

The claim may be thereupon disallowed.

**§ 429.105 Investigation, examination, and determination of claims.**

When a claim is received, SSA shall make such investigation as may be necessary or appropriate for a determination of the validity of the claim and thereafter shall forward the claim, together with all pertinent material, and a recommendation based on the merits of the case, with regard to allowance or disallowance of the claim, to the SSA Claims Officer to whom authority has been delegated to adjust, determine, compromise and settle all claims hereunder.

**§ 429.106 Final denial of claims.**

(a) Final denial of an administrative claim shall be in writing and sent to the claimant, his attorney, or legal representative by certified or registered mail. The notification of final denial may include a statement of the reasons for the denial and shall include a statement that, if the claimant is dissatisfied with SSA's action, he may file suit in an appropriate U.S. District Court not later than 6 months after the date of mailing of the notification.

(b) Prior to the commencement of suit and prior to the expiration of the 6-month period after the date of mailing, by certified or registered mail of notice of final denial of the claim as provided in 28 U.S.C. 2401(b), a claimant, his duly authorized agent, or legal representative, may file a written request with SSA for reconsideration of a final denial of a claim under paragraph (a) of this section. Upon the timely filing of a request for reconsideration SSA shall have 6 months from the date of filing in which to make a final disposition of the claim and the claimant's option under 28 U.S.C. 2675(a) to bring suit shall not accrue until 6 months after the filing of a request for reconsideration. Final SSA action on a request for reconsideration shall be effected in accordance with the provisions of paragraph (a) of this section.

**§ 429.107 Payment of approved claims.**

(a) Upon allowance of his claim, claimant or his duly authorized agent shall sign the voucher for payment, Standard Form 1145, before payment is made.

(b) When the claimant is represented by an attorney, the voucher for payment (SF 1145) shall designate both the claimant and his attorney as "payees." The check shall be delivered to the attorney whose address shall appear on the voucher.

**§ 429.108 Release.**

Acceptance by the claimant, his agent or legal representative, of any award, compromise or settlement made hereunder, shall be final and conclusive on the claimant, his agent or legal representative and any other person on whose behalf or for whose benefit the claim has been presented, and shall constitute a complete release of any claim against the United States and against any employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

**§ 429.109 Penalties.**

A person who files a false claim or makes a false or fraudulent statement in a claim against the United States may be liable to a fine of not more than \$10,000 or to imprisonment of not more than 5 years, or both (18 U.S.C. §§ 287; 1001), and, in addition, to a forfeiture of \$2,000 and a penalty of double the loss or damage sustained by the United States (31 U.S.C. § 231).

**§ 429.110 Limitation on SSA's authority.**

(a) An award, compromise or settlement of a claim hereunder in excess of \$25,000 shall be effected only with the prior written approval of the Attorney General or his designee. For the purposes of this paragraph, a principal claim and any derivative or subrogated claim shall be treated as a single claim.

(b) An administrative claim may be adjusted, determined, compromised or settled hereunder only after consultation with the Department of Justice when, in the opinion of SSA:

(1) A new precedent or a new point of law is involved; or

(2) A question of policy is or may be involved; or

(3) The United States is or may be entitled to indemnity or contribution from a third party and SSA is unable to adjust the third party claim; or

(4) The compromise of a particular claim, as a practical matter, will or may control the disposition of a related claim in which the amount to be paid may exceed \$25,000.

(c) An administrative claim may be adjusted, determined, compromised or settled only after consultation with the Department of Justice when it is learned that the United States or an employee, agent or cost plus contractor of the United States is involved in litigation based on a claim arising out of the same incident or transaction.

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**DEPARTMENT OF STATE**

**Bureau of Consular Affairs**

**22 CFR Part 41**

[Public Notice 2536]

**Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act; Validity of Nonimmigrant Visas**

**AGENCY:** Bureau of Consular Affairs, Department of State.

**ACTION:** Final rule.

**SUMMARY:** Section 632(b) of Pub. L. 104-208, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), enacted on September 30, 1996, amended the Immigration and Nationality Act (INA) to authorize the application of the nonimmigrant reciprocity rules to refugees and permanent residents on a reciprocal basis. Thus, on a reciprocal basis, permanent residents of a foreign country and aliens granted refugee status in that foreign country may have nonimmigrant visas issued pursuant to the same visa fee schedule and for the same period of validity as nationals of that country. This rule implements new INA 221(c) and amends the Department's regulations at 41.112(b) accordingly.

Additionally, effective April 1, 1994, the Department instructed all Foreign Service posts to cease issuing Burroughs nonimmigrant visas with indefinite validity. Foreign Service posts worldwide now issue only machine-readable visas (MRVs), a more technologically advanced and secure type of visa. The Department is, therefore, amending its regulations by changing the maximum validity of nonimmigrant visas from "indefinite" to "ten years" to conform to the applicable technology mandated by Congress.

