Bureau of Mines, after consultation with an advisory committee consisting of representatives of industry, labor, and the Coal Mines Administrator, on July 24, 1946, pursuant to an agreement between the Secretary of the Interior, acting as Coal Mines Administrator under the au-

thority of Executive Order No. 9728 of May 21, 1946 (11 F.R. 5593), and the United Mine Workers of America, issued a "Federal Mine Safety Code for Bituminous-Coal and Lignite Mines of the United States" (32 CFR, Part 304; 11 F.R. 9017). This code, approved by the Secretary of the Interior on the same date, was made effective by the Coal Mines Administrator as of July 29, 1946, in all mines in the possession and under the control of the Government pursuant to Executive Orders 9728 and 9758. The Director of the Bureau of Mines may review and revise the code upon request of the Coal Mines Administrator or the United Mine Workers.

Inspections of mines pursuant to this code are made by the Federal coal mine inspectors. Failures to comply therewith are reported to the Coal Mines Administrator, who is responsible for the enforcement of the code, through the Chief of the Coal Mine Inspection Division of the Bureau of Mines.

(d) The Federal Mine Safety Code requires the nearest office of the United States Bureau of Mines and the proper State inspection authorities to be notified promptly after the occurrence of a disaster in any mine operating subject to the code, and all facilities of the mine to be made available for recovery operations.

02.5 Mineral investigations. (a) Exploration on private land with respect to certain minerals needed for defense and industry is done under an agreement between the landowner and the local contracting officer of the Bureau of Mines, following a preliminary investigation by the Geological Survey or, in certain instances, a request by the landowner. The Director will make suitable arrangements with owners of private property for exploration or development work with respect to coal upon payment by such owners of a reasonable percentage, as determined by the Secretary of the Interior, of the total value of the minerals thereafter produced from such property.

(b) No particular form of application for mineral exploration is required. There must, however, be sufficient evidence of minerals being on the property before exploration will be undertaken.

C. GIRARD DAVIDSON,
Acting Secretary.

AUGUST 22, 1946.

[F. R. Doc. 46-15039; Filed, Aug. 23, 1946; 9:49 a. m.]

BUREAU OF RECLAMATION

[43 CFR, Ch. II]

PART 400—ORGANIZATION AND PROCEDURE

SUBPART A—ORGANIZATION

ESTABLISHMENT

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| 400.1 | Purpose. |
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HEADQUARTERS ORGANIZATION

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| 400.3 | Commissioner. |
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FIELD ORGANIZATION

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PLACE TO OBTAIN INFORMATION AND MAKE REQUESTS

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SUBPART A—ORGANIZATION

ESTABLISHMENT

§ 400.0 *Creation.* The Bureau of Reclamation was established in 1902 to administer the Federal Reclamation Laws in 17 western states west of the 100th meridian.

§ 400.1 *Purpose.* The Bureau of Reclamation, through the utilization of land and water resources, promotes the development of agricultural and industrial economies. The Bureau constructs and operates multiple purpose projects providing water for irrigation, hydroelectric energy, control of floods, aids to navigation, water for domestic and industrial uses, and other purposes.

§ 400.2 *General description.* The Bureau of Reclamation is composed of a headquarters staff located in Washington, D. C., and in Denver, Colorado, seven regional offices and a number of project and other field offices. The Commissioner of Reclamation is the chief executive of the Bureau, and has direct supervision over the headquarters staff and the regional offices. The heads of project offices report to the respective regional directors.

HEADQUARTERS ORGANIZATION

§ 400.3 *Commissioner.* The Commissioner of Reclamation is responsible for

irrigation and power programs intended to develop arid areas in the west. To assist him in developing and planning programs and effective standards of operations and in judging the effectiveness of operations, the Office of the Commissioner is divided into twelve main units. Each technical branch is responsible for coordinating its phase of the regional programs with other plans and programs.

§ 400.4 *Management Planning.* The Office of Management Planning coordinates the plans and procedures governing administrative operations.

§ 400.5 *Engineering Assistant.* The Office of the Engineering Assistant deals with special engineering problems.

§ 400.6 *Chief Counsel.* The Office of the Chief Counsel reviews and advises on all legal matters of the Bureau.

§ 400.7 *Finance.* The Office of the Director of Finance is charged with budgetary, accounting, cost and financial functions.

§ 400.8 *Personnel.* The Office of the Chief Personnel Officer is responsible for all matters concerning personnel of the Bureau, including recruiting, classification, training, labor relations, and safety.

§ 400.9 *Supply.* The Office of the Director of Supply handles all matters concerning procurement, property management and office services.

§ 400.10 *Progress control.* The Office of the Chief Progress Control Officer is responsible for recording the progress of work programs.

§ 400.11 *Information.* The Office of the Chief Information Officer is responsible for the informational program of the Bureau.

§ 400.12 *Branch of Project Planning.* The Branch of Project Planning is responsible for river basin developmental plans and for determining the engineering and economic feasibility of potential projects.

§ 400.13 *Branch of Design and Construction.* The Branch of Design and Construction is responsible for the design and construction work of the Bureau. The Branch conducts and supervises engineering research, and supervises and coordinates the execution of construction programs.

§ 400.14 *Branch of Power Utilization.* The Branch of Power Utilization is responsible for planning the development of hydroelectric power resources, for the operation and maintenance of power facilities, and for the disposal of electric power produced on Bureau projects.

§ 400.15 *Branch of Operation and Maintenance.* The Branch of Operation and Maintenance is responsible for the operation, maintenance, and development of Bureau projects. The Branch recommends overall policies for land use, settlement, prevention of speculation, use of irrigation water, and the protection of the Federal investment.

FIELD ORGANIZATION

§ 400.20 *Regions.* There are seven regional offices, each under the direction of

a Regional Director, responsible directly to the Commissioner of Reclamation. The Regional Director supervises all Bureau activities in his region.

§ 400.21 *Project Offices.* Project Offices are established as needed. There are, at present, approximately 125 project offices in operation. A Superintendent or Engineer heads each office and is responsible to the Regional Director for all local activities. The Project Office serves as the principal point of contact for irrigation and power users. The project organization performs the actual and basic work in planning, constructing, operation and maintenance.

LIST OF DELEGATIONS OF AUTHORITY

§ 400.40 *Purpose of list of delegations of authority.* The following sections are not in themselves delegations of authority. The sections are merely a list of delegations and indicate the various matters with respect to which delegations have been made. They are intended merely as an index and outline. For the scope and limitations of delegations of authority the specific regulations and orders to which cross references are made must be consulted.

§ 400.41 *Commissioner.* The Commissioner has authority, including re-delegation of authority, to:

(a) Act with respect to appraisals and purchases of land, relocation of properties, water rights, cooperative investigations, leases, licenses, and permits, sales of land, excess land appraisals, issuance of public notices, inclusion and exclusion of district lands, reclassification of lands, amendments to farm unit plats. See Order No. 2018 (10 F. R. 258), as amended by Order No. 2197 (11 F. R. 5872); Order No. 2017 (10 F. R. 258).

(b) Act upon certain power sale contracts. See Order No. 2034 (10 F. R. 3142).

(c) Approve selection in certain cases of officials of water users' organizations. See Order No. 2118 (10 F. R. 13646).

(d) Approve certain construction, supply, and equipment contracts. See Order No. 2151 (11 F. R. 1053).

(e) Appoint examiners and examining boards on project settlement. See Order No. 2179 (11 F. R. 3484).

(f) Dispose of electric energy. See Order No. 2177 (11 F. R. 4097).

(g) Permit filming of motion or sound pictures. See Order No. 2029 (10 F. R. 2522).

(h) Dispose of property acquired by transfer under the Act of July 1, 1946 (P. L. 478—79th Congress). See Order No. 2241.

§ 400.42 *Regional Directors.* The Regional Directors are authorized to:

(a) Appraise and purchase land. See 43 CFR, Part 406.

(b) Act with respect to water rights. See 43 CFR, Part 406.

(c) Act with respect to power sale contracts. See 43 CFR, Part 406.

(d) Act with respect to construction, supply and equipment contracts. See 43 CFR, Part 406.

§ 400.43 *Director, Branch of Design and Construction.* The Director, Branch of Design and Construction may:

(a) Act with respect to construction, supply, and equipment contracts. See 43 CFR, Part 406.

§ 400.44 *Director of Supply.* The Director of Supply may:

(a) Act with respect to supply, equipment, and service contracts. See 43 CFR, Part 406.

§ 400.45 *Regional Supply Officers.* The Regional Supply Officers of Regions I, II, and V may act with respect to supply, service, repair and equipment contracts. See 43 CFR, Part 406.

§ 400.46 *Regional Procurement Officers.* The Regional Procurement Officers of Regions I, II, and V may act with respect to supply, service, repair and equipment contracts. See 43 CFR, Part 406.

§ 400.47 *Project heads.* The officer in charge of a project (or projects) may:

(a) Act with respect to construction, supply, equipment and service contracts. See 43 CFR, Part 406.

(b) Act with respect to disposition of crops grown on experimental farms. See 43 CFR, Part 405.

PLACE TO OBTAIN INFORMATION AND MAKE REQUESTS

§ 400.70 *Inquiries and requests in general.* (a) Inquiries relating to the Bureau's operating projects or to projects under construction or investigation may be directed to the Commissioner, Bureau of Reclamation, Department of the Interior, Washington 25, D. C., or to the Regional Director in the area where the project is located. The address of these Regional Directors and the areas in which they supervise Bureau activities will be found in § 400.72.

(b) Inquiries concerning notices of public land openings on Bureau projects, settlement opportunities, sale of power from hydroelectric plants operated by the Bureau, requests for pamphlets and other printed material issued by the Bureau for free distribution may likewise be directed to the Commissioner or Regional Directors.

(c) Requests for copies of non-technical publications of the Bureau which are for sale should be directed to the Superintendent of Documents, Government Printing Office, Washington, D. C., or to the Commissioner.

(d) Requests for technical publications or engineering phases of the Bureau's operations, some of which are for sale and some of which are available at no cost, should be addressed to the Commissioner, Bureau of Reclamation, Department of the Interior, Washington 25, D. C., or to the Chief Engineer, Bureau of Reclamation, Department of the Interior, Denver, Colorado.

(e) Requests for the loan of Bureau of Reclamation motion picture films should be sent to the Commissioner or the Regional Directors.

§ 400.71 *Location of headquarters organizations.* The Office of the Commissioner of Reclamation is located in Washington, D. C., except the Branch of Design and Construction, which is located in Denver, Colorado.

§ 400.72 Location of Regional Offices.
The regions of the Bureau of Reclamation are defined to embrace river basins and do not follow State lines. The description of the regions given below is, therefore, approximate.

Region 1—Washington; Oregon; Western Montana; Jackson Lake Area, Wyoming; Idaho. Regional Director: P. O. Box 937, Reclamation Building, Fairgrounds, Boise, Idaho.

Region 2—Central and Northern California; Klamath Lake Area, Oregon. Regional Director:

P. O. Box 2511, Sacramento, California.
Region 3—Southern California; Southern Nevada; Southwestern Utah; Arizona; Western New Mexico. Regional Director: Administration Building, Boulder City, Nevada.

Region 4—Lake Tahoe Area, California; Nevada; Utah; Southwestern Wyoming; Western Colorado; Northeastern Arizona; Northwestern New Mexico. Regional Director: P. O. Box 360, 32 Exchange Place, Salt Lake City, Utah.

Region 5—New Mexico; San Luis Valley Area, Colorado; Southern Kansas; Texas;

Oklahoma. Regional Director: P. O. Box 1609, Old Post Office Building, Amarillo, Tex.

Region 6—Montana; North Dakota; South Dakota; Northern Wyoming. Regional Director: P. O. Box 2130, Billings, Mont.

Region 7—Southeastern Wyoming, Eastern Colorado, Nebraska, Northern Kansas. Regional Director: 501 Continental Oil Building, Denver 2, Colo.

§ 400.73 Locations of Project and Field Offices. The locations of project and field offices are as follows:

| State and city | Official in charge | Name of office | State and city | Official in charge | Name of office |
|------------------------|---|--|---------------------|---|--|
| Arizona: | | | Montana: | | |
| Holbrook..... | Engineer..... | Holbrook (County Fair Bldg., P. O. Box 608). | Billings..... | Project development superintendent..... | Missouri Basin Development (P. O. Box 1262). |
| Kingman..... | Construction engineer..... | Davis Dam. | Fairfield..... | Superintendent..... | Sun River. |
| Phoenix..... | Engineer..... | Phoenix (under Parker Dam, Calif.). | Fort Peck..... | Resident engineer..... | Fort Peck (P. O. Box 1245). |
| Do..... | do..... | Phoenix substation (under Parker Dam, Calif.). | Great Falls..... | Acting project engineer..... | Marias Unit (P. O. Box 1729, 1015 1st Ave. N.). |
| Do..... | Assistant registered planning engineer..... | Phoenix (313 N. 3d Ave., Security Bldg.). | Hamilton..... | Construction engineer..... | Bitterroot. |
| Yuma..... | Acting district engineer..... | Lower Colorado River District. | Montana: | | |
| Do..... | Acting construction engineer..... | All-American Canal. | Hamilton..... | Construction engineer..... | Missoula Valley. |
| Do..... | Engineer..... | Imperial Division. | Hardin..... | Engineer..... | Hardin (P. O. Box 516). |
| Do..... | Acting construction engineer..... | Gila (construction). | Helena..... | do..... | Helena (P. O. Box 1164, 412 Federal Bldg.). |
| Do..... | Superintendent..... | Gila (O & M). | Kallispell..... | do..... | Kallispell (P. O. Box 97). |
| Do..... | do..... | Yuma. | Do..... | Project engineer..... | Hungry Horse (P. O. Box 710). |
| Arkansas: Barstow..... | Engineer..... | Barstow (fire station). | Malta..... | Superintendent..... | Milk River. |
| California: | | | Miles City..... | Engineer..... | Miles City (P. O. Box 720). |
| Antioch..... | Construction engineer..... | Delta Division. | Missoula..... | Construction engineer..... | Bitterroot-Missoula Valley (P. O. Box 1463). |
| Bakersfield..... | Field office superintendent..... | Bakersfield, (2510 M St.). | Terry..... | do..... | Buffalo-Rapids. |
| Blythe..... | Engineer..... | Blythe (under Parker Dam, Calif.). | Do..... | do..... | Intake. |
| Chico..... | Acting district engineer..... | Sacramento Valley District (P. O. Box 302). | Wolf Point..... | Engineer..... | Wolf Point (P. O. Box 971). |
| Coachella..... | Construction engineer..... | Coachella (under Yuma, Ariz.). | Nebraska: | | |
| Colusa..... | Engineer..... | Colusa (P. O. Box 30, 114 2d St.). | Grand Island..... | do..... | Grand Island (P. O. Box 596, 401 Masonic Bldg.) (215 N. Locust St.). |
| Escondido..... | do..... | Escondido (P. O. Box 357-414 W. 3d St.). | Hay Springs..... | do..... | Hay Springs (under Hemingford, Nebr.). |
| Do..... | do..... | San Diego. | Hemlingford..... | Construction engineer..... | Mirage Flats. |
| Fresno..... | District engineer..... | Tulare Basin District. | McCook..... | Project engineer..... | McCook (P. O. Box 737, city auditorium). |
| Friant..... | Construction engineer..... | Friant Division (under Central Valley project). | Nevada: | | |
| Merced..... | Acting district engineer..... | Merced District. (P. O. Box 1270). | Boulder City..... | Director of power..... | Boulder Canyon. |
| Modesto..... | F. O. superintendent..... | Modesto (P. O. Box 1372, 1115 Eye St.). | Carson City..... | Engineer..... | Carson City (P. O. Box 179, Post Office Bldg.). |
| Needles..... | do..... | Needles (under Parker Dam, Calif.). | Overton..... | do..... | Overton (Johnson Bldg.). |
| Orland..... | Superintendent..... | Orland. | New Mexico: | | |
| Parker Dam..... | Construction engineer..... | Parker Dam Power (Metropolitan Water District Exchange). | Albuquerque..... | Acting area planning engineer..... | Albuquerque (P. O. Box 95, 723 N. 2d St.). |
| Redding..... | Acting construction engineer..... | Kennett Division (under Parker Dam, Calif.). | Carlsbad..... | Acting project superintendent..... | Carlsbad. |
| Do..... | Engineer..... | Redding (1739 Yuba St.). | Elephant Butte..... | Superintendent of power..... | Elephant Butte Power. |
| Santa Barbara..... | do..... | Santa Barbara (201 La Arcada Bldg., 1114 State St.). | Las Cruces..... | Division superintendent..... | Las Cruces. |
| Tracy..... | Engineer..... | Tracy (under Antioch, Calif.). | Tucumcarl..... | Acting construction engineer..... | Tucumcarl. |
| Visalia..... | F. O. superintendent..... | Visalia (P. O. Box 1269, E. Acequia and South Bridge Sts.). | North Dakota: | | |
| Do..... | Geologist..... | Visalia (Bank of America Bldg.). | Bismarck..... | Engineer..... | Bismarck (P. O. Box 328, First National Bank Bldg.). |
| Colorado: | | | Minot..... | do..... | Minot (P. O. Box 1869). |
| Bayfield..... | Reservoir Superintendent..... | Pine River (Vallecito Dam). | Oklahoma: | | |
| Denver..... | Engineer..... | Blue River-South Platte (351 U. S. National Bank Bldg.). | Altus..... | Construction engineer..... | Altus. |
| Durango..... | Area Engineer..... | Durango (P. O. Box 640, Masonic Bldg.). | Oklahoma City..... | Acting area planning engineer..... | Oklahoma City (P. O. Box 495, 316 Key Bldg.). |
| Estes Park..... | Project Engineer..... | Colorado-Big Thompson. | Oregon: | | |
| Grand Junction..... | Superintendent..... | Grand Valley (P. O. Bldg.). | Bend..... | Construction engineer..... | Deschutes. |
| Do..... | Engineer..... | Grand Junction (P. O. Box 57, 310 P. O. Bldg.). | Klamath Falls..... | Superintendent..... | Klamath. |
| Grand Lake..... | do..... | Grand Lake (under Estes Park, Colo.). | Medford..... | Engineer..... | Medford (P. O. Box 1380). |
| Loveland..... | do..... | Loveland (under Estes Park, Colo.). | Nyssa..... | Irrigation manager..... | Nyssa (under Boise, Idaho). |
| Gunnison..... | do..... | Gunnison (P. O. Box 508, Quinn Bldg., 108 W. Tomlchi). | Pendleton..... | Reservoir superintendent..... | Umatilla (McKay Dam). |
| Kremmling..... | General electrical foreman..... | Green Mountain Dam (under Estes Park, Colo.). | Salem..... | Engineer..... | Salem (460 N. High St.). |
| Mancos..... | Construction engineer..... | Mancos. | Vale..... | Superintendent..... | Vale. |
| Monte Vista..... | Project engineer..... | San Luis Valley (117 Jefferson St.). | Klamath Falls..... | District engineer..... | Klamath District Office. |
| Montrose..... | Economist..... | Uncampahgre (P. O. Box 157, 601 N. Park Ave.). | South Dakota: | | |
| Pueblo..... | Engineer..... | Pueblo (P. O. Box 515, 201 Fed. Bldg.). | Hot Springs..... | Acting project engineer..... | Angostura Unit (P. O. Box 512). |
| Idaho: | | | Newell..... | Superintendent..... | Belle Fourche. |
| Anderson Dam..... | Construction engineer..... | Anderson Ranch Dam (under Boise, Idaho). | Pierre..... | Engineer (acting)..... | Pierre. |
| Boise..... | District engineer..... | Central Snake River District (P. O. Box 2298, 214 Broadway). | Rapid City..... | Construction engineer..... | Rapid Valley. |
| Burley..... | Superintendent..... | Minidoka. | Texas: | | |
| Caldwell..... | Engineer..... | Caldwell (under Boise, Idaho). | Austin..... | Acting area planning engineer..... | Austin (Littlefield Bldg., P. O. Box 649). |
| Cascade..... | do..... | Cascade (under Boise, Idaho). | McAllen..... | Engineer..... | Colorado River Project. |
| Coeur d'Alene..... | do..... | Rathdrum Prairie (P. O. Box 831, Post Falls Unit). | Balmorhea..... | Construction engineer..... | Balmorhea. |
| Emmett..... | Power superintendent..... | Black Canyon Dam (under Boise, Idaho). | El Paso..... | Project superintendent..... | Rio Grande (U. S. Courthouse). |
| Idaho Falls..... | Project engineer..... | Palisades (P. O. Box 1259). | McAllen..... | Area planning engineer..... | Valley Gravity. |
| Notus..... | Irrigation manager..... | Notus (under Boise, Idaho). | Ysleta..... | Division superintendent..... | Ysleta. |
| Kansas: | | | Utah: | | |
| Hays..... | Engineer..... | Hays (P. O. Box 616, Room 6, City Hall). | Logan..... | Engineer..... | Newton (P. O. Box 294, 46 East Center). |
| Phillipsburg..... | do..... | Phillipsburg (P. O. Box 163, c/o Courthouse). | Do..... | do..... | Logan (P. O. Box 294, 46 East Center.) |
| Topeka..... | do..... | Topeka (505 New England Bldg.). | Spanish Fork..... | do..... | Spanish City Hall. |
| | | | Provo..... | Project Engineer..... | Provo River (P. O. Box 77, 303 Knight Block). |
| | | | St. George..... | Engineer..... | St. George (P. O. Box 605, 53 N. Main St.). |
| | | | Vernal..... | do..... | Vernal (P. O. Box 313, County Courthouse). |
| | | | Washington: | | |
| | | | Coulee Dam..... | Superintendent engineer..... | Columbia Basin Project. |

| State and city | Official in charge | Name of office | State and city | Official in charge | Name of office |
|---------------------------------|---|--|-------------------------------|--------------------------|------------------------------------|
| Washington—Con. Ephrata..... | Engineer..... | Ephrata (under Coulee Dam, Wash- ington). | Wyoming—Con. Cheyenne..... | Engineer..... | Cheyenne (P. O. Box 658). |
| Yakima..... | Assistant construction engineer..... | Yakima-Roza (7¼ N. 2d St.). | Cody..... | Construction engineer... | Shoshone-Heart Mountain. |
| Do..... | Superintendent..... | Yakima. | Kemmerer..... | Engineer..... | Kemmerer (Fitzpatrick Bldg.). |
| Walla Walla..... | Engineer..... | Walla Walla (P. O. Box 718). | Powell..... | Superintendent..... | Shoshone. |
| Wyoming: Casper..... | District engineer..... | Kendrick. | Rock Springs..... | Chief clerk..... | Eden (P. O. Box 838, BPOE Bldg.). |
| Do..... | do..... | North Platte. | Seminole Dam..... | General foreman..... | Seminole Dam (under Casper, Wyo.). |
| | | | Thermopolis..... | Project engineer..... | Boysen Owl Creek (P. O. Box 1111). |
| | | | Riverton..... | Superintendent..... | Riverton. |

SUBPART B—PROCEDURE

§ 400.100 *Regulations generally.* In general, regulations relating to the functions of the Bureau of Reclamation are promulgated by the Secretary of the Interior after preparation by the technical personnel of the Bureau, legal review by the office of the Chief Counsel, and approval by the Commissioner.

§ 400.101 *Land settlement, public notices.* (a) Under subsection C of section 4 of the act of December 5, 1924 (43 Stat. 672), the Secretary of the Interior is authorized to establish, by regulation, qualification standards for applicants for public land farm units on Federal reclamation projects. By Order No. 2195 (11 F. R. 6142), the Secretary provided that such qualification standards should be recommended by Boards of Examiners appointed by the Commissioner of Reclamation.

(b) After review by the Regional Director having supervision over the area, by the Commissioner's Office where the administrative phases are checked over by operation and maintenance technicians and the legal phases by the Office of the Chief Counsel, and by the Commissioner, the proposed standards are submitted to the Secretary of the Interior for approval and promulgation. Promulgation of the qualification standards is made by means of a public notice which also includes an announcement of the acreage for which entry may be made or water rental obtained, of the availability of water, and of the charges per acre to be made therefor.

§ 400.102 *Water charges.* Subsequent to the promulgation of a public notice, charges of an annual nature for operation and maintenance and water rental, are computed and recommended by the officer in charge of the project, reviewed by the Regional Director, and submitted to the Commissioner for approval and promulgation, and may be found in 43 CFR, Part 402, as amended from time to time.

§ 400.105 *Applications for entry.* Application forms for entry on public lands in Federal reclamation projects may be obtained from the project office or the regional office. Instructions for completion of such applications, the procedure for filing them, and information as to decisions thereon and appeals therefrom are set out in detail in 11 F. R. 6142.

§ 400.106 *Applications for water.* Application forms for permanent water rights on Federal reclamation projects may be obtained from and filed with project offices. Form A-7-272 is used by

applicants who are entrymen under the reclamation law (act of June 17, 1902, 32 Stat. 388, as amended and supplemented) and Form B-7-273 is used by others. Application form (7-289) for temporary water service may be obtained from and filed with project offices. Forms for requesting delivery of water (7-307) and for requesting excess water (7-336) may be obtained from the project office.

§ 400.108 *Amendment of farm units.* Application forms (7-503) for amendment of farm units may be obtained from and filed with project offices.

§ 400.110 *Unproductive land.* Procedures and requirements in connection with the elimination or exchange of unproductive land are found in 43 CFR, Part 403.

§ 400.111 *Boat and wharf privileges.* Procedures and requirements relating to boat and wharf privileges are covered by 43 CFR, Part 451.

C. GIRARD DAVIDSON,
Acting Secretary.

AUGUST 28, 1946.

[F. R. Doc. 46-15420; Filed, Aug. 28, 1946;
2:21 p. m.]

COAL MINES ADMINISTRATION

[30 CFR, Ch. VIII]

PART 800—ORGANIZATION AND PROCEDURE

SUBPART A—ORGANIZATION

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SUBPART A—ORGANIZATION

ESTABLISHMENT

§ 800.1 *Creation and purpose.* The Coal Mines Administration was established by the Secretary of the Interior in order to carry out the President's direction in Executive Order No. 9726 (11 F. R. 5593), dated May 21, 1946, to take possession of certain mines producing bituminous coal. Pursuant to said order the Secretary of the Interior by Order No. 2200 (11 F. R. 5603) took possession of the mines of certain bituminous coal companies set forth in Appendix A of the order. This order was supplemented by Order No. 2200-A (11 F. R. 5957), which took possession of the mines of five companies, and by Order No. 2200-B (11 F. R. 8492), which took possession of the mines of seventy-one companies. Subsequently, the President by Executive Order No. 9758 (11 F. R. 7927) directed the Secretary of the Interior to take possession of the mines of the Carter Coal Company in McDowell County, West Virginia. Pursuant to said order the Acting Secretary of the Interior issued Order No. 2230½ (11 F. R. 7941) taking possession of said mines.

§ 800.2 *General description.* The Coal Mines Administration is composed of a Headquarters Office in Washington, D. C., headed by the Coal Mines Administrator, and area and sub-offices in the field.

HEADQUARTERS ORGANIZATION

§ 800.5 *Coal Mines Administrator.* The Secretary of the Interior has delegated to the Coal Mines Administrator all of the powers, authority and discretion conferred upon the Secretary by Executive Orders Nos. 9728 and 9758, subject to such supervision and direction as the Secretary shall from time to time determine. See Orders Nos. 2208 (11 F. R. 6238) and 2231½ (11 F. R. 7940).

