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code of federal regulations

Public Contracts and Property Management

41

CHAPTER 201 TO END

Revised as of July 1, 1998

CONTAINING
A CODIFICATION OF DOCUMENTS
OF GENERAL APPLICABILITY
AND FUTURE EFFECT

AS OF JULY 1, 1998

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Cite this Code: CFR

To cite the regulations in this volume use title, part and section number. Thus, 41 CFR 300–1.1 *refers to title 41, part 300–1, section 1.*

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The Code of Federal Regulations is a codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government. The Code is divided into 50 titles which represent broad areas subject to Federal regulation. Each title is divided into chapters which usually bear the name of the issuing agency. Each chapter is further subdivided into parts covering specific regulatory areas.

Each volume of the Code is revised at least once each calendar year and issued on a quarterly basis approximately as follows:

Title 1 through Title 16.....as of January 1
Title 17 through Title 27.....as of April 1
Title 28 through Title 41.....as of July 1
Title 42 through Title 50.....as of October 1

The appropriate revision date is printed on the cover of each volume.

LEGAL STATUS

The contents of the Federal Register are required to be judicially noticed (44 U.S.C. 1507). The Code of Federal Regulations is prima facie evidence of the text of the original documents (44 U.S.C. 1510).

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The Code of Federal Regulations is kept up to date by the individual issues of the Federal Register. These two publications must be used together to determine the latest version of any given rule.

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OMB CONTROL NUMBERS

The Paperwork Reduction Act of 1980 (Pub. L. 96–511) requires Federal agencies to display an OMB control number with their information collection request.

Many agencies have begun publishing numerous OMB control numbers as amendments to existing regulations in the CFR. These OMB numbers are placed as close as possible to the applicable recordkeeping or reporting requirements.

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Provisions that become obsolete before the revision date stated on the cover of each volume are not carried. Code users may find the text of provisions in effect on a given date in the past by using the appropriate numerical list of sections affected. For the period before January 1, 1986, consult either the List of CFR Sections Affected, 1949–1963, 1964–1972, or 1973–1985, published in seven separate volumes. For the period beginning January 1, 1986, a ''List of CFR Sections Affected'' is published at the end of each CFR volume.

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A subject index to the Code of Federal Regulations is contained in a separate volume, revised annually as of January 1, entitled CFR INDEX AND FINDING AIDS. This volume contains the Parallel Table of Statutory Authorities and Agency Rules (Table I), and Acts Requiring Publication in the Federal Register (Table II). A list of CFR titles, chapters, and parts and an alphabetical list of agencies publishing in the CFR are also included in this volume.

An index to the text of ''Title 3—The President'' is carried within that volume.

The Federal Register Index is issued monthly in cumulative form. This index is based on a consolidation of the ''Contents'' entries in the daily Federal Register.

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REPUBLICATION OF MATERIAL

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For a legal interpretation or explanation of any regulation in this volume, contact the issuing agency. The issuing agency's name appears at the top of odd–numbered pages.

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RAYMOND A. MOSLEY,
Director,
Office of the Federal Register.

July 1, 1998.

THIS TITLE

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT consists of Subtitle A—Federal Procurement Regulations System [Note]; Subtitle B—Other Provisions Relating to Public Contracts; Subtitle C—Federal Property Management Regulations System; Subtitle D is reserved for other provisions relating to property management, Subtitle E—Federal Information Resources Management Regulations System and Subtitle F—Federal Travel Regulation System.

As of July 1, 1985, the text of subtitle A is no longer published in the Code of Federal Regulations. For an explanation of the status of subtitle A, see 41 CFR chapters 1–100 (page 3).

Other government-wide procurement regulations relating to public contracts appear in chapters 50 through 100, subtitle B.

The Federal property management regulations in chapter 101 of subtitle C are government-wide property management regulations issued by the General Services Administration. In the remaining chapters of subtitle C are the *implementing* and *supplementing* property management regulations issued by individual Government agencies. Those regulations which implement chapter 101 are numerically keyed to it.

The Federal Travel Regulation System in chapters 300–304 of subtitle F is issued by the General Services Administration.

Title 41 is composed of four volumes. The chapters in these volumes are arranged as follows: Chapters 1—100, chapter 101, chapters 102—200, and chapter 201 to End. These volumes represent all current regulations codified under this title of the CFR as of July 1, 1998.

Redesignation tables appear in the finding aids section of the volumes containing chapter 101 and chapters 102 to 200.

For this volume, Karen A. Thornton was Chief Editor. The Code of Federal Regulations publication program is under the direction of Frances D. McDonald, assisted by Alomha S. Morris.

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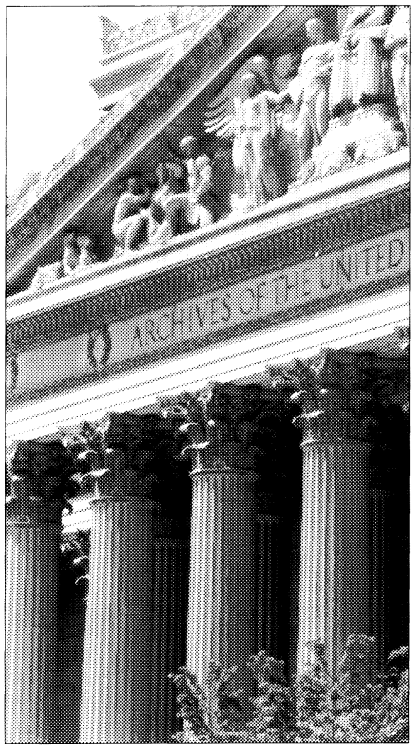

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Title 41—Public Contracts and Property Management

(This book contains chapter 201 to End)

Part

SUBTITLE E—FEDERAL INFORMATION RESOURCES MANAGEMENT REGULATIONS SYSTEM

CHAPTER 201 [Reserved] .....

SUBTITLE F—FEDERAL TRAVEL REGULATION SYSTEM

CHAPTER 300—General 300–1

CHAPTER 301—Temporary Duty (TDY) Travel Allowances 301–1

CHAPTER 302—Relocation Allowances 302–1

CHAPTER 303—Payment of Expenses Connected With the Death of Certain Employees 303–1

CHAPTER 304—Payment From a Non-Federal Source for Travel Expenses 304–1

Subtitle E—Federal Information Resources Management Regulations System

CHAPTER 201 [RESERVED]

Subtitle F—Federal Travel Regulation System

CHAPTER 300—GENERAL

SUBCHAPTER A—INTRODUCTION

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SUBCHAPTER A—INTRODUCTION

PART 300–1—THE FEDERAL TRAVEL REGULATION (FTR)

Sec.
300–1.1 What is the FTR?
300–1.2 What is the purpose of the FTR?

AUTHORITY: 5 U.S.C. 5707; 5 U.S.C. 5738; 5 U.S.C. 5741–5742; 20 U.S.C. 905(a); 31 U.S.C. 1353; 40 U.S.C. 486(c); 49 U.S.C. 40118; E.O. 11609, 3 CFR, 1971–1975 Comp., p. 586.

SOURCE: 63 FR 15951, Apr. 1, 1998, unless otherwise noted.

§300–1.1 What is the FTR?

The FTR is the regulation contained in 41 Code of Federal Regulations (CFR), Chapters 300 through 304, which implements statutory requirements and Executive branch policies for travel by Federal civilian employees and others authorized to travel at Government expense.

§300–1.2 What is the purpose of the FTR?

There are two principal purposes:

(a) To interpret statutory and other policy requirements in a manner that balances the need to assure that official travel is conducted in a responsible manner with the need to minimize administrative costs;

(b) To communicate the resulting policies in a clear manner to Federal agencies and employees.

PART 300–2—HOW TO USE THE FTR

Subpart A—General

Sec.
300–2.1 What formats exist in the FTR?

Subpart B—Question and Answer Format

300–2.20 What is the purpose of the question & answer format?
300–2.21 How is the rule expressed in the question & answer format?
300–2.22 Who is subject to the FTR?
300–2.23 How is the user addressed in the FTR?

Subpart C—Title and Narrative Format

300–2.70 How is the rule expressed in the title and narrative format?

AUTHORITY: 5 U.S.C. 5707; 5 U.S.C. 5738; 5 U.S.C. 5741–5742; 20 U.S.C. 905(a); 31 U.S.C. 1353; 40 U.S.C. 486(c); 49 U.S.C. 40118; E.O. 11609, 3 CFR 1971–1975 Comp., p. 586.

SOURCE: 63 FR 15951, Apr. 1, 1998, unless otherwise noted.

Subpart A—General

§300–2.1 What formats exist in the FTR?

The FTR is written in two formats—the question & answer format and the title and narrative format.

Subpart B—Question & Answer Format

§300–2.20 What is the purpose of the question & answer format?

The Q&A format is an effective way to engage the reader and to break the information into manageable pieces.

§300–2.21 How is the rule expressed in the question and answer format?

The rule is expressed in both the question and answer.

§300–2.22 Who is subject to the FTR?

Employees and agencies. Since the user may be an employee or an agency, portions of the FTR have been separated into employee and agency sections. However, while the employee provisions are addressed to the employee, the rules expressed in those provisions apply to the agency as well. The following lists the relevant employee and agency sections of the FTR:

For	The employee provisions are contained in	And the agency provisions are contained in
Chapter 301.	Subchapters A, B, and C.	Subchapter D.

§300–2.23 How is the user addressed in the FTR?

The FTR asks questions in the first person, as the user would. It then answers the questions in the second and third person. In the employee sections, the employee is addressed in the singular, and in the agency sections, the agency is addressed in the plural. The

following describes how employee and agency are addressed in both sections:

When you are in the	And you are looking at a	The employee is referred to using	And the agency is referred to using
Employee section	Question	I, me, or my	Agency.
	Answer	You or your	Agency.
Agency section	Question	Employee	We, us, or our.
	Answer	Employee	You or your.

Subpart C—Title and Narrative Format

§ 300–2.70 How is the rule expressed in the title and narrative format?

The rule is in the narrative. The title serves only as a tool to determine the subject of the rule.

PART 300–3—GLOSSARY OF TERMS

AUTHORITY: 5 U.S.C. 5707; 5 U.S.C. 5738; 5 U.S.C. 5741–5742; 20 U.S.C. 905(a); 31 U.S.C. 1353; 40 U.S.C. 486(c); 49 U.S.C. 40118; E.O. 11609, 3 CFR, 1971–1975 Comp., p. 586.

§ 300–3.1 What do the following terms mean?

Actual expense—Payment of authorized actual expenses incurred, up to the limit prescribed by the Administrator of GSA or agency, as appropriate. Entitlement to reimbursement is contingent upon entitlement to per diem, and is subject to the same definitions and rules governing per diem.

Approved accommodation—Any place of public lodging that is listed on the national master list of approved accommodations. The national master list of all approved accommodations is compiled, periodically updated, and published in the FEDERAL REGISTER by FEMA. Additionally, the approved accommodation list is available on the U.S. Fire Administration's Internet site at http://www.usfa.fema.gov/hotel/index.htm.

Automated-Teller-Machine (ATM) services—Government contractor-provided ATM services that allow cash withdrawals from participating ATMs to be charged to a Government contractor-issued charge card.

Common carrier—Private-sector supplier of air, rail or bus transportation.

Conference—A meeting, retreat, seminar, symposium or event that involves attendee travel. The term ''conference'' also applies to training activities that are considered to be conferences under 5 CFR 410.404.

Continental United States (CONUS)—The 48 contiguous States and the District of Columbia.

Contract carriers—U.S. certificated air carriers which are under contract with the government to furnish Federal employees and other persons authorized to travel at Government expense with passenger transportation service. This also includes GSA's scheduled airline passenger service between selected U.S. cities/airports and between selected U.S. and international cities/airports at reduced fares.

Employee with a disability (also see *Special Needs*)—

(a) An employee who has a disability as defined in paragraph (b) of this definition and is otherwise generally covered under the Rehabilitation Act of 1973, as amended (29 U.S.C. 701–797b).

(b) ''Disability,'' with respect to an employee, means:

(1) Having a physical or mental impairment that substantially limits one or more major life activities;

(2) Having a record of such an impairment;

(3) Being regarded as having such an impairment; but

(4) Does not include an individual who is currently engaging in the illegal use of drugs, when the covered entity acts on the basis of such use.

(c) ''Physical or mental impairment'' means:

(1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organ, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or

(2) Any mental or psychological disorder (e.g., mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities).

(3) The term ''physical or mental impairment'' includes, but is not limited to, such diseases and conditions as cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, and orthopedic, visual, speech and hearing impairments.

(d) ''Major life activities'' means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(e) ''Has a record of such an impairment'' means the employee has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.

(f) ''Is regarded as having such an impairment'' means the employee has:

(1) A physical or mental impairment that does not substantially limit major life activities but the impairment is treated by the agency as constituting such a limitation;

(2) A physical or mental impairment that substantially limits major life activities as a result of the attitudes of others toward such an impairment; or

(3) None of the impairments defined under ''physical or mental impairment'', but is treated by the employing agency as having a substantially limiting impairment.

Family (see Immediate family)

Foreign air carrier—An air carrier who is not holding a certificate issued by the United States under 49 U.S.C. 41102.

Foreign area (see also non-foreign area)—Any area, including the Trust Territories of the Pacific Islands, situated both outside CONUS and the nonforeign areas.

Government aircraft—Any aircraft owned, leased, chartered or rented and operated by an executive agency.

Government contractor-issued individually billed charge card—A Government contractor-issued charge card used by authorized individuals to pay for official travel and transportation related expenses for which the contractor bills the employee.

Government-furnished automobile—An automobile (or ''light truck,'' as defined in 41 CFR 101–38 including vans and pickup trucks) that is:

(a) Owned by an agency,

(b) Assigned or dispatched to an agency from the GSA Interagency Fleet Management System, or

(c) Leased by the Government for a period of 60 days or longer from a commercial source.

Government-furnished vehicle—A Government-furnished automobile or a Government aircraft.

Government Transportation Request (GTR) (Standard Form 1169)—A Government document used to procure common carrier transportation services. The document obligates the Government to pay for transportation services provided.

Immediate family—Any of the following named members of the employee's household at the time he/she reports for duty at the new permanent duty station or performs other authorized travel involving family members:

(a) Spouse;

(b) Children of the employee or employee's spouse who are unmarried and under 21 years of age or who, regardless of age, are physically or mentally incapable of self-support. (The term ''children'' shall include natural offspring; stepchildren; adopted children; grandchildren, legal minor wards or other dependent children who are under legal guardianship of the employee or employee's spouse; and an unborn child(ren) born and moved after the employee's effective date of transfer.);

(c) Dependent parents (including step and legally adoptive parents) of the employee or employee's spouse; and

(d) Dependent brothers and sisters (including step and legally adoptive brothers and sisters) of the employee or employee's spouse who are unmarried and under 21 years of age or who, regardless of age, are physically or mentally incapable of self-support.

Interviewee—An individual who is being considered for employment by an agency. The individual may currently be a Government employee.

Invitational travel—Authorized travel of individuals either not employed or employed (under 5 U.S.C. 5703) intermittently in the Government service as consultants or experts and paid on a daily when-actually-employed basis and for individuals serving without pay or at $1 a year when they are acting in a capacity that is directly related to, or in connection with, official activities of the Government. Travel allowances authorized for such persons are the same as those normally authorized for employees in connection with TDY.

Lodgings-plus per diem system—The method of computing per diem allowances for official travel in which the per diem allowance for each travel day is established on the basis of the actual amount the traveler pays for lodging, plus an allowance for meals and incidental expenses (M&IE), the total of which does not exceed the applicable maximum per diem rate for the location concerned.

Non-foreign area—The States of Alaska and Hawaii, the Commonwealths of Puerto Rico, Guam and the Northern Mariana Islands and the territories and possessions of the United States (excludes the Trust Territories of the Pacific Islands).

Official station—The official station of an employee or invitational traveler (see §301–1.2) is the location of the employee's or invitational traveler's permanent work assignment.

The geographic limits of the official station are:

(a) For an employee:

(1) The corporate limits of the city or town where stationed or if not in an incorporated city or town;

(2) The reservation, station, or other established area (including established subdivisions of large reservations) having definite boundaries where the employee is stationed.

(b) For an invitational traveler:

(1) The corporate limits of the city or town where the home or principal place of business exists or if not in an incorporated city or town;

(2) The reservation, station, or other established area (including established subdivisions of large reservations) having definite boundaries where the home or principal place of business is located.

Per diem allowance—The per diem allowance (also referred to as subsistence allowance) is a daily payment instead of reimbursement for actual expenses for lodging, meals, and related incidental expenses. The per diem allowance is separate from transportation expenses and other miscellaneous expenses. The per diem allowance covers all charges, including taxes and service charges where applicable for:

(a) *Lodging.* Includes expenses for overnight sleeping facilities, baths, personal use of the room during daytime, telephone access fee, and service charges for fans, air conditioners, heaters and fires furnished in the room when such charges are not included in the room rate. Lodging does not include accommodations on airplanes, trains, buses, or ships. Such cost is included in the transportation cost and is not considered a lodging expense.

(b) *Meals.* Expenses for breakfast, lunch, dinner and related tips and taxes (specifically excluded are alcoholic beverage and entertainment expenses, and any expenses incurred for other persons).

(c) *Incidental expenses.* (1) Fees and tips given to porters, baggage carriers, bellhops, hotel maids, stewards or stewardesses and others on ships, and hotel servants in foreign countries;

(2) Laundry, cleaning and pressing of clothing;

(3) Transportation between places of lodging or business and places where meals are taken, if suitable meals can be obtained at the TDY site; and

(4) Mailing cost associated with filing travel vouchers and payment of Government sponsored charge card billings.

Place of public accommodation—Any inn, hotel, or other establishment within a State that provides lodging to transient guests, excluding:

(a) An establishment owned by the Federal Government;

(b) An establishment treated as an apartment building by State or local law or regulation; or

(c) An establishment containing not more than 5 rooms for rent or hire that is also occupied as a residence by the proprietor of that establishment.

Post of duty—An official station outside CONUS.

Privately owned aircraft—An aircraft that is owned or leased by an employee for personal use. It is not owned, leased, chartered, or rented by a Government agency, nor is it rented or leased by an employee for use in carrying out official Government business.

Privately owned automobile—A car or light truck (including vans and pickup trucks) that is owned or leased for personal use by an individual.

Privately Owned Vehicle (POV)—Any vehicle such as an automobile, motorcycle, aircraft, or boat operated by an individual that is not owned or leased by a Government agency, and is not commercially leased or rented by an employee under a Government rental agreement for use in connection with official Government business.

Reduced per diem—Your agency may authorize a reduced per diem rate when there are known reductions in lodging and meal costs or when your subsistence costs can be determined in advance and are lower than the prescribed per diem rate.

Special conveyance—Commercially rented or hired vehicles other than a privately owned vehicle and other than those owned or under contract to an agency.

Special needs (also see Employee with a disability)—Physical characteristics of a traveler not necessarily defined under disability. Such physical characteristics could include, but are not limited to, the weight or height of the traveler.

Subsistence expenses—Expenses such as:

(a) Lodging, including taxes and service charges;

(b) Meals, including taxes and tips; and

(c) Incidental expenses (see incidental expenses under definition of *per diem allowance*.)

Temporary duty (TDY) location—A place, away from an employee's official station, where the employee is authorized to travel.

Travel advance—Prepayment of estimated travel expenses paid to an employee.

Travel authorization (Orders)—Written permission to travel on official business. There are three basic types of travel authorizations (orders):

(a) *Unlimited open*. An authorization allowing an employee to travel for any official purpose without further authorization.

(b) *Limited open*. An authorization allowing an employee to travel on official business without further authorization under certain specific conditions, i.e., travel to specific geographic area(s) for specific purpose(s), subject to trip cost ceilings, or for specific periods of time.

(c) *Trip-by-trip*. An authorization allowing an individual or group of individuals to take one or more specific official business trips, which must include specific purpose, itinerary, and estimated costs.

Travel claim (Voucher)—A written request, supported by documentation and receipts where applicable, for reimbursement of expenses incurred in the performance of official travel, including permanent change of station (PCS) travel.

Travel Management System (TMS)—A system to arrange travel services for Federal employees on official travel, including reservation of accommodations and ticketing. A TMS includes a travel management center, commercial ticket office, electronic travel management system, or other commercial method of arranging travel.

[63 FR 15951, Apr. 1, 1998; 63 FR 35537, June 30, 1998]

SUBCHAPTER B—AGENCY REQUIREMENTS

PART 300–70—AGENCY REPORTING REQUIREMENTS

Subpart A—Requirement to Report Agency Payments for Employee Travel and Relocation

Sec.
300–70.1 What are the requirements for reporting payments for employee travel and relocation?
300–70.2 What information must we report?
300–70.3 How long will we have to respond to the travel survey?
300–70.4 How do we respond to the travel survey if we have major suborganizations?

Subpart B—Requirement to Report Use of First-Class Transportation Accommodations

300–70.100 Who must report use of first-class transportation accommodations?
300–70.101 What information must we report?
300–70.102 How often must we report the required information?
300–70.103 When will GSA request this information?
300–70.104 Are there any exceptions to the reporting requirement?

Subpart C [Reserved]

AUTHORITY: 5 U.S.C. 5707; 5 U.S.C. 5738; 5 U.S.C. 5741–5742; 20 U.S.C. 905(a); 31 U.S.C. 1353; 40 U.S.C. 486(c); 49 U.S.C. 40118; E.O. 11609, 3 CFR, 1971–1975 Comp., p. 586.

SOURCE: 63 FR 15953, Apr. 1, 1998, unless otherwise noted.

Subpart A—Requirement to Report Agency Payments for Employee Travel and Relocation

§300–70.1 What are the requirements for reporting payments for employee travel and relocation?

Agencies (as defined in §301–1.1) that spent more than $5 million on travel and transportation payments, including relocation, during the fiscal year immediately preceding the survey year must report this information. Every two years GSA will distribute the Federal Agencies Travel Survey which is assigned Interagency Control No. 0362-GSA-AN. Copies of the survey may be obtained from the Director, Travel and Transportation Management Policy Division (MTT), Office of Governmentwide Policy, General Services Administration, Washington, DC 20405.

§300–70.2 What information must we report?

For the fiscal year reporting period you must report the following information:

(a) Estimated total agency payments for travel and transportation of people;

(b) Average costs and duration of trips;

(c) Amount of official travel by purpose(s);

(d) Estimated total agency payments for employee relocation; and

(e) Any other specific information GSA may require for the reporting period.

§300–70.3 How long will we have to respond to the travel survey?

The survey will specify the due date. The head of your agency must appoint a designee at the headquarters level responsible for ensuring that the survey is completed and returned to GSA by the due date. Upon receiving a survey, you must submit the designee's name, address, and telephone number to the Director, Travel and Transportation Management Policy Division (MTT), Office of Governmentwide Policy, General Services Administration, Washington, DC 20405.

§300–70.4 How do we respond to the travel survey if we have major suborganizations?

If you have major suborganizations, you must submit responses as follows:

(a) A separate response from each suborganization which spent more than $5 million for travel and relocation during the fiscal year immediately preceding the survey year;

(b) A consolidated response covering all your suborganizations which did not spend more than $5 million for travel and relocation during the fiscal year immediately preceding the survey year; and

(c) A consolidated response which covers all components of your agency.

Subpart B—Requirement to Report use of First-Class Transportation Accommodations

§300–70.100 Who must report use of first-class transportation accommodations?

An agency as defined in §301–1.1 of this subtitle.

§300–70.101 What information must we report?

All instances in which you authorized/approved the use of first-class transportation accommodations. This report has been assigned Interagency Report Control No. 0411-GSA-AN.

§300–70.102 How often must we report the required information?

Once every year.

§300–70.103 When will GSA request this information?

Generally, GSA will notify agencies during the summer months that this information is required and will indicate the date reports are due.

§300–70.104 Are there any exceptions to the reporting requirement?

Yes. You are not required to report data that is protected from public disclosure by statute or Executive Order. However, you are required to submit, in your cover letter to GSA, the following aggregate information unless that information is also protected from public disclosure:

(a) Aggregate number of authorized first-class trips that are protected from disclosure;

(b) Total of actual first-class fares paid; and

(c) Total of coach-class fares that would have been paid for the same travel.

Subpart C [Reserved]

CHAPTER 301—TEMPORARY DUTY (TDY) TRAVEL ALLOWANCES

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SUBCHAPTER A—INTRODUCTION

PART 301–1—APPLICABILITY

Sec.

301–1.1 What is an ''agency'' for purposes of TDY allowances?
301–1.2 What is an ''employee'' for purposes of TDY allowances?
301–1.3 Who is eligible for TDY allowances?

AUTHORITY: 5 U.S.C. 5707.

SOURCE: 63 FR 15954, Apr. 1, 1998, unless otherwise noted.

§301–1.1 What is an "agency" for purposes of TDY allowances?

An agency includes	But does not include
An Executive agency, as defined in 5 U.S.C. 101	A Government-controlled corporation.
A military department	A Member of Congress.
An office, agency or other establishment in the legislative branch.	An office or committee of either House of Congress or of the two Houses.
The Government of the District of Columbia	An office, agency or other establishment in the judicial branch.

§301–1.2 What is an "employee" for purposes of TDY allowances?

An ''employee'' is:

(a) An individual employed by an agency, regardless of status or rank; or

(b) An individual employed intermittently in Government service as an expert or consultant and paid on a daily when-actually-employed (WAE) basis; or

(c) An individual serving without pay or at $1 a year (also referred to as ''invitational traveler'').

§301–1.3 Who is eligible for TDY allowances?

This chapter covers the following individuals:

(a) Employees traveling on official business;

(b) Interviewees performing pre-employment interview travel;

(c) Employees who must interrupt official business travel to perform emergency travel as a result of an incapacitating illness or injury or a personal emergency situation; and

(d) Threatened law enforcement/investigative employees and members of their family temporarily relocated to safeguard their lives because of a threat resulting from the employee's assigned duties.

PART 301–2—GENERAL RULES

Sec.

301–2.1 Must I have authorization to travel?
301–2.2 What travel expenses may my agency pay?
301–2.3 What standard of care must I use in incurring travel expenses?
301–2.4 For what travel expenses am I responsible?
301–2.5 What travel arrangements require specific authorization or prior approval?

AUTHORITY: 5 U.S.C. 5707; 31 U.S.C. 1353; 49 U.S.C. 40118.

SOURCE: 63 FR 15955, Apr. 1, 1998, unless otherwise noted.

§301–2.1 Must I have authorization to travel?

Yes, generally you must have written or electronic authorization prior to incurring any travel expense. If it is not practicable or possible to obtain such authorization prior to travel, your agency may approve a specific authorization for reimbursement of travel expenses after travel is completed. However, written or electronic advance authorization is required for items in §301–2.5 (c), (i), (n), and (o) of this part.

§301–2.2 What travel expenses may my agency pay?

Your agency may pay only those expenses essential to the transaction of official business, which include:

(a) Transportation expenses as provided in part 301–10 of this chapter;

(b) Per diem expenses as provided in part 301–11 of this chapter;

(c) Miscellaneous expenses as provided in part 301–12 of this chapter; and

(d) Travel expenses of an employee with special needs as provided in part 301–13 of this chapter.

§ 301–2.3 What standard of care must I use in incurring travel expenses?

You must exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.

§ 301–2.4 For what travel expenses am I responsible?

You are responsible for expenses over the reimbursement limits established in this chapter. Your agency will not pay for excess costs resulting from circuitous routes, delays, or luxury accommodations or services unnecessary or unjustified in the performance of official business.

§ 301–2.5 What travel arrangements require specific authorization or prior approval?

You must have a specific authorization or prior approval for:

(a) Use of premium-class service on common carrier transportation;

(b) Use of a foreign air carrier;

(c) Use of reduced fares for group or charter arrangements;

(d) Use of cash to pay for common carrier transportation;

(e) Use of extra-fare train service;

(f) Travel by ship;

(g) Use of a rental car;

(h) Use of a Government aircraft;

(i) Payment of a reduced per diem rate;

(j) Payment of actual expense;

(k) Travel expenses related to emergency travel;

(l) Transportation expenses related to threatened law enforcement/investigative employees and members of their families;

(m) Travel expenses related to travel to a foreign area;

(n) Acceptance of payment from a non-Federal source for travel expenses, see chapter 304 of this subtitle; and

(o) Travel expenses related to attendance at a conference.

NOTE TO § 301–2.5: Paragraphs (c), (i), (n), and (o) of this section require a written or electronic advance authorization.

SUBCHAPTER B—ALLOWABLE TRAVEL EXPENSES

PART 301–3—USE OF COMMERCIAL TRANSPORTATION

AUTHORITY: 5 U.S.C. 5707.

§301–3.6 Use of United States flag carriers.

(a) *Travel by United States flag ships.* Section 901 of the Merchant Marine Act of 1936 (46 U.S.C. 1241(a)) provides:

> Any officer or employee of the United States traveling on official business overseas or to or from any of the possessions of the United States shall travel and transport his/her personal effects on ships registered under the laws of the United States where such ships are available unless the necessity of the mission requires the use of a ship under a foreign flag: *Provided,* That the Comptroller General of the United States shall not credit any allowance for travel or shipping expenses incurred on a foreign ship in the absence of satisfactory proof of the necessity therefor.

(b) *Use of United States flag air carriers*—(1) *Definitions.* As used in this section, the following definitions apply:

(i) *The Fly America Act.* The ''Fly America Act'' refers to provisions enacted by section 5 of the International Air Transportation Fair Competitive Practices Act of 1974 (Pub. L. 93–623, January 3, 1975), 49 U.S.C. App. 1517, as amended by section 21 of the International Air Transportation Competition Act of 1979 (Pub. L. 96–192, February 15, 1980), 94 Stat. 43.

(ii) *U.S. flag air carrier.* The term ''U.S. flag air carrier'' means an air carrier holding a certificate under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1371). Foreign air carriers operating under permits are excluded.

(iii) *United States.* For purposes of the Fly America Act, ''United States'' means the 50 States, the District of Columbia, and the territories and possessions of the United States (49 U.S.C. App. 1301(41)).

(iv) *Gateway airport in the United States.* A ''gateway airport in the United States'' means the last airport in the United States from which the traveler's flight departs, or the first airport in the United States at which the traveler's flight arrives.

(v) *Gateway airport abroad.* A ''gateway airport abroad'' means the airport abroad from which the traveler last embarks en route to the United States or at which the traveler first debarks incident to travel from the United States.

(2) *General requirements of the Fly America Act.* The Fly America Act, 49 U.S.C. App. 1517, as implemented by the Comptroller General's guidelines, Decision B–138942, March 31, 1981, requires Federal employees and their dependents, consultants, contractors, grantees, and others performing United States Government financed foreign air travel to travel by U.S. flag air carriers:

(i) Unless travel by foreign air carrier is a matter of necessity as defined in paragraph (b)(3) of this section, or

(ii) When U.S. flag air carrier service is available within the guidelines in paragraphs (b) (4) and (5) of this section.

(3) *Necessity for use of foreign air carrier service.* Use of foreign air carrier service may be deemed necessary if a U.S. flag air carrier otherwise available cannot provide the air transportation needed, or use of U.S. flag air carrier service will not accomplish the agency's mission.

(4) *Availability of U.S. flag air carrier service*—(i) *General.* U.S. flag air carrier service is available even though:

(A) Comparable or a different kind of service can be provided at less cost by a foreign air carrier;

(B) Foreign air carrier service is preferred by or is more convenient for the agency or the traveler; or

(C) Service by a foreign air carrier can be paid for in excess foreign currency, unless U.S. flag air carriers decline to accept excess or near excess foreign currencies for transportation payable only out of those monies. (See also paragraph (b)(5)(iv) of this section.)

(ii) *Scheduling principles.* In determining availability of U.S. flag air carrier service, the following scheduling principles should be followed unless their

application results in the last or first leg of travel to and from the United States being performed by foreign air carrier:

(A) U.S. flag air carrier service available at point of origin should be used to destination or, in the absence of direct or through service, to the farthest interchange point on a usually traveled route;

(B) Where an origin or interchange point is not served by U.S. flag air carrier, foreign air carrier service should be used only to the nearest interchange point on a usually traveled route to connect with U.S. flag air carrier service; or

(C) Where a U.S. flag air carrier involuntarily reroutes the traveler via a foreign carrier, the foreign air carrier may be used notwithstanding the availability of alternative U.S. flag air carrier service.

(5) *Guidelines for determining unavailability of U.S. flag air carrier service*—(i) *Travel to and from the United States.* Passenger service by a U.S. flag air carrier will not be considered available when the travel is between a gateway airport in the United States and a gateway airport abroad and the gateway airport abroad is:

(A) The traveler's origin or destination airport, and the use of U.S. flag air carrier service would extend the time in a travel status, including delay at origin and accelerated arrival at destination, by at least 24 hours more than travel by foreign air carrier;

(B) An interchange point, and the use of U.S. flag air carrier service would require the traveler to wait 6 hours or more to make connections at that point, or delayed departure from or accelerated arrival at the gateway airport in the United States would extend the time in a travel status by at least 6 hours more than travel by foreign air carrier.

(ii) *Travel between two points outside the United States.* For travel between two points outside the United States, U.S. flag air carrier service will not be considered to be reasonably available:

(A) If travel by foreign air carrier would eliminate two or more aircraft changes en route;

(B) Where one of the two points abroad is the gateway airport en route to or from the United States, if the use of a U.S. flag air carrier would extend the time in a travel status by at least 6 hours more than travel by foreign air carrier, including accelerated arrival at the overseas destination or delayed departure from the overseas origin, as well as delay at the gateway airport or other interchange point abroad; or

(C) Where the travel is not part of a trip to or from the United States, if the use of a U.S. flag air carrier would extend the time in a travel status by at least 6 hours more than traveled by foreign air carrier including delay at origin, delay en route and accelerated arrival at destination.

(iii) *Short distance travel.* For all short distance travel, regardless of origin and destination, U.S. flag air carrier service will not be considered available when the elapsed travel time on a scheduled flight from origin to destination airport by foreign air carrier is 3 hours or less and service by U.S. flag air carrier would involve twice the travel time.

(iv) *Travel financed solely with excess foreign currencies.* U.S. flag air carriers render themselves unavailable by declining to accept payment in foreign currencies for transportation services required by certain programs or activities of the Government which, under legislative authority, are financed solely with excess foreign currencies which may not be converted to U.S. dollars. In these instances, and notwithstanding the provisions of paragraph (b)(4)(i)(C) of this section, foreign flag air carriers that will accept the required foreign currency may be used to the extent necessary to accomplish the mission of the particular program or activity. The statement of justification required under paragraph (c)(3) of this section must indicate that the transportation service needed can be paid for only in excess foreign currencies and that otherwise available U.S. flag air carriers declined to accept payment in the foreign currencies.

(c) *Use of foreign flag air carriers*—(1) *Authorization or approval.* Expenditures for commercial foreign air transportation on foreign air carrier(s) will be disallowed unless there is attached to the appropriate voucher a certificate or memorandum adequately explaining

why service by U.S. flag air carrier(s) is not available, or why it was necessary to use a foreign air carrier. The use of foreign flag air carriers may be authorized or approved only when U.S. flag air carrier service is not available as determined under the guidelines in paragraph (b) of this section, or when foreign air carriers are used under the reciprocal terms of an appropriate bilateral or multilateral agreement as described in paragraph (c)(2) of this section, or when use of foreign carriers is necessary under paragraph (b)(3) of this section.

(2) *Air transport agreements.* Nothing in the guidelines contained in paragraph (b) of this section shall preclude and no penalty shall attend the use of a foreign air carrier which provides transportation under an air transport agreement between the United States and a foreign government, the terms of which are consistent with the international aviation policy goals set forth at 49 U.S.C. App. 1502(b) and provide reciprocal rights and benefits.

(3) *Justification statement.* A statement executed by the traveler or agency justifying the use of a foreign flag air carrier for any part of foreign travel must be entered on or attached to the travel voucher, transportation request, or other payment document. Each request for a change in route or schedule which involves the use of a foreign flag air carrier must be accompanied by a statement justifying such use. The following is provided as a guide for preparing the required justification statement:

I certify that it (is) (was) necessary for

_____

(name of traveler or agency)

to use

_____

(name of foreign flag vessel(s) or foreign flag air carrier(s))

_____

(flight identification number)

or to transport _____

(personal effects) (freight)

between _____

and _____

en route from _____

to _____

on

_____

(date)

for the following reasons: _____

_____

_____

(date)

_____

(Signature of traveler or authorizing officer)

_____

(Title or position)

_____

(Organization)

(4) *Employee liability for disallowed expenditures.* Where the travel is by indirect route or the traveler otherwise fails to use available U.S. flag air carrier service, the amount to be disallowed against the traveler is based on the loss of revenues suffered by U.S. flag air carriers as determined under the following formula set forth and more fully explained in 56 Comp. Gen. 209 (1977):

$$\left(\frac{\text{Sum of certificated carrier segment mileage, authorized}}{\text{Sum of all segment mileage, authorized}} \times \text{Fare payable by Government}\right) \text{ Minus } \left(\frac{\text{Sum of certificated carrier segment mileage, traveled}}{\text{Sum of all segment mileage, traveled}} \times \text{Through fare paid}\right)$$

[54 FR 20272, May 10, 1989; 54 FR 23563, June 1, 1989, as amended by FTR Amdt. 10, 55 FR 41526, Oct. 12, 1990; FTR Amdt. 26, 57 FR 28633, June 26, 1992]

PART 301–10—TRANSPORTATION EXPENSES

Subpart A—General

Sec.

301–10.1 Am I eligible for payment of transportation expenses?
301–10.2 What expenses are payable as transportation?
301–10.3 What methods of transportation may my agency authorize me to use?
301–10.4 How does my agency select the method of transportation to be used?
301–10.5 What are the presumptions as to the most advantageous method of transportation?

301–10.6 What is my liability if I do not travel by the selected method of transportation?
301–10.7 How should I route my travel?
301–10.8 What is my liability if, for personal convenience I travel by an indirect route or interrupt travel by a direct route?

Subpart B—Common Carrier Transportation

301–10.100 What types of common carrier transportation may I be authorized to use?

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USE OF CONTRACT CITY-PAIR FARES

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301–10.108 Are there other situations when I may use a non-contract fare?
301–10.109 What is my liability for unauthorized use of a non-contract carrier when contract service is available and I do not meet one of the exceptions for required use?
301–10.110 May I use contract passenger transportation service for personal travel?
301–10.111 When may I use a reduced group or charter fare?
301–10.112 What must I do when different airlines furnish the same service at different fares?
301–10.113 What must I do if I change or do not use a common carrier reservation?
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301–10.115 Am I authorized to receive a refund or credit for unused transportation?
301–10.116 What must I do with compensation an airline gives me if it denies me a seat on a plane?
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TRAIN

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Subpart C—Government Vehicle

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301–10.220 What requirements must I meet to operate a Government automobile for official travel?

GOVERNMENT AIRCRAFT

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301–10.303 What am I reimbursed when use of a POV is determined by my agency to be advantageous to the Government?
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301–10.305 How is reimbursement handled if another person(s) travels in a POV with me?
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301–10.307 What will I be reimbursed if I use a POV to transport other employees?
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TAXICABS, SHUTTLE SERVICES, OR OTHER COURTESY TRANSPORTATION

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AUTHORITY: 5 U.S.C. 5707; 40 U.S.C. 486 (c); 49 U.S.C. 40118.

SOURCE: 63 FR 15955, Apr. 1, 1998, unless otherwise noted.

Subpart A—General

§301–10.1 Am I eligible for payment of transportation expenses?

Yes, when performing official travel, including local travel.

§301–10.2 What expenses are payable as transportation?

Fares, rental fees, mileage payments, and other expenses related to transportation.

§301–10.3 What methods of transportation may my agency authorize me to use?

Your agency may authorize:

(a) Common carrier transportation (e.g., aircraft, train, bus, ship, or local transit system) under Subpart B;

(b) Government vehicle under Subpart C;

(c) POV under Subpart D; or

(d) Special conveyance (e.g., taxi or commercial automobile) under Subpart E.

§301–10.4 How does my agency select the method of transportation to be used?

Your agency must select the method most advantageous to the Government, when cost and other factors are considered. Under 5 U.S.C. 5733, travel must be by the most expeditious means of transportation practicable and commensurate with the nature and purpose of your duties. In addition, your agency must consider energy conservation, total cost to the Government (including costs of per diem, overtime, lost worktime, and actual transportation costs), total distance traveled, number of points visited, and number of travelers.

§301–10.5 What are the presumptions as to the most advantageous method of transportation?

(a) *Common carrier.* Travel by common carrier is presumed to be the most advantageous method of transportation and must be used when reasonably available.

(b) *Government automobile.* When your agency determines that your travel must be performed by automobile, a Government automobile is presumed to be the most advantageous method of transportation.

§301–10.6 What is my liability if I do not travel by the selected method of transportation?

If you do not travel by the method of transportation required by regulation or selected by your agency, any additional expenses you incur will be borne by you.

§ 301–10.7 How should I route my travel?

You must travel to your destination by the usually traveled route unless your agency authorizes or approves a different route as officially necessary.

§ 301–10.8 What is my liability if, for personal convenience, I travel by an indirect route or interrupt travel by a direct route?

Your reimbursement will be limited to the cost of travel by a direct route or on an uninterrupted basis. You will be responsible for any additional costs.

Subpart B—Common Carrier Transportation

§ 301–10.100 What types of common carrier transportation may I be authorized to use?

You may be authorized to use airline, train, ship, bus, or local transit system.

AIRLINE

§ 301–10.106 What are the basic requirements for using airlines?

The requirements for using airlines fall into three categories:

(a) Using contract carriers, when available;

(b) Using coach class service, unless premium class or first-class service is authorized;

(c) Using U.S. flag air carrier or (ship) service, unless use of foreign air carrier or (ship) is authorized.

[63 FR 15955, Apr. 1, 1998; 63 FR 35537, June 30, 1998]

USE OF CONTRACT CITY-PAIR FARES

§ 301–10.107 When must I use a contract city-pair fare?

You must always use a contract city-pair fare, if such fare is available to you unless one or more of the following conditions exist:

(a) Seating space on the scheduled contract flight is not available in time to accomplish the purpose of travel, or use of contract service would require you to incur unnecessary overnight lodging costs which would increase the total cost of the trip; or

(b) The contract's flight schedule is inconsistent with explicit policies of individual Federal departments and agencies or other mandatory users of scheduling employee travel during normal working hours; or

(c) A non-contract carrier offers a lower fare available to the general public, the use of which will result in a lower total trip cost to the Government or other mandatory user. This determination should be based on a cost comparison to include the combined cost of transportation, lodging, meals and related expenses.

NOTE TO PARAGRAPH (C). This exception does not apply if a contract carrier offers a comparable fare and has seats available at that fare, or if the lower fare offered by a non-contract carrier is restricted to Government and military travelers on official business and may only be purchased with a GTR, contractor issued charge card or centrally billed account (e.g., YDG, MDG, ODG, VDG, and similar fares).

(d) Rail service is available, and such service is cost effective and is consistent with the mission.

§ 301–10.108 Are there other situations when I may use a non-contract fare?

You may also use a non-contract fare such as a through fare, special fare, commutation fare, excursion fare or reduced-rate round-trip fare in the following circumstances:

(a) Your agency determines prior to your travel that this type of service is practical and economical to the Government; and

(b) In the case of a fare that is restricted or has specific eligibility requirements, you know or reasonably can anticipate, based on the travel as planned, that you will use the ticket.

§ 301–10.109 What is my liability for unauthorized use of a non-contract carrier when contract service is available and I do not meet one of the exceptions for required use?

Any additional costs or penalties incurred by you resulting from unauthorized use of non-contract service are borne by you.

§301–10.110 May I use contract passenger transportation service for personal travel?

No.

§301–10.111 When may I use a reduced group or charter fare?

You may use a reduced group or charter fare when your agency has determined on an individual case basis prior to your travel that use of such a fare is economical to the Government and will not interfere with the conduct of official business.

§301–10.112 What must I do when different airlines furnish the same service at different fares?

When there is no contract fare, and common carriers furnish the same service at different fares between the same points for the same type of accommodations, you must use the lowest cost service unless your agency determines that the use of higher cost service is more advantageous to the Government.

§301–10.113 What must I do if I change or do not use a common carrier reservation?

If you know you will change or not use your reservation, you must take action to change or cancel it as prescribed by your agency. Also, you must report all changes of your reservation according to your agency's procedures in an effort to prevent losses to the Government. Failure to do so may subject you to liability for any resulting losses.

§301–10.114 What must I do with unused Government Transportation Request(s)(GTR(s)), ticket(s) or refund application(s)?

You must submit any unused GTR(s), unused ticket coupon(s), or refund application(s) to your agency in accordance with your agency's procedures.

§301–10.115 Am I authorized to receive a refund or credit for unused transportation?

No. You are not authorized to receive a refund, credit, or any other negotiable document from a carrier for unfurnished services (except as provided in §301–10.117) or any portion of an unused ticket issued in exchange for a GTR or billed to an agency's centrally billed account. However, any charges billed directly to your individually billed Government charge card should be credited to your account.

[63 FR 15955, Apr. 1, 1998; 63 FR 35537, June 30, 1998]

§301–10.116 What must I do with compensation an airline gives me if it denies me a seat on a plane?

If you are performing official travel and a carrier denies you a confirmed reserved seat on a plane, you must give your agency any payment you receive for liquidated damages. You must ensure the carrier shows the ''Treasurer of the United States'' as payee on the compensation check and then forward the payment to the appropriate agency official.

§301–10.117 May I keep compensation an airline gives me for voluntarily vacating my seat on my scheduled airline flight when the airline asks for volunteers?

Yes:

(a) If voluntarily vacating your seat will not interfere with performing your official duties; and

(b) If additional travel expenses, incurred as a result of vacating your seat, are borne by you and are not reimbursed; but

(c) If volunteering delays your travel during duty hours, your agency will charge you with annual leave for the additional hours.

AIRLINE ACCOMMODATIONS

§301–10.121 What classes of airline accommodations are available?

(a) Coach-class—The basic class of accommodations offered to travelers that is available to all passengers regardless of fare paid. This term applies when an airline offers two or more classes of accommodations, which includes tourist or economy.

(b) Premium-class—Any class of accommodations above coach, e.g., first or business.

(c) First-class—The highest class of accommodations on a multiple-class airline flight. When an airline flight only has two classes of accommodations, the higher-class, regardless of

the term used for that class, is considered to be first class.

(d) Premium-class other than first-class—Any class of accommodations between coach-class and first-class, e.g., business-class.

(e) Single-class—This term applies when an airline offers only one class of accommodation to all travelers.

§ 301–10.122 What class of airline accommodations must I use?

For official business travel, both domestic and international, you must use coach-class accommodations, except as provided under §§ 301–10.123 and 301–10.124.

§ 301–10.123 When may I use first-class airline accommodations?

Only when your agency specifically authorizes/approves your use of first-class accommodations under paragraph (a) through (d) of this section.

(a) No other coach-class or premium-class other than first-class accommodation is reasonably available. ''Reasonably available'' means available on an airline that is scheduled to leave within 24 hours of your proposed departure time, or scheduled to arrive within 24 hours of your proposed arrival time.

(b) When use of first-class is necessary to accommodate a disability or other special need. A disability must be substantiated in writing by a competent medical authority. A special need must be substantiated in writing according to your agency's procedures. If you are authorized under § 301–13.3(a) of this chapter to have an attendant accompany you, your agency also may authorize the attendant to use first-class accommodations if you require the attendant's services en route.

(c) When exceptional security circumstances require first-class travel. Exceptional security circumstances are determined by your agency and include, but are not limited to:

(1) Use of other than first-class accommodations would endanger your life or Government property;

(2) You are an agent on protective detail and you are accompanying an individual authorized to use first-class accommodations; or

(3) You are a courier or control officer accompanying controlled pouches or packages.

(d) When required because of agency mission.

§ 301–10.124 When may I use premium-class other than first-class airline accommodations?

Only when your agency specifically authorizes/approves your use of such accommodations under paragraphs (a) through (i) of this section.

(a) Regularly scheduled flights between origin/destination points (including connecting points) provide only premium-class accommodations and you certify such on your voucher; or

(b) No space is available in coach-class accommodations in time to accomplish the mission, which is urgent and cannot be postponed; or

(c) When use of premium-class other than first-class accommodations is necessary to accommodate your disability or other special need. Disability must be substantiated in writing by a competent medical authority. Special need must be substantiated in writing according to your agency's procedures. If you are authorized under § 301–13.3(a) of this chapter to have an attendant accompany you, your agency also may authorize the attendant to use premium-class other than first-class accommodations if you require the attendant's services en route; or

(d) Security purposes or exceptional circumstances as determined by your agency make the use of premium-class other than first-class accommodations essential to the successful performance of the agency's mission; or

(e) Coach-class accommodations on an authorized/approved foreign air carrier do not provide adequate sanitation or health standards; or

(f) The use results in an overall cost savings to the Government by avoiding additional subsistence costs, overtime, or lost productive time while awaiting coach-class accommodations; or

(g) You are able to obtain the accommodations as an upgrade through the redemption of frequent traveler benefits in accordance with your agency's policies; or

(h) Your transportation costs are paid in full through agency acceptance

of payment from a non-federal source in accordance with chapter 304 of this title; or

(i) Where the origin and/or destination is OCONUS and the scheduled flight time is in excess of 14 hours. In this instance you will not be eligible for a rest stop en route or a rest period upon arrival at your duty site.

TRAIN

§301–10.160 What classes of train accommodations are available?

(a) *Coach-class*—The basic class of accommodations offered by a rail carrier to passengers that includes a level of service available to all passengers regardless of the fare paid. Coach-class includes reserved coach accommodations as well as slumber coach accommodations when overnight train travel is involved.

(b) *Slumber coach*—Includes slumber coach accommodations on trains offering such accommodations, or the lowest level of sleeping accommodations available on a train that does not offer slumber coach accommodations.

(c) *First-class*—Includes bedrooms, roomettes, club service, parlor car accommodations, or other premium accommodations.

§301–10.161 What class of train accommodations must I use?

You must use coach-class accommodations for all train travel, except when your agency authorizes first-class service.

§301–10.162 When may I use first-class train accommodations?

Only when your agency specifically authorizes/approves your use of first-class train accommodations under paragraphs (a) through (d) of this section.

(a) No coach-class accommodations are reasonably available. ''Reasonably available'' means available and scheduled to leave within 24 hours of the employee's proposed departure time, or scheduled to arrive within 24 hours of the employee's proposed arrival time.

(b) When use of first-class is necessary to accommodate a disability or other special need. A disability must be substantiated in writing by competent medical authority. A special need must be substantiated in writing according to your agency's procedures. If you are authorized under §301–13.3(a) of this chapter to have an attendant accompany you, your agency also may authorize the attendant to use first-class accommodations if you require the attendant's services en route.

(c) When exceptional security circumstances require first-class travel. Exceptional security circumstances include, but are not limited to:

(1) Use of other than first-class accommodations would endanger your life or Government property;

(2) You are an agent on protective detail and you are accompanying an individual authorized to use first-class accommodations; or

(3) You are a courier or control officer accompanying controlled pouches or packages.

(d) Inadequate foreign coach-class train accommodations. When coach-class train accommodations on a foreign rail carrier do not provide adequate sanitation or health standards.

§301–10.163 What is an extra-fare train?

A train that operates at an increased fare due to the extra performance of the train (i.e., faster speed or fewer stops).

§301–10.164 When may I use extra-fare train service?

You may travel coach-class on an extra-fare train whenever your agency determines it is more advantageous to the Government or is required for security reasons. The use of AMTRAK Metroliner coach accommodations is advantageous to the Government; AMTRAK Metroliner Club Service, however, is a first-class accommodation and may be authorized/approved only as provided in §301–10.162.

[63 FR 15955, Apr. 1, 1998; 63 FR 35537, June 30, 1998]

SHIP

§301–10.180 Must I travel by a U.S. flag ship?

Yes, when a U.S. flag ship is available unless the necessity of the mission

requires the use of a foreign ship. (See 46 U.S.C. App. Sec. 1241.)

§ 301–10.181 What is my liability if I improperly use a foreign ship?

You are required to travel by U.S. flag ship for the entire trip, unless use of a foreign ship has been authorized by your agency. Any cost that is attributed to improper or unauthorized use of a foreign ship is your responsibility.

[63 FR 15955, Apr. 1, 1998; 63 FR 35537, June 30, 1998]

§ 301–10.182 What classes of ship accommodations are available?

Accommodations on ships vary according to deck levels.

(a) *First-class*—All classes above the lowest first class, includes but is not limited to a suite.

(b) *Lowest first class*—The least expensive first class of reserved accommodations available on a ship.

§ 301–10.183 What class of ship accommodations must I use?

You must use the lowest first class accommodations when traveling by ship, except when your agency specifically authorizes/approves your use of first-class ship accommodations under paragraphs (a) through (c) of this section.

(a) Lowest first class accommodations are not available on the ship.

(b) When use of first-class is necessary to accommodate a disability or other special need. Disability must be substantiated in writing by competent medical authority. Special need must be substantiated in writing according to your agency's procedures. If you are authorized under §301–13.3(a) of this chapter to have an attendant accompany you, your agency also may authorize the attendant to use first-class accommodations if you require the attendant's services en route.

(c) When exceptional security circumstances require first-class travel. Exceptional security circumstances include, but are not limited to:

(1) The use of lowest first class accommodations would endanger your life or Government property; or

(2) You are an agent on protective detail and you are accompanying an individual authorized to use first-class accommodations; or

(3) You are a courier or control officer accompanying controlled pouches or packages.

LOCAL TRANSIT SYSTEM

§ 301–10.190 When may I use a local transit system (bus, subway, or streetcar)?

(a) To, from, and between places of work. The use of bus, subway, or streetcar is an allowable expense for local travel between places of business at your official station or a TDY station, and between places of lodging and place of business at a TDY station.

(b) To places where meals can be obtained. Where the nature and location of the work at your TDY station are such that meals cannot be obtained there, travel to obtain meals at the nearest available place is an allowable expense. You must, however, attach a statement to your travel voucher explaining why such travel was necessary.

Subpart C—Government Vehicle

§ 301–10.200 What types of Government vehicles may my agency authorize me to use?

You may be authorized to use:

(a) A Government automobile in accordance with §301–10.220;

(b) A Government aircraft in accordance with §301–10.260 through §301–10.262 of this part; and

(c) Other type of Government vehicle in accordance with any Government-issued rules governing its use.

[63 FR 15955, Apr. 1, 1998; 63 FR 35537, June 30, 1998]

§ 301–10.201 For what purposes may I use a Government vehicle other than a Government aircraft?