**DATES:** This rule is effective May 5, 1997.

**ADDRESSES:** Chief, Legislation and Regulation Division, Visa Office, Room L603-C, SA-1, Washington, D.C. 20520-0106.

**FOR FURTHER INFORMATION CONTACT:** Stephen K. Fischel, Chief, Legislation and Regulations Division, (202) 663-1203.

**SUPPLEMENTARY INFORMATION:**

**IIRIRA Section 632(b)**

Section 632(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) amended INA 221(c). Under INA 221(c), aliens are accorded the same treatment upon a reciprocal basis as the alien's

country extends to U.S. citizens. This treatment extends to fees charged for visas and validity periods of issued visas. The amount of the fee and the duration of the visa's validity are set forth in schedules published by the Department of State. These schedules are published in Volume 9 of the Foreign Affairs Manual, Part IV, Appendix C. The schedules are developed on the basis of reciprocal agreements which seek parity in visa fees and visa validity periods between the United States and a particular foreign government. Consequently, United States nonimmigrant visa fees and periods of visa validity are based, as far as is practicable, on the visa fees and validity periods which United States citizens are accorded when applying for visas for travel to a particular country. This amendment authorizes on a reciprocal basis the use of the same fee and visa validity schedules for aliens who have obtained refugee status in a country or who have obtained permanent resident status in that country. Thus, an alien who is a refugee or permanent resident in a country may be issued a visa pursuant to the reciprocity schedule accorded nationals of that country, as long as that foreign country extends the same treatment to refugees and permanent residents of the United States. The regulation at 22 CFR 41.112(b) is amended to accommodate these changes.

**Machine Readable Visa (MRV)**

Over the past several years United States Foreign Service posts have converted from the issuance of Burroughs visas to machine readable visas (MRVs) for all nonimmigrant issuance. MRV technology was developed as an anti-counterfeiting measure to enhance the security of the visa. A MRV has a maximum life span of ten years. Therefore, effective April 1, 1994, no nonimmigrant visa, (including B visas formerly authorized for indefinite maximum validity) may be issued for more than ten years, and reciprocity schedules have been amended accordingly. The Department is, therefore, amending its regulation at 22 CFR 41.112(b) to reflect use of the machine-readable visa.

**Final Rule**

The implementation of this rule as a final rule is based upon the "good cause" exceptions established by 5 U.S.C. 553(b)(B) and 553(d)(3). The first amendment made by this rule grants or recognizes an exemption or relieves a restriction under 5 U.S.C. 553(d)(1). The second amendment is based upon the

limitations inherent in applicable technology. Both are considered beneficial to the United States Government.

This rule is not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act (5 U.S.C. 605(b)). This rule imposes no reporting or record-keeping action from the public requiring the approval of the Office of Management and Budget under the Paperwork Reduction Act requirements. This rule has been reviewed as required by E.O. 12988 and certified to be in compliance therewith. This rule is exempted from E.O. 12866 but has been reviewed to ensure consistency therewith.

**List of Subjects in 22 CFR Part 41**

Aliens, Nonimmigrants, Passports and visas, Visa validity.

In view of the foregoing, 22 CFR is amended as follows:

**PART 41—[AMENDED]**

1. The authority citation for part 41 continues to read:

**Authority:** 8 U.S.C. 1104.

2. Section 41.112 is amended by revising paragraph (b) to read as follows:

**§ 41.112 Validity of visa.**

\* \* \* \* \*

(b) Validity of visa and number of applications for admission. (1) Except as provided in paragraph (c) of this section, a nonimmigrant visa shall have the validity prescribed in schedules provided to consular officers by the Department, reflecting insofar as practicable the reciprocal treatment accorded U.S. nationals, U.S. permanent residents, or aliens granted refugee status in the U.S. by the government of the country of which the alien is a national, permanent resident, refugee or stateless resident.

(2) Notwithstanding paragraph (b)(1) of this section, United States nonimmigrant visas shall have a maximum validity period of 10 years.

(3) An unexpired visa is valid for application for admission even if the passport in which the visa is stamped has expired, provided the alien is also in possession of a valid passport issued by the authorities of the country of which the alien is a national.

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Dated: April 22, 1997.

**Mary A. Ryan,**  
*Assistant Secretary for Consular Affairs.*  
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**DEPARTMENT OF STATE**

**Bureau of Consular Affairs**

**22 CFR Part 41**

[Public Notice 2538]

**Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act; Validity of Nonimmigrant Visas**

**AGENCY:** Bureau of Consular Affairs, Department of State.

**ACTION:** Final rule.

**SUMMARY:** The Department has been developing for a number of years a machine-readable nonimmigrant visa (MRV). The MRV is a durable, long-lasting adhesive foil designed to improve security and protect against counterfeiting. MRVs are affixed in passports and contain: specific biographic data on the bearer, a digitized photograph of the alien, and specially encoded machine-readable data. MRVs are now being used exclusively at consular posts abroad, having replaced old-style mechanically-stamped visas. The Department, therefore, is modifying regulatory language to comport with the new MRV technology.

The Department also is removing an obsolete regulation relating to the issuance of visas on official identity cards produced under the auspices of the International Olympic Committee (IOC).

**DATES:** This rule is effective May 5, 1997.

**ADDRESSES:** Chief, Legislation and Regulations Division, Visa Office, Department of State, 2401 E Street, NW, Room L603-C, SA-1, Washington, D.C. 20520-0106.

**FOR FURTHER INFORMATION CONTACT:** Stephen K. Fischel, Chief, Legislation and Regulations Division, (202) 663-1203.

**SUPPLEMENTARY INFORMATION:** The practice of placing United States visas into foreign passports has progressed through three stages, the use of a simple hand stamp, to a machine-driven automated stamp, and now, to a more sophisticated machine readable visa technology that provides greater security and anti-counterfeiting features. As a result of the new MRV technology, a number of visa issuance procedures codified in the Department's regulations at 22 CFR 41.113 have become outmoded, or need updating.

**Machine Readable Visas (MRVs)**

Section 4604 of the Anti-Drug Abuse Act of 1988, (Pub. L. 100-690), enacted