The Coal Mines Administration's principal function is that of directing the operation of bituminous coal mines in government possession and carrying out the provisions of certain collective bargaining agreements entered into with the United Mine Workers of America and its affiliate the United Clerical, Technical and Supervisory Employees of the Mining Industry, Division of District 50, as bargaining representative of employees at such mines.

§ 800.6 *Deputy Coal Mines Administration.* The Executive Officer of the Coal Mines Administration functions as Deputy Coal Mines Administrator in the absence of the Administrator. The Administrator has delegated to the Deputy Administrator all of the powers delegated by the Secretary of the Interior to the

Administrator. See Order dated July 20, 1946, approved by Acting Secretary (11 F. R. 7941).

§ 800.7 *Headquarters office.* Under the supervision of the Coal Mines Administrator, the Headquarters Office directs the operations of the Coal Mines Administration. The functions of the Headquarters Office are performed by the following officers and divisions:

(a) *Executive Officer.* The Executive Officer and Assistant Executive Officer are charged with general supervision of all headquarters and field office activities with particular emphasis upon administrative matters.

(b) *Director of Medical Survey.* The Director of Medical Survey is in charge of a nation-wide survey of hospital and medical facilities, medical treatment, and sanitary and housing conditions in the coal mining areas. The Director is assisted by a civil engineer and designates medical survey teams to conduct surveys in particular areas.

(c) *Safety Engineer.* The Safety Engineer acts as consultant and advisor to the Coal Mines Administrator in matters pertaining to the promulgation, issuance, and enforcement of the Federal Mine Safety Code, issued by the Administration.

(d) *General Counsel.* The General Counsel acts as advisor to the Coal Mines Administrator on legal matters, supervises the work of the legal division and serves as Chairman of the Union Contract Interpretation Committee.

(e) *Army Liaison Officer.* A representative of the United States Army acts as liaison between the Coal Mines Administrator and the United States Army relative to any matters which may arise involving the furnishing of protection to employees or persons seeking employment in the mines or property in the possession of the Government.

(f) *Production and Operation Division.* The Production and Operation Division handles all matters relative to the production of coal and is charged with the responsibility for taking such actions as will encourage the maximum production of coal and the elimination of any factors impeding such production.

(g) *Legal Division.* The Legal Division is responsible under the general supervision of the General Counsel, for furnishing legal advice to the Coal Mines Administrator and Officers-in-Charge of Area Offices; drafting of orders, interpretations, and bulletins; performing legal research on questions arising from the operation of coal mines in Government control; liaison with the Department of Justice in connection with the operation of the Coal Mines Administration and any litigation involving the Coal Mines Administrator arising from the operation of the coal mines, and handling of other legal matters.

(h) *Fiscal Division.* The Fiscal Division handles all matters relating to operating expenses of the Administration, pay and allowances of personnel, headquarters office administration, preparation of budgets and liaison with other government agencies and bureaus as they relate to such matters.

(i) *Statistical Division.* The Statistical Division is responsible for the accumulation and dissemination of production data and data relative to mines in Government possession, and accumulation of material for and preparation of weekly reports to the Secretary of the Interior.

(j) *Labor Relations Division.* The Labor Relations Division is responsible for liaison between the Coal Mines Administrator and United Mine Workers of America headquarters officials; formulation and application of general labor relations policies; furnishing labor relations advice and assistance to the Coal Mines Administrator and Officers-in-Charge of Area Offices; maintenance of liaison with the National Labor Relations Board and cooperation with that agency in effecting expeditious handling of cases before it in which such handling may be in the interest of maximum coal production; and granting or withholding, on behalf of the Coal Mines Administrator, authorization of fines or penalties under section #10 of the Agreement of May 29, 1946 between the Coal Mines Administrator and the United Mine Workers of America.

(k) *BuAer Liaison Officer.* The BuAer Liaison Officer arranges transportation both by rail and by air for headquarters staff members traveling to the field and returning.

FIELD ORGANIZATION

§ 800.15 *Areas.* The field organization of the Coal Mines Administration is grouped under five areas. Each area embraces several bituminous coal producing districts and is in charge of an Area Officer.

§ 800.16 *Area offices.* The area offices act as liaison between the Headquarters Office and the mines in Government possession within their respective areas, as well as the United Mine Workers of America, and the general public. The area offices are to accumulate information relative to the operation of mines in their area and forward such information to the Headquarters Office.

§ 800.17 *Area officers, functions and authority.* (a) Upon receipt of instructions from the Coal Mines Administrator, an area officer-in-charge is charged with the responsibility of carrying out such instructions and also with seeing that operating managers of mines within their respective areas carry out the instructions of the Coal Mines Administrator. Questions of policy are determined by the Coal Mines Administrator but where a policy has been enunciated, the officer-in-charge of an area office has full responsibility for seeing that such policy is carried into effect subject to such specific directions as may be issued by the Coal Mines Administrator.

(b) No area officer has the authority to issue interpretations of the contract of May 29, 1946 between the Coal Mines Administrator and the United Mine Workers of America or of any subsequent contract between such parties. Each area officer, subject to instructions from the Coal Mines Administrator, has complete authority with regard to administrative

detail and complete authority over persons subject to his jurisdiction. The officer-in-charge of each area has authority to enter into preliminary and informal negotiations between representatives of employees and operators of mines in Government possession which may lead to a mutual agreement between the parties, to forestall or end a threatened or actual labor disturbance so long as any such agreement reached does not contravene the terms of the Agreement of May 29 or any order issued by the Coal Mines Administrator. Attention is also directed to the duties of area officers-in-charge as outlined in § 801.12, Revised Regulations for the Operation of Coal Mines Under Government Control. (30 CFR, Part 801.)

(c) Operators, their employees, representatives of such employees and the general public having business with the Coal Mines Administrator are urged to communicate first with the nearest area officer-in-charge, who will furnish all available information, and if the problem involved is beyond his jurisdiction, he will forward the communication together with a report and recommendations to the Coal Mines Administrator.

§ 800.18 *Sub-offices.* The sub-offices are field offices of the Coal Mines Administration within areas. Each sub-office is in the charge of an officer who reports to the officer-in-charge of the area in which the sub-office is located.

PLACE TO OBTAIN INFORMATION AND MAKE REQUESTS

§ 800.20 *Inquiries and requests in general.* Inquiries and requests with respect to the operations of coal mines under Government control may be addressed to the Coal Mines Administrator, Department of the Interior, Washington 25, D. C. Requests and inquiries concerning the Coal Mines Administration may also be made at the nearest area office or sub-office.

§ 800.21 *Location of area and sub-offices.* The area and sub-offices of the Coal Mines Administration are as follows:

Area I. Bituminous coal producing districts 1, 2, 3, 4, and 6—Address: 311 Old Post Office Building, Smithfield Street and Fourth Avenue, Pittsburgh 22, Pa. Court 5121, 5122, 5123.

SUB-OFFICES

Fairmont, W. Va.—Address: Jacobs Building, Monroe and Meridith Streets, Fairmont, W. Va. Phone—Fairmont 3203.

Cleveland, Ohio—Address: 501 Buckley Building, 1501 Euclid Avenue, Cleveland, Ohio. Phone—Maine 9480 Ext. 3.

Altoona, Pa.—Address: Post Office Building, 11th Avenue and Twelfth Street, Altoona, Pa. Phone—Altoona 31177.

Area II. Bituminous coal producing districts 7, 8, 9, and 13—Address: Ashland Oil & Refining Building, 1409-13 Winchester Avenue, Ashland, Ky. Phone—3003, 3502, 3503.

SUB-OFFICES

Bluefield, W. Va.—Address: Law and Commerce Building, 307 Federal Street, Bluefield, W. Va. Phone—6114.

Madisonville, Ky.—Address: 125 South Main Street, Dullin Building, Madisonville, Ky. Phone—233.

Birmingham, Ala.—Address: 706 Chamber of Commerce Building, 1829 First Avenue North, Birmingham, Ala. Phone—3-7176.

Area III. Bituminous coal producing districts 5, 10, 11, and 12—Address: Suite 1123, Merchandise Mart Building, 222 West Bank Drive, Chicago 54, Ill. Phone—Whitehall 5925 Ext. 34.

SUB-OFFICES

Springfield, Ill.—Address: State Register Building, 613 East Monroe Street, Springfield, Ill. Phone—2-1870.

Terre Haute, Ind.—Address: Room 208, Post Office Building, Terre Haute, Ind. Phone—Crawford 5759.

Des Moines, Iowa—Address: Federal Office Building, Room 121, Fifth and Courts Avenue, Des Moines, Iowa. Phone—Des Moines 3-2424.

Area IV. Bituminous coal producing districts 14 and 15—Address: P. O. Box 647, Kansas City, Mo. Phone—Delmar 3500 Ext. 475, 497, 412, and 413.

SUB-OFFICES

Camp Chaffee, Ark.—Address: Coal Mines Administration, Camp Chaffee, Ark. Phone—Camp Chaffee 22011 Ext. 22.

Pittsburg, Kans.—Address: 503 North Pine Street, P. O. Box 336, Municipal Auditorium, Pittsburg, Kans. Phone—4140.

McAlester, Okla.—Address: Naval Ammunition Depot, McAlester, Okla. Phone—MCA 2300 Ext. 265.

Area V. Bituminous coal producing district 16, 17, 18, 19, 20, 22, and 23—Address: General I and Office c/o Supervisor of Surveys, 534 U. S. National Bank Building, Denver 2, Colo. Phone—Keystone 4151 Ext. 8295.

SUB-OFFICES

Casper, Wyo.—Address: U. S. Post Office, Room 315, Casper, Wyo. Phone—2604.

Salt Lake City, Utah—Address: 224 Federal Building, Salt Lake City, Utah. Phone—4-2552 Ext. 263.

Billings, Mont.—Address: U. S. Navy Recruiting Station, Billings, Mont. Phone—811.

Seattle, Wash.—Address: 237 White-Henry-Stuart Building, Seattle, Wash. Phone—Elliott 4900 Ext. 131.

SUBPART B—PROCEDURE

§ 800.50 *Policies.* In general, policies for the operation of coal mines under Government control are formulated by the Coal Mines Administrator after consultation with representatives of operators, representatives of the United Mine Workers of America, and representatives of the Bureau of Mines and after considering the recommendations of members of the staff directly concerned with the particular problem. The Coal Mines Administrator may, however, in appropriate circumstances, formulate policies without such consultation.

§ 800.51 *Mine Operation.* Matters involving actual operation of mines including labor relations problems are handled in the first instance by the area officer-in-charge in a manner consistent with statements of policy and orders issued by the Coal Mines Administrator. Where new problems arise or where there is a question of the application of established policy to particular situations, a report of the matter setting forth all pertinent facts and details is prepared by the area officer-in-charge and forwarded to the Headquarters Office. The matter is then referred to the Division having cognizance of the problem involved and its recommendations together with the rec-

ommendations of the area officer are submitted to the Coal Mines Administrator, who then determines what action should be taken.

§ 800.52 *Regulations.* Regulations for the operation of coal mines under Government control (30 CFR, Part 801) are drafted in the Headquarters Office and promulgated by the Coal Mines Administrator.

§ 800.53 *Federal Mine Safety Code.* The Federal Mine Safety Code (32 CFR, Part 304) was prepared in pursuance of the Agreement of May 29, 1946, by the Director of the Bureau of Mines after consultation with representatives of the United Mine Workers of America, representatives of the operators and representatives of the Coal Mines Administrator, and was approved by the Secretary of the Interior. Suggestions for review and revision of the Code may be submitted to the Coal Mines Administrator or the United Mine Workers of America who may then submit a request for review or revision of the Code to the Director of the Bureau of Mines.

§ 800.54 *Determinations.* Determinations and decisions which the Coal Mines Administrator is authorized to make under the Agreement of May 29, 1946 or regulations involving such classes of matters as misuse of authority of a Safety Committee (as provided for in such agreement), discipline or replacement of operating managers, directions as to grievance procedure, removal of operating manager, mine shut-downs, are made (except in the event of an emergency) only after consultation with all persons who may be involved and after a reasonable opportunity has been given to such persons to present their views in full.

Authorizations for the imposition of fines and penalties are made after receipt of reports from the field of investigation of the facts during which interested parties are heard and the recommendation of the Chief of the Labor Relations Division.

§ 800.55 *Orders, regulations, bulletins, memoranda.* (a) The Coal Mines Administrator in carrying out the powers and functions of his office utilizes the following types of documents:

(1) CMAN orders which are numbered consecutively (for example, CMAN-1, CMAN-2) and which apply to and direct operating managers for the United States to put into effect at mines in Government possession specific policies and directions of the Administrator; and CMAN-T Orders which are also numbered consecutively (for example, CMAN-T1, CMAN-T2) and which terminate Government possession and control of mines.

(2) Regulations for the Operation of Coal Mines Under Government Control (30 CFR, Part 801) governing the operation of all coal mines under government possession and control pursuant to Executive Order No. 9728. They describe the policy and purposes of the operation in general, and the manner in which the owners and operators shall function under government control, and financial

and other relations between the owners and operators and the administrator. Such Regulations are subject to change by the Administrator at any time.

(3) Administrator's Interpretative Bulletins which are numbered consecutively (for example, Administrator's Interpretative Bulletin No. 1, Administrator's Interpretative Bulletin No. 2) and which are the Administrator's interpretation of the meaning and effect of the language contained in the Agreement dated May 29, 1946 between the Coal Mines Administrator and the United Mine Workers of America and in any subsequent agreements between those parties. Such Interpretative Bulletins are binding upon operating managers for the United States insofar as action on their part purports to be by direction of the Administrator but any question involved in such an interpretation may be submitted to the grievance procedure established by the Agreement of May 29, 1946 by the United Mine Workers of America or a member of that organization. Such Bulletins do not preclude action by owners or operators of mines in government possession where such action is not, or does not purport to be, taken pursuant to orders or directions of the Administrator and such action is not inconsistent with such Bulletins or other orders and directions of the Administrator.

(4) Administrator's Memoranda which are numbered consecutively (for example, Administrator's Memorandum No. 1, Administrator's Memorandum No. 2) and which are designed to advise operating managers for the United States of actions taken which directly affect the operating manager and which will aid such managers in the performance of their duties. Such Memoranda are intended to be advisory and informative but do not constitute orders or directions from the Administrator as those terms are used in the regulations.

(b) The Coal Mines Administrator will continue to publish in the Notices Section of the FEDERAL REGISTER all CMAN Orders and all orders in the CMAN-T series.

Inasmuch as Administrator's Interpretative Bulletins and Administrator's Memoranda are binding only upon or for the information of operating managers for the United States, such documents will not be published in the FEDERAL REGISTER but will be available to any interested person upon application to the Coal Mines Administrator, Department of the Interior, Washington 25, D. C. or to any area office of the Coal Mines Administration.

§ 800.56 *Official records.* (a) The following official records are deemed not to be confidential in character and may upon application be inspected by any person or a copy of such records may be obtained either from any area officer-in-charge or from the Headquarters Office:

(1) Written published agreements between the Coal Mines Administrator and the United Mine Workers of America.

(2) Delegations of authority from the Secretary of the Interior to the Coal Mines Administrator and from the Coal Mines Administrator to any member of his staff.

(3) Orders issued by the Coal Mines Administrator either in the series CMAN or series CMAN-T.

(4) Administrator's Interpretative Bulletins.

(5) Administrator's Memoranda.

(6) Decisions of the Administrator upholding or refusing the impositions of fines or penalties.

(7) Production reports released by the Administrator.

(8) Revised Regulations for the Operation of Coal Mines Under Government Control.

(9) Federal Mine Safety Code for Bituminous and Lignite Coal Mines of the United States.

(10) Any published report made of the survey of medical and sanitary facilities.

(11) Any published report of the trustees of the Welfare and Retirement Fund or the Medical and Hospital Fund, provided for by the Agreement of May 29, 1946.

(b) Information as to total payments into the Welfare and Retirement Fund or the Medical and Hospital Fund are not considered confidential and may be obtained upon application to the Coal Mines Administrator but information as to the payments of individual companies into said fund are considered confidential and will not be released to the public.

(c) Correspondence between the Coal Mines Administrator, or any member of his staff and any other person is considered confidential and may not be revealed to the public.

(d) With respect to applications for copies of any official book or record within custody of the Coal Mines Administrator and in a determination as to the availability of such documents for copy or inspection, the Coal Mines Administrator will be governed by 43 CFR, 2.1-26.

§ 800.57 *Forms and reports.* (a) When possession is taken of the mines of a company pursuant to an order of the Secretary of the Interior, the president or other chief officer of the company is designated as operating manager for the United States and is required to complete and forward to the Headquarters Office the form designated "Statement of Operating Manager", setting forth the name of the mining company, the name or number of each mine and its address and the bituminous coal producing district in which such mine is located.

(b) In accordance with Section 25 of Revised Regulations the Operation of Coal Mines Under Government Control (R. 7567) an Instrument of Agreement and Certification is forwarded to each company which may be executed by said company and returned to the Coal Mines Administrator.

(c) Upon the termination of Government possession and control and in accordance with the provisions of section 40 of said regulations, the company is furnished with three copies of either Instrument No. 1 or Instrument No. 2. Instrument No. 1 operates as a mutual release of claims by the Government and by the mining company; Instrument No. 2 is a conditional release by the company

reserving the right to submit a claim for damages during the period of Government possession resulting from specific directions or orders issued by the Coal Mines Administrator. Copies of these instruments may be obtained from the Headquarters Office of the Coal Mines Administration.

C. GIRARD DAVIDSON,
Assistant Secretary.

AUGUST 28, 1946.

[F R. Doc. 46-15428; Filed, Aug. 28, 1946; 2:45 p. m.]

DIVISION OF TERRITORIES AND ISLAND POSSESSIONS

[48 CFR, Ch. I]

PART 1—ORGANIZATION AND PROCEDURE

Sec.

- 1.1 Functions.
- 1.2 Alaska insane.
- 1.3 Alaska Purchasing and Shipping Office.
- 1.4 Alaska Road Commission.
- 1.5 Surplus property.

§ 1.1 *Functions.* The Division of Territories and Island Possessions was established in the Department of the Interior by Executive Order No. 6726, dated March 29, 1934. The Division is in the Office of the Secretary of the Interior. (See 43 CFR 01.21.) The Division discharges the responsibilities of the Department of the Interior toward the territories and possessions. To this end it acts as an intermediary between the territorial areas and the Federal government as a whole, reviews legislation affecting those areas, serves as an information clearing-house, and provides various administrative services for the territorial governments. In addition, the Division performs operating functions with respect to surplus property in the territories, the care of the Alaska insane, supervision of the Alaska Road Commission and purchasing for Alaska. The Division supervises the Puerto Rico Reconstruction Administration, the Virgin Islands Company, and the Alaska Railroad.

§ 1.2 *Alaska insane.* (a) The Division of Territories and Island Possessions has general responsibility for the care and custody of persons legally adjudged insane in Alaska in accordance with the act of October 14, 1942 (56 Stat. 782; 48 U. S. C., Supp., 46).

(b) In the exercise of its functions with respect to the care and custody of Alaskan insane patients, the Division makes recommendations to the Secretary of the Interior as to the making of contracts with institutions for the care of such insane patients. The Division ascertains the legal residence of Alaskan insane patients and recommends to the Secretary the return of those who are not legal residents of Alaska to their legal residence or to their friends. The Division also recommends to the Secretary the manner and proportions in which an insane patient, or his legal representative, or relatives, must contribute to the payment of the charges for the care or treatment of such insane patients, and makes investigations to determine the ability of such persons to make such payments.

§ 1.3 *Alaska Purchasing and Shipping Office.* The Alaska Purchasing and Shipping Office of the Department of the Interior is located in Seattle, Wash., and is under the general supervision of the Division of Territories and Island Possessions. This office purchases supplies for the Alaska Railroad and other agencies of the Federal Government in Alaska, and ships such supplies from point of origin to destination in Alaska. It also acts as agent for the native cooperative stores, buying their supplies, and selling for their benefit such items as reindeer meat and hides, furs and ivories.

§ 1.4 *Alaska Road Commission.* The Division of Territories and Island Possessions has general supervision over the activities and administrative functions of the Alaska Road Commission pertaining to the construction, repair and maintenance of roads, landing fields, tramways, ferries, bridges and trails in Alaska. A Chief Engineer with offices in Juneau, Alaska, is in immediate charge of the activities of the Commission. Rules and regulations governing the use of roads, trails and other works, including the fixing and collecting of tolls are recommended by the Commission for issuance by the Secretary of the Interior with the approval of the President (sec. 3, 47 Stat. 446; 48 U. S. C. 321b).

§ 1.5 *Surplus property.* (a) The Department of the Interior is designated, under 32 CFR, Part 8301, as the disposal agency for all real and personal property (except aircraft, property peculiar to aircraft, merchant vessels, vessels capable of conversion to merchant use and marine industrial real property) located in the territories and island possessions. The Division of Territories and Island Possessions is authorized to perform these functions.

(b) The disposition of such surplus property is immediately carried on by the Surplus Property Office of the Division. A Director, in Washington, D. C., is in charge of the Office. Territorial surplus property officers are in charge of offices in San Juan, Puerto Rico; Honolulu, Hawaii; and Anchorage, Alaska. The Director of the Surplus Property Office is authorized to approve certain sales. (See 48 CFR 21.10.)

(c) Requests for information or applications should be addressed to:

(1) Director, Surplus Property Office, Division of Territories and Island Possessions, Department of the Interior, Washington, D. C.

(2) Territorial Surplus Property Officer, Surplus Property Office, Department of the Interior; Box 4307, San Juan 21, Puerto Rico.

(3) Territorial Surplus Property Officer, Surplus Property Office, Department of the Interior, Box 3288, Honolulu, Hawaii.

(4) Territorial Surplus Property Officer, Surplus Property Office, Department of the Interior, Box 2466, Anchorage, Alaska.

(d) The procedures under which disposition is made of surplus property in the territories and island possessions are set out in 48 CFR, Part 21.

(e) Forms for veterans' priority certificates and certification of commercial

purchase of surplus property are set out in 48 CFR 21.6, 21.7.

(f) All regulations relating to the disposal of surplus property by the Department of the Interior are prepared by the legal staff of the Surplus Property Office of the Division of Territories and Island Possessions, and are submitted for approval to the Director of the Surplus Property Office. Regulations so approved are submitted for final approval and promulgation by the Secretary of the Interior after review by the Office of the Solicitor.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.
AUGUST 28, 1946.

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FISH AND WILDLIFE SERVICE

[50 CFR, Ch. I]

PART 01—ORGANIZATION AND PROCEDURE

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SUBPART A—ORGANIZATION

ESTABLISHMENT

§ 01.0 *Creation.* The Fish and Wildlife Service consists of the former Bureau of Fisheries, established in 1871 in the Department of Commerce, and the Bureau of Biological Survey, established in 1885 in the Department of Agriculture, which in 1939 were transferred to the Department of the Interior, and in 1940 were consolidated as the Fish and Wildlife Service.

§ 01.1 *Purpose.* The predecessor bureaus originally were established for research purposes, but in the course of years were also charged with carrying out the provisions of laws designed to increase the stocks of fish and wildlife, resist depletion, disseminate knowledge and extend the use of these living resources, and with the enforcement of protective laws relating to fish and game and the commercial fisheries of Alaska.

§ 01.2 *General description.* The Fish and Wildlife Service is composed of a headquarters office in Chicago and a liaison office in Washington, D. C., six regional offices, and various types of individual field offices and stations.

HEADQUARTERS ORGANIZATION

§ 01.3 *Director.* The Director of the Fish and Wildlife Service supervises and directs all the activities of the Service. He exercises immediate supervision over the branches and divisions of the headquarters staff as well as administrative supervision of the regional directors.

§ 01.4 *Chief Counsel.* The Office of the Chief Counsel reviews and advises on all legal matters affecting the activities of the Service.

§ 01.5 *Division of Information.* The Division of Information prepares and disseminates information on wildlife and fishery management, and on the regulatory work of the Fish and Wildlife Service. It handles general inquiries concerning fish and wildlife matters.

§ 01.6 *Branch of Management.* The Branch of Management is responsible for the conduct and coordination of all fish and wildlife management activities of the Fish and Wildlife Service. It plans and directs the program under which financial aid is granted the states for wildlife restoration. It supervises the operation of field stations in the propagation of food and game fish through collecting eggs and hatching fingerlings and fry for distribution to suitable waters, and works with State and other Federal agencies to coordinate such distribution. The Branch administers and enforces Federal statutes for the protection and conservation of wild birds, mammals and black bass, and the Alaska Game Law. It manages the more than 17,000,000 acres of land used for wildlife refuges, fish hatcheries and research stations, and acquires new lands. It plans and directs protective measures against coyotes, wolves, mountain lions, bob cats and other predators, and measures against destruction of range forage crops and stored feed by rodents.

§ 01.7 *Branch of Commercial Fisheries.* The Branch of Commercial Fisheries plans and directs the Fish and Wildlife Service's program for increasing through educational means the utilization of commercial fisheries in the United States, Alaska and the Caribbean. The Branch conducts investigations to improve methods for catching, handling, preserving, storing and transporting fishery products and by-products, and for cookery and canning. It directs the collection and dissemination of data and operates a Fishery Market News Service relating to fishery commodities. The Branch regulates salmon and other fisheries of Alaska, manages the fur-seal herds on the Pribilof Islands (Alaska), and plans for the education and maintenance of the natives of these Islands.

§ 01.8 *Office of River Basin Studies.* The Office of River Basin Studies investigates the probable effects on fish and wildlife of the construction of dams planned both by the Bureau of Reclamation and the U. S. Corps of Engineers. The Office makes data resulting from such studies available to interested agencies and makes appropriate recommendations for modification of construction plans in order to moderate or prevent damage to fish and wildlife in the river basins.

§ 01.9 *Office of Foreign Activities.* The Office of Foreign Activities studies and advises on matters relating to international agreements concerning fish and wildlife, including the Whaling Treaty Act. With the cooperation of other parts of the Fish and Wildlife Service, the Office trains foreign students in fish and wildlife management, and conducts and coordinates liaison with respect to activities of the Fish and Wildlife Service with the territorial governments, except Alaska. In the course of these activities the Office maintains constant liaison with the Department of State and other Federal agencies.

§ 01.10 *Branch of Research.* The Branch of Research conducts technical research in the management and development of fish and wildlife resources. Its research includes studies on commercial fisheries, the stocking of inland waters and the improvement of conditions in these waters for fish propagation, the cultivation and improvement of oysters and other shellfish, and the protection of fish in connection with construction of reclamation and flood-control projects. Recommendations resulting from these studies are made to agencies involved in these projects. Also included are studies on the distribution, migration, restoration, and protection of wildlife in cooperation with land-grant colleges, State conservation commissions and the American Wildlife Institute. Damage caused by birds, rodents and predators is studied and control methods recommended.

§ 01.11 *Branch of Administration.* The Branch of Administration conducts all phases of business management of the Fish and Wildlife Service including budgetary control, administrative man-

agement, finance, procurement, and personnel.

FIELD ORGANIZATION

§ 01.20 *Functions.* In general, the headquarters of the Fish and Wildlife Service in Chicago is concerned with the formulation of policies and programs while the actual conduct of activities of the Service is performed by various types of field offices and stations.

§ 01.21 *Regions.* (a) There are six regional offices, each in the charge of a regional director. Each regional director has general responsibility for the execution of approved programs by field organizations under his authority. Each regional director also formulates and recommends to the Director of the Fish and Wildlife Service proposals for more effective administration and performs public relations functions within his region concerning the Fish and Wildlife Service.

