[Airspace Docket No. 67-WA-30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the U.S. segment of Amber Federal airway No. 1 from the intersection of Ediz Hook, Wash., RBN 090° bearing and the south course of the Victoria, B.C., Canada Radio Range to the United States/Canadian border.

The Canadian Department of Transport is considering the revocation of the Canadian portion of Amber 1 south of Victoria effective November 9, 1967, as they no longer have a requirement for this airway segment. If this action is taken, the segment of Amber 1 south of the international border would serve no useful purpose.

Since this amendment will revoke an extension to a Canadian airway that will be revoked effective November 9, 1967, the Administrator has determined that notice and public procedure thereon is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., November 9, 1967, as hereinafter set forth.

Section 71.105 (32 F.R. 2006) is amended as follows:

In A-1 all before "From the Sandspit, B.C., Canada, RR" is deleted.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 14, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-11016; Filed, Sept. 19, 1967; 8:47 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-24; Amdt. 3]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Classification of Stations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of September 1967.

Section 385.14(c) delegates to the Chief, Rates Division, authority to reclassify stations according to the tonnage schedule originally specified by the Board in Order E-9284, dated June 7, 1955, for purposes of determining domestic service mail compensation. In its recent decision in the "Domestic Service Mail Rate Investigation," Order E-25610, dated August 28, 1967, the Board reclassified all domestic stations in accordance with a revised tonnage schedule. The 1955 schedule, however, is still applicable to certain services not included in the recent proceeding. In lieu of setting out all outstanding classifications, the section is editorially amended to state that authority to reclassify stations shall be exercised in accordance with the schedule specified in the applicable Board order. No substantive change is effected thereby.

This regulation is issued by the undersigned, pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.19, and shall become effective 20 days after publication in the FEDERAL REGISTER. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50-385.54).

Accordingly, the Board hereby amends paragraph (c) of § 385.14 (14 CFR 385.14(c)), effective October 10, 1967, to read as follows:

§ 385.14 Delegation to the Chief, Rates Division, Bureau of Economics.

The Board hereby delegates to the Chief, Rates Division, Bureau of Economics, the authority to:

* * * * *

(c) Upon the application of any person or upon his own initiative, change the classification of any station for purposes of the multielement service mail rate formulas applicable to the transportation of airmail and nonpriority mail whenever the total revenue tons of all traffic enplaned at the station during the most recent 12-month period bring it within a different class, in accordance with the schedule specified in the applicable Board order.

* * * * *

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] O. D. OZMENT,
Acting General Counsel.

[F.R. Doc. 67-11033; Filed, Sept. 19, 1967; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 0—STANDARDS OF CONDUCT

Effective September 20, 1967, Part 0 is revised and amended to read as follows:

Subpart A—General Provisions

Sec.
0.735-1 Purpose.
0.735-2 Authority.
0.735-3 Presidential policy.
0.735-4 Definitions.
0.735-5 Interpretation and advisory service.
0.735-6 Reporting conflicts of interest.
0.735-7 Disciplinary and other remedial action.
0.735-8 Publication of regulations.

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

Sec.
0.735-10 Proscribed actions.
0.735-11 Gifts, entertainment, and favors.
0.735-12 Outside employment and other activity.
0.735-13 Financial interests.
0.735-14 Use of Government property.
0.735-15 Misuse of information.
0.735-16 Indebtedness.
0.735-17 Gambling, betting, and lotteries.
0.735-18 General conduct prejudicial to the Government.
0.735-19 Miscellaneous statutory provisions.

Subpart C—Ethical and Other Conduct and Responsibilities of Special Government Employees

0.735-21 Application of Subpart B of this part to special Government employees.
0.735-22 Use of Government employment.
0.735-23 Use of inside information.
0.735-24 Coercion.
0.735-25 Gifts, entertainment, and favors.
0.735-26 Miscellaneous statutory provisions.

Subpart D—Statements of Employment and Financial Interests

0.735-31 Form and content of statements.
0.735-32 Employees required to submit statements.
0.735-33 Presidential appointees.
0.735-34 Time and place for submission of statements.
0.735-35 Supplementary statements.
0.735-36 Interests of employees' relatives.
0.735-37 Information not known by employees.
0.735-38 Information prohibited.
0.735-39 Confidentiality of employees' statements.
0.735-40 Effect of employees' statements on other requirements.
0.735-41 Specific provisions for special Government employees.
0.735-42 Reviewing statements.

