

Under the grants of authority the Commission is authorized to prescribe such rules and regulations as may be necessary to carry out its functions. Regulations established pursuant to the statutes are discussed and approved by the Commission itself at regular Commission meetings, are published in the Federal Register and become effective upon such publication. These regulations are entirely procedural or interpretive in nature. Covered therein, are matters regarding the time when and the limit of time within which claims may be filed, the receipt, administration and establishment of standards for the examination of claims and granting of awards, conduct of hearings, submission of evidence at hearings and related matters pertaining to the process of disposing of claims.

The Commission is not a public regulatory agency and its rules and regulations do not affect the public at large. Under the language of the statutes which it administers authorizing the issuance of rules and regulations, the Commission is not absolutely required to issue such rules and regulations, with the possible exception of notice of the period of time within which claims must be filed. They are designed for the convenience of the Commission and claimants before the Commission and to give order and direction to the work of the Commission.

An example of the general grant of authority to prescribe rules and regulations is found in section 2(b) of the War Claims Act of 1948, as amended (62 Stat. 1240; 50 U.S.C. App. 2001-2016), which provides as follows:

(b) The Commission may prescribe such rules and regulations as may be deemed necessary to carry out its functions, and may delegate functions to any member, officer or employee of the Commission.

A similar provision is contained in section 3(c) of the International Claims Settlement Act of 1949, as amended (64 Stat. 12; 22 U.S.C. 1621).

Typical of the authority of the Commission regarding claims filing periods, is the following provision of the War Claims Act of 1948, as amended by Public Law 87-846, approved October 22, 1962 (76 Stat. 1107 (1962) 50 U.S.C. App. 2017). Therein it is stated:

SEC. 210. Within sixty days after the enactment of this title or of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this title, whichever date is later, the Commission shall give public notice by publication in the Federal Register of the time when, and the limit of time within which claims may be filed, which limit shall not be more than eighteen months after such publication.

2. (a) Descriptions of the Commission's central and field operations are published in the Federal Register: U.S. Government Organization Manual; and semi-annual reports to the Congress.

(b) Statements of the general course and method by which the Commission's functions are carried out are generally published in the Commission's semi-annual reports to the Congress.

(c) Substantive rules are not made and issued.

(d) Statements of general policy or interpretations required only at congressional hearings or in response to specific requests.

(e) Rules governing the general decisional process are published in the Federal Register. Rules are furnished directly to specific parties in question. Since these rules are applicable for internal guidance only, public notice is not required.

3. Rules governing the availability for public inspection of opinions and orders are merely administrative determinations designed for the implementation of Executive Order No. 10501, November 5, 1953. The Commission maintains public dockets of claims. Notice of the issuance of decisions on claims are posted on a public bulletin board and the decisions are available for public inspection upon request.

4. The Commission does not issue interim or final decisions in any cases which are held to be confidential. All proposed and final decisions and opinions are a matter of public record and are available for inspection upon request.

5. The Commission does not utilize unpublished opinions or orders in any of its proceedings.

6. The records and files of the Commission are not made available to the general public. Files on particular claims are available for inspection only by the claimant involved therein or his authorized representative. Legal opinions and decisions are available to the general public in the offices of the Commission and, upon request and payment of minimum charge for duplication services, copies of such opinions and decisions are furnished.