(b) The following field offices, stations, and areas within a region are responsible to the regional director:

- (1) Field offices of the Branch of Management.
- (2) Field offices of the Office of River Basin Studies.
- (3) Fish hatcheries.
- (4) Game management stations.
- (5) Wildlife refuges.
- (6) Predator and rodent control activities.

(c) The programs of the Division of Alaska Fisheries, Branch of Commercial Fisheries, are conducted through nine field offices in Alaska, under the regional director at Juneau, Alaska.

§ 01.22 *Field Offices Not Under Regions.* The following field offices and stations are not under the authority of regional directors and report directly to the Director of the Fish and Wildlife Service:

- (a) Field stations of the Division of Commercial Fisheries, Branch of Commercial Fisheries, carrying on technological research, market development, collection of fishery statistics, and Fishery Market News Service.
- (b) Field stations of the Branch of Research. These stations are of the following types:
 - (1) Commercial fishery investigations—21 stations and substations.
 - (2) Fresh-water fishery management studies—8 stations and substations.
 - (3) Shell-fishery investigations—7 stations and substations.
 - (4) Wildlife research laboratories—2 laboratories.
 - (5) Cooperative wildlife research units—10 units.
 - (6) Wildlife on public lands—4 stations.
 - (7) Distribution and migration of birds—4 stations.
 - (8) Wildlife disease—2 stations.
 - (9) Production of wild furs—2 stations.
 - (10) Refuge habitat improvement—4 stations.

§ 01.23 *Special Offices.* The Office of River Basin Studies maintains a special office at Billings, Montana, for the Missouri River Valley. This Office reports

directly to the Director of the Fish and Wildlife Service.

§ 01.30 *Alaska Game Commission.* (a) The Alaska Game Commission is a statutory body created in 1925. The Commission is concerned with the enforcement of the Alaska Game Law and seeks to promote the conservation of game and fur animals, bird, and game fishes. Regulations relating to these wildlife resources are recommended by the Commission to the Secretary for adoption, and the Commission may prescribe certain special regulations.

(b) The Alaska Game Commission is composed of four resident citizens of Alaska appointed by the Secretary of the Interior and the executive officer of the Commission, a representative of the Fish and Wildlife Service. The executive officer is designated by the Director of the Service and is responsible for the administrative aspects of the Commission's functions.

LIST OF DELEGATIONS OF AUTHORITY

§ 01.50 *Purpose of list of delegations of authority.* The following sections are not in themselves delegations of authority. The sections are merely a list of delegations and indicate the various matters with respect to which delegations have been made. They are intended merely as an index and outline. For the scope and limitations of delegations of authority, the specific regulations and orders to which cross references are made must be consulted.

§ 01.51 *Director.* The Director has authority:

- (a) To act with respect to permits for the taking of destructive migratory birds. (See 50 CFR, Part 1.)
- (b) In refuge areas, to issue, limit and revoke various kinds of permits; remove injurious objects; determine and dispose of surplus animals and products; designate recreational areas. (See 50 CFR, Part 12.)
- (c) To act with respect to changes in contracts, suitability of materials, request reports under the Federal Aid To Wildlife Restoration Act. (See CFR, Part 41.)
- (d) To issue and regulate permits for the taking of mammals, birds, and fish in Alaska. See Regulatory Announcement 16 (9 F. R. 5720), as amended May 20, 1946 (11 F. R. 5787).
- (e) To post notices prohibiting commercial fishing operations and determine intensity of run of fish in Alaska. (See 50 CFR, Part 201.)
- (f) In specific areas, to regulate the taking of fish and game through such measures as issuance, revocation and suspension of privilege permits, designation of areas, fix season, limit and size; determine necessity for guides; fix guide fees; permit certain groups to operate public use areas; review administrative action of Alaska regional director. (See 50 CFR, Parts 21-30, inclusive.)
- (g) Permit filming of motion and sound pictures. (See Order 2029 (10 F. R. 2522).)

§ 01.52 *Regional Directors.* The Regional Directors have authority:

(a) To issue permits for the taking of migratory birds injuring crops. (See 50 CFR, Part 1.)

(b) In specific areas, to issue, limit and cancel various kinds of permits; fix and collect fees for land use; grant additional time for property removal. (See 50 CFR, Parts 22, 23 and 30.)

(c) In refuge areas, to issue, limit and cancel various kinds of permits. (See 50 CFR, Part 12.)

(d) To give notice when more than one permit is held on single site in Alaska. (See 50 CFR, Part 201.)

§ 01.53 *Officers in Charge.* The Officers in Charge have authority:

(a) In specific areas, to issue, suspend or revoke various kinds of permits; designate and restrict fishing season; close areas for waterfowl protection; permit hunting and prescribe routes of travel; designate recreational areas, designate (and revoke designation for cause) guides and approve fees; designate areas for use of non-motor boats; assign trappers to units; designate launching points. (See 50 CFR, Parts 21-29, inclusive.)

(b) In refuge areas, to issue and revoke various kinds of permits; designate routes of travel and speed limits; direct removal of disorderly persons; impound animals. (See 50 CFR, Part 12.)

§ 01.54 *Refuge Managers.* The Refuge Managers have authority:

To issue permits for economic utilization of refuge resources and private operations on refuge area lands. (See 50 CFR, Part 12.)

PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS

§ 01.70 *Inquiries and Requests in General.* (a) General information on the functions and activities of the Fish and Wildlife Service may be obtained and request may be made by addressing the Director, Fish and Wildlife Service, Department of the Interior, Merchandise Mart, Chicago 54, Illinois, or the Assistant Director, Washington Liaison Office, Fish and Wildlife Service, Department of the Interior, Washington 25, D. C.

(b) Inquiries concerning migratory waterfowl hunting regulations may be addressed to the regional directors of the Fish and Wildlife Service.

(c) Inquiries concerning wildlife refuge, fish propagation, and predator and rodent control, likewise may be addressed to the regional directors.

(d) Inquiries concerning game, fur and fishery regulations for Alaska should be addressed to the Fish and Wildlife Service, Department of the Interior, Regional Office, Juneau, Alaska, or the Director, Fish and Wildlife Service, Department of the Interior, Merchandise Mart, Chicago 54, Illinois.

(e) Applications for permits for the importation of foreign birds and animals should be addressed to the Director, Fish and Wildlife Service, Department of the Interior, Merchandise Mart, Chicago 54, Illinois.

(f) Commercial fisheries information may be had by addressing the Assistant Director, Washington Liaison Office, Fish and Wildlife Service, Department of the Interior, Washington 25, D. C.

(g) Federal Migratory Bird Stamps may be obtained at all post offices.

(h) Permits to obtain timber, cut hay, remove sand and gravel and otherwise exploit resources on wildlife refuge areas may be obtained either from the regional office or from the local manager of the wildlife refuge concerned.

§ 01.71 *Location of Headquarters Organization.* The office of the Director, including the Offices of Chiefs of the Branches, is located in the Merchandise Mart, Chicago 54, Illinois. There is a Liaison Office, in which an Assistant Director is stationed, in Washington, D. C.

§ 01.72 *Locations of Regional Offices.* The location of the regional offices of the Fish and Wildlife Service are as follows:

Region 1. All Pacific Coast States, and in addition, Nevada, Idaho, and Montana. Headquarters, 600 Weatherly Building, Portland, Oregon.

Region 2. The States of Wyoming, Utah, Colorado, Arizona, New Mexico, Kansas, Oklahoma, and Texas. Headquarters, 220 West Copper Ave., Albuquerque, New Mexico.

Region 3. The States of North and South Dakota, Nebraska, Minnesota, Wisconsin, Michigan, Missouri, and Indiana. Headquarters, 828 Plymouth Building, Minneapolis, Minnesota.

Region 4. The States of Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, North and South Carolina, Tennessee, and Kentucky. Headquarters, 316 Glenn Building, Atlanta, Georgia.

Region 5. The New England States, and in addition, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, and Ohio. Headquarters, 1105 Blake Building, Boston, Massachusetts.

Region 6. Alaska, Headquarters, Federal Building, Juneau.

§ 01.73 *Location of Wildlife Refuges.* The location of offices administering wildlife refuges, and the refuges administered by such offices and by regional offices are listed below by regions.

(a) *Region 1.* (1) Refuge administrative offices and refuges administered therefrom:

Brawley, Calif.: Salton Sea.
Cedarville, Calif.: Sheldon (Nevada).
Tule Lake, Calif.: Tule Lake, Clear Lake, Lower Klamath, and Upper Klamath (Oregon).
Willows, Calif.: Sacramento, Colusa, and Sutter.
Hamer, Idaho: Camas and Minidoka.
Nampa, Idaho: Deer Flat and Snake River.
Fort Peck, Mont.: Fort Peck, Hallstone, Halfbreed Lake, Lake Mason, and Lamesteer.
Malta, Mont.: Bowdoin, Black Coulee, Creedman Coulee, Hewitt Lake, and Lake Thibadeau.
Medicine Lake, Mont.: Medicine Lake.
Moiese, Mont.: National Bison Range, Benton Lake, Nine-Pipe, Pablo, Pishkun, and Willow Creek.
Monlda, Mont.: Red Rock Lakes.
Las Vegas, Nev.: Desert Bame Range.
Las Vegas, Nev.: Boulder Canyon.
Ruby Valley, Nev.: Ruby Lake and Railroad Valley.
Burns, Oreg.: Malheur.
Lakeview, Oreg.: Hart Mountain.
Cheney, Wash.: Turnbull, Columbia River, Conconully, Lenore Lake, Cold Springs, McKay Creek and Columbia.
Colville, Wash.: Little Pend Oreille.
Ilwaco, Wash.: Willapa.

(2) The following refuges are not in administrative units and information

concerning them may be obtained from the Regional Office:

Farallon (Marin), Calif.
Fort Keogh (Custer), Mont.
Fallon (Churchill), Nev.
Winnemucca (Pershing, Washoe), Nev.
Cape Meares (Tillamook), Oreg.
Oregon Islands (Curry), Oreg.
Thief Valley (Baker, Union), Oreg.
Three Arch Rocks (Tillamook), Oreg.
Copalis (Grays Harbor), Wash.
Dungeness (Clallam), Wash.
Flattery Rocks (Clallam), Wash.
Jones Island (San Juan), Wash.
Matia Island (San Juan), Wash.
Quillayute Needles (Clallam, Jefferson), Wash.
Skagit (Skagit), Wash.
Smith Island (Island), Wash.

(b) *Region 2.* (1) Refuge administrative offices and refuges administered therefrom:

Parker, Ariz.: Havasu Lake.
Yuma, Ariz.: Kofa, Cabeza Prieta, and Imperial.
Las Cruces, N. Mex.: San Andres and Mesilla.
Roswell, N. Mex.: Bitter Lake and Carlsbad.
San Antonio, N. Mex.: Bosque del Apache and Rio Grande.
Cache, Okla.: Wichita Mountains.
Jet, Okla.: Salt Plains.
Tishomingo, Okla.: Tishomingo.
Austwell, Tex.: Aransas and Santa Ana.
Denison, Tex.: Hagerman.
Muleshoe, Tex.: Muleshoe.
Brigham, Utah: Bear River, Locomotive Springs, and Strawberry Valley.
Jackson, Wyo.: National Elk, Bamforth, Evanston, Hutton Lake, and Pathfinder.

(2) The following refuges are not in administrative units and information concerning them may be obtained from the Regional Office:

Apache (Apache), Ariz.
Safford (Graham), Ariz.
Salt River (Gila), Ariz.
Kit Carson (Cheyenne), Colo.

(c) *Region 3.* (1) Refuge administrative offices and refuges administered therefrom:

Havana, Ill.: Chautauqua.
Algona, Iowa: Union Slough and Talcot.
Germfask, Mich.: Seney.
East Lake, Minn.: Rice Lake and Mille Lacs.
Holt, Minn.: Mud Lake.
Rochert, Minn.: Tamarac.
Winona, Minn.: Upper Mississippi River and Trempealeau.
Mound City, Mo.: Squaw Creek.
Sumner, Mo.: Swan Lake.
Ellsworth, Nebr.: Crescent Lake, Rox Butte, and North Platte.
Valentine, Nebr.: Fort Niobrara, Eagle Creek (S. Dak.), Lake Andes (S. Dak.), and Lake Arconge (S. Dak.)
Valentine, Nebr.: Valentine.
Dawson, N. Dak.: Slade, Appert Lake, Canfield Lake, Flickertail, Florence Lake, Hutchinson Lake, Lake Moraine, Little Lake, Lost Lake, Painted Woods, Springwater, Sunburst Lake, Wildfang Lake, and Yanktonal.
Fort Totten, N. Dak.: Sullys Hill, Ardoch, Billings Lake, Buffalo Lake, Johnson Lake, Kellys Slough, Lac Aux Mortes, Lambs Lake, Little Goose, Minnewastena, Pioneer Lake, Pleasant Lake, Prairie Lake, Rose Lake, Sibley Lake, Silver Lake, Stump Lake, and Wood Lake.

Foxholm, N. Dak.: Upper Souris.
Kenmare, N. Dak.: Des Lacs, Charles Lake, Hiddenwood, Lake Ho, Lake Oliver, Lake Patricia, Legion Lake, McLean, Pretty Rock, Stewart Lake, and White Lake.

Kensal, N. Dak.: Arrowwood, Bone Hill, Chase Lake, Half-Way Lake, Hobart Lake, Lake George, Stoney Slough, and Tomahawk.
Lostwood, N. Dak.: Lostwood, Clearwater, Lake Zahl, and Shell Lake.

Mendora, N. Dak.: Theodore Roosevelt.
Moffit, N. Dak.: Long Lake.
Upham, N. Dak.: Lower Souris, Brumba, Camp Lake, Cottonwood, Lake Nettie, Lords Lake, Rabb Lake, Rock Lake, School Section Lake, Sheyenne Lake, Snyder Lake, Willow Lake, and Wintering River.

Columbia, S. Dak.: Sand Lake (S. Dak.), Dakota Lake (N. Dak.), Lake Elsie (N. Dak.), Lake Tewaukan (N. Dak.), Maple River (N. Dak.), Storm Lake (N. Dak.), Twin Lakes (N. Dak.), and Wild Rice Lake (N. Dak.).

Martin, S. Dak.: Lacreek, Bear Butte, and Belle Fourche.

Waubay, S. Dak.: Waubay.
Necedah, Wis.: Necedah.
Waupun, Wis.: Horicon.

(2) The following refuges are not in administrative units and information concerning them may be obtained from the Regional Office:

Mingo (Wayne, Stoddard), Mo.
Gravel Island (Door), Wis.
Green Bay (Door), Wis.
Long Tail Point (Brown), Wis.

(d) *Region 4.* Refuge administrative offices and refuges administered therefrom:

Decatur, Ala.: Wheeler.
Manila, Ark.: Big Lake.
St. Charles, Ark.: White River.
Coconut Grove, Fla.: Everglades, Anclote, Brevard, Caloosahatchee, Cedar Keys, Chassahowitzka, Chinsegut, Great White Heron, Indian Key, Island Key, Istokpoga, Key West, Matlacha Pass, Palma Sola, Passage Key, Pelican Island, Pine Island, and Sanibel.
St. Marks, Fla.: St. Marks.
Round Oak, Ga.: Piedmont.
Savannah, Ga. (P. O., Fort Wentworth): Savannah, Blackbeard, Tybee, Wilson, and Wolf Island.
Waycross, Ga.: Okefenokee.
Golden Pond, Ky.: Kentucky Woodlands.
Lake Arthur, La.: Lacassine and Shell Keys.
Pilottown, La.: Delta, Breton, East Timbaler, and Petit Bois.
Sulphur, La.: Sabine.
Starkville, Miss.: Noxubee and Yazoo.
Manteo, N. C.: Pea Island.
New Holland, N. C.: Mattamuskeet and Swanquarter.
McBee, S. C.: Carolina Sandhills.
McClellanville, S. C.: Cape Romain.
Manning, S. C.: Santee.
Hornbeak, Tenn.: Reelfoot and Lake Isom.
Paris, Tenn.: Tennessee.

(e) *Region 5.* (1) Refuge administrative offices and refuges administered therefrom:

Smyrna, Del.: Bombay Hook and Cape Henlopen.
Milltown, Maine: Moosehorn.
Cambridge, Md.: Blackwater and Susquehanna.
Newburyport, Mass.: Parker River and Great Meadows.
Oceanville, N. J.: Brigantine and Killcock (Del. and N. J.).
Seneca Falls, N. Y.: Montezuma.
Swanton, Vt.: Missisquoi.
Chincoteague, Va.: Chincoteague and Fisherman's Island.
Pungo, Va.: Back Bay.

(2) The following refuges are not in administrative units and information concerning them may be obtained from the Regional Office:

Widows Island (Knox), Maine.
 Monomoy (Barnstable), Mass.
 Fort Tyler (Suffolk), N. Y.
 Shinnecock (Suffolk), N. Y.
 West Sister Island (Lucas), Ohio.
 Morgan (Addison), Vt.

(f) *Region 6.* (1) Refuge administrative offices and refuges administered therefrom:

Kodiak, Alaska: Aleutian Islands.

(2) The following refuges are not in administrative units (locations given are territorial judicial division) and information concerning them may be obtained from the Regional Office at Juneau, Alaska:

Alaska Railroad (Third and Fourth).
 Bering Sea (Second).
 Bogoslof (Third).
 Chamisso (Second).
 Curry (Third).
 Forrester Island (First).
 Hazen Bay (Fourth).
 Hazy Islands (First).
 Kenai (Third).
 Kodiak (Third).
 Kuniyak (Second).
 Pribilof (Third).
 St. Lazaria (First).
 Semidi (Third).
 Tuxedni (Third).

(3) The following refuges are in island possessions (not in administrative units) and information concerning them may be obtained from the Director, Fish and Wildlife Service, Department of the Interior, Merchandise Mart, Chicago 54, Illinois:

Hawaiian Islands.
 Johnston Island.
 Culebra (Puerto Rico).

§ 01.74 *Division of Alaska Fisheries.* The location of the regional office and field offices of the Division of Alaska Fisheries is as follows:

Regional Office—Juneau, Alaska.
 Field Offices—Anchorage, Chignik, Cordova, Craig, False Pass, Juneau, Ketchikan, Kodiak, Naknek, Wrangell.

§ 01.75 *Alaska Game Commission.* The executive offices of the Alaska Game Commission are in the Federal Building, Juneau, Alaska.

§ 01.76 *Pribilof Islands.* The General Manager for the Pribilof Islands maintains an office in Seattle, Washington. Agents are located on St. Paul Island and St. George Island.

SUBPART B—PROCEDURE

SPECIFIC WILDLIFE RESOURCES

§ 01.100 *Migratory birds: certain game mammals.* (a) Regulations relating to migratory birds and certain game mammals protected under international agreements originate in a draft of proposed regulations prepared by a committee composed of personnel of the Fish and Wildlife Service particularly concerned with the conservation of these species of wildlife. Although hearings are not held, the draft regulations are based on annual inventories of the status of the protected species, the recommendations of the game departments of every State throughout the nation, and the recommendations of representative conservation organizations, sportsmen, individuals, and groups interested in the

conservation of these species of wildlife. The draft of proposed regulations is reviewed by the majority of the divisions of the Fish and Wildlife Service, the Office of the Chief Counsel and, if approved by the Director, is submitted through the Solicitor's Office to the Secretary of the Interior for signature and to the President of the United States for approval and promulgation.

(b) In addition to prescribing means and methods by which such species of wildlife may be taken, as well as seasons and bag limits, such regulations generally provide for the issuance and cancellation of special permits for the taking and transportation of protected wildlife for scientific, propagation, or other purposes. Applications for such permits should be submitted to the Director of the Fish and Wildlife Service, Department of the Interior, Merchandise Mart, Chicago 54, Illinois. The procedure for filing applications for such special permits, the information required, and information as to action upon applications are set out in detail in 50 CFR, Part 1.

§ 01.101 *Alaska game fish and animals.* Regulations relating to the game and fur animals, birds, and game fishes in Alaska are prepared in draft form by the Division of Game Management of the Fish and Wildlife Service in accordance with the recommendations of the Alaska Game Commission. Following review by several divisions of the Fish and Wildlife Service, the Office of the Chief Counsel, and approval by the Director, the draft regulations are submitted for further review by the Office of Indian Affairs, the Division of Territories and Island Possessions, the Office of the Solicitor, and to the Secretary of the Interior for approval and promulgation.

§ 01.102 *Alaska Game Law.* The Alaska Game Law as amended (57 Stat. 301; 48 U. S. C., Sup., 192 et seq) requires the filing of periodic reports by hunters, fur dealers, and others handling game. Forms may be obtained from the Alaska Game Commission, Juneau, Alaska. The Alaska Game Law also requires that certain licenses be obtained from the Alaska Game Commission, and that records of the sale of poison be kept. Regulations of the Alaska Game Commission provide for the licensing of guides and the keeping of records of the sale or disposition of poison. (See 48 CFR 92.2, 92.3)

§ 01.106 *Alaska commercial fisheries.* (a) Alaska commercial fisheries regulations are prepared annually following hearings after notice at various places in Alaska and the United States with respect to proposed changes in seasons and related matters by personnel of the Division of Alaska Fisheries of the Fish and Wildlife Service. The draft of proposed regulations is reviewed by the Chief Counsel and if approved by the Director is reviewed by the Office of Indian Affairs, the Division of Territories and Island Possessions, and the Solicitor's Office and is submitted to the Secretary of the Interior for approval and promulgation.

(b) The regulations provide for reports by fisheries operators, hearings regarding native fishing rights, filing of

trap site locations, and determinations and closing of competing trap operations at single sites. (See 50 CFR, Part 201)

§ 01.107 *Whales: Alaska fur seals.* (a) Regulations governing the taking of whales, Alaska fur seals, sea-lions, and certain other specifically protected species of wildlife originate in a draft of proposed regulations prepared by administrative personnel of the Fish and Wildlife Service engaged in that particular function (and, where specified by law, in cooperation with the administrative personnel of such other department or agency as may be concerned therewith). After review by such divisions of the Fish and Wildlife Service and the Director, the draft of proposed regulations is submitted through the Solicitor's Office to the Secretary of the Interior (and the head of any other department or agency specifically concerned) for approval and promulgation.

(b) The act of May 1, 1936 (49 Stat. 1246; 46 U. S. C. 901 et seq) requires licenses for whaling and the furnishing of certain information. Certain reports and information are required by regulations. (See 50 CFR, Cum. Supp., Part 251)

CONSERVATION AREAS

§ 01.120 *Regulations.* (a) Regulations relating to conservation areas usually originate in a draft prepared by field or administrative personnel of the Fish and Wildlife Service engaged in that particular function. The draft of proposed regulations is reviewed by each branch of the Fish and Wildlife Service concerned, including the Office of the Chief Counsel, and is approved by the Director if the matter falls within the scope of an authority delegated to the Director, or is submitted by the Director to the Secretary of the Interior for approval and promulgation, if not within the scope of authority delegated to the Director.

(b) Special regulations with respect to specific portions of conservation areas are made by field personnel within the scope of authorized delegation or sub-delegation, in accordance with the state of facts existent at the time of such action and in accordance with the scope of delegation or sub-delegation.

§ 01.121 *Permits.* (a) Specific use by the general public or individuals of areas utilized for the conservation of wildlife resources is governed by the various regulations and by the terms of permits issued pursuant to such regulations, the provisions of both of which may authorize the termination in the discretion of the officer in charge, the Regional Director, the Director of the Fish and Wildlife Service, or the Secretary of the Interior for violation of the terms of such permits or, following the determination by such personnel or the Secretary, that the exercise of the privilege is not consistent with the primary use of the area for conservation purposes. While there is no set procedure for appeal from the action of an officer in terminating a priv-

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ilege, such appeals generally should be directed to the Director of the Fish and Wildlife Service or the Secretary of the Interior.

(b) The procedure for filing applications for special use permits or for the exercise of specific privileges on conservation areas, the information required, terms of the permits, and information as to action upon applications are set out in detail in 50 CFR, Parts 12-29.

AID TO STATES

§ 01.130 *Wildlife restoration.* Regulations relating to Federal aid to States in wildlife restoration generally originate in a draft of proposed regulations prepared by administrative personnel engaged in that particular function. The draft of proposed regulations is reviewed by each branch of the Fish and Wildlife Service concerned, including the office of the Chief Counsel, and, if approved by the Director, is submitted through the Solicitor's Office to the Secretary of the Interior for approval and promulgation. The procedure for filing applications for participation in the program covered by these regulations, the information required, and information as to action upon applications are set out in detail in 50 CFR, Part 41.

C. GIRARD DAVIDSON,
Acting Secretary.

AUGUST 28, 1946.

[F. R. Doc. 46-15422; Filed, Aug. 28, 1946;
2:21 p. m.]

GEOLOGICAL SURVEY

[30 CFR, Ch. II]

PART 200—ORGANIZATION AND PROCEDURE

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SUBPART A—ORGANIZATION

ESTABLISHMENT

§ 200.0 *Creation.* The Geological Survey was established in the Department of the Interior, in 1879, by statute.

§ 200.1 *Purpose.* The Geological Survey is primarily a fact-finding agency which collects, distributes, and makes available, information about the mineral and water resources of the Nation. The Geological Survey conducts research in geology and related fields, prepares and distributes topographic maps, and supervises the technical mineral operations on leased public and Indian lands, and on the naval petroleum reserves.

§ 200.2 *General description.* The Geological Survey has a headquarters in Washington, D. C. The field offices report to the Branch in charge of the respective activity. The Director as the Chief executive of the Survey has charge of all of its activities.

HEADQUARTERS ORGANIZATION

§ 200.3 *Office of the Director.* The Director and the Assistant Director formulate bureau policy and exercise general control over the activities of the Geological Survey and its programs of scientific and engineering work.

§ 200.4 *Administrative Geologist.* The Administrative Geologist serves as advisor to the Director and the Branch Chiefs. He is in charge of the administrative and service groups which handle personnel, finance, correspondence, records, publications, library, field equipment, and map reproduction.

§ 200.5 *Chief Counsel.* The Office of the Chief Counsel reviews and advises on legal matters affecting the Geological Survey.

§ 200.6 *Conservation Branch.* The Conservation Branch examines and classifies the public lands of the United States, territories and possessions as to their mineral character and water power and water storage values. This Branch, in cooperation with the Bureau of Land Management, also supervises technical operations under oil and gas and other mineral leases on the public lands and Indian lands, and on naval petroleum reserves.

§ 200.7 *Geologic Branch.* The Geologic Branch investigates the geology of the United States, territories and possessions and prepares, from its findings, maps and reports as to geologic formations, including distribution, structure, composition, and history. It also conducts detailed research investigations of mineral resources with respect to location, quality and potential reserve supplies. The Branch carries on research in other sciences as they relate to geology.

§ 200.8 *Topographic Branch.* The Topographic Branch is charged with the execution of topographic field surveys in the United States, territories and possessions. It prepares and issues the results of its work in the form of maps and various engineering bulletins.

§ 200.9 *Water Resources Branch.* The Water Resources Branch investigates the

quantity, quality and availability of surface and underground waters in the United States, territories and possessions. Its results appear as water supply of the Geological Survey papers or reports by cooperating States.

FIELD ORGANIZATION

§ 200.20 *General description.* The Geological Survey is organized in the field along the lines of the functions performed by each of its four Branches. Regional organization is related to the particular Branches. In § 200.72, regional and field offices of all Branches are grouped by States and Territories. The sections immediately following give the field organization of the Branches.

§ 200.21 *Conservation Branch.* The Mineral Classification, Mining, Oil and Gas Leasing, and Water and Power Divisions each have regional areas. The sub-offices within each region report to the regional office. (In the case of the Mining Division, the regional areas are called districts.)