Subpart E—Statutory Disqualification and Provision for Exemptions Thereto

0.735-51 Disqualification.
0.735-52 Exemptions.

AUTHORITY: The provisions of this Part 0 issued under E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104.

Subpart A—General Provisions

§ 0.735-1 Purpose.

This part establishes standards of ethical conduct for employees and special Government employees in the Federal Trade Commission. It sets forth regulations pertaining to financial interests; acceptance of gifts, entertainment, and favors; outside employment; use of Government information; and teaching, lecturing, and writing. This part also contains instructions on the filing of statements of employment and financial interests by certain employees and special Government employees.

§ 0.735-2 Authority.

This part is based on Public Law 87-849, effective January 21, 1963; Executive Order 11222 of May 8, 1965; and Part 735 of Civil Service regulations (5 CFR Part 735). This part does not purport to refer to or enumerate every restriction or requirement imposed by statute, regulation, or other authority. The omission of a reference thereto in

no way alters the legal effect of such restriction or requirement. This part is not intended to limit whatever statutory authority or responsibility the Chairman may have with respect to employee conduct and discipline.

§ 0.735–3 Presidential policy.

The President's policy, in section 101 of Executive Order No. 11222, is that "Where government is based on the consent of the governed, every citizen is entitled to have confidence in the integrity of his government. Each individual officer, employee, or adviser of government must help to earn and must honor that trust by his own integrity and conduct in all official actions." When signing the order, the President spoke even more specifically of what he conceives to be the duty that this policy imposes on employees of the executive branch: "Government personnel bear a special responsibility to be fair and impartial in their dealings with those who have business with the government. We cannot tolerate conflicts of interest or favoritism—and it is our intention to see that this does not take place in the Federal Government." This policy is based on a recognition that the maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by Government employees, and special Government employees, through informed judgment is essential to assure the proper performance of the Government's business and the maintenance of confidence and respect of the citizens in their Government.

§ 0.735–4 Definitions.

In this part:

(a) "Commission" means the Federal Trade Commission.

(b) "Employee" means an officer or employee of the Commission, and, insofar as statutory and Executive order provisions are concerned, a Commissioner, but does not include a special Government employee.

(c) "Executive order" means Executive Order 11222.

(d) "Person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

(e) "Special Government employee" means a "special Government employee" as defined in section 202 of title 18 of the United States Code, who is employed in the Federal Trade Commission. In general, this refers to employees appointed to perform temporary duties on either a full-time or intermittent basis for not to exceed 130 days during any period of 365 consecutive days.

§ 0.735–5 Interpretation and advisory service.

The Executive Director shall serve as counselor for the Commission on matters covered by the regulations in this part. Deputy counselors shall be the Director, Office of Administration and the Attorney in Charge of each Field Office. The counselor and deputy counselors shall be responsible for giving authoritative advice and guidance to each employee and special Government employee who seeks such advice or guidance on questions of conflicts of interest or other matters pertaining to the regulations in this part.

§ 0.735–6 Reporting conflicts of interest.

When a statement of employment and financial interests submitted under Subpart D of this part or information from other sources indicates a conflict between the interests of an employee, other than a Commissioner, or special Government employee and the performance of his services for the Government and when the conflict or appearance of conflict is not resolved at a lower level in the Commission, the information concerning the conflict or appearance of conflict shall be reported to the Chairman through the Executive Director. The individual concerned shall be provided an opportunity to explain the conflict or appearance of conflict.

§ 0.735–7 Disciplinary and other remedial action.

(a) A violation of the regulations in this part by an employee, other than a Commissioner, or special Government employee may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law.

(b) When, after consideration of the explanation as provided by § 0.735–6, the Chairman decides that remedial action is required, he will initiate immediate action to end the conflicts or appearance of conflicts of interest. Remedial action may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee or special Government employee of his conflicting interest;

(3) Disciplinary action; or

(4) Disqualification for a particular assignment.