Only for official purposes which include transportation:

(a) Between places of official business;

(b) Between such places and places of temporary lodging when public transportation is unavailable or its use is impractical;

(c) Between either paragraphs (a) or (b) of this section and restaurants,

drug stores, barber shops, places of worship, cleaning establishments, and similar places necessary for the sustenance, comfort, or health of the employee to foster the continued efficient performance of Government business; or

(d) As otherwise authorized by your agency under 31 U.S.C. 1344.

§301–10.202 What is my liability for unauthorized use of a Government vehicle?

You are responsible for any additional cost resulting from unauthorized use of a Government vehicle and you may be subject to administrative and/or criminal liability for misuse of Government property.

GOVERNMENT AUTOMOBILES

§301–10.220 What requirements must I meet to operate a Government automobile for official travel?

You must possess a valid State, District of Columbia, or territorial motor vehicle operator's license and have a travel authorization specifically authorizing the use of a Government-furnished automobile.

GOVERNMENT AIRCRAFT

§301–10.260 When may I use a Government aircraft for travel?

Only for official purposes in accordance with 41 CFR 101–37.402.

§301–10.261 What requirements must I meet to operate a Government aircraft?

You must meet the aircrew qualification and certification requirements contained in 41 CFR 101–37.1212.

§301–10.262 What is my liability for unauthorized use of a Government aircraft?

You will be personally responsible for any additional cost resulting from unauthorized use of the aircraft as provided in 41 CFR 101–37.402 and 101–37.403, and you may be subject to administrative and/or criminal liability for misuse of Government property.

[63 FR 15955, Apr. 1, 1998; 63 FR 35537, June 30, 1998]

Subpart D—Privately Owned Vehicle (POV)

§301–10.300 When may I use a POV for official travel?

When authorized by your agency.

§301–10.301 How do I compute my mileage reimbursement?

You compute mileage reimbursement by multiplying the distance traveled, determined under §301–10.302 of this subpart by the applicable mileage rate prescribed in §301–10.303 of this subpart.

§301–10.302 How do I determine distance measurements for my travel?

If you travel by	The distance between your origin and destination is
Privately owned automobile or privately owned motorcycle.	As shown in standard highway mileage guides, or the actual miles driven as determined from odometer readings.
Privately owned aircraft	As determined from airway charts issued by the National Oceanic and Atmospheric Administration, Department of Commerce. You may include in your travel claim with an explanation any additional air mileage resulting from a detour necessary due to adverse weather, mechanical difficulty, or other unusual conditions. If a required deviation is such that airway mileage charts are not adequate to determine distance, you may use the formula of flight time multiplied by cruising speed of the aircraft to determine distance.

§301–10.303 What am I reimbursed when use of a POV is determined by my agency to be advantageous to the Government?

For use of a	Your reimbursement is
Privately-owned aircraft (e.g., helicopter, except an airplane)	Actual cost of operation (i.e., fuel, oil, plus the additional expenses listed in §301–10.304).

For use of a	Your reimbursement is
Privately-owned airplane	85 cents per mile
Privately-owned automobile	31 cents per mile
Privately-owned motorcycle	25 cents per mile

§ 301–10.304 What expenses are allowable in addition to the allowances prescribed in § 301–10.303?

Following is a chart listing the reimbursable and non-reimbursable expenses:

Reimbursable expenses	Non-reimbursable expenses
Parking fees; ferry fees; bridge, road, and tunnel fees; and aircraft or airplane parking, landing, and tie-down fees.	Charges for repairs, depreciation, replacements, grease, oil, antifreeze, towage and similar speculative expenses.

§ 301–10.305 How is reimbursement handled if another person(s) travels in a POV with me?

If another employee(s) travels with you on the same trip in the same POV, mileage is payable to only one of you. No deduction will be made from your mileage allowance if other passengers contribute to defraying your expenses.

§ 301–10.306 What will be reimbursed if I am authorized to use a POV instead of a taxi for round-trip travel between my residence and office on a day of travel requiring an overnight stay?

If determined advantageous to the Government, you will be reimbursed on a mileage basis plus other allowable costs for round-trip travel on the beginning and/or ending of travel between the points involved.

§ 301–10.307 What will I be reimbursed if I use a POV to transport other employees?

Using a POV to transport other employees is strictly voluntary and you may be reimbursed in accordance with § 301–10.305.

§ 301–10.308 What will I be reimbursed if I park my POV at a common carrier terminal while I am away from my official station?

Your agency may reimburse your parking fee as an allowable transportation expense not to exceed the cost of taxi fare to/from the terminal.

§ 301–10.309 What will I be reimbursed if I am authorized to use common carrier transportation and I use a POV instead?

You will be reimbursed on a mileage basis (see § 301–10.303), plus per diem, not to exceed the total constructive cost of the authorized method of common carrier transportation plus per diem. Your agency must determine the constructive cost of transportation and per diem by common carrier under the rules in § 301–10.310.

§ 301–10.310 What will I be reimbursed if I am authorized to use a Government automobile and I use a privately owned automobile instead?

(a) *Reimbursement based on Government costs*—Unless you are committed to using a Government vehicle as provided in paragraph (b) of this section, your reimbursement will be limited to the cost that would be incurred for use of a Government automobile, which in CONUS is 23.5 cents per mile. If your agency determines the cost of providing a Government automobile would be higher because of unusual circumstances, it may allow reimbursement not to exceed the mileage rate provided in § 301–10.303 for a privately owned automobile.

In addition, you may be reimbursed other allowable expenses as provided in § 301–10.304.

(b) *Partial reimbursement when you are committed to use a Government owned automobile*—When you are committed to use a Government automobile or

would not ordinarily be authorized to use a privately owned automobile due to the availability of a Government automobile, but nevertheless request to use a privately owned automobile, you will be reimbursed 10.5 cents per mile. This is the approximate cost of operating a Government automobile, fixed costs excluded. In addition, parking fees, bridge, road and tunnel fees are reimbursable.

Subpart E—Special Conveyances

§301–10.400 What types of special conveyances may my agency authorize me to use?

Your agency may authorize/approve use of:

(a) Taxicabs as specified in §§301–10.420 through 301–10.421 of this chapter;

(b) Commercial rental automobiles as specified in §§301–10.450 through 301–10.453 of this chapter; or

(c) Any other special conveyance when determined to be advantageous to the Government.

§301–10.401 What types of charges are reimbursable for use of a special conveyance?

Actual expenses that your agency determines are necessary, including, but not limited to:

(a) Gasoline and oil;

(b) Rental of a garage, hangar, or boathouse;

(c) Feeding and stabling of horses;

(d) Per diem of operator; and

(e) Ferriage, tolls, etc.

§301–10.402 What will I be reimbursed if I am authorized to use a special conveyance and I use a POV instead?

You will be reimbursed the mileage cost for the use of your POV, and additional expenses such as parking fees, bridge, road and tunnel fees, not to exceed the constructive cost of the special conveyance.

§301–10.403 What is the difference between a Government aircraft and an aircraft hired as a special conveyance?

A Government aircraft is any aircraft owned, leased, chartered, or rented and operated by the Government. An aircraft hired as a special conveyance is an aircraft that you, in your private capacity, rent, lease, or charter and operate.

TAXICABS, SHUTTLE SERVICES, OR OTHER COURTESY TRANSPORTATION

§301–10.420 When may I use a taxi or shuttle service?

(a) *For local travel.* When your agency authorizes/approves the use of a taxi for the following, local travel is reimbursable:

(1) Between places of business at an official or TDY station;

(2) Between a place of lodging and a place of business at a temporary duty station; and

(3) To obtain meals at the nearest available place where the nature and location of the work at a TDY station are such that meals cannot be obtained there.

(b) *To and from a carrier terminal.* (1) General authorization. Except as provided in paragraph (b)(2) of this section, you will be reimbursed the usual fare plus tip for use of a taxicab or shuttle services in the following situations:

(i) Between a common carrier or other terminal and either your home or place of business at your official station, or your place of business or lodging at a TDY station; or

(ii) Between the carrier terminal and shuttle terminal.

(2) Courtesy transportation. You should use courtesy transportation service furnished by hotels/motels to the maximum extent possible as a first source of transportation between a place of lodging at the TDY station and a common carrier terminal. You will be reimbursed for tips when you use courtesy transportation service.

(3) Restrictions. When appropriate, your agency will restrict or place a monetary limit on the amount of reimbursement for the use of taxicabs under this paragraph when:

(i) Suitable Government or common carrier transportation service, including shuttle service, is available for all or part of the distance involved; or

(ii) Courtesy transportation service is provided by hotels/motels between the place of lodging at the TDY station and the common carrier terminal.

(c) *Between residence and office on day you perform official travel.* In addition to use of a taxi under paragraph (b) of this section, your agency may authorize/approve reimbursement of the usual taxicab fare plus tip in the following situations:

(1) From your home to your office on the day you depart the office on an official trip requiring at least one night's lodging; and

(2) From your office to your home on the day you return to the office from your trip.

(d) *Between residence and office in cases of necessity.* Your agency may authorize/approve the usual taxicab fare plus tip for travel between your office and home when you perform official business at your official station and:

(1) You are dependent on public transportation for officially ordered work outside regular working hours; and

(2) The travel between your office and home is during hours of infrequently scheduled public transportation or darkness.

[63 FR 15955, Apr. 1, 1998; 63 FR 35537, June 30, 1998]

§ 301–10.421 How much will my agency reimburse me for a tip to a taxi, shuttle service, or courtesy transportation driver?

An amount which your agency determines to be reasonable.

RENTAL AUTOMOBILES

§ 301–10.450 When can I use a rental vehicle?

Your agency must determine that use of a rental vehicle is advantageous to the Government and must specifically authorize such use.

§ 301–10.451 May I be reimbursed for the cost of collision damage waiver (CDW) or theft insurance?

(a) *General rule—no.* You will not be reimbursed for CDW or theft insurance for travel within CONUS for the following reasons:

(1) The Government is a self-insurer.

(2) Rental vehicles available under agreement(s) with the Government includes full coverage insurance for damages resulting from an accident while performing official travel.

(3) Any deductible amount paid by you may be reimbursed directly to you or directly to the rental agency if the damage occurred while you were performing official business.

(b) *Exception.* You will be reimbursed for collision damage waiver or theft insurance when you travel outside CONUS and such insurance is necessary because the rental or leasing agency requirements, foreign statute, or legal procedures could cause extreme difficulty for an employee involved in an accident.

§ 301–10.452 May I be reimbursed for personal accident insurance?

No. That is a personal expense and is not reimbursable.

§ 301–10.453 What is my liability for unauthorized use of a rental automobile obtained with Government funds?

You are responsible for any additional cost resulting from the unauthorized use of a commercial rental automobile for other than official travel-related purposes.

PART 301–11—PER DIEM EXPENSES

Subpart A—General Rules

Sec.

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SOURCE: 63 FR 15961, Apr. 1, 1998, unless otherwise noted.

Subpart A—General Rules

§ 301–11.1 When am I eligible for an allowance (per diem or actual expense)?

When:

(a) You perform official travel away from your official station, or other areas defined by your agency;

(b) You incur per diem expenses while performing official travel; and

(c) You are in a travel status for more than 12 hours.

§ 301–11.2 Will I be reimbursed for per diem expenses if my official travel is 12 hours or less?

No.

§ 301–11.3 Must my agency pay an allowance (either a per diem allowance or actual expense)?

Yes, unless:

(a) You perform travel to a training event under the Government Employees Training Act (5 U.S.C. 4101–4118), and you agree not to be paid per diem expenses; or

(b) You perform pre-employment interview travel, and the interviewing agency does not authorize payment of per diem expenses.

§ 301–11.4 May I be reimbursed actual expense and per diem on the same trip?

Yes, you may be reimbursed both actual expense and per diem during a single trip, but only one method of reimbursement may be authorized for any given calendar day except as provided in § 301–11.305 or § 301–11.306. Your agency must determine when the transition between the reimbursement methods occurs.

§ 301–11.5 How will my per diem expenses be reimbursed?

Under one of the following methods for each day (or fraction thereof) you are in a travel status:

(a) Lodgings-plus per diem method;

(b) Reduced per diem method; or

(c) Actual expense method.

§ 301–11.6 Where do I find maximum per diem and actual expense rates?

For travel in	Rates set by	For per diem and actual expense see
Continental United States (CONUS).	General Services Administration.	For Per Diem see Federal Travel Regulation 41 CFR chapter 301, Appendix A, or Internet at http://Policyworks.gov/perdiem; for actual expense see 41 CFR 301–11.303 and 301–11.305.
Non-foreign areas	Department of Defense (Per Diem, Travel and Transportation Allowance Committee (PDTATAC)).	Per Diem Bulletins issued by PDTATAC and published periodically in the FEDERAL REGISTER or Internet at http://www.dtic.mil/perdiem (Rates also appear in section 925 a per diem supplement to the Department of State Standardized Regulations (Government Civilians-Foreign Areas)).
Foreign areas	Department of State	A per diem supplement to section 925, Department of State Standardized Regulations (Government Civilians-Foreign Areas).

§ 301–11.7 What determines my maximum per diem reimbursement rate?

Your TDY location determines your maximum per diem reimbursement rate. If you arrive at your lodging location after 12 midnight, you claim lodging cost for the preceding calendar day. If no lodging is required, the applicable M&IE reimbursement rate is the rate for the TDY location. (See § 301–11.102.)

[63 FR 15961, Apr. 1, 1998; 63 FR 35537, June 30, 1998]

§ 301–11.8 What is the maximum per diem rate I will receive if lodging is not available at my TDY location?

If lodging is not available at your TDY location, your agency may authorize or approve the maximum per diem rate for the location where lodging is obtained.

§ 301–11.9 When does per diem or actual expense entitlement start/stop?

Your per diem or actual expense entitlement starts on the day you depart your home, office, or other authorized point and ends on the day you return to your home, office or other authorized point.

§ 301–11.10 Am I required to record departure/arrival dates and times on my travel claim?

You must record the date of departure from, and arrival at, the official station or any other place travel begins or ends. You must show this same information for points where you perform TDY or for a stopover or official rest stop location when the arrival or departure affects your per diem allowance or other travel expenses. You also should show the dates for other points visited. You do not have to record departure/arrival times, but you must annotate your travel claim when your travel is more than 12 hours but not exceeding 24 hours to reflect that fact.

§301–11.11 May I stay in a lodging facility of my choice?

Yes. You are encouraged to stay in lodging facilities that have been approved by FEMA as ''approved accommodations''. To ensure that you are staying in an approved facility, given the best available choices and/or obtaining Government discount rates, you are further encouraged to make lodging arrangement through your agency's TMS.

§301–11.12 How does the type of lodging I select affect my reimbursement?

Your agency will reimburse you for different types of lodging as follows:

(a) *Conventional lodgings.* (Hotel/motel, boarding house, etc.) You will be reimbursed the single occupancy rate.

(b) *Government quarters.* You will be reimbursed, as a lodging expense, the fee or service charge you pay for use of the quarters.

(c) *Lodging with friend(s) or relative(s) (with or without charge).* You may be reimbursed for additional costs your host incurs in accommodating you only if you are able to substantiate the costs and your agency determines them to be reasonable. You will not be reimbursed the cost of comparable conventional lodging in the area or a flat ''token'' amount.

(d) *Nonconventional lodging.* You may be reimbursed the cost of other types of lodging when there are no conventional lodging facilities in the area (e.g., in remote areas) or when conventional facilities are in short supply because of an influx of attendees at a special event (e.g., World's Fair or international sporting event). Such lodging includes college dormitories or similar facilities or rooms not offered commercially but made available to the public by area residents in their homes.

(e) *Recreational vehicle (trailer/camper).* You may be reimbursed for expenses (parking fees, fees for connection, use, and disconnection of utilities, electricity, gas, water and sewage, bath or shower fees, and dumping fees) which may be considered as a lodging cost.

§301–11.13 How does sharing a room with another person affect my per diem reimbursement?

Your reimbursement is limited to one-half of the double occupancy rate if the person sharing the room is another Government employee on official travel. If the person sharing the room is not a Government employee on official travel, your reimbursement is limited to the single occupancy rate.

§301–11.14 How is my daily lodging rate computed when I rent lodging on a long-term basis?

When you obtain lodging on a long-term basis (e.g., weekly or monthly) your daily lodging rate is computed by dividing the total lodging cost by the number of days of occupancy for which you are entitled to per diem, provided the cost does not exceed the daily rate of conventional lodging. Otherwise the daily lodging cost is computed by dividing the total lodging cost by the number of days in the rental period. Reimbursement, including an appropriate amount for M&IE, may not exceed the maximum daily per diem rate for the TDY location.

§301–11.15 What expenses may be considered part of the daily lodging cost when I rent on a long-term basis?

When you rent a room, apartment, house, or other lodging on a long-term basis (e.g., weekly, monthly), the following expenses may be considered part of the lodging cost:

(a) The rental cost for a furnished dwelling; if unfurnished, the rental cost of the dwelling and the cost of appropriate and necessary furniture and appliances (e.g., stove, refrigerator, chairs, tables, bed, sofa, television, or vacuum cleaner);

(b) Cost of connecting/disconnecting and using utilities;

(c) Cost of reasonable maid fees and cleaning charges;

(d) Monthly telephone use fee (does not include installation and long-distance calls); and,

(e) If ordinarily included in the price of a hotel/motel room in the area concerned, the cost of special user fees (e.g., cable TV charges and plug-in

charges for automobile head bolt heaters).

§ 301–11.16 What reimbursement will I receive if I prepay my lodging expenses and my TDY is curtailed, canceled or interrupted for official purposes or for other reasons beyond my control that are acceptable to my agency?

If you sought to obtain a refund or otherwise took steps to minimize the cost, your agency may reimburse expenses that are not refundable, including a forfeited rental deposit.

§ 301–11.17 If my agency authorizes per diem reimbursement, will it reduce my M&IE allowance for a meal(s) provided by a common carrier or for a complimentary meal(s) provided by a hotel/motel?

No. A meal provided by a common carrier or a complimentary meal provided by a hotel/motel does not affect your per diem.

§ 301–11.18 What M&IE rate will I receive if a meal(s) is furnished at nominal or no cost by the Government or is included in the registration fee?

Your M&IE rate must be adjusted for a meal(s) furnished to you (except as provided in § 301–11.17), with or without cost, by deducting the appropriate amount shown in the chart in this section for CONUS travel, reference Appendix B of this chapter for OCONUS travel, or any method determined by your agency. If you pay for a meal that has been previously deducted, your agency will reimburse you up to the deduction amount. The total amount of deductions made will not cause you to receive less than the amount allowed for incidental expenses.

M&IE	$30	$34	$38	$42
Breakfast	6	7	8	9
Lunch	6	7	8	9
Dinner	16	18	20	22
Incidentals	2	2	2	2

[63 FR 15961, Apr. 1, 1998; 63 FR 35537, June 30, 1998]

§ 301–11.19 How is my per diem calculated when I travel across the international dateline (IDL)?

When you cross the IDL your actual elapsed travel time will be used to compute your per diem entitlement rather than calendar days.

§ 301–11.20 May my agency authorize a rest period for me while I am traveling?

(a) Your agency may authorize a rest period not in excess of 24 hours at either an intermediate point or at your destination if:

(1) Either your origin or destination point is OCONUS;

(2) Your scheduled flight time, including stopovers, exceeds 14 hours;

(3) Travel is by a direct or usually traveled route; and

(4) Travel is by less than premium-class service.

(b) When a rest stop is authorized the applicable per diem rate is the rate for the rest stop location.

§ 301–11.21 Will I be reimbursed for per diem or actual expenses on leave or non-workdays (weekend, legal Federal Government holiday, or other scheduled non-workdays) while I am on official travel?

(a) In general, you will be reimbursed as long as your travel status requires your stay to include a non-workday, (e.g., if you are on travel through Friday and again starting Monday you will be reimbursed for Saturday and Sunday), however, your agency should determine the most cost effective situation (i.e., remaining in a travel status and paying per diem or actual expenses or permitting your return to your official station).

(b) Your agency will determine whether you will be reimbursed for non-workdays when you take leave immediately (e.g., Friday or Monday) before of after the non-workday(s).

NOTE TO § 301–11.21: If emergency travel is involved due to an incapacitating illness or injury, the rules in part 301–30 of this chapter govern.

§301–11.22 Am I entitled to per diem or actual expense reimbursement if I am required to return to my official station on a non-workday?

If required by your agency to return to your official station on a non-workday, you will be reimbursed the amount allowable for return travel.

§301–11.23 Are there any other circumstances when my agency may reimburse me to return home or to my official station for non-workdays during a TDY assignment?

Your agency may authorize per diem or actual expense and round-trip transportation expenses for periodic return travel on non-workdays to your home or official station under the following circumstances:

(a) The agency requires you to return to your official station to perform official business; or

(b) The agency will realize a substantial cost savings by returning you home; or

(c) Periodic return travel home is justified incident to an extended TDY assignment.

§301–11.24 What reimbursement will I receive if I voluntarily return home or to my official station on non-workdays during my TDY assignment?

If you voluntarily return home or to your official station on non-workdays during a TDY assignment, the maximum reimbursement for round trip transportation and per diem or actual expense is limited to what would have been allowed had you remained at the TDY location.

§301–11.25 Must I provide receipts to substantiate my claimed travel expenses?

Yes, you must provide a lodging receipt and either a receipt for any authorized expenses incurred costing over $75, or a reason acceptable to your agency explaining why you are unable to provide the necessary receipt.

§301–11.26 How do I get a per diem rate increased?

If you travel to a location where the per diem rate is insufficient to meet necessary expenses, you may submit a request, containing pertinent lodging & meal cost data, through your agency asking that the location be surveyed. Depending on the location in question your agency may submit the survey request to:

For CONUS locations	For non-foreign area locations	For foreign area locations
General Services Administration, Office of Governmentwide Policy, Attn: Travel and Transportation, Management Policy Division (MTT), Washington, DC 20405.	Department of Defense, Per Diem, Travel and Transportation, Allowance Committee (PDTATAC), Hoffman Building #1, Room 836, 2461 Eisenhower Ave, Alexandria, VA 22331–1300.	Department of State, Director of Allowances, State Annex 29, Room 262, Washington, DC 20522–2902.

§301–11.27 Are taxes included in the lodging portion of the Government per diem rate?

Yes. However, there may be lodging facilities that set their room rates at the maximum lodging rate and then add on taxes.

§301–11.28 As a traveler on official business, am I required to pay applicable lodging taxes?

Yes, unless exempted by the State or local jurisdiction.

§301–11.29 Are lodging facilities required to accept a generic federal, state or local tax exempt certificate?

Exemptions from taxes for Federal travelers, and the forms required to claim them, vary from location to location. The GSA Travel Homepage (*http://policyworks.gov/travel*) lists jurisdictions where tax exempt certificates should be honored.

§ 301–11.30 What is my option if the Government lodging rate plus applicable taxes exceeds my lodging reimbursement?

You may request reimbursement on an actual expense basis, not to exceed 300 percent of the maximum per diem allowance. Approval of actual expenses is at the discretion of your agency.

Subpart B—Lodgings-Plus Per Diem

§ 301–11.100 What will I be paid for lodging under Lodgings-plus per diem?

When travel is more than 12 hours and overnight lodging is required you are reimbursed your actual lodging cost not to exceed the maximum lodging rate for the TDY location or stopover point.

§ 301–11.101 What allowance will I be paid for M&IE?

(a) Except as provided in paragraph (b) of this section, your allowance is as shown in the following table:

When travel is		Your allowance is
More than 12 but less than 24 hours		75 percent of the applicable M&IE rate.
24 hours or more, on	The day of departure	75 percent of the applicable M&IE rate.
	Full days of travel	100 percent of the applicable M&IE rate.
	The last day of travel	75 percent of the applicable M&IE rate.

(b) If you travel by ship, either commercial or Government, your agency will determine an appropriate M&IE rate within the applicable maximum rate allowable.

§ 301–11.102 What is the applicable M&IE rate?

For days of travel which		Your applicable M&IE rate is
Require lodging		The M&IE rate applicable for the TDY location.
Do not require lodging, and.	Travel is more than 12 hours but less than 24 hours.	The M&IE rate applicable to the TDY site (or the highest M&IE rate applicable when multiple locations are involved).
	Travel is 24 hours or more, and you are traveling to a new TDY site or stopover point at midnight.	The M&IE rate applicable to the new TDY site or stopover point.
	Travel is 24 hours or more, and you are returning to your official station.	The M&IE rate applicable to the previous day of travel.

Subpart C—Reduced Per Diem

§ 301–11.200 Under what circumstances may my agency prescribe a reduced per diem rate lower than the prescribed maximum?

Under the following circumstances:

(a) When your agency can determine in advance that lodging and/or meal costs will be lower than the per diem rate; and

(b) The lowest authorized per diem rate must be stated in your travel authorization in advance of your travel.

Subpart D—Actual Expense

§ 301–11.300 When is actual expense reimbursement warranted?

When:

(a) Lodging and/or meals are procured at a prearranged place such as a hotel where a meeting, conference or training session is held;

(b) Costs have escalated because of special events (e.g., missile launching periods, sporting events, World's Fair, conventions, natural disasters); lodging and meal expenses within prescribed allowances cannot be obtained nearby;

and costs to commute to/from the nearby location consume most or all of the savings achieved from occupying less expensive lodging;

(c) Because of mission requirements; or

(d) Any other reason approved within your agency.

§ 301–11.301 Who in my agency can authorize/approve my request for actual expense?

Any official designated by the head of your agency.

§ 301–11.302 When should I request authorization for reimbursement under actual expense?

Request for authorization for reimbursement under actual expense should be made in advance of travel. However, subject to your agency's policy, after the fact approvals may be granted when supported by an explanation acceptable to your agency.

§ 301–11.303 What is the maximum amount that I may be reimbursed under actual expense?

The maximum amount that you may be reimbursed under actual expense is limited to 300 percent (rounded to the next higher dollar) of the applicable maximum per diem rate. However, subject to your agency's policy, a lesser amount may be authorized.

§ 301–11.304 What if my expenses are less than the authorized amount?

When authorized actual expense and your expenses are less than the locality per diem rate or the authorized amount, reimbursement is limited to the expenses incurred.

§ 301–11.305 What if my actual expenses exceed the 300 percent ceiling?

Your reimbursement is limited to the 300 percent ceiling. There is no authority to exceed this ceiling.

§ 301–11.306 What expenses am I required to itemize under actual expense?

You must itemize all expenses, including meals, (each meal must be itemized separately) for which you will be reimbursed under actual expense. However, expenses that do not accrue daily (e.g., laundry, dry cleaning, etc.) may be averaged over the number of days your agency authorizes/approves actual expenses. Receipts are required for lodging, regardless of amount and any individual meal when the cost exceeds $75. Your agency may require receipts for other allowable per diem expenses, but it must inform you of this requirement in advance of travel. When your agency limits M&IE reimbursement to either the prescribed maximum M&IE rate for the locality concerned or a reduced M&IE rate, it may or may not require M&IE itemization at its discretion.

[63 FR 15961, Apr. 1, 1998; 63 FR 35537, June 30, 1998]

PART 301–12—MISCELLANEOUS EXPENSES

Sec.

301–12.1 What miscellaneous expenses are reimbursable?
301–12.2 What baggage expenses may my agency pay?

AUTHORITY: 5 U.S.C. 5707.

SOURCE: 63 FR 15965, Apr. 1, 1998, unless otherwise noted.

§ 301–12.1 What miscellaneous expenses are reimbursable?

Your agency may authorize or approve reimbursement of miscellaneous travel expenses. Examples of such expenses include but are not limited to the following:

General expenses	Fees to obtain money	Special expenses of foreign travel
Baggage expenses as described in § 301–12.2.	Fees for travelers checks	Commissions on conversion of foreign currency.
Services of guides, interpreters, drivers	Fees for money orders	Passport and/or visa fees.
Use of computers, printers, faxing machines, and scanners.	Fees for certified checks	Costs of photographs for passports and visas.
Services of typists, data processors, or stenographers.	Transaction fees for use of automated teller machines (ATMs)—Government contractor-issued charge card.	Foreign country exit fees.

General expenses	Fees to obtain money	Special expenses of foreign travel
Storage of property used on official business.	.....	Costs of birth, health, and identity certificates.
Hire of conference center room or hotel room for official business.	.....	Charges for inoculations that cannot be obtained through a Federal dispensary.
Official telephone calls/service (see note).		
Faxes, telegrams, cablegrams, or radiograms.		

NOTE TO §301–12.1: You should use Government provided services for all official communications. When they are not available, commercial services may be used. Reimbursement may be authorized or approved by your agency.

[63 FR 15965, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

§301–12.2 What baggage expenses may my agency pay?

Your agency may reimburse expenses related to baggage as follows:

(a) Transportation charges for authorized excess;

(b) Necessary charges for transferring baggage;

(c) Necessary charges for storage of baggage when such charges are the result of official business;

(d) Charges for checking baggage; and

(e) Charges or tips at transportation terminals for handling Government property carried by the traveler.

PART 301–13—TRAVEL OF AN EMPLOYEE WITH SPECIAL NEEDS

Sec.

301–13.1 What is the policy for paying additional travel expenses incurred by an employee with a special need?
301–13.2 Under what conditions will my agency pay for my additional travel expenses under this part?
301–13.3 What additional travel expenses may my agency pay under this part?

AUTHORITY: 5 U.S.C. 5707.

SOURCE: 63 FR 15966, Apr. 1, 1998, unless otherwise noted.

§301–13.1 What is the policy for paying additional travel expenses incurred by an employee with a special need?

To provide reasonable accommodations to an employee with a special need by paying for additional travel expenses incurred.

§301–13.2 Under what conditions will my agency pay for my additional travel expense(s) under this part?

When an additional travel expense is necessary to accommodate a special physical need which is either:

(a) Clearly visible and discernible; or

(b) Substantiated in writing by a competent medical authority.

§301–13.3 What additional travel expenses may my agency pay under this part?

The following expenses:

(a) Transportation and per diem expenses incurred by a family member or other attendant who must travel with you to make the trip possible;

(b) Specialized transportation to, from, and/or at the TDY duty location;

(c) Specialized services provided by a common carrier to accommodate your special need;

(d) Costs for handling your baggage that are a direct result of your special need;

(e) Renting and/or transporting a wheelchair; and

(f) Premium-class accommodations when necessary to accommodate your special need, under Subpart B of Part 301–10 of this chapter.

PART 301–30—EMERGENCY TRAVEL

Sec.

301–30.1 What is emergency travel?
301–30.2 What is considered to be ''family'' with respect to emergency travel?
301–30.3 What should I do if I have to interrupt or discontinue my TDY travel?
301–30.4 When an illness or injury occurs on TDY, what expenses may be allowed?
301–30.5 Are there any limitations to the payment of these expenses?

AUTHORITY: 5 U.S.C. 5707.

SOURCE: 63 FR 15966, Apr. 1, 1998, unless otherwise noted.

§ 301–30.1 What is emergency travel?

Travel which results from:

(a) Your becoming incapacitated by illness or injury not due to your own misconduct; or

(b) The death or serious illness of a member of your family; or

(c) A catastrophic occurrence or impending disaster, such as fire, flood, or act of God, which directly affects your home.

§ 301–30.2 What is considered to be "family" with respect to emergency travel?

''Family'' includes any member of your immediate family, as defined in § 300–3.1. However, your agency may, on a case-by-case basis, expand this definition to include other members of your and/or your spouse's extended family.

§ 301–30.3 What should I do if I have to interrupt or discontinue my TDY travel?

Contact your travel authorizing/approving official for instructions as soon as possible.

§ 301–30.4 When an illness or injury occurs on TDY, what expenses may be allowed?

Your agency may pay:

(a) Per diem at the location where you incurred or were treated for incapacitating illness or injury for a reasonable period of time (generally 14 calendar days). However, your agency may pay for a longer period.

(b) Transportation and per diem expense for travel to an alternate location to receive treatment.

(c) Transportation and per diem expense to return to your official station.

§ 301–30.5 Are there any limitations to the payment of these expenses?

Expenses are not payable when:

(a) Confined to:

(1) A medical facility within the proximity of your official duty station.

(2) The same medical facility you would have been admitted to if your incapacitating illness or injury occurred at your official station.

(b) The Government provides or reimburses you for hospitalization under any Federal statute (including hospitalization in a Department of Veterans Affairs (VA) Medical center or military hospital). However, per diem expenses are payable if your hospitalization is paid under the Federal Employees Health Benefits Program (5 U.S.C. 8901–8913).

PART 301–31—THREATENED LAW ENFORCEMENT/INVESTIGATIVE EMPLOYEES

Sec.

301–31.1 Why pay subsistence and transportation expenses for threatened law enforcement/investigative employees?
301–31.2 What is ''family'' with respect to threatened law enforcement/investigative employees?
301–31.3 Are members of my family and I eligible for payment of subsistence and transportation expense?
301–31.4 Must my agency pay transportation and subsistence expenses?
301–31.5 Under what conditions may my agency pay for transportation and subsistence expenses?
301–31.6 Where must I and/or my family obtain lodging?
301–31.7 May my family and I occupy lodging at different locations?
301–31.8 What transportation expenses may my agency pay?
301–31.9 What subsistence expenses may my agency pay?
301–31.10 How will my agency pay my subsistence expenses?
301–31.11 May my agency pay me a per diem allowance instead of actual expenses?
301–31.12 Must I keep track of my expenses?
301–31.13 How long may my agency pay for subsistence expenses under this part?
301–31.14 May I receive a travel advance for transportation and/or subsistence expenses?
301–31.15 What documentation must I provide for reimbursement?

AUTHORITY: 5 U.S.C. 5707.

SOURCE: 63 FR 15966, Apr. 1, 1998, unless otherwise noted.

§ 301–31.1 Why pay subsistence and transportation expenses for threatened law enforcement/investigative employees?

To protect a law enforcement/investigative employee and his/her immediate family when their lives are placed in jeopardy as a result of the employee's assigned duties.

§ 301–31.2 What is "family" with respect to threatened law enforcement/investigative employees?

Generally, ''family'' includes any member of your immediate family, as defined in §300–3.1 of this title. However, your agency may, on a case-by-case basis, expand this definition to include other members of you and/or your spouse's extended family.

§ 301–31.3 Are members of my family and I eligible for payment of subsistence and transportation expense?

Yes, if you serve in a law enforcement, investigative, or similar capacity for special law enforcement/investigative purposes and your agency authorizes such expenses.

§ 301–31.4 Must my agency pay transportation and subsistence expenses?

No. Your agency decides when it is appropriate to pay these expenses based on the nature of the threat against your life and/or the life of a member(s) of your immediate family.

§ 301–31.5 Under what conditions may my agency pay for transportation and subsistence expenses?

When your agency determines that a threat against you or a member(s) of your immediate family justifies moving you and/or your family to temporary living accommodations at or away from your official station.

§ 301–31.6 Where must I and/or my family obtain lodging?

Your agency designates the area where you and/or your family should obtain lodging. It may be within your official station or at an alternate location.

§ 301–31.7 May my family and I occupy lodging at different locations?

Yes, if authorized by your agency.

§ 301–31.8 What transportation expenses may my agency pay?

Your agency may pay transportation expenses authorized by part §301–10 of this chapter to transport you and/or your family to/from a temporary location.

§ 301–31.9 What subsistence expense may my agency pay?

Only your lodging cost may be paid. However, your agency may pay for meals and laundry/cleaning expenses if:

(a) Your temporary living accommodations do not have kitchen or laundry facilities; or

(b) Your agency determines that other extenuating circumstances exist which necessitate payment of these expenses.

§ 301–31.10 How will my agency pay my subsistence expenses?

Your agency will pay your actual subsistence expenses not to exceed the ''maximum allowable amount'' for the period you or your family occupy temporary living accommodations. The ''maximum allowable amount'' is the ''maximum daily amount'' multiplied by the number of days you or your family occupy temporary living accommodations not to exceed the number of days authorized. The ''maximum daily amount'' is determined by adding the rates in the following table for you and each member of your family authorized to occupy temporary living accommodations:

If your agency authorizes	The ''maximum daily amount'' of per diem expenses that		
	You or your unaccompanied spouse or other unaccompanied family member may receive is	Your accompanied spouse or a member of your family who is age 12 or older may receive is	A member of your family who is under age 12 may receive is
Payment of only lodging expenses.	The maximum lodging amount applicable to the locality.	.75 times the maximum lodging amount applicable to the locality.	.5 times the maximum lodging amount applicable to the locality.
Payment for lodging, meals, and other per diem expenses.	The maximum per diem rate applicable to the locality.	.75 times the maximum per diem rate applicable to the locality..	.5 times the maximum per diem rate applicable to the locality.

§301–31.11 May my agency pay me a per diem allowance instead of actual expenses?

No.

§301–31.12 Must I keep track of my expenses?

Yes. You must keep track of your actual expenses as described in part 301–11 of this chapter.

[63 FR 15966, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

§301–31.13 How long may my agency pay for subsistence expenses under this part?

Your agency may pay for subsistence expenses up to 60 days. However, your agency may pay for additional periods if it determines, that an extension is justified.

§301–31.14 May I receive a travel advance for transportation and/or subsistence expenses?

Yes, you may receive a travel advance under §301–51.200 of this chapter for up to a 30-day period at a time to cover expenses allowable. Your travel advance may not exceed the maximum allowable amount authorized under §301–31.10, and you will be required to reimburse your agency for any portion of the advance disallowed or not spent.

§301–31.15 What documentation must I provide for reimbursement?

You must provide receipts or any other documentation required by your agency. However, in instances when documentation might compromise the security of the individuals involved, the head of the agency may waive these requirements.

SUBCHAPTER C—ARRANGING FOR TRAVEL SERVICES, PAYING TRAVEL EXPENSES, AND CLAIMING REIMBURSEMENT

PART 301–50—ARRANGING FOR TRAVEL SERVICES

Sec.

301–50.1 How should I arrange my travel?

301–50.2 What is my liability if I use an unauthorized travel agent or unauthorized travel management system?

301–50.3 Are there any limits on the travel arrangements I may make?

AUTHORITY: 5 U.S.C. 5707; 40 U.S.C. 486(c).

SOURCE: 63 FR 15967, Apr. 1, 1998, unless otherwise noted.

§301–50.1 How should I arrange my travel?

If your agency provides travel management services under a Government contract, you must use those services, to arrange for common carrier transportation, lodging, and rental car(s). If your agency does not provide travel management services under a Government contract, you must arrange your travel according to your agency's policy. Services under a Government contract may be furnished by a commercial travel agent, electronic travel services system, or other travel management services provider.

§301–50.2 What is my liability if I use an unauthorized travel agent or unauthorized travel management system?

You are responsible for any additional costs that result from the unauthorized use, and you are subject to any penalties your agency may impose.

§301–50.3 Are there any limits on the travel arrangements I may make?

Yes. If the GSA city-pair fare contract for passenger transportation services is available to you, you must use the contract carrier. You should also use any preferred value lodging programs and rental car arrangements in which your agency participates.

PART 301–51—PAYING TRAVEL EXPENSES

Subpart A—General

Sec.

301–51.1 How may I pay for official travel expenses?

301–51.2 What is the preferred method of payment for official travel expenses?

301–51.3 When must I use excess or near-excess foreign currencies owned by the United States?

Subpart B—Paying for Common Carrier Transportation

301–51.100 What method of payment must I use to procure common carrier transportation?

301–51.101 Which payment methods are considered the equivalent of cash?

301–51.102 How is my transportation reimbursement affected if I make an unauthorized cash purchase of common carrier transportation?

301–51.103 What is my liability if I lose a GTR?

Subpart C—Receiving Travel Advances

301–51.200 For what expenses may I receive a travel advance?

301–51.201 What is the maximum amount that my agency may advance?

301–51.202 When must I account for my advance?

301–51.203 What must I do about my advance if my trip is canceled or postponed indefinitely?

AUTHORITY: 5 U.S.C. 5707.

SOURCE: 63 FR 15968, Apr. 1, 1998, unless otherwise notes.

Subpart A—General

§301–51.1 How may I pay for official travel expenses?

(a) Government contractor-issued individually billed travel card;

(b) Centrally billed account;

(c) Government Transportation Request (GTR);

(d) Government contractor-issued travelers check;

(e) Cash obtained from an advance;

(f) Frequent traveler credits; and

(g) Personal funds, including cash or a personal charge card.

NOTE TO §301–51.1: City pair contractors are not required to accept payment other than by methods in paragraphs (a) through (c) of this section. Also see §301–51.100 of this part.

[63 FR 15968, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

§301–51.2 What is the preferred method of payment for official travel expenses?

When authorized by your agency, use your Government contractor-issued individually billed travel card to the maximum extent possible for all official travel expenses, except those billed directly to your agency. Cash should be used only to pay for those expenses which, as a general rule, cannot be charged; e.g., laundry/dry cleaning, parking, local transportation system, taxi, and tips. The ATM feature of your Government contractor-issued travel card should be used, when authorized to obtain cash for official travel expenses.

[63 FR 15968, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

§301–51.3 When must I use excess or near-excess foreign currencies owned by the United States?

Your agency TMC should have available information from the Department of State and Office of Management and Budget Bulletins when the use of excess or near excess foreign currency will be required to pay for travel expenses.

Subpart B—Paying for Common Carrier Transportation

§301–51.100 What method of payment must I use to procure common carrier transportation?

You must use a Government contractor-issued individually billed travel card, centrally billed account, or GTR to procure contract passenger transportation services. For all other common carrier transportation, you must use one of the methods specified in the following table:

For passenger transportation services costing	You must use	Unless
(a) $10 or less, and air excess baggage charges of $15 or less for each leg of a trip.	A Government contractor-issued individually billed travel card, centrally billed account, or.	Use of the Government contractor-issued individually billed travel card is not accepted or its use is impracticable, special circumstances justify the use of a GTR or Government excess baggage authorization ticket (GEBAT).
(b) More than $10, but not more than $100.	A Government contractor-issued individually billed travel card, centrally billed account, or GTR.	None of the other methods are practicable, you may use cash.
(c) More than $100	Only a Government contractor-issued individually billed travel card, centrally billed account, or GTR.	Your agency authorizes you to use a reduced fare for group, charter, or excursion arrangements or under emergency circumstances where the use of other methods is not possible.

[63 FR 15968, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

§301–51.101 Which payment methods are considered the equivalent of cash?

Use of one of the following payment methods of this section to procure common carrier transportation is considered the equivalent of cash and you must comply with the rules in 41 CFR 101–41.203–2 that limit the use of cash for such purposes.

(a) Personal credit cards;

(b) Cash withdrawals obtained from an ATM using a Government contractor-issued individually billed travel card; and

(c) Checks, both personal and travelers (including those obtained through a travel payment system services program).

[63 FR 15968, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

§ 301–51.102 How is my transportation reimbursement affected if I make an unauthorized cash purchase of common carrier transportation?

If you are a new employee or an invitational or infrequent traveler who is unaware of proper procedures for purchasing common carrier transportation, your agency may allow reimbursement for the full cost of the transportation. In all other instances, your reimbursement will be limited to the cost of such transportation using the authorized method of payment.

[63 FR 15968, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

§ 301–51.103 What is my liability if I lose a GTR?

You are liable for any Government expenditure that is caused by your negligence in safeguarding the GTR or tickets received in exchange for the GTR. To avoid liability, immediately report a lost or stolen GTR to your administrative office. If the lost or stolen GTR shows the carrier service desired, and point of origin, promptly notify in writing the named carrier and other local initial carriers. Do not use a GTR that is recovered after having been reported as lost or stolen. Instead, report the recovered GTR to your administrative office.

[63 FR 15968, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

Subpart C—Receiving Travel Advances

§ 301–51.200 For what expenses may I receive a travel advance?

For	You may receive an advance
(a) Cash transaction expenses (i.e., expenses that as a general rule cannot be charged and must be paid using cash, a personal check, or travelers check). (1) M&IE covered by the per diem allowance or actual expenses allowance; (2) Miscellaneous transportation expenses such as local transportation system and taxi fares; parking fees; ferry fees; bridge, road, and tunnel fees; and aircraft parking, landing, and tie-down fees; (3) Gasoline and other variable expenses covered by the mileage allowance for advantageous use of a privately owned automobile for official business; and (4) Other authorized miscellaneous expenses that cannot be charged using a Government contractor-issued charge card and for which a cost can be estimated.	Any time you travel.
(b) Non-cash transaction expenses (i.e., lodging, common carrier).	Only in the following situations: *(1) Government contractor-issued charge card not expected to be accepted.* *(2) Government contractor-issued charge card issuance denied.* Your agency has decided not to provide you a contractor-issued individually billed travel card. *(3) Official change of station.* Your agency determines that use of a contractor-issued individually billed travel card would not be feasible incident to a transfer, particularly a transfer to another agency. *(4) Financial hardship would be incurred.*

[63 FR 15968, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

§ 301–51.201 What is the maximum amount that my agency may advance?

The amount your agency advances you may not exceed the following amounts:

For	The maximum amount your agency may advance is
Cash transaction expenses	The estimated amount of your cash transaction expenses. (For M&IE, your advance is limited to the M&IE rate under the lodgings-plus per diem method.)

For	The maximum amount your agency may advance is
Non-cash transaction expenses (See § 301–51.200(b)).	Generally zero. However, your agency may advance up to the full amount of your expected non-cash transaction expenses for an individual trip (or not to exceed a 45-day period for an open authorization) in accordance with § 301–51.200(b).

[63 FR 15968, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

§ 301–51.202 When must I account for my advance?

You must file a travel claim which accounts for your advance after completion of your assignment, in accordance with your agency's policy. If you are in a continuous travel status (e.g., an auditor or inspector) or if you submit periodic reimbursement vouchers on an individual trip authorization, your agency may reimburse you the full amount of your travel expenses without any deduction of your advance until such time as you file a final voucher. If the amount advanced is less than the amount of the voucher on which it is deducted, you will be reimbursed the net amount. If the advance exceeds the reimbursable amount, you must immediately refund the excess.

§ 301–51.203 What must I do about my advance if my trip is canceled or postponed indefinitely?

Promptly notify the appropriate agency officials and refund any monies advanced in connection with the authorized travel.

PART 301–52—CLAIMING REIMBURSEMENT

Sec.

301–52.1 Must I file a travel claim?
301–52.2 What information must I provide in my travel claim?
301–52.3 Am I required to file a travel claim in a specific format and must the claim be signed?
301–52.4 What must I provide with my travel claim?
301–52.5 Is there any instance where I am exempt from the receipt requirements in § 301–52.4?
301–52.6 How do I submit a travel claim?
301–52.7 When must I submit my travel claim?
301–52.8 May my agency disallow payment of a claimed item?
301–52.9 What will my agency do when it disallows an expense?
301–52.10 May I challenge my agency's disallowance of my claim?
301–52.11 What must I do to challenge a disallowed claim?
301–52.12 What happens if I attempt to defraud the Government?
301–52.13 Should I keep itemized records of my expenses while on travel?
301–52.14 What must I do with any travel advance outstanding at the time I submit my travel claim?
301–52.15 What must I do with any passenger coupon for transportation costing over $75, purchased with cash?
301–52.16 What must I do with any unused tickets, coupons, or other evidence of refund?

AUTHORITY: 5 U.S.C. 5707.

SOURCE: 63 FR 15969, Apr. 1, 1998, unless otherwise noted.

§ 301–52.1 Must I file a travel claim?

Yes.

§ 301–52.2 What information must I provide in my travel claim?

You must provide the following:

(a) An itemized list of expenses and other information (specified in the listing of required standard data elements contained in Appendix C of this chapter, and any additional information your agency may specifically require), except:

(1) You may aggregate expenses for local telephone calls, local metropolitan transportation fares, and parking meter fees, except any individual expenses costing over $75 must be listed separately;

(2) When you are authorized lodgings-plus per diem, you must state the M&IE allowance on a daily basis;

(3) When you are authorized a reduced per diem, you must state the reduced rate your agency authorizes on a daily basis; and

(4) When your agency limits M&IE reimbursement to the prescribed maximum M&IE for the locality concerned, you must state the reduced rate on a daily basis.

(5) Your agency may or may not require itemization of M&IE when reimbursement is limited to either the maximum M&IE locality rate or a reduced M&IE rate is authorized.

(b) The type of leave and the number of hours of leave for each day;

(c) The date of arrival and departure from the TDY station and any nonduty points visited when you travel by an indirect route other than a stopover to change planes or embark/disembark passengers;

(d) A signed statement, ''I hereby assign to the United States any rights I may have against other parties in connection with any reimbursable carrier transportation charges described herein,'' when you use cash to pay for common carrier transportation.

§ 301–52.3 Am I required to file a travel claim in a specific format and must the claim be signed?

Yes, in a format prescribed by your agency. If the prescribed travel claim is hardcopy, the claim must be signed in ink; if your agency has electronic processing, use your electronic signature. Any alterations or erasures to your travel claim must be initialed.

§ 301–52.4 What must I provide with my travel claim?

You must provide:

(a) Evidence of your necessary travel authorizations including any necessary special authorizations;

(b) Receipts for:

(1) Any lodging expense, except when you are authorized a fixed reduced per diem allowance; and

(2) Any other expense costing over $75. If it is impracticable to furnish receipts in any instance as required by this subtitle, the failure to do so must be fully explained on the travel voucher. Mere inconvenience in the matter of taking receipts will not be considered.

§ 301–52.5 Is there any instance where I am exempt from the receipt requirement in § 301–52.4?

Yes, your agency may exempt an expenditure from the receipt requirement because the expenditure is confidential.

[63 FR 15969, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

§ 301–52.6 How do I submit a travel claim?

You must submit your travel claim in accordance with administrative procedures prescribed by your agency.

§ 301–52.7 When must I submit my travel claim?

Unless your agency administratively requires you to submit your travel claim within a shorter timeframe, you must submit your travel claim as follows:

(a) Within 5 working days after you complete your trip or period of travel; or

(b) Every 30 days if you are on continuous travel status.

§ 301–52.8 May my agency disallow payment of a claimed item?

Yes, if you do not:

(a) Provide proper itemization of an expense;

(b) Provide receipt or other documentation required to support your claim; and

(c) Claim an expense which is not authorized.

§ 301–52.9 What will my agency do when it disallows an expense?

Your agency will disallow your claim for that expense, issue you a notice of disallowance, and pay your claim for those items which are not disallowed.

§ 301–52.10 May I challenge my agency's disallowance of my claim?

Yes, you may request reconsideration of your claim if you have additional facts or documentation to support your request for reconsideration.

§ 301–52.11 What must I do to challenge a disallowed claim?

You must:

(a) File a new claim.

(b) Provide full itemization for all disallowed items reclaimed.

(c) Provide receipts for all disallowed items reclaimed that require receipts, except that you do not have to provide

a receipt if your agency already has the receipt.

(d) Provide a copy of the notice of disallowance.

(e) State the proper authority for your claim if you are challenging your agency's application of the law or statute.

(f) Follow your agency's procedures for challenging disallowed claims.

(g) If after reconsideration by your agency your claim is still denied, you may submit your claim for adjudication to the GSA Board of Contract Appeals in accordance with 48 CFR part 6104.

§ 301–52.12 What happens if I attempt to defraud the Government?

(a) You forfeit reimbursement pursuant to 28 U.S.C. 2514; and

(b) You may be subject under 18 U.S.C. 287 and 1001 to one, or both, of the following:

(1) A fine of not more than $10,000, or

(2) Imprisonment for not more than 5 years.

§ 301–52.13 Should I keep itemized records of my expenses while on travel?

Yes. You will find it helpful to keep a record of your expenses by date of the expense to aid you in preparing your travel claim or for tax purposes.

§ 301–52.14 What must I do with any travel advance outstanding at the time I submit my travel claim?

You must account for the travel advance in accordance with your agency's procedures.

§ 301–52.15 What must I do with any passenger coupon for transportation costing over $75, purchased with cash?

You must submit the passenger coupons to your agency in accordance with your agency's procedures.

§ 301–52.16 What must I do with any unused tickets, coupons, or other evidence of refund?

You must submit any unused tickets, coupons, or other evidence of refund to your agency in accordance with your agency's procedures.

[63 FR 15969, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

PART 301–53—USING PROMOTIONAL MATERIALS AND FREQUENT TRAVELER PROGRAMS

Sec.

301–53.1 What must I do with promotional benefits or materials I receive from a travel service provider?
301–53.2 Should I join a frequent traveler program?
301–53.3 May my agency reimburse membership fees in a frequent traveler program?
301–53.4 How may I use frequent traveler benefits?
301–53.5 Under what circumstances may I use frequent traveler benefits to upgrade my transportation class of service?
301–53.6 When my agency participates in a mandatory travel management program, may I select a travel service provider based on whether it provides frequent travel credits?
301–53.7 How should I handle frequent traveler credits when I accumulate both personal and official credits from a single travel service provider?
301–53.8 What are my options if I cannot establish separate frequent traveler accounts?
301–53.9 What is my liability for improper use of frequent traveler benefits?
301–53.10 Is there any instance when I may make personal use of benefits furnished by a travel service provider?

AUTHORITY: 5 U.S.C. 5707; 31 U.S.C. 1353.

SOURCE: 63 FR 15970, Apr. 1, 1998, unless otherwise noted.

§ 301–53.1 What must I do with promotional benefits or materials I receive from a travel service provider?

Any promotional benefits or material you receive from a private source in connection with official travel are considered property of the Government. You must:

(a) Accept the benefits or materials on behalf of the Federal Government; and

(b) Turn the benefits or material over to your agency in accordance with your agency's procedures established under 41 CFR 101–25.103.

§ 301–53.2 Should I join a frequent traveler program?

Yes. You are encouraged to join frequent traveler programs to realize cost savings or reduce official travel cost.

§ 301–53.3 May my agency reimburse membership fees in a frequent traveler program?

Yes, if the benefits of membership are expected to exceed the cost of membership.

§ 301–53.4 How may I use frequent traveler benefits?

You may use frequent traveler benefits earned on official travel to obtain travel services for a subsequent official travel assignment(s).

§ 301–53.5 Under what circumstances may I use frequent traveler benefits to upgrade my transportation class of service?

You may use frequent travel benefits earned on official travel to upgrade your transportation class of service when your agency's policies authorize you to upgrade to premium-class other than first-class airline accommodations, solely through redemption of frequent traveler benefits or when the requirements for first-class or premium other than first class airline accommodations are met in accordance with §§ 301–10.123 and 301–10.124.

§ 301–53.6 When my agency participates in a mandatory travel management program, may I select a travel service provider based on whether it provides frequent travel credits?

No. You must use the travel management program for which your agency is a mandatory user, including contract passenger transportation service when such programs are available.