§ 200.22 *Geologic Branch.* Three regional offices assist in coordinating the field work of this Branch. The regional offices report directly to the Branch.

§ 200.23 *Topographic Branch.* The field work of this Branch is directed by field division offices which report directly to the Branch. There is one additional field office, a photogrammetric unit organized for cooperative work with the Tennessee Valley Authority.

§ 200.24 *Water Resources Branch.* The entire work of this Branch is supervised directly through the four Divisions of the Branch: Ground Water, Quality of Water, Surface Water, and Water Utilization. Field offices and laboratories under each Division report directly to the Division.

LIST OF DELEGATIONS OF AUTHORITY

§ 200.50 *Purpose of list of delegations of authority.* The following sections are not in themselves delegations of authority. The sections are merely a list of delegations and indicate the various matters with respect to which delegations have been made. They are intended merely as an index and outline. For the scope and limitations of delegations of authority, the specific regulations and orders to which cross references are made must be consulted.

§ 200.51 *Director.* The Director has authority to:

- Determine boundaries of geologic structures. (See 43 CFR 192.3)
- Classify certain land for prospective oil or gas value. (See 43 CFR 192.44.)
- Classify public land as to coal content. (See 30 CFR, Part 201.)
- Determine that certain land is non-mineral. (See 43 CFR 102.25.)
- Determine interference of non-mineral public land laws with leasing laws. (See 43 CFR 102.38.)
- Fix terms of phosphate leases. (See 43 CFR 196.8.)
- Fix terms of sodium leases. (See 43 CFR 195.16.)

(h) Determine certain water values. (See 30 CFR 241.5.)

(i) Determine existence of deposits of fissionable material. (See Order No. 2188 (11 F. R. 4705).)

§ 200.52 *Oil and Gas Supervisors.* The Oil and Gas Supervisors have authority to:

(a) Act with respect to operations on oil and gas leases. (See 30 CFR, Cum. Supp., Part 221.)

(b) Terminate drilling on oil and gas leases. (See 43 CFR 191.10.)

(c) Act with respect to operations on oil and gas leases on Indian lands. (See 30 CFR, Cum. Supp., Part 221.)

§ 200.53 *District Mining Supervisors.* The District Mining Supervisors have authority to:

(a) Act with respect to operations on coal-mining leases. (See 30 CFR, Part 211.)

(b) Act with respect to operations on potash, oil shale, sodium, phosphate, sulphur, gold and quicksilver mining leases. (See 30 CFR, Part 231.)

(c) Regulate mining operations on Indian lands. (See 25 CFR, Parts 183, 186, 189, 192, 195, and 210.)

PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS

§ 200.70 *Inquiries and requests in general.* Information of specialized technical import and concerning the policies and programs of the Geological Survey, including reports and bulletins, may be obtained by addressing the Director, Geological Survey, Department of the Interior, Federal Works Agency Building, Washington 25, D. C. Information centers, with files of Survey reports and maps for consultation by the public, are maintained at 429 F. U. S. Post Office and Court House Bldg., Los Angeles 12, Calif.; 625 Market St. Bldg.,

San Francisco 5, Calif.; 320 Denham Bldg., Denver 2, Colo.; and 303 Federal Bldg., Salt Lake City, Utah. Questions as to local water resources and mineral or geologic problems may be submitted to the appropriate Branch's regional or field office nearest the area concerned.

§ 200.71 *Location of headquarters organization.* The headquarters of the Geological Survey is located in the Federal Works Building, Washington 25, D. C.

§ 200.72 *Location of regional and field offices.* Locations of regional and field offices, listed alphabetically by States and Territories and by towns within each State and Territory, appear below. The Branch of which the regional and field offices are a part is shown by the following symbols:

Conservation Branch, C; Geologic Branch, G; Topographic Branch, T; Water Resources Branch, W.

| State | Town | Local address | Officer in charge | Branch |
|-----------------------|------------------|--|---|--------|
| Alabama | Montgomery | P. O. Box 56 (507 Post Office Bldg.) | District engineer | W |
| | Tuscaloosa | P. O. Box 2033 (Smith Hall, University of Alabama) | Resident geologist | W |
| Arizona | Phoenix | 420 Arizona Title Bldg. | Engineer in charge | W |
| | Tucson | P. O. Box 1311 (210 Post Office Bldg.) | District engineer, surface water | W |
| | Tucson | 408 North 4th Ave. | District engineer, ground water | W |
| Arkansas | Fayetteville | Hill Hall | Geologist in charge | W |
| | Fayetteville | 28 Chemistry Bldg., University of Arkansas | Resident chemist | W |
| | Fort Smith | P. O. Box 149 (6 Post Office Bldg.) | District engineer | W |
| California | Bakersfield | 2510 M St. | District engineer | C |
| | Long Beach | 5373 East 2d St. | Geologist in charge | W |
| | Los Angeles | 429-F, U. S. Post Office and Courthouse Bldg. | Engineer in charge | W |
| | | 429 Federal Bldg. | District geologist | W |
| | | 533 Post Office and Courthouse Bldg. | Regional geologist | C |
| | | 533 Post Office and Courthouse Bldg. | Supervisor, California region | C |
| | North Sacramento | 1464 Del Paso Blvd. | District hydraulic engineer | C |
| | Sacramento | P. O. Box 346 | Division engineer, Pacific Division | T |
| | San Francisco | 625 Market Street Bldg. | District engineer | W |
| | Santa Barbara | 218 Benjamin Franklin Bldg. | Geologist in charge | W |
| | Taft | P. O. Box CC | District supervisor | C |
| Colorado | Denver | 310 Denham Bldg. | District engineer | W |
| | | 351 Equitable Bldg. | District geologist | W |
| | | 425 Denham Bldg. | Regional geologist, Rocky Mountain region | C |
| | | 413 Denham Bldg. | District hydraulic engineer, Denver district | C |
| | | 416 Denham Bldg. | District engineer, oil and gas | C |
| | | 413 Denham Bldg. | District mining supervisor, Denver district | C |
| | | Bldg. 2-B, Denver Federal Center | Division engineer, Rocky Mountain division | T |
| | | Bldg. 12-B, Denver Federal Center | Chief, section eng. geology | G |
| Connecticut | Hartford | P. O. Box 715 (203 Federal Bldg.) | District engineer | W |
| Delaware ¹ | | | | |
| District of Columbia | Washington | 3229 Federal Works Bldg. | Supervisor, eastern region | C |
| | | Federal Works Bldg. | Division engineer, Atlantic division | T |
| Florida | Miami | P. O. Box 2529 (318-A Dade County Courthouse) | Engineer in charge | W |
| | | P. O. Box 2529 (318-A Dade County Courthouse) | Geologist in charge | W |
| | Ocala | P. O. Box 607 | District engineer | W |
| Georgia | Tallahassee | P. O. Drawer 631 (Old Lower Dining Hall, F. S. C. W.) | Engineer in charge | W |
| | Atlanta | 410 Grand Theater Bldg. | District engineer | W |
| | | 425 State Capitol | Geologist in charge | W |
| Idaho | Boise | 429 Federal Bldg. | District engineer | W |
| | | 429 Federal Bldg. | Resident geologist | W |
| | Idaho Falls | P. O. Box 697 (204 Federal Bldg.) | District engineer | W |
| Illinois | Urbana | 14 Post Office Annex, Elm St. | District engineer | W |
| Indiana | Indianapolis | 205 Underwriters Bldg., 445 North Pennsylvania St. | District engineer | W |
| | | 205 Underwriters Bldg., 445 North Pennsylvania St. | District geologist | W |
| Iowa | Iowa City | 508 Hydraulics Laboratory | District engineer | W |
| | | Geology Annex | District geologist | W |
| Kansas | Lawrence | Care of University of Kansas | Engineer in charge | W |
| | Topeka | 305 Federal Bldg. | Engineer in charge | W |
| Kentucky | Lexington | P. O. Box 680 | Resident geologist | W |
| | Louisville | 531 Federal Bldg. | District engineer | W |
| | | 531 Federal Bldg. | Engineer in charge | W |
| Louisiana | Baton Rouge | P. O. Box 8877, University Station (124 Geology Bldg.) | District engineer | W |
| | | P. O. Box 8315, University Station (Room 16, Geology Bldg.) | Geologist in charge | W |
| Maine | Augusta | Care of Public Utilities Commission, State House | District engineer | W |
| Maryland | Baltimore | 103 Latrobe Hall, Johns Hopkins University | District geologist | W |
| | College Park | P. O. Box 37 (Engineering Bldg.) | District engineer | W |
| Massachusetts | Boston | 939 Post Office Bldg. | District engineer | W |
| Michigan | Houghton | P. O. Box 407 (305 New England Bldg., care of Michigan College of Mining and Technology) | Engineer in charge | W |
| | Lansing | 211 Capitol Savings and Loan Bldg., 112 East Allegan St. | Engineer in charge, surface water | W |
| | | 211 Capitol Savings and Loan Bldg., 112 East Allegan St. | Engineer in charge, ground water | W |
| Minnesota | St. Paul | 1427 New Post Office Bldg. | District engineer | W |
| Mississippi | Jackson | P. O. Box 2052 (208 Millsaps Bldg.) | Engineer in charge | W |
| | Oxford | P. O. Drawer 157 (Geology Bldg., University of Mississippi) | District geologist | W |
| Missouri | Rolla | P. O. Box 138 (Missouri Geological Survey Bldg.) | Regional engineer | W |
| | | P. O. Box 138 (Missouri Geological Survey Bldg.) | District engineer | W |
| | | P. O. Box 133 | Division engineer | T |
| | St. Louis | 1004 New Federal Bldg. | Engineer in charge | W |
| Montana | Billings | P. O. Box 1435 | District engineer | C |
| | | P. O. Box 2127 | District mining supervisor, Billings district | C |
| | Great Falls | P. O. Box 1827 | Regional geologist, Northwestern region | C |
| | | P. O. Box 1215 (255 Federal Bldg.) | District engineer | C |
| | Helena | 408 Federal Bldg. | District engineer | W |

¹ See Washington, District of Columbia, for addresses of regional, division, or district offices serving Delaware in their respective activities.

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| State | Town | Local address | Officer in charge | Branch |
|----------------|-----------------|--|---|--------|
| Nebraska | Lincoln | Box 142 State House Station (349 State House) | District engineer, surface water | W |
| | | 616 Rudge-Guenzel Bldg. | District geologist | W |
| | | 616 Rudge-Guenzel Bldg. | Ground water engineer for Missouri River Basin | W |
| | | 514 Rudge-Guenzel Bldg. | District engineer, quality of water | W |
| Nevada | Carson City | Box 142 State House Station (345 State House) | Hydraulic engineer, utilization of water | W |
| New Jersey | Trenton | c/o State Engineer, P. O. Box 327 | District engineer | W |
| | | P. O. Box 967 (228 Federal Bldg.) | District engineer, surface water | W |
| New Mexico | Albuquerque | 714 Trenton Trust Co. Bldg. | District engineer, ground water | W |
| | | 309 Federal Bldg. | District geologist | W |
| | | P. O. Box 443 (723 North 2d St., rear) | District chemist | W |
| | Artesia | 221 Ward Bldg. | District engineer | C |
| | Carlsbad | Reclamation Service Bldg., 201 South Canal St. | District mining supervisor | C |
| | Roswell | P. O. Box 997 (Federal Bldg.) | Supervisor, southwestern region | C |
| New York | Santa Fe | P. O. Box 277 (204 Courthouse) | District engineer | W |
| | | P. O. Box 948 (526 Federal Bldg.) | District engineer | W |
| | | 444 Broadway | Geologist in charge | W |
| North Carolina | Jamaica | 226 Post Office Bldg. | District geologist | W |
| | | 220 Post Office Bldg. | Engineer in charge | W |
| North Dakota | Raleigh | P. O. Box 2719 (242 Education Bldg.) | District engineer | W |
| | | P. O. Box 2719 (244 Education Bldg.) | Geologist in charge | W |
| | | P. O. Box 5065 (Room 15, Chemical Engineering Bldg., North Carolina State College) | District chemist | W |
| Ohio | Bismarck | P. O. Box 750 | District engineer | W |
| | | P. O. Box 750 | Engineer in charge | W |
| Oklahoma | Grand Forks | Care of North Dakota Geological Survey, University Station | District geologist | W |
| | | 404 Engineering Experiment Station, Ohio State University | District engineer | W |
| Oklahoma | Columbus | 404 Engineering Experiment Station, Ohio State University | Engineer in charge | W |
| | | P. O. Box 947 | District engineer | C |
| | | P. O. Box 759 | District engineer | C |
| | | 509 South 3d St. | District mining supervisor | C |
| | | Federal Bldg. | Deputy mining supervisor | C |
| | | Care of Oklahoma Geological Survey | Geologist in charge | W |
| | | Box 3095, State Capitol Station (535 State Capitol) | Engineer in charge | W |
| | | P. O. Box 976 | Deputy supervisor | C |
| | | 307 Chemistry Bldg., Oklahoma Agricultural and Mechanical College | Resident chemist | W |
| | | 239 Federal Bldg. | Regional geologist | C |
| Oregon | Portland | P. O. Box 311 (Federal Bldg.) | Supervisor, midcontinent region | C |
| | | P. O. Box 3418 (606 P. O. Bldg.) | District engineer | W |
| | | 603 P. O. Bldg. | District geologist | W |
| Pennsylvania | Philadelphia | 306 Old Courthouse | Regional supervisor | C |
| | | 296 Old Courthouse | District hydraulic engineer | C |
| | | P. O. Box 421 (490 Education Bldg.) | District engineer | W |
| | | Academy of Natural Sciences, 19th St. and Parkway | Geologist in charge | W |
| Rhode Island | Pittsburgh | 2d Floor, Administration Bldg., N. E. Sewage Disposal Plant, Wheat-achef and Richmond Sts. | District chemist | W |
| | | 515 Plaza Bldg., Corner 5th and 6th Ave. | Engineer in charge | W |
| South Carolina | Providence | Industrial Trust Bldg. | Resident geologist | W |
| South Dakota | Columbia | 207 Creason Bldg. | District engineer | W |
| Tennessee | Pierre | P. O. Box 216 (Hyde Block Bldg., 101½ S. Pierre St.) | Engineer in charge | W |
| | | 442 P. O. Bldg. | District engineer | W |
| Texas | Jefferson City | 107 Old P. O. Bldg. | Engineer | T |
| | | Box 432 | Regional geologist | G |
| | | Memphis General Depot, U. S. Army | Engineer in charge | W |
| Utah | Austin | 302 W. 15th St. | District engineer, surface water | W |
| | | 302 W. 15th St. | District engineer, ground water | W |
| | | P. O. Box 1682, University Station ("B" Hall, University of Texas) | District chemist | W |
| | | Care of U. S. Weather Bureau | Engineer in charge | W |
| Virginia | Salt Lake City | 704 City Hall | Geologist in charge | W |
| | | 506 Federal Bldg. | Regional geologist | G |
| | | 303 Federal Bldg. | District engineer, surface water | W |
| | | 303 Federal Bldg. | District geologist | W |
| | | 303 Federal Bldg. | District engineer, utilization of water | W |
| | | 306 Federal Bldg. | Geologist in charge | C |
| | | 306 Federal Bldg. | District engineer | C |
| | | 306 Federal Bldg. | District mining supervisor, Salt Lake City district | C |
| Washington | Charlottesville | P. O. Box 1338, University Station (House G, Dawson Row, University of Virginia) | District Engineer | W |
| | | P. O. Box 1836, University Station (Brooks Museum, University of Virginia) | Geologist in charge | W |
| West Virginia | Spokane | P. O. Box 1488 (14-B Cobb Chemical Laboratory, University of Virginia) | District chemist | W |
| | | 707 Peyton Bldg. | Regional geologist | G |
| | | 207 Federal Bldg. | District engineer, surface water | W |
| Wisconsin | Tacoma | 207 Federal Bldg. | District engineer, utilization of water | W |
| | | 410 Federal Bldg. | District hydraulic engineer, Tacoma district | C |
| Wyoming | Charleston | 408 Union Bldg. | District engineer | W |
| | | P. O. Box 854 (309 Mineral Industries Bldg.) | Resident geologist | W |
| Alaska | Morgantown | Care of Public Service Commission of Wisconsin, 666 State Office Bldg. | District engineer | W |
| | | Science Hall, University of Wisconsin | Geologist in charge | W |
| | | Care of University of Wisconsin | Regional geologist | G |
| Hawaii | Casper | P. O. Box 400 | Geologist in charge | C |
| | | P. O. Box 400 | Supervisor, northwestern region | C |
| | | Cheyanne | Resident geologist | W |
| | | Midwest | District engineer | C |
| Territories | Thermopolls | P. O. Box 428 | District engineer | C |
| | | P. O. Box 590 | Engineer in charge | W |
| Alaska | Fairbanks | Washakie County Courthouse | | |
| | | | | |
| Alaska | Juneau | P. O. Box 1088 | Geologist in charge | G |
| | | P. O. Box 2811 | Mining engineer | C |
| Hawaii | Honolulu | P. O. Box 2659 | Geologist in charge | C |
| | | 225 Federal Bldg. | District engineer | W |
| | | 333 Federal Bldg. | District geologist | W |

* See Washington, D. C., for addresses.

SUBPART B—PROCEDURE

§ 200.100 Regulations. Regulations usually are drafted by scientific and technical personnel in the field or in Washington, D. C., engaged in the performance

of the mineral classification and mineral lease supervisory functions of the Geological Survey. Industry advice is sought when warranted by the novelty or unusual complexity of a particular prob-

lem. The draft of proposed regulations is reviewed by each division of the Geological Survey concerned, by the Office of the Chief Counsel, and, if approved by the Director of the Geological Survey,

is submitted, after review by the Solicitor's Office, to the Secretary of the Interior for approval and promulgation.

§ 200.101 *Exercise of supervisory functions.* The regulations provide in detail the manner in which oil and gas and mining lessees or their operators may effect compliance therewith and also set forth the manner in which, in proper cases and upon application, relief may be obtained under the regulations or specific provisions may be modified, suspended or waived. The procedure for filing such applications, the forms to be used, the information required to be submitted, notice as to the action taken upon such applications, and the manner in which appeals from denials or rejections of applications may be taken are set forth in 30 CFR, Parts 201, 211, 216, 221, 231, and 241. The applications referred to in this section must be submitted to the supervisor for the district in which the leased lands are situated. The address of the appropriate supervisor will be found in Subpart A of this part.

§ 200.104 *Forms and reports.* Under regulations, the following reports are required to be filed on the forms listed:

(a) *Coal.* (1) Prospecting, production, royalty reports on coal prospecting permits on Forms 9-367, Alaska; 9-374 Billings, Montana; 9-374a, Denver, Colorado; 9-374b, Salt Lake City, Utah; 9-374c, Carlsbad, New Mexico. These forms require information each month relating to the amount of coal mined, amount disposed of and royalty thereon, work done and cost thereof, and results of prospecting. (See 30 CFR 211.6.)

(2) Production and royalty reports on coal leases on Forms 9-373a, continental United States; 9-519, Alaska. These forms require information each calendar quarter relating to the amount of coal mined, amount sold, royalty, sales price, and receipts. (See 30 CFR 211.6.)

(3) Production reports on coal licenses in continental United States and on mining permits, Alaska, on Form 9-370. This form requires information semi-annually relating to the amount of coal mined, amount disposed of, wages, operating costs, sales, and income. (See 30 CFR 211.6.)

(4) Annual reports on coal leases on Form 9-372. This form requires information on the amount of coal mined, amount sold, amount produced from fee land connected with the lease, receipts, costs of improvements and other works placed on the leased land. (See 30 CFR 211.6.)

(b) *Potassium and sodium.* (1) Production reports on potassium and sodium prospecting permits on form 9-128, Carlsbad, New Mexico; 9-128c, Salt Lake City, Utah; 9-128d, all other districts. These forms require information each calendar quarter relating to prospecting operations, including the nature thereof, extent, cost, and amount removed for experimentation and research. (See 30 CFR 231.3 (c).)

(2) Production and royalty reports on potassium and sodium leases on form 9-128a. This form requires information each month relating to the output from the leased land, the amount in storage, amount disposed of, unit and total value,

and royalty thereon. (See 30 CFR 231.3 (c).)

(3) Annual production reports on potassium and sodium leases on form 9-128B. This form requires information relating to the output from the leased land, the amount in storage, amount disposed of and gross value thereof, total amount of products, and cost of production. (See 30 CFR 231.3 (c).)

(c) *Phosphate.* (1) Production and royalty reports on phosphate leases on form 9-368. This form requires information each calendar quarter relating to the amount of phosphate rock mined, its character and quality, amount in storage, products and byproducts disposed of, unit and gross value, and royalty. (See 30 CFR 231.3 (c).)

(2) Annual reports on phosphate leases on form 9-369. This form requires information on the output from leased land, the amount in storage, amount disposed of and gross value thereof, total amount of products, and cost of production. (See 30 CFR 231.3 (c).)

(d) *Silica sands.* Production and royalty reports on silica sand leases on form 9-1146. This form requires information each calendar quarter on the production from leased land, unit and gross value at point of shipment to market, and royalty. (See 30 CFR 231.3 (c).)

(e) *Oil shale and sulphur.* Production and royalty reports on the above-described potassium and sodium forms.

(f) *Logs of prospect bore holes drilled for coal, potassium, sodium, phosphate, silica sands, sulphurs, and oil shale on form 9-1147.* This form requires, not later than 15 days after the completion of each bore hole, a complete and accurate log and history, in chronological order, of all operations conducted on the bore hole. (See 30 CFR 211.16, subsections (a) and (b), and 231.3 (c).) Form 9-331a, Sundry Notices and Reports on Wells (30 CFR 211.58) shall be used in connection with form 9-1147.

(g) *Oil and gas.* (1) Log and history of well on oil and gas leases on form 9-330. This form requires complete information, in chronological order, of all operations conducted on the well. (See 30 CFR 221.59.)

(2) Sundry notices and reports on wells on oil and gas lease on form 9-331A, Public lands; form 9-331B, Indian lands. These forms cover all notices of intention and all subsequent reports on individual wells except those for which special forms are prescribed. (See 30 CFR 221.58.)

(3) Monthly report of operations on oil and gas lease on form 9-329, Public lands; form 9-329A, Indian lands. These forms require complete information on all operations conducted on each well during each calendar month. (See 30 CFR 221.60.)

(4) Daily report of gas-producing wells on oil and gas lease on form 9-352. This form requires the submission to the oil and gas supervisor daily of the readings of all meters showing production of natural gas and meter charts. (See 30 CFR 221.61.)

(5) Statement of oil and gas runs and royalties on oil and gas lease on form 9-361, Public lands; form 9-361A, Indian

lands. These forms require a monthly report of each run of oil, all sales, and royalty accruing therefrom. (See 30 CFR 221.62.)

(6) Royalty and rental remittance on oil and gas lease on form 9-614A, Indian lands. This form is required to be submitted with each remittance of royalty or rental payments. (See 30 CFR 221.63.)

(7) Loyalty and rental remittance on oil and gas lease on form 11 ND Naval Petroleum Reserves. This form is required to be submitted with each remittance of royalty and rental payments on naval petroleum reserves. (See 30 CFR 221.64.)

C. GIRARD DAVIDSON,
Assistant Secretary.

AUGUST 28, 1946.

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NATIONAL PARK SERVICE

[36 CFR, Ch. I]

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SUBPART A—ORGANIZATION

ESTABLISHMENT

§ 01.0 *Creation.* The National Park Service was established in the Department of the Interior by statute on August 25, 1916.

§ 01.1 *Purpose.* The National Park Service promotes and regulates the use of national parks, monuments, and similar reservations in conformity with the

statutory mandate "to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

§ 01.5 *General description.* The National Park Service is composed of a headquarters staff in Chicago, Illinois, and a liaison office in Washington, D. C., four regional offices and eleven types of field activities, such as national parks, monuments, and historical sites. Each activity is under the supervision of a superintendent or custodian who reports to the regional director. Regional directors in turn report to the Director of the Service.

HEADQUARTERS ORGANIZATION

§ 01.6 *General description.* The Director of the National Park Service is in charge of the Service. The headquarters organization consists of the Director and several assistants, staff divisions, and seven technical branches. Under the supervision of the Director, the headquarters staff formulates policies for the protection, preservation and use of the national park areas. It directs the interpretive services in natural sciences, history and archeology rendered for the public, provides for museum developments, and investigates proposed additions to the national park system. The headquarters organization, through an Office of National Capital Parks, maintains the Executive Mansion and Grounds in Washington, D. C.

Staff offices and divisions consist of the Office of Chief Counsel, which supervises legal matters, the Office of Information, which supervises informational work, the Office of Chief Clerk, the Personnel Division, and the Safety Division, which supervises building-fire protection and accident prevention programs.

§ 01.7 *Branch of Concessions.* The Branch of Concessions supervises matters pertaining to concessioners' affairs, including the initiation of concession policies; plans and negotiates for new concessions and the improvement of existing facilities to provide adequate and proper accommodations for the public; and consults with and advises concessioners concerning their operations.

§ 01.8 *Branch of Engineering.* The Branch of Engineering supervises engineering (except major road construction), sanitation control and water rights projects in park areas; has charge of surveys, maps, land description, planning, design and construction, road maintenance and minor road construction, hydraulic structures, materials research, radio installation and research, and the formulation of engineering codes and standards.

§ 01.9 *Branch of Forestry.* The Branch of Forestry supervises fire protection work, and the preservation and protection of park and monument forests from injurious insects and diseases and from preventable damage. The Branch cooperates with other bureaus and agencies in fire protection and insect and tree disease

control, and supervises forest planting, wood preservation and utilization, and forest studies.

§ 01.10 *Branch of History.* The Branch of History supervises technical matters pertaining to historic and archeologic sites and buildings, including their preservation and protection. It coordinates research, planning, and interpretive programs for such sites, and carries on investigations for the purpose of developing a comprehensive long-time plan for the acquisition, preservation and use of such sites and buildings.

§ 01.11 *Branch of Lands.* The Branch of Lands supervises and coordinates the investigation and acquisition of lands and the adjustment of boundaries. It maintains land status and land use records and prepares data and maps for inclusion in reports and publications. The Branch handles proposals for naming geographical features within the national park system, and supervises recreational studies of other Federal lands and cooperative work on behalf of states and communities under the Park, Parkway and Recreational Study Act of 1936.

§ 01.12 *Branch of Natural History.* The Branch of Natural History supervises the study and interpretation of natural history, coordinates protective work pertaining to wildlife and to geological and biological features in scenic and scientific sites and prepares conservation and other scientific information. It plans, prepares and installs museum exhibits, and exercises general direction over museum programs. The Branch coordinates grazing studies and range and wildlife management.

§ 01.13 *Branch of Plans and Design.* The Branch of Plans and Design supervises architectural and landscape design and construction and prepares master plans for the control of physical developments. It collaborates with the Public Roads Administration in the location, design and construction of major roads and parkways. The Branch reviews concessioners' development plans, directs the Historic American Building Survey, and recommends proposed park sites.

§ 01.14 *Washington Liaison Office.* The headquarters office was transferred from Washington, D. C., to Chicago, Illinois, in 1942. Since that time a small liaison office has remained in Washington to carry out special assignments for the Director, to contact and maintain liaison with officials of the Department of the Interior as well as other Government agencies, to attend Congressional committee hearings and to handle other matters requiring special attention there. The Associate Director of the Service is in charge of the Washington Liaison Office.