(c) Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive orders, and regulations.

§ 0.735–8 Publication of regulations.

Each employee and special Government employee shall be furnished a copy of the regulations in this part within 90 days after their approval by the Civil Service Commission. Each new employee and special Government employee shall be furnished a copy at the time of his entrance on duty. At least once each year, an appropriate notice shall be issued by the Executive Director to bring the provisions of the regulations in this part to the attention of each employee and special Government employee.

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

§ 0.735–10 Proscribed actions.

An employee shall avoid any action, whether or not specifically prohibited by this part, which might result in, or create the appearance of:

(a) Using public office for private gain;

(b) Giving preferential treatment to any person;

(c) Impeding Government efficiency or economy;

(d) Losing complete independence or impartiality;

(e) Making a Government decision outside official channels; or

(f) Affecting adversely the confidence of the public in the integrity of the Government.

§ 0.735–11 Gifts, entertainment, and favors.

(a) Except as provided in paragraphs (b) and (e) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has, or is seeking to obtain, contractural or other business or financial relations with the Commission.

(2) Conducts operations or activities that are regulated by or are otherwise subject to the jurisdiction of the Commission.

(3) Has interests that may be substantially affected by the performance or nonperformance of his official duty.

(b) As exceptions to paragraph (a) of this section, an employee shall be permitted to:

(1) Accept gifts, gratuities, favors, entertainment, loans, or other things of monetary value from members of his immediate family (i.e., parents, children, or spouse) when the circumstances make it clear that it is the family relationship rather than the business of the persons concerned which is the motivating factor;

(2) Accept food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where the employee may properly be in attendance;

(3) Accept loans from banks or other financial institutions on customary terms to finance proper and usual activities of an employee, such as home mortgage loans; and

(4) Accept unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value.

(c) An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(d) An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342.

(e) Neither this section nor § 0.735–12 precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this part for which

no Government payment or reimbursement is made. However, this paragraph does not allow an employee to be reimbused, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor does it allow an employee to be reimbursed by a person for travel on official business under Commission orders when reimbursement is proscribed by Decision B–128527 of the Comptroller General dated March 7, 1967.

§ 0.735–12 Outside employment and other activity.

(a) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. Incompatible activities include but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest;

(2) Outside employment which tends to impair his mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner; or

(3) Outside employment or other outside activity which may tend to bring discredit upon the Government or the Commission.

(b) An employee shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Government (18 U.S.C. 209).

(c) Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, the Executive order, or this part. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Chairman gives written authorization for the use of nonpublic information on the basis that the use is in the public interest. In addition, an officer or employee who is a Presidential appointee covered by section 401(a) of the Executive order shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Commission, or which draws substantially on official data or ideas which have not become part of the body of public information.

(d) An employee shall not engage in outside employment under a State or local government, except in accordance with Part 734 of Civil Service regulations (5 CFR Part 734).

(e) This section does not preclude an employee from:

(1) Participation in the activities of national or State political parties not proscribed by law.

(2) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

(f) Before engaging in outside employment, an employee, other than a Commissioner, must obtain the written permission of the Executive Director. Request for approval shall be sent through normal supervisory channels and shall include the following information:

(1) Name of the person, group, or organization for whom the work is to be performed.

(2) Nature of the services to be rendered.

(3) Proposed hours of work (if regularly scheduled) or approximate dates of employment.

(4) Employee's certification as to whether the outside employment (including teaching, writing, or lecturing) will depend in any way on information obtained as a result of the employee's official Government position.

§ 0.735–13 Financial interests.

(a) An employee shall not:

(1) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities; or

(2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his Government employment.

(b) This section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law, the Executive order, or the regulations in this part.

§ 0.735–14 Use of Government property.

An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

§ 0.735–15 Misuse of information.

For the purpose of furthering a private interest, an employee shall not, except as provided in § 0.735–12(c), directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

§ 0.735–16 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require the Commission to determine the validity or amount of the disputed debt.

§ 0.735–17 Gambling, betting, and lotteries.

An employee shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities:

(a) Necessitated by an employee's law enforcement duties; or

(b) Under section 3 of Executive Order 10927, pertaining to fund-raising activities conducted by employee organizations.