§ 301–53.7 How should I handle frequent traveler credits when I accumulate both personal and official credits from a single travel service provider?

You should establish separate accounts for personal and official use.

§ 301–53.8 What are my options if I cannot establish separate frequent traveler accounts?

You must be able to account for every credit and debit in your frequent traveler account, and submit an accounting to your agency upon request. The accounting must specify:

(a) The date and amount of all credits you receive for both personal and official travel, including credits (e.g., credits from a travel service vendor credit card).

(b) The date and amount of any debit to your account for both personal and official travel.

§ 301–53.9 What is my liability for improper use of frequent traveler benefits?

You may be subject to:

(a) Disciplinary action by your agency, which may include repayment of the cost of the ticket; and

(b) Criminal sanctions, including a fine and/or imprisonment.

§ 301–53.10 Is there any instance when I may make personal use of benefits furnished by a travel service provider?

Yes, you may use benefits (e.g., free meals, check-cashing privileges, or memberships in executive clubs) only if:

(a) The Government can not use the benefit;

(b) To receive the immediate benefit, you do not forfeit a future benefit the Government could use; and

(c) The benefit can not be redeemed for cash value.

SUBCHAPTER D—AGENCY RESPONSIBILITIES

PART 301–70—INTERNAL POLICY AND PROCEDURE REQUIREMENTS

Subpart A—General Policies and Procedures

Sec.

301–70.1 How must we administer the authorization and payment of travel expenses?

Subpart B—Policies and Procedures Relating to Transportation

301–70.100 How must we administer the authorization and payment of transportation expenses?

301–70.101 What factors must we consider in determining which method of transportation results in the greatest advantage to the Government?

301–70.102 What governing policies must we establish for authorization and payment of transportation expenses?

301–70.103 In what circumstance may we authorize use of ship service?

301–70.104 What factors should we consider in determining whether to require an employee to commit to the use of a Government automobile?

301–70.105 May we prohibit an employee from using a POV on official travel?

Subpart C—Policies and Procedures Relating to Per Diem Expenses

301–70.200 What governing policies must we establish for authorization and payment of per diem expenses?

Subpart D—Policies and Procedures Relating to Miscellaneous Expenses

301–70.300 How should we administer the authorization and payment of miscellaneous expenses?

301–70.301 What governing policies must we establish for payment of miscellaneous expenses?

Subpart E—Policies and Procedures Relating to Travel of an Employee With a Disability or Special Need

301–70.400 How should we authorize and administer the payment of additional travel expenses for an employee with a disability or special need?

301–70.401 What governing policies and procedures must we establish regarding travel of an employee with a disability or special need?

Subpart F—Policies and Procedures for Emergency Travel of Employee Due to Illness or Injury

301–70.500 What governing policies and procedures should we establish relating to emergency travel?

301–70.501 Does per diem continue when an employee interrupts a travel assignment because of an incapacitating illness or injury?

301–70.502 What additional emergency expenses should we allow for?

301–70.503 When the employee is able to travel, should we continue the use of the existing travel authorization?

301–70.504 May any travel costs be reimbursed if the employee travels to an alternate location for medical treatment?

301–70.505 How do we define actual cost and constructive cost when an employee interrupts a travel assignment because of an incapacitating illness or injury?

301–70.506 May we authorize per diem if an employee discontinues a TDY assignment because of a personal emergency situation?

301–70.507 How do we handle reimbursement if the employee travels to an alternate location and returns to the TDY location because of a personal emergency situation?

301–70.508 What factors must we consider in expanding the definition of family for emergency travel purposes?

Subpart G—Policies and Procedures Relating to Threatened Law Enforcement/Investigative Employees

301–70.600 What governing policies and procedures must we establish related to threatened law enforcement/investigative employees?

301–70.601 What factors should we consider in determining whether to authorize payment of transportation and subsistence expenses for threatened law enforcement/investigative employees?

301–70.602 How often must we reevaluate the payment of transportation and subsistence expenses to a threatened law enforcement/investigative employee?

AUTHORITY: 5 U.S.C. 5707.

SOURCE: 63 FR 15971, Apr. 1, 1998, unless otherwise noted.

Subpart A—General Policies and Procedures

§ 301–70.1 How must we administer the authorization and payment of travel expenses?

You must limit the authorization and payment of travel expenses to travel that is necessary to accomplish your mission in the most economical and effective manner, in accordance with the rules stated throughout this chapter. Consideration should be given, but not limited, to budget constraints, adherence to travel policies, and reasonableness of expenses. You should always consider alternatives, including teleconferencing, prior to authorizing travel.

SUBPART B—POLICIES AND PROCEDURES RELATING TO TRANSPORTATION

§ 301–70.100 How must we administer the authorization and payment of transportation expenses?

You must:

(a) Limit authorization and payment of transportation expenses to those expenses that result in the greatest advantage to the Government;

(b) Ensure that travel is by the most expeditious means practicable.

§ 301–70.101 What factors must we consider in determining which method of transportation results in the greatest advantage to the Government?

In selecting a particular method of transportation you must consider:

(a) The total cost to the Government, including per diem, overtime, lost worktime, actual transportation cost, total distance of travel, number of points visited, the number of travelers and energy conservation. As stated in 5 U.S.C. 5733, ''travel of an employee shall be by the most expeditious means of transportation practicable and shall be commensurate with the nature and purpose of the duties of the employee requiring such travel.''

(b) Travel by common carrier (air, rail, bus) is considered the most advantageous method to perform official travel. Other methods of transportation may be authorized as advantageous only when the use of common carrier transportation would interfere with the performance of official business or impose an undue hardship upon the traveler, or when the total cost by common carrier exceeds the cost by another method of transportation. A determination that another method of transportation is more advantageous to the Government than common carrier will not be made on the basis of personal preference or inconvenience to the traveler.

§ 301–70.102 What governing policies must we establish for authorization and payment of transportation expenses?

You must establish policies and procedures governing:

(a) Who will determine what method of transportation is more advantageous to the Government;

(b) Who will approve any of the following:

(1) Use of premium class service under § 301–10.123, § 301–10.124, § 301–10.162 and § 301–10.183 of this chapter;

(2) Use of a special-reduced fare or reduced group or charter fare;

(3) Use of an extra-fare train service under § 301–10.164;

(4) Use of ship service;

(5) Use of a foreign ship;

(6) Use of a foreign air carrier;

(c) When you will:

(1) Require the use of a Government vehicle;

(2) Allow the use of a Government vehicle; and

(3) Prohibit the use of a Government vehicle;

(d) When you will consider use of a POV advantageous to the Government, such as travel to/from common carrier terminals, or transportation to a TDY location;

(e) Procedures for claiming POV reimbursement;

(f) When you will allow use of a special conveyance (e.g. commercially rented vehicles);

(g) What procedures an employee must follow when he/she travels by an indirect route or interrupts travel by a direct route; and

(h) For local transportation whether to reimburse the full amount of transportation costs or only the amount by which transportation costs exceed the

employee's normal costs for transportation between:

(1) Office or duty point and another place of business;

(2) Places of business; or

(3) Residence and place of business other than office or duty point.

§301–70.103 In what circumstance may we authorize use of ship service?

Travel by ship is not generally regarded as advantageous. You must determine that the advantages accruing from the use of ocean transportation offset the higher costs associated with ship travel, i.e., per diem, transportation, and lost worktime.

§301–70.104 What factors should we consider in determining whether to require an employee to commit to the use of a Government automobile?

You should consider:

(a) The advantages of using a Government automobile. Such advantages may include, but are not limited to:

(1) Full utilization or availability of fleet vehicles;

(2) Lower cost;

(3) Official presence.

(b) The type of travel the employee performs. You should require such a commitment when an employee or group of employees requires the use of an automobile for official travel on a frequent or repetitive basis.

§301–70.105 May we prohibit an employee from using a POV on official travel?

No, but if the employee elects to use a POV instead of an alternative form of transportation you authorize, you must:

(a) Limit reimbursement to the constructive cost of the authorized method of transportation, which is the sum of per diem and transportation expenses the employee would reasonably have incurred when traveling by the authorized method of transportation; and

(b) Charge leave for any duty hours that are missed as a result of travel by POV.

Subpart C—Policies and Procedures Relating to Per Diem Expenses

§301–70.200 What governing policies must we establish for authorization and payment of per diem expenses?

You must establish policies and procedures governing:

(a) Who will authorize a rest period;

(b) Circumstances allowing a rest period during prolonged travel (see §301–11.20 for minimum standards);

(c) If, and in what instances, you will allow an employee to return to his/her official station on non-workdays;

(d) Who will determine if an employee will be allowed to return to his/her official station on a case by case basis.

(e) Who will determine in what instances you will pay a reduced per diem rate;

(f) Who will determine, and in what instances, actual expenses are appropriate in each individual case; and

(g) If you will define a radius broader than the official station in which per diem or actual expense will not be authorized.

Subpart D—Policies and Procedures Relating to Miscellaneous Expenses

§301–70.300 How should we administer the authorization and payment of miscellaneous expenses?

You should limit payment of miscellaneous expenses to only those expenses that are necessary and in the interest of the Government.

§301–70.301 What governing policies must we establish for payment of miscellaneous expenses?

You must establish policies and procedures governing:

(a) Who will determine when excess baggage is necessary for official travel;

(b) When you will pay for communications services, including whether you will pay for a telephone call to the employee's home or place where the employee's dependent children are;

(c) Who will determine if other miscellaneous expenses are appropriate for

reimbursement in connection with official travel.

Subpart E—Policies and Procedures Relating to Travel of an Employee with a Disability or Special Need

§ 301–70.400 How should we authorize and administer the payment of additional travel expenses for an employee with a disability or special need?

You should authorize and administer the payment to reasonably accommodate employee(s) with disabilities in accordance with the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701–797(b) and 5 U.S.C. 3102 and Part 301–13 of this chapter. An employee with a special need should be treated the same as an employee with a disability. The additional travel expenses must be necessary to accommodate the employee's needs.

[63 FR 15971, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

§ 301–70.401 What governing policies and procedures must we establish regarding travel of an employee with a disability or special need?

You must establish the policies and procedures governing:

(a) Who will determine if an employee has a disability or special need which requires accommodation, including when documentation is necessary under §§ 301–10.123, 301–10.124, 301–10.162, and 301–10.183, and when a determination may be based on a clearly visible physical condition; and

(b) Who will determine how to reasonably accommodate the employee and what expenses you will pay.

Subpart F—Policies and Procedures for Emergency Travel of Employee Due to Illness or Injury

§ 301–70.500 What governing policies and procedures should we establish relating to emergency travel?

Each agency must determine:

(a) When you will authorize emergency travel under part 301–30;

(b) Who will determine if the employee's situation warrants payment for emergency travel expenses;

(c) When and by whom travel to an alternate location other than official station or point of interruption will be authorized; and

(d) Who will determine when and if the definition of family may be extended and to whom.

§ 301–70.501 Does per diem continue when an employee interrupts a travel assignment because of an incapacitating illness or injury?

Yes. Such an employee who takes leave of any kind will be allowed a per diem allowance not to exceed the maximum rates for the location where the interruption occurs. Per diem may be continued for a reasonable period, normally not to exceed 14 calendar days (including fractional days) for any one period of absence. However, per diem will not be paid if the employee is confined to a hospital or medical facility at the official duty station or medical facility which the employee would have selected for treatment if the illness or injury had occurred at the official station.

§ 301–70.502 What additional emergency expenses should we allow for?

When an employee discontinues a TDY assignment before its completion due to an incapacitating illness or injury, transportation and per diem expenses are allowed for return travel to the official station or to receive medical attention.

§ 301–70.503 When the employee is able to travel, should we continue the use of the existing travel authorization?

Not if the interrupted trip was authorized under a trip by trip authorization. If, when the employee's health has been restored, the agency decides that it is in the Government's interest to return the employee to the TDY location, such return is considered to be a new travel assignment at Government expense. An interrupted trip authorized under an open or limited open authorization may be continued without further authorization.

§301–70.504 May any travel costs be reimbursed if the employee travels to an alternate location for medical treatment?

Yes. When an employee, interrupts a TDY assignment because of an incapacitating illness or injury and takes leave of absence for travel to an alternate location to obtain medical services and returns to the TDY assignment, you may reimburse certain excess travel costs provided in this section. Specifically, you may reimburse the excess (if any) of actual costs of travel from the point of interruption to the alternate location and return to the TDY assignment, over the constructive costs of round-trip travel between the official station and the alternate location. The nearest hospital or medical facility capable of treating the employee's illness or injury will not, however, be considered an alternate location.

NOTE TO §301–70.504: An alternate location is a destination other than the employee's official station or the point of interruption.

§301–70.505 How do we define actual cost and constructive cost when an employee interrupts a travel assignment because of an incapacitating illness or injury?

(a) Actual cost of travel will be the transportation expenses incurred and en route per diem for the travel as actually performed from the point of interruption to the alternate location and from the alternate location to the TDY assignment. No per diem is allowed for time spent at the alternate location if confined to a medical facility.

(b) Constructive cost is the sum of transportation expenses the employee would reasonably have incurred for round-trip travel between the official station and the alternate location plus per diem calculated for the appropriate en route travel time.

§301–70.506 May we authorize per diem if an employee discontinues a TDY assignment because of a personal emergency situation?

Yes. Expenses of appropriate transportation and per diem while en route may be allowed, with the approval of an appropriate agency official, for return travel from the point of interruption to the official station.

§301–70.507 How do we handle reimbursement if the employee travels to an alternate location and returns to the TDY location because of a personal emergency situation?

You may reimburse certain excess travel costs (transportation and en route per diem) to the same extent as provided in §301–70.501 for incapacitating illness or injury to the employee.

§301–70.508 What factors must we consider in expanding the definition of family for emergency travel purposes?

Agencies must consider on a case by case basis:

(a) The extent of the emergency;

(b) The employee's relationship to the individual involved in the emergency; and

(c) The degree of the employee's responsibility for the individual involved in the emergency.

Subpart G—Policies and Procedures Relating to Threatened Law Enforcement/Investigative Employees

§301–70.600 What governing policies and procedures must we establish related to threatened law enforcement/investigative employees?

You must establish policies and procedures governing:

(a) When you will pay transportation and subsistence expenses of threatened law enforcement/investigative employees, under part 301–31 of this chapter;

(b) Who will determine the degree and seriousness of threat in each individual case;

(c) Who will determine what protective action should be taken, including the location and duration of temporary lodging;

(d) Who will reevaluate the situation to determine whether protective action should be continued or discontinued and how often;

(e) What procedures must be followed to obtain authorization of transportation and subsistence expenses for threatened law enforcement/investigative employees; and

(f) What special procedures must an employee follow to claim expenses.

§ 301–70.601 What factors should we consider in determining whether to authorize payment of transportation and subsistence expenses for threatened law enforcement/investigative employees?

You should consider:

(a) *The degree and seriousness of the threat.* You should pay transportation and subsistence expenses only if a situation poses a legitimate serious threat to life.

(b) *The option of relocating the employee.* You should consider whether relocating the employee permanently would be advantageous given the specific nature of the threat, the continued disruption of the family, and the alternative costs of a change of official station.

§ 301–70.602 How often must we reevaluate the payment of transportation and subsistence expenses to a threatened law enforcement/investigative employee?

You must reevaluate the situation every 30 days based on the same factors you considered when you first authorized the payment of the expenses.

PART 301–71—AGENCY TRAVEL ACCOUNTABILITY REQUIREMENTS

Subpart A—General

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AUTHORITY: 5 U.S.C. 5707.

SOURCE: 63 FR 15974, Apr. 01, 1998, unless otherwise noted.

Subpart A—General

§301–71.1 What is the purpose of an agency travel accounting system?

To:

(a) Pay authorized and allowable travel expenses of employees;

(b) Provide standard data necessary for the management of official travel; and

(c) Ensure adequate accounting for all travel and transportation expenses for official travel.

§301–71.2 What are the standard data elements and when must they be captured on a travel accounting system?

The data elements are listed in appendix C of this chapter and must be on any travel claim form authorized for use by your employees.

§301–71.3 May we use electronic signatures on travel documents?

Yes, if you meet the security and privacy requirements established by the National Institute of Standards and Technology (NIST) for electronic data interchange.

Subpart B—Travel Authorization

§301–71.100 What is the purpose of the travel authorization process?

The purpose is to:

(a) Provide the employee information regarding what expenses you will pay;

(b) Provide travel service vendors with necessary documentation for the use of travel programs;

(c) Provide financial information necessary for budgetary planning; and

(d) Identify purpose of travel.

§301–71.101 What travel may we authorize?

You may authorize only travel which is necessary to accomplish the purposes of the Government effectively and economically. This must be communicated to any official who has the authority to authorize travel.

§301–71.102 May we issue a single authorization for a group of employees?

Yes. You may issue a single authorization for a group of employees when they are traveling together on a single trip. However, you must attach a list of all travelers to the authorization.

§301–71.103 What information must be included on all travel authorizations?

You must include:

(a) The name of the employee(s);

(b) The signature of the proper authorizing official;

(c) Purpose of travel;

(d) Any conditions of or limitations on that authorization;

(e) An estimate of the travel costs (for open authorizations it should include an estimate of the travel costs over the period covered); and

(f) A statement that the employee(s) is (are) authorized to travel.

§301–71.104 Who must sign a travel authorization?

Your agency head or an official to whom such authority has been delegated. This authority may be delegated to any person(s) who is aware of how the authorized travel will support the agency's mission, who is knowledgeable of the employee's travel plans and/or responsible for the travel funds paying for the travel involved.

§301–71.105 Must we issue a written or electronic travel authorization in advance of travel?

Yes, except when advance written or electronic authorization is not possible or practical and approval is in accordance with §§301–2.1 and 301–2.5 for:

(a) Use of premium-class service on common carrier transportation;

(b) Use of a foreign air carrier;

(c) Use of reduced fares for group or charter arrangements;

(d) Use of cash to pay for common carrier transportation;

(e) Use of extra-fare train service;

(f) Travel by ship;

(g) Use of a rental car;

(h) Use of a Government aircraft;

(i) Payment of reduced rate per diem;

(j) Payment of actual expenses;

(k) Travel expenses related to emergency travel;

(l) Transportation expenses related to threatened law enforcement/investigative employees and members of their immediate families;

(m) Travel expenses related to travel to a foreign area, except as provided by agency mission;

(n) Acceptance of payment from a non-Federal source for travel expenses (see chapter 304 of this title); and

(o) Travel expenses related to attendance at a conference.

NOTE TO §301–71.105: You should establish procedures for travel situations where it is not practical or possible to issue a written authorization in advance, except for paragraphs (c), (i), (n), and (o), which always require written or electronic advance authorization.

§301–71.106 Who must sign a trip-by-trip authorization?

The appropriate official is determined as follows:

For	The appropriate official to sign a trip-by-trip authorization is
Use of cash to procure common carrier transportation.	An official at as low an administrative level as permitted by 41 CFR 101–203.2 to ensure adequate consideration and review of the circumstances.
Travel on a Government aircraft	Determined under 41 CFR 101–37.405.
Acceptance of payment from a non-Federal source for travel expenses.	An official at as low an administrative level as permitted by 41 CFR part 304 to ensure adequate consideration and review of the circumstances surrounding the offer and acceptance of the payment.
Travel expenses related to attendance at a conference.	A senior agency official.
All other specific authorizations	An official who may issue the employee a general authorization.

§301–71.107 When authorizing travel, what factors must the authorizing official consider?

The following factors must be considered:

(a) The need for the travel;

(b) The use of travel substitutes (e.g., mail, teleconferencing, etc.);

(c) The most cost effective routing and means of accomplishing travel; and

(d) The employee's travel plans, including plans to take leave in conjunction with travel.

§301–71.108 What internal policies and procedures must we establish for travel authorization?

You must establish the following:

(a) The circumstances under which different types of travel authorizations will be used, consistent with the guidelines in this subpart;

(b) Who will be authorized to sign travel authorizations; and

(c) What format you will use for travel authorizations.

[63 FR 15974, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

Subpart C—Travel Claims for Reimbursement

§301–71.200 Who must review and sign travel claims?

The travel authorizing/approving official or his/her designee (e.g., supervisor of the traveler), must review and sign travel claims to confirm the authorized travel.

§301–71.201 What are the reviewing official's responsibilities?

The reviewing official must have full knowledge of the employee's activities. He/she must ensure:

(a) The claim is properly prepared in accordance with the pertinent regulations and agency procedures;

(b) A copy of authorization for travel is provided;

(c) The types of expenses claimed are authorized and allowable expenses;

(d) The amounts claimed are accurate; and

(e) The required receipts, statements, justifications, etc. are attached to the travel claim.

§301–71.202 May we pay a claim when an employee does not include a copy of the corresponding authorization?

Yes, as long as the travel claim was signed by the approving/authorizing official, except for the following, which require advance authorization:

(a) Use of reduced fares for group or charter arrangements;

(b) Payment of a reduced rate of per diem for subsistence expenses;

(c) Acceptance of payment from a non-Federal source for travel expenses; and

(d) Travel expenses related to attendance at a conference.

§301–71.203 Who is responsible for the validity of the travel claim?

The certifying officer assumes ultimate responsibility under 31 U.S.C. 3528 for the validity of the claim; however:

(a) The traveler must ensure all travel expenses are prudent and necessary and submit the expenses in the form of a proper claim;

(b) The authorizing/approving official shall review the completed claim to ensure that the claim is properly prepared in accordance with regulations and agency procedures prior to authorizing it for payment.

NOTE TO §301–71.203: You should consider limiting the levels of approval to the lowest level of management.

§301–71.204 When must we pay a travel claim?

You must pay a travel claim as soon as practical after submission of a proper travel claim.

§301–71.205 Under what circumstances may we disallow a claim for an expense?

If the employee:

(a) Does not properly itemize his/her expenses;

(b) Does not provide required receipts or other documentation to support the claim; or

(c) Claims an expense which is not authorized.

§301–71.206 What must we do if we disallow a travel claim?

You must:

(a) Pay the employee the amount of the travel claim which is not in dispute;

(b) Notify the employee that the claim was disallowed with a detailed explanation of why; and

(c) Tell the employee how to appeal the disallowance if he/she desires an appeal, and your process and schedule for deciding the appeal.

§301–71.207 What internal policies and procedures must we establish for travel reimbursement?

You must establish policies and procedures governing:

(a) Who are the proper officials to review, approve, and certify travel claims (including travel claims requiring special authorization);

(b) How an employee should submit a travel claim (including whether to use a standard form or an agency form and whether the form should be written or electronic);

(c) When you will exempt employees from the requirement for a receipt;

(d) Timeframes for employee to submit a claim (see §301–52.7);

(e) Timeframe for agency to pay a claim (see §301–71.204);

(f) Process for disallowing a claim; and

(g) Process for resolving a disallowed claim.

Subpart D—Accounting for Travel Advances

§301–71.300 What is the policy governing the use of travel advances?

You should minimize the use of cash travel advances. However, you should not require an employee to pay travel expenses using personal funds unless the employee has elected not to use alternative resources provided by the Government, such as a Government contractor-issued charge card.

§301–71.301 For how long may we issue a travel advance?

You may issue a travel advance for a reasonable period not to exceed 45 days.

§301–71.302 What data must we capture in our travel advance accounting system?

You must capture the following data:

(a) The name and social security number of each employee who has an advance;

(b) The amount of the advance;

(c) The date of issuance; and

(d) The date of reconciliation for unused portions of travel advances.

[63 FR 15974, Apr.1, 1998; 63 FR 35538, June 30, 1998]

§ 301–71.303 Are we responsible for ensuring the collection of outstanding travel advances?

Yes.

§ 301–71.304 When must an employee account for a travel advance?

An employee must account for an outstanding travel advance each time a travel claim is filed. If the employee receives a travel advance but determines that the related travel will not be performed, then the employee must inform you that the travel will not be performed and repay the advance at that time.

§ 301–71.305 Are there exceptions to collecting an advance at the time the employee files a travel claim?

Yes, when the employee is in a continuous travel status and

(a) You review each outstanding travel advance on a periodic basis (the period will be for a reasonable time of 45 days or less); and

(b) You determine the amount, if any, of the outstanding balance exceeds the amount of estimated travel expenses for the authorized period and collect the excess amount from the employee.

§ 301–71.306 How do we collect the amount of a travel advance in excess of the amount of travel expenses substantiated by the employee?

When the outstanding advance exceeds what you owe the employee, then the employee must submit cash or a check for the difference in accordance with your policy. Your failure to collect the amount in excess of substantiated expenses will cause a violation of the accountable plan rules contained in the Internal Revenue Code (title 26 of the United States Code).

§ 301–71.307 What should we do if the employee does not pay back a travel advance when the travel claim is filed?

You should take alternative steps to collect the debt including:

(a) Offset against the employee's salary, a retirement credit, or other amount owed the employee;

(b) Deduction from an amount the Government owes the employee; or

(c) Any other legal method of recovery.

§ 301–71.308 What internal policies and procedures must we establish governing travel advances?

Accounting for cash advances for travel, recovery, and reimbursement shall be in accordance with procedures prescribed by the General Accounting Office (see General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies, Title 7, Fiscal Procedures).

PART 301–72—AGENCY RESPONSIBILITIES RELATED TO COMMON CARRIER TRANSPORTATION

Subpart A—Procurement of Common Carrier Transportation

Sec.

301–72.1 Why is common carrier presumed to be the most advantageous method of transportation?
301–72.2 May we utilize methods of transportation other than common carrier (e.g. POVs, chartered vehicles, etc.)?
301–72.3 What method of payment must we authorize for common carrier transportation?

Subpart B—Accounting for Common Carrier Transportation

301–72.100 What must my travel accounting system do in relation to common carrier transportation?
301–72.101 What information should we provide an employee before authorizing the use of common carrier transportation?

Subpart C—Cash Payments for Procuring Common Carrier Transportation Services

301–72.200 Under what conditions may we authorize cash payments for procuring common carrier transportation services?
301–72.201 What must we do if an employee uses cash in excess of the $100 limit to purchase common carrier transportation?
301–72.202 Who may approve cash payments in excess of the $100 limit?
301–72.203 When may we limit traveler reimbursement for a cash payment?
301–72.204 What must we do to minimize the need for a traveler to use cash to procure common carrier transportation services?

Subpart D—Unused, Partially-Used, Exchanged, Canceled, or Oversold Common Carrier Transportation Services

301–72.300 What procedures must we establish to collect unused, partially used, and exchanged tickets?
301–72.301 How do we process unused, partially used, and exchanged tickets?

AUTHORITY: 5 U.S.C. 5707; 31 U.S.C. 3726; 40 U.S.C. 486.

SOURCE: 63 FR 15976, Apr. 1, 1998, unless otherwise noted.

Subpart A—Procurement of Common Carrier Transportation

§301–72.1 Why is common carrier presumed to be the most advantageous method of transportation?

Travel by common carrier is presumed to be the most advantageous method of transportation because it generally results in the most efficient, least costly, most expeditious means of transportation and the most efficient use of energy resources.

§301–72.2 May we utilize methods of transportation other than common carrier (e.g. POVs, chartered vehicles, etc.)?

Yes, but only when use of common carrier transportation:

(a) Would interfere with the performance of official business;

(b) Would impose an undue hardship upon the traveler; or

(c) When the total cost by common carrier would exceed the cost of the other method of transportation.

§301–72.3 What method of payment must we authorize for common carrier transportation?

You must authorize one or more of the following as appropriate:

(a) GSA's Government contractor-issued individually billed charge card(s);

(b) Agency centrally billed or other established accounts;

(c) Cash payments (personal funds or travel advances in the form of travelers checks or authorized ATM cash withdrawals) when the cost of transportation is less than $100, under §301–51.100 of this chapter (cash may or may not be accepted by the carrier for the purchase of city pair fares); or

(d) GTR(s) when no other option is available or feasible.

[63 FR 15976, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

Subpart B—Accounting for Common Carrier Transportation

§301–72.100 What must my travel accounting system do in relation to common carrier transportation?

Your system must:

(a) Authorize the use of cash in accordance with §301–51.100 or as otherwise required;

(b) Correlate travel data accumulated by your authorization and claims accounting systems with common carrier transportation documents and data for audit purposes;

(c) Identify unused tickets for refund;

(d) Collect unused, partially used, or downgraded/exchanged tickets, from travelers upon completion of travel;

(e) Track denied boarding compensation from employees;

(f) Identify and collect refunds due from carriers for overpayments, or unused, partially used, or downgraded/exchanged tickets; and

(g) Reconcile all centrally billed travel expenses (e.g. airline, lodging, car rentals, etc.) with travel authorizations and claims to assure that only authorized charges are paid.

§301–72.101 What information should we provide an employee before authorizing the use of common carrier transportation?

You should provide the employee:

(a) Notice that he/she is accountable for all tickets, GTRs and other transportation documents;

(b) Your procedures for the control and accounting of common carrier transportation documents, including the procedures for submitting unused, partially used, downgraded/exchanged tickets, refund receipts or ticket refund applications, and denied boarding compensation; and

(c) A credit/refund address so the carrier can credit/refund the agency for unused tickets (when the tickets have been issued using an agency centrally billed account or by GTR).

Subpart C—Cash Payments for Procuring Common Carrier Transportation Services

§ 301–72.200 Under what conditions may we authorize cash payments for procuring common carrier transportation services?

In accordance with § 301–51.100.

§ 301–72.201 What must we do if an employee uses cash in excess of the $100 limit to purchase common carrier transportation?

To justify the use of cash in excess of $100, both the agency and traveler must certify on the travel claim the necessity for such use. See 41 CFR 101–41.203–2.

§ 301–72.202 Who may approve cash payments in excess of the $100 limit?

You must ensure the delegation of authority for the authorization or approval of cash payments over the $100 limit is in accordance with 41 CFR 101–41.203–2.

§ 301–72.203 When may we limit traveler reimbursement for a cash payment?

If you determine that the cash payment was made under a non-emergency circumstance, reimbursement to the traveler must not exceed the cost which would have been properly chargeable to the Government had the traveler used a government provided payment resource, (e.g. individual Government contractor-issued travel charge card, centrally billed account, or GTR). However, an agency can determine to make full payment when circumstances warrant (e.g. invitational travel, infrequent travelers and interviewees).

[63 FR 15976, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

§ 301–72.204 What must we do to minimize the need for a traveler to use cash to procure common carrier transportation services?

You must establish procedures to encourage travelers to use the GSA individual Government contractor-issued travel charge card(s), or your agency's centrally billed or other established account, or a GTR (when no other option is available or feasible).

[63 FR 15976, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

Subpart D—Unused, Partially Used, Exchanged, Canceled, or Oversold Common Carrier Transportation Services

§ 301–72.300 What procedures must we establish to collect unused, partially used, and exchanged tickets?

You must establish administrative procedures providing:

(a) Written instructions explaining traveler liability for the value of tickets issued until all ticket coupons are used or properly accounted for on the travel voucher;

(b) Instructions for submitting payments received from carriers for failure to provide confirmed reserved space;

(c) The traveler with a ''bill charges to'' address, so that the traveler can provide this information to the carrier for returned or exchanged tickets.

(d) Procedures for promptly identifying any unused tickets, coupons, or other evidence of refund due the Government.

§ 301–72.301 How do we process unused, partially used, and exchanged tickets?

(a) *For unused or partially used tickets purchased with GTRs:* You must obtain the unused or partially used ticket from the traveler, issue a form SF 1170 ''Redemption of Unused Ticket'' to the airline that issued the ticket, maintain a suspense file to monitor the airline refund, and record and deposit the airline refund upon receipt. See 41 CFR 101–41.210 for policies and procedures regarding the use of the SF 1170.

(b) *For unused or partially used tickets purchased under centrally billed accounts:* You must obtain the unused ticket from the traveler, return it to the issuing office that furnished the airline ticket, obtain a receipt indicating a credit is due, and confirm that the value of the unused ticket has been credited to the centrally billed account.

(c) *For exchanged tickets purchased with GTRs:* You must obtain the airline refund application or receipt from the

traveler, maintain a suspense file to monitor the airline refund. For additional guidance see 41 CFR 101–41.210.

(d) *For exchanged tickets purchased under centrally billed accounts:* You must obtain the airline receipt from the traveler showing a credit is due the agency, and ensure that the unused portion of the exchanged ticket coupon is credited to the centrally billed account.

PART 301–73—TRAVEL PROGRAMS

Subpart A—General Rules

Sec.

301–73.1 What are the elements of a Federal travel management program?
301–73.2 What are our responsibilities when we participate in a Federal travel management program?

Subpart B—Travel Management Services (TMS)

301–73.100 Should we use a travel management service?
301–73.101 What are the basic services that should be covered by a travel arrangement system?
301–73.102 Must we require travelers to use a travel management system?
301–73.103 Are there any exceptions to this requirement?

Subpart C—Contract Passenger Transportation Services

301–73.200 Must we require our employees to use GSA's contract passenger transportation services program?
301–73.201 What method of payment may be used for contract passenger transportation service?
301–73.202 Can contract fares be used for personal travel?

Subpart D—Travel Payment System

301–73.300 What is a travel payment system?
301–73.301 How do we obtain travel payment system services?

AUTHORITY: 5 U.S.C. 5707; 40 U.S.C. 486(c).

SOURCE: 63 FR 15978, Apr. 1, 1998, unless otherwise noted.

Subpart A—General Rules

NOTE TO §301–73.101: For purposes of this subpart, GSA uses a ''we'' question when referring to an agency, and an ''I'' question when referring to the employee.

§301–73.1 What are the elements of a Federal travel management program?

They are:

(a) Travel management services, including electronic travel management services and commercial travel agents under contract to GSA or another Federal agency;

(b) Commercial passenger transportation services (e.g. airlines, rental cars, trains, etc.);

(c) Travel payment system services such as Government contractor-issued individually billed cards, centrally billed accounts, travelers checks, and automated-teller-machine (ATM) services.

[63 FR 15978, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

§301–73.2 What are our responsibilities to participate in a Federal travel management program?

You must:

(a) Ensure that you have internal policies and procedures in place to govern use of the program; and

(b) Designate an authorized representative to administer the program.

Subpart B—Travel Management Services (TMS)

§301–73.100 Should we use a travel management service?

Yes.

§301–73.101 What are the basic services that should be covered by a travel management system?

The travel management system selected should, as a minimum include:

(a) The ability to provide the following as appropriate to the agency's travel needs:

(1) Common carrier information (e.g., flight confirmation and seat assignment; compliance with the Fly America Act, governmentwide travel policies, and contract city-pair fares, electronic ticketing and ticket delivery);

(2) Lodging information (e.g., room availability and confirmation, compliance with Hotel/Motel Fire Safety Act, per diem rate acceptability);

(3) Car rental information (e.g. availability of Government rate and confirmation of reservations).

(b) Provide basic management information, such as:

(1) Number of reservations by type of service (common carrier, lodging, and car rental);

(2) Policy compliance and reasons for exceptions;

(3) Origin and destination points of common carrier use;

(4) Destination points for lodging accommodations;

(5) Number of lodging nights in approved accommodations;

(6) City or location where car rentals are obtained;

(7) Other tasks, e.g., reconciliation of charges on centrally billed accounts, processing ticket refunds.

NOTE TO § 301–73.101: The government of the District of Columbia is excluded from collecting the data required by the Hotel/Motel Fire Safety Act, as amended.

[63 FR 15978, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

§ 301–73.102 Must we require travelers to use a travel management system?

Yes, starting January 1, 2001, to implement the Hotel/Motel Fire Safety Act, as amended (see 5 U.S.C. 5707c). Until that time, you should encourage your travelers to use the travel management system selected by you for all common carrier, lodging, and car rental arrangements. Beginning January 1, 2001, you must require travelers to use the travel management system selected by you.

§ 301–73.103 Are there any exceptions to this requirement?

An agency head, or his/her designee, may exempt certain types of travel arrangements from the mandatory use of the travel management system. In certain situations, it may be impractical to make advance reservations, and therefore no reason exists to use a TMS.

Subpart C—Contract Passenger Transportation Services

§ 301–73.200 Must we require our employees to use GSA's contract passenger transportation services program?

Yes, if such services are available to your agency.

§ 301–73.201 What method of payment may be used for contract passenger transportation service?

GSA individual Government contractor-issued travel charge card(s), or your agency centrally billed or other established account, or a GTR (when no other option is available or feasible).

[63 FR 15978, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

§ 301–73.202 Can contract fares be used for personal travel?

No.

SUBPART D—TRAVEL PAYMENT SYSTEM

§ 301–73.300 What is a travel payment system?

A system to facilitate the payment of official travel and transportation expenses which includes, but is not limited to:

(a) Issuance and maintenance of Government contractor-issued individually billed charge cards;

(b) Establishment of centrally billed accounts for the purchase of travel and transportation services;

(c) Issuance of travelers checks; and

(d) Provision of automated-teller-machine (ATM) services worldwide.

[63 FR 15978, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

§ 301–73.301 How do we obtain travel payment system services?

You may participate in GSA's or another Federal agency's travel payment system services program or you may

contract directly with a travel payment system service if your agency has contracting authority and you are not a mandatory user of GSA's charge card program.

NOTE TO §301–73.301: Under the new GSA charge card program effective November 30, 1998, it will be your responsibility to select the vendor that will be most beneficial to your agency's travel and transportation needs.

PART 301–74—CONFERENCE PLANNING

Sec.

301–74.1 What is a conference?
301–74.2 What are ''conference costs''?
301–74.3 What are ''conference attendees' travel costs''?
301–74.4 What are ''conference attendees' time costs''?
301–74.5 Who must authorize employee attendance at conferences and the Government sponsorship or funding, in whole or in part, of conferences?
301–74.6 Are there any requirements for sponsoring or funding a conference at a place of public accommodation?
301–74.7 May we waive the requirement?
301–74.8 What must be included in any advertisement or application form for conference attendance?
301–74.9 What policies must we establish governing the selection of a conference site?
301–74.10 What records must we maintain to document the selection of a conference site?
301–74.11 What special rules apply when we conduct a conference in the District of Columbia?
301–74.12 What policies and procedures must we establish to govern the selection of conference attendees?
301–74.13 May we include conference administrative costs in an employee's per diem allowance payment for attendance at a conference?

AUTHORITY: 5 U.S.C. 5707.

SOURCE: 63 FR 15979, Apr. 1, 1998, unless otherwise noted.

§301–74.1 What is a conference?

A meeting, retreat, seminar, symposium or event that involves attendee travel. The term also applies to training activities that are considered to be conferences under 5 CFR 410.404.

§301–74.2 What are "conference costs"?

Conference costs are all costs paid by the government for a conference, whether paid directly by agencies or reimbursed by agencies to travelers or others associated with the conference, e.g., speakers, contractors, etc. Such costs include, but are not limited to: travel to and from the conference, ground transportation, lodging, meals and incidental costs, meeting room and audiovisual costs, registration fees, speaker fees, other conference-related administrative fees, and the cost of employees' time spent at the conference and traveling to and from the conference.

§301–74.3 What are "conference attendees' travel costs"?

''Conference attendees' travel costs'' are authorized transportation and per diem expenses incurred in attending a conference at Government expense.

§301–74.4 What are "conference attendees' time costs"?

''Conference attendees' time costs'' are the costs of employee's time spent at a conference (including en route travel time during normal duty hours).

§301–74.5 Who must authorize employee attendance at conferences and the Government sponsorship or funding, in whole or in part, of conferences?

A senior agency official, other than attendee.

§301–74.6 Are there any requirements for sponsoring or funding a conference at a place of public accommodation?

Yes. When you sponsor or fund, in whole or in part, a conference at a place of public accommodation in the U.S., you must use a FEMA approved accommodation, except as provided in §301–74.7. This provision also applies:

(a) To the government of the District of Columbia only when it expends Federal funds for a conference; and

(b) To a non-Federal entity to which Government funds are provided for the conference.

[63 FR 15979, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

§ 301–74.7 May we waive the requirement?

Yes, if the head of your agency makes a written determination on an individual case basis that waiver of the requirement to use FEMA approved accommodation is necessary in the public interest for a particular event. Your agency head may delegate this waiver authority to a senior agency official who is given all authority with respect to conferences sponsored or funded, in whole or in part, by your agency.

§ 301–74.8 What must be included in any advertisement or application form for conference attendance?

Any advertisement or application for attendance at the conference must include notice that agencies are prohibited from using a non-FEMA approved place of public accommodation for conferences. In addition, any executive agency as defined in 5 U.S.C. 105 shall notify all non-Federal entities to which it provides federal funds of this prohibition.

[63 FR 15979, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

§ 301–74.9 What policies must we establish governing the selection of a conference site?

You must establish policies that will:

(a) Minimize conference administrative costs, conference attendees' travel costs, and conference attendees' time costs; and

(b) Maximize the use of Government-owned or Government provided conference facilities as much as possible.

(c) Identify opportunities to save costs in selecting a particular conference site (e.g., through the availability of attractive and competitive rates during the off-season at a site having seasonal rates).

§ 301–74.10 What records must we maintain to document the selection of a conference site?

For each conference you sponsor or fund, in whole or in part, that involves travel by 30 or more employees, you must maintain a record of the cost of each alternative conference site. You must make these records available for inspection by your Office of the Inspector General or other interested parties.

§ 301–74.11 What special rules apply when we conduct a conference in the District of Columbia?

(a) In addition to the general rules provided in § 301–74.6, the following special rules apply:

(1) You may not directly procure lodging facilities in the District of Columbia without specific authorization and appropriation from Congress (see 40 U.S.C. 34); and

(2) Any short-term conference meeting space you obtain in the District of Columbia must be procured under 41 CFR 101–17.101–4.

(b) The provisions of paragraph (a) of this section do not prohibit payment of per diem to an employee authorized to obtain lodging in the District of Columbia while performing official business travel.

§ 301–74.12 What policies and procedures must we establish to govern the selection of conference attendees?

You must establish polices that reduce the overall cost of attending a conference. The policies and procedures must:

(a) Limit your agency's representation to the minimum number of attendees necessary to accomplish your agency's mission; and

(b) Provide for the consideration of travel expenses when selecting attendees.

§ 301–74.13 May we include conference administrative costs in an employee's per diem allowance payment for attendance at a conference?

No. Per diem is intended only to reimburse the attendee's subsistence expenses. You must pay conference administrative costs separately.

PART 301–75—PRE-EMPLOYMENT INTERVIEW TRAVEL

Subpart A—General Rules

Sec.

301–75.1 What is the purpose of the allowance for pre-employment interview travel expenses?
301–75.2 May we pay pre-employment interview travel expenses?
301–75.3 What governing policies and procedures must we establish related to pre-employment interview travel?

301–75.4 What other responsibilities do we have for pre-employment interview travel?

Subpart B—Travel Expenses

301–75.100 Must we pay all of the interviewee's pre-employment interview travel expenses?
301–75.101 What pre-employment interview travel expenses may we pay?
301–75.102 What pre-employment interview travel expenses are not payable?
301–75.103 What are our responsibilities when we authorize an interviewee to use common carrier transportation to perform pre-employment interview travel?

Subpart C—Obtaining Travel Services and Claiming Reimbursement

301–75.200 How will we pay for pre-employment interviewee travel expenses?
301–75.201 May we allow the interviewee to use individual Government contractor-issued charge cards for pre-employment interview travel?
301–75.202 What must we do if the interviewee exchanges the ticket he or she has been issued?
301–75.203 May we provide the interviewee with a travel advance?
301–75.204 May we use Government contractor-issued travelers checks to pay for the interviewee's travel expenses?
301–75.205 Is the interviewee required to submit a travel claim to us?

AUTHORITY: 5 U.S.C. 5707.

SOURCE: 63 FR 15980, Apr. 1, 1998, unless otherwise noted.

Subpart A—General Rules

§ 301–75.1 What is the purpose of the allowance for pre-employment interview travel expenses?

To help you recruit highly qualified individuals.

§ 301–75.2 May we pay pre-employment interview travel expenses?

Yes, if you determine it is in the best interest of the Government to do so. However, pre-employment travel expenses may not be authorized to offset or defray other expenses not allowable under this subpart.

§ 301–75.3 What governing policies and procedures must we establish related to pre-employment interview travel?

You must establish policies and procedures governing:

(a) When you will pay pre-employment interview travel expenses, including the criteria for determining which individuals or positions qualify for payment of such expenses;

(b) Who will determine, in each individual case, that a person qualifies for pre-employment interview travel expenses; and

(c) Who will determine what expenses you will pay for each individual interviewee.

§ 301–75.4 What other responsibilities do we have for pre-employment interview travel?

You must:

(a) Provide your interviewees with a list of FEMA approved accommodations in the vicinity of the interview, and encourage them to stay in an approved accommodation;

(b) Inform the interviewee that he/she is responsible for excess cost and any additional expenses that he/she incurs for personal preference or convenience;

(c) Inform the interviewee that the Government will not pay for excess costs resulting from circuitous routes, delays, or luxury accommodations or services unnecessary or unjustified in the performance of official business;

(d) Assist the interviewee in preparing the travel claim;

(e) Provide the interviewee with instructions on how to submit the claim; and

(f) Inform the interviewee that he/she may subject himself/herself to criminal penalties if he or she knowingly presents a false, fictitious, or fraudulent travel claim 18 U.S.C. 287 and 1001.

[63 FR 15980, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

Subpart B—Travel Expenses

§ 301–75.100 Must we pay all of the interviewee's pre-employment interview travel expenses?

If you decide to pay the interviewee per diem or common carrier transportation costs, you must pay the full amount of such cost to which the interviewee would be entitled if the interviewee were a Government employee traveling on official business.

§ 301–75.101 What pre-employment interview travel expenses may we pay?

You may pay the following expenses:

(a) Transportation expenses as provided in part 301–10 of this chapter;

(b) Per diem expenses as provided in part 301–11 of this chapter;

(c) Miscellaneous expenses as provided in part 301–12 of this chapter; and

(d) Travel expenses of an individual with a disability or special need as provided in part 301–13 of this chapter.

§ 301–75.102 What pre-employment interview travel expenses are not payable?

You may not pay expenses for:

(a) Use of communication services for purposes other than communication directly related to travel arrangement for the Government interview.

(b) Hire of a room at a hotel or other place to transact official business.

§ 301–75.103 What are our responsibilities when we authorize an interviewee to use common carrier transportation to perform pre-employment interview travel?

You must provide the interviewee with one of the following:

(a) A common carrier ticket;

(b) A GTR; or

(c) A point of contact with your travel management center to arrange the common carrier transportation. In this instance, you must notify the travel management center that the interviewee is authorized to receive a ticket for the trip;

(d) Written instructions explaining your procedures and the liability of the interviewee for controlling and accounting for passenger transportation documents, if common carrier transportation is required;

(e) A credit/refund address for any common carrier transportation provided for unused government furnished tickets.

[63 FR 15980, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

Subpart C—Obtaining Travel Services and Claiming Reimbursement

§ 301–75.200 How will we pay for pre-employment interviewee travel expenses?

For	You will
Common carrier transportation expenses other than local transportation.	Bill the expenses to a centrally billed or other agency established account or provide the traveler with a GTR when no other option is available or feasible.
Other expenses	Require payment by the interviewee and reimburse the interviewee for allowable travel expenses upon submission and approval of his/her travel claim.

[63 FR 15980, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

§ 301–75.201 May we allow the interviewee to use individual Government contractor-issued charge cards for pre-employment interview travel?

No.

§ 301–75.202 What must we do if the interviewee exchanges the ticket he or she has been issued?

If	You will inform the traveler
The new ticket is more expensive than the ticket you provided.	That he/she must pay the difference using personal funds and he/she will not receive reimbursement for the extra amount.
The new ticket is less expensive than the ticket you provided.	Provide the interviewee with a credit/refund address by attaching a copy of the GTR, or some other document containing this information, to either the ticket or the travel authorization as provided in 41 CFR 101–41.210.

[63 FR 15980, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

§301–75.203 May we provide the interviewee with a travel advance?

No.

§301–75.204 May we use Government contractor-issued travelers checks to pay for the interviewee's travel expenses?

No.

§301–75.205 Is the interviewee required to submit a travel claim to us?

No. Only if the interviewee wants to be reimbursed, then he or she must submit a travel claim in accordance with your agency procedures in order to receive reimbursement for pre-employment interview travel expense.

APPENDIX A TO CHAPTER 301—PRESCRIBED MAXIMUM PER DIEM RATES FOR CONUS

The maximum rates listed below are prescribed under §301–7.3(a) of this chapter for reimbursement of per diem expenses incurred during official travel within CONUS (the continental United States). The amount shown in column (a) is the maximum that will be reimbursed for lodging expenses including applicable taxes. The M&IE rate shown in column (b) is a fixed amount allowed for meals and incidental expenses covered by per diem. The per diem payment calculated in accordance with part 301–7 of this chapter for lodging expenses plus the M&IE rate may not exceed the maximum per diem rate shown in column (c). Seasonal rates apply during the periods indicated.

It is the policy of the Government, as reflected in the Hotel Motel Fire Safety Act of 1990 (Pub. L. No. 101–391, September 25, 1990), referred to as ''the Act'' in this paragraph, to save lives and protect property by promoting fire safety in hotels, motels, and all places of public accommodation affecting commerce. In furtherance of the Act's goals, employees are encouraged to stay in a facility which is fire-safe, i.e., an approved accommodation, when commercial lodging is required. Lodgings that have met the Government requirements are listed on the U. S. Fire Administration's Internet site at http://www.usfa.fema.gov/hotel/index.htm.

Per diem locality		Maximum lodging amount (includes applicable taxes) (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2, 3]					
CONUS, Standard rate		$50		$30		$80
(Applies to all locations within CONUS not specifically listed below or encompassed by the boundary definition of a listed point. However, the standard CONUS rate applies to all locations within CONUS, including those defined below, for certain relocation subsistence allowances. See parts 302–2, 302–4, and 302–5 of this subtitle.)						
ALABAMA						
Birmingham	Jefferson	64		38		102
Gulf Shores	Baldwin.					
(May 1–September 30)		104		34		138
(October 1–April 30)		60		34		94
Huntsville	Madison	64		34		98
Mobile	Mobile	62		38		100
Montgomery	Montgomery	67		30		97
ARIZONA						
Casa Grande	Pinal.					
(January 1–April 30)		61		30		91
(May 1–December 31)		54		30		84
Chinle	Apache.					
(April 1–October 31)		93		30		123
(November 1–March 31)		60		30		90
Flagstaff	All points in Coconino County not covered under Grand Canyon per diem area..					
(April 1–October 31)		79		34		113
(November 1–March 31)		59		34		93
Grand Canyon	All points in the Grand Canyon National Park and Kaibab National Forest within Coconino County.	111		38		149
Kayenta	Navajo.					
(April 1–October 31)		105		30		135

Per diem locality		Maximum lodging amount (includes applicable taxes) (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2,3]					
(November 1–March 31)		68		30		98
Phoenix/Scottsdale	Maricopa.					
(October 1–May 14)		106		38		144
(May 15–September 30)		72		38		110
Prescott	Yavapai	59		34		93
Sierra Vista	Cochise	56		30		86
Tucson	Pima County; Davis-Monthan AFB.					
(November 1–May 31)		85		34		119
(June 1–October 31)		67		34		101
Yuma	Yuma	64		30		94
ARKANSAS						
Little Rock	Pulaski	61		30		91
CALIFORNIA						
Clearlake	Lake	65		34		99
Death Valley	Inyo	93		42		135
Eureka	Humboldt	76		34		110
Fresno	Fresno	70		34		104
Los Angeles	Los Angeles, Kern, Orange and Ventura Counties; Edwards AFB; Naval Weapons Center and Ordnance Test Station, China Lake.	109		42		151
Mammoth Lakes/Bridgeport	Mono	83		42		125
Merced	Merced	54		34		88
Modesto	Stanislaus	63		34		97
Monterey	Monterey	94		38		132
Napa	Napa.					
(April 1–October 31)		116		42		158
(November 1–March 31)		103		42		145
Oakhurst/Madera	Madera	61		30		91
Oakland	Alameda, Contra Costa and Marin	111		34		145
Ontario	San Bernardino	66		38		104
Palm Springs	Riverside.					
(November 1–May 31)		81		38		119
(June 1–October 31)		50		38		88
Palo Alto/San Jose	Santa Clara	116		42		158
Point Arena/Gualala	Mendicino	120		42		162
Redding	Shasta	53		34		87
Redwood City/San Mateo	San Mateo	87		38		125
Sacramento	Sacramento	81		38		119
San Diego	San Diego	93		38		131
San Francisco	San Francisco	120		42		162
San Luis Obispo	San Luis Obispo	66		38		104
Santa Barbara	Santa Barbara	98		34		132
Santa Cruz	Santa Cruz.					
(June 1–September 30)		87		38		125
(October 1–May 31)		51		38		89
Santa Rosa	Sonoma	64		38		102
South Lake Tahoe	El Dorado (See also Stateline, NV.)	96		38		134
Stockton	San Joaquin	55		34		89
Tahoe City	Placer	94		38		132
Visalia	Tulare	55		38		93
West Sacramento	Yolo	88		30		118
Yosemite Nat'l Park	Mariposa.					
(April 1–October 31)		87		42		129
(November 1–March 31)		59		42		101
COLORADO						
Aspen	Pitkin	145		42		187
Boulder	Boulder.					
(May 1–October 31)		92		38		130
(November 1–April 30)		70		38		108
Colorado Springs	El Paso.					
(April 1–October 31)		76		30		106
(November 1–March 31)		63		30		93
Cortez	Montezuma.					
May 1–September 30)		57		30		87
October 1–April 30)		50		30		80

Per diem locality		Maximum lodging amount (includes applicable taxes) (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2, 3]					
Denver	Denver, Adams, Arapahoe and Jefferson ..	92		34		126
Durango	La Plata.					
(June 1–October 31)		100		34		134
(November 1–May 31)		50		34		84
Fort Collins/Loveland	Larimer	55		30		85
Glenwood Springs	Garfield	69		34		103
Grand Junction	Mesa	56		30		86
Gunnison	Gunnison.					
(June 1–September 30)		62		30		92
(October 1–May 31)		50		30		80
Keystone/Silverthorne	Summit	170		42		212
Montrose	Montrose	60		30		90
Pueblo	Pueblo.					
(June 1–September 30)		67		30		97
(October 1–May 31)		57		30		87
Steamboat Springs	Routt.					
(December 1–March 31)		97		34		131
(April 1–November 30)		50		34		84
Telluride	San Miguel.					
(November 1–March 31)		129		38		167
(April 1–October 31)		110		38		148
Trinidad	Las Animas.					
(June 1–September 30)		67		30		97
(October 1–May 31)		50		30		80
Vail	Eagle.					
(November 1–March 31)		226		42		268
(April 1–October 31)		99		42		141
CONNECTICUT						
Bridgeport/Danbury	Fairfield	96		38		134
Hartford	Hartford and Middlesex	91		30		121
New Haven	New Haven	87		30		117
New London/Groton	New London.					
(June 1–October 31)		87		34		121
(November 1–May 31)		67		34		101
Putnam/Danielson	Windham	84		30		114
Salisbury/Lakeville	Litchfield	69		34		103
Vernon	Tolland	54		30		84
DELAWARE						
Dover	Kent.					
(May 1–September 30)		60		34		94
(October 1–April 30)		54		34		88
Lewes	Sussex.					
(June 1–September 14)		123		38		161
(September 15–May 31)		92		38		130
Wilmington	New Castle	93		38		131
DISTRICT OF COLUMBIA						
Washington, DC (also the cities of Alexandria, Falls Church, and Fairfax, and the counties of Arlington, Loudoun, and Fairfax in Virginia; and the counties of Montgomery and Prince George's in Maryland) (See also Maryland and Virginia.)		126		42		168
FLORIDA						
Altamonte Springs	Seminole	81		34		115
Bradenton	Manatee.					
(January 1–May 14)		76		30		106
(May 15–December 31)		50		30		80
Cocoa Beach	Brevard	84		34		118
Daytona Beach	Volusia.					
(February 1–August 31)		90		34		124
(September 1–January 31)		54		34		88
Fort Lauderdale	Broward.					
(December 15–April 30)		104		34		138
(May 1–December 14)		72		34		106
Fort Myers	Lee.					
(January 1–April 30)		98		34		132
(May 1–December 31)		53		34		87
Fort Pierce	Saint Lucie.					