FIELD ORGANIZATION

§ 01.30 *Regional Offices.* Each Regional Office consists of a Regional Director and a staff of regional, technical and administrative employees. A regional director serves as the representative of the Director of the National Park Service concerning matters within his region,

and is responsible for seeing that the policies of the Department of the Interior and the Service are understood and uniformly applied in the individual activities under his jurisdiction. The staff renders technical advice and assistance to the superintendents and custodians under the Regional Director's supervision.

§ 01.31 *Field Activities.* There are eleven classifications of field activities. The work of a field activity logically falls into administrative, protection, maintenance and construction, and research and interpretive divisions. A superintendent or custodian is in direct charge of his activity and supervises all operations. He is responsible for maintaining the policies and rules and regulations of the National Park Service.

§ 01.32 *Office of National Capital Parks.* The Office of National Capital Parks is a field office of the National Park Service and is located in Washington, D. C. This Office is charged with administrative jurisdiction over the National Capital Parks in the District of Columbia and its environs embracing 750 reservations, including the George Washington Memorial Parkway and the Chopawamsic Recreational Area in Virginia, and the Chesapeake and Ohio Canal in Maryland. This Office also has administrative jurisdiction over the Lee Mansion National Memorial and the Battleground National Cemetery in Virginia, the House Where Lincoln Died, the Lincoln Memorial, the Lincoln Museum, the Thomas Jefferson Memorial, and the Washington Monument in Washington, D. C. The Office of the National Capital Parks is under the immediate supervision of a Superintendent, and the general supervision of the Associate Director of the National Park Service.

LIST OF DELEGATIONS OF AUTHORITY

§ 01.50 *Purpose of list of delegations of authority.* The following sections are not in themselves delegations of authority. The sections are merely a list of delegations and indicate the various matters with respect to which delegations have been made. They are intended merely as an index and outline. For the scope and limitations of delegations of authority, the specific regulations and orders to which cross references are made must be consulted.

§ 01.51 *Director.* The Director has authority:

(a) To perform various functions at Hot Springs National Park; approve construction and concession contracts. See Order No. 1815 (8 F. R. 6552).

(b) To act in connection with concessioners and concession contracts. See Order No. 1932 (9 F. R. 3040).

(c) In specific areas, to authorize disposition of carcasses of birds or animals; to designate areas where dogs and cats may not be admitted; to issue, limit, or revoke various types of permits and licenses for use of areas within the National Park System or the conducting of approved types of commercial or other activities thereon; suspend or waive collection of fees; to prescribe periods of park operation; to authorize the building

of fences or other structures; to approve regulations for use of sport facilities; to authorize exemption of certain employees from operation of regulations governing hours of labor and wages. See 36 CFR, Parts 2, 3, 28, 34.

(d) To permit filming of motion or sound pictures. See Order No. 2029 (10 F. R. 2522).

§ 01.52 *Superintendents.* The Superintendents have authority, in specific areas, to:

(a) Issue, limit or revoke various kinds of licenses and permits for the use of lands within the National Park System and the conduct of certain types of activities thereon; permit cutting dead or down timber; designate fruits which may be taken; regulate use of picnicking facilities, use of camp sites, bathing, smoking, and building of fires; permit carrying of firearms, use of public address systems, mountain climbing in certain parks or monuments, and the collection of scientific specimens in certain instances; require delivery of archaeological objects found or purchased; regulate visitation to ancient ruins; permit saddle horse operations; restrict use of spring waters; remove disorderly persons; receive and return lost articles; authorize posting of private notices; close roads or trails; prescribe load and weight limitations for use of roads; establish hours and direction of travel on roads; determine commercial vehicles to be admitted; issue special trucking permits; regulate use of trailers; determine hours during which entrances and exits shall be open; permit carrying of inspected parcels, dumping, storage of vehicles; regulate boating and use of boating facilities; designate places to be used for various kinds of recreation; give examinations, supervise service and prescribe rates of guides. See 36 CFR, Parts 2, 3, 20, 21, 23, 25-28, inclusive.

§ 01.53 *Park Rangers.* The Park Rangers have authority to:

(a) Permit digging or leveling for camp sites; issue permits for building fires. See 36 CFR, Part 2.

§ 01.54 *Superintendent, National Capital Parks.* The Superintendent has authority within National Capital Park areas in the District of Columbia and its environs to:

(a) Issue, limit, and revoke various kinds of licenses and permits; designate and regulate the use of camp sites, campfires, and picnic groves; regulate dumping or storage of materials, advertising and commercial soliciting, excavations and the stringing of wires, use of athletic grounds, hunting, fishing; permit parades and ceremonies; regulate use of roads or trails and the parking of automobiles; prescribe load and weight limitations; establish hours and direction of travel; regulate or prohibit the use of park roads by commercial trucks; establish taxicab stands; regulate or prohibit bicycling, roller skating, and coasting; permit boating; designate places to be used for various kinds of recreation; receive and return lost articles found in park areas; permit the filming of motion pictures and the collecting of scientific

specimens. See 36 CFR, 1945 Supp., Part 3.

PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS

§ 01.80 *Inquiries and requests in general.* General information concerning the functions, policies, program and activities of the National Park Service, or concerning the National Park System as a whole, may be obtained by addressing The Director, National Park Service, Merchandise Mart, Chicago 54, Illinois.

Inquiries concerning a specific park, monument or other area within the National Park System should be addressed to the superintendent or custodian in charge, who can also supply free informational literature. Inquiries concerning areas under the jurisdiction of the Office of the National Capital Parks should be addressed to the Superintendent, National Capital Parks, National Park Service, Department of the Interior, Washington 25, D. C.

Requests for reservations for overnight accommodations in national park, monument or other National Park Service areas, should be addressed to the authorized concessioner within such area, if known; otherwise, the request may be addressed to the superintendent or custodian in charge of the area. Applications for permits with respect to activities on, or use of, National Park Service areas should be submitted to the superintendent or custodian in charge of the area, subject to certain exceptions as outlined in 36 CFR 01.102.

Prospective visitors to National Park Service areas should consult the rules and regulations (see 36 CFR, Chapter I) for information regarding the requirements to be observed.

The National Park Service publishes free information publications relating to most of the areas in the National Park System. In addition, there are a number of publications for sale, dealing with historical areas, the geology, fauna and flora of the parks, etc., which may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D. C., from whom lists of such publications may also be obtained. Lists of publications, both free and for sale, are also obtainable from the Director, National Park Service.

§ 01.81 *Location of Headquarters Organization.* The Office of the Director of the National Park Service, the staff offices, and the offices of the chiefs of the Branches are in Chicago, Illinois.

§ 01.82 *Locations of Regional Offices and Field Activities.* Locations of the Regional Offices, with alphabetical listing of the States comprising the region and alphabetical listing of the field activities by States, appear below. The classification of the field activities is:

National Parks; National Historical Parks; National Military Parks; National Monuments; National Battlefield Sites and Parks; National Historic Sites; National Memorials; National Cemeteries; Recreational Areas; National Parkways; National Capital Parks.

The locations and post office addresses of the regional offices and field activities are as follows:

REGIONAL OFFICES AND FIELD ACTIVITY

(A) REGION ONE: THE MOSQUE, LAUREL AND MAIN STREETS, RICHMOND 20, VA.

Comprises States of:

- (1) Alabama: (No field activity).
- (2) Connecticut: (No field activity).
- (3) Delaware: (No field activity).
- (4) Florida:
 - Castillo de San Marcos National Monument, St. Augustine.
 - Fort Jefferson National Monument, Key West.
 - Fort Matanzas National Monument, St. Augustine.
- (5) Georgia:
 - Atlanta Campaign National Historic Site, Superintendent, Chickamauga and Chattanooga National Military Park, Fort Oglethorpe, Ga.
 - Chickamauga and Chattanooga National Military Park, Fort Oglethorpe.
 - Fort Frederica National Monument, St. Simon's Island.
 - Fort Pulaski National Monument, Savannah.
 - Kennesaw Mountain National Battlefield Park, Marietta.
 - New Echota Marker National Memorial, Calhoun.
 - Ocmulgee National Monument, Macon.
- (6) Kentucky:
 - Abraham Lincoln National Historical Park, Hodgenville.
 - Mammoth Cave National Park, Mammoth Cave.
 - Otter Creek Recreational Demonstration Area, Rock Haven.
- (7) Louisiana: Chalmette National Historical Park, Arabi.
- (8) Maine:
 - Arcadia National Park, Bar Harbor.
 - Camden Hills Recreational Demonstration Area, Camden.
- (9) Maryland:
 - Antietam National Battlefield Site, Sharpsburg.
 - Antietam National Cemetery, Sharpsburg.
 - Catoctin Recreational Demonstration Area, Thurmont.
 - Fort McHenry National Monument and Historic Shrine, Baltimore.
- (10) Massachusetts: Salem Maritime National Historic Site, Salem.
- (11) Mississippi:
 - Ackia Battleground National Monument, Superintendent, Natchez Trace Parkway, Tupelo, Miss.
 - Brices Cross Roads National Battlefield Site, Superintendent, Natchez Trace Parkway, Tupelo.
 - Natchez Trace Parkway, Tupelo.
 - Tupelo National Battlefield Site, Superintendent, Natchez Trace Parkway, Tupelo.
 - Vicksburg National Cemetery, Vicksburg.
 - Vicksburg National Military Park, Vicksburg.
- (12) New Hampshire: (No field activity).
- (13) New Jersey: Morristown National Historical Park, Morristown.
- (14) New York: Father Millet Cross National Monument, Superintendent, Morristown National Historical Park, Morristown, N. J.
 - Federal Hall Memorial National Historic Site, Superintendent, Morristown National Historical Park, Morristown, N. J.
 - Home of Franklin D. Roosevelt National Historic Site, Hyde Park.
 - Saratoga National Historical Park, Stillwater.
 - Statue of Liberty National Monument, Station P, Bedloe's Island, N. Y.
 - Vanderbilt Mansion National Historic Site, Hyde Park.
 - White Plains National Battlefield Site, Superintendent, Statue of Liberty National Monument, Station P, Bedloe's Island, N. Y.

INTERIOR DEPARTMENT

- (15) North Carolina:
 Fort Raleigh National Historic Site, Manteo.
 Guilford Courthouse National Military Park, Greensboro.
 Kill Devil Hill Monument National Memorial, Kill Devil Hills.
 Moores Creek National Military Park, Currie, Pender County.
- (16) Ohio:
 Mound City Group National Monument, Chillicothe.
 Perry's Victory and International Peace Memorial National Monument, Put-in-Bay.
- (17) Pennsylvania:
 Fort Necessity National Battlefield Site, Farmington.
 Gettysburg National Cemetery, Gettysburg.
 Gettysburg National Military Park, Gettysburg.
 Hopewell Village National Historic Site, Birdsboro.
 Old Philadelphia Custom House, Superintendent, Morristown National Historical Park, Morristown, N. J.
- (18) Rhode Island: (No field activity.)
- (19) South Carolina:
 Castle Pinckney National Monument, Superintendent, Castillo de San Marcos National Monument, St. Augustine, Fla.
 Cowpens National Battlefield Site, Superintendent, Kings Mountain National Military Park, Kings Creek.
 Kings Mountain National Military Park, Kings Creek.
- (20) Tennessee:
 Andrew Johnson National Monument, Greenville.
 Fort Donelson National Cemetery, Dover.
 Fort Donelson National Military Park, Dover.
 Great Smoky Mountains National Park, Gatlinburg.
 Meriwether Lewis National Monument, Hohenwald.
 Shiloh National Cemetery, Pittsburg Landing.
 Shiloh National Military Park, Pittsburg Landing.
 Stones River National Cemetery, Murfreesboro.
 Stones River National Military Park, Murfreesboro.
- (21) Vermont: (No field activity.)
- (22) Virginia:
 Appomattox Court House National Historical Monument, Appomattox.
 Blue Ridge Parkway, Roanoke.
 Colonial National Historical Park, Yorktown.
 Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park, Fredericksburg.
 Fredericksburg National Cemetery, Fredericksburg.
 George Washington Birthplace National Monument, Washington's Birthplace, Westmoreland County.
 Manassas National Battlefield Park, Manassas.
 Petersburg National Military Park, Petersburg.
 Poplar Grove National Cemetery, Petersburg.
 Richmond National Battlefield Park, Richmond.
 Shenandoah National Park, Luray.
 Yorktown National Cemetery, Yorktown.
- (23) West Virginia: (No field activity.)
- (B) REGION TWO, KEELINE BUILDING, OMAHA 2, NEBR.
 Comprises States of—
- (1) Colorado (see also Region Three):
 Holy Cross National Monument, Superintendent, Rocky Mountain National Park, Estes Park.
 Rocky Mountain National Park, Estes Park.
- (2) Illinois: (No field activity.)
- (3) Indiana: (No field activity.)
- (4) Iowa: (No field activity.)
- (5) Kansas: (No field activity.)
- (6) Michigan: Isle Royale National Park, Houghton.
- (7) Minnesota: Pipestone National Monument, Pipestone.
- (8) Missouri:
 Cuivre River Recreational Demonstration Area, Troy.
 Jefferson National Expansion Memorial, St. Louis.
 Lake of the Ozarks Recreational Demonstration Area, Kaiser.
 Montserrat Recreational Demonstration Area, Knob Noster.
- (8a) Montana:
 Big Hole Battlefield National Monument, Superintendent, Yellowstone National Park, Yellowstone Park, Wyo.
 Custer Battlefield National Monument, Crow Agency.
 Glacier National Park, Belton.
- (9) Nebraska:
 Homestead National Monument, Beatrice.
 Scotts Bluff National Monument, Gering.
- (10) North Dakota:
 Verendrye National Monument, Sanish.
- (11) South Dakota:
 Badlands National Monument, Interior.
 Custer Recreational Demonstration Area, Superintendent, Wind Cave National Park, Hot Springs.
 Fossil Cycad National Monument, Superintendent, Wind Cave National Park, Hot Springs.
 Jewell Cave National Monument, Superintendent, Wind Cave National Park, Hot Springs.
 Mount Rushmore National Memorial, Superintendent, Wind Cave National Park, Hot Springs.
 Wind Cave National Park, Hot Springs.
- (12) Utah (see also Region Three):
 Dinosaur National Monument, Jensen.
- (13) Wisconsin:
 (No field activity.)
- (14) Wyoming:
 Devils Tower National Monument, Devils Tower.
 Fort Laramie National Monument, Fort Laramie.
 Grand Teton National Park, Moose, Teton County.
 Jackson Hole National Monument, Moose, Teton County.
 Shoshone Caverns National Monument, Superintendent, Yellowstone National Park, Yellowstone Park.
 Yellowstone National Park, Yellowstone Park.
- (C) REGION THREE, BOX 1728, SANTA FE, N. MEX.
 Comprises States of—
- (1) Arizona:
 Canyon de Chelly National Monument, Box 8, Chinle.
 Casa Grande National Monument, Coolidge.
 Chiricahua National Monument, Dos Cabezas.
 Grand Canyon National Monument, Superintendent, Grand Canyon National Park, Grand Canyon.
 Grand Canyon National Park, Grand Canyon.
 Montezuma Castle National Monument, Camp Verde.
 Navajo National Monument, Tonalea.
 Organ Pipe Cactus National Monument, Ajo.
 Petrified Forest National Monument, Holbrook.
 Pipe Spring National Monument, Moccasini.
 Saguaro National Monument, Route 2, Box 544, Tucson.
 Sunset Crater National Monument, Tuba Star Route, Wupatki National Monument, Flagstaff.
 Tonto National Monument, Roosevelt.
 Tumacacori National Monument, Nogales Star Route, Nogales.
- Tuzigoot National Monument, Box 86, Clarkdale.
 Walnut Canyon National Monument, Box 400, R. R. No. 1, Flagstaff.
 Wupatki National Monument, Tuba Star Route, Flagstaff.
- (2) Arkansas: Hot Springs National Park, Hot Springs.
- (3) Colorado (see also Region Three):
 Black Canyon of the Gunnison National Monument, Superintendent, Mesa Verde National Park.
 Colorado National Monument, Fruita.
 Great Sand Dunes National Monument, Regional Director, National Park Service, Box 1728, Santa Fe, N. Mex.
 Hovenweep National Monument, Superintendent, Mesa Verde National Park.
 Mesa Verde National Park, Mesa Verde.
 Wheeler National Monument Regional Director, National Park Service, Box 1728, Santa Fe, N. Mex.
 Yucca House National Monument, Superintendent, Mesa Verde National Park.
- (4) Nevada (see also Region Four):
 Boulder Dam National Recreational Area, Boulder City.
 Lehman Caves National Monument, Baker.
- (5) New Mexico:
 Aztec Ruins National Monument, Aztec.
 Bandelier National Monument, Box 1321, Santa Fe.
 Capulin Mountain National Monument, Capulin.
 Carlsbad Caverns National Park, Carlsbad.
 Chaco Canyon National Monument, Blanco Trading Post, Bloomfield.
 El Morro National Monument, Ramah.
 Gila Cliff Dwellings National Monument, Silver City.
 Gran Quivira National Monument, Gran Quivira.
 White Sands National Monument, Box 231, Alamogordo.
- (6) Oklahoma: Platt National Park, Sulphur.
- (7) Texas:
 Big Bend National Park, Marathon.
 Lake Texoma-Recreational Area, Denison.
- (8) Utah (see also Region Two):
 Arches National Monument, Moab.
 Bryce Canyon National Park, Springdale.
 Capitol Reef National Monument, Superintendent, Zion National Park, Springdale.
 Cedar Breaks National Monument, Superintendent, Zion National Park, Springdale.
 Natural Bridges National Monument, Regional Director, National Park Service, Box 1728, Santa Fe, N. Mex.
 Rainbow Bridge National Monument, Regional Director, National Park Service, Box 1728, Santa Fe, N. Mex.
 Timpanogos Cave National Monument, Pleasant Grove.
 Zion National Monument, Superintendent, Zion National Park, Springdale.
 Zion National Park, Springdale.
- (d) REGION FOUR, 601 SHELDON BUILDING, SAN FRANCISCO 5, CALIF.
 Comprises States and Territories of—
- (1) California:
 Cabrillo National Monument, Superintendent, Sequoia National Park.
 Channel Islands National Monument, Superintendent, Sequoia National Park.
 Death Valley National Monument, Death Valley.
 Devil Postpile National Monument, Superintendent, Yosemite National Park.
 Joshua Tree National Monument, Box 289, Twentynine Palms.
 Lassen Volcanic National Park, Mineral.
 Lava Beds National Monument, Tulelake.
 Millerton Lake Recreational Area, Friant.
 Mendocino Woodlands Recreational Demonstration Area, Mendocino.
 Muir Woods National Monument, Mill Valley.

- Pinnacles National Monument, Pinnacles.
- Sequoia-Kings Canyon National Parks, Sequoia National Park.
- Shasta Lake Recreational Area, Redding.
- Yosemite National Park, Yosemite National Park.
- (2) Idaho: Craters of the Moon National Monument, Arco.
- (3) Nevada (see also Region Three): (No field activity.)
- (4) Oregon:
 - Crater Lake National Park, Medford.
 - Oregon Caves National Monument, Superintendent, Crater Lake, National Park, Medford.
 - Silver Creek Recreational Demonstration Area, R. F. D. No. 1, Sublimity.
- (5) Washington:
 - Mount Rainier National Park, Longmire.
 - Olympic National Park, Port Angeles.
 - Whitman National Monument, Superintendent, Mount Rainier, National Park, Longmire.
- (6) Alaska:
 - Glacier Bay National Monument, Regional Director, National Park Service, 601 Sheldon Building, San Francisco 5, Calif.
 - Katmai National Monument, Superintendent, Mount McKinley National Park, McKinley Park.
 - Mount McKinley National Park, McKinley Park.
 - Old Kasaan National Monument, Superintendent, Mount McKinley National Park, McKinley Park.
 - Sitka National Monument, Sitka.
- (7) Hawaii: Hawaii National Park, Hawaii National Park, Hawaii, T. H.
- (e) NATIONAL CAPITAL PARKS, 1228 INTERIOR BUILDING, WASHINGTON 25, D. C.

NOTE: All areas listed below have the address shown above

- (1) District of Columbia:
 - Battleground National Cemetery.
 - House Where Lincoln Died.
 - Lincoln Memorial.
 - Lincoln Museum.
 - National Capital Parks (750 reservations).
 - Thomas Jefferson Memorial.
 - Washington Monument.
- (2) Maryland: Chesapeake and Ohio Canal.
- (3) Virginia: George Washington Memorial Parkway, Lee Mansion.

SUBPART B—PROCEDURE

§ 01.100 *Regulations.* Regulations usually originate in a draft of proposed regulations prepared by field personnel, administrative personnel in the Director's Office engaged in a particular function, or legal personnel in the Director's Office utilizing information supplied by administrative personnel. The draft of proposed regulations is reviewed by each branch of the National Park Service which may be concerned, and if approved by the Director, is submitted, after review by the Solicitor's Office, to the Secretary of the Interior for approval and promulgation.

§ 01.102 *Applications.* (a) Applications for permits with respect to activities on, or the use of, National Park Service area should be submitted to the National Park Service officer in charge of the area in question, subject to the following exceptions:

(1) Applications for permits made pursuant to §§ 2.16 (a) and 5.5 of this chapter should be submitted to the Secretary of the Interior.

(2) Applications for permits made pursuant to §§ 2.13 (a), 2.20 (a), 2.31 (a), 2.31 (c), 2.31 (d), 20.53 and 34.1-34.4 of

this chapter should be submitted to the Director of the National Park Service.

(3) Applications for permits made pursuant to §§ 2.3 (h), 2.8 (g), and 20.26 (c) of this chapter should be submitted to a National Park Service ranger for the area in question.

In general, applications for permits are of an informal nature and may be submitted in the form of a letter, or, in the case of those listed in subparagraph (3), orally.

Applicants are notified by letter of the action taken in connection with their applications. Applicants may secure reconsideration of action taken by rangers by presenting the case to the appropriate officer in charge of the National Park Service area, and may secure reconsideration of action taken by officers in charge of National Park Service areas by writing to the appropriate Regional Director or to the Director. Actions of the Director are subject to review by the Secretary of the Interior upon request.

§ 01.104 *National Monuments.* The National Park Service prepares reports for submission by the Secretary of the Interior to the President on proposals to create national monuments under the act of June 8, 1936 (34 Stat. 225; 16 U. S. C. 431).

§ 01.105 *Recreational Demonstration Projects.* The President approves transfers of recreational demonstration projects by the Secretary of the Interior to States, or political subdivisions thereof, and to Federal agencies under the act of June 6, 1942 (56 Stat. 326; 16 U. S. C., Sup., 459r).

C. GIRARD DAVIDSON,
Acting Secretary.

AUGUST 28, 1946.

[F. R. Doc. 46-15424; Filed, Aug. 28, 1946; 2:22 p. m.]

OFFICE OF INDIAN AFFAIRS

[25 CFR, Ch. I]

PART 01—ORGANIZATION AND PROCEDURE

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- 01.6 Commissioner.
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SUBPART A—ORGANIZATION

ESTABLISHMENT

§ 01.0 *Creation.* The Bureau of Indian Affairs was created in the War Department in 1824 and transferred to the Department of the Interior at the time of its establishment in 1849.

§ 01.1 *Purpose.* The purpose of the Bureau of Indian Affairs is to carry out the provisions of nearly 5,000 statutes and treaties in order to protect the interests and promote the welfare of more than 417,000 Indians, including more than 30,000 natives (Indians, Aleuts, and Eskimos) of Alaska. Its main objectives are the economic and social rehabilitation of the Indian, the organization of Indian tribes so that they may manage their own affairs, and the adaptation of native Indian institutions and culture to modern conditions.

§ 01.2 *General description.* The Bureau of Indian Affairs is composed of a headquarters staff in Chicago, Illinois, a liaison office in Washington, D. C., five district offices, the Alaska Native Service, which has the same organizational status as a district office, and several score field jurisdictions which are the operating units in the field. The field jurisdictions include Indian agencies, schools, sanatoria, and irrigation projects, each of which is supervised by a Superintendent. Superintendents report to a District Director, who in turn reports to the Commissioner of Indian Affairs.

HEADQUARTERS ORGANIZATION

§ 01.5 *General description.* The headquarters organization is called the Office of the Commissioner, and is made up of the Commissioner of Indian Affairs,

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two Assistant Commissioners, two staff offices and five technical branches.

§ 01.6 *Commissioner.* The Commissioner of Indian Affairs is the chief executive of the Bureau. The Office of the Commissioner develops, interprets, and implements national policy on Indian affairs. It establishes objectives and standards of performance, develops integrated programs designed to accomplish the Bureau's objectives, and exercises general direction and control over all field operations.

§ 01.7 *Office of the chief counsel.* The office of the chief counsel, under general supervision of the Solicitor of the Department, reviews and advises on legal matters and is responsible for the probate of Indian estates.

§ 01.8 *Office of Information.* The office of Information directs the informational work of the Bureau of Indian Affairs; handles requests from the public for information relating to Indians and Bureau activities; and supervises the publication of material dealing with Bureau activities.

§ 01.10 *Branch of Administration.* The Branch of Administration is responsible for all phases of administrative management, including budget, finance, personnel, property, and office services.

§ 01.11 *Branch of Education.* The Branch of Education develops curricula for Indian schools. It provides education facilities through the operation of about 400 day schools, boarding schools, and community centers, and through Federal aid for the education of Indian children attending public and mission schools. The Branch arranges and provides education loans for Indians desiring to attend vocational schools, colleges and universities. It provides guidance to aid Indians in receiving maximum benefits from education. The Director of Education also supervises welfare, and law enforcement.

§ 01.12 *Branch of Engineering.* The Branch of Engineering prepares plans and specifications, and develops engineering standards for construction and maintenance programs. It directs field activities related to the construction, maintenance and operation of roads, buildings, utilities, communications systems, and irrigation projects, including incidental power systems.

§ 01.13 *Branch of Health.* The Branch of Health develops and supervises health programs, undertakes to prevent and to lower the incidence and severity of tuberculosis, trachoma and other communicable diseases, and to reduce infant mortality. The Branch provides medical services to Indians through 70 hospitals and sanatoria and more than 100 clinics.

§ 01.14 *Branch of Resources.* The Branch of Resources develops plans for the conservation and improvement of 56,000,000 acres of Indian lands, water, minerals, forests, wildlife, and other resources to better the economic status of the Indian. It provides agricultural and industrial guidance, handles oil, gas,

and mineral leases and mining permits, rights-of-way and boundary disputes, and provides credit facilities to assist Indians in establishing themselves in income-producing enterprises related to the utilization of resources.

§ 01.15 *Indian Arts and Crafts Board.* (a) The Indian Arts and Crafts Board is a statutory body established in the Department of the Interior in 1935. The Board is charged with the promotion of the economic welfare of the Indians through the development of Indian arts and crafts and the expansion of markets for the products of Indian arts and craftsmanship.

(b) The Board is composed of five Commissioners appointed by the Secretary of the Interior. The Board appoints a manager with the approval of the Secretary.

FIELD ORGANIZATION

§ 01.20 *District Offices.* Each District Office consists of a District Director, a District counsel, and a small staff of District supervisors who direct the execution of approved plans and programs for field jurisdictions within the District in accordance with the policies, objectives and standards established by the Office of the Commissioner, and provide expert technical and professional assistance to the field jurisdictions. The District Offices conduct programs which are beyond the capacity or responsibility of the field jurisdictions.

§ 01.21 *District Director.* The District Director is responsible for directing and controlling all activities in his District to the end that objectives and programs established by the Office of the Commissioner are executed promptly and effectively by the field jurisdictions comprising the District.