§ 0.735–18 General conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

§ 0.735–19 Miscellaneous statutory provisions.

Each employee shall acquaint himself with each statute that relates to his ethical and other conduct as an employee of the Commission and of the Government. The attention of employees is directed to the following statutory provisions:

(a) House Concurrent Resolution 175, 85th Congress, 2d session, 72 Stat. B12, the "Code of Ethics for Government Service".

(b) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(g) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(h) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibition against political activities in subchapter III of chapter 73 of title 5, United States Code and 18 U.S.C. 602, 603, 607, and 608.

(q) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

Subpart C—Ethical and Other Conduct and Responsibilities of Special Government Employees

§ 0.735–21 Application of Subpart B of this part to special Government employees.

All provisions of Subpart B of this part except § 0.735–12(f) shall apply to special Government employees. In addition, the regulations in this Subpart C shall apply.

§ 0.735–22 Use of Government employment.

A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

§ 0.735–23 Use of inside information.

Except as provided in § 0.735–12(c), a special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information.

§ 0.735–24 Coercion.

A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

§ 0.735–25 Gifts, entertainment, and favors.

Except as provided in § 0.735–11(b), a special Government employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with his agency anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties.

§ 0.735–26 Miscellaneous statutory provisions.

Each special Government employee shall acquaint himself with each statute that relates to his ethical and other conduct as a special Government employee of the Commission and of the Government. The attention of special Government employees is directed to those statutory provisions listed in § 0.735–19.

Subpart D—Statement of Employment and Financial Interests

§ 0.735–31 Form and content of statements.

The statements of employment and financial interests required under this subpart for use by employees, other than Commissioners, and special Government employees shall contain the information required by the formats prescribed by the Civil Service Commission in the Federal Personnel Manual.

§ 0.735–32 Employees required to submit statements.

(a) The following employees shall submit statements of employment and financial interests:

(1) The Executive Director and the Deputy Executive Director and Program Review Officer.

(2) The General Counsel and the Assistant General Counsels.

(3) The Secretary of the Commission.

(4) Hearing Examiners.

(5) Bureau Directors, Assistant Bureau Directors, and Chiefs of Divisions within the Bureaus.

(6) Attorneys in Charge of the Field Offices.

(b) An employee who feels that his position has been improperly designated as one requiring the submission of a statement of employment and financial interests has recourse to the Commission's grievance procedures set forth in Chapter 5–771 of the Commission's Administrative Manual.

§ 0.735–33 Presidential appointees.

A statement of employment and financial interests is not required by this part from the Chairman or other Commissioners. These officials are subject to separate reporting requirements under section 401 of the Executive order.

§ 0.735–34 Time and place for submission of statements.

An employee required to submit a statement of employment and financial interests under the regulations in this part shall submit that statement to the Executive Director not later than:

(a) Ninety days after the effective date of the regulations in this part if employed on or before that effective date; or

(b) Thirty days after his entrance on duty, but not earlier than 90 days after the effective date, if appointed after that effective date.

§ 0.735–35 Supplementary statements.

Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement as of June 30 each year. If no changes or additions occur, a negative report is required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts of interest provisions of section 208 of title 18, United States Code, or Subpart B of this part.

§ 0.735–36 Interests of employees' relatives.

The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's immediate household" means those blood relations who are residents of the employee's household.

§ 0.735–37 Information not known by employees.

If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

§ 0.735–38 Information prohibited.

This part does not require an employee to submit on a statement of employment and financial interests or supplementary statement any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

§ 0.735–39 Confidentiality of employees' statements.

Each statement of employment and financial interests, and each supplementary statement, shall be held in con-

fidence. Only the Chairman, the Executive Director, and the Deputy Executive Director are authorized to review and retain the statements. These officials are responsible for maintaining the statements in confidence and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of this part. Information from a statement shall not be disclosed except as the Civil Service Commission or the Chairman may determine for good cause shown.

§ 0.735–40 Effect of employees' statements on other requirements.

The statements of employment and financial interests and supplementary statements required of employees are in addition to and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

§ 0.735–41 Specific provisions for special Government employees.