Per diem locality		Maximum lodging amount (includes applicable taxes) (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2,3]					
(December 1–April 30)		61		30		91
(May 1–November 30)		50		30		80
Fort Walton Beach	Okaloosa	80		30		110
Gainesville	Alachua	64		34		98
Gulf Breeze	Santa Rosa	65		34		99
Jacksonville	Duval County; Naval Station Mayport	73		30		103
Key West	Monroe.					
(December 15–April 30)		147		42		189
(May 1–December 14)		94		42		136
Kissimmee	Osceola	74		30		104
Lakeland	Polk	63		30		93
Miami	Dade.					
(December 15–April 30)		89		42		131
(May 1–December 14)		71		42		113
Naples	Collier.					
(December 15–April 30)		126		38		164
(May 1–December 14)		65		38		103
Orlando	Orange	77		34		111
Panama City	Bay.					
(March 1–September 14)		77		30		107
(September 15–February 29).		59		30		89
Pensacola	Escambia	59		34		93
Punta Gorda	Charlotte.					
(December 15–April 14)		76		34		110
(April 15–December 14)		54		34		88
Saint Augustine	Saint Johns	65		34		99
Sarasota	Sarasota.					
(December 15–April 30)		89		34		123
(May 1–December 14)		52		34		86
Stuart	Martin.					
(January 1–April 30)		69		34		103
(May 1–December 31)		63		34		97
Tallahassee	Leon	66		34		100
Tampa/St. Petersburg	Hillsborough and Pinellas.					
(January 1–April 30)		103		38		141
(May 1–December 31)		81		38		119
Vero Beach	Indian River.					
(January 15–April 30)		63		30		93
(May 1–January 14)		50		30		80
West Palm Beach	Palm Beach.					
(January 1–April 30)		94		38		132
(May 1–December 31)		67		38		105
GEORGIA						
Albany	Dougherty	58		30		88
Athens	Clarke	58		34		92
Atlanta	Clayton, De Kalb, Fulton, Cobb and Gwinnett.	97		38		135
Augusta	Richmond	70		30		100
Columbus	Muscogee	63		30		93
Conyers	Rockdale	65		30		95
Macon	Bibb	86		30		116
Savannah	Chatham	71		34		105
IDAHO						
Boise	Ada	68		34		102
Coeur d'Alene	Kootenai.					
(May 1–September 30)		56		34		90
(October 1–April 30)		50		34		84
Idaho Falls	Bonneville	56		34		90
Ketchum/Sun Valley	Blaine	87		38		125
McCall	Valley	59		34		93
Stanley	Custer.					
(June 1–September 30)		57		34		91
(October 1–May 31)		50		34		84
ILLINOIS						
Aurora/Elgin	Kane	59		30		89

Per diem locality		Maximum lodging amount (includes applicable taxes) (a)	+	M&IE rate (b)	=	Maximum per diem rate[4] (c)
Key city[1]	County and/or other defined location[2,3]					
Champaign/Urbana	Champaign	56		34		90
Chicago	Du Page, Cook and Lake	120		42		162
Joliet	Will	52		30		82
Peoria	Peoria	54		34		88
Rock Island	Rock Island	85		30		115
Rockford	Winnebago	65		38		103
Springfield	Sangamon	55		30		85
INDIANA						
Bloomington/Crane	Monroe and Martin	56		34		90
Carmel	Hamilton.					
(June 1–September 30)		82		38		120
(October 1–May 31)		73		38		111
Fort Wayne	Allen	52		30		82
Indianapolis	Marion County; Fort Benjamin Harrison	79		38		117
Lafayette	Tippecanoe	54		34		88
Madison	Jefferson	52		30		82
Michigan City	La Porte	57		30		87
Muncie	Delaware	52		30		82
Nashville	Brown.					
(June 1–October 31)		117		30		147
(November 1–May 31)		65		30		95
South Bend	St. Joseph	61		30		91
Valparaiso/Burlington Beach	Porter	65		30		95
IOWA						
Bettendorf/Davenport	Scott	60		30		90
Cedar Rapids	Linn	52		34		86
Des Moines	Polk	68		30		98
KANSAS						
Kansas City	Johnson and Wyandotte (See also Kansas City, MO.).	88		42		130
Wichita	Sedgwick	62		34		96
KENTUCKY						
Covington	Kenton	64		34		98
Florence	Boone	59		30		89
Lexington	Fayette	62		34		96
Louisville	Jefferson	71		38		109
LOUISIANA						
Baton Rouge	East Baton Rouge Parish	67		34		101
Bossier City	Bossier Parish	60		30		90
Gonzales	Ascension Parish	57		30		87
Lake Charles	Calcasieu Parish	83		30		113
New Orleans	Parishes of Jefferson, Orleans, Plaquemines and St. Bernard.	88		42		130
Opelouses	St. Landry	62		30		92
Shreveport	Caddo Parish	60		34		94
St. Francisville	West Feliciana	88		30		118
MAINE						
Bangor	Penobscot.					
(July 1–October 31)		59		30		89
(November 1–June 30)		50		30		80
Bar Harbor	Hancock.					
(July 1–September 14)		138		34		172
(September 15–June 30)		63		34		97
Bath	Sagadahoc.					
(June 1–September 30)		61		30		91
(October 1–May 31)		52		30		82
Calais	Washington.					
(July 1–September 30)		59		30		89
(October 1–June 30)		50		30		80
Kennebunk/Sanford	York.					
(May 1–September 30)		91		34		125
(October 1–April 30)		59		34		93
Kittery	Portsmouth Naval Shipyard (See also Portsmouth, NH.).					
(June 1–October 31)		81		34		115

Per diem locality		Maximum lodging amount (includes applicable taxes) (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2,3]					
(Novenber 1–May 31)		57		34		91
Portland	Cumberland.					
(July 1–October 31)		86		38		124
(November 1–June 30)		63		38		101
Rockport	Knox.					
(June 15–October 31)		102		34		136
(November 1–June 14)		58		34		92
Wiscasset	Lincoln.					
(July 1–September 14)		100		30		130
(September 15–June 30)		64		30		94
MARYLAND						
(For the counties of Montgomery and Prince George's, see District of Columbia.)						
Annapolis	Anne Arundel	96		38		134
Baltimore	Baltimore and Harford	110		38		148
Columbia	Howard	92		42		134
Frederick	Frederick	56		38		94
Grasonville	Queen Annes	59		34		93
Hagerstown	Washington	54		30		84
Lexington Park/St. Inigoes/ Leonardtown.	Saint Mary's	59		34		93
Lusby	Calvert	59		34		93
Ocean City	Worcester.					
(May 1–September 30)		145		42		187
(October 1–April 30)		50		42		92
Salisbury	Wicomico	58		34		92
St. Michaels	Talbot.					
(April 1–November 30)		130		38		168
(December 1–March 31)		103		38		141
MASSACHUSETTS						
Andover	Essex	78		38		116
Boston	Suffolk	116		42		158
Cambridge/Lowell	Middlesex.					
(April 1–November 30)		127		34		161
(December1–March 31)		116		34		150
Greenfield/South Deerfield	Franklin	55		30		85
Hyannis	Barnstable.					
(July 1–September 30)		104		38		142
(October 1–June 30)		55		38		93
Martha's Vineyard	Dukes.					
(June 1–October 31)		159		42		201
(November 1–May 31)		92		42		134
Nantucket	Nantucket.					
(June 1–October 31)		149		42		191
(November 1–May 31)		92		42		134
Northampton	Hampshire	68		30		98
Pittsfield	Berkshire	52		34		86
Plymouth	Plymouth.					
(June 15–October 31)		92		30		122
(November 1–June 14)		70		30		100
Quincy	Norfolk	77		34		111
Springfield	Hampden	67		30		97
Taunton/New Bedford	Bristol	64		30		94
Worcester	Worcester	61		30		91
MICHIGAN						
Ann Arbor	Washtenaw	75		30		105
Charlevoix	Charlevoix.					
(June 1–September 30)		70		30		100
(October 1–May 31)		50		30		80
Detroit	Wayne	89		38		127
East Lansing/Lansing	Ingham	72		30		102
Flint	Genesee	57		30		87
Frankfort	Benzie	76		30		106
Gaylord	Otsego	59		34		93
Grand Rapids	Kent	62		34		96
Holland	Ottawa	64		30		94
Kalamazoo	Kalamazoo	54		30		84

Per diem locality		Maximum lodging amount (includes applicable taxes) (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2, 3]					
Leland	Leelanau.					
(May 1–September 30)		100		30		130
(October 1–April 30)		53		30		83
Mackinac Island	Mackinac.					
(June 1–September 30)		94		38		132
(October 1–May 31)		61		38		99
Manistee	Manistee.					
(June 1–September 30)		63		30		93
(October 1–May 31)		50		30		80
Midland	Midland	58		30		88
Mount Pleasant	Isabella	56		30		86
Muskegon	Muskegon	61		30		91
Ontonagon	Ontonagon	55		30		85
Petoskey	Emmet.					
(June 1–October 31)		56		34		90
(November 1–May 31)		50		34		84
Pontiac/Troy	Oakland	93		38		131
Sault Ste Marie	Chippewa.					
(June 1–October 31)		77		34		111
(November 1–May 31)		60		34		94
South Haven	Van Buren.					
(May 1–September 30)		85		30		115
(October 1–April 30)		54		30		84
Traverse City	Grand Traverse.					
(May 1–September 30)		97		34		131
(October 1–April 30)		58		34		92
Warren	Macomb	61		30		91
MINNESOTA						
Duluth	St. Louis.					
(June 1–September 30)		66		38		104
(October 1–May 31)		57		38		95
Minneapolis/St. Paul	Anoka, Dakota, Hennepin, and Ramsey Counties; Fort Snelling Military Reservation and Navy Astronautics Group (Detachment BRAVO), Rosemount.	91		38		129
Rochester	Olmsted	68		30		98
MISSISSIPPI						
Biloxi/Gulfport/Pascagoula/ Bay St. Louis.	Harrison, Jackson, and Hancock	79		34		113
Jackson	Hinds	65		34		99
Ridgeland	Madison	55		34		89
Robinsonville	Tunica	51		30		81
Vicksburg	Warren	56		30		86
MISSOURI						
Branson	Taney.					
(May 1–October 31)		68		30		98
(November 1–April 30)		54		30		84
Cape Girardeau	Cape Girardeau	54		30		84
Hannibal	Marion	55		30		85
Jefferson City	Cole	52		30		82
Kansas City	Clay, Jackson and Platte (See also Kansas City, KS.).	88		42		130
Lake Ozark	Miller	55		34		89
Osage Beach	Camden	55		34		89
Springfield	Greene	53		34		87
St. Louis	St. Charles and St. Louis	75		42		117
MONTANA						
Great Falls	Cascade	52		30		82
Polson/Kalispell	Lake	54		30		84
West Yellowstone Park	Gallatin	52		30		82
NEBRASKA						
Lincoln	Lancaster	51		30		81
Omaha	Douglas	67		34		101
NEVADA						
Elko	All points in Elko County excluding Wendover.	57		30		87

Per diem locality		Maximum lodging amount (includes applicable taxes) (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2,3]					
Incline Village	All points in the Northern Lake Tahoe area within Washoe County.					
(June 1–September 30)		119		38		157
(October 1–May 31)		76		38		114
Las Vegas	Clark County; Nellis AFB	80		38		118
Reno	All points in Washoe County not covered under Incline Village per diem locality.	57		34		91
Stateline	Douglas (See also South Lake Tahoe, CA.).	96		38		134
Winnemucca	Humboldt	51		30		81
NEW HAMPSHIRE						
Concord	Merrimack.					
(June 1–October 31)		68		30		98
(November 1–May 31)		50		30		80
Conway	Carroll.					
(June 1–October 31)		81		34		115
(November 1–May 31)		54		34		88
Durham	Strafford.					
(May 1–October 31)		71		30		101
(November 1–April 30)		63		30		93
Hanover	Grafton and Sullivan.					
(June 1–October 31)		113		38		151
(November 1–May 31)		86		38		124
Laconia	Belknap	70		30		100
Manchester	Hillsborough	73		30		103
Portsmouth/Newington	Rockingham County; Pease AFB (See also Kittery, ME.).					
(June 1–October 31)		81		34		115
(November 1–May 31)		57		34		91
NEW JERSEY						
Atlantic City	Atlantic	84		38		122
Belle Mead	Somerset	69		34		103
Cherry Hill/Camden/ Moorestown.	Camden/Burlington	74		38		112
Flemington	Hunterdon	80		34		114
Freehold/Eatontown	Monmouth County; Fort Monmouth	89		34		123
Millville	Cumberland	54		34		88
Newark	Bergen, Essex, Hudson, Passaic and Union.	94		42		136
Ocean City/Cape May	Cape May.					
(May 15–September 30)		165		30		195
(October 1–May 14)		95		30		125
Parsippany/Dover	Morris County; Picatinny Arsenal	118		38		156
Piscataway/Edison	Middlesex	105		38		143
Princeton/Trenton	Mercer	87		38		125
Tom's River	Ocean.					
(June 1–September 30)		69		34		103
(October 1–May 31)		63		34		97
NEW MEXICO						
Albuquerque	Bernalillo	70		34		104
Cloudcroft	Otero	87		30		117
Farmington	San Juan	53		34		87
Gallup	McKinley	58		30		88
Los Alamos	Los Alamos	81		34		115
Santa Fe	Santa Fe.					
(May 1–October 31)		122		42		164
(November 1–April 30)		83		42		125
Taos	Taos	66		34		100
NEW YORK						
Albany	Albany	68		38		106
Batavia	Genesee.					
(May 1–September 30)		67		34		101
(October 1–April 30)		50		34		84
Binghamton	Broome	54		34		88
Buffalo	Erie	78		38		116
Corning	Steuben	59		30		89
Elmira	Chemung	53		30		83

Per diem locality		Maximum lodging amount (includes applicable taxes) (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2,3]					
Glens Falls	Warren.					
(June 1–October 31)		74		38		112
(November 1–May 31)		63		38		101
Ithaca	Tompkins	56		30		86
Kingston	Ulster	52		34		86
Lake Placid	Essex.					
(June 1–November 14)		75		34		109
(November 15–May 31)		59		34		93
New York City	The boroughs of the Bronx, Brooklyn, Manhattan, Queens and Staten Island; Nassau and Suffolk Counties.	198		42		240
Niagara Falls	Niagara.					
(May 15–October 31)		65		34		99
(November 1–May 14)		50		34		84
Owego	Tioga	63		30		93
Plattsburgh	Clinton	58		34		92
Poughkeepsie	Dutchess	74		30		104
Rochester	Monroe	65		42		107
Saratoga Springs	Saratoga.					
(May 1–October 31)		104		38		142
(November 1–April 30)		56		38		94
Schenectady	Schenectady	52		34		86
Syracuse	Onondaga	71		34		105
Tarrytown/White Plains	Westchester	114		42		156
Utica	Oneida	66		34		100
Waterloo/Romulus	Seneca	69		30		99
Watertown	Jefferson	59		30		89
Watkins Glen	Schuyler	60		30		90
West Point	Orange	57		30		87
NORTH CAROLINA						
Asheville	Buncombe	52		34		86
Charlotte	Mecklenburg	71		38		109
Fayetteville	Cumberland	82		30		112
Greensboro/High Point	Guilford	67		34		101
Kill Devil/Duck/Outerbanks	Dare.					
(May 1–September 30)		118		34		152
(October 1–April 30)		50		34		84
Morehead City	Carteret.					
(April 1–August 31)		64		30		94
(September 1–March 31)		50		30		80
New Bern/Havelock	Craven	84		30		114
Research Park/Raleigh/Durham/Chapel Hill.	Wake, Durham and Orange	96		38		134
Wilmington	New Hanover.					
(March 1–September 30)		65		30		95
(October 1–February 29)		55		30		85
Winston–Salem	Forsyth	80		34		114
NORTH DAKOTA (See footnote 5)						
OHIO						
Akron	Summit	72		34		106
Cambridge	Guernsey.					
(June 1–October 31)		61		30		91
(November 1–May 31)		50		30		80
Canton	Stark	58		30		88
Cincinnati/Evendale	Hamilton and Warren	76		34		110
Cleveland	Cuyahoga	83		38		121
Columbus	Franklin	81		34		115
Dayton/Fairborn	Montgomery and Greene; Wright-Patterson AFB.	74		30		104
Elyria	Lorain.					
(May 1–September 30)		89		30		119
(October 1–April 30)		54		30		84
Fairfield/Hamilton	Butler	58		30		88
Geneva	Ashtabula	75		30		105
Jackson	Jackson and Pike	54		30		84
Lancaster	Fairfield	53		30		83
Norwalk/Bellevue	Huron.					

Per diem locality		Maximum lodging amount (includes applicable taxes) (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2,3]					
(May 1–September 30)		73		30		103
(October 1–April 30)		50		30		80
Port Clinton/Oakharbor	Ottawa.					
(June 1–September 30)		89		30		119
(October 1–May 31)		50		30		80
Sandusky	Erie.					
(May 1–September 30)		109		30		139
(October 1–April 30)		50		30		80
Springfield	Clark	56		34		90
Toledo	Lucas	57		34		91
OKLAHOMA						
Norman	Cleveland	59		30		89
Oklahoma City	Oklahoma	65		30		95
Tulsa/Bartlesville	Osage, Tulsa and Washington	54		30		84
OREGON						
Ashland/Medford	Jackson.					
(June 1–October 31)		83		38		121
(November 1–May 31)		50		38		88
Beaverton	Washington	68		38		106
Bend	Deschutes	70		30		100
Clackamas/Milwaukie	Clackamas	65		30		95
Coos Bay	Coos	60		30		90
Florence/Eugene	Lane.					
(July 1–September 30)		72		34		106
(October 1–June 30)		52		34		86
Gold Beach	Curry.					
(May 15–October 31)		69		30		99
(November 1–May 14)		50		30		80
Klamath Falls	Klamath	69		38		107
Lincoln City/Newport	Lincoln.					
(June 1–October 31)		85		38		123
(November 1–May 31)		58		38		96
Portland	Multnomah	89		38		127
Salem	Marion	56		30		86
Seaside	Clatsop	59		30		89
PENNSYLVANIA						
Allentown	Lehigh	66		34		100
Beaver Falls	Beaver	54		30		84
Chester/Radnor	Delaware	99		42		141
Gettysburg	Adams.					
(May 1–October 31)		72		34		106
(November 1–April 30)		53		34		87
King of Prussia/Ft. Washington.	Montgomery County, except Bala Cynwyd (See also Philadelphia, PA.).	84		38		122
Lancaster	Lancaster	63		34		97
Mechanicsburg	Cumberland	65		30		95
Mercer	Mercer	52		30		82
Philadelphia	Philadelphia County; city of Bala Cynwyd in Montgomery County.	113		38		151
Pittsburgh	Allegheny	90		38		128
Reading	Berks	57		30		87
Scranton	Lackawanna	61		34		95
Warminster	Bucks County; Naval Air Development Center.	54		34		88
Valley Forge/Malvern	Chester	95		38		133
RHODE ISLAND						
East Greenwich	Kent County; Naval Construction Battalion Center, Davisville.	59		34		93
Newport/Block Island	Newport and Washington.					
(May 1–October 14)		111		42		153
(October 15–April 30)		81		42		123
Providence	Providence	83		42		125
SOUTH CAROLINA						
Aiken	Aiken	70		30		100
Charleston	Charleston and Berkeley	100		34		134
Columbia	Richland	55		30		85

Per diem locality		Maximum lodging amount (includes applicable taxes) (a)	+	M&IE rate (b)	=	Maximum per diem rate[4] (c)
Key city[1]	County and/or other defined location[2,3]					
Greenville	Greenville	74		38		112
Hilton Head	Beaufort.					
(March 1–September 30)		128		34		162
(October 1–February 29)		69		34		103
Myrtle Beach	Horry County; Myrtle Beach AFB.					
(May 1–September 30)		141		34		175
(October 1–April 30)		60		34		94
Spartanburg	Spartanburg	54		30		84
SOUTH DAKOTA						
Custer	Custer.					
(June 1–September 30)		64		30		94
(October 1–May 31)		50		30		80
Hot Springs	Fall River.					
(May 1–September 30)		70		30		100
(October 1–April 30)		50		30		80
Rapid City	Pennington.					
(June 1–August 31)		84		30		114
(September 1–May 31)		50		30		80
Sioux Falls	Minnehaha	56		30		86
Sturgis	Meadeence.					
(June 15–August 31)		86		30		116
(September 1–June 14)		50		30		80
TENNESSEE						
Chattanooga	Hamilton	62		30		92
Gatlinburg	Sevier.					
(May 1–November 30)		85		34		119
(December 1–April 30)		61		34		95
Knoxville	Knox County; city of Oak Ridge	59		34		93
Memphis	Shelby	79		30		109
Murfreesboro	Rutherford	52		30		82
Nashville	Davidson	91		38		129
Townsend	Blount.					
(May 1–October 31)		77		30		107
(November 1–April 30)		50		30		80
TEXAS						
Abilene	Taylor	55		30		85
Amarillo	Potter	59		30		89
Austin	Travis	85		34		119
College Station/Bryan	Brazos	61		30		91
Corpus Christi/Ingelside	Nueces and San Patricio	62		30		92
Dallas/Fort Worth	Dallas and Tarrant	94		42		136
Eagle Pass	Maverick	57		30		87
El Paso	El Paso	78		34		112
Fort Davis	Jeff Davis	62		30		92
Galveston	Galveston	68		42		110
Granbury	Hood	53		30		83
Houston	Harris County; L.B. Johnson Space Center and Ellington AFB.	79		38		117
Killeen/Temple	Bell	59		30		89
Lajitas	Brewster.					
(September 1–May 31)		64		30		94
(June 1–August 31)		51		30		81
Lubbock	Lubbock	60		34		94
McAllen	Hidalgo	69		30		99
Midland/Odessa	Ector and Midland	52		30		82
Plano	Collin	58		34		92
San Antonio	Bexar	91		34		125
Tyler	Smith	60		30		90
Victoria	Victoria	54		30		84
Waco	McLennan	64		30		94
UTAH						
Bullfrog	Garfield	85		34		119
Cedar City	Iron.					
(June 1–September 30)		67		30		97
(October 1–May 31)		50		30		80
Moab	Grand	77		30		107
Park City	Summit.					

Per diem locality		Maximum lodging amount (includes applicable taxes) (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2,3]					
(December 1–March 31)		145		42		187
(April 1–November 30)		92		42		134
Provo	Utah	60		34		94
Salt Lake City/Ogden	Salt Lake, Weber, and Davis Counties; Dugway Proving Ground and Tooele Army Depot.	83		38		121
VERMONT						
Burlington/St. Albans	Chittenden and Franklin	68		34		102
Manchester	Bennington	75		34		109
Middlebury	Addison	83		34		117
Montpelier	Washington	86		30		116
Rutland	Rutland.					
(December 15–March 31)		62		30		92
(April 1–December 14)		52		30		82
White River Junction	Windsor.					
June 1–October 31)		113		30		143
(November 1–May 31)		86		30		116
VIRGINIA						
(For the cities of Alexandria, Fairfax, and Falls Church, and the counties of Arlington, Fairfax, and Loudoun, see District of Columbia.)						
Blacksburg	Montgomery	52		30		82
Charlottesville*		55		42		97
Harrisonburg	Harrisburg	54		30		84
Lexington*		52		30		82
Lynchburg*		65		34		99
Richmond*	Chesterfield and Henrico Counties; also Defense Supply Center.	77		38		115
Roanoke*	Roanoke	51		34		85
Virginia Beach*	Virginia Beach (also Norfolk, Portsmouth and Chesapeake)*.					
(May 1–September 30)		107		38		145
(October 1–April 30)		64		38		102
Wallops Island	Accomack.					
(June 1–October 14)		61		30		91
(October 15–May 31)		50		30		80
Williamsburg*	Williamsburg (also Hampton, Newport News, York County, Naval Weapons Station, Yorktown)*.					
(April 1–October 31)		99		34		133
(November 1–March 31)		59		34		93
Wintergreen	Nelson	101		42		143
*Denotes independent cities.						
WASHINGTON						
Anacortes/Mt. Vernon/ Whidbey Island.	Skagit and Island	54		34		88
Bellingham	Whatcom	54		34		88
Bremerton	Kitsap	66		30		96
Friday Harbor	San Juan.					
(June1–October 31)		129		38		167
(November 1–May 31)		74		38		112
Lynnwood/Everett	Snohomish	77		34		111
Ocean Shores	Grays Harbor.					
(April 1–September 30)		73		34		107
(October 1–March 31)		50		34		84
Olympia/Tumwater	Thurston	64		30		94
Port Angeles	Clallam.					
(May 15–September 30)		71		34		105
(October 1–May 14)		50		34		84
Port Townsend	Jefferson.					
(April 15–October 31)		63		30		93
(November 1–April 14)		53		30		83
Seattle	King	116		38		154
Spokane	Spokane	74		38		112
Tacoma	Pierce	83		30		113
Vancouver	Clark	62		34		96
WEST VIRGINIA						
Berkeley Springs	Morgan	89		30		119

Per diem locality		Maximum lodging amount (includes applicable taxes) (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2,3]					
Charleston	Kanawha	52		30		82
Harpers Ferry	Jefferson	66		30		96
Martinsburg	Berkeley	62		30		92
Morgantown	Monongalia	71		30		101
Parkersburg	Wood	57		30		87
Wheeling	Ohio	59		34		93
WISCONSIN						
Appleton	Outagamie	57		30		87
Brookfield	Waukesha	74		38		112
Eau Claire	Eau Claire	54		34		88
Green Bay	Brown	61		30		91
La Crosse	La Crosse	52		34		86
Lake Geneva	Walworth.					
(May 1–October 31)		69		34		103
(November 1–April 30)		51		34		85
Madison	Dane	72		34		106
Milwaukee	Milwaukee	77		34		111
Oshkosh	Winnebago	57		34		91
Plymouth/Sheboygan	Sheboygan	52		30		82
Racine/Kenosha	Racine and Kenosha.					
(June 1–September 30)		57		34		91
(October 1–May 31)		50		34		84
Rhinelander/Minocqua	Oneida	57		30		87
Sturgeon Bay	Door.					
(June 1–September 14)		77		30		107
(September 15–May 31)		50		30		80
Wisconsin Dells	Columbia.					
(June 1–September 14)		77		38		115
(September 15–May 31)		57		38		95
WYOMING						
Cody	Park.					
(May 1–September 30)		86		30		116
(October 1–April 30)		50		30		80
Jackson	Teton.					
(June 1–October 14)		105		42		147
(October 15–May 31)		76		42		118
Thermopolis	Hot Springs	54		30		84

[1] Unless otherwise specified, the per diem locality is defined as ''all locations within, or entirely surrounded by, the corporate limits of the key city, including independent entities located within those boundaries.''

[2] Per diem localities with county definitions shall include ''all locations within, or entirely surrounded by, the corporate limits of the key city as well as the boundaries of the listed counties, including independent entities located within the boundaries of the key city and the listed counties.''

[3] When a military installation or Government-related facility (whether or not specifically named) is located partially within more than one city or county boundary, the applicable per diem rate for the entire installation or facility is the higher of the two rates which apply to the cities and/or counties, even though part(s) of such activities may be located outside the defined per diem locality.

[4] Federal agencies may submit a request to GSA for review of the costs covered by per diem in a particular city or area where the standard CONUS rate applies when travel to that location is repetitive or on a continuing basis and travelers' experiences indicate that the prescribed rate is inadequate. Other per diem localities listed in this appendix will be reviewed on an annual basis by GSA to determine whether rates are adequate. Requests for per diem rate adjustments shall be submitted by the agency headquarters office to the General Services Administration, Office of Governmentwide Policy, Attn: Travel and Transportation Management Policy Division (MTT), Washington, DC 20405. Agencies should designate an individual responsible for reviewing, coordinating, and submitting to GSA any requests from bureaus or subagencies. Requests for rate adjustments shall include a city designation, a description of the surrounding location involved (county or other defined area), and a recommended rate supported by a statement explaining the circumstances that cause the existing rate to be inadequate. The request also must contain an estimate of the annual number of trips to the location, the average duration of such trips, and the primary purpose of travel to the locations. Agencies should submit their requests to GSA no later than May 1 in order for a city to be included in the annual review.

[5] The standard CONUS rate of $80 ($50 for lodging and $30 for M&IE) applies to all per diem localities in the State of North Dakota.

[62 FR 63798, Dec. 2, 1997; 62 FR 68217, Dec. 31, 1997; 63 FR 8352, Feb. 19, 1998; 63 FR 26488, May 13, 1998]

APPENDIX B TO CHAPTER 301—ALLOCATION OF M&IE RATES TO BE USED IN MAKING DEDUCTIONS FROM THE M&IE ALLOWANCE

M&IE rates for localities in nonforeign areas (prescribed in Civilian Personnel Per Diem Bulletins published periodically in the FEDERAL REGISTER by the Secretary of Defense) and for localities in foreign areas (established by the Secretary of State in section 925, a per diem supplement to the Standardized Regulations (Government Civilians, Foreign Areas)) shall be allocated as shown in this table (§301–7.12(a)(2)(ii) of this chapter) when making deductions from nonforeign or foreign area per diem rates.

M&IE Rate	Breakfast	Lunch	Dinner	Incidentals
$1	$0	$0	$0	$1
2	0	0	1	1
3	0	1	1	1
4	1	1	1	1
5	1	1	2	1
6	1	2	2	1
7	1	2	3	1
8	1	2	3	2
9	1	2	4	2
10	2	2	4	2
11	2	3	4	2
12	2	3	5	2
13	2	3	5	3
14	2	4	5	3
15	2	4	6	3
16	2	4	7	3
17	3	4	7	3
18	3	5	7	3
19	3	5	8	3
20	3	5	8	4
21	3	5	9	4
22	3	6	9	4
23	3	6	9	5
24	4	6	9	5
25	4	6	10	5
26	4	7	10	5
27	4	7	11	5
28	4	7	11	6
29	4	7	12	6
30	5	7	12	6
31	5	8	12	6
32	5	8	13	6
33	5	8	13	7
34	5	9	13	7
35	5	9	14	7
36	5	9	15	7
37	6	9	15	7
38	6	10	15	7
39	6	10	16	7
40	6	10	16	8
41	6	10	17	8
42	6	11	17	8
43	6	11	17	9
44	7	11	17	9
45	7	11	18	9
46	7	12	18	9
47	7	12	19	9
48	7	12	19	10
49	7	12	20	10
50	8	12	20	10
51	8	13	20	10
52	8	13	21	10
53	8	13	21	11
54	8	14	21	11
55	8	14	22	11
56	8	14	23	11
57	9	14	23	11
58	9	15	23	11
59	9	15	24	11
60	9	15	24	12
61	9	15	25	12
62	9	16	25	12
63	9	16	25	13
64	10	16	25	13
65	10	16	26	13
66	10	17	26	13
67	10	17	27	13
68	10	17	27	14
69	10	17	28	14
70	11	17	28	14
71	11	18	28	14
72	11	18	29	14
73	11	18	29	15
74	11	19	29	15
75	11	19	30	15
76	11	19	31	15
77	12	19	31	15
78	12	20	31	15
79	12	20	32	15
80	12	20	32	16
81	12	20	33	16
82	12	21	33	16
83	12	21	33	17
84	13	21	33	17
85	13	21	34	17
86	13	22	34	17
87	13	22	35	17
88	13	22	35	18
89	13	22	36	18
90	14	22	36	18
91	14	23	36	18
92	14	23	37	18
93	14	23	37	19
94	14	24	37	19
95	14	24	38	19
96	14	24	39	19
97	15	24	39	19
98	15	25	39	19
99	15	25	40	19
100	15	25	40	20
101	15	25	41	20
102	15	26	41	20
103	15	26	41	21
104	16	26	41	21
105	16	26	42	21
106	16	27	42	21
107	16	27	43	21
108	16	27	43	22
109	16	27	44	22
110	17	27	44	22
111	17	28	44	22
112	17	28	45	22
113	17	28	45	23
114	17	29	45	23
115	17	29	46	23
116	17	29	47	23
117	18	29	47	23
118	18	30	47	23
119	18	30	48	23
120	18	30	48	24
121	18	30	49	24
122	18	31	49	24
123	18	31	49	25
124	19	31	49	25

M&IE Rate	Breakfast	Lunch	Dinner	Incidentals
125	19	31	50	25
126	19	32	50	25
127	19	32	51	25
128	19	32	51	26
129	19	32	52	26
130	20	32	52	26
131	20	33	52	26
132	20	33	53	26
133	20	33	53	27
134	20	34	53	27
135	20	34	54	27
136	20	34	55	27
137	21	34	55	27
138	21	35	55	27
139	21	35	56	27
140	21	35	56	28
141	21	35	57	28
142	21	36	57	28
143	21	36	57	29
144	22	36	57	29
145	22	36	58	29
146	22	37	58	29
147	22	37	59	29
148	22	37	59	30
149	22	37	60	30
150	23	37	60	30
151	23	38	60	30
152	23	38	61	30
153	23	38	61	31
154	23	39	61	31
155	23	39	62	31
156	23	39	63	31
157	24	39	63	31
158	24	40	63	31
159	24	40	64	31
160	24	40	64	32
161	24	40	65	32
162	24	41	65	32
163	24	41	65	33
164	25	41	65	33
165	25	41	66	33
166	25	42	66	33
167	25	42	67	33
168	25	42	67	34
169	25	42	68	34
170	26	42	68	34
171	26	43	68	34
172	26	43	69	34
173	26	43	69	35
174	26	44	69	35
175	26	44	70	35
176	26	44	71	35
177	27	44	71	35
178	27	45	71	35
179	27	45	72	35
180	27	45	72	36
181	27	45	73	36
182	27	46	73	36
183	27	46	73	37
184	28	46	73	37
185	28	46	74	37
186	28	47	74	37
187	28	47	75	37
188	28	47	75	38
189	28	47	76	38
190	29	47	76	38
191	29	48	76	38
192	29	48	77	38
193	29	48	77	39
194	29	49	77	39
195	29	49	78	39
196	29	49	79	39
197	30	49	79	39
198	30	50	79	39
199	30	50	80	39
200	30	50	80	40
201	30	50	81	40
202	30	51	81	40
203	30	51	81	41
204	31	51	81	41
205	31	51	82	41
206	31	52	82	41
207	31	52	83	41
208	31	52	83	42
209	31	52	84	42
210	32	52	84	42
211	32	53	84	42
212	32	53	85	42
213	32	53	85	43
214	32	54	85	43
215	32	54	86	43
216	32	54	87	43
217	33	54	87	43
218	33	55	87	43
219	33	55	88	43
220	33	55	88	44
221	33	55	89	44
222	33	56	89	44
223	33	56	89	45
224	34	56	89	45
225	34	56	90	45
226	34	57	90	45
227	34	57	91	45
228	34	57	91	46
229	34	57	92	46
230	35	57	92	46
231	35	58	92	46
232	35	58	93	46
233	35	58	93	47
234	35	59	93	47
235	35	59	94	47
236	35	59	95	47
237	36	59	95	47
238	36	60	95	47
239	36	60	96	47
240	36	60	96	48
241	36	60	97	48
242	36	61	97	48
243	36	61	97	49
244	37	61	97	49
245	37	61	98	49
246	37	62	98	49
247	37	62	99	49
248	37	62	99	50
249	37	62	100	50
250	38	62	100	50
251	38	63	100	50
252	38	63	101	50
253	38	63	101	51
254	38	64	101	51
255	38	64	102	51
256	38	64	103	51
257	39	64	103	51
258	39	65	103	51
259	39	65	104	51
260	39	65	104	52
261	39	65	105	52
262	39	66	105	52
263	39	66	105	53
264	40	66	105	53
265	40	66	106	53

For M&IE rates greater than $265, allocate 15%, 25%, and 40% of the total to breakfast, lunch, and dinner, respectively. The remainder is the incidental expense allowance.

[FTR Amdt. 10, 55 FR 41535, Oct. 12, 1990]

APPENDIX C TO CHAPTER 301—STANDARD DATA ELEMENTS FOR FEDERAL TRAVEL [TRAVELER IDENTIFICATION]

Group name	Data elements	Description
Travel Authorization	Authorization Number	Assigned by the appropriate office.
Employee Name	First Name, Middle Initial, Last Name	Agency guidelines may specify the order, e.g., last name first.
Employee Identification	Employee Number	Must use a number, e.g., SSN, vendor number, or other number that identifies the employee.
Travel Purpose Identifier	Site visit	
	Information meeting	
	Training attendance	
	Speech or presentation	
	Conference attendance	
	Relocation	Same as change of official station.
	Entitlement travel.	
Travel Period	Start Date, End Date	Month, Day, Year according to agency guidelines.
Travel Type	CONUS/Domestic	Travel within continental United States.
	OCONUS/Domestic	Travel outside the continental United States.
	Foreign	Travel to other countries.
Leave Indicator	Annual, Sick, Other	Identifies leave type as the reason for an interruption of per diem entitlement.
Official Duty Station	City, State, Zip	Either the corporate limits of city/town or the reservation, station, established area where stationed.
Residence	State, Zip, City	The geographical location where employee resides, if different from official duty station.
Payment Method	EFT	Direct deposit via electronic funds transfer.
	Treasury Check	
	Imprest Fund	
Mailing Address	Street Address, City, State, Zip	The location designated by the traveler based on agency guidelines.

STANDARD DATA ELEMENTS FOR FEDERAL TRAVEL

[Commercial Transportation Information]

Group name	Data elements	Description
Transportation Payment		Method employee used to purchase transportation tickets.
Method Indicator	GTR	U. S. Government Transportation Request.
	Central Billing Account	A Contractor centrally billed account.
	Government Charge Card	In accordance with and as provided by agency guidelines.
	Cash	
Transportation Payment Identification Number	Payment ID Number	A number that identifies the payment for the transportation tickets, according to agency guidelines, e.g., GTR number, Govt. credit card number.
Transportation Method Indicator	Air (Premium Class)	Common carrier used as transportation to TDY location.
	Air (Non-premium Class)	
	Non-contract Air, Train, Other	
Local Transportation Indicator	POV, Car rental, Taxi, Other	Identifies local transportation used while on TDY.

TRAVEL EXPENSE INFORMATION

[Standard Data Elements for Federal Travel]

Group name	Data elements	Description
Per Diem	Total Number of Days	The number of days traveler claims to be on per diem status, for each official travel location.
	Total Amount Claimed	The amount of money traveler claims as per diem expense.
	Lodging, Meals & Incidentals.	
Travel Advance	Advance Outstanding	The amount of travel advance outstanding, when the employee files the travel claim.
	Remaining Balance	The amount of the travel advance that remains outstanding.
Subsistence	Actual Days	Total number of days the employee charged actual subsistence expenses.
		The number of days must be expressed as a whole number.
	Total Actual Amount	Total amount of actual subsistence expenses claimed as authorized. Actual subsistence rate, per day, may not exceed the maximum subsistence expense rate established for official travel by the Federal Travel Regulation.
Transportation Method Cost	Air (Premium Class)	The amount of money the transportation actually cost the traveler, entered according to method of transportation.
	Air (Non-premium class) Non-contract Air, Train.	
	Other	Bus or other form of transportation.
Local Transportation	POV mileage	Total number of miles driven in POV.
	POV mileage expense	Total amount claimed as authorized based on mileage rate. Different mileage rates apply based on type and use of the POV.
	Car rental, Taxis, Other.	
Constructive cost	Constructive cost	The difference between the amount authorized to spend versus the amount claimed.
Reclaim	Reclaim amount	An amount of money previously denied as reimbursement for which additional justification is now provided.
Total Claim	Total claim	The sum of the amount of money claimed for per diem, actual subsistence, mileage, transportation method cost, and other expenses.

STANDARD DATA ELEMENTS FOR FEDERAL TRAVEL

[Accounting & Certification]

Group name	Data elements	Description
Accounting Classification	Accounting Code	Agency accounting code.
Non-Federal Source Indicator	Per Diem, Subsistence, Transportation	Indicates the type of travel expense(s) paid, in part or totally, by a non-Federal source.
Non-Federal Source Payment Method	Check, EFT, Payment "in-kind"	Total payment provided by non-Federal source according to method of payment.
Signature/Date Fields	Claimant Signature	Traveler's signature, or digital representation. The signature signifies the traveler read the "fraudulent claim/responsibility" statement.
	Date	Date traveler signed "fraudulent claim/responsibility" statement.
	Claimant Signature	Traveler's signature, or digital representation. The signature signifies the traveler read the "Privacy Act" statement.
	Date	Date traveler signed "Privacy Act" statement.
	Approving Officer Signature	Approving Officer's signature, or digital representation. The signature signifies the travel claim is approved for payment based on authorized travel.
	Date	Date Approving Officer approved and signed the travel claim.

STANDARD DATA ELEMENTS FOR FEDERAL TRAVEL—Continued

[Accounting & Certification]

Group name	Data elements	Description
	Certifying Officer Signature	Certifying Officer's signature, or digital representation. The signature signifies the travel claim is certified correct and proper for payment.
	Date	Date Certifying Officer signed the travel claim.

Note to Appendix C: Agencies must ensure that a purpose code is captured for those individuals traveling under unlimited open authorizations.

[63 FR 15981, Apr. 1, 1998; 63 FR 35538, June 30, 1998]

APPENDIX D TO CHAPTER 301—GLOSSARY OF ACRONYMS

ATM: Automated Teller Machine
CFR: Code of Federal Regulations
CMTR: Combined Marginal Tax Rate
CONUS: Continental United States
CSRS: Civil Service Retirement System
DOD: Department of Defense
DOJ: Department of Justice
DSSR: Department of State Standardized Regulations
EFT: Electronic Funds Transfer
FAM: Foreign Affairs Manual
FEMA: Federal Emergency Management Agency
FERS: Federal Employees Retirement System
FHA: Federal Housing Administration
FOB: Free On Board
FTR: Federal Travel Regulation
FTS: Federal Telecommunications System
GAO: General Accounting Office
GBL: Government Bill of Lading
GEBAT: Government Excess Baggage Authorization Ticket
GOCO: Government Owned Contractor Operated
GPO: Government Printing Office
GSA: General Services Administration
GTR: Government Transportation Request
ID: Identification
IDL: International Date Line
IRC: Internal Revenue Code
IRS: Internal Revenue Service
JFTR: Joint Federal Travel Regulations
JTR: Joint Travel Regulation
M&IE: Meals and Incidental Expenses
M&O: Management and Operating
MOU: Memorandum of Understanding
MTR: Marginal Tax Rate
NIST: National Institute of Standards and Technology
OCONUS: Outside the Continental United States
OGE: Office of Government Ethics
OMB: Office of Management and Budget
PCS: Permanent Change of Station
PDS: Permanent Duty Station
PIN: Personal Identification Number
POV: Privately Owned Vehicle
PTA: Prepaid Ticket Advice
PDTATAC: Per Diem, Travel and Transportation Allowance Committee
Q&A: Question and Answer
RIT: Relocation Income Tax
SES: Senior Executive Service
SSN: Social Security Number
TCS: Temporary Change of Station
TDY: Temporary Duty
TMC: Travel Management Center
TMS: Travel Management Services/System
TQSE: Temporary Quarters Subsistence Expenses
U.S.C.: United States Code
VA: Department of Veterans Affairs
WAE: When Actually Employed
WTA: Withholding Tax Allowance

[63 FR 15983, Apr. 1, 1998; 63 FR 35538, 35539, June 30, 1998](7–1–98 Edition)

CHAPTER 302—RELOCATION ALLOWANCES

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PART 302–1—APPLICABILITY, GENERAL RULES, AND ELIGIBILITY CONDITIONS

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AUTHORITY: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13474, 3 CFR, 1971–1975 Comp., p. 586.

SOURCE: 54 FR 20306, May 10, 1989, unless otherwise noted.

Subpart A—New Appointees and Transferred Employees

§ 302–1.1 Authority.

This chapter is issued pursuant to 5 U.S.C. 5721–5734 and 20 U.S.C. 905(a).

[54 FR 20306, May 10, 1989, as amended by FTR Amdt. 26, 57 FR 28635, June 26, 1992]

§ 302–1.2 Applicability.

(a) *Persons covered.* Except as otherwise provided in this chapter, the following persons are covered:

(1) Civilian officers and employees upon transfer from one official station or agency to another for permanent duty.

(2) Civilian officers and employees of the United States Postal Service transferred under 39 U.S.C. 1006 from the Postal Service to an agency as defined in 5 U.S.C. 5721 for permanent duty.

(3) Civilian officers and employees assigned to posts of duty outside the continental United States in connection with overseas tour renewal agreement travel and upon return to places of residence for the purpose of separation.

(4) New appointees to any position.

(5) Student trainees assigned upon completion of college work to any position.

(6) Department of Defense overseas dependents school system teachers.

(7) Career appointees to the Senior Executive Service (SES), and prior SES appointees who have elected to retain SES retirement benefits, upon their retirement and return to the place the individual has elected to reside.

(b) *Persons excluded.* This chapter shall not apply to:

(1) Officers and employees transferred in accordance with the provisions of the Foreign Service Act of 1980, as amended.

(2) Officers and employees transferred in accordance with the provisions of the Central Intelligence Agency Act of 1949, as amended.

(3) Persons whose pay and allowances are prescribed under title 37, United States Code, ''Pay and Allowances of the Uniformed Services.''

(4) Personnel of the Veterans Administration to whom the provisions of 38 U.S.C. 235 apply.

[54 FR 20306, May 10, 1989, as amended by FTR Amdt. 17, 56 FR 23656, May 23, 1991; FTR Amdt. 26, 57 FR 28635, June 26, 1992; FTR Amdt. 37, 59 FR 27488, May 27, 1994]

§ 302–1.3 General provisions.

(a) *Travel covered*—(1) *Mandatory coverage.* When change of official station or other action described in this paragraph is authorized or approved by such official or officials as the head of the agency may designate, travel and transportation expenses and applicable allowances as provided in this chapter (see applicability and exclusions in pertinent parts) shall be paid in the case of:

(i) An employee transferring from one official duty station to another for permanent duty, provided the transfer is in the interest of the Government and is not primarily for the convenience or benefit of the employee or at his/her request; the transfer is to a new official station which is at least 10

miles distant from the old official station; and, in the case of a relatively short distance relocation, a determination of eligibility is made under § 302–1.7(a) of this part;

(ii) Eligible employees outside the continental United States traveling in connection with overseas tour renewal agreement travel;

(iii) Eligible employees returning from posts of duty outside the continental United States to places of actual residence for separation as provided in § 302–1.12 of this part; and

(iv) Eligible individuals, as defined in § 302–1.101 of this chapter, qualifying for ''last move home'' benefits upon separation from Government service as provided in subpart B of this part.

(2) *Discretionary coverage.* The head of an agency, or his/her designee, may authorize the payment of travel and transportation expenses and applicable allowances in the case of:

(i) A new appointee, as defined in § 302–1.4(d), relocating from his/her place of actual residence at the time of appointment (or at the time following the most recent Presidential election, but before selection or appointment, in the case of an individual who has performed transition activities under section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) and who is appointed in the same fiscal year as the Presidential inauguration that immediately follows his/her transition activities) for permanent duty to an official station; and

(ii) An employee authorized a temporary change of station under subpart C of this part in connection with the employee s long-term assignment to a temporary official station.

(b) *Reasonable advance notice of reassignment or transfer.* As provided in 5 U.S.C. 5724(j), ''the reassignment or transfer of any employee, for permanent duty, from one official station or agency to another which is outside the employee's commuting area shall take effect only after the employee has been given advance notice for a reasonable period. Emergency circumstances shall be taken into account in determining whether the period of advance notice is reasonable.'' Agencies shall give as much advance notice as possible to enable the employee to begin the arrangements necessary when relocating family and residence. However, see § 302–1.7 governing payment of travel and transportation expenses and applicable allowances when short distances are involved. A reasonable period of advance notice should not be less than 30 days except when:

(1) The employee and both the losing and gaining agencies agree on a lesser period;

(2) Other statutory authority and implementing regulations stipulate a lesser period (see Office of Personnel Management regulations for specified timeframes); or

(3) Emergency circumstances prevail.

(c) *Travel authorization.* When it is determined that a relocation will be authorized at Government expense, a written travel authorization shall be issued to the new appointee or employee before he/she reports to the first or new official station. The agency should advise the employee, or individual selected for appointment, not to incur relocation expenses in anticipation of a relocation until he/she has received written notification. The travel authorization shall indicate the specific allowances which are authorized as provided in this chapter and provide instructions on the Federal procedures for procurement of travel and transportation services. The guidelines in § 301–1.102 of this title on issuance of travel authorizations shall be followed. See also § 302–1.10(c) for procedural requirements applicable to new appointees.

(d) *Applicable provisions for reimbursement purposes.* Because of successive changes to the statutes and the regulatory provisions governing relocation allowances and the extended period of time that employees retain eligibility for certain allowances (see §§ 302–1.6 and 302–6.1(e)), the reimbursement maximums or limitations applicable to certain allowances will not be the same for all employees even though claims may be filed within the same timeframe. The regulatory provisions in effect on the employee's or new appointee's effective date of transfer or appointment (see § 302–1.4(l)) shall be

used for payment or reimbursement purposes.

[54 FR 20306, May 10, 1989, as amended by FTR Amdt. 9, 55 FR 10778, Mar. 23, 1990; FTR Amdt. 17, 56 FR 23656, May 23, 1991; 56 FR 28589, June 21, 1991; 56 FR 40946, Aug. 16, 1991; FTR Amdt. 26, 57 FR 28634, 28635, June 26, 1992; FTR Amdt. 32, 58 FR 58243, Oct. 29, 1993; FTR Amdt. 64, 62 FR 13771, Mar. 21, 1997]

§ 302–1.4 Definitions.

As used in this chapter, and unless otherwise specifically provided in this chapter, the following definitions apply:

(a) *Continental United States.* Continental United States (or CONUS) means the 48 contiguous States and the District of Columbia.

(b) *United States.* United States means the 50 States and the District of Columbia. The terms *United States* and *the 50 States and the District of Columbia* are used interchangeably throughout this chapter.

(c) *Employee.* A civilian officer or employee of an *agency* as defined in paragraph (e) of this section. The term also includes new appointees as defined in paragraph (d) of this section.

(d) *New appointee. New appointee* includes any person newly appointed to Government service, including an individual who has performed transition activities under section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) and who is appointed in the same fiscal year as the Presidential inauguration that immediately follows his/her transition activities. *New appointee* also includes an individual appointed after a break in service except that an employee separated as a result of reduction in force or transfer of function may be treated as a transferee instead of a new appointee under the conditions set out in §302–1.9. In addition, for purposes of chapters 301–304 of this title, the term *new appointee* includes a student trainee who is assigned upon completion of college work.

(e) *Agency.* For purposes of this chapter, *agency* means:

(1) An *Executive agency* as defined in 5 U.S.C. 105 (an executive department, an independent establishment, the General Accounting Office, or a wholly owned Government corporation as defined in section 101 of the Government Corporation Control Act, as amended, but excluding a Government controlled corporation);

(2) A military department;

(3) A court of the United States;

(4) The Administrative Office of the United States Courts;

(5) The Federal Judicial Center;

(6) The Library of Congress;

(7) The United States Botanic Garden;

(8) The Government Printing Office; and

(9) The District of Columbia.

(f) *Immediate family.* (1) Any of the following named members of the employee's household at the time he/she reports for duty at the new permanent duty station or performs authorized or approved overseas tour renewal agreement travel or separation travel:

(i) Spouse;

(ii) Children of the employee or employee's spouse who are unmarried and under 21 years of age or who, regardless of age, are physically or mentally incapable of self-support. (The term ''children'' shall include natural offspring; stepchildren; adopted children; grandchildren, legal minor wards, or other dependent children who are under legal guardianship of the employee or employee's spouse; and a child born after the employee's effective date of transfer when the travel of the employee's expectant spouse to the new official station is prevented at the time of the transfer because of advanced stage of pregnancy, or other reasons acceptable to the agency concerned, e.g., awaiting completion of the school year by other children.);

(iii) Dependent parents (including step- and legally adoptive parents) of the employee or employee's spouse (see paragraph (f)(2) of this section for dependent status criteria); and

(iv) Dependent brothers and sisters (including step- and legally adoptive brothers and sisters) of the employee or employee's spouse who are unmarried and under 21 years of age or who, regardless of age, are physically or mentally incapable of self-support. (See paragraph (f)(2) of this section for dependent status criteria.)

(2) Generally, the individuals named in paragraphs (f)(1) (iii) and (iv) of this

section shall be considered dependents of the employee if they receive at least 51 percent of their support from the employee or employee's spouse; however, this percentage of support criteria shall not be the decisive factor in all cases. These individuals may also be considered dependents for the purposes of this chapter if they are members of the employee's household and, in addition to their own income, receive support (less than 51 percent) from the employee or employee's spouse without which they would be unable to maintain a reasonable standard of living.

(g) *Temporary storage.* Storage of household goods for a limited period of time at origin, destination, or en route in connection with transportation to, from, or between official stations or posts of duty or authorized alternate points.