§ 01.22 *Alaska Native Service.* The Alaska Native Service has the same status as a District Office. It provides educational, health and welfare services for the Alaskan natives, and carries out programs for the development of their resources.

§ 01.23 *Field jurisdictions.* (a) Each field jurisdiction is under the immediate direction of a Superintendent, but the organization of a jurisdiction varies considerably depending upon the particular unit and the scope of activities involved. The Superintendent is responsible for directing all local activities and for serving as the primary point of contact between the Government and the Indians.

(b) The four types of field jurisdictions are:

(1) *Agencies.* An agency conducts all activities of the Bureau of Indian Affairs on a particular reservation, in contrast to the other three types of field jurisdictions whose activities are specialized.

(2) *Detached boarding schools.* Such schools are Federal schools conveniently located to serve students from agencies in the area. The schools offer high school and vocational training courses.

(3) *Detached hospitals and sanatoria.* These hospitals and sanatoria provide institutional medical services to Indians in the area. Some serve as the center of

district-wide health programs, particularly those concerned with tuberculosis.

(4) *Detached irrigation projects.* These projects are similar to their reservation counterparts but are larger and more complex. They serve a mixed clientele of Indians and non-Indian settlers.

LIST OF DELEGATIONS OF AUTHORITY

§ 01.100 *Purpose of list of delegations of authority.* The following sections are not in themselves delegations of authority. The sections are merely a list of delegations and indicate the various matters with respect to which delegations have been made. They are intended merely as an index and outline. For the scope and limitations of delegations of authority the specific regulations and orders to which cross references are made must be consulted.

§ 01.105 *Functions relating to credit—*(a) *Commissioner.* The Commissioner of Indian Affairs has authority to approve applications for loans to Indians, Indian tribes, cooperatives, and credit associations. (See 25 CFR, Part 21.)

(b) *Superintendents.* Superintendents of Indian agencies have authority to:

(1) Approve chattel mortgages and assignments of income from trust property, assist in seizure or repossession of property, release Government's interest in trust or restricted property. (See 25 CFR 30.2.)

§ 01.110 *Functions relating to Indian education—*(a) *Commissioner.* The Commissioner of Indian Affairs has authority to:

(1) Execute contracts with State Boards of Education. (See 43 CFR 4.712.)

(b) *Superintendents.* The superintendents of Indian agencies have authority to:

(1) Authorize entry of state officers to enforce school laws. (See 25 CFR 47.6.)

§ 01.115 *Functions relating to forestry—*(a) *Commissioner.* The Commissioner of Indian Affairs has authority to:

(1) Approve contracts for timber sales. (See 25 CFR 61.20)

(b) *Superintendents generally.* The superintendents of Indian agencies have authority to:

(1) Seize timber unlawfully cut, compromise civil trespass claims, approve timber permits and contracts. (See 25 CFR, Part 61)

(c) *Superintendents of Specific Agencies—*(1) *Red Lake, Minnesota.* The superintendent may advertise timber products and approve sales. (See 25 CFR, Part 63)

(d) *Manager, Menominee Indian Mills, Wisconsin.* The Manager may advertise and sell timber products. (See 25 CFR, Part 62)

(e) *Manager, Red Lake Indian Sawmill, Minnesota.* The Manager may sell timber products. (See 25 CFR, Part 63)

§ 01.120 *Functions relating to grazing—*(a) *Commissioner.* The Commissioner of Indian Affairs has authority to act with respect to various grazing matters. (See 25 CFR, Parts 71, 72)

(b) *Superintendents generally.* The superintendents of Indian agencies have authority to:

(1) With concurrence of Regional Foresters, to divide range areas into units and issue permits. (See 25 CFR 71.6, 71.16)

(2) Grant grazing privileges, act on bonds, approve stock crossing permits, compromise delinquent fees and damages. (See 25 CFR, Part 71)

(c) *Superintendents of specific agencies*—(1) *Navajo, Arizona.* The Superintendent may act with respect to brands, grazing rights and permits, stock reduction, trespass, disease, fencing, wells and springs. (See 25 CFR, Part 72)

§ 01.125 *Functions relating to irrigation*—(a) *Commissioner.* The Commissioner of Indian Affairs has authority to:

(1) Fix operation and maintenance assessments against lands included in Indian Irrigation projects. (See 43 CFR 4.714.)

(2) Approve purchase price of lands within San Carlos Irrigation Project, Arizona. (See 43 CFR 4.714.)

(3) Approve contracts for the sale of water in organized towns on the Crow Irrigation Project. (See 43 CFR 4.714.)

(b) *Superintendents of specific agencies.* Superintendents of the following Indian agencies have authority to certify the inability of Indians to pay irrigation charges required to obtain water delivery:

Ahtanum, Washington (Yakima Reservation).
Colorado River, Arizona.
Crow, Montana.
Granado, New Mexico (Navajo Reservation).
Pine River, Colorado (Consolidated Ute).
Toppenish-Simcoe, Washington (Yakima).
Uintah, Utah.
Wapato, Washington (Yakima).
Wind River, Wyoming.
Zuni, New Mexico.

(See 25 CFR, Part 130.)

(c) *Project engineers of specific projects*—(1) *Blackfeet, Montana.* The Project Engineer may act with respect to water delivery, obstructions, permits for construction. (See 25 CFR, Part 91.)

(2) *Colorado River, Arizona.* The Project Engineer may act with respect to power service and loads, power consumers contracts. (See 25 CFR, Part 132.)

(3) *Crow, Montana.* The Project Engineer may act with respect to water delivery, permits for construction, obstructions. (See 25 CFR, Part 94.)

(4) *Duck Valley, Western Shoshone Indian Reservation, Nevada.* The Project Engineer may act with respect to water delivery, concession permits. (See 25 CFR, Part 128.)

(5) *Flathead, Montana.* The Project Engineer may act with respect to water delivery, construction permits, obstructions, enforcement of regulations and notices relating to power, power applications and contracts, concession permits. (See 25 CFR, Parts 97, 100, 128, 130, 131.)

(6) *Fort Belknap, Montana.* The Project Engineer may act with respect to water deliveries, construction permits, obstructions. (See 25 CFR, Part 103.)

(7) *Fort Hall, Idaho.* The Project Engineer may act with respect to water deliveries, construction permits, obstructions, concession permits. (See 25 CFR, Parts 106, 128.)

(8) *San Carlos, Arizona.* The Project Engineer may act with respect to enforcement of power regulations and public notices, power consumer contracts, types of power service and power loads, concession permits. (See 25 CFR, Part 132.)

(9) *Uintah, Utah.* The Project Engineer may act with respect to water deliveries, construction permits, obstructions. (See 25 CFR, Part 121.)

(10) *Wapato, Yakima Reservation, Washington.* The Project Engineer may act with respect to water deliveries, obstructions, construction permits, assessments for irrigation costs. (See 25 CFR, Parts 124, 130.)

(11) *Wind River, Shoshone and Arapahoe Indian Reservation, Wyoming.* The Project Engineer may act with respect to water deliveries, construction permits, obstructions. (See 25 CFR, Part 127.)

§ 01.130 *Functions relating to Indian lands*—(a) *Commissioner.* The Commissioner of Indian Affairs has authority to:

(1) Approve and regulate leases of Indian lands for agricultural farming, and business. (See 25 CFR, Part 171; 43 CFR 4.713.)

(2) Approve applications for certificates of competency or patents in fee, partitions of trust or restricted lands, sales or conveyances of allotments and inherited lands, exchanges, applications for allotments, sales of encumbered restricted lands, allotment exchanges, correction of patent descriptions, cancellation of multiple allotments, rights-of-way, transfers of Osage headrights; release Osage mortgages; remove restraints against alienation; issue tax exemption certificates; cancel fee patents. (See 25 CFR, Part 241; 43 CFR 4.713.)

(b) *Superintendents generally.* The superintendents of Indian agencies have authority to (1) approve agricultural farming and business leases and permits, execute leases for undetermined heirs, waive lessees' bonds, extend time for rental payments, compromise rental claims. (See 25 CFR, Part 171.) (2) Confiscate antiquities illegally obtained. (See 25 CFR 11.6.) (3) Grant temporary permission to construct oil and gas pipe lines. (See 25 CFR 256.26.) (4) Deny patents in fee. (See 25 CFR 241.2.)

(c) *Superintendents of specific agencies*—(1) *Osage, Oklahoma.* The Superintendent may approve agriculture, grazing and business leases. (See 25 CFR, Part 177.)

(2) *Five Civilized Tribes, Oklahoma.* The Superintendent has authority to fix minimum sales prices for lands. (See 25 CFR 241.37.)

§ 01.135 *Functions relating to minerals*—(a) *Commissioner.* The Commissioner of Indian Affairs has authority to:

(1) Approve leases for oil, gas, or other minerals on restricted allotted Indian lands. (See 43 CFR 4.713.)

(b) *Superintendents generally.* The superintendents of Indian agencies have authority to:

(1) With respect to tribal lands, require additional information from applicants or lessees, approve exceptions to drilling location regulations. (See 25 CFR, Parts 186, 192, 195.)

(2) With respect to allotted lands grant extensions of time, execute leases for minors and incompetents, permit negotiations for leases, require additional information. (See 25 CFR, Part 189.)

(c) *Superintendents of specific agencies*—(1) *Osage, Oklahoma.* The Superintendent has authority (i) with respect to oil and gas, to approve leases and assignments, and to enforce compliance with operating and conservation regulations. See 25 CFR, Part 180; 11 F. R. 1440; (ii) with respect to minerals other than oil and gas, negotiate leases, require additional information, hold hearings and make findings of violations of leases or regulations, determine site locations, approve prospecting, operations, abandonment, determine disputes between lessees. (See 25 CFR, Part 204.)

(2) *Five civilized tribes, Oklahoma.* The Superintendent has authority to: (i) require additional information from mineral lessees and applicants, fix bonds, withhold payment of royalties and rentals, waive development expenditures, approve exceptions to drilling location rules. See 25 CFR, Part 183; (ii) fix amount of bonds for coal and asphalt leases, and authorize strip or surface pit mining. (See CFR, 207.3, 210.2.)

(3) *Quapaw, Oklahoma.* The Superintendent may execute leases and renewals for minors and incompetents, pay advertising costs, pay gross production taxes, require sealing of shafts. (See 25 CFR, Part 201.)

(c) *Oil and gas supervisors.* Supervisors have authority to act on division orders, permit operations, hold hearings and make findings of violations of leases or regulations. (See 25 CFR, Part 186, 189.19. See also 25 CFR, Parts 183, 192, 195.)

(d) *Oil and gas inspectors.* Inspectors at the Osage Reservation have authority with respect to compliance with regulations, operations, safety, unit operations and areas. (See 25 CFR, Part 180)

§ 01.140 *Functions relating to Indian funds and fiscal matters*—(a) *Commissioner.* The Commissioner of Indian Affairs has authority to:

(1) Approve per capita payments from and applications for pro rata shares of tribal funds, expenditures of individual Indian moneys, bonds, employment of attorneys, make statements of accounts with tribes under reimbursable appropriations, approve applications for Sioux benefits; incur certain obligations in advance of appropriations for Alaskan natives. (See 43 CFR 4.711)

(b) *Superintendents generally.* The superintendents of Indian agencies have authority to take certain actions with respect to individual Indian moneys, relating to monthly allowances, school expenses, farming operations, taxes, insurance, necessities, inactive accounts, es-

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tates of decedents, expenses involving written agreements to repay. (See 25 CFR, Part 221)

(c) *Superintendents of specific agencies*—(1) *Klamath, Oregon*. The Superintendent may approve plans for disbursement of shares in Klamath Judgment Fund, expend funds for various purposes, approve family plans, pay monthly allowances, pay expenses for education and medical care. (See 25 CFR, Part 223)

(2) *Wind River, Wyoming*. The Superintendent may approve plans for disbursement of shares in Shoshone Judgment Fund, expend funds for family programs, support, medical care, educational needs, fee patent Indians. (See 25 CFR, Part 223)

(d) *Disbursing agents*. Disbursing agents have authority to turn over funds to competent adult and fee patented Indians; pay for medical care, improvements on allotments, funeral and probate expenses, expenses of boarding school pupils; disburse funds for benefit of minors. (See 25 CFR, Part 221)

§ 01.145 *Functions relating to Indian health and welfare*—(a) *Commissioner*. The Commissioner of Indian Affairs may commit insane Indians, enforce quarantine to control disease, extend State health laws and regulations to reservations, contract for medical, nursing, or hospital services, contract for social service, relief and child welfare. (See 43 CFR 4.710)

PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS

§ 01.200 *Inquiries and requests in general*. Information concerning the policies and programs of the Bureau of Indian Affairs, including reports and bulletins dealing with its activities, may be secured by addressing the Bureau of Indian Affairs, Department of the Interior, Washington 25, D. C. (or Merchandise Mart, Chicago 54, Illinois).

Free publications relating to the history and languages of the Indians are issued by the Bureau of American Ethnology, Smithsonian Institution, Washington 25, D. C.

Requests for information concerning any aspect of programs and activities of the Bureau of Indian Affairs may be addressed to the Office of the Commissioner, the District Offices or to Field Jurisdictions.

§ 01.201 *Location of headquarters organization*. The headquarters of the Commissioner of Indian Affairs in Washington, D. C., but he divides his time between Washington and Chicago, Illinois, where the offices of the Chiefs of the Branches are located in the Merchandise Mart building. One Assistant Commissioner is stationed in Washington and one in Chicago, Illinois. The Indian Arts and Crafts Board is located in Chicago, Illinois.

§ 01.205 *Location of district offices of field jurisdictions*. Locations of the District Offices, with alphabetic listing of the States comprising the Districts and alphabetic listing of the Field Jurisdictions by States, appear below:

DISTRICT OFFICES AND FIELD JURISDICTION

DISTRICT ONE: 214 FEDERAL OFFICE BUILDING, MINNEAPOLIS, MINN.

Comprises States of—

- (1) Florida: Seminole Agency, Fort Myers.
- (2) Iowa: (No field jurisdictions).
- (3) Michigan: (No field jurisdictions).
- (4) Minnesota: Consolidated Chippewa Agency, Cass Lake, Pipestone School, Pipestone, Red Lake Agency, Red Lake.
- (5) Mississippi: Choctaw Agency, Philadelphia.
- (6) New York: New York Agency, Buffalo.
- (7) North Carolina: Cherokee Agency, Cherokee.
- (8) Wisconsin: Great Lakes Agency, Ashland; Menominee Agency, Neopit; Tomah Agency, Green Bay.

DISTRICT TWO: 315 FEDERAL BUILDING, BILLINGS, MONT.

Comprises States of—

- (1) Montana: Blackfeet Agency, Browning; Crow Agency, Crow Agency; Flathead Agency, Dixon; Flathead Irrigation Project, St. Ignatius; Fort Belknap Agency, Harlem; Fort Peck Agency, Poplar; Rocky Boy's Agency, Rocky Boy; Tongue River Agency, Lame Deer.
- (2) Nebraska: Winnebago Agency, Winnebago.
- (3) North Dakota: Fort Berthold Agency, Elbowoods. Fort Totten Agency, Fort Totten. Standing Rock Agency, Fort Yates. Turtle Mountain Agency, Belcourt. Wahpeton School, Wahpeton.
- (4) South Dakota: Cheyenne River Agency, Cheyenne River. Crow Creek Agency, Fort Thompson. Flandreau School, Flandreau. Pierre School, Pierre. Pine Ridge Agency, Pine Ridge. Rosebud Agency, Rosebud. Sioux Sanatorium, Rapid City. Sisseton Agency, Sisseton.
- (5) Wyoming: Wind River Agency, Fort Washakie.

DISTRICT THREE: BUILDING 34, SWAN ISLAND, PORTLAND, OREG.

Comprises States of—

- (1) California: Hoopa Valley Agency, Eureka. Mission Agency, Riverside. Sacramento Agency, Sacramento. Sherman Institute, Riverside.
- (2) Idaho: Fort Hall Agency, Fort Hall. North Idaho Agency, Lapwai.
- (3) Nevada: Carson Agency, Stewart. Western Shoshone Agency, Owyhee.
- (4) Oregon: Chemawa School, Chemawa. Grande Ronde-Siletz Agency, Salem. Klamath Agency, Klamath Agency. Umatilla Agency, Pendleton. Warm Springs Agency, Warm Springs.
- (5) Washington: Colville Agency, Nespelem. Tacoma Indian Hospital, Tacoma. Taholah Agency, Hoquiam. Tulalip Agency, Tulalip. Yakima Agency, Toppenish. Yakima Irrigation Project, Wapato.

DISTRICT FOUR: 4100 RHODES CIRCLE, PHOENIX, ARIZ.

Comprises States of—

- (1) Arizona: Colorado River Agency, Parker. Fort Apache Agency, Whiteriver. Hopi Agency, Keams Canyon. Navajo Agency, Window Rock. Papago Agency, Sells. Phoenix Sanatorium, Phoenix.

Phoenix School, Phoenix. Pima Agency, Sacaton. San Carlos Agency, San Carlos. San Xavier Sanatorium, Tucson. Truxton Canon Agency, Valentine.

- (2) Colorado: Consolidated Ute Agency, Ignacio.
- (3) New Mexico: Jicarilla Agency, Dulce. Mescalero Agency, Mescalero. United Pueblos Agency, Albuquerque.
- (4) Utah: Uintah and Ouray Agency, Fort Duchesne.

DISTRICT FIVE: 311 COUNCIL BUILDING, OKLAHOMA CITY, OKLA.

Comprises States of—

- (1) Kansas: Haskell Institute, Lawrence. Potawatome Agency, Horton.
- (2) Louisiana: (No field jurisdictions)
- (3) Oklahoma: Cheyenne and Arapaho Agency, Concho. Chilocco School, Chilocco. Five Civilized Tribes Agency, Muskogee. Kiowa Agency, Anadarko. Osage Agency, Pawhuska. Pawnee Agency, Pawnee. Quapaw Agency, Miami. Sequoyah Training School, Tahlequah. Shawnee Agency, Shawnee. Shawnee Sanatorium, Shawnee.
- (4) Texas: (No field jurisdictions) Alaska Native Service; Juneau, Alaska.

SUBPART B—PROCEDURE

§ 01.300 *Regulations*. (a) There are three general categories of regulations relating to the functions of the Bureau of Indian Affairs:

(1) Those relating to the acquisition, utilization and disposition of trust or restricted real and personal Indian property, both tribally owned and individually owned.

(2) Those relating to the personal rights and duties of Indians and others.

(3) Those relating to the acquisition, maintenance and disposition of Government property held for the purpose of Indian administration and the rendition of Government services to Indians, including the construction and operation of schools, hospitals, roads and irrigation systems, and the furnishing of credit to Indians.

(b) Regulations usually originate in a draft of proposed regulations prepared by field personnel or by administrative personnel in the Office of the Commissioner charged with the particular functions dealt with. When the draft is initiated in the Office of the Commissioner it is usually sent to the field unit or units for consideration and comments. Consultation is had in some cases in the field with tribal councils and other representative bodies of the Indians. The draft of proposed regulations prepared is reviewed by each Division of the Office of the Commissioner affected thereby and by the Chief Counsel's Office, and, if approved by the Commissioner, is submitted after review by the Solicitor's Office to the Secretary of the Interior for approval. After approval it is returned to the Bureau of Indian Affairs for promulgation.

(c) With respect to matters falling within the second category—those relating to personal rights—general notice of the proposed regulations will be given by publication in the FEDERAL REGISTER.

§ 01.310 Applications. Applications for oil and gas or other mineral leases, for agricultural, farm pasture, and grazing leases, business leases and permits, for rights-of-way, and for traders' licenses and timber contracts, should be submitted to the superintendent or other officer in charge of the particular reservation on which the land and improvements are located. Where disposition of tribal resources may be made by an Indian tribe itself, applications may be made directly to the tribe. The procedure for filing such applications, the information required as to action with respect to applications, permits, leases, and licenses, and appeals from such action are set out in detail in 25 CFR, Subchapter I, Parts 71 and 72; Subchapter Q, Parts 171, 174 and 177; Subchapter R, Parts 180, 183, 186, 189, 192, 195, 201, 204, 207, 210 and 213; Subchapter Y, Parts 276 and 277.

§ 01.341. Indian arts and crafts. Regulations relating to licensing by the Indian Arts and Crafts Board to use certificates of genuineness appears in 25 CFR, Parts 307, 308.

§ 01.350 Extension of trust periods. The Bureau of Indian Affairs prepares drafts of executive orders for submission to the President by the Secretary of the Interior for the extension of trust or restricted periods on lands patented to Indians, pursuant to the act of February 8, 1887 (secs. 5, 6, 24 Stat. 389, 390; 25 U. S. C. 348, 349), as amended, section 3 of the act of March 2, 1917 (39 Stat. 969, 976), the act of June 21, 1906 (34 Stat. 326; 25 U. S. C. 391), and the act of December 24, 1942 (56 Stat. 1031; 25 U. S. C., Sup., 348a).

§ 01.351 Osage royalties. The Bureau of Indian Affairs submits to the Secretary of the Interior for transmission to the President recommendations for the fixing under the act of June 28, 1906 (sec. 3, 34 Stat. 543) of royalties under mineral leases executed by the Osage Tribe.

§ 01.352 Attorneys' contracts. The Bureau of Indian Affairs submits to the Secretary for transmission to the President for approval under the act of March 3, 1911 (sec. 17, 36 Stat. 1070) contracts with attorneys for the Choctaw and Chickasaw Indians.

§ 01.353 Indian governors and chiefs. The Bureau of Indian Affairs transmits to the Secretary for submission to the President recommendations for appointment of the Governors of the Chickasaw Tribe and the Principal Chiefs of the Choctaw, Cherokee, Creek, and Seminole Tribes, under the act of April 26, 1906 (sec. 6, 34 Stat. 139).

§ 01.354 Coal and asphalt trustees. The Bureau of Indian Affairs transmits to the Secretary for submission to the President recommendations for the appointment of coal and asphalt trustees of the Choctaw and Chickasaw nations, under the act of June 23, 1898 (sec. 29, 30 Stat. 510).

§ 01.400 Courts of Indian offenses forms. The following forms are used in the courts of Indian offenses:

Form No.:

1. Criminal complaint.
2. Civil complaint.
3. Subpoena.
4. Warrant to apprehend.
5. Search warrant.
6. Bond.
7. Temporary commitment.
8. Final commitment.
9. Judgment order.
10. Probation pledge.
11. Parole agreement.
12. Release.

§ 01.403 Educational activity forms. The following forms are used in connection with educational activities:

Form 5-261—Revocable permit—for use of Government property by Public School District.

Form 5-144—Application for public school tuition.

Unnumbered—Contract between Commissioner of Indian Affairs and State for education of Indian children.

Unnumbered—Contract between Commissioner of Indian Affairs and Mission or other schools for education of Indian children.

Unnumbered—Contract between Commissioner of Indian Affairs and Mission or other schools for care of Indian children.

§ 01.406 Forestry forms. The following forms are used in connection with forestry functions:

Form 5-481—Timber contract (for sale of logs cut by Indians).

Form 5-487—Timber contract (unallotted lands).

Form 5-488—Bond.

Form 5-489—Timber contract (allotted land).

Form 5-499—Proposal to purchase timber.

Form 5-924—Timber cutting permit (allotted lands and tribal lands of unorganized tribes).

Unnumbered—Timber cutting permit for organized tribes.

Form 5-502—General timber sales regulations which form a part of each timber contract.

§ 01.409 Grazing forms. The following forms are used in connection with the sale of grazing privileges:

Form 5-510—Advertisement for competitive bids for grazing privilege.

Form 5-511—Proposal for grazing privileges.

Form 5-512—Grazing permit (tribal and allotted lands).

Form 5-512a—Grazing permit for organized tribes.

Form 5-512b—Free grazing permit—tribal lands (limited to Indian users).

Form 5-513—Authority to grant grazing privileges on allotted lands—authorizing Superintendent to issue permits.

Form 5-514—Range control stipulations—made a part of each permit.

Form 5-515—Bond for corporate surety.

Form 5-516—Bond for individual sureties.

Form 5-516a—Cash penal bond.

Form 5-516b—Power of attorney—pledging United States bonds or notes as security.

Form 5-520—Affidavit of grazing permittee—showing number of livestock grazed under permit.

Form 5-929—Crossing permit—authorizing permittee to drive livestock across Indian lands.

§ 01.412 Indian traders forms. The following forms are used in licensing persons to trade with Indians:

Form 5-052—Application for license as Indian trader (used for all reservations except Navajo, Hopi, and Zuni).

Form 5-077—Information concerning applicant for trader's license.

Form 5-054—Application for renewal of license as Indian trader.

Unnumbered—Application for license as Indian trader—Hopi, Zuni and Navajo Reservations.

Form 5-071—License.

Form 5-021—Bond.

§ 01.415 Land leasing forms. The following forms are used in the leasing of Indian lands for farming, grazing and business purposes:

Form 5-180c—Advertising Indian trust land for lease.

Form 5-137—Application to lease (allotted lands).

Form 5-180—Lease.

Form 5-180d—Application for lease.

Form 5-180f—Notice to applicant of approval of lease.

Form 5-180g—Notice to applicant of disapproval of lease.

Form 5-180h—Acceptance of lessor—to be attached to lease.

Form 5-180k—Justification of sureties on bond.

Form 5-180L—Notification of lessee to complete lease.

Form 5-138—Notice to lessee of delinquent rental.

Form 5-180m—Cancellation agreement (to terminate lease before its expiration date).

Form 5-180n—Modification of lease.

Form 5-180o—Assignment of agricultural or business lease.

Form 5-371a—Agricultural lease of tribal lands.

Form 5-181—Business lease.

§ 01.424 Probate forms. The following forms are used in connection with probate functions:

Form 5-109—Will.

Form 5-109a—Approval of will for form.

Form 5-110—Notice of hearing.

Form 5-110a—Certificate of appraisal.

Form 5-107—Summary of report on heirs.

Form 5-107-C—Order determining heirs.

Form 406—Notice to heirs.

§ 01.427 Rights-of-way forms. The following forms are used in connection with the granting of rights-of-way:

Unnumbered—Certificate that organization of company is complete.

Unnumbered—Certificate of president of company as to officers of company.

Unnumbered—Affidavit of engineer regarding correctness of survey.

Unnumbered—Certificate of president of company that survey was authorized and that survey has been adopted as definite location of right-of-way to be acquired.

Unnumbered—Certificate of engineer that project has been completed and that construction conforms to location approved by Secretary of the Interior.

Unnumbered—Certificate of president of company that project has been completed.

Unnumbered—Affidavit of engineer that plat represents surveyed limits.

Unnumbered—Certificate of president that survey was authorized and that officers of company are authorized to present the plat to the Secretary of the Interior for approval.

Unnumbered—Stipulation required of applicants for railroad rights-of-way, ballast pits, etc.

Unnumbered—Certificate required of applicants for drainage projects in Oklahoma.

Unnumbered—Certificate of county commissioners, Oklahoma, that survey of drainage ditch was authorized and is accurately shown on map.

Unnumbered—Schedule of damages for allotted lands.

Unnumbered—Schedule of damages for tribal lands.

Form 14-5-104—Application for public highway.

Form 15-5-104a—Report on application for public highway.

Form 5-104b—Statement of owners of allotted land to accompany application for right-of-way.

Form "I" Roads—Right-of-way easement—permission to Government from allottees or owners of land to use rights-of-way for the opening of roadways, trails, or telephone lines.

§ 01.430 *Restricted Indian property forms.* The following forms are used in connection with miscellaneous activities affecting restricted Indian property:

Form 5-105—Application for patent in fee.
Form 5-110—Petition for sale of restricted Indian land by original allottee.