(a) Except as provided in paragraph (b) of this section, each special Government employee shall submit a statement of employment and financial interests which reports:

(1) All other employment; and

(2) The financial interests of the special Government employee which relate either directly or indirectly to the duties and responsibilities of the special Government employee.

(b) The Chairman may waive the requirement in paragraph (a) of this section for the submission of a statement of employment and financial interests in the case of a special Government employee who is not a consultant or an expert when he finds that the duties of the position held by that special Government employee are of a nature and at such a level of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Government. For the purpose of this paragraph, "consultant" and "expert" have the meanings given those terms by chapter 304 of the Federal Personnel Manual.

(c) A statement of employment and financial interests required to be submitted under this section shall be submitted to the Executive Director not later than the time of employment of the special Government employee. Each special Government employee shall keep his statement current throughout his employment with the Commission by the submission of supplementary statements.

§ 0.735–42 Reviewing statements.

The Executive Director or the Deputy Executive Director shall review each statement of employment and financial interests to ascertain whether a conflict of interest or an apparent conflict of interest exists. If there is a conflict or apparent conflict, the procedures specified in §§ 0.735–6 and 0.735–7 shall be followed.

Subpart E—Statutory Disqualification and Provision for Exemptions Thereto

§ 0.735–51 Disqualification.

Pursuant to Public Law 87–849 (18 U.S.C. 208), except as permitted by § 0.735–52, no employee or special Government employee shall participate "personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest." Conviction under 18 U.S.C. 208 carries a fine of not more than $10,000, or imprisonment for not more than 2 years, or both.

§ 0.735–52 Exemptions.

Section 0.735–51 and 18 U.S.C. 208(a) shall not apply if the employee or special Government employee sends prior written notification to the Chairman, through normal supervisory channels, "of the nature and circumstances of the * * * particular matter and makes full disclosure of the financial interest," and receives in advance a written determination made by the Chairman "that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such officer or employee."

This Part 0 was approved by the Civil Service Commission on September 11, 1967, and supersedes the Part 0 previously approved by the Civil Service Commission on April 12, 1966, and published in the FEDERAL REGISTER on April 22, 1966 (31 F.R. 6197).

Effective date. This Part 0 shall become effective upon publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67–11022; Filed, Sept. 19, 1967; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67–219]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Bounty or Grant Paid or Bestowed

SEPTEMBER 11, 1967.

To provide more orderly procedures for the Bureau of Customs and the Treasury Department to carry out their responsibilities under section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) relating to countervailing duties, it is both desirable and appropriate to amend the Customs Regulations to provide for the issuance of a notice, to be published in the FEDERAL REGISTER, announcing when questions of whether bounties or grants are being paid or bestowed in particular circumstances are under investigation and consideration. The notice would invite written comments from interested persons.

Accordingly, § 16.24 of the Customs Regulations is amended, as follows:

Section 16.24(d) is amended to read as follows:

(d) Upon receipt by the Commissioner of Customs of any communication submitted pursuant to paragraph (a), (b), or (c), of this section and found to comply with the requirements of the pertinent paragraph, the Commissioner will cause such investigation to be made as appears to be warranted by the circumstances of the case. If he determines that the information presented in such communication is patently in error, he shall so advise the person who submitted the information and the case shall be closed. Otherwise, the Commissioner, with the approval of the Secretary of the Treasury, shall publish a notice in the FEDERAL REGISTER that a communication has been submitted pursuant to paragraph (a), (b), or (c) of this section. The notice shall invite interested persons to submit written comments with respect to the matter within such time as is specified in the notice.

Section 16.24(e) is amended by striking the words "if it" and substituting in lieu thereof the following: "If, after consideration of such written comments as are received in response to the notice provided for in paragraph (d) of this section and other relevant data, it".

The foregoing amendments are effective upon publication of this Treasury Decision in the FEDERAL REGISTER.

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

LESTER D. JOHNSON,
Commissioner of Customs.

Approved: September 11, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67–11038; Filed, Sept. 19, 1967; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT, AND THE FAIR PACKAGING AND LABELING ACT

Ruling on Objections

In the matter of amending the enforcement regulations (21 CFR Part 1)