(h) *Nontemporary storage.* Storage of household goods while an employee is assigned to or is at an official station or post of duty to which he/she will not or cannot transport such household goods.

(i) *Mobile home.* Any type of house trailer or mobile dwelling constructed for use as a residence and designed to be moved overland, either by self-propulsion or towing. Also, a boat when used as the employee's primary residence.

(j) *Household goods.* (1) All personal property associated with the home and all personal effects belonging to an employee and the immediate family when shipment or storage begins, which can be legally accepted and transported as household goods by an authorized commercial carrier in accordance with the rules and regulations established or approved by an appropriate Federal or State regulatory authority, except the items excluded in this paragraph. Snowmobiles and vehicles with two or three wheels, e.g., motorcycles, mopeds, and golf carts, may be shipped as household goods. The following items are specifically excluded from the definition of household goods:

(i) Automobiles, trucks, vans and similar motor vehicles; boats; airplanes; mobile homes; camper trailers; and farming vehicles;

(ii) Live animals, birds, fowls, and reptiles;

(iii) Cordwood and building materials; and

(iv) Property for resale, disposal, or commercial use rather than for use by the employee or the immediate family; and

(v) Any property or items which carriers' tariffs prohibit carriers from accepting for shipment. Agencies are advised to consult applicable tariffs or to contact the carrier involved if problems arise concerning shipment of the following prohibited articles:

(A) Property liable to impregnate or otherwise damage equipment or other property (e.g., hazardous articles including explosives, flammable and corrosive materials, and poisons);

(B) Articles which cannot be taken from the premises without damage to the article or the premises;

(C) Perishable articles, including frozen foods, articles requiring refrigeration, or perishable plants unless: the shipment is to be transported not more than 150 miles and/or delivery accomplished within 24 hours from the time of loading; no storage of shipment is required; and no preliminary or enroute servicing or watering or other preservative method is required of the carrier.

(2) Items which are irreplaceable or are of extreme value or sentiment are not provided special security by the carrier even though extra-value insurance may be purchased. Employees and their immediate families are advised to personally transport these types of items.

(k) *Official station or post of duty.* The building or other place where the officer or employee regularly reports for duty. (For eligibility for change of station allowances, see §§ 302–1.3 and 302–1.7.) With respect to entitlement under this chapter relating to the residence and the household goods and personal effects of an employee, official station or post of duty also means the residence or other quarters from which the employee regularly commutes to and from work. However, where the official station or post of duty is in a remote area where adequate family housing is not available within reasonable daily commuting distance, residence includes the dwelling where the family of the employee resides or will reside, but

only if such residence reasonably relates to the official station as determined by an appropriate administrative official.

(l) *Effective date of transfer or appointment.* The date on which an employee or new appointee reports for duty at his/her new or first official station.

[54 FR 20306, May 10, 1989, as amended by FTR Amdt. 17, 56 FR 23656, May 23, 1991; FTR Amdt. 20, 56 FR 46989, Sept. 17, 1991; FTR Amdt. 26, 57 FR 28634, 28635, June 26, 1992]

§ 302–1.5 Service agreements.

(a) *Transfers within the continental United States and appointments and assignments of new appointees and student trainees to any position within the United States.* In connection with the transfer of employees between official stations within the continental United States, expenses authorized under this chapter shall not be allowed until the employee selected for such transfer agrees in writing to remain in the service of the Government for 12 months following the effective date of the transfer, unless separated for reasons beyond his/her control that are acceptable to the agency concerned. In case of a violation of such an agreement, including failure to effect the transfer, any funds expended by the United States for expenses authorized under this chapter shall be recoverable from the individual concerned as a debt due the United States. Such an agreement also is required from new appointees and student trainees appointed or assigned to any position within the United States, as a condition of payment for travel, transportation, moving and/or storage of household goods, and allowances as provided in §302–1.10. A signed agreement for 12 months' service shall be required for each permanent change of station.

(b) *Transfers, appointments, and separations involving posts of duty outside the continental United States.* (1) In connection with the transfer or appointment of employees to posts of duty outside the continental United States, or between posts located in (i) separate countries, (ii) separate areas of the United States located outside the continental United States (e.g., Alaska, Hawaii, the Commonwealth of Puerto Rico), or (iii) any combination of these areas, the expenses of travel, transportation, moving and/or storage of household goods, and other applicable allowances as provided in this chapter shall not be allowed unless and until the employee selected for such transfer or appointment agrees in writing to remain in the service of the Government for 12 months following the effective date of the transfer or appointment (or for 1 school year for Department of Defense overseas dependents school system teachers as determined under chapter 25 of title 20 of the United States Code), unless separated for reasons beyond his/her control and acceptable to the agency concerned. In case of a violation of such an agreement, including failure to effect the transfer, any funds expended by the United States for such travel, transportation, and allowances shall be recoverable from the individual concerned as a debt due the United States.

(2) Except as precluded by this chapter, upon separation from service, the expenses for return travel, transportation, and moving and/or storage of household goods shall be allowed whether the separation is for the purposes of the Government or for personal convenience. However, such expenses shall not be allowed unless:

(i) The employee transferred or appointed to posts of duty outside the continental United States shall have served for a minimum period of not less than 1 nor more than 3 years prescribed in advance by the head of the agency (or for 1 school year for Department of Defense overseas dependents school system teachers as determined under chapter 25 of title 20, United States Code); or

(ii) Separation is for reasons beyond the control of the individual and acceptable to the agency concerned.

(3) The head of the agency also shall consider requiring a service agreement in connection with the transfer of employees not otherwise covered by this subpart. The agreement shall provide that in determining any employee indebtedness for violation of such agreement, credit shall be given to the extent of any unused entitlements he/she may have earned for return travel and transportation to his/her place of actual residence for separation.

(c) *Employee liability.* The agreement to remain in the service of the Government for 12 months following the effective date of transfer is not voided by a subsequent transfer whether such subsequent transfer is at the employee's request or in the interest of the Government, nor is such agreement voided by another service agreement made in connection with a second transfer. The liability of the employee for any funds expended by the United States for his/her travel, transportation, and relocation allowances is a separate liability for each service agreement. The liability in each instance is effective for the full 12-month period in connection with the transfer for which the service agreement was made.

[54 FR 20306, May 10, 1989, as amended by FTR Amdt. 16, 56 FR 15050, Apr. 15, 1991; FTR Amdt. 17, 56 FR 23656, May 23, 1991; FTR Amdt. 26, 57 FR 28635, June 26, 1992]

§302–1.6 Time limits for beginning travel and transportation.

All travel, including that for the immediate family, and transportation, including that for household goods allowed under this chapter, shall be accomplished as soon as possible. The maximum time for beginning allowable travel and transportation shall not exceed 2 years from the effective date of the employee's transfer or appointment, except that:

(a) The 2-year period is exclusive of the time spent on furlough for an employee who begins active military service before the expiration of such period and who is furloughed for the duration of his/her assignment to the post of duty for which transportation and travel expenses are allowed;

(b) The 2-year period does not include any time during which travel and transportation is not feasible due to shipping restrictions for an employee who is transferred or appointed to or from a post of duty outside the continental United States; and

(c) The 2-year period shall be extended for an additional period of time not to exceed 1 year when the 2-year time limitation for completion of residence transactions is extended under §302–6.1(e).

[54 FR 20306, May 10, 1989, as amended by FTR Amdt. 26, 57 FR 28635, June 26, 1992]

§302–1.7 Short distance involved.

(a) *Transfers.* When the change of official station involves a short distance (at least 10 miles between stations as provided in §302–1.3(a)(1)) within the same general local or metropolitan area, the travel and transportation expenses and applicable allowances in connection with the employee's relocation of his/her residence shall be authorized only when the agency determines that the relocation was incident to the change of official station. Such determination shall take into consideration such factors as commuting time and distance between the employee's residence at the time of notification of transfer and his/her old and new posts of duty as well as the commuting time and distance between a proposed new residence and the new post of duty. Ordinarily, a relocation of residence shall not be considered as incident to a change of official station unless the one-way commuting distance from the old residence to the new official station is at least 10 miles greater than from the old residence to the old official station. Even then, circumstances surrounding a particular case (e.g., relative commuting time) may suggest that the move of residence was not incident to the change of official station. (See also specific distance limitations applicable to individual allowances; i.e., househunting trips in §302–4.3(c) and eligibility for temporary quarters subsistence expenses in §302–5.4(b).)

(b) *Appointments.* For new appointees, whose place of actual residence at the time of selection for appointment and first duty station are located in the same general local or metropolitan area and who relocate their places of residence as a result of the appointment, the travel and transportation expenses as provided in §302–1.10 shall be authorized only when the agency determines that the relocation of residence was incident to the appointment. To the extent applicable, the principles prescribed for transferred employees shall be considered in making this determination.

[54 FR 20306, May 10, 1989, as amended by FTR Amdt. 17, 56 FR 23657, May 23, 1991; FTR Amdt. 59, 62 FR 13756, Mar. 21, 1997; FTR Amdt. 63, 62 FR 13768, Mar. 21, 1997]

§ 302–1.8 Two or more family members employed.

(a) *Members of the same immediate family who are employees.* When two or more employees are members of the same immediate family, the allowances authorized under this chapter shall apply either to:

(1) Each employee separately, in which instance none of the employees is eligible for any allowance as a member of the immediate family; or

(2) Only one of the employees selected in accordance with paragraph (c) of this section, in which case the other employee(s) is eligible for allowances solely as a member(s) of the immediate family.

(b) *Non-employee members of the immediate family.* When two or more employee members of the same immediate family elect separate allowances under paragraph (a)(1) of this section, non-employee members of the immediate family shall not receive duplicate allowances because of the fact that the employee members elected separate allowances.

(c) *Payment limitation.* When employee members of the same immediate family elect separate allowances under paragraph (a)(1) of this section, the employing agency or agencies shall not make duplicate payment for the same expenses.

(d) *Procedures.* A determination as to which of the two alternatives provided in paragraph (a) of this section is selected shall be made in writing and signed by all employee members of the same immediate family. When employee family members elect separate allowances under paragraph (a)(1) of this section, the determination also shall specify under which employee member's authorization non-employee family members will receive allowances. A copy of this determination shall be filed with the agency in which each employee member is employed.

[FTR Amdt. 20, 56 FR 46989, Sept. 17, 1991]

§ 302–1.9 Reduction in force involved.

(a) *Impending separation.* When an employee is assigned to a new official station after having been notified of involuntary separation not for cause but incident to the reduction, cessation, or transfer of the work at the station where he/she was employed, the transfer of the employee is deemed to be in the interest of the Government unless there is an affirmative administrative determination that the transfer is primarily for the employee's convenience or benefit.

(b) *Reemployment after separation.* A former employee separated by reason of reduction in force or transfer of function who within 1 year of the date of separation is reemployed by an agency for a nontemporary appointment, at a different permanent duty station from that where the separation occurred, may be allowed and paid the expenses and other allowances (excluding nontemporary storage when assigned to an isolated permanent duty station within the continental United States) in the same manner as though he/she had been transferred in the interest of the Government to the permanent duty station where reemployed, from the permanent duty station where separated, without a break in service, and subject to the eligibility limitations as prescribed in this chapter.

[54 FR 20306, May 10, 1989, as amended by FTR Amdt. 26, 57 FR 28635, June 26, 1992]

§ 302–1.10 New appointees.

(a) *Coverage.* New appointees to any position are eligible for payment only of those travel and transportation expenses listed in paragraph (e) of this section in relocating to their first official station. New appointees include student trainees who are assigned upon completion of college work. New appointees include not only individuals when first appointed to Government service but also individuals appointed after a break in service except that employees separated as a result of reduction in force or transfer of function may be treated as transferees instead of new appointees under the conditions set forth in § 302–1.9.

(b) *Authorization and eligibility*—(1) *Authority to pay.* Agencies may pay the relocation expenses allowed in paragraph (e) of this section for new appointees determined eligible under paragraph (b)(2) of this section. However, once an agency has made the determination to pay relocation expenses in an individual case, it must pay all of

the allowable relocation expenses contained in paragraph (e) of this section.

(2) *Eligibility determination.* Each agency shall establish specific criteria for determining which new appointees qualify for payment of allowable relocation expenses. The Office of Personnel Management has issued guidelines in 5 CFR part 572 for agencies to follow in making these personnel determinations.

(c) *Agency responsibility.* Because new appointees usually lack experience in Government procedures, each agency shall adopt special measures to provide full information to new appointees concerning the benefits which may be available to them for travel and transportation involved in reporting to their official stations. Special care shall be taken to inform appointees of the limitations on available benefits.

(d) *Procedural requirements*—(1) *Agreement.* No payment for otherwise allowable expenses or for an advance of funds shall be made unless the appointee or student trainee has signed the agreement appropriate in his/her case as provided in § 302–1.5.

(2) *Travel before appointment.* Authorized expenses may be paid even though the individual concerned has not been appointed at the time travel to the first official station is performed. For individuals who have performed Presidential transition activities, as described in § 302–1.3(a)(2), allowable travel and transportation may take place at any time following the most recent Presidential election. However, entitlement to such expenses does not vest by virtue of selection for the position or authorization for travel as provided in § 302–1.3(c) but vests only upon actual appointment of the individual concerned. However, nothing in this paragraph shall be construed to limit the provisions of part 301–1, subpart C, allowing the payment of pre-employment interview travel.

(3) *Prior payment.* A student trainee may not receive payments at the time of his/her assignment if the expenses of travel and transportation were paid at the time he/she was appointed as a student trainee.

(e) *Allowable expenses.* Items of expense listed in paragraphs (e) (1) through (6) of this section are payable under the conditions prescribed in this chapter governing the allowance in question. Note particularly that not all of the listed items will be applicable in each situation covered by this part.

(1) Travel expenses including per diem for the appointee or student trainee as set forth in § 302–2.1;

(2) Transportation for immediate family of appointee or student trainee as set forth in § 302–2.2(a);

(3) Mileage if privately owned vehicle is used in travel as set forth in § 302–2.3;

(4) Transportation and temporary storage of household goods as set forth in part 302–8;

(5) Nontemporary storage of household goods if appointed to an isolated location as set forth in § 302–9.1; and

(6) Transportation of mobile homes as set forth in part 302–7.

(f) *Expenses not allowable.* Items of expense not listed in paragraph (e) of this section which are authorized for reimbursement in case of transfers under this chapter (e.g., per diem for family, cost of house-hunting trip, subsistence while occupying temporary quarters, a miscellaneous expense allowance, residence sale and purchase expenses, lease-breaking expenses, and relocation services) are not allowable to appointees and student trainees eligible under this section.

(g) *Alternate origin and destination.* The limit on travel and transportation expenses in each individual case is the cost of direct travel or transportation as allowable between the individual's place of residence at the time of selection or assignment (or in the case of individuals having performed Presidential transition activities, as described in § 302–1.3(a)(2), the place of residence at the time of relocation following the most recent Presidential election) and the official station to which he/she is appointed or assigned; however, travel and transportation may be from and/or to other locations if the new appointee or student trainee pays any excess cost involved in such alternate travel or transportation.

(h) *Advance of funds.* An advance of funds for expenses allowable under this section may be made to appointees and student trainees under the procedures prescribed in § 302–1.14(a) and the part

of this subtitle governing the allowance being considered.

[FTR Amdt. 17, 56 FR 23657, May 23, 1991, as amended by FTR Amdt. 26, 57 FR 28634, June 26, 1992; FTR Amdt. 32, 58 FR 58243, Oct. 29, 1993; FTR Amdt. 37, 59 FR 27488, May 27, 1994]

§ 302–1.11 [Reserved]

§ 302–1.12 Overseas assignment and return.

(a) *Transferees.* Employees transferred to, from, and between official stations outside the continental United States are eligible for many of the benefits provided by this chapter, and employees transferred to such stations are eligible for return transportation under the conditions and limitations contained in paragraphs (c) through (g) of this section. Specific eligibility provisions and applicable limitations are contained in the parts of this chapter relating to the benefits provided.

(b) *New appointees*—(1) *Residence at time of appointment.* A new appointee to a position outside the continental United States is eligible for certain travel and transportation benefits under this chapter if his/her residence at the time of appointment is in an area other than the area in which his/her official station is located. Under this rule ''area'' means a foreign country, the continental United States, Alaska, Hawaii, the Commonwealth of Puerto Rico or the Commonwealth of the Northern Mariana Islands, or a United States territory or possession.

(2) *Allowable expenses.* Allowances and the parts of this chapter which apply are as follows:

(i) Travel and per diem for appointees as set forth in § 302–2.1;

(ii) Travel for the appointee's immediate family, but not per diem, as set forth in § 302–2.2;

(iii) Mileage to the extent travel is performed by privately owned automobile as set forth in § 302–2.3;

(iv) Transportation and temporary storage of household goods as set forth in part 302–8;

(v) Nontemporary storage of household goods as set forth in § 302–9.2;

(vi) Transportation of mobile homes in limited circumstances as set forth in part 302–7; and

(vii) Transportation of an employee's personal automobile as set forth in part 302–10.

(3) *Expenses not allowable.* Items of expense not listed in paragraph (b)(2) of this section which are authorized for reimbursement under this chapter in the case of transfers (e.g., per diem for family, cost of house-hunting trip, subsistence while occupying temporary quarters, miscellaneous expense allowance, residence sale and purchase expenses, and lease-breaking expenses) may not be authorized for appointees eligible under this section.

(4) *Alternate origin or destination.* Travel and transportation benefits authorized are from the employee's residence at time of appointment to his/her official station. If alternate origins or destinations are involved, the cost which will be paid by the Government may not exceed the cost that would have been incurred for the travel or transportation in question between the residence and the official station.

(5) *Advance of funds.* An advance of funds for expenses allowable under paragraph (b)(2) of this section may be made to appointees under the procedures prescribed in § 302–1.14(a) and the part of this chapter governing the allowance being considered.

(c) *Actual place of residence designation*—(1) *Designation by employee.* When an employee is selected for transfer or appointment to a post of duty outside the continental United States, the place of actual residence shall be determined at the time of selection and designated in the written agreement prescribed in § 302–1.5(b) to remain in the Government service for a minimum period of time prescribed by the agency head pursuant to law. An employee hired locally at a location outside the continental United States who claims residence at another location in the United States, the Commonwealth of Puerto Rico or the Commonwealth of the Northern Mariana Islands, or a United States territory or possession at time of appointment, shall designate in writing the claimed place of actual residence for the consideration of agency officials.

(2) *Determination by agency official.* Determination of the place of actual

residence shall be made by an authorized agency official on the basis of all the facts in the record. When there is doubt as to the place of actual residence, the employee is responsible for supplying any further information necessary to support designation of the claimed place of actual residence.

(3) *Guidance in determination of residence.* While it is not feasible to establish rigid standards for what constitutes a place of residence, the concept of residence represented in an existing statutory provision (8 U.S.C. 1101(33)) may be used as general guidance. This concept views residence as the place of general abode, meaning the principal, actual dwelling place in fact, without regard to intent. Determination of the place of actual residence is primarily an administrative responsibility and the place constituting the actual residence must be determined upon the factual circumstances in each case. Examples of factors which shall be considered, whenever applicable, by agency officials charged with this responsibility are:

(i) The place of actual residence of a dependent student generally is presumed to be the same as that of the parents and, except in rare instances, this situation would not be changed by the student attending college in another place.

(ii) The place at which the employee physically resided at time of selection for appointment or transfer frequently constitutes the place of actual residence and shall be so regarded in the absence of circumstances reasonably indicating that another location may be designated as the place of actual residence.

(iii) Designation of a place of actual residence in an official document signed by the employee earlier in Government employment shall be regarded as originally intended to be a continuing designation, and the burden is upon the employee to establish clearly that the earlier designation was in error or that later circumstances entitle a different designation to be made. After an employee has been transferred or appointed to a post of duty outside the continental United States, the location of the place of actual residence incorporated in the official records of such employment shall be changed only to correct an error in the designation of residence.

(iv) Presence in the individual's work history of a representative amount of full-time employment at or in the immediate geographic area of the location designated as place of actual residence is a significant factor, but lack of such history does not preclude the designation of the location as place of actual residence.

(v) The chronological record of individual or family association with a locality is usually significant only in connection with an analysis of other circumstances explaining the nature of such association. Frequent or extended visits to a locality must be evaluated in relation to the purpose of the visits and sometimes in relation to the nature of the area itself. For example, vacation visits to a resort area, without the added support of other factors, should not be regarded as adequate to establish a place of actual residence.

(vi) Recognition and exercise by the employee of the privileges and duties of citizenship in a particular jurisdiction, such as voting and payment of taxes on income and personal property are factors for consideration, but agency application of standards about place of residence should not be such as to discourage employees from property ownership or participation in community affairs at a nonforeign location outside the continental United States.

(d) *Return for separation.* When an employee is eligible for return travel and transportation to his/her place of actual residence upon separation after completion of the period of service specified in an agreement executed under §302–1.5(b) or is separated for reasons beyond his/her control and acceptable to the agency concerned, he/she may receive travel and transportation to an alternate location, provided the cost to the Government shall not exceed the cost of travel and transportation to his/her residence at the time he/she was assigned to an overseas station. However, under decisions of the Comptroller General, ordinarily, an employee is entitled to travel and

transportation expenses upon separation only to the country of actual residence at the time of assignment to such duty.

(e) *Prior return of immediate family*—(1) *When employee is eligible for return transportation.* When an employee has become eligible for return transportation by satisfactorily completing an agreed period of service at a post of duty outside the continental United States, the Government shall pay one-way transportation expenses for returning the employee's immediate family and household goods before the employee's return to his/her place of actual residence in the 50 States, the District of Columbia, the Commonwealth of Puerto Rico or the Commonwealth of the Northern Mariana Islands, or a United States territory or possession.

(2) *Return for compassionate reasons.* One-way transportation expenses for the return of the employee's immediate family and his/her household goods also may be paid without regard to the employee's completion of an agreed period of service provided it has been determined under regulations prescribed by the head of the agency concerned that the public interest requires the return of the immediate family for compelling personal reasons of a humanitarian or compassionate nature, which may involve physical or mental health, death of a member of the immediate family, or obligations imposed by authority or circumstances over which the individual has no control.

(3) *Limited to one return trip.* Expenses allowed as provided in paragraphs (e)(1) and (2) of this section shall be paid by the Government not more than one time during each agreed period of service and are subject to chapter 301 of this title.

(4) *Part of household goods retained overseas.* In connection with the prior return of his/her family, the employee may elect to retain a portion of the household goods with him/her at the post of duty and ship the remainder to his/her place of actual residence. In such an instance, the Government will pay for shipment of both parts of the household goods, provided the aggregate weight of both shipments does not exceed the applicable weight limits.

(5) *Alternate destination.* If the employee's immediate family and household goods are returned to a location in the 50 States, the District of Columbia, the Commonwealth of Puerto Rico or the Commonwealth of the Northern Mariana Islands, or a United States territory or possession other than the place of actual residence therein, the allowable expenses shall not exceed those allowable for return over a usually traveled route between the post of duty and the place of actual residence.

(6) *Prior return at employee's expense—reimbursement.* There may be circumstances in which an employee elects to return his/her immediate family and the household goods or any part thereof at his/her own expense to any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico or the Commonwealth of the Northern Mariana Islands, or a United States territory or possession when he/she is not eligible for such transportation under this paragraph. In such an instance, and after the employee becomes eligible for transportation at Government expense, he/she may be reimbursed for the proper expenses which he/she had previously paid. He/She will be reimbursed in accordance with the applicable provisions of this paragraph only for expenses which are supported by receipts or other appropriate documentation furnished to the Government under regulations prescribed by the head of the agency concerned.

(f) *Return of former spouse and dependents.* Paragraph (e) of this section also applies to the spouse and dependents of an employee who have traveled to the employee's overseas post of duty as dependents (as provided in §302–1.4(f)) at Government expense, even if, because of divorce or annulment, such individuals will have ceased to be dependents as of the date the employee becomes eligible for return travel. Travel of such former dependents is authorized by the employee's next entitlement to return travel but not beyond the end of the employee's current agreed tour of duty.

(g) *Return of family member over 21.* If a member of the immediate family, as defined in §302–1.4(f), reaches his/her twenty-first birthday while the employee is assigned to duty overseas, that person may be returned to the

United States (or foreign location at which the actual residence is located) at Government expense, provided his/her last travel overseas was at Government expense as a member of the employee's immediate family. Return of that person is authorized by the employee's next entitlement to travel to the United States (or foreign location at which the actual residence is located) but not beyond the end of the employee's current agreed tour of duty.

[54 FR 20306, May 10, 1989, as amended by FTR Amdt. 10, 55 FR 41536, Oct. 12, 1990; FTR Amdt. 17, 56 FR 23657, May 23, 1991; FTR Amdt. 26, 57 FR 28635, June 26, 1992]

§ 302–1.13 Overseas tour renewal agreement travel.

Employees may be eligible to receive allowances for travel and transportation expenses for the purpose of returning home to take leave between tours of duty overseas as provided in this section. These provisions are applicable to employees serving tours of duty at posts of duty outside the United States. These provisions are also applicable to employees serving tours of duty in Alaska or Hawaii but only under the conditions specified in paragraphs (a) (2) and (3) of this section.

(a) *Eligibility.* Employees may be eligible to receive allowances for travel and transportation expenses for returning home between tours of duty overseas under the criteria set forth in paragraphs (a) (1) through (3) of this section.

(1) *Eligibility requirements for all areas outside the continental United States.* In order to be eligible for allowances under this section, an employee before departure from his/her post of duty outside the continental United States must have:

(i) Satisfactorily completed an agreed period of service or the prescribed tour of duty as provided in § 302–1.5(b) for return travel entitlement;

(ii) Entered into a new written agreement as provided in § 302–1.5(b) for another period of service at the same or another post of duty outside the continental United States. The agreement shall cover costs incident to the travel to the employee's place of actual residence or alternate location and return and any additional cost paid by the Government as a result of a transfer of the employee to another official station overseas at the time of the tour renewal agreement travel; but as provided in § 302–1.5(b), the agreement will be for 12 months with respect to the transfer costs; and

(iii) Qualified for eligibility status under the provisions of paragraphs (a) (2) and/or (3) of this section, if the post of duty involved is located in Alaska or Hawaii.

(2) *Employees stationed in Alaska or Hawaii on September 8, 1982.* An employee whose status on September 8, 1982, was any one of the situations listed in paragraph (a)(2) (i), (ii), or (iii) of this section involving a post of duty in Alaska or in Hawaii will continue to be eligible to receive allowances for travel and transportation expenses for tour renewal agreement travel provided the employee continues to serve consecutive tours of duty at posts of duty within Alaska or at posts of duty within Hawaii. Transfers between a post of duty in Alaska and a post of duty in Hawaii will not constitute consecutive tours of duty for purposes of continuing eligibility under this section. On September 8, 1982, the employee must have been:

(i) Serving a current tour of duty in Alaska or Hawaii;

(ii) En route to a post of duty in Alaska or Hawaii under a written agreement to serve a tour of duty; or

(iii) Engaged in tour renewal agreement travel and have entered into a new written agreement to serve another tour of duty in Alaska or in Hawaii.

(3) *Employees assigned, appointed, or transferred to a post of duty in Alaska or Hawaii after September 8, 1982.* (i) Except for situations described in paragraph (a)(2) of this section, the travel and transportation expenses allowable for tour renewal agreement travel under this section may not otherwise be authorized for employees assigned, appointed, or transferred to a post of duty in Alaska or Hawaii after September 8, 1982, unless it is determined under regulations prescribed by the agency head that payment of these expenses is necessary for the purpose of

recruiting or retaining an employee for service of a tour of duty at a post of duty in Alaska or Hawaii. This authority must be used sparingly and only when required to fulfill agency staffing needs to accomplish the agency's mission. These provisions are intended to ensure the availability of well qualified employees or those employees with special skills and knowledge who are not available in the local area, and to fill positions in remote areas. Agency regulations shall prescribe criteria and guidelines to determine the need for payment of tour renewal agreement travel expenses. The agency determination that it is necessary to pay the expenses of tour renewal agreement travel as a recruiting or retention incentive in order to fill a particular position in Alaska or Hawaii shall be reviewed periodically but not less than every 5 years.

(ii) The payment of travel and transportation expenses for tour renewal agreement travel for recruiting or retention purposes is limited to two round trips beginning within 5 years after the date the employee first begins any period of consecutive tours of duty in Alaska or Hawaii. Employees shall be advised in writing of this limitation.

(4) *Effect on other allowances.* Paragraphs (a) (2) and (3) of this section do not affect the provisions of §302–1.12 governing overseas assignments and return for employees transferred or new appointees to posts of duty in Alaska and Hawaii.

(b) *Allowable travel and transportation*—(1) *Destination.* An eligible employee and his/her immediate family shall be allowed expenses for travel from the post of duty outside the continental United States to his/her place of actual residence at the time of assignment to a post of duty outside the continental United States (also referred to as ''actual residence'' in this section). Those expenses shall also be allowed from the place of actual residence upon return to the same or another post of duty outside the continental United States; except with respect to Alaska and Hawaii, the return must be to a post of duty located within the same State (Alaska or Hawaii) as the post of duty at which the employee served immediately before tour renewal agreement travel (see paragraph (a)(2) of this section).

(2) *Allowances.* These allowances are payable under chapter 301 of this title and are limited to per diem and transportation costs for the employee and transportation costs, but not per diem, for his/her immediate family. (See §302–2.1.) If a transfer is also involved, family per diem may be paid as authorized by §302–2.2(b) to the extent such per diem is payable incident to direct travel between posts of duty.

(3) *Alternate destination.* An employee and his/her family may travel to a location in the United States, the Commonwealth of Puerto Rico or the Commonwealth of the Northern Mariana Islands, a United States territory or possession, or another country in which the place of actual residence is located other than the location of the place of actual residence; however, an employee whose actual residence is in the United States must spend a substantial amount of time in the United States, the Commonwealth of Puerto Rico or the Commonwealth of the Northern Mariana Islands, or a United States territory or possession incident to travel under this section to be entitled to the allowance authorized. The amount allowed for travel and transportation expenses when travel is to an alternate location shall not exceed the amount which would have been allowed for travel over a usually traveled route from the post of duty to the place of actual residence and for return to the same or a different post of duty outside the continental United States as the case may be.

(c) *Limitations*—(1) *Husband and wife both employed.* If husband and wife are both employed in the immediate geographic area by the same or different agencies as employees under the terms of this chapter, the allowances authorized in this section shall apply to each of them separately, in which instance neither of them is eligible for any allowances as the spouse, or to either of them, in which instance one is considered the head of the household and the other is eligible for allowances as the spouse. In applying these alternatives, other members of the immediate family shall not receive duplicate allowances because of the fact that both

husband and wife are employees. A determination as to which of the two alternatives is selected shall be made in writing and shall be signed by both husband and wife. A copy of this determination shall be filed with the agency in which each is employed.

(2) *Local hires not eligible*—(i) *Married persons in area with spouse.* An employee hired locally is not eligible for allowances under this section if he/she is married and is in the immediate geographic area because his/her spouse is in the area as a member of the Foreign Service, a member of the uniformed services (as defined in title 37, U.S.C.), a private individual, or an employee of a private individual or a non-Federal organization.

(ii) *Minors in area with parents.* An employee hired locally who is unmarried and under 21 years of age is not eligible for allowances under this section if a parent of the employee is in the immediate geographic area as a member of the Foreign Service, a member of the uniformed services (as defined in title 37, U.S.C.), a civilian employee under the terms of this subtitle, a private individual, or an employee of a private individual or a non-Federal organization.

(iii) *Denial of allowance to eligible local hires.* Under regulations prescribed by the head of the agency concerned, the agency may in its discretion refuse eligibility for allowances under this subpart to an employee who was hired locally and who did not sign a written agreement as provided under § 302–1.5(b), provided the agency notifies the employee of its intention before the employee has completed a period of service equal to the period generally applicable to employees of the agency serving at the post of duty concerned or in the same geographic area.

(d) *Liability of employee—noncompliance with new agreement.* An employee who, for reasons not beyond his/her control and not acceptable to the agency concerned, fails to complete the period of service specified in a new service agreement is obligated for expenses and for allowances paid to him/her.

(1) *Failure to complete initial year of service.* (i) If the employee fails to complete 1 year of service under a new agreement, he/she is indebted to the Government for any amounts spent by the Government for:

(A) His/her transportation and per diem and transportation for his/her immediate family incident to tour renewal agreement travel from the post of duty to his/her place of actual residence and from the place of actual residence to the last post of duty where he/she failed to complete a year of service;

(B) Transportation for any member of the immediate family who traveled from the former to the last post of duty without going to the actual place of residence;

(C) Transportation of his/her household goods from the former post of duty to the last post of duty (including amounts spent for packing, crating, drayage, unpacking, and temporary storage); and

(D) Any other allowances paid under this subtitle when a transfer of official station is involved.

(ii) In addition, the employee must bear the expense of transportation for himself/herself, and the family and household goods from the last post of duty to the place of actual residence, and he/she is indebted to the Government for any amounts spent by the Government for these purposes.

(iii) The employee is entitled to an allowance if, prior to his/her current agreement which he/she did not complete, he/she completed an agreed period of service for which he/she did not receive all allowances to which he/she was entitled. The employee in such an instance is entitled to allowances for the return of himself/herself, and the family and household goods (including costs of packing, crating, drayage, unpacking, and temporary storage) from the post of duty at which the former period of service was completed to the actual place of residence.

(iv) Since the employee did not avail himself/herself of the entitlement described in paragraph (d)(1)(iii) of this section, the costs that would have been incurred for that purpose may be applied as a setoff against the indebtedness described in paragraphs (d)(1) (i) and (ii) of this section. The setoff amount shall be applied as follows:

(A) If the amount of the setoff is less than the indebtedness, the difference is a debt due the United States; or

(B) If the setoff is larger than the indebtedness, the difference (excess setoff) will be applied to the costs, for which the employee is responsible, of moving the employee, and the family and household goods from the post of duty where he/she failed to complete a year of service to the place of actual residence. If the amount of excess setoff equals or exceeds the costs for which the employee is responsible, the Government will procure and pay for such transportation in full. If the amount of excess setoff is less than the costs for which the employee is responsible, the Government may procure and pay for the transportation and obtain reimbursement from the employee for the difference between the total costs and the amount of the excess setoff to be applied against the costs, or allow the employee to pay the total costs and reimburse him/her for the applicable amounts upon submission of an appropriate voucher.

(2) *Failure to complete agreed period after initial year.* (i) If the employee completes 1 year or more of service under a new agreement, but does not complete the entire period of service specified in the agreement, he/she is not indebted to the Government for amounts spent by the Government for transportation and per diem for the employee and for transportation of his/her immediate family incident to tour renewal agreement travel from the post of duty at which he/she completed the previous tour of duty to his/her place of actual residence and from the place of actual residence to the post of duty at which he/she failed to complete the agreed upon tour of duty. Furthermore, if the post of duty where the employee failed to complete his/her agreement is not the same as the place where he/she did complete his/her previous assignment, he/she is not indebted for the costs of transporting any members of the immediate family who traveled from the former to the latter post of duty without going to the actual place of residence, nor for the costs of transporting his/her household goods between these two posts of duty, including any related costs of packing, crating, drayage, unpacking, and temporary storage or for other allowances paid under this chapter incident to the transfer of official station.

(ii) However, when the employee fails to complete the agreed period of service after the initial year, the employee must bear the costs of transportation for himself/herself and the immediate family and household goods from the post of duty at which he/she did not complete the agreed upon tour of duty under the new agreement to the place of actual residence.

(iii) For the reasons described in paragraph (d)(1)(iii) of this section, however, the employee shall be allowed credit for an amount equal to the costs of transporting, from the post of duty at which the former period of service was completed to the place of actual residence, the household goods and any members of the immediate family who did not accompany him/her when he/she returned to the place of actual residence incident to renewal agreement travel toward the costs (see paragraph (d)(2)(ii) of this section) of return to the place of actual residence.

(iv) The credit amount allowable and the costs involved shall be computed in the same manner as provided in paragraph (d)(1)(iv) of this section.

[54 FR 20306, May 10, 1989, as amended by FTR Amdt. 10, 55 FR 41536, Oct. 12, 1990; FTR Amdt. 16, 56 FR 15050, Apr. 15, 1991; FTR Amdt. 26, 57 FR 28635, June 26, 1992]

§ 302–1.14 Use of funds.

(a) *Advance of funds*—(1) *Basis.* An employee may be advanced funds for use while traveling and for certain expenses which he/she may incur incident to a transfer based on his/her prospective entitlement to reimbursement for those expenses after they are incurred.

(2) *Rules.* Advances and collection of advances by deduction from the employee's voucher are subject to chapter 301 of this title.

(3) *Anticipated entitlements which may justify an advance.* The expected entitlement of an employee to reimbursement for the following expenses will form the basis for payment of a travel advance. Specific authority with regard to each type of expense is contained in the sections governing the particular allowances.

(i) Per diem, mileage, and common carrier costs incident to his/her change

of official station travel as set forth in §302–2.4;

(ii) Authorized househunting trips as set forth in §302–4.16 of this chapter;

(iii) Subsistence while occupying temporary quarters as set forth in §302–5.15 of this chapter;

(iv) Transportation and temporary storage of household goods as set forth in §302–8.6;

(v) Transportation of mobile homes as set forth in §302–7.5; and

(vi) Transportation and emergency storage of employee's privately owned vehicle as set forth in §302–10.11 of this chapter.

(b) *Funding of transfers between agencies.* In the case of transfer from one agency to another, allowable expenses shall be paid from the funds of the agency to which the employee is transferred. However, in transfers between agencies for reasons of reduction-in-force or transfer of functions, expenses allowable under this chapter may be paid in whole or in part by the agency from which the employee is transferred or by the agency to which he/she is transferred as may be agreed upon by the heads of the agencies concerned except as excluded in paragraphs (b) (1) and (2) of this section.

(1) Nontemporary storage when assigned to an isolated permanent duty station within the continental United States; and

(2) Transfers to, from, or between foreign countries (except the areas and installations in the Republic of Panama made available to the United States under the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979)).

[54 FR 20306, May 10, 1989, as amended by FTR Amdt. 26, 57 FR 28635, June 26, 1992; FTR Amdt. 59, 62 FR 13756, Mar. 21, 1997; FTR Amdt. 63, 62 FR 13768, Mar. 21, 1997; FTR Amdt. 65, 62 FR 13794, Mar. 21, 1997]

§302–1.15 Waiver of limitations for an employee relocating to or from a remote or isolated location.

The head of an agency or his/her designee may waive any limitation contained in subchapter II of chapter 57 of title 5, United States Code, or in any regulation (including this chapter) implementing those statutory provisions, for any employee relocating to or from a remote or isolated location when the following conditions are met:

(a) The limitation if not waived would cause the employee to suffer a hardship; and

(b) The head of the agency or his/her designee certifies in writing that the limitation is waived and the reason(s) for the waiver.

[FTR Amdt. 58, 62 FR 10709, Mar. 10, 1997]

Subpart B—Relocation Entitlements Upon Separation for Retirement

§302–1.100 Applicability.

(a) *Individuals covered*—(1) *Career appointees to the Senior Executive Service (SES).* The provisions of this subpart are applicable to career appointees in SES positions. For purposes of this subpart, the definitions in paragraphs (a)(1) (i) and (ii) of this section apply.

(i) *Career appointee* as defined in 5 U.S.C. 3132(a)(4) means an individual in an SES position whose appointment to the position or previous appointment to another SES position was based on approval by the Office of Personnel Management of the executive qualifications of such individual.

(ii) *Senior Executive Service (SES) position* as defined in 5 U.S.C. 3132(a)(2) means:

(A) Any position in an agency which is classified above GS–15 of the General Schedule pursuant to 5 U.S.C. 5108 or is in Level IV or V of the Executive Schedule; or

(B) An equivalent position which is not required to be filled by an appointment by the President by and with the advice and consent of the Senate, and is a position which includes one or more of the duties listed in 5 U.S.C. 3132(a)(2).

(2) *Appointees who elect to retain SES retirement benefits.* The provisions of this subpart are applicable to a non–SES appointee if the conditions listed in paragraphs (a)(2) (i) through (iii) of this section are met:

(i) The appointee's basic rate of pay is at Level V of the Executive Schedule or higher;

(ii) The appointee was previously a career appointee in the SES; and

(iii) The appointee elected under 5 U.S.C. 3392(c) to retain SES retirement benefits.

(3) *Medical Center Directors.* The provisions of this subpart are applicable to individuals who:

(i) Served as a director of a Department of Veteran's Affairs medical center under 38 U.S.C. 4103(a)(8) as in effect on November 17, 1988;

(ii) Separated from Government service on or after October 2, 1992; and

(iii) Are not otherwise covered under paragraph (a) (1) or (2) of this section.

(b) *Immediate family of deceased covered individual.* The provisions of this subpart apply to the immediate family of a covered individual, as defined in paragraph (a)(1) of this section, who satisfies the eligibility criteria in § 302–1.101, and who:

(1) Died in Government service on or after January 1, 1994; or

(2) Died after separating from Government service but before travel and/or transportation authorized under this subpart were completed.

(c) *Exclusions.* The provisions of this subpart are not applicable to individuals whose appointment in the SES is a limited term, limited emergency, or noncareer appointment. (See 5 U.S.C. 3132(a) (5) through (7) for definitions of excluded types of appointment.)

[FTR Amdt. 32, 58 FR 58243, Oct. 29, 1993, as amended by 62 FR 26374, May 13, 1997]

§ 302–1.101 Eligibility criteria.

Upon separation from Federal service for retirement, a covered individual as defined in § 302–1.100(a) of this subpart (or a deceased covered individual's immediate family as described in § 302–1.100(b)) is eligible for those travel and transportation allowances specified in § 302–1.103 of this subpart, if such individual meets the following criteria:

(a) Was transferred or reassigned geographically at any time in the interest of the Government and at Government expense from one official station to another for permanent duty in a position described in § 302–1.100(a) of this subpart, including a transfer or reassignment:

(1) From an SES career appointment to another SES career appointment;

(2) From an SES career appointment to an appointment outside the SES at a rate of pay equal to or higher than Level V of the Executive Schedule, and the employee elects to retain SES retirement benefits under 5 U.S.C. 3392; or

(3) From other than an SES career appointment, including an appointment in a civil service position outside the SES, to an SES career appointment;

(b) At the time of the transfer or reassignment:

(1) Was eligible to receive an annuity for optional retirement under section 8336(a), (b), (c), (e), (f), or (j) of subchapter III of chapter 83 (Civil Service Retirement System (CSRS)) or under section 8412 of subchapter II of chapter 84 (Federal Employees Retirement System (FERS)) of title 5, U.S.C.; or

(2) Was within 5 years of eligibility to receive an annuity for optional retirement under one of the authorities in paragraph (b)(1) of this section; or

(3) Was eligible to receive an annuity based on discontinued service retirement, or early voluntary retirement under an OPM authorization, under section 8336(d) of subchapter III of chapter 83 or under section 8414(b) of subchapter II of chapter 84 of title 5, U.S.C.;

(c) Is separated from Federal service on or after September 22, 1988;

(d) Is eligible to receive an annuity upon such separation (or, in the case of death in Government service, met the requirements for being considered eligible to receive an annuity, as of the date of death) under the provisions of subchapter III of chapter 83 (CSRS) or chapter 84 (FERS) of title 5, U.S.C., including an annuity based on optional retirement, discontinued service retirement, early voluntary retirement under an OPM authorization, or disability retirement; and

(e) Has not previously been authorized and received ''last move home'' benefits upon separation from Federal service for retirement.

[FTR Amdt. 16, 56 FR 15050, Apr. 15, 1991; 56 FR 28796, June 24, 1991, as amended by FTR Amdt. 32, 58 FR 58243, Oct. 29, 1993; 62 FR 26375, May 13, 1997]

§302–1.102 Agency authorization or approval.

(a) *Covered individuals.* An individual who is eligible for moving expenses under this subpart shall submit a request to the designated agency official for authorization or approval of the moving expenses stating tentative moving dates and origin and destination locations of the planned move. Such requests shall be submitted in a format and timeframe as prescribed by agency policy and procedures.

(b) *Immediate family of deceased covered individual.* Travel and transportation under this subpart are payable for the immediate family of a covered individual who died while in Government service during the period beginning on January 1, 1994, and ending October 6, 1994, upon the immediate family's written application submitted to the designated agency official by May 13, 1998.

[62 FR 26375, May 13, 1997]

§302–1.103 Allowable expenses.

When the head of the agency concerned, or his/her designee, authorizes or approves, the travel and transportation expenses specified in this section shall be paid for those individuals who are eligible for such expenses under §302–1.101. Allowable expenses are as follows:

(a) Travel expenses including per diem under §302–2.1 for the individual.

(b) Transportation expenses under §302–2.2(a), but not per diem, for the individual's immediate family.

(c) Mileage allowance under §302–2.3, to the extent travel is performed by privately owned automobile.

(d) Transportation and temporary storage of household goods under part 302–8 not to exceed 18,000 pounds net weight.

[FTR Amdt. 16, 56 FR 15050, Apr. 15, 1991; 56 FR 28796, June 24, 1991]

§302–1.104 Expenses not allowable.

Items of expense not listed in §302–1.103 which generally are authorized for reimbursement in the case of transferred employees; (e.g., per diem for family, cost of househunting trip, subsistence while occupying temporary quarters, miscellaneous expense allowance, residence sale and purchase expenses, leasebreaking expenses, nontemporary storage of household goods, relocation income tax allowance, and relocation services) are not authorized upon the eligible individual's retirement.

[FTR Amdt. 16, 56 FR 15050, Apr. 15, 1991, as amended by FTR Amdt. 32, 58 FR 58244, Oct. 29, 1993]

§302–1.105 Origin and destination.

(a) The expenses listed in §302–1.103 may be paid from the official station where separation of the eligible individual occurs to the place where the individual has elected to reside within the United States, the Commonwealth of Puerto Rico or the Commonwealth of the Northern Mariana islands, a United States territory or possession, or the former Canal Zone area (i.e., areas and installations in the Republic of Panama made available to the United states under the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979)); or if the individual dies before separating or after separating but before the travel and transportation are completed, expenses may be paid from the deceased individual's official station at the time of death or where separation occurred, as appropriate, to the place within the areas listed in this paragraph where the immediate family elects to reside even if different from the place elected by the separated eligible individual.

(b) Travel and transportation expenses may be paid from an alternate origin or more than one origin provided the cost does not exceed the cost that the Government would have paid if all travel and transportation had originated at the official station from which the individual was separated to the place where the individual, or the immediate family, will reside.

(c) This subpart comtemplates a move to a different georgraphical area. In the event the place where the individual has elected to reside is within the same general local or metropolitan area in which the official station or residence was located at the time of the individual's separation, the expenses authorized by this subpart may not be paid unless the mileage criteria

specified in § 302–1.7 for a short distance transfer are met.

[54 FR 29716, July 14, 1989, as amended by FTR Amdt. 16, 56 FR 15050, Apr. 15, 1991; 56 FR 28796, June 24, 1991; FTR Amdt. 26, 57 FR 28635, June 26, 1992; FTR Amdt. 32, 58 FR 58244, Oct. 29, 1993; 62 FR 26375, May 13, 1997]

§ 302–1.106 Time limits for beginning travel and transportation.

(a) Except as provided in paragraph (b) of this section, all travel, including that for the separated covered individual, and transportation, including that for household goods, allowed under this subpart, shall be accomplished within 6 months of the date of separation (or date of death if the individual died before separating), or other reasonable period of time as determined by the agency concerned, but in no case later than 2 years from the effective date of the individual's separation from Government service (or date of death if the individual died before separating).

(b) For the immediate family of a covered individual who died in Government service between January 1, 1994 and May 13, 1997, all travel and transportation, including that for household goods, allowed under this subpart, shall be accomplished no later than May 13, 1999.

[62 FR 26375, May 13, 1997]

§ 302–1.107 Use of funds.

Travel advances will not be issued to cover any of the expenses authorized by this subpart. Transportation expenses should be paid through the use of U.S. Government Transportation Requests and U.S. Government Bills of Lading to the maximum extent possible to minimize travel and transportation costs and the need for individuals to use personal funds. However, individuals who have been authorized or approved to make their own moving arrangements may be reimbursed for their actual transportation expenses not to exceed applicable coach air fares for transportation of the individual and immediate family, or the applicable allowances under the commuted rate schedule for moving and storage of the household goods.

[FTR Amdt. 16, 56 FR 15051, Apr. 15, 1991]

Subpart C—Employee's Temporary Change of Station

SOURCE: FTR Amdt. 64, 62 FR 13771, Mar. 21, 1997, unless otherwise noted.

NOTE TO SUBPART C: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§ 302–1.200 What is a "temporary change of station (TCS)"?

TCS means the relocation of an employee to a new official station for a temporary period while the employee is performing a long-term assignment, and subsequent return of the employee to the previous official station upon completion of that assignment.

§ 302–1.201 What is the purpose of a TCS?

TCS provides agencies an alternative to a long-term temporary duty travel assignment to increase employee satisfaction and enhance morale, reduce the employee's income tax liability, and save the Government money.

§ 302–1.202 Am I eligible for a TCS?

Yes, if you are an employee who is directed to perform a long-term assignment at a temporary location, and you otherwise would be eligible for payment of temporary duty travel allowances authorized under chapter 301 of this subtitle. For exceptions, see § 302–1.203.

§ 302–1.203 Who is not eligible for a TCS?

The following individuals are not eligible for a TCS:

(a) A new appointee;

(b) An employee assigned to or from a State or local Government under the Intergovernmental Personnel Act (5 U.S.C. 3372, et. seq.);

(c) An individual employed intermittently in the Government service as a consultant or expert and paid on a daily when-actually-employed (WAE) basis;

(d) An individual serving without pay or at $1 a year; or

(e) An employee assigned under the Government Employees Training Act (5 U.S.C. 4109).

§302–1.204 Must my agency authorize a TCS when I am directed to perform a long-term assignment at a temporary official station?

No. Your agency determines the conditions under which a TCS is necessary to accomplish the purposes of the Government effectively and economically.

§302–1.205 Under what circumstances will my agency authorize a TCS?

Your agency will authorize a TCS when:

(a) You are directed to perform a long-term assignment at another duty station;

(b) Your agency otherwise could authorize temporary duty travel and pay travel allowances, including payment of subsistence expenses, under chapter 301 of this subtitle for the long-term assignment;

(c) Your agency determines it would be more advantageous, cost and other factors considered, to authorize a TCS; and

(d) You meet any additional conditions your agency has established.

§302–1.206 If my agency authorizes a TCS, do I have the option of electing payment of temporary duty travel allowances instead?

No.

§302–1.207 How long must my assignment be for me to qualify for a TCS?

Not less than 6 months, nor more than 30 months.

§302–1.208 What is the effect on my TCS reimbursement if my assignment lasts less than 6 months?

Your agency may authorize a TCS only when a long-term assignment is expected to last 6 months or more. If your assignment is cut short for reasons other than separation from Government service, you will be paid TCS expenses.

§302–1.209 What is the effect on my TCS reimbursement if my assignment lasts more than 30 months?

If your assignment exceeds 30 months, your agency must permanently assign you to the temporary official station or return you to your previous official station. Your agency may not pay for nontemporary storage or property management services incurred after the last day of the thirtieth month. Your agency must pay the expenses of returning you and your immediate family and household goods to your previous official station unless you are permanently assigned to your temporary official station.

§302–1.210 Is there any required minimum distance between an official station and a long-term assignment location that must be met for me to qualify for a TCS?

No. Your agency may establish the area within which it will not authorize a TCS.

§302–1.211 Must I sign a service agreement to qualify for a TCS?

No.

§302–1.212 What is my official station during my long-term assignment?

Your official station is the location of your long-term assignment.

Expenses Paid Upon Assignment

§302–1.213 What expenses must my agency pay for a TCS upon my assignment?

Your agency must pay the following:

(a) Travel, including per diem, for you and your immediate family under part 302–2 of this chapter;

(b) Transportation and temporary storage of your household goods under part 302–8 of this chapter;

(c) Transportation of a mobile home instead of transportation of household goods under part 302–7 of this chapter;

(d) A miscellaneous expenses allowance under part 302–3 of this chapter;

(e) Transportation of a privately owned vehicle(s) under part 302–10 of this chapter; and

(f) A relocation income tax allowance under part 302–11 of this chapter for additional income taxes you incur on payments your agency makes under the authority of this section and §302–1.214 for your relocation expenses.

§302–1.214 What expenses may my agency pay for a TCS upon my assignment?

Your agency may pay the following:

(a) Househunting trip expenses under part 302–4 of this chapter; and

(b) Temporary quarters subsistence expenses under part 302–5 of this chapter.

EXPENSES PAID DURING ASSIGNMENT

§ 302–1.215 If my agency authorizes a TCS, will it pay for nontemporary storage of my household goods?

Yes, when nontemporary storage is necessary. Nontemporary storage expenses include necessary packing, crating, unpacking, uncrating, transporting to and from place of storage, charges while in storage, and other necessary charges directly related to storage.

§ 302–1.216 How long may my agency pay for nontemporary storage of household goods?

For the duration of your long-term assignment.

§ 302–1.217 Is there any limitation on the combined weight of household goods I may transport or nontemporarily store at Government expense?

Yes, the maximum combined weight is 18,000 pounds net weight. If you transport and/or nontemporarily store household goods in excess of the maximum weight allowance, you will be responsible for any excess cost.

§ 302–1.218 What are the income tax consequences if my agency pays for nontemporary storage of my household goods?

You will be taxed on the amount of nontemporary storage expenses your agency pays. However, your agency will pay you a relocation income tax allowance under part 302–11 of this chapter for substantially all of the additional Federal, State and local income taxes you incur on the expenses your agency pays.

§ 302–1.219 Will my agency pay for property management services when I am authorized a TCS?

Yes. Your agency will reimburse you directly for expenses you incur or make payments on your behalf to a relocation services company, if you so choose. The term ''property management services'' refers to a program provided by a private company for a fee, which assists you in managing your residence at your previous official station as a rental property. Services provided by the company may include, but are not limited to, obtaining a tenant, negotiating a lease, inspecting the property regularly, managing repairs and maintenance, enforcing lease terms, collecting the rent, paying the mortgage and other carrying expenses from rental proceeds and/or funds of the employee, and accounting for the transactions and providing periodic reports to the employee.

§ 302–1.220 What is the property for which my agency will pay for property management services?

Only your residence at your previous official station.

§ 302–1.221 How long will my agency pay for property management services?

For the duration of your long-term assignment.

§ 302–1.222 What are the income tax consequences when my agency pays for property management services?