Unnumbered—Certificate of competency—issued under the act of June 25, 1910 (36 Stat. 855).

Form 5-110g—Note for deferred payment—sale of allotted land.

Form 5-110j—Petition for sale of inherited Indian land.

Form 5-110o—Memorandum of sale of allotted land.

Form 5-183—Deed used in sale of inherited Indian land.

Form 5-183a—Deed used in sale of lands held by original allottees.

Form 5-183b—Special form of deed conveying only the equitable interest of the grantee.

Form 5-185—Special deed in which Indian reinvests proceeds of sale in other lands.

Unnumbered—Order removing restrictions unconditionally from lands belonging to members of the Five Civilized Tribes.

Unnumbered—Order removing restrictions conditionally from lands belonging to members of the Five Civilized Tribes.

Unnumbered—Certificate of competency issued to Kansas or Kaw Indian under the act of July 1, 1902 (32 Stat. 636).

Unnumbered—Certificate of competency issued to Osage Indians under the act of June 28, 1906 (34 Stat. 542).

Unnumbered—Certificate designating property exempt from taxation pursuant to act of June 20, 1936 (49 Stat. 1542), as amended by the act of May 19, 1937 (50 Stat. 188).

L. A. No. 7—Offer to sell lands to the United States for Indian purposes.

Unnumbered—Grant of standard assignment—to assign use and occupancy rights in tribal lands.

Unnumbered—Application for standard assignment of tribal agricultural lands.

Unnumbered—Revocable permit.

Form 5-367g—Bill of sale.

Form 5-930—Permit to sell livestock.

Unnumbered—Grant of Exchange Assignment.

§ 01.433 *Soil conservation forms.* The following forms are used in connection with soil conservation activities:

S. C. Form 101—Individual cooperative agreement.

SMCO Form 501—Field agreement—between Office of Indian Affairs and Soil Conservation District for carrying on simultaneous conservation programs within a Soil Conservation District.

SMCO Form 502—Field agreement—between Office of Indian Affairs and Soil Conservation District for compensatory use of personnel, equipment and supplies.

SMOC Form 503—Field agreement—providing for the making of cash payments to Soil Conservation District.

§ 01.435 *Loan forms.* The following forms are used in connection with loan agreements:

Forms 5-553 to 5-573, inc., (Revised)—Chattel, crop, and livestock mortgages for use in Arizona, California, Colorado, Florida, Idaho, Iowa, Kansas, Michigan, Minnesota,

Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming, respectively.

Forms 5-576 to 5-578, inc., (Revised)—Real estate mortgages for use in Michigan, Minnesota, and Wisconsin, respectively.

Forms 5-588 to 5-593, inc. (Revised)—Chattel mortgage papers for use in Montana, Colorado, North Dakota, and Alaska, respectively.

Unnumbered—Extension agreement—used in connection with loans by tribal organizations or the United States to extend the period of time within which payments may be made.

Form 5-806 (Revised)—Application of Indian Chartered Corporation, Unincorporated Tribe or Credit Association for loan of Revolving Credit Fund—used in applying for loans from the United States.

Form 5-807 (Revised)—Commitment order for a loan of Revolving Credit Funds from the United States.

Form 5-808 (Revised)—Promissory note for loans from Revolving Credit Fund.

Form 5-809—Loan voucher—used to support payment of funds by disbursing officer to borrower.

Form 5-810 (Revised)—Application for release of mortgaged property or permit to sell trust property.

Form 5-815 (Revised)—Permit to sell trust property—used to show approval of Indians application on Form 5-810, Revised.

Form 5-551 (Revised)—Partial release of chattel mortgage—for use by Corporations, Tribes, and Credit Associations.

Form 5-551a (Revised)—Partial release of chattel mortgage—for use by the United States.

Form 5-552 (Revised)—Satisfaction of chattel mortgage—for use by Corporations, Tribes and Credit Associations.

Form 5-552a—Satisfaction of chattel mortgage—for use by United States.

Form 5-816 (Revised)—Promissory note for a loan of Revolving Credit Funds.

Form 5-818 (Revised)—Acknowledgment of 3% deposit on loan of Revolving Credit Funds—issued by tribal lending agency.

Form 5-819 (Revised)—Request for repayment of 3% deposit on loan of Revolving Credit Funds—made after loans have been paid in full.

Form 5-821 (Revised)—Purchase order—issued to vendor for delivery of items authorized in loan contract.

Form 5-821a (Revised)—Purchase order—for use in Alaska.

Form 5-822 (Revised)—Bill of sale to the United States for purchases made with Credit Funds.

Form 5-825 (Revised)—Receipt for repayment to the Revolving Credit Fund.

Form 5827 (Revised)—Authority to sell restricted land—used in case of default.

Form 5-840 (Revised)—Agreement for voluntary liquidation of loan agreement—authorizing lending agency to take possession of and sell property purchased with loan funds to be applied on borrower's loan indebtedness.

Form 5-841—Release of interests of the United States.

Form 5-843—Promissory note for loan from the United States.

Form 5-845—Assignment of income from trust property—as security for repayment of the loan.

Form 5-846—Assignment of trust property and power to lease.

Form 5-847—Assignment—executed to transfer title of tribal lending agency when borrower has repaid loan.

Form 5-848—Application for release of interests of the United States.

Form 5-860 (Revised)—Mortgage of non-trust real estate—used in Oklahoma in connection with loans under Oklahoma Welfare Act.

Form 5-864 (Oklahoma)—Waiver and agreement executed by lien holder to subordinate its lien on property of mortgagor in favor of tribal lending agency or the United States in consideration of a loan to be made under the Oklahoma Welfare Act.

Form 5-865 (Revised)—Chattel, crop and livestock mortgage—used in Oklahoma in connection with loans under Oklahoma Welfare Act.

Form 5-866 (Revised)—Application for loan—when approved forms loan agreement between individual borrower and lending agency—used particularly for loans over \$500 which are not fully secured.

Form 5-866a (Revised)—Application for loan—used for fully secured loans or loans up to \$500 not fully secured.

Form 5-866b (Alaska)—Application for loan—when approved forms loan agreement contract.

Form 5-866c—Individual's application for fully secured loan or unsecured loan up to \$500.

Unnumbered—Agreement to reimburse for cattle—used in lending cattle to individual Indians by United States.

IR&R-2(b)—Assignment of improved land—unorganized tribe.

IR&B-2-(f)—Temporary assignment and occupancy permit.

IR&R-2 (g)—Agreement for loan from a tribe to an individual.

IR&R-2(h)—Agreement for grant from a tribe to an individual.

IR&R-2 (j)—Assignment and occupancy permit.

Form 5-814 (Revised)—Cooperative's application for loan.

Form 5-574 (Revised)—Chattel mortgage renewal affidavit.

§ 01.440 *Mineral leasing forms.* The following forms are used in oil and gas and other mineral leasing of Indian lands:

Form 5-154h—Oil and gas mining lease (allotted Indian lands).

Form 5-157—Oil and gas mining lease (tribal Indian lands).

Form 5-154—Mining lease allotted Indian lands (for minerals other than oil and gas).

Form 5-157b—Mining lease—tribal Indian lands (for minerals other than oil and gas).

Form B—Oil mining lease, Osage Reservation, Oklahoma.

Unnumbered—Oil and gas mining lease—Crow Reservation, Montana.

Form 5-154b—Bond—to accompany mining leases.

Form 5-154f—Collective bond—tribal and allotted lands.

Form 5-154a—Lessee's bond supported by Government securities.

Form 5-154m—Bond (covering obligations of assignees and drillers).

Form 5-154e—Assignment of mining lease.

Form 5-154d—Evidence of authority of officers to execute papers.

Form 5-154g—Affidavit of surety.

Form 5-154i—Certificate as to sufficiency of security on personal bond.

C. GIRARD DAVIDSON,
Acting Secretary,

AUGUST 28, 1946.

[F. R. Doc. 46-15425; Filed, Aug. 28, 1946; 2: 23 p. m.]

OIL AND GAS DIVISION

[30 CFR, Ch. IV]

PART 400—ORGANIZATION AND PROCEDURE

Part 400 is added to Chapter IV, Federal Regulations to read as follows:

SUBPART A—ORGANIZATION
PURPOSE

- Sec. 400.1 Functions.
- 400.2 Functions under the Connally "Hot Oil" Act.
- 400.5 General description.

HEADQUARTERS ORGANIZATION

- 400.6 Director.

FIELD ORGANIZATION

- 400.15 Federal Petroleum Board.
- DELEGATIONS OF AUTHORITY**
- 400.25 Purpose of list of delegations of authority.
 - 400.26 Secretary of the Interior.
 - 400.27 Oil and Gas Division.
 - 400.28 Federal Petroleum Board.

PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS

- 400.50 Inquiries and requests in general.
- 400.51 Location of Oil and Gas Division.
- 400.52 Location of Federal Petroleum Board.

SUBPART B—PROCEDURE

- 400.100 Regulations.
- 400.101 Violations of "Hot Oil" Act.
- 400.104 Shippers' reports.
- 400.105 Monthly reports.
- 400.107 Filing and inspection of documents.
- 400.115 Official records.

SUBPART A—ORGANIZATION
PURPOSE

§ 400.1 *Functions.* The Oil and Gas Division has the function of assisting the Secretary of the Interior in the execution of Presidential instructions to review, coordinate and unify policy and administration in respect to Federal activities relative to oil, gas and synthetic hydrocarbon fuels. In this connection the Division is charged with developing proposals for the centralization of such Federal functions. The Division assists the Secretary in serving as the channel of communication between the Federal Government and the petroleum industry, and as liaison agency of the Federal Government with the State oil and gas bodies. It gathers and analyzes information as to oil and gas matters and serves as the central Federal clearing house for statistics, technical data, and other information relating to oil and gas. It keeps the Secretary informed and recommends action with respect to significant developments in the petroleum field. The Division cooperates with the oil and gas-producing States in the prevention of waste in oil and gas production and in the adoption of uniform oil and gas-conservation laws and regulations. (See 43 CFR 01.21.)

§ 400.2 *Functions under the Connally "Hot Oil" Act.* The Division administers the Connally "Hot Oil" Act (49 Stat. 30; 15 U. S. C. 715 et seq.) which is designed to prevent the shipment or transportation in interstate commerce of oil produced in violation of State law or regulation. It is the purpose of the act to encourage the conservation of deposits of crude oil within the United States.

§ 400.5 *General description.* The Oil and Gas Division is composed of a headquarters staff in Washington, D. C., and

of a subordinate field organization, the Federal Petroleum Board.

HEADQUARTERS ORGANIZATION

§ 400.6 *Director.* The Director of the Oil and Gas Division supervises and directs all of the activities of the Division, and formulates plans and programs for carrying out the work of the Division.

FIELD ORGANIZATION

§ 400.15 *Federal Petroleum Board.* The enforcement of the Connally "Hot Oil" Act is essentially a field activity which is carried on by the Federal Petroleum Board under the supervision of the Oil and Gas Division. The Federal Petroleum Board administers the regulations promulgated under the act and makes the necessary investigations to accomplish the purposes of the act.

DELEGATIONS OF AUTHORITY

§ 400.25 *Purpose of list of delegations of authority.* The following sections (except insofar as orders are set forth) are not in themselves delegations of authority. The sections are merely a list of delegations and indicate the various matters with respect to which delegations have been made. They are intended merely as an index and outline. For the scope and limitations of delegations of authority the specific regulations and orders to which cross references are made must be consulted.

§ 400.26 *Secretary of the Interior.* (a) Executive Order No. 7756 (30 CFR 401.1, 401.2) delegated to the Secretary of the Interior certain of the powers and functions of the President under the Connally "Hot Oil" Act (49 Stat. 30; 15 U. S. C. 715 et seq) and authorized the formation of a Petroleum Conservation Division in the Department of the Interior.

(b) On March 14, 1936, the Secretary of the Interior issued Order No. 1054, creating a Petroleum Conservation Division. Order No. 1054 reads as follows:

Effective April 1, 1936 there is hereby set up under the Office of the Secretary a Petroleum Conservation Division, under the immediate charge of a Director.

This Division will assist the Secretary of the Interior in administering the Act of February 22, 1935 (49 Stat. 30), and under his direction is authorized to discuss the work of any agency dealing with oil and gas, recommend action on any case brought to its attention, coordinate information, and through appropriate channels, act as the contact agency with the Interstate Oil Compact Commission, present required data to the Congress, attend oil and gas conferences in which the Department is interested, cooperate with the oil producing States in the study of physical waste and the enactment of uniform oil and gas conservation laws, and contact other departments of the Government whose work deals in any measure with oil and gas.

By Executive Order No. 9732 (11 F.R. 5985) and Order No. 2193 (see § 400.27) the functions of the Petroleum Conservation Division were transferred to the Oil and Gas Division.

(c) The President, in a letter dated May 3, 1946, instructed the Secretary of the Interior to perform certain functions with respect to oil and gas. The

relevant parts of the letter read as follows:

To the extent possible one agency must bear the primary responsibility for providing a focal point for leadership and information for the numerous agencies of the Federal Government dealing with petroleum. I, therefore, request that you undertake the initiative in obtaining coordination and unification of Federal policy and administration with respect to the functions and activities relating to petroleum carried on by the various departments and agencies. Where practicable and appropriate governmental activities relating to petroleum should be centralized and I ask that from time to time you submit to me for consideration proposals looking to the accomplishment of this objective.

You should, through such office as you designate, serve as the channel of communication between the Federal Government and the petroleum industry, and as the liaison agency of the Federal Government in its relations with appropriate State bodies concerned with oil and gas. I have been impressed with the great contribution of government-industry cooperation to the success of the war petroleum program, and feel that the values of such close and harmonious relations between Government and industry should be continued. I, therefore, suggest that you establish an industry organization to consult and advise with you.

I need not emphasize to you the importance of petroleum in the life of the Nation and the consequent necessity for assuring the adequate and continuous availability of this vital resource. You are requested to keep me informed concerning significant developments in the petroleum field, and to consider and recommend such steps as may be necessary appropriately to safeguard our petroleum future.

§ 400.27 *Oil and Gas Division.* On May 6, 1946, the Secretary of the Interior issued Order No. 2193 establishing the Oil and Gas Division. Order No. 2193 reads as follows:

Pursuant to the President's letter of May 3, 1946, to the Secretary of the Interior, there is hereby established in the Department of the Interior an Oil and Gas Division under the immediate charge of a Director.

The Oil and Gas Division with a view to the conservation of the oil and gas resources of the Nation and the achievement of petroleum security, shall:

1. Assist the Secretary in the execution of the President's instructions to:

(a) Coordinate and unify policy and administration in respect to the functions and activities relative to oil and gas carried on by the several departments and agencies of the Federal Government;

(b) Serve as the channel of communication between the Federal Government and the petroleum industry;

(c) Serve as liaison agency of the Federal Government in its relations with the appropriate State oil and gas bodies; and

(d) Review technological developments in the field of petroleum and synthetic hydrocarbon fuels and coordinate Federal policy with respect thereto.

2. Obtain and analyze information as to oil and gas matters in which the Federal Government has a proper interest and, in this connection, serve as the central Federal clearing house for statistics, technical data, and other information relating to oil and gas.

INTERIOR DEPARTMENT

3. Keep the Secretary informed with respect to the adequacy and availability of supplies of petroleum and its products to meet the current and future needs of the Nation, and with respect to significant developments in the petroleum field, and make recommendations with respect thereto.

4. Develop proposals looking to the centralization of Federal functions and activities relating to oil and gas in keeping with the President's letter.

5. Coordinate all oil and gas policies and activities in the Department of the Interior.

Pursuant to the Executive Order of May 3, 1946, terminating the Petroleum Administration for War, the personnel, records, property and funds of the Administration are transferred to the Oil and Gas Division which Division shall proceed to wind up and liquidate the affairs of the Administration.

Upon the issuance of an Executive order amending Executive Order No. 7756, dated December 1, 1937, and the regulations and amendments, approved October 27, 1942, for the administration and enforcement of the act of February 22, 1935, as amended, to designate the Oil and Gas Division in lieu of the Petroleum Conservation Division, the Oil and Gas Division shall assume all the authority and duties of the Petroleum Conservation Division, funds, personnel, equipment and records of the Petroleum Conservation Division shall be transferred to the Oil and Gas Division, and the Petroleum Conservation Division shall cease to exist.

§ 400.28 *Federal Petroleum Board.* (a) On October 27, 1942, the Secretary by Order No. 1753-A established the Federal Petroleum Board to enforce, under the supervision of the Petroleum Conservation Division, the Connally Act and the regulations issued under that act. Order No. 1753-A reads as follows:

Pursuant to the authority contained in R.S. 161 (5 U.S.C. sec. 22), the act of February 22, 1935 (49 Stat. 30, 15 U.S.C. secs. 715-715 I), as amended, Executive Order No. 6979, dated February 28, 1935, and Executive Order No. 7756, dated December 1, 1937, I hereby establish the Federal Petroleum Board (hereinafter referred to as the Board) to enforce the act of February 22, 1935, as amended, and to administer the regulations promulgated pursuant thereto, subject to the supervision of the Secretary of the Interior. The Petroleum Conservation Division, created by my Order No. 1054, dated March 14, 1936, under the supervision of the Secretary of the Interior, will supervise the operations of the Board. The Board shall consist of three members, one of whom shall be designated the Chairman. . . . The principal office of the Board shall be at Kilgore, Texas.

By Executive Order No. 9732 (and Order No. 2193), the supervision of the Federal Petroleum Board was transferred from the Petroleum Conservation Division to the Oil and Gas Division.

PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS

§ 400.50 *Inquiries and requests in general.* (a) General information on the functions and activities of the Oil and Gas Division may be obtained by addressing the Director, Oil and Gas Division, Department of the Interior, Washington 25, D. C.

(b) Copies of the regulations issued for the enforcement of the Connally "Hot Oil" Act may be obtained by addressing the Federal Petroleum Board, Kilgore, Texas.

(c) See §§ 400.104, 400.105 for the places at which the forms prescribed in

the administration of the Connally "Hot Oil" Act may be obtained.

§ 400.51 *Location of Oil and Gas Division.* The Oil and Gas Division is located in Washington, D. C.

§ 400.52 *Location of Federal Petroleum Board.* (a) The principal office of the Federal Petroleum Board is located at Kilgore, Texas.

(b) Suboffices of the Board are located as follows: 817-818 Nixon Building, Corpus Christi, Texas; Federal Building, Houston, Texas; 316-317 Petroleum Building, Midland, Texas; Montgomery Building, Lafayette, Louisiana.

SUBPART B—PROCEDURE

§ 400.100 *Regulations.* Proposed regulations concerning the administration of the Connally "Hot Oil" Act (49 Stat. 30; 15 U. S. C. 715 et seq. usually originate in the Federal Petroleum Board (except for proposed regulations concerning the reports to be filed with the Oil and Gas Division, which usually originate in that Division) and are reviewed by the Oil and Gas Division and by the Solicitor's office. If approved by the Secretary, the regulations are submitted to the President. Rules not requiring Presidential approval pursuant to Executive Order No. 7756 (30 CFR 401.1) are promulgated by the Secretary. The rule-making procedure specified in section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.) is followed with respect to proposed rules under the Connally "Hot Oil" Act, as far as applicable.

§ 400.101 *Violations of "Hot Oil" Act.* The Federal Petroleum Board, operating under the supervision of the Oil and Gas Division, enforces the Connally "Hot Oil" Act. If a possible violation of the Connally Act or of a regulation issued thereunder is discovered, an examiner of the Federal Petroleum Board is directed to conduct an investigation. After investigation, the examiner presents the case to the Federal Petroleum Board for action and the Board holds a hearing. If it considers action appropriate, the Board submits the record of the case to the Oil and Gas Division with its recommendation. After review by the Division and the Solicitor's office, if action appears warranted, the record is transmitted by the Secretary to the Department of Justice with a recommendation for instituting legal action.

§ 400.104 *Shippers' reports.* Shippers, or their agents, of any petroleum or petroleum products loaded at any port in Texas, Louisiana, Arkansas, or Mississippi for interstate waterborne transportation are required to file reports pursuant to 30 CFR 403.11 on Form OCR-1. Form OCR-1 requires information as to port of departure, sailing date, vessel, consignor, consignee, loading, destination. Copies of Form OCR-1 may be obtained from the Director, Oil and Gas Division, Department of the Interior, Washington, D. C.

§ 400.105 *Monthly reports.* (a) The following monthly reports must be filed pursuant to 30 CFR 403.9. The forms

listed may be obtained from the Federal Petroleum Board, Kilgore, Texas.

(1) By operators of natural gasoline, cycling, and other similar plants—Form G, requiring information on total intake volume of natural gas, disposition of intake volume, barrels of petroleum and petroleum products produced, delivered, received, and in stock.

(2) By petroleum producers—Form P, requiring information on lease data, lease operations, allowables, production and disposition of petroleum.

(3) By refiners of petroleum—Form R, requiring information on stock on hand, runs to stills, re-runs, products manufactured, plant use and losses, receipts and deliveries.

(4) By transporters and storers—Form I, requiring information on stock on hand, receipts, deliveries, shortages, and overages.

(b) If the Federal Petroleum Board determines that reports required of any person under 30 CFR 403.9, as amended, serve no useful purpose, it may by written notice relieve him of the obligation to submit such reports for any specified period of time or until further notice. See 30 CFR 403.9, as amended. Such determinations are made on the basis of the Board's records, including a report of field examiners. Notices to resume reporting are issued by the Board when it finds that conditions have changed or that the action relieving a person of the reporting obligation was unjustified.

§ 400.107 *Filing and inspection of documents.* Petroleum operators are required to make certain books and records open to inspection by the Federal Petroleum Board and to file with the Board certain diagrams, reports, and other papers. These requirements are set out in 30 CFR 403.3-403.8, 403.9a, 403.10, 403.11.

§ 400.115 *Official records.* Official records to be kept confidential, except when otherwise ordered by the Director of the Oil and Gas Division, shall include the following types of records: reports, diagrams and other papers submitted, and records of inspections made, pursuant to 30 CFR, Part 403; records of investigations and hearings; and recommendations in the enforcement of the Connally "Hot Oil" Act. See also 43 CFR, Part 2.

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

AUGUST 22, 1946.

[F. R. Doc. 46-15041; Filed, Aug. 23, 1946; 9:48 a. m.]

PUERTO RICO RECONSTRUCTION
ADMINISTRATION
[48 CFR, Ch. II]

PART 201—ORGANIZATION AND PROCEDURE

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§ 201.1 *Creation.* The Puerto Rico Reconstruction Administration was es-

established as an agency within the Department of the Interior by Executive Order No. 7057 (48 CFR, Part 200), to administer projects for providing relief and for increasing employment in Puerto Rico, with emphasis on rehabilitation of the Island's agricultural economy.

§ 201.2 *General description.* (a) The Puerto Rico Reconstruction Administration is composed of an office in Washington, D. C., and a number of offices in San Juan, Puerto Rico. The Administrator, appointed by the President, and the General Counsel are in Washington, D. C. By Executive Order 7689 (48 CFR 200.2) the Administrator is authorized to appoint the Assistant Administrator and to delegate to him such of the powers conferred on the Administrator as may be necessary for the efficient operation of the Administration in Puerto Rico. By Executive Order No. 7493, dated November 11, 1936, all administrative acts of the Administrator are subject to the control and supervision of the Secretary of the Interior. The functions of the Administration relating to the Office of the Secretary and the Washington Office of the Administration are handled through the Division of Territories and Island Possessions.

(b) The projects of the Administration consist principally in the management and maintenance of housing projects, the construction of additional rural housing units in distressed areas of the Island, the granting and servicing of loans to cooperatives, and the operation of a demonstration farm and various Central Service Farms for assistance to needy resettlers. The projects are operated in Puerto Rico under the active charge of the Assistant Administrator at San Juan, but subject to the direction of the Administrator. The principal divisions of the Administration, which like the Assistant Administrator have offices in San Juan, are the Offices of Housing Management and Rural Rehabilitation, Finance and Personnel, and Cooperatives.

§ 201.5 *Loans.* (a) The Puerto Rico Reconstruction Administration is authorized to make agricultural loans to cooperatives in Puerto Rico. (See 48 CFR, Part 202.)

(b) The Director of the Division of Territories and Island Possessions has been authorized by the Secretary of the Interior to approve offers of adjustment of Puerto Rico Hurricane Relief loans by Order No. 2176. Order No. 2176 reads as follows:

Pursuant to the provisions of Section 161, Revised Statutes (5 U. S. C. sec. 22), and for the purpose of facilitating and expediting departmental administration, there is hereby delegated to the Director, and in his absence to the Acting Director, Division of Territories and Island Possessions, the authority conferred upon me by the Joint Resolution approved June 3, 1935 (49 Stat. 320), to accept and approve offers of adjustments made by borrowers in settlement of loans granted by the former Puerto Rican Hurricane Relief Commission.

(c) Harley A. Miller, Assistant General Counsel of the Puerto Rico Reconstruction Administration is authorized to release mortgages issued as security for

Puerto Rican Hurricane Relief Section Loans. (See 48 CFR 4.520.)

§ 201.20 *Inquiries and requests in general.* Information concerning the programs or operations of the Puerto Rico Reconstruction Administration may be secured by addressing the Puerto Rico Reconstruction Administration, Department of the Interior, Washington 25, D. C. (or San Juan, Puerto Rico).

§ 201.21 *Location of offices.* The office of the Administrator of the Puerto Rico Reconstruction Administration is located in the Department of the Interior, Washington 25, D. C. The office of the Assistant Administrator is located in San Juan 3, Puerto Rico.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 28, 1946.

[F. R. Doc. 46-15421; Filed, Aug. 28, 1946; 2:21 p. m.]

SOLID FUELS ADMINISTRATION FOR WAR

[30 CFR, Ch. VI]

PART 600—ORGANIZATION AND PROCEDURE

SUBPART A—ORGANIZATION

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FIELD ORGANIZATION

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SUBPART A—ORGANIZATION

ESTABLISHMENT

§ 600.1 *Creation.* The Solid Fuels Administration for War was established in the Department of the Interior on April 19, 1943 by Executive Order No. 9332 (3 CFR, Cum. Supp., p. 1270). The Secretary of the Interior was made ex officio Administrator.

§ 600.2 *Purpose.* (a) The Administrator was authorized and directed to establish basic policies and formulate plans and programs to assure the most effective development and utilization of solid fuels for the prosecution of the war, to issue policy and operating directives, and to work in liaison with solid fuels indus-

tries and Federal departments and agencies.

(b) By section 3 (e) of Executive Order No. 9332 the President, in respect to solid fuels for direct and indirect military, and essential industrial and civilian requirements, and materials allotted to the solid fuels industries, delegated to the Administrator of the Solid Fuels Administration for War, subject to the direction of the Chairman of the War Production Board, the powers, authority, and discretion of Title III of the Second War Powers Act, 1942, theretofore, by paragraph 1 of Executive Order No. 9125 (3 CFR, Cum. Supp., p. 1156), delegated to the Chairman of the War Production Board. The Administrator has retained these powers under the direction of the Civilian Production Administration (Executive Order No. 9638, 3 CFR, 1945 Supp., p. 125). The Administration now is concerned with the task of effecting an equitable distribution of the available supply of solid fuels in order to facilitate the reconversion program and to avoid industrial shut-downs and hardships incident to a short fuel supply. It also approves or disapproves the availability of solid fuels for export in the light of their necessity in the maintenance of the domestic economy of the United States.

§ 600.3 *General description.* The central organization of the Solid Fuels Administration for War is in Washington, D. C. Field offices are located within designated areas.

