

Answer. Private parties dealing with this agency are not required in any manner to resort to organization or procedures not published in the Federal Register.

Question 9. In what types of cases has your agency refrained from publishing rules where there is involved any function of the United States requiring secrecy in the public interest, pursuant to section 3(1) of the Administrative Procedure Act or other authority?

Answer. In all cases in which this agency has made rules pertaining to any of its functions, excepting matters of internal management (see the answer to question 10), such rules have been published.

Question 10. In what circumstances has your agency refrained from publishing rules where there is involved any matter relating solely to internal agency management, pursuant to section 3(2) of the Administrative Procedure Act or other authority?

Answer. Section 3(2) of the Administrative Procedure Act makes an exception from publication of those rules which concern any matter relating solely to the internal management of an agency. This agency has issued instructions to its staff in a number of areas concerned with internal management. They are: Management, budget and finance, general services, personnel, and special instructions. Special instructions pertain to the preparation and routing of internal paperwork. All these instructions in these areas are contained in this agency's administrative manual, which is distributed throughout bureau and division offices of the Commission for use by all of the staff.

In the general category of personnel instructions, the agency has established grievance and appeal procedures. These may be construed to be rules. While these rules have been circulated among the staff members who are affected, or who may be affected, the Commission has refrained from publishing them to the public at large.

Question 11. What is your agency's definition of "official record" as used in section 3(c) of the Administrative Procedure Act?

Answer. This agency has not adopted a specific definition of the term "official record." It considers all its acquired information to be matters of official record. However, not all of these matters are public, nor are all of them required to be by the Administrative Procedure Act. The agency has provided by rule that many of the matters are public without further determination, and the remaining matters upon proper application and in the public interest may be disclosed to the public or properly interested persons. See rules 1.132 through 1.134, pages 26, 27, 28, of the manual. Statutory limitations on disclosure are observed. See sections 6 and 10 of the Federal Trade Commission Act, 15 U.S.C.A. 46, 50. The Commission does not consider the following as matters of official record: materials relating to internal management and personnel, personnel actions, internal memorandums, and reports by employees and individual Commissioners which reflect study, research, and analysis of acquired facts.

REPLY FROM FOREIGN CLAIMS SETTLEMENT COMMISSION

FOREIGN CLAIMS SETTLEMENT COMMISSION

OF THE UNITED STATES,
Washington, D.C., March 15, 1965.

Hon. JOHN E. MOSS,

Chairman, Foreign Operations and Government Information Subcommittee, Committee on Government Operations, House of Representatives.

DEAR MR. CHAIRMAN: In response to your letter of February 12, 1965, concerning the study by your subcommittee on the availability of information from Federal departments and agencies under section 3 of the Administrative Procedure Act of 1946 (5 U.S.C. 1002), the Foreign Claims Settlement Commission submits the following answers to your questions. Should questions arise with respect thereto, they should be directed to Mr. Andrew T. McGuire, general counsel, code 128, extension 3125.

1. The functions of the Commission are performed in their entirety pursuant to specific statutory grants of authority to receive and determine certain claims of nationals of the United States for certain property losses in foreign countries. These functions are performed solely by the three Commissioners, who are appointed by the President by and with the consent of the U.S. Senate.