You will be taxed on the amount of property management expenses your agency pays, whether it reimburses you directly for your expenses or pays a relocation services company to manage your residence. However, your agency will pay you a relocation income tax allowance under part 302–11 of this chapter for substantially all of the additional Federal, State and local income taxes you incur on the expenses your agency pays. You may wish to consult with a tax advisor to determine whether you will incur any additional

tax liability, unrelated to your agency's payment of your property management expenses, as a result of maintaining your residence as a rental property.

EXPENSES PAID UPON COMPLETION OF ASSIGNMENT OR UPON SEPARATION FROM GOVERNMENT SERVICE

§302–1.223 What expenses will my agency pay when I complete my long-term assignment?

Your agency will pay the following expenses in connection with your return to your previous official station:

(a) Travel, including per diem, for you and your immediate family under part 302–2 of this chapter;

(b) Transportation and temporary storage of your household goods under part 302–8 of this chapter;

(c) Transportation of a mobile home instead of transportation of your household goods under part 302–7 of this chapter;

(d) Temporary quarters subsistence expenses under part 302–5 of this chapter;

(e) A miscellaneous expenses allowance under part 302–3 of this chapter;

(f) Transportation of a privately owned vehicle(s) under part 302–10 of this chapter; and

(g) A relocation income tax allowance under part 302–11 of this chapter for additional income taxes you incur on payments your agency makes under the authority of this section for your relocation expenses.

§302–1.224 If I separate from Government service upon completion of my long-term assignment, what relocation expenses will my agency pay upon my separation?

The same relocation expenses it would have paid had you not separated from Government service upon completion of your long-term assignment.

§302–1.225 If I separate from Government service prior to completion of my long-term assignment, what relocation expenses will my agency pay upon my separation?

If the separation is for reasons beyond your control that are acceptable to your agency, your agency will pay the same relocation expenses it would pay under §302–1.224 if you separated from Government service upon completion of the long-term assignment. If this is not the case, the expenses your agency pays may not exceed the reimbursement that you would have received under chapter 301 of this subtitle had you been auhorized to perform temporary duty travel for the duration of the long-term assignment.

§302–1.226 If I have been authorized successive temporary changes of station and reassigned from one temporary official station to another, what expenses will my agency pay upon completion of my last assignment or my separation from Government service?

Your agency will pay the expenses authorized in §302–1.223 for your relocation from your current temporary official station to your last permanent official station.

PERMANENT ASSIGNMENT TO TEMPORARY OFFICIAL STATION

§302–1.227 How is payment of my TCS expenses affected if I am permanently assigned to my temporary official station?

Payment of TCS expenses stops once your temporary official station becomes your permanent official station. Your agency may not pay any TCS expenses incurred beginning the day your temporary official station becomes your permanent official station.

§302–1.228 What relocation allowances may my agency pay when I am permanently assigned to my temporary official station?

Your agency may pay the following:

(a) Travel, including per diem, under part 302–2 of this chapter for one round trip between your temporary official station and your previous official station for you and members of your immediate family who relocated to the temporary official station with you. Your agency may also pay the same expenses for a one-way trip from the previous official station to the new permanent official station for any immediate family members who did not accompany you to the temporary official station.

(b) Residence transaction expenses under part 302–6 of this chapter;

(c) Property management expenses under part 302–14 of this chapter;

(d) Residence-related relocation services expenses, (e.g. expenses under a homesale program, expenses for homefinding assistance, and property management services) under part 302–12 of this chapter;

(e) Temporary quarters subsistence expenses under part 302–5 of this chapter;

(f) Transportation of household goods not previously transported to the temporary official station under part 302–8 of this chapter; and

(g) Transportation of a privately owned vehicle(s) not previously transported to the temporary official station under part 302–10 of this chapter.

§ 302–1.229 If I am permanently assigned to my temporary official station, is there any limitation on the weight of household goods I may transport at Government expense to my official station?

Yes. You are limited to 18,000 pounds net weight. This maximum weight will be reduced by the weight of any household goods transported at Government expense to your temporary official station under your TCS authorization. Subject to the 18,000 pound limit, your agency will pay to transport any household goods in nontemporary storage to your official station. Additionally, if you change your residence as a result of your permanent assignment to your temporary official station, your agency may pay for transporting your household goods, subject to the 18,000 pound limit, between the residence you occupied during your temporary assignment and your new residence.

§ 302–1.230 Are there any relocation allowances my agency may not pay if I am permanently assigned to my temporary official station?

Your agency may not pay for the following:

(a) Expenses of a househunting trip for you and your spouse to your temporary official station under part 302–4 of this chapter; or

(b) Residence transaction expenses for selling a residence or breaking a lease at the temporary official station under part 302–6 of this chapter.

Subpart D—Agency Responsibilities for Temporary Change of Station

SOURCE: FTR Amdt. 64, 62 FR 13774, Mar. 21, 1997, unless otherwise noted.

NOTE TO SUBPART D: Use of the pronouns ''we'' and ''you'' throughout this subpart refers to the agency.

§ 302–1.300 How should we administer our TCS program?

To minimize your travel and relocation costs.

§ 302–1.301 What governing policies must we establish for our TCS program?

Policies and procedures that govern:

(a) When you will authorize a TCS, including whether you will impose a minimum distance between the employee s current official station and the proposed temporary official station for an employee to qualify for a TCS; and

(b) Who will determine whether authorization of a TCS is appropriate in each situation.

§ 302–1.302 What factors should we consider in determining whether to authorize a TCS for a long-term assignment?

You should consider the following factors in determining whether to authorize a TCS:

(a) *Cost considerations.* You should consider the cost of each alternative. A long-term temporary duty travel assignment requires the payment of either per diem or actual subsistence expenses for the entire period of the assignment. This could be very costly to the agency over an extended period. A TCS will require fairly substantial relocation allowance payments at the beginning and end of the assignment, and less substantial payments for nontemporary storage and property management services, when authorized, during the period of the assignment. Agencies should estimate the total cost of each alternative and authorize the one that is most advantageous for the agency, cost and other factors considered.

(b) *Length of the long-term assignment.* You should consider the length of the long-term assignment. The purpose of temporary duty travel allowances is to reimburse an employee for additional costs, including subsistence costs, incurred as a result of performing official business away from his/her official station. An employee receives a salary intended to cover his/her living expenses, including subsistence costs, at the official station. When an employee performs a long-term assignment and obtains extended stay living accommodations with facilities not unlike those the employee has at the official station, the assignment characteristics may be more similar to subsisting at the official station than at a temporary duty station. When this situation occurs, payment of temporary duty travel allowances in addition to payment of salary creates an inequitable reimbursement situation between an employee performing official travel and an employee officially stationed at the same location. In this situation, you should strongly consider authorizing a TCS for a long-term assignment.

(c) *Tax considerations.* An employee who performs a temporary duty travel assignment exceeding one year at a single location is subject to income taxation of his/her travel expense reimbursements. An employee who is authorized and performs a TCS also will be subject to income taxation of some, but not all, of his/her TCS expenses. You will pay an offsetting relocation income tax allowance on an employee's TCS expense reimbursements but unless specifically authorized by statute, you do not have authority to pay such an allowance for income taxes incurred on temporary duty travel reimbursements. You, therefore, should authorize a TCS if a long-term temporary duty assignment will result in an unreimbursable income tax liability on an employee.

(d) *Employee concerns.* The long-term assignment of an employee away from his/her official station and immediate family may negatively affect the employee's morale and job performance. Such negative effects may be alleviated by authorizing a TCS so the employee can transport his/her immediate family and/or household goods at Government expense to the location where he/she will perform the long-term assignment. You should consider the effects of a long-term temporary duty travel assignment on an employee when deciding whether to authorize a TCS.

PART 302–2—ALLOWANCES FOR SUBSISTENCE AND TRANSPORTATION

Sec.

302–2.1 For the employee.
302–2.2 For members of an employee's immediate family.
302–2.3 For use of a privately owned automobile in connection with permanent change of station.
302–2.4 Advance of funds.

AUTHORITY: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13474, 3 CFR, 1971–1975 Comp., p. 586.

§ 302–2.1 For the employee.

(a) *Applicability.* This part applies to travel of

(1) Transferred employees,

(2) New appointees, and

(3) Employees assigned to posts of duty outside the continental United States in connection with either overseas tour renewal agreement travel or return travel to places of residence for the purpose of separation.

(b) *Payment for employee's travel expenses.* Except as specifically provided in this chapter, an agency shall pay per diem, transportation costs, and other travel expenses of the employee in accordance with the provisions of 5 U.S.C. 5701–5709 and chapter 301 of this title. The prohibition in § 301–7.5(b) of this title on paying per diem for travel of 12 hours or less applies to change of official station travel.

(c) *Maximum per diem rates for relocation travel*—(1) *Travel when en route between employee's old and new official stations.* The maximum per diem rate for en route travel within CONUS between the employee's old and new official stations shall be the standard CONUS rate prescribed under § 301–7.3 of this title.

(2) *Travel to seek residence quarters.* The maximum per diem rate for travel to seek residence quarters shall be the lesser of the maximum per diem rate prescribed under § 301–7.3 of this title

for the locality where the employee seeks residence quarters or for the locality where the employee obtains lodging accommodations. An agency may prescribe the standard CONUS rate as the maximum per diem rate if it determines that establishment of such lower rate is advantageous to the Government.

[FTR Amdt. 54, 61 FR 68161, Dec. 27, 1996]

§ 302–2.2 For members of an employee's immediate family.

(a) *Transportation.* Except as specifically provided in this chapter, allowable travel expenses for the employee's immediate family, including transportation, are governed by chapter 301 of this title. Travel of the immediate family may begin at the employee's old official station or some other point, or partially at both, and may end at the new official station or some other place selected by the employee, or partially at both. However, the cost to the Government for transportation of the immediate family shall not exceed the allowable cost by the usually traveled route between the employee's old and new official stations.

(b) *Per diem allowance when en route between employee's old and new official stations.* When an employee is transferred, an allowance shall be paid for per diem expenses incurred by the employee's immediate family while traveling between the old and new official stations regardless of where the old and new stations are located. If the actual travel involves departure and/or destination points other than the old or new official station, the per diem allowance shall not exceed the amount to which members of the immediate family would have been entitled if they had traveled by a usually traveled route between the old and new official stations. The prohibition in § 301–7.5(b) of this title on paying per diem for travel of 12 hours or less applies to change of official station travel. The maximum allowable per diem rates are as follows:

(1) *For the spouse*—(i) *When accompanying the employee.* When the spouse accompanies the employee who is traveling under § 302–2.1, the spouse is authorized three-fourths of the per diem rate to which the employee is entitled. However, under this provision the minimum per diem rate shall be $6 unless the employee receives a per diem rate of less than $6 and, in that instance, the spouse will receive the same rate as the employee.

(ii) *When not accompanying the employee.* When the spouse is not accompanying the employee while he/she is traveling under § 302–2.1, the spouse is authorized the per diem rate to which the employee is entitled under § 302–2.1. In such instance the travel time of the employee and the amount of per diem allowance paid him/her are not factors in computing the amount of per diem allowance for travel of the spouse. (When more than one privately owned automobile is used, the spouse shall be considered to have been accompanied by the employee if travel is performed on the same days along the same general route.)

(2) *For each other member of the employee's immediate family.* Three-fourths of the per diem rate to which the employee is entitled is authorized for each other member age 12 or older, and one-half of the per diem rate to which the employee is entitled is authorized for each child under 12 years of age. However, under this provision the minimum per diem rate shall be $6 unless the employee received a per diem rate of less than $6 and, in that instance, the member shall receive the same rate as the employee.

(c) *Exclusions.* The provisions of paragraph (b) of this section do not authorize payment of per diem allowances for members of the immediate families of:

(1) New appointees;

(2) Employees assigned to posts of duty outside the continental United States in connection with overseas tour renewal agreement travel;

(3) Employees assigned to posts of duty outside the continental United States returning to places of actual residence for separation; or

(4) Employees assigned under the Government Employees Training Act (5 U.S.C. 4109).

[54 FR 20314, May 10, 1989, as amended by FTR Amdt. 10, 55 FR 41537, Oct. 12, 1990; FTR Amdt. 17, 56 FR 23657, May 23, 1991; FTR Amdt. 54, 61 FR 68161, Dec. 27, 1996]

§302–2.3 For use of a privately owned automobile in connection with permanent change of station.

(a) *Determination of advantage to the Government.* When an employee, with or without an immediate family, who is eligible for travel allowances under part 302–1, uses a privately owned automobile for permanent change of station travel, that use is deemed to be advantageous to the Government. The provisions in §302–2.3 also apply to new appointees, and employees returning from posts of duty outside the continental United States to places of actual residence for separation. The provisions do not apply to employees assigned to posts of duty outside the continental United States in connection with overseas tour renewal agreement travel. (See §302–1.13.)

(b) *Mileage rates prescribed.* Payment of mileage allowances, when authorized or approved in connection with the transfer, shall be allowed as follows:

Occupants of automobile	Mileage rate (cents)
Employee only; or one member of immediate family	15
Employee and one member; or two members of immediate family	17
Employee and two members; or three members of immediate family	19
Employee and three or more members; or four or more members of immediate family	20

(c) *Mileage rates in special circumstances.* Heads of agencies may prescribe that travel orders or other administrative determinations specify higher mileage rates at a rate not more than the maximum rate prescribed in §301–4.2(a)(1) of this title for individual transfers of employees or transfers of groups of employees when:

(1) Employees are expected to use the privately owned automobiles on official business while assigned to the new duty stations;

(2) The common carrier rates for the facilities provided between the old and new stations, the related constructive taxicab fares to and from terminals, and the per diem allowances prescribed under this part justify a higher mileage rate as advantageous to the Government; or

(3) The costs of driving the privately owned automobile to, from, or between official stations located outside the continental United States justify a higher mileage rate as advantageous to the Government.

(d) *Maximum per diem allowances when privately owned automobile is used*—(1) *Rates as prescribed by agency.* The per diem allowance for the employee while en route between the old and new duty stations shall be at appropriate rates, as prescribed by the agency concerned, within the applicable maximums and in accordance with provisions of §302–2.1 and chapter 301 of this title. The per diem allowances prescribed in §302–2.2(b) apply for members of an employee's immediate family, except as excluded in §302–2.2(c).

(2) *Maximum allowance based on total distance.* Per diem allowances should be paid on the basis of actual time used to complete the trip, but the allowances may not exceed an amount computed on the basis of a minimum driving distance per day which is prescribed as reasonable by the authorizing official and is not less than an average of 300 miles per calendar day. An exception to the daily minimum driving distance may be made by the agency concerned when travel between the old and new official stations is delayed for reasons clearly beyond the control of the travelers such as acts of God, restrictions by Governmental authorities, or other reasons acceptable to the agency; e.g., a physically handicapped employee. In such cases, per diem may be allowed for the period of the delay or for a shorter period as determined by the agency. The traveler must provide a statement on his/her reimbursement voucher fully explaining the circumstances which necessitated the en route travel delay. The exception to the daily minimum driving distance requires the approval of the agency's authorizing official.

(3) *Method of computation.* In computing the per diem amount for a prescribed minimum driving distance per day, one-fourth of the prescribed per diem rate shall be allowed for each one-fourth of the prescribed minimum distance. For example, if the authorizing official prescribes a per diem rate of $12 for the employee and a reasonable minimum driving distance of 400 miles a day, the per diem amount will

be $3 for each 100 miles or fraction of 100 miles traveled between the old and new official stations.

(e) *Use of more than one privately owned vehicle*—(1) *When authorized as advantageous to the Government.* Use of no more than one privately owned automobile is authorized under this part as being advantageous to the Government in connection with permanent change of station travel except under the following special circumstances, when use of more than one privately owned automobile may be authorized:

(i) If there are more members of the immediate family than reasonably can be transported with luggage in one vehicle;

(ii) If because of age or physical condition special accommodations are necessary in transporting a member of the immediate family in one vehicle, and a second automobile is required for travel of other members of the immediate family;

(iii) If an employee must report to a new official station in advance of travel by members of the immediate family who delay travel for acceptable reasons such as completion of school term, sale of property, settlement of personal business affairs, disposal or shipment of household goods, and temporary unavailability of adequate housing at the new official station;

(iv) If a member of the immediate family performs unaccompanied travel between authorized points other than those for the employee's travel; or

(v) If, in advance of the employee's reporting date, immediate family members must travel to the new official station for acceptable reasons such as to enroll children in school at the beginning of the term.

(2) *Allowances applicable.* In those instances where more than one automobile is authorized under this paragraph, the allowances under paragraphs (b), (c), and (d) of this section apply for each automobile and the occupants thereof.

(3) *Allowances when not justified as advantageous to the Government.* If the use of more than one privately owned automobile is not justified under the circumstances described in this paragraph, only the allowances prescribed in paragraphs (b), (c), and (d) of this section shall be paid, as if all persons involved traveled in one automobile.

[54 FR 20314, May 10, 1989, as amended by FTR Amdt. 17, 56 FR 23657, May 23, 1991; FTR Amdt. 26, 57 FR 28635, June 26, 1992; FTR Amdt. 42, 59 FR 66626, Dec. 27, 1994]

§ 302–2.4 Advance of funds.

Advance of funds may be made for per diem and mileage allowances as provided in §§ 302–2.1, 302–2.2(b), and 302–2.3 except in connection with employees assigned to posts of duty outside the continental United States performing authorized or approved overseas tour renewal agreement travel. Such advances may also be made upon return to the place of residence for the purpose of separation under the policies and procedures prescribed in § 302–1.14(a).

[54 FR 20314, May 10, 1989]

PART 302–3—ALLOWANCE FOR MISCELLANEOUS EXPENSES

Sec.

302–3.1 Applicability.
302–3.2 Eligibility.
302–3.3 Allowable amount.
302–3.4 Advance of funds.

AUTHORITY: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13474, 3 CFR, 1971–1975 Comp., p. 586.

SOURCE: 54 FR 20316, May 10, 1989, unless otherwise noted.

§ 302–3.1 Applicability.

(a) *Purpose for allowance.* The miscellaneous expenses allowance authorized by §§ 302–3.2 and 302–3.3 is for defraying various contingent costs associated with discontinuing residence at one location and establishing residence at a new location in connection with an authorized or approved permanent change of station.

(b) *Types of costs covered.* The allowance is related to expenses that are common to living quarters, furnishings, household appliances, and to other general types of costs inherent in relocation of a place of residence (see part 302–7 for specific costs normally associated with relocation of a mobile home dwelling that are covered under

transportation expenses). The costs intended to be reimbursed under the miscellaneous expenses allowance include, but are not limited to the following:

(1) Fees for disconnecting and connecting appliances, equipment, and utilities involved in relocation and costs of converting appliances for operation on available utilities;

(2) Fees for cutting and fitting rugs, draperies, and curtains moved from one residence quarters to another;

(3) Utility fees or deposits that are not offset by eventual refunds;

(4) Forfeiture losses on medical, dental, and food locker contracts that are not transferable; and contracts for private institutional care, such as that provided for handicapped or invalid dependents only, which are not transferable or refundable; and

(5) Costs of automobile registration, driver's license, and use taxes imposed when bringing automobiles into certain jurisdictions.

(c) *Types of costs not covered.* This allowance shall not be used to reimburse the employee for costs or expenses incurred which exceed maximums provided by statute or in this subtitle; costs or expenses that the employee incurred but which are disallowed elsewhere in this subtitle; costs reimbursed under other provisions of law or regulations; costs or expenses incurred for reasons of personal taste or preference and not required because of the move; losses covered by insurance; fines or other penalties imposed upon the employee or members of his/her immediate family; judgments, court costs, and similar expenses growing out of civil actions; or any other expenses brought about by circumstances, factors, or actions in which the move to a new duty station was not the proximate cause. Examples of costs which are not reimbursable from this allowance are as follows:

(1) Losses in selling or buying real and personal property and cost items related to such transactions;

(2) Costs which are reimbursed under other provisions of this subtitle or under any other regulations or under provisions of any statute;

(3) Cost of additional insurance on household goods while in transit to the new official station or cost of loss or damage to such property;

(4) Additional costs of moving household goods caused by exceeding the maximum weight limitation for which the employee has eligibility as provided by law or in this chapter;

(5) Costs of newly acquired items, such as the purchase or installation cost of new rugs or draperies;

(6) Higher income, real estate, sales, or other taxes as the result of establishing residence in the new locality;

(7) Fines imposed for traffic infractions while en route to the new official station locality;

(8) Accident insurance premiums or liability costs incurred in connection with travel to the new official station locality, or any other liability imposed upon the employee for uninsured damages caused by accidents for which he/she or a member of his/her immediate family is held responsible;

(9) Losses as the result of the sale or disposal of items of personal property not considered convenient or practicable to move;

(10) Damage or loss of clothing, luggage, or other personal effects while traveling to the new official station locality;

(11) Subsistence, transportation, or mileage expenses in excess of the amounts reimbursed as per diem or other allowances under this regulation;

(12) Medical expenses due to illness or injuries of the employee or members of the immediate family while en route to the new official station or while living in temporary quarters at Government expense under the provisions of part 302–5; or

(13) Costs incurred in connection with structural alterations; remodeling or modernizing of living quarters, garages or other buildings to accommodate privately owned automobiles, appliances or equipment; or the cost of replacing or repairing worn-out or defective appliances, or equipment shipped to the new location.

[54 FR 20316, May 10, 1989, as amended by FTR Amdt. 20, 56 FR 46989, Sept. 17, 1991; FTR Amdt. 26, 57 FR 28635, June 26, 1992]

§ 302–3.2 Eligibility.

(a) *Coverage.* A miscellaneous expense allowance will be payable to an employee for whom a permanent change of station is authorized or approved and who has discontinued and established a residence in connection with such change regardless of where the old or new official station is located, provided the applicable eligibility conditions in part 302–1 are met and the agreement required in § 302–1.5 is signed.

(b) *Exclusions.* The provisions of this part do not apply for new appointees, employees assigned under the Government Employees Training Act (see 5 U.S.C. 4109), or employees returning from overseas assignments for the purpose of separation.

[54 FR 20316, May 10, 1989, as amended by FTR Amdt. 17, 56 FR 23657, May 23, 1991; FTR Amdt. 26, 57 FR 28635, June 26, 1992]

§ 302–3.3 Allowable amount.

Employees eligible for a miscellaneous expense allowance shall be paid an amount under paragraph (a) of this section or reimbursed an amount under paragraph (b) of this section, but not both, as follows:

(a) Allowances in the following amounts will be paid without support or other documentation of expenses:

(1) $350 or the equivalent of 1 week's basic pay, whichever is the lesser amount, for an employee without immediate family; and

(2) $700 or the equivalent of 2 weeks' basic pay, whichever is the lesser amount, for an employee with immediate family.

(b) Allowances in excess of those provided in paragraph (a) of this section may be authorized or approved, if supported by acceptable statements of fact and either paid bills or other acceptable evidence justifying the amounts claimed, provided the aggregate amount does not exceed the employee's basic pay (at the time the employee reported for duty) for 1 week if the employee is without an immediate family, or for 2 weeks if the employee has an immediate family. In no instance will the amount exceed the maximum rate of grade GS–13 provided in 5 U.S.C. 5332 at the time the employee reported for duty. The entire amount claimed under this paragraph (including the amount otherwise payable without such documentation under paragraph (a) of this section) must be supported as required in this paragraph.

[54 FR 20316, May 10, 1989, as amended by FTR Amdt. 26, 57 FR 28635, June 26, 1992]

§ 302–3.4 Advance of funds.

No advance of funds is authorized in connection with the allowance provided in this part.

[54 FR 20316, May 10, 1989, as amended by FTR Amdt. 26, 57 FR 28635, June 26, 1992]

PART 302–4—ALLOWANCE FOR HOUSEHUNTING TRIP EXPENSES

Subpart A—Employee's Allowance For Househunting Trip Expenses

Sec.

302–4.1 What is a ''househunting trip''?
302–4.2 What is the purpose of the househunting trip expenses allowance?
302–4.3 Am I eligible for a househunting trip expenses allowance?
302–4.4 Who is not eligible for a househunting trip expenses allowance?
302–4.5 Must my agency authorize payment of a househunting trip expenses allowance?
302–4.6 Under what circumstances will I receive a househunting trip expenses allowance?
302–4.7 Who may travel on a househunting trip at Government expense?
302–4.8 How many househunting trips may my agency authorize in connection with a particular transfer?
302–4.9 May my spouse and I perform separate househunting trips at Government expense?
302–4.10 How soon may I and/or my spouse begin a househunting trip?
302–4.11 Is there a time limit on the duration of a househunting trip?
302–4.12 When must my househunting trip be completed?
302–4.13 What methods may my agency use to reimburse me for househunting trip expenses?
302–4.14 What transportation expenses will my agency pay?
302–4.15 Must I document my househunting trip expenses to receive reimbursement?
302–4.16 May I receive an advance of funds for househunting trip expenses?
302–4.17 Am I in a duty status when I perform a househunting trip?

Subpart B—Agency Responsibilities

302–4.100 How should we administer the househunting trip expenses allowance?
302–4.101 What governing policies must we establish for the househunting trip expenses allowance?
302–4.102 Under what circumstances may we authorize a househunting trip?
302–4.103 What factors must we consider in determining whether to offer an employee the fixed amount househunting trip subsistence expenses reimbursement option?

AUTHORITY: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13474, 3 CFR, 1971–1975 Comp., p. 586.

SOURCE: FTR Amdt. 63, 62 FR 13768, Mar. 21, 1997, unless otherwise noted.

Subpart A—Employee's Allowance for Househunting Trip Expenses

NOTE TO SUBPART A: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§302–4.1 What is a "househunting trip"?

The term ''househunting trip'' refers to a trip made by the employee and/or spouse to the new official station locality to find permanent living quarters to rent or purchase. The term ''living quarters'' in this part includes apartments, condominiums, and cooperatives in addition to townhomes and single family homes.

§302–4.2 What is the purpose of the househunting trip expenses allowance?

The allowance for househunting trip expenses is intended to facilitate and expedite the employee's move from the old official station to the new official station and to lower the Government's overall cost for the employee's relocation by reducing the amount of time an employee must occupy temporary quarters. The allowance for househunting trip expenses provides the employee and/or spouse a period of time to concentrate on finding a suitable permanent residence at the new official station and thereby expedites the employee's relocation.

§302–4.3 Am I eligible for a househunting trip expenses allowance?

You are eligible for a househunting trip expenses allowance if you are an employee who is authorized to transfer, and in addition:

(a) Both your old and new official stations are located within the United States;

(b) You are not assigned to Government or other prearranged housing at the new official station; and

(c) Your old and new official stations are 75 or more miles apart (as measured by map distance) via a usually traveled surface route.

§302–4.4 Who is not eligible for a househunting trip expenses allowance?

New appointees and employees assigned under the Government Employees Training Act (5 U.S.C. 4109) are not eligible for a househunting trip expenses allowance.

§302–4.5 Must my agency authorize payment of a househunting trip expenses allowance?

No. Your agency determines when it is in the Government's interest to authorize you a househunting trip and the procedures you must follow if it is authorized.

§302–4.6 Under what circumstances will I receive a househunting trip expenses allowance?

You will receive a househunting trip expenses allowance if:

(a) Your agency authorized you to perform a househunting trip in advance of the travel (the agency authorization must specify the mode of transportation and the period of time allowed for the trip);

(b) You have signed a service agreement;

(c) Your agency has established, and informed you of, the date you are to report to your new official station; and

(d) You meet any additional conditions your agency has established.

§ 302–4.7 Who may travel on a househunting trip at Government expense?

Only you and/or your spouse may travel on a househunting trip at Government expense.

§ 302–4.8 How many househunting trips may my agency authorize in connection with a particular transfer?

Your agency may authorize only one round trip for you and/or your spouse in connection with a particular transfer.

§ 302–4.9 May my spouse and I perform separate househunting trips at Government expense?

Yes. However, your reimbursement will be limited to the cost that would have been incurred if you and your spouse had traveled together on one round trip.

§ 302–4.10 How soon may I and/or my spouse begin a househunting trip?

You may begin your househunting trip as soon as your agency has notified you of your transfer and issued a travel authorization for a househunting trip. To take maximum advantage of your trip, however, it is very important that you become familiar as quickly as you can with your new official station area (e.g., housing market conditions, school locations, etc.). If you are selling your residence at your old official station, you should not begin your househunting trip until you have a current appraisal of the value of the residence so that you can more accurately determine the appropriate price range of residences to consider during your househunting trip.

§ 302–4.11 Is there a time limit on the duration of a househunting trip?

A househunting trip should be for a reasonable period, not to exceed 10 calendar days, as authorized by your agency under § 302–4.101(d).

§ 302–4.12 When must my househunting trip be completed?

You and/or your spouse must complete your househunting trip as indicated in the following table:

For	Your househunting trip must be completed by
You	The day before you report to your new official station.
Your spouse	The earlier of: (a) the day before your family relocates to your new official station; or (b) The day before the maximum time for beginning allowable travel expires (see § 302–1.6 of this chapter).

§ 302–4.13 What methods may my agency use to reimburse me for househunting trip expenses?

Your agency will reimburse your househunting trip expenses as indicated in the following table:

For	You are reimbursed
You and/or your spouse's transportation expenses.	Your actual transportation costs.
You and/or your spouse's subsistence expenses.	One of the following: (a) A per diem allowance for you and/or your spouse as prescribed under part 302–2 of this chapter; or (b) If you accept your agency's offer of the fixed amount option, and: (1) Both you and your spouse perform a househunting trip either together or separately, a single amount determined by multiplying the applicable locality rate (listed in appendix A to chapter 301 of this subtitle) by 6.25, or (2) Only one of you performs a househunting trip, an amount determined by multiplying the applicable locality rate (listed in appendix A to chapter 301 of this subtitle) by 5.

§302–4.14 What transportation expenses will my agency pay?

Your agency will authorize you to travel by the transportation mode(s) (e.g., airline, train, or privately owned automobile) it determines to be advantageous to the Government. Your agency will pay for your transportation expenses by the authorized mode(s). If you travel by any other mode(s), your agency will pay your transportation expenses not to exceed the cost of transportation by the authorized mode(s).

§302–4.15 Must I document my househunting trip expenses to receive reimbursement?

To receive reimbursement for househunting trip transportation expenses you must itemize your transportation expenses and provide receipts as required by §301–11.3(c) of this subtitle. For fixed amount househunting trip subsistence reimbursement, you do not document your subsistence expenses. For per diem househunting trip subsistence expense reimbursement, you must itemize your lodging expenses and you must provide receipts as required by §301–7.9(b) and §301–11.3(c) of this subtitle.

§302–4.16 May I receive an advance of funds for househunting trip expenses?

Your agency may authorize an advance of funds, in accordance with §302–1.14(a) of this chapter, for your househunting trip expenses. Your agency may not advance you funds in excess of the sum of your anticipated transportation costs and either the maximum per diem allowable under part 302–2 of this chapter for the location and duration of your househunting trip or your fixed amount househunting trip subsistence expenses payment, whichever applies.

§302–4.17 Am I in a duty status when I perform a househunting trip?

Yes.

Subpart B—Agency Responsibilities

NOTE TO SUBPART B: Use of the pronouns ''we'' and ''you'' throughout this subpart refers to the agency.

§302–4.100 How should we administer the househunting trip expenses allowance?

You should administer the househunting trip expenses allowance to minimize or avoid its use when other satisfactory and more economical arrangements are available.

§302–4.101 What governing policies must we establish for the househunting trip expenses allowance?

You must establish policies and procedures governing:

(a) When you will authorize a househunting trip for an employee;

(b) Who will determine if a househunting trip is appropriate in each situation;

(c) If and when you will authorize the fixed amount option for househunting trip subsistence expenses reimbursement;

(d) Who will determine the appropriate duration of a househunting trip for an employee who selects a per diem allowance under part 302–2 of this chapter to reimburse househunting trip subsistence expenses; and

(e) Who will determine the mode(s) of transportation to be used.

§302–4.102 Under what circumstances may we authorize a househunting trip?

You may authorize a househunting trip on an individual-case basis when the employee has accepted the transfer and his/her circumstances indicate that a househunting trip actually is needed. You may not authorize a househunting trip when the purpose of the trip is to assist the employee in deciding whether he or she will accept the transfer.

§ 302–4.103 What factors must we consider in determining whether to offer an employee the fixed amount househunting trip subsistence expenses reimbursement option?

You must consider the following factors:

(a) *Ease of administration.* Payment of a per diem allowance under part 302–2 of this chapter requires you to review claims for the validity, accuracy, and reasonableness of each expense amount, except for meals and incidental expenses. Fixed amount househunting trip subsistence expenses reimbursement is easier to administer because you do not have to review expense amounts.

(b) *Cost considerations.* You must weigh the cost of each reimbursement option on a case-by-case basis.

(c) *Treatment of employees.* The employee is allowed to choose between a per diem allowance under part 302–2 of this chapter and fixed amount househunting trip subsistence expenses reimbursement when you offer the fixed amount reimbursement method. You therefore should weigh employee morale and productivity considerations against actual cost considerations in determining which method to offer.

PART 302–5—ALLOWANCE FOR TEMPORARY QUARTERS SUBSISTENCE EXPENSES

Subpart A—General Rules

Sec.

302–5.1 What are ''temporary quarters''?
302–5.2 What are ''temporary quarters subsistence expenses (TQSE)''?
302–5.3 What is the purpose of the TQSE allowance?
302–5.4 Am I eligible for a TQSE allowance?
302–5.5 Who is not eligible for a TQSE allowance?
302–5.6 Must my agency authorize payment of a TQSE allowance?
302–5.7 Under what circumstances will I receive a TQSE allowance?
302–5.8 Who may occupy temporary quarters at Government expense?
302–5.9 Where may I/we occupy temporary quarters at Government expense?
302–5.10 May my immediate family and I occupy temporary quarters at different locations?
302–5.11 What methods may my agency use to reimburse me for TQSE?
302–5.12 Must I document my TQSE to receive reimbursement?
302–5.13 How soon may I/we begin occupying temporary quarters at Government expense?
302–5.14 How is my TQSE allowance affected if my temporary quarters become my permanent residence quarters?
302–5.15 May I receive an advance of funds for TQSE?
302–5.16 May I receive a TQSE allowance if I am receiving another subsistence expenses allowance?
302–5.17 Am I eligible for a TQSE allowance if I transfer to a foreign area?
302–5.18 May I be reimbursed for local transportation expenses incurred while I am occupying temporary quarters?

Subpart B—Actual TQSE Method of Reimbursement

302–5.100 What am I paid under the actual TQSE reimbursement method?
302–5.101 May my agency reduce my TQSE allowance below the ''maximum allowable amount''?
302–5.102 What is the ''applicable per diem rate'' under the actual TQSE reimbursement method?
302–5.103 What is the latest the period for which I claim actual TQSE reimbursement may begin?
302–5.104 How long may I be authorized to claim actual TQSE reimbursement?
302–5.105 What is a ''compelling reason'' warranting extension of my authorized period for claiming actual TQSE reimbursement?
302–5.106 May I interrupt occupancy of temporary quarters?
302–5.107 What effect do partial days of temporary quarters occupancy have on my authorized period for claiming actual TQSE reimbursement?
302–5.108 When does my authorized period for claiming actual TQSE reimbursement end?
302–5.109 May the period for which I am authorized to claim actual TQSE reimbursement for myself be different from that of my immediate family?
302–5.110 What effect do partial days have on my actual TQSE reimbursement?
302–5.111 May I and/or my immediate family occupy temporary quarters longer than the period for which I am authorized to claim actual TQSE reimbursement?

Subpart C—Fixed Amount Reimbursement

302–5.200 What am I paid under the fixed amount reimbursement method?
302–5.201 How do I determine the amount of my payment under the fixed amount reimbursement method?

302–5.202 Will I receive additional TQSE reimbursement if my fixed amount is not adequate to cover my TQSE?

Subpart D—Agency Responsibilities

302–5.300 How should we administer the TQSE allowance?
302–5.301 What governing policies must we establish for the TQSE allowance?
302–5.302 Under what circumstances may we authorize the TQSE allowance?
302–5.303 What factors should we consider in determining whether the TQSE allowance actually is necessary?
302–5.304 What factors should we consider in determining whether to offer an employee the fixed amount TQSE reimbursement option?
302–5.305 What factors should we consider in determining whether quarters are temporary?

AUTHORITY: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13474, 3 CFR, 1971–1975 Comp., p. 586.

SOURCE: FTR Amdt. 59, 62 FR 13756, Mar. 21, 1997, unless otherwise noted.

Subpart A—General Rules

NOTE TO SUBPART A: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§302–5.1 What are "temporary quarters"?

The term ''temporary quarters'' refers to lodging obtained for the purpose of temporary occupancy from a private or commercial source.

§302–5.2 What are "temporary quarters subsistence expenses (TQSE)"?

''Temporary quarters subsistence expenses'' or ''TQSE'' are subsistence expenses incurred by an employee and/or his/her immediate family while occupying temporary quarters. TQSE does not include local transportation expenses incurred during occupancy of temporary quarters (see §302–5.18 for details).

§302–5.3 What is the purpose of the TQSE allowance?

The TQSE allowance is intended to reimburse an employee reasonably and equitably for subsistence expenses incurred when it is necessary to occupy temporary quarters.

§302–5.4 Am I eligible for a TQSE allowance?

You are eligible for a TQSE allowance if you are an employee who is authorized to transfer; and

(a) Your new official station is located within the United States, its territories or possessions, the Commonwealths of Puerto Rico or the Northern Mariana Islands, or the former Canal Zone area (i.e., areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in 22 U.S.C. 3602(a))); and

(b) Your old and new official stations are 40 miles or more apart (as measured by map distance) via a usually traveled surface route.

§302–5.5 Who is not eligible for a TQSE allowance?

New appointees, employees assigned under the Government Employees Training Act (5 U.S.C. 4109), and employees returning from an overseas assignment for the purpose of separation are not eligible for a TQSE allowance.

§302–5.6 Must my agency authorize payment of a TQSE allowance?

No, your agency determines whether it is in the Government's interest to pay TQSE.

§302–5.7 Under what circumstances will I receive a TQSE allowance?

You will receive a TQSE allowance if:

(a) Your agency authorizes it before you occupy the temporary quarters (the agency authorization must specify the period of time allowed for you to occupy temporary quarters); and

(b) You have signed a service agreement; and

(c) You meet any additional conditions your agency has established.

§302–5.8 Who may occupy temporary quarters at Government expense?

Only you and/or your immediate family may occupy temporary quarters at Government expense.

§ 302–5.9 Where may I/we occupy temporary quarters at Government expense?

You and/or your immediate family may occupy temporary quarters at Government expense within reasonable proximity of your old and/or new official stations. Neither you nor your immediate family may be reimbursed for occupying temporary quarters at any other location, unless justified by special circumstances that are reasonably related to your transfer.

§ 302–5.10 May my immediate family and I occupy temporary quarters at different locations?

Yes. For example, if you must vacate your home at the old official station and report to the new official station and your family remains behind until the end of the school year, you may need to occupy temporary quarters at the new official station while your family occupies temporary quarters at the old official station.

§ 302–5.11 What methods may my agency use to reimburse me for TQSE?

Your agency will reimburse you for TQSE under the actual expense method unless it permits the ''fixed amount'' reimbursement method as an alternative. If your agency makes both methods available to you, you may select the one you prefer.

§ 302–5.12 Must I document my TQSE to receive reimbursement?

For fixed amount TQSE reimbursement, you do not document your TQSE. For actual TQSE reimbursement, you must document your TQSE by itemizing each expense and providing receipts as required by FTR § 301–11.3(c) of this subtitle.

§ 302–5.13 How soon may I/we begin occupying temporary quarters at Government expense?

As soon as your agency has authorized you to receive a TQSE allowance and you have signed a service agreement.

§ 302–5.14 How is my TQSE allowance affected if my temporary quarters become my permanent residence quarters?

If your temporary quarters become your permanent residence quarters, you may receive a TQSE allowance only if you show in a manner satisfactory to your agency that you initially intended to occupy the quarters temporarily.

§ 302–5.15 May I receive an advance of funds for TQSE?

Yes. If authorized in accordance with § 302–1.14(a) of this chapter, your agency may advance the amount of funds necessary to cover your estimated TQSE expenses for up to 30 days. Your agency subsequently may advance additional funds for periods up to 30 days.

§ 302–5.16 May I receive a TQSE allowance if I am receiving another subsistence expenses allowance?

No, with one exception. You may receive a cost-of-living allowance payable under 5 U.S.C. 5941 in addition to a TQSE allowance.

§ 302–5.17 Am I eligible for a TQSE allowance if I transfer to a foreign area?

No. You may not receive a TQSE allowance under this part when you transfer to an area outside the United States, its territories or possessions, the Commonwealths of Puerto Rico or the Northern Mariana Islands, or the former Canal Zone area (i.e., areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in 22 U.S.C. 3602(a))). However, you may qualify for a comparable allowance under the Standardized Regulations (Government Civilians, Foreign Areas) prescribed by the State Department.

§ 302–5.18 May I be reimbursed for local transportation expenses incurred while I am occupying temporary quarters?

Generally not. Local transportation expenses are not TQSE, and there is no

authority to pay them as such. You may, however, be reimbursed under part 301–2 of this subtitle for necessary transportation expenses if you perform local official business travel while you are occupying temporary quarters.

Subpart B—Actual TQSE Method of Reimbursement

NOTE TO SUBPART B: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§302–5.100 What am I paid under the actual TQSE reimbursement method?

Your agency will pay your actual TQSE incurred, provided the expenses are reasonable and do not exceed the maximum allowable amount. The ''maximum allowable amount'' is the ''maximum daily amount'' multiplied by the number of days you actually incur TQSE not to exceed the number of days authorized, taking into account that the rates change after 30 days in temporary quarters. The ''maximum daily amount'' is determined by adding the rates in the following table for you and each member of your immediate family authorized to occupy temporary quarters:

For	The ''maximum daily amount'' of TQSE under the actual expense method that		
	You and/or your unaccompanied spouse* may receive is	Your accompanied spouse or a member of your immediate family who is age 12 or older may receive is	A member of your immediate family who is under age 12 may receive is
The first 30 days of temporary quarters.	The applicable per diem rate	.75 times the applicable per diem rate.	.5 times the applicable per diem rate.
Any additional days of temporary quarters.	.75 times the applicable per diem rate.	.5 times the applicable per diem rate.	.4 times the applicable per diem rate.

(That is, when the spouse necessarily occupies temporary quarters in lieu of the employee or in a location separate from the employee.)

§302–5.101 May my agency reduce my TQSE allowance below the ''maximum allowable amount''?

Yes. If the estimated daily amount of your TQSE is determined in advance to be lower than the maximum daily amount, your agency may reduce the maximum allowable amount to your expected expenses.

§302–5.102 What is the ''applicable per diem rate'' under the actual TQSE reimbursement method?

The ''applicable per diem rate'' under the actual TQSE reimbursement method is as follows:

For temporary quarters located in	The applicable per diem rate is
The continental United States (CONUS)	The standard CONUS rate.
Alaska, Hawaii, the United States territories or possessions, the Commonwealths of Puerto Rico or the Northern Mariana Islands, or the former Canal Zone area (i.e., areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979)).	The locality rate established by the Secretary of Defense or the Secretary of State under §301–7.3 of this subtitle.

§302–5.103 What is the latest the period for which I claim actual TQSE reimbursement may begin?

The period must begin before the maximum time for beginning allowable travel and transportation under §302–1.6 of this chapter expires.

§302–5.104 How long may I be authorized to claim actual TQSE reimbursement?

Your agency may authorize you to claim actual TQSE in 30-day increments, not to exceed 60 consecutive days. However, if your agency determines that there is a compelling reason

for you to continue occupying temporary quarters after 60 consecutive days, it may authorize an extension of up to 60 additional consecutive days. Under no circumstances may you be authorized to claim actual TQSE reimbursement for more than a total of 120 consecutive days.

§ 302–5.105 What is a "compelling reason" warranting extension of my authorized period for claiming actual TQSE reimbursement?

A ''compelling reason'' is an event that is beyond your control and is acceptable to your agency. Examples include, but are not limited to:

(a) Delivery of your household goods to your new residence is delayed due to strikes, customs clearance, hazardous weather, fires, floods or other acts of God, or similar events.

(b) You cannot occupy your new permanent residence because of unanticipated problems (e.g., delay in settlement on the new residence, or short-term delay in construction of the residence).

(c) You are unable to locate a permanent residence which is adequate for your family's needs because of housing conditions at your new official station.

(d) Sudden illness, injury, or death of employee or immediate family member.

§ 302–5.106 May I interrupt occupancy of temporary quarters?

Yes. Your authorized period for claiming actual TQSE reimbursement is measured in consecutive days, and once begun, normally continues to run whether or not you occupy temporary quarters. You may, however, interrupt your authorized period for claiming actual TQSE reimbursement in the following instances:

(a) For the time allowed for en route travel between the old and new official stations;

(b) For circumstances attributable to official necessity such as an intervening temporary duty assignment or military duty; or

(c) For a non-official necessary interruption such as hospitalization, approved sick leave, or other reason beyond your control and acceptable to your agency.

§ 302–5.107 What effect do partial days of temporary quarters occupancy have on my authorized period for claiming actual TQSE reimbursement?

Occupancy of temporary quarters for less than a whole day constitutes one full day of your authorized period. (However, see § 302–5.110 regarding en route travel.)

§ 302–5.108 When does my authorized period for claiming actual TQSE reimbursement end?

The period ends at midnight on the earlier of:

(a) The day preceding the day you and/or any member of your immediate family occupies permanent residence quarters.

(b) The day your authorized period for claiming actual TQSE reimbursement expires.

§ 302–5.109 May the period for which I am authorized to claim actual TQSE reimbursement for myself be different from that of my immediate family?

No, the eligibility period for which you are authorized to claim actual TQSE reimbursement for yourself and for each member of your immediate family must run concurrently.

§ 302–5.110 What effect do partial days have on my actual TQSE reimbursement?

You may not receive reimbursement under both the actual TQSE allowance and another subsistence expenses allowance within the same calendar day, with one exception: if you claim TQSE reimbursement on the same day that en route travel per diem ends, your en route travel per diem will be computed under applicable partial day rules and you also may be reimbursed for actual TQSE you incur after 6:00 p.m. of that day.

§ 302–5.111 May I and/or my immediate family occupy temporary quarters longer than the period for which I am authorized to claim actual TQSE reimbursement?

Yes, but you will not be reimbursed for any of the expenses you incur during the unauthorized period.

Subpart C—Fixed Amount Reimbursement

NOTE TO SUBPART C: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§302–5.200 What am I paid under the fixed amount reimbursement method?

If your agency offers and you select the fixed amount TQSE reimbursement method, you are paid a fixed amount for up to 30 days. No extensions are allowed under the fixed amount method.

§302–5.201 How do I determine the amount of my payment under the fixed amount reimbursement method?

Multiply the number of days your agency authorizes TQSE by .75 times the maximum per diem rate (i.e., lodging plus meals and incidental expenses) prescribed in chapter 301 of this subtitle for the locality of the new official duty station. Then, for each member of your immediate family, multiply the same number of days by .25 times the same per diem rate. Your payment will be the sum of these calculations.

§302–5.202 Will I receive additional TQSE reimbursement if my fixed amount is not adequate to cover my TQSE?

No.

Subpart D—Agency Responsibilities

NOTE TO SUBPART D: Use of the pronouns ''we'' and ''you'' throughout this subpart refers to the agency.

§302–5.300 How should we administer the TQSE allowance?

Temporary quarters should be used only if, and only for as long as, necessary until the employee and/or his/her immediate family can move into permanent residence quarters. You must administer the TQSE allowance to minimize or avoid other relocation expenses.

§302–5.301 What governing policies must we establish for the TQSE allowance?

You must establish policies and procedures governing:

(a) When you will authorize temporary quarters for employees;

(b) Who will determine if temporary quarters is appropriate in each situation;

(c) If and when you will authorize the fixed amount option for TQSE reimbursement;

(d) Who will determine the appropriate period of time for which TQSE reimbursement will be authorized, including approval of extensions and interruptions of temporary quarters occupancy;

(e) Who will determine whether quarters were indeed temporary, if there is any doubt.

§302–5.302 Under what circumstances may we authorize the TQSE allowance?

You may authorize a TQSE allowance on an individual-case basis when use of temporary quarters is justified in connection with an employee's transfer to a new official station. You may not authorize a TQSE allowance for vacation purposes or other reasons unrelated to the transfer.

§302–5.303 What factors should we consider in determining whether the TQSE allowance actually is necessary?

The factors you should consider include:

(a) *The length of time the employee should reasonably be expected to occupy his/her residence at the old official station prior to reporting for duty at the new official station.* An employee and his/her immediate family should continue to occupy the residence at the old official station for as long as practicable to avoid the necessity for temporary quarters.

(b) *The existence of less expensive alternatives.* If a less expensive alternative to the TQSE allowance exists that will enable the employee to find permanent quarters at the new official station, you should consider such an alternative. For example, authorize a

househunting trip instead of temporary quarters if it would cost less overall.

(c) *The existence of other opportunities to arrange for permanent quarters.* Consider whether the employee had other adequate opportunity to arrange for permanent quarters. For example, you should not authorize temporary quarters if the employee had adequate opportunity during an extended temporary duty assignment to arrange for permanent quarters.

§ 302–5.304 What factors should we consider in determining whether to offer an employee the fixed amount TQSE reimbursement option?

The factors you should consider include:

(a) *Ease of administration.* Actual TQSE reimbursement requires an agency to review claims for the validity, accuracy, and reasonableness of each expense amount. Fixed amount TQSE reimbursement does not require review of expense amounts and is therefore easier to administer.

(b) *Cost considerations.* You must weigh the cost of each alternative. Actual TQSE reimbursement may extend up to 120 consecutive days, while fixed amount TQSE reimbursement is limited to 30 days. Actual TQSE reimbursement may be less expensive, since its ceiling is based on the standard CONUS rate, while fixed amount TQSE reimbursement is based on the locality per diem rate. However, fixed amount TQSE reimbursement may be less expensive because the maximum daily rate under actual TQSE reimbursement is a higher percentage of the applicable per diem rate than fixed amount TQSE reimbursement.

(c) *Treatment of employee.* The employee is allowed to choose between actual TQSE reimbursement and fixed amount TQSE reimbursement when you offer the fixed amount TQSE reimbursement method. You therefore should weigh employee morale and productivity considerations against actual cost considerations in determining which method to offer.

§ 302–5.305 What factors should we consider in determining whether quarters are temporary?

In determining whether quarters are ''temporary'', you should consider factors such as the duration of the lease, movement of household effects into the quarters, the type of quarters, the employee's expressions of intent, attempts to secure a permanent dwelling, and the length of time the employee occupies the quarters.

PART 302–6—ALLOWANCE FOR EXPENSES INCURRED IN CONNECTION WITH RESIDENCE TRANSACTIONS

Sec.

302–6.1 Conditions and requirements under which allowances are payable.
302–6.2 Reimbursable and nonreimbursable expenses.
302–6.3 Procedural and control requirements.
302–6.4 Exclusions.
302–6.5 Advance of funds.

AUTHORITY: 5 U.S.C. 5738 and 20 U.S.C. 905(c).

SOURCE: 54 FR 20321, May 10, 1989, unless otherwise noted.

§ 302–6.1 Conditions and requirements under which allowances are payable.

To the extent allowable under this part, the Government shall reimburse an employee for expenses required to be paid by him/her in connection with the sale of one residence at his/her old official station, for purchase (including construction) of one dwelling at his/her new official station, or for the settlement of an unexpired lease involving his/her residence or a lot on which a mobile home used as his/her residence was located at the old official station provided the conditions set forth in this section are met:

(a) *Transfers covered—agreement required.* A permanent change of station is authorized or approved and, except as provided in paragraph (g) of this section, the old and new official stations are located within the 50 States, the District of Columbia, the Commonwealth of Puerto Rico or the Commonwealth of the Northern Mariana Islands, a United States territory or possession, or the former Canal Zone area (i.e., areas and installations in the Republic of Panama made available to the United States under the Panama

Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979)), and the employee has signed an agreement as required in § 302–1.5. (See exclusions in § 302–6.4.)

(b) *Location and type of residence.* The residence or dwelling is the residence as described in § 302–1.4(k), which may be a mobile home and/or the lot on which such mobile home is located or will be located. These criteria also apply to the former nonforeign area official station residence of employees who are eligible for residence transaction expenses under paragraph (g) of this section (see definition in paragraph (g)(1)(i) of this section).

(c) *Title requirements.* The title to the residence or dwelling at the old or new official station, or the interest in a cooperatively owned dwelling or in an unexpired lease, is in the name of the employee alone, or in the joint names of the employee and one or more members of his/her immediate family, or solely in the name of one or more members of his/her immediate family. The rules in paragraphs (c) (1) through (3) of this section apply in determining title to the residence.

(1) *Title interest must have been acquired prior to notification of transfer.* For an employee to be eligible for reimbursement of the costs of selling a dwelling or terminating a lease at the old official station, the employee's property interest must have been acquired prior to the date the employee was first officially notified of his/her transfer to the new official station. In the case of an employee covered by paragraph (g) of this section, the employee's interest must have been acquired prior to the date the employee was first officially notified of his/her transfer to the foreign area.

(2) *Legal title interest.* Except as provided in paragraph (c)(3) of this section, title to the residence is determined by the name of the party (or parties) on the title document (e.g., the deed).

(3) *Equitable title interest.* The employee, and/or a member(s) of his/her immediate family, in a situation listed in paragraphs (c)(3) (i) through (v) of this section is deemed to have title to the residence without regard to whether his/her name appears on the title document.

(i) *Title held in trust.* The property is held in trust and the conditions in paragraphs (c)(3)(i) (A) through (F) of this section apply.

(A) The property must be the employee's residence as described in paragraph (b) of this section.

(B) The employee and/or a member(s) of the immediate family must be the only beneficiary(ies) of the trust during his/her lifetime.

(C) The employee and/or a member(s) of the immediate family must retain the right to distribute the property during his/her lifetime.

(D) The employee and/or a member(s) of the immediate family must retain the right to manage the property.

(E) The employee and/or a member(s) of the immediate family must be the only grantor/settlor of the trust, or must retain the right to direct distribution of the property upon dissolution of the trust or death.

(F) The employee provides the agency with a copy of the trust document.

(ii) *Title held by financial institution.* The title is held in the name of a financial institution and the conditions in paragraphs (c)(3)(ii) (A) through (D) of this section apply.

(A) The property is the employee's residence as described in paragraph (b) of this section.