HEADQUARTERS ORGANIZATION

§ 600.5 *Deputy Administrator.* Under the direction of the Administrator, the Deputy Administrator directs and supervises the operations of the Solid Fuels Administration for War. Under Order No. 1899, dated November 10, 1943, the Deputy Administrator is authorized to exercise all of the powers, authority, and discretion vested in the Administrator. Order No. 1899 reads as follows:

Pursuant to the provisions of Executive Order No. 9332 of April 19, 1943, 3 F. R. 5355, the Deputy Solid Fuels Administrator for War, subject to such supervision and direction as the Administrator shall from time to time determine, is hereby authorized to exercise any and all power, authority and discretion conferred upon the Solid Fuels Administrator by that Executive Order to the same extent and with the same effect as the said power, authority and discretion may be exercised directly by the Solid Fuels Administrator.

§ 600.6 *Central organization.* The central organization of the Solid Fuels Administration for War consists of the Deputy Administrator and four Assistant Deputy Administrators, respectively, and the following Divisions:

(a) *Legal Division.* The Legal Division handles all legal matters incident to the discharge of the functions of the Solid Fuels Administration for War; drafts orders and regulations and issues interpretations thereof; prepares correspondence relating to legal matters; prepares legal opinions; and collaborates with the Department of Justice in respect to litigation affecting the Solid Fuels Administration for War.

INTERIOR DEPARTMENT

(b) *Anthracite Distribution Division.* The Anthracite Distribution Division handles operating details of distribution of anthracite. Its personnel is composed of experts and specialists who keep currently posted on mine output, industrial stocks, consumption rates, and other related factors, and advise with respect to the direction of anthracite to points of critical need.

(c) *Bituminous Distribution Division.* This division is also composed of expert personnel who perform functions relating to bituminous coal similar to those of the Anthracite Distribution Division relating to anthracite.

(d) *Administrative Division.* The Administrative Division prepares budget estimates; controls disbursements; prepares apportionments and reports required by the Bureau of the Budget; keeps accounting books and reports expenditures to the General Accounting Office, the Treasury, and the Disbursing Office; controls property; and maintains a central filing system.

(e) *Compliance Division.* The Compliance Division checks on the observance or non-observance of the orders, regulations and directions issued by the Administrator and makes recommendation for suitable action.

(f) *Production, conservation, and information.* The Information Division promotes the production and conservation of solid fuels by obtaining and publishing statistics and other data respecting the solid fuels industries and the activities of the Solid Fuels Administration for War. It also provides information requested by other government agencies.

§ 600.10 *Advisory committees.* For the purpose of obtaining industry participation and advice, Bituminous Coal Producers Advisory Boards (30 CFR, 1943 Supp., 601.11-601.14), National and Regional Anthracite Distribution Committees (30 CFR, 1943 Supp., 601.31-601.32), Lake and Tidewater Dock Coal Committees (30 CFR, 1944 Supp., 601.41), National, Area, and Community Advisory Committees (30 CFR, 1944 Supp., 601.51-601.54), and a National Advisory Coke Committee (30 CFR, 1944 Supp., 601.61), were established or continued in existence as established in former orders subsequently revoked. All committees are advisory only.

FIELD ORGANIZATION

§ 600.11 *Field offices.* Field offices, headed by managers having various titles, are maintained in principal areas of production and distribution. The managers compile production data for all mines within their area of jurisdiction, or they supervise the functioning of distribution programs under the Solid Fuels Administration for War orders, regulations and directives, or they do both. Area Distribution Managers are authorized to approve the request of any shipper for transfers of tonnages of coal between retail dealers (§ 602.875 (b) (3) of Revised SFAW Regulation No. 32, 11 F. R. 8575), to require any shipper of coal to furnish him a detailed report of his shipments (§ 602.883 (b)), and to

authorize shippers to distribute surplus coal (§§ 602.875 (d) and 602.876 (d)).

PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS

§ 600.20 *Inquiries and requests in general.* Information of a general nature may be secured from any of the Administration's offices throughout the United States.

Requests for rulings concerning the applicability of any Solid Fuels Administration order, regulation, or direction to a specific set of facts; or for interpretations of Solid Fuels Administration orders, regulations, or directives, should be directed to the Solid Fuels Administration for War, Department of the Interior, Washington 25, D. C. Applications for exception to orders, regulations, or directions may be directed to the Solid Fuels Administration for War, Department of the Interior, Washington 25, D. C., or to the Area Distribution Manager for the district in which the coal is produced, as provided in the respective orders, regulations, or directions.

§ 600.21 *Location of central organization.* The office of the Deputy Administrator and the central organization of the Solid Fuels Administration for War is located at Washington, D. C.

§ 600.22 *Location of field offices.* The locations of field offices are as follows:¹

LOCATION AND OFFICIAL IN CHARGE

Birmingham, Ala. (B), 706 Chamber of Commerce Building, 1829 First Avenue, North: Area distribution manager.

Denver, Colo. (B), % Chief Cadastral Engineer, Bureau of Land Management, 520 U. S. National Bank Building: Acting area distribution manager.

New Haven, Conn. (A), 507 Lincoln Court Building, 151 Court Street: Field distribution representative.

Atlanta, Ga. (B), 294½ Peachtree Street: Area distribution manager.

Chicago, Ill. (B), Room 1160-1162, Merchandise Mart, 222 West North Bank Drive: Area distribution manager.

Indianapolis, Ind. (B), Chamber of Commerce Building, 324 North Meridian Street: Acting area distribution manager.

Des Moines, Iowa (B), % 323 Federal Office Building, Fifth and Court Avenues: Area distribution manager.

Ashland, Ky. (B), 1409-13 Winchester Avenue: Assistant area distribution manager.

Madisonville, Ky. (B), 33 South Main Street: Area distribution manager.

Portland, Maine (A), 350 Commercial Street: Field distribution representative.

Baltimore, Md. (B), 1144 O'Sullivan Building: Assistant area distribution manager.

Baltimore, Md. (A), 1144 O'Sullivan Building: Regional representative.

Boston, Mass. (B), Old State Building, 209 Washington Street: Area distribution manager.

Boston, Mass. (A), Old State Building, 209 Washington Street: Regional representative.

Detroit, Mich. (B), 2210-2212 Penobscott Building, 645 Griswold Street: Area distribution manager.

Minneapolis, Minn. (B), 520 New York Life Building, 125 South Fifth Street: Area distribution manager.

St. Louis, Mo. (B), 914-915 New Federal Building, 1114 Market Street: Area distribution manager.

¹ The symbols (A) and (B) following the name of a city and state signify Anthracite and Bituminous, respectively.

Kansas City, Mo. (B), 2802 Fidelity Building, Ninth and Walnut Streets: Area distribution manager.

Billings, Mont. (B), % Alexandra Hotel: Compliance officer.

Concord, N. H. (A), 12 Park Street: Acting field distribution representative.

Camden, N. J. (A), Second Floor, 30 North Third Street: Field distribution representative.

Newark, N. J. (A), 826 Industrial Office Building, 1060 Broad Street: Field distribution representative.

Albany, N. Y. (A), 53 State Street: Field distribution representative.

Buffalo, N. Y. (A), Room 214 U. S. Court House Building, Court and Franklin Streets: Regional representative.

New York, N. Y. (A), 5519 Empire State Building: Regional representative.

Syracuse, N. Y. (A), 705-7 Onondaga County, Savings Bank Building, 113 South Salina Street: Assistant regional representative.

Charlotte, N. C. (B), Smith Building, 116½ Church Street: Area distribution manager.

Cincinnati, Ohio (B), 608 Transportation Building, Fourth and Sycamore Streets: Area distribution manager.

Cleveland, Ohio (B), 501 Bulkley Building, 1501 Euclid Avenue: Area distribution manager.

Allentown, Pa. (A), 204 Post Office Building, Fifth and Hamilton Streets: Field distribution representative.

Altoona, Pa. (B), Post Office Building, Eleventh Avenue and Twelfth Street: Area distribution manager.

Harrisburg, Pa. (A), 17 North Front Street: Field distribution representative.

Pittsburgh, Pa. (B), 311 Old Post Office Building, Smithfield Street and Fourth Avenue: Area distribution manager.

Philadelphia, Pa. (A), 526 Stephen Girard Building, 21 South Twelfth Street: Regional representative.

Philadelphia, Pa. (B), 526 Stephen Girard Building, 21 South Twelfth Street: Area distribution manager.

Pottsville, Pa. (A), 313 Schuylkill Trust Building, Center and Market Streets: Assistant regional representative.

Wilkes-Barre, Pa. (A), 313-316 Brooks Building, 15 South Franklin Street: Acting regional representative.

Providence, R. I. (A), 1142 Hospital Trust Building, 15 Westminster Street: Field distribution representative.

Knoxville, Tenn. (B), Room 322, Post Office Building: Field distribution representative.

Salt Lake City, Utah (B), 224 Federal Building: Compliance officer.

Richmond, Va. (B), Room 8, Mutual Building, Ninth and Main Streets: Assistant area distribution manager.

Seattle, Wash. (B), 237 White-Henry-Stuart Building, Fourth Avenue and University Street: Assistant area distribution manager.

Bluefield, W. Va. (B), Law and Commerce Building, 307 Federal Street: Area distribution manager.

Fairmont, W. Va. (B), Jacobs Building, Monroe and Meridith Streets: Acting area distribution manager.

Casper, Wyo. (B), 839 South Grant Street: Compliance officer.

SUBPART B—PROCEDURE

§ 600.100 *Orders and regulations.* The currently effective orders and regulations of the Solid Fuels Administration for War, which prescribe rules affecting solid fuels or the solid fuels industries, are as follows:

(a) *Orders.* (1) Order No. 2 (30 CFR, 1943 Supp., 601.11-601.14), establishing a Bituminous Coal Producers Board.

(2) Order No. 3 (30 CFR, 1943 Supp., 602.61-602.64), as amended, requiring the maintenance of records and the filing of reports and other data.

(3) Order No. 6 (30 CFR, 1943 Supp., 601.31-601.32), continuing the National and Regional Anthracite Distribution Committees.

(4) Order No. 11 (30 CFR, 1944 Supp., 601.41), establishing Lake Dock and Tidewater Dock Coal Advisory Committees.

(5) Order No. 12 (30 CFR, 1944 Supp., 601.51-601.54), establishing National, Area, and Community Advisory Committees.

(6) Order No. 15 (30 CFR, 1944 Supp., 601.61), establishing and prescribing functions of the National Advisory Coke Committee.

(7) Revised Order No. 29 (11 F. R. 7937), requiring the maintenance of records and filing of reports concerning anthracite.

(8) Order No. 30 (30 CFR, 1945 Supp., 602.890-602.891), continuing the National and Regional Anthracite Distribution Committees and respective functions.

(b) *Regulations.* (1) Regulation No. 1 (30 CFR, Cum. Supp., 602.1), as amended, authorizing the issuance of specific directions requiring, forbidding, or otherwise providing for the delivery of solid fuels by or to any person or persons.

(2) Regulation No. 14 (30 CFR, 1944 Supp., 602.250-602.255), authorizing the reconsignment or diversion of coal in transit.

(3) Revised Regulation No. 31 (11 F. R. 7894), regulating the allocation of coal for export.

(4) Revised Regulation No. 32 (11 F. R. 8575), allocating and providing for the distribution of coal produced in Districts 1-4, 6-11, and 13.

(c) *Statements of policy.* (1) Statement of policy relating to authorization by SFAW for shipment of bituminous coal on the United States Treasury Department's export program (11 F. R. 7128).

(2) Statement of policy respecting the export of anthracite (11 F. R. 7460).

(3) Statement relating to export of coal on commercial markets (11 F. R. 7505).

(4) Statement of policy concerning the export of coal produced in the Western United States (11 F. R. 8216).

§ 600.101 *Exercise of functions.* (a) The Solid Fuels Administration for War allocates solid fuels of which there is a shortage by means of general regulations and specific directions to shippers. The Administration also acts upon applications for determinations as to the availability of solid fuels for export.

(b) The information upon which the action of the Administration is based is obtained primarily by means of reports from producers, distributors, dealers, and consumers of coal. Periodic reports on the production and distribution of solid fuels are required under the regulations. Whenever the exigencies of the situation permit, full consultation is had with the several industry advisory boards and committees before the issuance of regulations.

§ 600.102 *Monthly reports.* The following monthly reports are required to be filed on forms prescribed by the orders and regulations. Copies of the forms listed may be obtained from the office of the Deputy Administrator, or any field office.

(a) By producers of bituminous coal generally, on Form S. F. A. No. 38, requiring information relating in general to the mine, tonnages, production, preparation, shipment, destination, and use. See Order No. 3 (30 CFR, 1943 Supp., 602.61-602.64).

(b) By producers of lignite coal, on Form S. F. A. No. 56, requiring information relating in general to the mine, shipping point, tonnages, sizes, destination and use. See Order No. 3 (30 CFR, 1943 Supp., 602.61-602.64).

(c) By producers and wholesalers of anthracite coal, on Revised Form S. F. A. No. 378, requiring information relating in general to the production, preparation, sale, and shipment of anthracite monthly and cumulatively from April 1, 1946, to and including the month reported. See Revised Order No. 29 (11 F. R. 7937).

(d) By dock operators on lakes and tidewater, on Form S. F. A. No. 48, requiring information relating in general to monthly inventories, receipts and shipments, with details as to origin, shipment, kind, destination, and use. See Order No. 3 (30 CFR, 1943 Supp., 602.61-602.64).

(e) By producers in Districts 1-13 (except 5 and 12), on Form SFA No. 79, requiring information relating in general to the producer's monthly distribution of coal, with data as to the mine, district of origin, customer, size, shipment, and use of the coal. See Revised SFAW Regulation No. 32 (11 F. R. 8575).

(f) By dock operators on tidewater and river, on Form No. 79-A, requiring information in general relating to the operator's monthly distribution of coal, with data as to the origin of the coal, size, kind, shipment, and use, inventory, receipts and shipments. See Revised SFAW Regulation No. 32 (11 F. R. 8575).

(g) Industrial consumers and utilities are required by Revised Regulation No. 32 (11 F. R. 8575) to file with the shipper on or before the 24th day of the month preceding the month in which shipment is to be made, an order showing data as to uses, inventories and consumption requirements, and a certification as to their right to receive the coal under the Regulation.

(h) In all cases where reports are required, the person making the report is required to maintain, for a period of two years, the data on which the report is based.

§ 600.103 *Voluntary reports.* (a) The Solid Fuels Administration for War solicits certain voluntary reports. Retail dealers are requested to file a monthly report (Form SFA No. 7) showing the location of the yard, inventories, receipts and deliveries. Manufacturers are requested to file a report (Form SFC No. 16) showing the name and location of the plant, inventories and consumption requirements as to anthracite, bituminous, lignite, coke, fuel oil, and gas.

Producers are requested to submit a weekly mine production running time report (Form SFC No. 27) showing production days, shifts, and hours worked, time and tons lost due to "No Orders," and the number of employees.

(b) This information obtained by the Solid Fuels Administration for War in the above manner is treated as confidential. However, compilations and composite reports thereof may be prepared and published, where such publication would not disclose individual data.

§ 600.104 *Applications for approval as to availability of coal for export.* (a) Applications for determination as to the availability of coal for export should be made to the Solid Fuels Administration for War, Washington 25, D. C., on Form SFA No. 428 (Revised), requiring information relating in general to the kind, origin and quantity of the coal, destination, Office of International Trade export license number, foreign consumer, and ultimate use of the coal. (See § 602.852 (a) of this chapter.)

(b) If the application is approved, two copies will be returned to the applicant, who within seven days shall return one copy to the Solid Fuels Administration for War, Washington 25, D. C., together with a copy of the cargo manifest, consist report, or dumping sheet, and other information required by SFAW Order No. 3.

§ 600.105 *Availability of coal for export.* A statement of policy (11 F. R. 7128), issued June 24, 1946, provides that any person who has surplus coal for export on the Treasury Department's program may submit, in duplicate, an offer to the Solid Fuels Administration for War. Such offer, respecting coal produced in Districts 1-6, 8-11, and 13-15, shall be submitted to the Area Distribution Manager for the area in which the coal is produced, and, with respect to coal produced in Districts 7, 12, 16-20, and 22-23, to the Solid Fuels Administration for War, Washington 25, D. C.

§ 600.110 *Compliance procedure.* Compliance officers visit persons subject to or affected by the regulations. The officers may not officially interpret any regulations, but are instructed to ascertain the person's familiarity with them. The officers make periodic spot checks and investigate reported violations, interviewing the person reported to be in violation. If irregularities are noted the person involved is requested to make such explanation as the officer desires. The officer may not publicly disclose information obtained by him. A report of each irregularity is made to the manager of the field office, and, if a violation is indicated, the person is requested to appear before the manager and is afforded an opportunity to explain the circumstances of the transaction. The manager then files a report with the Chief of the Compliance Division in Washington, D. C.

It is the policy of the Solid Fuels Administration to permit the manager of the field office to make final disposition in cases of minor and unintentional violations when maldistribution is capable of being corrected. In more serious cases, alleged violators are given an op-

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portunity to make such explanations to the central office of SFAW as they desire, and thereafter, the Deputy Administrator may issue a letter of warning or prohibition, or may issue an order suspending the violator from participation in the program of allocation of solid fuels or materials. He may also refer the matter to the Department of Justice for such criminal action as may be deemed necessary, or for the institution of injunctive proceedings, as provided for by Title III of the Second War Powers Act, 1942, as amended.

§ 600.112 *Opinions and orders.* All opinions and orders in the adjudication of cases, and official records, except those required for good cause to be held confidential and not cited as precedents, are available for inspection at the office of the Solid Fuels Administration for War, Department of the Interior, Washington 25, D. C. In some cases permission will be given by the Washington office of SFAW to inspect certain data in the field offices.

§ 600.113 *Official records.* Upon application to the Deputy Administrator, Solid Fuels Administration for War, Department of the Interior, Washington 25, D. C., all except confidential final opinions and orders of Solid Fuels Administration are available for inspection by interested parties at the central office and all except confidential matters of official record are available for examination and inspection at the central office by persons properly and directly concerned. See also 43 CFR, Part 2.

C. GIRARD DAVIDSON,
Acting Secretary.

AUGUST 28, 1946.

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2:24 p. m.]

SOUTHWESTERN POWER ADMINISTRATION

[18 CFR, Ch. IV]

PART 500—ORGANIZATION AND PROCEDURE

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SUBPART A—ORGANIZATION

ESTABLISHMENT

§ 500.1 *Creation.* The Southwestern Power Administration was created by the Secretary of the Interior in 1943 to market power from the Denison Dam Project and the Norfolk Dam Project. Subsequently the Administration was charged with the responsibility of marketing power produced by projects of the Corps of Engineers, United States Army, in the Southwestern part of the United States.

§ 500.2 *Purpose.* In marketing hydroelectric power the Administration's objectives are to market such power at the lowest possible rates to consumers, to encourage the widest possible use of its power and in so doing to provide market outlets by constructing, inter-connecting, operating, and maintaining such transmissions lines and substations as are necessary. The area of operation is the States of Arkansas and Louisiana, the part of Kansas and Missouri south of the Missouri River Basin and east of the 98th Meridian, and that part of Texas and Oklahoma lying east of the 99th Meridian and north of the San Antonio River Basin.

§ 500.5 *General description.* The Southwestern Power Administration consists of a headquarters staff at Tulsa, Oklahoma, four offices of the Operations Division in Oklahoma and Arkansas, and district offices of the Administration at Little Rock, Arkansas, and Denison, Texas. The headquarters staff is made up of the Administrator, several staff offices and four technical sections.

HEADQUARTERS ORGANIZATION

§ 500.10 *Administrator.* The Administrator of the Southwestern Power Administration is the chief executive. He reports through the Division of Power to the Secretary of the Interior. The Office of the Administrator formulates plans and procedures for carrying out the objectives of the Administration, and directs its operations.

§ 500.11 *Staff offices.* Staff offices include the Legal Section, the Personnel Section, the Administrative Section and the Controller Section, the latter section performing budget, finance, accounting and auditing functions for the entire agency.

§ 500.12 *Operations Section.* The Operations Section directs the operation of the Southwestern Power Administration's electric power facilities, the regulation of stream flow, the transmission of power through its own and associated facilities and the maintenance of facilities.

§ 500.13 *Engineering Section.* The Engineering Section supervises the engineering activities of the Southwestern Power Administration, including the designing and constructing of lines, substations and plants, and renders technical advice on operation and maintenance. The Section prepares studies of an engineering nature in the general field with which the Administration is concerned.

§ 500.14 *Industrial Management and Information Section.* The Industrial Management and Information Section conducts power market surveys of the area, promotes industrial development and potential markets for the sale of power, develops relationships with private and public agencies interested in the expansion of power facilities and directs the informational activities of the Administration.

§ 500.15 *Land Section.* The Land Section performs all work necessary for acquisition of lands, maintains records and maps of land under jurisdiction of the Southwestern Power Administration and handles all claims arising from land acquisition.

FIELD ORGANIZATION

§ 500.20 *Operations Section.* To discharge the functions of operations and maintenance with which it is charged, the Section maintains four field offices. These offices report directly to the Section.

§ 500.21 *District offices.* There are two district offices reporting administratively to the Administrator, and technically to the respective Sections whose functions they perform in the field. The District Offices develop and maintain business and public relationships necessary to the negotiation of power sales contracts and related power marketing functions. They carry on an advisory service to customers, conduct engineering investigations, collect operating data, and assist in the operation of the transmission system.

LISTS OF DELEGATIONS OF AUTHORITY

§ 500.40 *Purpose of list of delegations of authority.* The following sections are not in themselves delegations of authority. The sections are merely a list of delegations and indicate the various matters with respect to which delegations have been made. They are intended as an index and outline. For the scope and limitations of particular delegations of authority, the specific regulations and orders to which cross references are made must be consulted.

§ 500.41 *Administrator.* The Administrator has been delegated authority to:

(a) Carry out the functions and duties assigned to the Secretary of the Interior by Executive Orders Numbers 8944 (3 CFR, Cum. Supp., p. 1026) 9353, 9366, 9373 (3 CFR, 1943 Supp., pp. 26, 35, 39), relating to the Denison Dam Project, the Norfolk Dam Project, and the Grand River Dam Project. See Order No. 1865 (8 F. R. 12142).

(b) Carry out the functions of the Secretary of the Interior relating to power generated at certain projects under the control of the War Department. See Order No. 2135 (10 F. R. 14527).

PLACES TO OBTAIN INFORMATION AND MAKE REQUESTS

§ 500.60 *Inquiries and requests in general.* Information concerning the policies and programs of the Administration, including reports and bulletins, may be obtained by addressing the Administrator, Southwestern Power Administration, Kennedy Building, P. O. Drawer 1619, Tulsa 1, Oklahoma. Technical in-

formation on such matters as wholesale power rates, rate policies, power contract procedures, availability of supply, and construction plans also may be obtained from the same address. Inquiries regarding power contracts, including availability of supply and rates, which concern a particular locality in the area may be addressed to the nearest district office listed below.

§ 500.61 *Location of headquarters organization.* The Administrator of the Southwestern Power Administration and his staff are located in the Kennedy Building, Tulsa, Oklahoma.

§ 500.62 *Operations Section.* The field offices of the Operations Section are located as follows:

- (a) Pryor, Oklahoma.
- (b) Langley, Oklahoma.
- (c) Van Buren, Arkansas.
- (d) Hot Springs, Arkansas.

§ 500.63 *District offices.* District offices of the Southwestern Power Administration are located as follows:

- (a) Little Rock, Arkansas.
- (b) Denison, Texas.

SUBPART B—PROCEDURE

§ 500.100 *Rates.* Proposed rate schedules are initiated by the Power Distribution Sales and Contract Unit of the Engineering Section. They are reviewed by the Area Power Managers, Controller, General Counsel, and the Assistant Administrator. Proposed rates are then submitted to the Administrator, who, if they meet with his approval, forwards them to the Secretary through the Division of Power. Proposed rates, after being reviewed by the Division of Power, are submitted to the Secretary for approval. The rates are then submitted by the Administrator to the Federal Power Commission for confirmation and approval pursuant to the requirements of the act of December 22, 1944 (sec. 5, 58 Stat. 890; 16 U. S. C. Sup. 825s).

§ 500.101 *Marketing activities.* In marketing power, Southwestern Power Administration negotiates power sales contracts with public bodies, cooperatives, privately owned utilities, the large industrial customers who take power in wholesale quantities, and other Federal agencies. Contacts are made with potential industrial customers throughout the United States who indicate interest

in establishing plants in the southwest. All possible service is rendered to customers or prospective customers, leading to increased and more efficient use of power.

Research activities and coordination of program of power distribution and use are carried on in coordination with other bureaus and agencies of the Department of the Interior, other Federal departments, and particularly with the Rural Electrification Administration.

Initial power marketing contacts are generally made by the District Offices or by Industrial Management and Information Section. On the establishment of the interest of a potential consumer, contact is taken up by the Power Distribution Sales and Contract Unit of the Engineering Section. Power utilization by rural electric cooperatives, public bodies and potential industrial customers is being stressed in every possible way.

C. GIRARD DAVIDSON,
Acting Secretary.

AUGUST 28, 1946.

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VIRGIN ISLANDS COMPANY

[48 CFR, Ch. III]

PART 300—ORGANIZATION AND PROCEDURE

- Sec.
- 300.1 Creation.
 - 300.2 General description.
 - 300.20 Inquiries and requests in general.
 - 300.21 Location of offices.

§ 300.1 *Creation.* The Virgin Islands Company was created by Ordinance of the Colonial Council of St. Thomas and St. John, Virgin Islands, on April 16, 1934, to aid in effecting the economic rehabilitation of the Virgin Islands and to promote the general welfare of the people of those Islands. The Company's corporate existence has been recognized by the Congress.

§ 300.2 *General description.* (a) The Virgin Islands Company is a non-profit corporation. The total authorized capital stock of the Company is represented by three shares, issued at a fixed rate of \$10 each, and held by the stockholders as a board of trustees under a trust agreement for the benefit of the people of the Virgin Islands. The Company

operates certain Federal properties in St. Thomas and St. Croix, and a rural electrification project in St. Croix. The annual net profits of the Company, derived from operation of the Federal properties, are turned into the United States Treasury.

(b) The governing body of the Company is a board of seven directors elected by the board of trustees. A President, elected by the Board of Directors, is in immediate charge of the Company's operations. The Division of Territories and Island Possessions has the responsibility of protecting the Federal interests in the Company, and aids in the management of the Company.

(c) Under an operating agreement originally executed in November 1934 with the United States, acting through the Secretary of the Interior, the Company operates and maintains Federal properties in St. Thomas and St. Croix. The principal activity of the Company is the growing of sugarcane, the milling of sugar and distillation of rum. In addition the Company operates a mail, cargo and passenger schooner, supervises the operation of a market and abattoir, and rents out tractors and other equipment and supplies, homes and subsistence plots to its employees. In 1941, the Company formed a Rural Electric Division which supplies electric power to the rural areas of St. Croix.

§ 300.20 *Inquiries and requests in general.* Information concerning The Virgin Islands Company may be secured by addressing The Virgin Islands Company, Department of the Interior, Washington 25, D. C. (or Christiansted, St. Croix, Virgin Islands).

§ 300.21 *Locations of offices.* The principal office of The Virgin Islands Company is located in the Municipality of St. Thomas and St. John. The office of the President of the Company is located in Christiansted, St. Croix, where most of the Company's activities are centered. There is an office of the Company in the Department of the Interior, Washington 25, D. C.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 28, 1946.

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