(B) The employee and/or a member(s) of the immediate family executed a financing agreement (e.g., mortgage) with the financial institution.

(C) State or local law requires that lending parties take title to perfect (i.e., protect) a security interest in the property, or the financial institution requires that it take possession of title as a condition of the financing agreement.

(D) The employee must provide the agency with a copy of the financing document. The agency may require that the employee also provide proof of state or local laws governing secured credit.

(iii) *Title includes an accommodation party or parties.* The title is held both in the names of: the employee singularly, or the employee and one or more members of his/her immediate family jointly, or one or more members of his/her

immediate family; and an individual (accommodation party) who is not an immediate family member. In addition, the conditions in paragraphs (c)(3)(iii) (A) through (G) of this section apply. (An accommodation party is an individual who signs an employee's financing agreement (e.g., a mortgage) to lend his/her name (i.e., credit) to the arrangement.)

(A) The property is the employee's residence as described in paragraph (b) of this section.

(B) The employee and/or a member(s) of the immediate family has right to use the property and to direct conveyance of the property.

(C) The lender requires signature of the accommodation party on the financing document.

(D) The employee and/or a member of the immediate family, is liable for payments under the financing arrangement (e.g., mortgage).

(E) The accommodation party's name is on the title.

(F) The accommodation party does not have a financial interest in the property unless the employee and/or a member(s) of the immediate family defaults on the financing arrangement.

(G) The employee provides the agency with acceptable documentation of the accommodation. Agencies shall issue policy defining acceptable documentation of the accommodation. Such documentation may include a copy of the financing document and/or a written statement from the employee certifying that the conditions in paragraphs (c)(3)(iii) (A) through (G) of this section apply. Such documentation also may include a written statement from the accommodation party certifying that he/she does not have a financial interest in the property.

(iv) *Title held by seller of the property.* The title is held in the name of the seller of the property and the conditions in paragraphs (c)(3)(iv) (A) through (D) of this section apply.

(A) The property is the employee's residence as described in paragraph (b) of this section.

(B) The employee and/or a member(s) of the immediate family has right to use the property and to direct conveyance of the property.

(C) The employee and/or a member(s) of the immediate family must have signed a financing agreement with the seller of the property (e.g., a land contract) providing for fixed periodic payments and transfer of title to the employee and/or a member(s) of the immediate family upon completion of the payment schedule.

(D) The employee must provide the agency with a copy of the financing agreement.

(v) *Other equitable title situations.* The title is held both in the names of: the employee singularly, or the employee and one or more members of his/her immediate family jointly, or one or more members of his/her immediate family; and an individual who is not an immediate family member. In addition, the conditions in paragraphs (c)(3)(v) (A) through (E) of this section apply.

(A) The property is the employee's residence as described in paragraph (b) of this section.

(B) The employee and/or a member(s) of the immediate family has right to use the property and to direct conveyance of the property.

(C) Only the employee and/or a member(s) of the immediate family has made payments on the property.

(D) The employee and/or a member(s) of the immediate family received all proceeds from the sale of the property.

(E) The employee must provide suitable documentation to the agency that the conditions listed in paragraphs (c)(3)(v) (A) through (D) of this section have been met. Agencies shall issue policy defining acceptable documentation. Such documentation must include financial documents proving that only the employee and/or a member(s) of the immediate family made payments on the property, and financial documents proving that the employee and/or a member(s) of the immediate family received all proceeds from the sale of the property.

(d) *Occupancy requirements.* The dwelling for which reimbursement of selling expenses is claimed was, except as provided in paragraph (g) of this section, the employee's residence at the time he/she was first officially notified by competent authority of his/her transfer to the new official station.

(e) *Time limitation*—(1) *Initial period.* The settlement dates for the sale and purchase or lease termination transactions for which reimbursement is requested are not later than 2 years after the date that the employee reported for duty at the new official station. For employees eligible under paragraph (g) of this section, new official station means the official station to which the employee reports for duty when reassigned or transferred from a foreign area.

(2) *Extension of time limitation.* (i) Upon an employee's written request, the 2-year time limitation for completion of the sale and purchase or lease termination transactions may be extended by the head of the agency or his/her designee for an additional period of time not to exceed 1 year.

(ii) The employee's written request should be submitted to the appropriate agency official(s) as soon as the employee becomes aware of the need for an extension but before expiration of the 2-year limitation; however, in no case shall the request be submitted later than 30 calendar days after the expiration date unless this 30-day period is specifically extended by the agency.

(iii) Approval of this additional period of time shall be based on a determination that extenuating circumstances, acceptable to the agency concerned, have prevented the employee from completing the sale and purchase or lease termination transactions in the initial timeframe and that the residence transactions are reasonably related to the transfer of official station.

(iv) When an employee is eligible for an extension of the time limitations for completion of a residence transaction and such an extension is approved by an agency, relocation entitlements and allowances shall be determined by using the entitlements and allowances prescribed by regulations in effect on the employee's effective date of transfer and not the entitlements and allowances in effect at the time the extension of the time limitation is approved. (See § 302–1.3(d).)

(f) *Reimbursement of expenses.* The rules in paragraphs (f) (1) and (2) of this section govern the reimbursement of employee residence transaction expenses.

(1) *Employee must actually incur the expenses.* An employee shall be reimbursed only for expenses actually incurred and paid by the employee or a member of the employee's immediate family. If any expenses were shared by persons other than the employee or a member of his/her immediate family, reimbursement is limited to the portion actually paid by the employee and/or a member of his/her immediate family.

(2) *Pro rata reimbursement.* When the title possessed by an employee and/or a member(s) of his/her immediate family is not full title to the residence, or when an employee is deemed to have a title interest under paragraph (c)(3) of this section, the employee shall be reimbursed on a pro rata basis to the extent of his/her actual title interest plus his/her deemed title interest in the residence. Additionally, an employee shall be reimbursed on a pro rata basis in the situations listed in paragraphs (f)(2) (i) and (ii) of this section.

(i) *Multiple occupancy dwelling.* If the residence is a duplex or another type of multiple occupancy dwelling which is occupied only partially by the employee, or whenever the employee shares responsibility for a leased property (e.g., a shared apartment arrangement), expenses shall be reimbursed on a pro rata basis.

(ii) *Excess land.* The employee shall be limited to pro rata reimbursement when he/she sells or purchases land in excess of that which reasonably relates to the residence site.

(g) *Transfer from a foreign area to a nonforeign area*—(1) *Definitions.* For purposes of this paragraph, the following definitions apply:

(i) *Former nonforeign area official station.* This term means the official station from which the employee was transferred when assigned to the post of duty in the foreign area.

(ii) *Nonforeign area.* Nonforeign area includes the United States, its territories or possessions, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or the former Canal Zone area (i.e., areas and installations in the Republic of Panama made available to

the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979)).

(iii) *Foreign area.* Foreign area refers to any area not defined as a nonforeign area.

(2) *Applicability.* The provisions of this part are applicable, as specified in this paragraph, to employees who have completed an agreed upon tour of duty in a foreign area and instead of being returned to the former nonforeign area official station, are reassigned or transferred in the interest of the Government to a different nonforeign area official station than the official station from which the employee was transferred when assigned to the foreign post of duty. The distance between the former and new official stations must meet the mileage criteria specified in § 302–1.7 for short distance transfers.

(3) *Authorized reimbursement.* Generally, an employee is required to serve at least one tour of duty in a foreign area and retain a residence in a nonforeign area with the expectation of returning to the former official station in the nonforeign area. However, there are instances when an employee completes a tour of duty in a foreign area and is subsequently transferred to a different official station or post of duty in a nonforeign area than the one from which he/she transferred when assigned to the foreign post of duty. When this type of transfer is authorized or approved, reimbursement is allowable for real estate expenses required to be paid by the employee in connection with:

(i) The sale of the residence (or the settlement of an unexpired lease) at the official station from which the employee was transferred when he/she was assigned to a post of duty located in a foreign area; and

(ii) The purchase of a residence at the new official station when the employee is transferred in the interest of the Government from a post of duty located in a foreign area to a nonforeign area official station (other than the official station from which he/she was transferred when assigned to the foreign post of duty).

(4) *Reimbursement limitations.* Reimbursement under this paragraph is prohibited for any sale (or settlement of an unexpired lease) or purchase transaction that occurs prior to the employee's first being officially notified (generally in the form of a change of official station travel authorization) that instead of returning to the former nonforeign area official station, he/she will be reassigned or transferred to a different nonforeign area official station than the one from which he/she was transferred when assigned to the foreign post of duty.

(5) *Service agreement required.* A signed service agreement shall be required as prescribed in § 302–1.5 for any employee who is eligible for reimbursement of residence transaction expenses authorized under this paragraph.

[54 FR 20321, May 10, 1989, as amended by FTR Amdt. 2, 54 FR 37811, Sept. 13, 1989; 54 FR 43521, Oct. 25, 1989; FTR Amdt. 10, 55 FR 41538, Oct. 12, 1990; FTR Amdt. 17, 56 FR 23658, May 23, 1991; 56 FR 29439, June 27, 1991; FTR Amdt. 26, 57 FR 28635, June 26, 1992; FTR Amdt. 37, 59 FR 27489, May 27, 1994; FTR Amdt. 62, 62 FR 13765, Mar. 21, 1997]

§ 302–6.2 Reimbursable and nonreimbursable expenses.

(a) *Brokers' fees and real estate commissions.* A broker's fee or real estate commission paid by the employee for services in selling his/her residence is reimbursable but not in excess of rates generally charged for such services by the broker or by brokers in the locality of the old official station. No such fee or commission is reimbursable in connection with the purchase of a home at the new official station.

(b) *Other advertising, selling, and appraisal expenses.* Costs of newspaper, bulletin board, multiple-listing services, and other advertising for sale of the residence at the old official station are reimbursable if the employee has not paid for such services in the form of a broker's fee or real estate agent's commission. The customary cost of an appraisal also may be reimbursed.

(c) *Legal and related expenses.* To the extent such costs have not been included in brokers' or similar services for which reimbursement is claimed under other categories, the following expenses are reimbursable with respect to the sale and purchase of residences if they are customarily paid by the seller of a residence at the old official station or if customarily paid by the

purchaser of a residence at the new official station, to the extent they do not exceed amounts customarily charged in the locality of the residence: costs of (1) searching title, preparing abstract, and legal fees for a title opinion, or (2) where customarily furnished by the seller, the cost of a title insurance policy; costs of preparing conveyances, other instruments, and contracts and related notary fees and recording fees; costs of making surveys, preparing drawings or plats when required for legal or financing purposes; and similar expenses. Costs of litigation are not reimbursable.

(d) *Miscellaneous expenses*—(1) *Reimbursable items.* The following expenses are reimbursable in connection with the sale and/or purchase of a residence, provided they are customarily paid by the seller of a residence in the locality of the old official station or by the purchaser of a residence at the new official station, to the extent they do not exceed specifically stated limitations, or in the absence thereof, amounts customarily paid in the locality of the residence:

(i) FHA or VA fee for the loan application.

(ii) Loan origination fees and similar charges such as loan assumption fees and loan transfer fees. A loan origination fee is a fee paid by the borrower to compensate the lender for administrative type expenses incurred in originating and processing a loan. Reimbursement for a loan assumption fee or a loan transfer fee or a similar charge also may be allowed, if it is assessed in lieu of a loan origination fee and reflects charges for services similar to those covered by a loan origination fee. An employee may be reimbursed for these fees in an amount not in excess of 1 percent of the loan amount without itemization of the lender's administrative charges. Reimbursement may exceed 1 percent only if the employee shows by clear and convincing evidence that:

(A) The higher rate does not include prepaid interest, points, or a mortgage discount; and

(B) The higher rate is customarily charged in the locality where the residence is located.

(iii) Cost of preparing credit reports.

(iv) Mortgage and transfer taxes.

(v) State revenue stamps.

(vi) Other fees and charges similar in nature to those listed in paragraphs (d)(1)(i) through (v) of this section, unless specifically prohibited in paragraph (d)(2) of this section.

(vii) Charge for prepayment of a mortgage or other security instrument in connection with the sale of a residence at the old official station to the extent the terms in the mortgage or other security instrument provide for this charge. This prepayment penalty is also reimbursable when the mortgage or other security instrument does not specifically provide for prepayment, provided this penalty is customarily charged by the lender, but in that case the reimbursement may not exceed 3 months' interest on the loan balance.

(viii) Mortgage title insurance policy, paid for by the employee, on a residence purchased by the employee for the protection of, and required by, the lender.

(ix) Owner's title insurance policy, provided it is a prerequisite to financing or the transfer of the property; or if the cost of the owner's title insurance policy is inseparable from the cost of other insurance which is a prerequisite to financing or the transfer of the property.

(x) Expenses in connection with construction of a residence, which are comparable to expenses that are reimbursable in connection with the purchase of an existing residence.

(xi) Expenses in connection with environmental testing and property inspection fees when required by Federal, State, or local law; or by the lender as a precondition to sale or purchase.

(2) *Nonreimbursable items.* Except as otherwise provided in paragraph (d)(1) of this section, the following items of expense are not reimbursable:

(i) Owner's title insurance policy, ''record title'' insurance policy, mortgage insurance or insurance against loss or damage of property, and optional insurance paid for by the employee in connection with the purchase of a residence for the protection of the employee;

(ii) Interest on loans, points, and mortgage discounts;

(iii) Property taxes;

(iv) Operating or maintenance costs;

(v) No fee, cost, charge, or expense determined to be part of the finance charge under the Truth in Lending Act, title I, Pub. L. 90–321, as amended, and Regulation Z issued by the Board of Governors of the Federal Reserve System (12 CFR part 226), unless specifically authorized in paragraph (d)(1) of this section; and

(vi) Expenses that result from construction of a residence.

(e) *Losses due to prices or market conditions at the old and new posts of duty.* Losses are not reimbursable when they are incurred by an employee:

(1) Due to failure to sell a residence at the old official station at the price asked, or at its current appraised value, or at its original cost;

(2) Due to failure to buy a dwelling at the new official station at a price comparable to the selling price of the residence at the old official station; or

(3) Any similar losses.

(f) *Other expenses of sale and purchase of residences.* Incidental charges made for required services in selling and purchasing residences may be reimbursable if they are customarily paid by the seller of a residence at the old official station or if customarily paid by the purchaser of a residence at the new official station, to the extent they do not exceed amounts customarily charged in the locality of the residence.

(g) *Overall limitations*—(1) *Sale of the residence at the old official station.* The total amount of expenses that an agency may reimburse in connection with the sale of the residence at the old official station shall not exceed 10 percent of the actual sales price of the residence.

(2) *Purchase of a residence at the new official station.* The total amount of expenses that an agency may reimburse in connection with the purchase of a residence at the new official station shall not exceed 5 percent of the actual purchase price of the residence.

(h) *Settlement of an unexpired lease.* Expenses incurred for settling an unexpired lease (including month-to-month rental) for residence quarters occupied by the employee at the old official station may include broker's fees for obtaining a sublease or charges for advertising an unexpired lease. Such expenses are reimbursable when (1) applicable laws or the terms of the lease provide for payment of settlement expenses, (2) such expenses cannot be avoided by sublease or other arrangement, (3) the employee has not contributed to the expense by failing to give appropriate lease termination notice promptly after he/she has definite knowledge of the transfer, and (4) the broker's fees or advertising charges are not in excess of those customarily charged for comparable services in that locality. Itemization of these expenses is required and the total amount shall be entered on an appropriate travel voucher. This voucher may be submitted separately or with a claim that is to be made for expenses incident to the purchase of a dwelling. Each item must be supported by documentation showing that the expense was in fact incurred and paid by the employee.

[54 FR 20321, May 10, 1989, as amended by FTR Amdt. 21, 56 FR 51177, Oct. 10, 1991; FTR Amdt. 27, 57 FR 45001, Sept. 30, 1992; FTR Amdt. 31, 58 FR 53137, Oct. 14, 1993; FTR Amdt. 40, 59 FR 46357, Sept. 8, 1994; FTR Amdt. 44, 60 FR 49348, Sept. 25, 1995; FTR Amdt. 59, 62 FR 13756, Mar. 21, 1997; 62 FR 26375, May 13, 1997]

§ 302–6.3 Procedural and control requirements.

(a) *Application for reimbursement and documentation of expenses.* Employees shall be furnished appropriate forms for claiming reimbursement for expenses of real estate transactions. Agencies shall prescribe a claim application form which meets internal administrative requirements. The form should include the most commonly incurred items of expense for which reimbursement may be claimed and any necessary administrative approval blocks. Amounts claimed must be supported by documentation showing that the expense was in fact incurred and paid by the employee. Included in the required supporting documents (as appropriate) are copies of (1) the sales agreement, (2) the purchase agreement, (3) property settlement documents, (4) loan closing statements, and (5) invoices or receipts for other bills paid. An appropriate voucher shall be prepared by the employee and used in

transmitting the claim application with supporting attachments. Reimbursement may be in two parts; i.e., a payment for expenses incurred in the sale of the former residence and a payment for expenses incurred in the purchase of a new dwelling.

(b) *Review and administrative approval of sale and purchase expenses.* Applications shall be reviewed by a responsible official of the agency. The application for reimbursement of expenses for the sale of a residence shall be sent to the claimant's old official station for review and approval of the claim unless agency review and approval functions are performed elsewhere. In case of transfer between agencies, review and approval of the application shall be made, if appropriate, at an installation of the hiring agency in the locality of the employee's old official station, but if the hiring agency has no appropriate installation, it shall be sent to the losing agency at the old official station for review and approval. This review and approval are intended to be limited to determining whether the expenses claimed are reasonable in amount and customarily paid by the seller in the locality where the property is located. If items of cost appear to have been inflated or are higher than normally imposed for similar services in the locality, any portion of such costs determined to be excessive shall be disallowed. When approved, the application shall be returned with such memorandum of explanation as may be appropriate. A similar review and approval are required in connection with an application for reimbursement of the expenses of the purchase of a new dwelling. Final administrative approval of payment of the claim must be executed by an appropriate approving official. Such official may accept as conclusive the required prior approvals covering reasonableness and custom; he/she shall, however, in accordance with the provisions of this part, independently determine whether (1) the aggregate amount of expenses claimed in connection with a sale or purchase of a residence is within the prescribed limitation for either, (2) all conditions and requirements under which allowances may be paid have been met, and (3) the expenses themselves are those which are reimbursable. The employee's claim accompanied by the application and supporting documents shall be completed and submitted in accordance with the usual procedures of the agency concerned.

(c) *Assistance provided by local offices of the Department of Housing and Urban Development.* Technical assistance in determining the reasonableness of an expense may be obtained from the local or area office of the Department of Housing and Urban Development (HUD) serving the area in which the expense occurred. The local office maintains and can furnish upon request a current Form HUD–92496, Schedule of Closing Costs, applicable to the area. This is a schedule of closing costs typically encountered in connection with the purchase and sale of single family properties in the locality. For the purpose of determining whether the expenses claimed are reasonable and may be approved for reimbursement, these closing costs should be used as guidelines and not as rigid limitations. The local office will also furnish upon request information concerning local custom and practices with respect to charging of closing costs related to either a sale or purchase, including information as to whether such costs are customarily paid by the seller or purchaser and the local terminology used to describe them. Area or insuring offices of HUD are located in all major cities. The mailing addresses for these offices are included in the U.S. Government Manual, published annually by the Office of the Federal Register, National Archives and Records Administration. A directory containing the addresses of all such offices (HUD Form 788) is available at any HUD office.

(d) *Violation of employment agreement.* In the event the employee violates the terms of the agreement required under §302–1.5, no expenses will be paid, and any amounts paid prior to such violation shall be a debt due the United States until they are paid by the employee.

[54 FR 20321, May 10, 1989, as amended by FTR Amdt. 26, 57 FR 28635, June 26, 1992]

§302–6.4 Exclusions.

The provisions of this part do not apply to new appointees, or employees

assigned under the Government Employees Training Act (5 U.S.C. 4109).

[54 FR 20321, May 10, 1989, as amended by FTR Amdt. 26, 57 FR 28635, June 26, 1992]

§ 302–6.5 Advance of funds.

No advance of funds is authorized in connection with the allowances provided in this part.

[54 FR 20321, May 10, 1989, as amended by FTR Amdt. 26, 57 FR 28635, June 26, 1992]

PART 302–7—TRANSPORTATION OF MOBILE HOMES

Sec.

302–7.1 Eligibility and limitations.
302–7.2 Computation of distances.
302–7.3 Computation of allowances.
302–7.4 Limitation on allowances.
302–7.5 Advance of funds.

AUTHORITY: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13474, 3 CFR, 1971–1975 Comp., p. 586.

SOURCE: 54 FR 20323, May 10, 1989, unless otherwise noted.

§ 302–7.1 Eligibility and limitations.

(a) *Eligibility*. An employee who is entitled to transportation of his/her household goods under part 302–8 shall, instead of such transportation, be entitled to an allowance, as provided in this part, for the transportation of a mobile home for use as a residence. To be eligible for the allowance, the employee shall certify in a manner prescribed by the head of the employing agency that the mobile home is for use as a residence for the employee and/or his/her immediate family at the destination. If an employee is not eligible to receive an allowance for movement of his/her mobile home, he/she may be eligible to receive an allowance based on the transportation of his/her household goods under part 302–8.

(b) *Geographic limitations*—(1) *Overland transportation*. Allowances for transportation of mobile homes overland may be made only for transportation of such homes within the continental United States (CONUS), within Alaska, and through Canada en route between Alaska and CONUS. Allowances for transportation within the limits prescribed may be paid even though the transportation involved originates, terminates, or passes through locations not covered, provided the amount of the allowance shall be computed on the basis of that part of the transportation which is within CONUS, within Alaska, or through Canada en route between Alaska and CONUS.

(2) *Over-water transportation*. Allowances for transportation of mobile homes over-water may be made only for transportation of such homes from a point of origin either within CONUS or within Alaska to a destination point either within CONUS or within Alaska.

(c) *Relationship to other allowances*. Allowances for transporting mobile homes (including mileage when towed by employee) are in addition to payment of per diem, mileage, and transportation expenses for employees and their immediate families. However, the fact that a mobile home may be moved at Government expense only if the employee certifies that it is to be used as a residence at the destination should be considered in determining allowances to be paid under parts 302–4, 302–5, and 302–6.

[54 FR 20323, May 10, 1989, as amended by FTR Amdt. 20, 56 FR 46989, Sept. 17, 1991]

§ 302–7.2 Computation of distances.

(a) *Standard highway mileage*. Where points of origin and destination are within the continental United States and Alaska, the allowable distance between these points shall be that shown in the standard highway mileage guides or actual miles driven as determined from odometer readings. (Actual odometer readings need not be shown on the travel voucher.) Any substantial deviation from distances shown in the standard highway mileage guides shall be explained.

(b) *Islands involved*. In addition to mileage, if the point of origin or destination is an island within the boundaries of one of the continental United States or Alaska and a ferry is used in transportation of a mobile home, the statute mileage between the island and the usual place of arrival or departure on the mainland shall be allowed, except that when such mileage is included in the standard highway mileage guides the mileage shown therein shall be used.

(c) *Unauthorized transportation involved.* Where point of origin or destination, or both, are not in the continental United States or Alaska, the allowable distance shall be limited to the distance which the mobile home is transported within or between any of the continental United States and Alaska, and through Canada en route between Alaska and the continental United States. In such instances, the mileage shall be computed as provided in paragraph (a) of this section.

§ 302–7.3 Computation of allowances.

(a) *Transportation by commercial carrier.* When a mobile home is transported by commercial carrier, an allowance for transportation costs shall include the following (see paragraph (d) of this section for preparation fees also allowable as transportation costs):

(1) The carrier's charges for actual transportation of the mobile home in an amount not exceeding the applicable tariff as approved by the Interstate Commerce Commission (or appropriate State regulatory body for intrastate movements) for transportation of a mobile home of the size and type involved for the distance involved, provided any substantial deviation from mileage shown in the standard highway mileage guides is explained;

(2) Ferry fares and bridge, road, and tunnel tolls;

(3) Taxes, charges or fees fixed by a State or other government authority for permits to transport mobile homes in or through its jurisdiction;

(4) Carrier's service charges for obtaining necessary permits; and

(5) Charges for a pilot (flag) car or escort services, when such services are required by State or local law.

(b) *Transportation by private means*—(1) *Overland transportation.* When a mobile homes is transported overland by means other than a commercial carrier, such as when it is towed by a privately owned conveyance, an allowance of 11 cents per mile shall be made as reimbursement for the transportation costs listed in paragraph (a) of this section. In addition, an agency may pay the costs of preparing a mobile home for movement and resettling it at the destination as provided in paragraph (d) of this section. No other allowance shall be made for transportation of the mobile home under this part. However, in addition to the 11-cent allowance and the allowance under paragraph (d) of this section, an agency may pay the mileage allowance for use of a privately owned conveyance as provided in § 302–2.3.

(2) *Transportation over-water.* When a boat used as a primary residence is transported over-water, an allowance for transportation costs shall include, but not be limited to:

(i) The cost of fuel and oil used for propulsion of the boat;

(ii) The cost of pilots or navigators in the open water;

(iii) The cost of a crew;

(iv) Charges for harbor pilots;

(v) The cost of docking fees incurred in transit;

(vi) Harbor or port fees and similar charges relating to entry in and navigation through ports; and

(vii) The cost of towing, whether in tow or towing by pushing from behind.

(c) *Mixed method of transportation.* When a mobile home is transported partly by commercial carrier and partly by private means, the allowances described in paragraphs (a) and (b) of this section apply to the respective portions of the transportation.

(d) *Other allowable transportation costs.* In addition to the allowances provided for in paragraphs (a) through (c) of this section, an allowance for transportation shall include costs generally associated with preparing a mobile home at a point of origin inside Alaska or CONUS for movement and resettling the mobile home at the destination inside Alaska or CONUS. Any costs for preparing a mobile home located outside Alaska or CONUS for movement, and any costs for resettling a mobile home outside Alaska or CONUS shall not be reimbursed. Preparation costs include but are not limited to:

(1) The costs of blocking and unblocking (including anchoring and unanchoring);

(2) The labor costs of removing and installing skirting;

(3) The cost of separating, preparing, and sealing each section for movement;

(4) The cost of reassembling the two halves of a double-wide mobile home; and

(5) Travel lift fees.

(e) *Unallowable costs.* An individual's transportation allowance shall not include the following costs (see part 302–3 which relates to the miscellaneous expenses allowance):

(1) All costs for replacement parts, tire purchases, structural repairs, brake repairs, or any other repairs or maintenance performed;

(2) Costs of insurance for valuation of mobile homes above carriers' maximum liabilities, or charges designated in the tariffs as ''Special Service;''

(3) Costs of storage; and

(4) Costs of connecting and disconnecting appliances, equipment, and utilities involved in relocation and costs of converting appliances for operation on available utilities.

(f) *Optional use of Government bill of lading.* Instead of the allowances to the employee provided in paragraphs (a) through (e) of this section, the agency may, when it determines such action to be in the Government's interest, assume direct responsibility for transportation of an employee's mobile home, issuing necessary bills of lading, and paying the costs involved. In such instances, the employee shall not receive any other allowance for the transportation involved and shall be charged any cost the Government must pay under the bill of lading which would not be allowed under this section or which is in excess of that allowable under §302–7.4.

[FTR Amdt. 20, 56 FR 46990, Sept. 17, 1991]

§302–7.4 Limitation on allowances.

The total amount allowable in §302–7.3 shall not exceed the maximum amount which would be allowable for transportation and 90 days' temporary storage of the employee's household goods if, instead of moving a mobile home, the maximum quantity of household goods allowable under §302–8.2 had been moved.

§302–7.5 Advance of funds.

An advance of funds may be allowed an employee for the transportation of a mobile home under the requirements provided in §302–1.14(a). The amount of advance shall not exceed either the estimated amount allowable under §302–7.3(a) of the construction cost determined under §302–7.4. No advance is authorized when a Government bill of lading is used as provided in §302–7.3(f).

[FTR Amdt. 20, 56 FR 46990, Sept. 17, 1991]

PART 302–8—TRANSPORTATION AND TEMPORARY STORAGE OF HOUSEHOLD GOODS AND PROFESSIONAL BOOKS, PAPERS, AND EQUIPMENT

Sec.

302–8.1 Applicability.
302–8.2 General limitations.
302–8.3 Transportation within the continental United States.
302–8.4 Transportation outside the continental United States.
302–8.5 Temporary storage.
302–8.6 Advance of funds.

AUTHORITY: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13474, 3 CFR, 1971–1975 Comp., p. 586.

SOURCE: 54 FR 20324, May 10, 1989, unless otherwise noted.

§302–8.1 Applicability.

Employees covered by this subtitle who have complied with the general requirements as contained in part 302–1 are eligible for transportation and temporary storage of their household goods subject to the provisions of this part when they are transferred, regardless of whether the official stations involved are within or outside the continental United States, are appointed to positions in which Government transportation to the first official station is allowable, or are separated after completion of a period of service overseas.

[54 FR 20324, May 10, 1989, as amended by FTR Amdt. 26, 57 FR 28636, June 26, 1992]

§302–8.2 General limitations.

(a) *Maximum weight allowance.* The maximum weight of household goods that may be transported or stored at Government expense is limited to 18,000 pounds net weight for all employees. The total weight of household goods stored under §302–9.2 plus the weight of household goods transported under this part shall not exceed the maximum weight allowance prescribed in this paragraph.

(b) *Professional books, papers, and equipment.* (1) For purposes of this part, the term ''professional books, papers, and equipment'' includes those professional or specialized items and other materials which are personally owned by the employee for use in the performance of official duties. The term does not include sports equipment or office, household, or shop fixtures and furniture; e.g., bookcases, file cabinets, desks, and racks of any kind even though used in connection with the professional books, papers, and equipment.

(2) There is no statutory authority to transport personally owned professional books, papers, and equipment in addition to the maximum weight allowance (§ 302–8.2(a)) established by law for transportation of an employee's household goods and personal effects. However, there may be instances in which the weight of the professional books, papers, and equipment would cause an employee's household goods shipment to be in excess of the maximum weight allowance. In such instances, the personally owned professional books, papers, and equipment may be transported to the new permanent duty station as an administrative expense of an agency (not chargeable to travel and transportation appropriations). Shipment of these items as an administrative expense would be instead of shipment as an allowance of the employee.

(3) Authority to transport professional books, papers, and equipment as an administrative expense shall be subject to agency policy and discretion within the following guidelines:

(i) The employee shall furnish an itemized inventory of professional books, papers, and equipment for review by an appropriate authorizing official at the new permanent duty station. In addition, the employee shall furnish appropriate evidence (as determined by the agency concerned) that transporting the itemized materials as part of the employee's household goods would result in an excess of the employee's maximum weight allowance.

(ii) The authorizing official at the new permanent duty station shall review and certify that the professional books, papers, and equipment as itemized are necessary in the proper performance of the employee's duties at the new duty station and that if these items were not transported to the new duty station, the same or similar items would have to be obtained at Government expense for the employee's use at the new duty station.

(iii) When professional books, papers, and equipment are certified as provided in paragraph (b)(3)(ii) of this section and shipped for the employee as an administrative expense of an agency, shipment shall be by the actual expense method; the commuted rate method shall not be used. When shipped in the same lot with the employee's household goods and other personal effects under the actual expense method, the professional books, papers, and equipment shall be packed and weighed separately; the weight thereof and the administrative appropriation chargeable shall be stated as separate items on the Government bill of lading. In unusual instances in which it is impractical or impossible to obtain separate weights, a constructive weight of 7 pounds per cubic foot may be used.

(c) *Determining the net weight*—(1) *Uncrated shipments.* When household goods are shipped uncrated as in a household mover's van or similar conveyance, the net weight shall be that shown on the bill of lading or on the weight certificate attached thereto, which, under Interstate Commerce Commission (ICC) regulations, includes the weight of barrels, boxes, cartons, and similar materials used in packing, but does not include pads, chains, dollies, and other equipment needed to load and secure the shipment. When a noncommercial means of shipment is involved (see § 302–8.3(a)(3)), the ICC regulations shall apply for determining the net weight. When an employee's claim is based on constructive weight as authorized in paragraph (c)(4) of this section, the net weight shall be the weight as determined under that provision.

(2) *Crated shipments.* When property is transported crated, the net weight shall not include the weight of the crating material. The net weight shall be computed as being 60 percent of the gross weight. However, if the net

weight computed in this manner exceeds the applicable weight limitation and if it is determined that, for reasons beyond the employee's control, unusually heavy crating and packing materials were necessarily used, the net weight may be computed at less than 60 percent of the gross weight.

(3) *Containerized shipments.* When special containers designed normally for repeated use, such as lift vans, CONEX transporters, and household-goods shipping boxes are used and the known tare weight does not include the weight of interior bracing and padding materials but only the weight of the container, the net weight of the household goods shall be 85 percent of the gross weight less the weight of the container. If the known tare weight includes interior bracing and padding materials so that the net weight is the same as it would be for uncrated shipments in interstate commerce, the net weight shall not be subject to the reduction. If the gross weight of the container cannot be obtained, the net weight of the household goods shall be determined from the cubic measurement on the basis of 7 pounds per cubic foot of properly loaded container space.

(4) *Constructive weight.* If no adequate scale is available at point of origin, at any point en route, or at destination, a constructive weight, based on 7 pounds per cubic foot of properly loaded van space, may be used. Such constructive weight also may be used for a part-load when its weight could not be obtained at origin, en route, or at destination, without first unloading it or other part-loads being carried in the same vehicle, or when the household goods are not weighed because the carrier's charges for a local or metropolitan area move are properly computed on a basis other than the weight or volume of the shipment (as when payment is based on an hourly rate and the distance involved). However, in such instances the employee should obtain a statement from the carrier showing the amount of properly loaded van space required for the shipment. (See also § 302–8.3(a)(3) with respect to proof of entitlement to a commuted rate payment when net weight cannot be shown.)

(d) *Temporary storage time limit.* The time allowable for temporary storage in connection with an authorized shipment of household goods shall not exceed a period of 90 days. This time period also applies when an employee returns to his/her place of actual residence for leave before serving a new tour of duty outside the continental United States either at a different post of duty or at the same post of duty if the storage is provided instead of furnished quarters or a quarters allowance. However, upon an employee's written request, the initial 90-day period may be extended an additional period not to exceed 90 days under certain conditions if approved by the agency head or his/her designee. Justification for an additional storage period may include, but is not limited to, the following reasons:

(1) An intervening temporary duty or long-term training assignment;

(2) Nonavailability of suitable housing;

(3) Completion of residence under construction;

(4) Serious illness of employee or illness or death of a dependent; or

(5) Strikes, acts of God, or other circumstances beyond the control of the employee.

(e) *Origin and destination.* Cost of transportation of household goods may be paid by the Government whether the shipment originates at the employee's last official station or place of residence or at some other point, or if part of the shipment originates at the last official station and the remainder at one or more other points. Similarly, these expenses are allowable whether the point of destination is the new official station or some other point selected by the employee, or if the destination for part of the property is the new official station and the remainder is shipped to one or more other points. However, the total amount which may be paid or reimbursed by the Government shall not exceed the cost of transporting the property in one lot by the most economical route from the last official station of the transferring employee (or the place of actual residence of the new appointee at time of appointment) to the new official station.

In connection with return from overseas for separation, see §302–1.12(d). No property acquired by the employee en route between old and new official stations shall be eligible for transportation under this part.

(f) *Loss and damage liability*. Limitations on the Government's liability for loss or damage of an employee's household goods are contained in the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 3721–3723) and in agency rules and regulations issued under the authority thereof. Since agency practices and regulations under that Act differ, and in view of the different circumstances under which household goods are transported and temporarily stored under the authority of this part, each agency should advise transferred employees of the applicability and restrictions on claims against the Government for loss and damage as related to the transportation circumstances involved. Agencies should also be prepared to give advice to employees as to the liability of the carrier for loss and damage of transported household goods in the transportation circumstances involved so that they will be able to evaluate the need for insurance and the advisability of incurring a valuation charge. (For interstate shipments by motor carrier on commercial bills of lading, see 49 CFR part 1056.)

[54 FR 20324, May 10, 1989, as amended by FTR Amdt. 26, 57 FR 28636, June 26, 1992]

§302–8.3 Transportation within the continental United States.

(a) *The commuted rate system*—(1) *Description*. Under the commuted rate system an employee makes his/her own arrangements for transporting household goods between points within the continental United States. He/She selects and pays the carrier or transports his/her goods by noncommercial means and is reimbursed by the Government in accordance with schedules of commuted rates which are contained in the GSA publication, Commuted Rate Schedule for Transportation of Household Goods. Agencies requiring this publication shall prepare a Standard Form 1, Printing and Binding Requisition, and send it to: Superintendent of Documents, Departmental Account Representative Division, U.S. Government Printing Office (GPO), Washington, DC 20401. The schedules of commuted rates which are developed from tariffs that carriers have filed with the Interstate Commerce Commission consist of tables to be applied to the particular transportation involved. The commuted rate includes costs of linehaul transportation, packing, crating, unpacking, drayage incident to transportation, and other accessorial charges. Costs of temporary storage which are subject to reimbursement under §302–8.5 are stated separately in the schedule of commuted rates.

(2) *Reimbursement*. When the commuted rate system is used, the amount to be paid to the employee for transportation and related services is computed by multiplying the number of hundreds of pounds shipped (within the maximum weight allowance) by the applicable rate per hundred pounds for the distance shipped as shown in the commuted rate schedule. The distance shall be determined in accordance with household goods mileage guides filed with the Interstate Commerce Commission. If the rate is not shown in the commuted rate schedule for the exact mileage, the rate shown for the next greater distance applies. If an employee is charged a minimum weight above the actual weight of his/her household goods under the applicable tariff (other than one based on expedited or special services), the reimbursement shall be based on the minimum weight as charged instead of the actual weight of the goods.

(3) *Documentation*. Claims for reimbursement under the commuted rate system shall be supported by a receipted copy of the bill of lading (a reproduced copy may be accepted) including any attached weight certificate copies if such a bill was issued. If no bill of lading was involved, other evidence showing points of origin and destination and the weight of the goods must be submitted. Employees who transport their own household goods are cautioned to establish the weight of such goods by obtaining proper weight certificates showing gross weight (weight of vehicle and goods) and tare weight (weight of vehicle

alone) because compliance with the requirements for payment at commuted rates on the basis of constructive weight (see § 302–8.2(c)(4)) usually is not possible.

(b) *Actual expense method*—(1) *Description.* Under the actual expense method, the Government assumes responsibility for awarding contracts and for other negotiations with carriers. The property is shipped on a Government bill of lading, and the Government audits and pays transportation vouchers directly to carriers. Under the actual expense method, the household goods are shipped by the Government, not by the employee.

(2) *Agency responsibility.* Selection of the carrier, arranging for carrier services and for packing and crating, preparing the Government bill of lading, paying charges incurred, and processing any loss and damage claims are the direct responsibility of the agency.

(3) *Allowable charges.* The actual costs of transportation of household goods within the authorized weight limits will be allowed at Government expense. Also, within that weight limit, the actual costs for packing, crating, unpacking, drayage incident to transportation, and necessary accessorial services shall be allowed.

(4) *Multiple shipment procedures.* When the actual expense method is used in shipping household goods belonging to two or more employees between the same two points, the weight of the household goods of each employee is to be identified for the purpose of applying the maximum weight limitations.

(5) *Excess weight procedures.* When the weight of an employee's household goods exceeds the maximum weight limitation, the total quantity may be shipped on a Government bill of lading, but the employee shall reimburse the Government for the cost of transportation and other charges applicable to the excess weight, computed from the total charges according to the ratio of excess weight to the total weight of the shipment.

(c) *Use of commuted rate or actual expense method*—(1) *Considerations.* When the commuted rate system is used, the Government is relieved of the responsibility and administrative expense of selecting and dealing with carriers and making other arrangements for transporting employees' household goods; however, the Government cannot take advantage of special discounts which may be offered. On the other hand, when the actual expense method is used, the Government incurs the additional expenses of selecting and dealing with carriers, preparing bills of lading, auditing and paying transportation vouchers, supervising the packing of household goods, handling employee loss and damage claims, and other incidentals.

(2) *Estimating costs.* Under the commuted rate system, an accurate estimate of cost depends upon the accuracy of the estimate of weight. However, under the actual expense method the cost to the Government will usually depend not only on the weight involved but also on the accessorial services required, the quality of packing and the quantity of individual cartons, boxes, barrels, and wardrobes used by the carrier in packing. When the commuted rate system is used, the packing and accessorial charges are authorized and paid for by the employee from the amounts allowed for those charges under that system. Under the actual expense method, the accessorial and packing charges are paid by the Government, and if those charges are high, they may more than offset any discount in the line-haul rate which may be available for shipments by Government bill of lading. A proper comparison of costs must take into account the line-haul transportation charge, the administrative costs as indicated in paragraph (c)(1) of this section, and the expected accessorial and packing charges.

(3) *Policy.* The general policy is that commuted rates shall be used for transportation of employees' household goods when individual transfers are involved, and that appropriate action, depending on the amount of goods to be transported, shall be taken to estimate and compare actual expense method costs with commuted rate costs when groups of employees are transferred between the same official stations at approximately the same time so that the method resulting in less cost to the

Government may be used. Specific procedures to be followed are contained in paragraph (c)(4) of this section.

(4) *Criteria for use of the actual expense method*—(i) *Individual transfers.* Agency experience with the actual expense method has shown that shipment by Government bill of lading does not result in savings simply because a linehaul discount is available. Therefore, the commuted rate system shall be used for individual transfers without consideration being given the actual expense method; except that the actual expense method may be used if the actual costs to be incurred by the Government for packing and other accessorial services are predetermined (at least as to price per 100 pounds) and if that method is expected to result in a real savings to the Government of $100 or more. (For intrastate transfers, see paragraph (c)(4)(iv) of this section.)

(ii) *Multiple transfers.* Under general rate tenders arranged by GSA and the Department of Defense (DOD), participating carriers agree to transport the household goods of Government employees at rates below commercial rates for specific periods of time. These tenders are arranged under 49 U.S.C. 10721, and no further agency negotiation is necessary to take advantage of them. Agencies shall evaluate the use of such rates when, because of the transfer of several employees, they have a large volume of household goods to be moved between the same places at the same time even though no mass move is involved; however, the added costs for use of the actual expense method, as discussed in paragraph (c)(1) of this section, and the uncertainty as to total cost for packing and accessorial services, as discussed in paragraph (c)(2) of this section, shall be taken into consideration, and the actual expense method shall be selected only if it is considered likely that a real savings to the Government will result from the use of that method.

(iii) *Mass moves.* Whenever an entire facility is being relocated or whenever it is anticipated that 10 or more shipments of household goods are to be transported between the same two points at approximately the same time, the agency involved shall notify the appropriate regional or zonal office of the General Services Administration (for civilian agencies without specialized transportation personnel) or the appropriate transportation office of DOD (for components of that Department) of the forthcoming move so that an analysis can be made of existing available rates for use under the actual expense method. The notification shall be accompanied by all pertinent information concerning points of origin and destination, estimated weights of property, the number of persons or different families involved, and dates or periods of time when each person or family is expected to move. When appropriate, the GSA or DOD transportation organization shall attempt to arrange with carriers for worthwhile reduced rates and shall advise the agency concerned of the results of such efforts. If these efforts show that a saving will result, considering all direct and indirect costs involved, the actual expense method shall be used. Otherwise, the commuted rate system shall be used.

(iv) *Unusual circumstances.* The commuted rates do not take into account intrastate rates that in some instances may be substantially higher than the interstate rates that form the basis for the commuted rates. In order to avoid the necessity of prescribing commuted rates for such circumstances, the actual expense method (Government bill of lading) may be used when it is administratively determined that the commuted rate system would cause an unusual hardship for an employee transferring between official stations within a State. This authority shall not be used indiscriminately, and its use shall be carefully documented and justified.

[54 FR 20324, May 10, 1989, as amended by FTR Amdt. 26, 57 FR 28636, June 26, 1992]

§302–8.4 Transportation outside the continental United States.

(a) *Coverage.* This section contains special rules which are applicable to the transportation of household goods at Government expense to, from, and between points outside the continental United States. Individual eligibility is covered in part 302–1.

(b) *Weight limitation.* The maximum weight specified in §302–8.2 is applicable; however, where furnished or partly

furnished quarters are to be provided outside the continental United States (in the case of a transfer to such a station) or have been provided (in the case of a return to the continental United States), agencies shall make an appropriate reduction in the weight of household goods which may be authorized for shipment at Government expense.

(c) *Allowable costs*—(1) *Actual expense basis.* Transportation authorized under this section shall be on an actual expense basis. Actual expense includes costs of transportation of household goods, packing and crating (including packing and crating materials and temporary containers), unpacking, and other necessary accessorial charges within applicable limits.

(2) *Drayage.* If door-to-door common carrier rates are not applicable, allowable costs include the actual costs of drayage to and from the common carrier for goods not in excess of the authorized weight.

(3) *Lift vans.* Charges allowable for packing and crating and for transportation include expenses incurred in hiring, transporting, and packing lift vans when shipments are made in whole or in part by water, but do not include charges in connection with any shipment or storage of empty lift vans or import duties on lift vans.

(4) *Valuation.* The valuation of property as declared for shipping will not exceed that to which the lowest freight rates will apply except as provided in paragraph (e)(3) of this section.

(d) *Procedures applicable*—(1) *Transportation and related services.* The allowable transportation and related services may be obtained by the agency concerned from any available commercial carrier, except that all shipments of property by water shall be made on ships registered under the laws of the United States whenever such ships are available.

(2) *Use of Government bill of lading.* Commercial shipments will be made on Government bills of lading or purchase orders whenever possible; otherwise, reimbursement shall be made to the employee for transportation expenses actually and necessarily incurred within the limitations prescribed by this section.

(3) *Itemization of charges.* If the services rendered cover, in addition to transportation, other services such as packing, crating, drayage, unpacking, and temporary storage, the total charge for the services shall be itemized to show the charge for each service.

(e) *Services in excess of those authorized*—(1) *By means other than selected.* An employee may elect to have his/her household goods moved by some means other than the means selected by the Government, except as noted in paragraph (d)(1) of this section relating to transportation by foreign flag vessels, on the condition that he/she will pay the amount, if any, by which the charges for the means of transportation selected by him/her exceed the charges for the means of transportation selected by the Government.

(2) *Excess weight.* If household goods in excess of the weight allowable under this regulation are shipped on a Government bill of lading or purchase order, the employee shall promptly upon completion of the shipment pay the proper agency official for the excess cost. The excess cost shall be computed from the total charges according to the ratio of excess weight to the total weight of the shipment.

(3) *Excess valuation or insurance.* An employee may declare a valuation above the minimum permitted if he/she assumes all additional expenses resulting therefrom, including the cost of insurance needed to protect the higher valuation. (See § 302–8.2(f).)

[54 FR 20324, May 10, 1989, as amended by FTR Amdt. 26, 57 FR 28636, June 26, 1992]

§ 302–8.5 Temporary storage.

(a) *Applicability.* Temporary storage of household goods at Government expense may be allowable only when such storage is incident to transportation of the household goods at Government expense.

(b) *Allowable expenses*—(1) *Commuted rate system.* In connection with transportation within the continental United States under the commuted rate system, costs of temporary storage within the applicable weight limit will be reimbursed to the employee in the amount of his/her costs for storage

including in and out charges and necessary drayage, but not to exceed the commuted rates for storage in the GSA publication, Commuted Rate Schedule for Transportation of Household Goods. (See § 302–8.3(a)(1).) A receipted copy of the warehouse or other bill for storage costs is required to support reimbursement.

(2) *Actual expense method.* In connection with transportation within or outside the United States when the actual expense method is used, the Government will normally arrange for necessary temporary storage and pay the cost thereof direct. If an employee must arrange for temporary storage in connection with transportation by the actual expense method, he/she may be reimbursed for reasonable costs incurred for storage including in and out charges and necessary drayage within the applicable limitations. Charges for excess weight, valuation above the minimum amount, and services obtained by the employee at higher costs shall be the responsibility of the employee in the same manner as he/she is responsible for excess costs incident to transportation. (See §§ 302–8.3(b)(5) and 302–8.4(e).)

§ 302–8.6 Advance of funds.

(a) *Commuted rate system.* Advances of funds may be made to employees up to the estimated amount of the commuted payment for the cost of authorized transportation and temporary storage of their household goods under the procedures and policies prescribed in § 302–1.14(a).

(b) *Overseas shipments.* For overseas shipment, advance of funds may be made for the estimated cost of transportation and temporary storage only if the cost of authorized transportation and temporary storage will not be paid directly by the Government, as is the case when a Government bill of lading or purchase order is used.

(c) *Procedures.* In requesting an advance of funds, the employee shall submit a written statement designating:

(1) The points of origin and destination,

(2) The estimated weight of household goods to be shipped, and

(3) Any anticipated temporary storage not to exceed a period of 90 days at Government expense. The estimate of weight required in support of an advance of funds shall consist of a statement of the estimated weight signed by the carrier selected to handle the shipment, if available. If not available, evidence of actual weight or a reasonable estimate thereof acceptable to the agency shall be furnished.

PART 302–9—ALLOWANCES FOR NONTEMPORARY STORAGE OF HOUSEHOLD GOODS

Sec.

302–9.1 Nontemporary storage during assignment to isolated locations in the continental United States.
302–9.2 Nontemporary storage during assignment outside the continental United States.
302–9.3 Storage during school recess for Department of Defense overseas teachers.
302–9.4 Advance of funds.

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§ 302–9.1 Nontemporary storage during assignment to isolated locations in the continental United States.

(a) *Policy.* Nontemporary storage of household goods belonging to an employee transferred or a new appointee assigned to an official station at an isolated location in the continental United States shall be allowed only when it is clearly justified under the conditions in this part and is not primarily for the convenience or at the request of the employee or the new appointee.

(b) *Isolated official stations—criteria.* Under this section, an official station at an isolated location is a place of permanent duty assignment in the continental United States at which an employee has no alternative except to live where he/she is unable to use his/her household goods because:

(1) The type of quarters he/she is required to occupy at the isolated permanent duty station will not accommodate his/her household goods; or

(2) Residence quarters which would accommodate his/her household goods are not available within reasonable

daily commuting distance of the official station. However, the designation of an official station as isolated in accordance with paragraph (c) of this section shall not preclude a determination in individual instances that adequate housing is available for some employees stationed there based on housing which may be available within daily commuting distance and the size and other characteristics of each employee's immediate family. In such instances, the station shall not be considered isolated with regard to those employees for whom adequate family housing is determined to be available.

(c) *Isolated official stations—designation.* Heads of agencies concerned are responsible for designating the isolated official stations at which conditions exist for allowing nontemporary storage of household goods at Government expense for some or all employees.

(d) *Eligibility.* Eligibility for nontemporary storage of household goods and personal effects applies to an employee stationed at an isolated official station, which meets the criteria in paragraph (b) of this section, who performed permanent change of station travel or travel as a new appointee.

(e) *Authorization.* The authorization for nontemporary storage should be contained in the travel order or other document authorizing transfer or appointment at an isolated official station. However, storage may be approved subsequently if the employee or new appointee is otherwise eligible.

(f) *Allowable storage*—(1) *Place of storage.* Under regulations prescribed by the head of the agency concerned, the property may be stored either in available Government-owned storage space or in suitable commercial or privately owned space obtained by the Government if Government-owned space is not available or if commercial or privately owned space is more economical or suitable because of location, difference of transportation costs, or for other reasons.

(2) *Allowable costs.* Allowable costs for storing the property include the cost of necessary packing, crating, unpacking, uncrating, transportation to and from place of storage, charges while in storage, and other necessary charges directly relating to the storage.

(3) *Partial storage.* An eligible employee or new appointee may be authorized to have a portion of his/her household goods transported to the isolated official station and to have the remainder stored at Government expense. However, the weight of the goods stored plus the weight of the goods transported shall not exceed the maximum applicable weight allowance for which the employee is eligible.

(4) *Changes in type of storage.* Authority may be granted for the conversion of household goods from temporary to nontemporary storage and from storage at personal expense to nontemporary storage at Government expense.

(g) *Time limitations.* Nontemporary storage shall be authorized for periods of time not exceeding 1 year and extended as necessary in accordance with the length of an employee's assignment at an isolated official station. Appropriate periodic review shall be made to determine whether current conditions at the isolated locality with regard to availability of housing warrant continuation of the authority for nontemporary storage. Eligibility for nontemporary storage at Government expense shall terminate on the employee's last day of active duty at the isolated official station. When an employee ceases to be eligible, nontemporary storage at Government expense may continue until the beginning of the second month after the month in which his eligibility terminates. However, the period of nontemporary storage shall not exceed 3 years.

[54 FR 20328, May 10, 1989, as amended by FTR Amdt. 26, 57 FR 28636, June 26, 1992]

§ 302–9.2 Nontemporary storage during assignment outside the continental United States.

(a) *Eligibility.* Under regulations that may be prescribed by the head of the agency concerned, an employee stationed at an official station other than one located in the continental United States or an employee or new appointee transferred or appointed to such a station may be allowed nontemporary storage of his/her household goods while so assigned if:

(1) The official station is one to which he/she is not authorized to take, or at which he/she is unable to use, the household goods; or

(2) The storage is authorized in the public interest; or

(3) The estimated cost of storage would be less than the cost of round-trip transportation (including temporary storage) of the household goods to the new official station.

(b) *Authorization.* Normally, the authorization for nontemporary storage shall be contained in the travel order or other document authorizing the employee's change of station or authorizing a new appointee to report to his/her official station. However, storage may be approved subsequently if the employee or new appointee would otherwise be eligible.

(c) *Allowable storage*—(1) *Place of storage.* The property may be stored either in available Government-owned storage space or in suitable commercial or privately owned space if Government-owned space is not available or if commercial or privately owned space obtained by the Government is more economical or suitable because of location, difference of transportation costs, or other reasons.

(2) *Allowable costs.* Allowable costs for storing the property include the cost of necessary packing, crating, unpacking, uncrating, transportation to and from place of storage, charges while in storage, and other necessary charges directly relating to the storage.

(3) *Partial storage.* The employee or new appointee may be authorized to have a portion of his/her goods transported to the official station unless it is a station to which he/she is not authorized to take, or at which he/she is unable to use, any of the goods. However, the weight of the goods stored plus the weight of the goods transported shall not exceed the maximum applicable weight allowance for which the employee is eligible.

(4) *Change in type of storage.* Authority may also be granted for the conversion of household goods from temporary to nontemporary storage at Government expense, and from storage at personal expense to nontemporary storage at Government expense, if the employee or new appointee is otherwise eligible.

(d) *Time limitations.* Nontemporary storage at Government expense may be authorized for a period not to exceed the length of the employee's tour of duty at the overseas station plus 1 month prior to the time the tour begins. The storage period may be extended for subsequent service or tours of duty at the same or other overseas stations if the provisions of paragraph (a) of this section continue to be met. When an employee ceases to be eligible for the allowance, storage at Government expense may continue until the beginning of the second month after the month in which his/her eligibility terminates, unless to avoid inequity the agency extends the period. Eligibility shall be deemed to terminate on the last day of active duty at the overseas station.

§ 302–9.3 Storage during school recess for Department of Defense overseas teachers.

(a) *Description.* The Department of Defense Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 905) provides authority for the storage of the household goods of Department of Defense overseas teachers during the recess period between 2 consecutive school years.

(b) *Regulations.* Storage of household goods of Department of Defense overseas teachers may be allowed at Government expense under regulations prescribed by the Secretary of Defense in accordance with this part.

(c) *Authorization and conditions*—(1) *Authorization.* Storage during the school recess should be authorized prior to the close of the school year. However, storage may be approved at a later date if all the required terms and conditions have been fulfilled.

(2) *Agreement.* To be eligible for recess storage, a teacher serving at the close of a school year must agree in writing to serve as a teacher for the next school year.

(3) *Forfeited entitlements.* The storage shall be instead of quarters or quarters allowance authorized by 20 U.S.C. 905 and any other storage of household goods to which the teacher might be

entitled through employment in another position during any recess period between 2 school years.

(d) *Allowable storage*—(1) *Place of storage.* The property may be stored either in available Government-owned space or in suitable commercial or privately owned space if Government-owned space is not available or if commercial or privately owned space obtained by the Government is more economical or suitable because of location, difference of transportation costs, or other reasons.

(2) *Allowable costs.* Allowable costs for storing the property include the cost of necessary packing, crating, unpacking, uncrating, transportation to and from place of storage, charges while in storage, and other necessary charges directly relating to the storage.

(3) *Weight limitations.* The weight of the household goods stored during the recess period shall not exceed the weight authorized for the employee less the weight of household goods stored under §302–9.2.

(e) *Time limitation.* The period of storage shall not exceed the period of the recess between the 2 school years.

(f) *Breach of agreement.* If the teacher does not report for service at the beginning of the next school year, except for reasons beyond his/her control and acceptable to the Department of Defense, he/she shall be obligated to reimburse the Department in the amount paid by the Department for the commercial storage, including related services. If, however, the property was stored in a Government facility, the teacher shall pay the agency an amount equal to the reasonable value of the storage furnished, including related services.

[54 FR 20328, May 10, 1989, as amended by FTR Amdt. 26, 57 FR 28636, June 26, 1992]

§302–9.4 Advance of funds.

Advances of funds are not authorized in connection with the storage allowances covered by this part.

[54 FR 20328, May 10, 1989, as amended by FTR Amdt. 26, 57 FR 28636, June 26, 1992]

PART 302–10—ALLOWANCES FOR TRANSPORTATION AND EMERGENCY STORAGE OF A PRIVATELY OWNED VEHICLE

Subpart A—General Rules

Sec.

302–10.1 What is a ''privately owned vehicle (POV)''?
302–10.2 What is an ''official station'' for purposes of this part?
302–10.3 What is a ''post of duty'' for purposes of this part?
302–10.4 What are the purposes of the allowance for transportation of a POV?
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302–10.9 For what transportation expenses will my agency pay?
302–10.10 For what POV emergency storage expenses will my agency pay?
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Subpart B—Transportation of a POV to a Post of Duty

GENERAL

302–10.100 Who is eligible for transportation of a POV to a post of duty?
302–10.101 In what situations may my agency authorize transportation of a POV to my post of duty?
302–10.102 How many POV's may I transport to a post of duty?
302–10.103 Do I have to ship my POV to my actual post of duty?
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POV TRANSPORTATION AT TIME OF ASSIGNMENT

302–10.140 Under what specific conditions may my agency authorize transportation of a POV to my post of duty upon my assignment to that post of duty?

302–10.141 What is the ''authorized point of origin'' when I transport a POV to my post of duty?
302–10.142 What will I be reimbursed if I transport a POV from a point of origin that is different from the authorized point of origin?
302–10.143 When I am authorized to transport a POV, may I have the manufacturer or the manufacturer's agent transport a new POV from the factory or other shipping point directly to my post of duty?

POV TRANSPORTATION SUBSEQUENT TO THE TIME OF ASSIGNMENT

302–10.170 Under what specific conditions may my agency authorize transportation of a POV to my post of duty subsequent to the time of my assignment to that post of duty?
302–10.171 If circumstances warrant an authorization to transport a POV to my post of duty after my assignment to the post of duty, must I sign a new service agreement?
302–10.172 Under what conditions may my agency authorize transportation of a replacement POV to my post of duty?
302–10.173 How many replacement POV's may my agency authorize me to transport to my post of duty at Government expense?
302–10.174 What is the ''authorized point of origin'' when I transport a POV, including a replacement POV, to my post of duty subsequent to the time of my assignment to that post of duty?
302–10.175 When I am authorized to transport a POV, including a replacement POV, to my post of duty subsequent to the time of my assignment to that post of duty, may I have the manufacturer or the manufacturer's agent transport a new POV from the factory or other shipping point directly to my post of duty?

Subpart C—Return Transportation of a POV from a Post of Duty

302–10.200 When am I eligible for transportation of a POV from my post of duty?
302–10.201 In what situations will my agency pay to transport a POV transported from my post of duty?
302–10.202 When do I become entitled to transportation of my POV from my post of duty to an authorized destination?
302–10.203 Is there any circumstance under which I may be authorized to transport my POV from a post of duty before completing my service agreement?
302–10.204 What is the ''authorized point of origin'' when I transport my POV from my post of duty?
302–10.205 What is the ''authorized destination'' of a POV transported under this subpart?
302–10.206 What should I do if there is no port or terminal at my authorized point of origin or authorized destination when I transport a POV from my post of duty?
302–10.207 What will I be reimbursed if I transport my POV from a point of origin or to a destination that is different from my authorized origin or destination?
302–10.208 If I retain my POV at my post of duty after conditions change to make use of the POV no longer in the interest of the Government, may I transport it at Government expense from the post of duty at a later date?
302–10.209 Under what conditions may my agency authorize me to transport from my post of duty a replacement POV purchased at that post of duty?

Subpart D—Transportation of a POV Wholly Within the Continental United States (CONUS)

302–10.300 When am I eligible for transportation of my POV wholly within CONUS at Government expense?
302–10.301 Under what conditions may my agency authorize transportation of my POV wholly within CONUS?
302–10.302 How many POV's may I transport wholly within CONUS?
302–10.303 If I am authorized to transport my POV wholly within CONUS, where must the transportation originate?
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Subpart E—Emergency Storage of a POV

302–10.400 When am I eligible for emergency storage of my POV?
302–10–401 Where may I store my POV if I receive notice to evacuate my immediate family and/or household goods from my post of duty?

Subpart F—Agency Responsibilities

302–10.500 What means of transportation may we authorize for POV's?
302–10.501 How should we administer the allowances for transportation and emergency storage of a POV?
302–10.502 What governing policies must we establish for the allowances for transportation and emergency storage of a POV?
302–10.503 Under what condition may we authorize transportation of a POV to a post of duty?
302–10.504 What factors must we consider in deciding whether to authorize transportation of a POV to a post of duty?

302–10.505 What must we consider in determining whether transportation of a POV wholly within CONUS is cost effective?

AUTHORITY: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13747, 3 CFR, 1971–1975 Comp., p. 586.

SOURCE: FTR Amdt. 65, 62 FR 13794, Mar. 21, 1997, unless otherwise noted.

Subpart A—General Rules

NOTE TO SUPART A: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§ 302–10.1 What is a "privately owned vehicle (POV)"?

A motor vehicle not owned by the Government and used by the employee or his/her immediate family for the primary purpose of providing personal transportation.

§ 302–10.2 What is an "official station" for purposes of this part?

An official station is defined in § 302–1.4(k). For purposes of this part, an official station may be within or outside the continental United States (CONUS).

§ 302–10.3 What is a "post of duty" for purposes of this part?

An official station outside CONUS.

§ 302–10.4 What are the purposes of the allowance for transportation of a POV?

To reduce the Government's overall relocation costs by allowing transportation of a POV to your official station within CONUS when it is advantageous and cost effective to the Government, and to improve your overall effectiveness if you are transferred or otherwise assigned to a post of duty at which it is in the interest of the Government for you to have use of a POV for personal transportation.

§ 302–10.5 What is the purpose of the allowance for emergency storage of a POV?

To protect a POV transported at Government expense to your post of duty when the head of your agency determines that the post of duty is within a zone from which your immediate family and/or household goods should be evacuated.

§ 302–10.6 What POV transportation and emergency storage may my agency authorize at Government expense?

Your agency may authorize:

(a) Transportation of a POV to a post of duty as provided in subpart B of this part;

(b) Transportation of a POV from a post of duty as provided in subpart C of this part;

(c) Transportation of a POV wholly within CONUS as provided in subpart D of this part; and

(d) Emergency storage of a POV as provided in subpart E of this part.

§ 302–10.7 Must my agency authorize transportation or emergency storage of my POV?

No. However, if your agency does authorize transportation of a POV to your post of duty and you complete your service agreement, your agency must pay for the cost of returning the POV. Your agency determines the conditions under which it will pay for transportation and emergency storage and the procedures a transferred employee must follow.

§ 302–10.8 What type of POV may I be authorized to transport, and if necessary, store under emergency circumstances?

Only a passenger automobile, station wagon, small truck, or other similar vehicle that will be used primarily for personal transportation. You may not transport or store a trailer, airplane, or any vehicle intended for commercial use.

§ 302–10.9 For what transportation expenses will my agency pay?

When your agency authorizes transportation of your POV, it will pay for all necessary and customary expenses directly related to the transportation of the POV, including crating and packing expenses, shipping charges, and port charges for readying the POV for shipment at the port of embarkation and for use at the port of debarkation.

§302–10.10 For what POV emergency storage expenses will my agency pay?

All necessary storage expenses, including but not limited to readying the POV for storage, local transportation to point of storage, storage, readying the POV for use after storage, and local transportation from the point of storage. Insurance on the POV is at your expense, unless it is included in the expenses allowed by this paragraph.

§302–10.11 May I receive an advance of funds for transportation and emergency storage of my POV?

Yes, in accordance with §302–1.14(a) and not to exceed the estimated amount of the expenses authorized under this part for transportation and emergency storage of your POV.

§302–10.12 May my agency determine that driving my POV is more advantageous and limit my reimbursement to what it would cost to drive my POV?

Yes. Your agency decides whether it is more advantageous for you and/or a member of your immediate family to drive your POV for all or part of the distance or to have it transported. If your agency decides that driving the POV is more advantageous, your reimbursement will be limited to the allowances provided in part 302–2 of this chapter for the travel and transportation expenses you and/or your immediate family incur en route.

Subpart B—Transportation of a POV to a Post of Duty

NOTE TO SUBPART B: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

General

§302–10.100 Who is eligible for transportation of a POV to a post of duty?

An employee who is authorized to transfer to the post of duty, or a new appointee or a student trainee assigned to the post of duty.

§302–10.101 In what situations may my agency authorize transportation of a POV to my post of duty?

Your agency may authorize transportation when:

(a) At the time of your assignment, conditions warrant such authorization under §302–10.140;

(b) Subsequent to the time of your assignment conditions, which did not warrant authorization at the time of your assignment, change to warrant such authorization under §302–10.170; or

(c) Subsequent to the time of your assignment, conditions warrant authorization under §302–10.172 of a replacement POV.

§302–10.102 How many POV's may I transport to a post of duty?

One. This does not, however, limit the transportation of a replacement POV when authorized under §302–10.172.

§302–10.103 Do I have to ship my POV to my actual post of duty?

Yes. You may not transport the POV to an alternate location.

§302–10.104 What may I do if there is no port or terminal at the point of origin and/or destination?

Your agency will pay the entire cost of transporting the POV from your point of origin to your destination. If you prefer, however, you may choose to drive your POV from your point of origin at time of assignment to the nearest embarkation port or terminal, and/or from the debarkation port or terminal nearest your destination to your post of duty at any time. If you choose to drive, you will be reimbursed your one-way mileage cost, at the rate specified in part 301–4 of this subtitle, for driving the POV from your authorized origin to deliver it to the port of embarkation, or from the port of debarkation to the authorized destination. For the segment of travel from the port of embarkation back to your authorized origin after delivering the POV to the port, or from your authorized destination to the port of debarkation to pickup the POV, you will be reimbursed your one-way transportation cost. The total cost of round-trip travel, to deliver the POV to the port at the origin or to pickup the POV at the port at

your destination, may not exceed the cost of transporting the POV to or from the port involved. You may not be reimbursed a per diem allowance for round-trip travel to and from the port involved.

POV TRANSPORTATION AT TIME OF ASSIGNMENT

§ 302–10.140 Under what specific conditions may my agency authorize transportation of a POV to my post of duty upon my assignment to that post of duty?

Your agency may authorize transportation when:

(a) It has determined in accordance with § 302–10.503 of this part that it is in the interest of the Government for you to have use of your POV at the post of duty;

(b) You have signed a service agreement; and

(c) You meet any specific conditions your agency has established.

§ 302–10.141 What is the "authorized point of origin" when I transport a POV to my post of duty?

Your ''authorized point of origin'' is as follows:

If you are a—	Your "authorized point of origin" is—
(a) A transferee	Your old official station.
(b) A new appointee or student trainee	Your place of actual residence.

§ 302–10.142 What will I be reimbursed if I transport a POV from a point of origin that is different from the authorized point of origin?

You will be reimbursed the transportation costs you incur, not to exceed the cost of transporting your POV from your authorized point of origin to your post of duty.

§ 302–10.143 When I am authorized to transport a POV, may I have the manufacturer or the manufacturer's agent transport a new POV from the factory or other shipping point directly to my post of duty?

Yes, provided:

(a) You purchased the POV new from the manufacturer or manufacturer's agent;

(b) The POV is transported FOB-shipping point, consigned to you and/or a member of your immediate family, or your agent; and

(c) Ownership of the POV is not vested in the manufacturer or the manufacturer's agent during transportation. In this circumstance, you will be reimbursed for the POV transportation costs, not to exceed the cost of transporting the POV from your authorized point of origin to your post of duty.

POV TRANSPORTATION SUBSEQUENT TO THE TIME OF ASSIGNMENT

§ 302–10.170 Under what specific conditions may my agency authorize transportation of a POV to my post of duty subsequent to the time of my assignment to that post of duty?

Your agency may authorize transportation when:

(a) You do not have a POV at your post of duty;

(b) You have not previously been authorized to transport a POV to that post of duty;

(c) You have not previously transported a POV outside CONUS during your assignment to that post of duty;

(d) Your agency has determined in accordance with § 302–10.503 that it is in the interest of the Government for you to have use of your POV at the post of duty;

(e) You signed a service agreement at the time you were transferred in the interest of the Government, or assigned if you were a new appointee or student trainee, to your post of duty; and

(f) You meet any specific conditions your agency has established.

§ 302–10.171 If circumstances warrant an authorization to transport a POV to my post of duty after my assignment to the post of duty, must I sign a new service agreement?

No, provided you signed a service agreement at the time of your assignment to the post of duty. Violation of that service agreement, however, will result in your personal liability for the cost of transporting the POV.

§302–10.172 Under what conditions may my agency authorize transportation of a replacement POV to my post of duty?

Your agency may authorize a replacement POV when:

(a) You require an emergency replacement POV and you meet the following conditions:

(1) You had a POV which was transported to your post of duty at Government expense; and

(2) You require a replacement POV for reasons beyond your control and acceptable to your agency, such as when the POV is stolen, or seriously damaged or destroyed, or has deteriorated due to conditions at the post of duty; and

(3) Your agency determines in advance of authorization that a replacement POV is necessary and in the interest of the Government; or

(b) You require a non-emergency replacement POV and you meet the following conditions:

(1) You have a POV which was transported to a post of duty at Government expense;

(2) You have been stationed continuously during a 4-year period at one or more posts of duty; and

(3) Your agency has determined that it is in the Government's interest for you to continue to have a POV at your post of duty.

§302–10.173 How many replacement POV's may my agency authorize me to transport to my post of duty at Government expense?

Your agency may authorize one emergency replacement POV within any 4-year period of continuous service. It may authorize one non-emergency replacement POV after every four years of continuous service beginning on the date you first have use of the POV being replaced.

§302–10.174 What is the "authorized point of origin" when I transport a POV, including a replacement POV, to my post of duty subsequent to the time of my assignment to that post of duty?

Your agency determines the authorized point of origin within the United States.

§302–10.175 When I am authorized to transport a POV, including a replacement POV, to my post of duty subsequent to the time of my assignment to that post of duty, may I have the manufacturer or the manufacturer's agent transport a new POV from the factory or other shipping point directly to my post of duty?

Yes, under the same conditions specified in §302–10.143 of this subpart.

Subpart C—Return Transportation of a POV From a Post of Duty

NOTE TO SUBPART C: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§302–10.200 When am I eligible for transportation of a POV from my post of duty?

You are eligible for return transportation when:

(a) You were transferred to a post of duty in the interest of the Government; and

(b) You have a POV at the post of duty.

[FTR Amdt. 65, 62 FR 13794, Mar. 21, 1997, as amended by FTR Amdt. 69, 63 FR 5742, Feb. 4, 1998]

§302–10.201 In what situations will my agency pay to transport a POV transported from my post of duty?

Your agency will pay when:

(a) You are transferred back to the official station (including post of duty) from which you transferred to your current post of duty;

(b) You are transferred to a new official station within CONUS;

(c) You are transferred to a new post of duty, where your agency determines that use of a POV at that location is not in the interest of the Government;

(d) You separate from Government service after completion of an agreed period of service at the post of duty where your agency determined the use of a POV to be in the interest of the Government;

(e) You separate from Government service prior to completion of an agreed period of service at the post of duty where your agency determined the use of a POV to be in the interest

of the Government; and the separation is for reasons beyond your control and acceptable to your agency; or

(f) Conditions change at your post of duty such that use of the POV no longer is in the interest of the Government.

[FTR Amdt. 65, 62 FR 13794, Mar. 21, 1997, as amended by FTR Amdt. 69, 63 FR 5743, Feb. 4, 1998]

§ 302–10.202 When do I become entitled to transportation of my POV from my post of duty to an authorized destination?

You become entitled when:

(a) Your agency determined the use of a POV at your post of duty was in the interest of the Government;

(b) You have a POV at your post of duty; and

(c) You have completed your service agreement.

[FTR Amdt. 65, 62 FR 13794, Mar. 21, 1997, as amended by FTR Amdt. 69, 63 FR 5743, Feb. 4, 1998]

§ 302–10.203 Is there any circumstance under which I may be authorized to transport my POV from a post of duty before completing my service agreement?

Yes. If conditions change at your post of duty such that use of your POV no longer is in the interest of the Government, or if you separate from Government service prior to completion of your service agreement for reasons beyond your control and acceptable to your agency, your agency may authorize return transportation to your authorized destination. When the return transportation is based on changed conditions, you still are required to complete your service agreement. If you do not, you will be required to repay the transportation costs.

§ 302–10.204 What is the "authorized point of origin" when I transport my POV from my post of duty?

The last post of duty to which you were authorized to transport your POV at Government expense.

§ 302–10.205 What is the "authorized destination" of a POV transported under this subpart?

The ''authorized destination'' is as follows:

If—	The authorized destination of the POV you transport at Government expense is—
(a) You are transferred to an official station within CONUS,	Your official station.
(b)(1) You are transferred to another post of duty and use of a POV at the new post is not in the interest of the Government;	Your place of actual residence.
(2) You separate from Government service and are eligible for transportation of your POV from your post of duty; or	Your place of actual residence.
(3) Conditions change at your post of duty such that use of your POV no longer is in the interest of the Government at that post of duty,	Your place of actual residence.

§ 302–10.206 What should I do if there is no port or terminal at my authorized point of origin or authorized destination when I transport a POV from my post of duty?

Your agency will pay the entire cost of transporting the POV from your authorized origin to your authorized destination. If you prefer, however, you may choose to drive your POV to the port of embarkation and/or from the port of debarkation. If you choose to drive, you will be reimbursed in the same manner as an employee covered under § 302–10.104.

§ 302–10.207 What will I be reimbursed if I transport my POV from a point of origin or to a destination that is different from my authorized origin or destination?

You will be reimbursed the transportation costs you actually incur, not to exceed what it would have cost to transport your POV from your authorized origin to the authorized destination.

§ 302–10.208 If I retain my POV at my post of duty after conditions change to make use of the POV no longer in the interest of the Government, may I transport it at Government expense from the post of duty at a later date?

Yes, your agency will pay the transportation costs not to exceed the cost of transporting it to the authorized destination, provided you otherwise meet all conditions for transportation of a POV.

§302–10.209 Under what conditions may my agency authorize me to transport from my post of duty a replacement POV purchased at that post of duty?

Your agency may authorize transportation only if:

(a) At the time you purchased the replacement POV, you met the conditions in §302–10.172 of this part; and

(b) Prior to purchase of the replacement POV, your agency authorized you to purchase a replacement POV at the post of duty.

Subpart D—Transportation of a POV Wholly Within the Continental United States (CONUS)

NOTE TO SUBPART D: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§302–10.300 When am I eligible for transportation of my POV wholly within CONUS at Government expense?

When you are an employee who transfers within CONUS in the interest of the Government, or you are a new appointee or student trainee relocating to your first official station within CONUS.

§302–10.301 Under what conditions may my agency authorize transportation of my POV wholly within CONUS?

Your agency will authorize transportation only when:

(a) It has determined that use of your POV to transport you and/or your immediate family from your old official station (or place of actual residence, if you are a new appointee or student trainee) to your new official station would be advantageous to the Government;

(b) Both your old official station (or place of actual residence, if you are a new appointee or student trainee) and your new official station are located within CONUS; and

(c) Your agency further determines that it would be more advantageous and cost effective to the Government to transport your POV to the new official station at Government expense and to pay for transportation of you and/or your immediate family by commercial means than to have you or an immediate family member drive the POV to the new official station.

§302–10.302 How many POV's may I transport wholly within CONUS?

You may transport any number of POV's under this subpart, provided your agency determines such transportation is advantageous and cost effective to the Government.

§302–10.303 If I am authorized to transport my POV wholly within CONUS, where must the transportation originate?

The POV transportation must originate as follows:

If you are—	Your transportation must originate at—
(a) A transferee,	Your old official station.
(b) A new appointee or student trainee,	Your place of actual residence.

§302–10.304 If I am authorized to transport my POV wholly within CONUS, what must the destination be?

Your new official station.

Subpart E—Emergency Storage of a POV

NOTE TO SUBPART E: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§302–10.400 When am I eligible for emergency storage of my POV?

You are eligible when:

(a) Your POV was transported to your post of duty at Government expense; and

(b) The head of your agency determines that your post of duty is within a zone from which your immediate family and/or household goods should be evacuated.

§302–10.401 Where may I store my POV if I receive notice to evacuate my immediate family and/or household goods from my post of duty?

You may store your POV at a place determined to be reasonable by your

agency whether the POV is already located at, or being transported to, your post of duty.

Subpart F—Agency Responsibilities

NOTE TO SUBPART F: Use of the pronouns ''we'' and ''you'' throughout this subpart refers to the agency.

§ 302–10.500 What means of transportation may we authorize for POV's?

(a) Commercial means if available at reasonable rates and under reasonable conditions; or

(b) Government means on a space-available basis.

§ 302–10.501 How should we administer the allowances for transportation and emergency storage of a POV?

To minimize costs and to promote an efficient workforce by providing an employee use of his/her POV when it mutually benefits the Government and the employee.

§ 302–10.502 What governing policies must we establish for the allowances for transportation and emergency storage of a POV?

You must establish policies governing:

(a) When you will authorize transportation and emergency storage of a POV;

(b) When you will authorize transportation of a replacement POV;

(c) Who will determine if transportation of a POV to or from a post of duty is in the interest of the Government;

(d) Who will determine if conditions have changed at an employee's post of duty to warrant transportation of a POV in the interest of the Government;

(e) Who will determine if transportation of a POV wholly within CONUS is more advantageous and cost effective than having the employee drive the POV to the new official station; and

(f) Who will determine whether to allow emergency storage of an employee's POV, including where to store the POV.

§ 302–10.503 Under what condition may we authorize transportation of a POV to a post of duty?

You may authorize transportation only when you determine, after consideration of the factors in §302–10.504, that it is in the interest of the Government for the employee to have use of a POV at the post of duty.

§ 302–10.504 What factors must we consider in deciding whether to authorize transportation of a POV to a post of duty?

You must consider:

(a) Whether local conditions at the employee's post of duty warrant use of a POV;

(b) Whether use of the POV will contribute to the employee's effectiveness on the job;

(c) Whether use of a POV of the type involved will be suitable under local conditions at the post of duty;

(d) Whether the cost of transporting the POV to and from the post of duty will be excessive, considering the time the employee has agreed to serve at the post of duty.

§ 302–10.505 What must we consider in determining whether transportation of a POV wholly within CONUS is cost effective?

(a) Cost of travel by POV.

(b) Cost of transporting the POV.

(c) Cost of travel if the POV is transported.

(d) Productivity benefit you derive from the employee's accelerated arrival at the new official station.

PART 302–11—RELOCATION INCOME TAX (RIT) ALLOWANCE

Sec.

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APPENDIX D TO PART 302–11—PUERTO RICO TAX TABLES FOR RIT ALLOWANCE

AUTHORITY: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13747, 3 CFR, 1971–1975 Comp., p. 586.

SOURCE: 54 FR 20332, May 10, 1989, unless otherwise noted.

§ 302–11.1 Authority.

Payment of a relocation income tax (RIT) allowance is authorized to reimburse eligible transferred employees for substantially all of the additional Federal, State, and local income taxes incurred by the employee, or by the employee and spouse if a joint tax return is filed, as a result of certain travel and transportation expenses and relocation allowances which are furnished in kind, or for which reimbursement or an allowance is provided by the Government. Payment of the RIT allowance also is authorized for income taxes paid to the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the U.S. possessions in accordance with a decision of the Comptroller General of the United States (67 Comp. Gen. 135 (1987)). The RIT allowance shall be calculated and paid as provided in this part.

[FTR Amdt. 30, 58 FR 15437, Mar. 23, 1993]

§ 302–11.2 Coverage.

(a) *Eligible employees.* Payment of a RIT allowance is authorized for employees transferred on or after November 14, 1983, in the interest of the Government from one official station to another for permanent duty. The effective date of an employee's transfer is the date the employee reports for duty at the new official station as provided in § 302–1.4(l).

(b) *Individuals not covered.* The provisions of this part are not applicable to the following individuals or employees:

(1) New appointees;

(2) Employees assigned under the Government Employees Training Act (see 5 U.S.C. 4109); or

(3) Employees returning from overseas assignments for the purpose of separation.

[54 FR 20332, May 10, 1989, as amended by FTR Amdt. 17, 56 FR 23658, May 23, 1991; FTR Amdt. 26, 57 FR 28636, June 26, 1992]

§ 302–11.3 Types of moving expenses or allowances covered and general limitations.

The RIT allowance is limited by law as to the types of moving expenses that can be covered. The law authorizes reimbursement of additional income taxes resulting from certain moving expenses furnished in kind or for which reimbursement or an allowance is provided to the transferred employee by the Government. However, such moving expenses are covered by the RIT allowance only to the extent that they are actually paid or incurred, and are not allowable as a moving expense deduction for tax purposes. The types of expenses or allowances listed in paragraphs (a) through (i) of this section, are covered by the RIT allowance within the limitations discussed.

(a) *En route travel.* Travel (including per diem) and transportation expenses of the transferred employee and immediate family for en route travel from the old official station to the new official station. (See part 302–2.)

(b) *Household goods shipment.* Transportation (including temporary storage) expenses for movement of household goods from the old official station to the new official station. (See part 302–8.)

(c) *Nontemporary storage expenses.* Allowable expenses for nontemporary storage of household goods belonging to an employee transferred on or after November 14, 1983, through October 11, 1984, to an isolated location in the continental United States. (See § 302–9.1.) Nontemporary storage expenses are not covered by the RIT allowance for transfers on or after October 12, 1984. (See § 302–11.4(c).)

(d) *Mobile home movement.* Expenses for the movement of a mobile home for use as a residence when movement is authorized instead of shipment and

temporary storage of household goods. (See part 302–7.)

(e) *Househunting trip.* Travel (including per diem) and transportation expenses of the employee and spouse for one round trip to the new official station to seek permanent residence quarters. (See part 302–4.)

(f) *Temporary quarters.* Subsistence expenses of the employee and immediate family during occupancy of temporary quarters. (See part 302–5.)

(g) *Real estate expenses.* Allowable expenses for the sale of the residence (or expenses of settlement of an unexpired lease) at the old official station and for purchase of a home at the new official station for which reimbursement is received by the employee. (See part 302–6.)

(h) *Miscellaneous expense allowance.* A miscellaneous expense allowance for the purpose of defraying certain expenses associated with discontinuing a residence at one location and establishing a residence at the new location in connection with an authorized or approved permanent change of station. (See part 302–3.)

(i) *Relocation services.* Payments, or portions thereof, made to a relocation service company for services provided to a transferred employee (see part 302–12), subject to the conditions stated in this paragraph and within the general limitations of this section applicable to other covered expenses.

(1) *For employees transferred on or after November 14, 1983, through October 11, 1984.* The amount of a broker's fee or real estate commission, or other real estate sales transaction expenses which normally are reimbursable to the employee under §302–6.2 but have been paid by a relocation service company incident to an assigned sale from the employee, provided that such payments constitute income to the employee. For the purposes of this regulation, an assigned sale occurs when an employee obtains a binding agreement for the sale of his/her residence and assigns the inherent rights and obligations of that agreement to a relocation company that is providing services under contract with the employing agency. For example, if the employee incurs an obligation to pay a specified broker's fee or real estate commission under the terms of the sales agreement, this obligation along with the sales agreement is assigned to the relocation company and may, upon payment of the obligation by the relocation company, constitute income to the employee. (See §302–12.7 entitled ''Income tax consequences of using relocation companies.'')

(2) *For employees transferred on or after October 12, 1984.* Expenses paid by a relocation company providing relocation services to the transferred employee pursuant to a contract with the employing agency to the extent such payments constitute income to the employee. (See §302–12.7.)

NOTE: See reference shown in parentheses for reimbursement provisions for each allowance listed in paragraphs (a) through (i) of this section. See section 217 of the Internal Revenue Code (IRC) and Internal Revenue Service (IRS) Publication 521 entitled ''Moving Expenses'' and appropriate State and local tax authority publications for additional information on the taxability of moving expense reimbursements and the allowable tax deductions for moving expenses.

[54 FR 20332, May 10, 1989, as amended by FTR Amdt. 26, 57 FR 28636, June 26, 1992]

§302–11.4 Exclusions from coverage.

The provisions of this part are not applicable to the following:

(a) Any tax liability that may result from payments by the Government to relocation companies on behalf of employees transferred on or after November 14, 1983, through October 11, 1984, other than the payments for those expenses specified in §302–11.3(i)(1).

(b) Any tax liability incurred for local income taxes other than city income tax as a result of moving expense reimbursements for employees transferred on or after November 14, 1983, through October 11, 1984. (See definition in §302–11.5(b).)

(c) Any tax liability resulting from reimbursed expenses for any nontemporary storage of household goods except as specifically provided for in §302–11.3(c).

(d) Any tax liability resulting from paid or reimbursed expenses for shipment of a privately owned automobile.

(e) Any tax liability resulting from an excess of reimbursed amounts over the actual expense paid or incurred.

For instance, if an employee's reimbursement for the movement of household goods is based on the commuted rate schedule and his/her actual moving expenses are less than the reimbursement, the tax liability resulting from the difference is not covered by the RIT allowance. (See §302–11.8(c)(2)(i).)

(f) Any tax liability resulting from an employee's decision not to deduct moving expenses for which a tax deduction is allowable under the Internal Revenue Code or appropriate State and local tax codes. (See §§302–11.8(b)(1) and 302–11.8(c)(2).)

(g) Any tax liability resulting from the payment of recruitment, retention, or relocation bonuses authorized by the Office of Personnel Management pursuant to 5 U.S.C. 5753 and 5754, or any other provisions which allow relocation payments that are not reimbursements for travel, transportation, and other expenses incurred in relocation.

[54 FR 20332, May 10, 1989, as amended by FTR Amdt. 17, 56 FR 23658, May 23, 1991; FTR Amdt. 26, 57 FR 28636, June 26, 1992]

§302–11.5 Definitions and discussion of terms.

For purposes of this part, the following definitions will apply:

(a) *State income tax.* A tax, imposed by a State tax authority, that is deductible for Federal income tax purposes as a State income tax under section 164(a)(3) of the IRC. ''State'' means any one of the several States of the United States and the District of Columbia.

(b) *Local income tax.* A tax, imposed by a recognized city or county tax authority, that is deductible for Federal income tax purposes as a local (city or county) income tax under section 164(a)(3) of the IRC; except, that for employees transferred on or after November 14, 1983, through October 11, 1984, local income tax shall be construed to mean only city income tax. For purposes of this regulation:

(1) *City* means any unit of general local government which is classified as a municipality by the Bureau of the Census, or which is a town or township that in the determination of the Secretary of the Treasury possesses powers and performs functions comparable to those associated with municipalities, is closely settled, and contains within its boundaries no incorporated places as defined by the Bureau of the Census (31 CFR 215.2(b)(1)).

(2) *County* means any unit of local general government which is classified as a county by the Bureau of the Census (31 CFR 215.2(e)).

(c) *Covered moving expense reimbursements or covered reimbursements.* As used herein, these terms include those moving expenses listed in §302–11.3 as being covered by the RIT allowance and which may be furnished in kind, or for which reimbursement or an allowance is provided by the Government.

(d) *Covered taxable reimbursements.* Covered moving expense reimbursements minus the tax deductions allowable under the IRC and IRS regulations for moving expenses. (See determination in §302–11.8(c).)

(e) *Year 1 or reimbursement year.* The calendar year in which reimbursement or payment for moving expenses is made to, or for, the employee under the provisions of this part. All or part of these reimbursements (see §302–11.6) are reported to the IRS as income (wages, salary, or other compensation) to the employee for that tax year under the provisions of the IRC and IRS regulations, and are subject to Federal tax withholding. The withholding tax allowance (WTA) (see paragraph (f)(1) of this section) is calculated in Year 1, to cover the employee's Federal tax withholding obligations each time covered moving expense reimbursements are made that result in a Federal tax withholding obligation. For purposes of this part, an advance of funds for any of the covered moving expenses is not considered to be a reimbursement or a payment until the travel voucher settlement for such expenses takes place. If an employee's reimbursement for moving expenses is spread over more than one year, he/she will have more than one Year 1.

(f) *Year 2.* The calendar year in which a claim for the RIT allowance is paid.

(1) Generally, Year 2 will be the calendar year immediately following Year 1 and in which the employee files a tax return reflecting his/her tax liability for income received in Year 1. However,

there may be instances where the employee's claims submission and/or payment of the RIT allowance is delayed beyond the calendar year immediately following Year 1. (Year 1 will always be the calendar year that reimbursements are received; see paragraph (e) of this section.) Year 2 will be the calendar year in which the RIT allowance is actually paid.

(2) The RIT allowance is calculated in Year 2 and paid to cover the additional tax liability (resulting from moving expense reimbursements received in Year 1) not covered by the WTA paid in Year 1. If an employee's covered taxable reimbursements are spread over more than one year, he/she will have more than one Year 2.

(g) *Federal withholding tax rate (FWTR).* The tax rate applied to incremental income to determine the amount to be withheld for Federal income tax from salary or other compensation such as moving expense reimbursements. Because moving expense reimbursements constitute supplemental wages for Federal income tax purposes, the 20 percent flat rate of withholding is generally applicable to such reimbursements. (See §302–11.7(c).) Agencies should refer to the Treasury Financial Manual, TFM 3–5000, and applicable IRS regulations for complete and up-to-date information on this subject.

(h) *Earned income.* For purposes of the RIT allowance, ''earned income'' shall include only the gross compensation (salary, wages, or other compensation such as reimbursement for moving expenses and the related WTA (see paragraph (n) of this section) and any RIT allowance (see paragraph (m) of this section) paid for moving expense reimbursement in a prior year) that is reported as income on IRS Form W–2 for the employee (employee and spouse, if filing jointly), and if applicable, the net earnings (or loss) for self-employment income shown on Schedule SE of the IRS Form 1040. Earned income may be from more than one source. (See §302–11.8(d).)

(i) *Marginal tax rate (MTR).* The tax rate (for example, 33 percent) applicable to a specific increment of income. The Federal, Puerto Rico, and State marginal tax rates to be used in calculating the RIT allowance are provided in appendices A through D of this part. (See §302–11.8(e)(3) of this part for instructions on local marginal tax rate determinations.)

(j) *Combined marginal tax rate (CMTR).* A single rate determined by combining the applicable marginal tax rates for Federal (or Puerto Rico, when applicable), State, and local income taxes, using formulas provided in §302–11.8(e)(5).

(k) *Gross-up.* Payment for the estimated additional income tax liability incurred by an employee as a result of reimbursements or payments by the Government for the covered moving expenses listed in §302–11.3.

(l) *Gross-up formulas.* The formulas used to determine the amount of the gross-up for the WTA and the RIT allowance. The gross-up formulas used herein compensate the employee for the initial tax, the tax on tax, etc. Note that the WTA gross-up formula in §302–11.7(d) is different than the RIT gross-up formula prescribed in §302–11.8(f).

(m) *RIT allowance.* The amount of payment computed and paid in Year 2 to cover substantially all of the estimated additional tax liability incurred as a result of the covered moving expense reimbursements received in Year 1.

(n) *Withholding tax allowance (WTA).* The withholding tax allowance (WTA), paid in Year 1, covers the employee's Federal income tax withholding liability on covered taxable reimbursements received in Year 1. The amount is computed by applying the withholding gross-up formula prescribed in §302–11.7(d) (using the Federal withholding tax rate) each time that a Federal withholding obligation is incurred on covered moving expense reimbursements received in Year 1. Grossing-up the Federal withholding amount protects the employee from using part of his/her moving expense reimbursement to pay Federal withholding taxes. (See §302–11.7.)

(o) *State gross-up.* Payment for the estimated additional State income tax liability incurred by an employee as a result of reimbursements or payments by the Government for the covered moving expenses listed in §302–11.3 that

are deductible for Federal income tax but not for State income tax purposes.

(p) *State gross-up formula.* The formula prescribed in § 302–11.8(f)(3) to be used in determining the amount to be included in the RIT allowance to compensate an employee for the additional State income tax incurred in States that do not allow the deduction of moving expenses.

[54 FR 20332, May 10, 1989, as amended by FTR Amdt. 14, 56 FR 9290, Mar. 6, 1991; FTR Amdt. 26, 57 FR 28636, June 26, 1992; FTR Amdt. 30, 58 FR 15437, Mar. 23, 1993; FTR Amdt. 32, 58 FR 58244, Oct. 29, 1993]

§ 302–11.6 Procedures in general.

(a) This regulation sets forth procedures for the computation and payment of the RIT allowance and defines agency and employee responsibilities. This part does not require changes to those internal fiscal procedures established by the individual agencies pursuant to IRS regulations, or the Treasury Financial Manual, provided that the intent of the statute authorizing the RIT allowance and this part are not disturbed.

(b) The total amount reimbursed or paid to the employee, or on his/her behalf, for travel, transportation, and other relocation expenses and allowances is includable in the employee's gross income pursuant to the IRC and certain State or local government tax codes. Some moving expenses for which reimbursements are received may be deducted from income by the employee as moving expense deductions, subject to certain limitations prescribed by the IRS or pertinent State or local tax authorities. Reimbursements for nondeductible moving expenses are subject to income tax. (See IRS Publication 521 entitled ''Moving Expenses'' and the appropriate State and local tax codes for detailed information.)

(c) Usually, if the employee is reimbursed for nondeductible moving expenses, the amount of these reimbursements is subject to withholding of Federal income tax in accordance with IRS regulations at the time of reimbursement. Under existing fiscal procedures, the amount of the employee's withholding obligation is usually deducted either from reimbursements for the moving expenses at the time of reimbursement or from the employee's salary. (See Treasury Financial Manual.)

(d) Payment of a WTA established herein will offset deductions for the Federal income tax withholding on moving expense reimbursements, and on the WTA itself, from the employee's moving expense reimbursements or from salary.

(e) The total amount of the RIT allowance can be computed after the end of Year 1 as soon as the earned income level, income tax filing status, total covered taxable reimbursements, and the applicable marginal tax rates can be determined. Employee claims for the RIT allowance should be submitted in accordance with this part and the employing agency's procedures.

(f) Procedures are prescribed in §§ 302–11.7 and 302–11.8 for computation and payment of the WTA and the RIT allowance. These procedures are built on existing fiscal procedures and IRS regulations regarding reporting of employee income from reimbursements and withholding of taxes on supplemental wages.

[54 FR 20332, May 10, 1989, as amended by FTR Amdt. 26, 57 FR 28636, June 26, 1992]

§ 302–11.7 Procedures for determining the WTA in Year 1.

(a) *General rules.* The WTA is designed to cover only the employee's withholding tax obligation for Federal income taxes on income resulting from covered moving expense reimbursements. (See definition in § 302–11.5(c).) Other withholding tax obligations, if any, such as for social security taxes or for State and/or local income taxes on income resulting from moving expense reimbursements shall not be included in the calculation of the WTA payment. The amount of the WTA is equal to the Federal income tax withholding obligation incurred by the employee on covered moving expense reimbursements (which are not offset by deductible moving expenses) and on the WTA itself. Each time covered moving expense reimbursements are paid to or on behalf of the employee, the WTA shall be calculated, accounted for, and reported as provided in paragraphs (b) through (g) of this section.

(b) *Determination of amount of reimbursement subject to withholding.* Under

IRS regulations, income resulting from reimbursements for nondeductible moving expenses is subject to withholding of Federal income taxes. (See IRS Publication 521, ''Moving Expenses.'') There are some moving expenses which may be reimbursed but are not covered taxable reimbursements (see definition in §302–11.5(d)) for purposes of the WTA and RIT allowance calculations, such as nontemporary storage of household goods. (See exclusions in §302–11.4.) Therefore, the actual amount of the covered taxable reimbursements may be different than the amount of nondeductible moving expenses subject to Federal income tax withholding. The difference in these amounts should not be substantial; therefore, the amount of nondeductible moving expenses subject to Federal income tax withholding, as determined by the agency pursuant to IRS regulations, may be used in calculating the WTA. (Note that the RIT calculation procedure in §302–11.8 requires determination of covered taxable reimbursements.)

(c) *Determination of Federal withholding tax rate (FWTR).* Moving expense reimbursements constitute supplemental wages for Federal income tax purposes. Therefore, an agency must withhold at the withholding rate applicable to supplemental wages. Currently, the supplemental wages withholding rate is 28 percent. The supplemental wages withholding rate should be used in calculating the WTA unless under an agency's withholding procedures a different withholding rate is used pursuant to IRS tax regulations. In such cases, the applicable withholding rate shall be substituted for the supplemental wages withholding rate in the calculation shown in paragraph (d) of this section.

(d) *Calculation of the WTA.* The WTA is calculated by substituting the amounts determined in paragraphs (b) and (c) of this section into the following WTA gross-up formula:

Formula:

$$Y = \frac{X}{1-X}(N)$$

Where:
Y = WTA
X = FWTR (generally, 28 percent)
N = nondeductible moving expenses/covered taxable reimbursements

Example:
If:
X = 28 percent
N = $20,000
Then:

$$Y = \frac{.28}{1-.28}(\$20{,}000)$$

Y = .3889($20,000)
Y = $7778.00

(e) *WTA payment and employee agreement for repayment.* (1) The WTA may be calculated several times within Year 1 if reimbursements for moving expenses are made on more than one travel voucher. Each time an employee is reimbursed for moving expenses which are subject to Federal tax withholding in accordance with the IRS regulations, the WTA will be calculated and paid unless the employee fails to comply with the requirements in paragraph (e)(2) of this section.

(2) The employee shall be required to agree in writing to repay any excess amount paid to him/her in Year 1 (see §§302–11.8(f)(5) and 302–11.9(b)(3)), and submit the required certified tax information and claim for his/her RIT allowance within a reasonable length of time (as determined by the agency) after the close of Year 1. Failure of the employee to comply with this requirement will preclude the agency's payment of the WTA. The entire WTA will be considered an excess payment if the RIT allowance claim is not submitted in a timely manner to settle the RIT allowance account.

(f) *Determination of employee's withholding tax on WTA.* Since the amount of the WTA is considered income to the employee, it is subject to the same tax withholding requirements as all other moving expense reimbursements. (See Treasury Financial Manual, Section 4080, Moving Expense Reimbursements, for withholding requirements.)

(g) *End of year reporting.* At the end of the year, agencies generally are required to issue IRS Form(s) W–2 for each employee showing total gross compensation (including moving expense reimbursements) and the applicable amount of Federal taxes withheld. For tax reporting purposes, the

WTA is to be treated as a moving expense reimbursement. The total amount of the employee's WTA's paid during the year as well as the amount of moving expense reimbursements should be included as income on the employee's Form W–2. The Federal tax withholding amount applicable to the moving expense reimbursements and the WTA should also be included on the employee's Form W–2. The amount of the WTA's also will be furnished to the employee along with the amount of moving expense reimbursements on IRS Form 4782 or another itemized listing provided for the employee's use in preparing his/her tax return (see IRS regulations for further guidance) and in claiming the RIT allowance as provided in § 302–11.8.

[54 FR 20332, May 10, 1989, as amended by FTR Amdt. 14, 56 FR 9290, Mar. 6, 1991; FTR Amdt. 58, 62 FR 10709, Mar. 10, 1997]

§ 302–11.8 Rules and procedures for determining the RIT allowance in Year 2.

(a) *Summary/overview of procedures.* The RIT allowance will be calculated and claimed in Year 2. This can be accomplished as soon as the employee can determine earned income (as defined herein), income tax filing status, covered taxable reimbursements for Year 1, and the applicable marginal tax rates. The RIT allowance is then calculated using the gross-up formula under procedures prescribed herein. Since the RIT allowance is considered income, appropriate withholding taxes on the RIT allowance are deducted and the balance constitutes the net payment to the employee. Rules, procedures, and the prescribed tax tables for these calculations are provided in paragraphs (b) through (g) of this section, and in appendices A, B, and C of this part.

(b) *General rules and assumptions.* (1) The procedures prescribed herein for calculations and payment of the RIT allowance are based on certain assumptions jointly developed by GSA and IRS, and tax tables developed by IRS. This approach avoids a potentially controversial and administratively burdensome procedure requiring the employee to furnish extensive documentation, such as certified copies of actual tax returns and reconstructed returns, in support of a claim for a RIT allowance payment. Specifically, the following assumptions have been made:

(i) The employee will claim allowable moving expense deductions for the same tax year in which the corresponding moving expense reimbursements are included in income;

(ii) Changes to the IRC, applicable to the 1987 and subsequent tax years, require that allowable moving expense deductions must be taken as an itemized deduction from gross income rather than as an adjustment to gross income as in previous tax years. It is assumed that employees will receive the benefit of allowable moving expense deductions to offset income either by itemizing their moving expense deductions or through the increased standard deductions.

(iii) Prior to the Tax Reform Act of 1986, it was assumed that the employee's (and spouse's, if a joint return is filed) earned income, filing status, and CMTR determined for Year 1 (and used in determining the RIT allowance in Year 2) would remain the same or would not be substantially different in the second and subsequent tax years. However, the Tax Reform Act of 1986 substantially changed the Federal tax structure making it necessary to compute a separate CMTR for Year 1 and for Year 2. (See paragraph (e) of this section.) The formula for calculating the RIT allowance to be paid in 1988 and subsequent years is shown in paragraph (f) of this section. It is assumed that within the accuracy of the calculation, the State and local tax rates for Year 1 and Year 2 will remain the same or will not be substantially different. Therefore, the State and local tax rates for Year 1 shall be used in calculating the CMTR for Year 2.

(2) The prescribed procedures, which yield an estimate of an employee's additional tax liability due to moving expense reimbursements, are to be used uniformly. They are not to be adjusted to accommodate an employee's unique circumstance which may differ from the assumed circumstances stated in paragraph (b)(1) of this section.

(3) An adjustment of the RIT allowance paid in Year 2 for the covered taxable reimbursements received in Year 1

is required if the tax information certified to on the RIT allowance claim is different than that shown on the actual Federal tax return filed with IRS for Year 1 or changed for any reason after filing of the tax return, so as to affect the CMTR's used in the RIT allowance calculation. (See § 302–11.10 for claims procedures.)

(c) *Determination of covered taxable reimbursements.* (1) Generally, the amount of the covered taxable reimbursements is the difference between (i) the amount of covered moving expense reimbursements for the allowances listed in § 302–11.3 that was included in the employee's income in Year 1, and (ii) the maximum amount of allowable moving expenses that may be claimed as a moving expense deduction by the employee on his/her Federal tax return under IRS tax regulations to offset the income resulting from moving expense reimbursements for Year 1. The covered taxable reimbursements will be determined as if the employee had itemized and deducted all allowable moving expense deductions. (See assumption made in paragraph (b)(1)(ii) of this section.) If the employee is precluded from claiming moving expense deductions because he/she does not meet IRS requirements for the distance test, then the amount of covered taxable reimbursements is the same as the amount of covered moving expense reimbursements. (See § 302–11.5(d).)

(2) For purposes of calculating the RIT allowance, the following special rules apply to the determination of moving expense deductions to offset moving expense reimbursements reported as income:

(i) The total amount of reimbursement (which was reported as income) for the expenses of en route travel for the employee and family (see § 302–11.3(a)) and transportation (including up to 30 days temporary storage) of household goods (see § 302–11.3(b)) to the new official station shall be used as a moving expense deduction. (See also § 302–11.4 (e) and (f).)

(ii) The total amount of reimbursement for a househunting trip, temporary quarters (up to 30 days at new station) and real estate transaction expenses (see § 302–11.3 (e), (f), (g), and (i)), up to the maximum allowable deduction under IRS tax regulations, shall be used as a moving expense deduction. For example, an employee and spouse filing a joint return and residing in the same household at the end of the tax year may deduct up to $3,000 for these expenses. (No more than $1,500 of the $3,000 may be claimed for a househunting trip and temporary quarters expenses combined.) If the employee was reimbursed $1,350 for a househunting trip and temporary quarters expenses and $9,000 for real estate expenses, the moving expense deductions would be $1,350 for the househunting trip and temporary quarters expenses and $1,650 for real estate expenses. If the employee's reimbursement was $1,850 for the househunting trip and temporary quarters expenses and $9,000 for real estate expenses, the moving expense deductions would be $1,500 for the househunting trip and temporary quarters expenses and $1,500 for real estate expenses. If the employee had no reimbursement for a househunting trip and temporary quarters, the full $3,000 would be applied to the $9,000 reimbursement for real estate expenses. (See IRS Publication 521, ''Moving Expenses,'' for these and other maximums which vary by situation and filing status.)

(3) Procedures and examples are provided herein as if all moving expense reimbursements are received in one year with all moving expense deductions applied in that same year to arrive at the covered taxable reimbursements. However, when reimbursements span more than one year, the amount of covered taxable reimbursements must be determined separately for each reimbursement year (Year 1). The maximum moving expense deductions apply to the entire move. Under IRS tax regulations, the employee has some discretion as to when he/she claims these deductions (e.g., in the year of the move when the expense was paid or in the year of reimbusement, if these actions do not occur in the same year). However, for purposes of the RIT allowance procedures, the moving expense deductions will be applied in the year that the corresponding reimbursement is made. For example, if an employee incurred and was reimbursed $1,000 for a househunting trip and temporary

quarters in 1989 and an additional $1,000 for temporary quarters in 1990, this employee, according to his/her particular situation and tax filing status, may deduct $1,500 of these expenses in moving expense deductions. In calculating the RIT allowance for 1989, $1,000 of the $1,500 deduction is used to offset the $1,000 reimbursement in 1989 resulting in zero covered taxable reimbursements for the househunting trip and temporary quarters for 1989. The remaining $500 (balance of the $1,500 not used in determining covered taxable reimbursements for 1989) will be used to offset the $1,000 temporary quarters reimbursement in 1990 (second Year 1), leaving $500 of the temporary quarters reimbursement as a covered taxable reimbursement for 1990.

(4) Although the WTA amount is included in income (see §302–11.7), it shall not be included in the amount of covered taxable reimbursements. Under the procedures and formulas established herein, the proper amount of the RIT allowance is calculated using the RIT gross-up formula with the WTA and any prior RIT allowance payments excluded from covered taxable reimbursements.

(5) Agencies are cautioned that there may be moving expenses reimbursed to the employee that are not covered by the RIT allowance. (See exclusions in §302–11.4; also see discussion in §302–11.7 regarding covered taxable reimbursements versus nondeductible expenses.)

(d) *Determination of income level and filing status.* In order to determine the CMTR's needed to calculate the RIT allowance, the employee must determine the appropriate amount of earned income (as prescribed herein) that was or will be reported on his/her Federal tax return for the tax year in which the covered taxable reimbursements were received (Year 1). Such amount will also include the spouse's earned income if a joint filing status is claimed. For purposes of this regulation, appropriate earned income shall include only the amount of gross compensation reported on IRS Form(s) W–2, and, if applicable, the net earnings (or loss) from self-employment income as shown on Schedule SE of IRS Form 1040. (See §302–11.5(h).) (Note that moving expense reimbursements including the WTA amounts and any RIT allowance paid for a prior Year 1 are to be included in earned income and should be shown as income on the Form W–2; if they are not, other appropriate documentation shall be furnished by the agency.) (See §302–11.7(g).) The amount of earned income as determined under this paragraph and the tax filing status (for example, from lines 1 through 5 on the 1987 IRS Form 1040) shall be contained in a certified statement on, or attached to, the voucher claiming the RIT allowance. (See §302–11.10.) If a joint filing status is claimed and the spouse's earned income is included, the spouse must sign the certified statement. If the spouse does not sign the statement, earned income will include only the employee's earned income and the RIT allowance will be calculated on that basis. This condition will not apply if an employee is allowed, under IRS rules, to file a joint return as a surviving spouse.

(e) *Determination of the CMTR's.* The gross-up formula used to calculate the RIT allowance in paragraph (f) of this section, requires the use of two CMTR's—one for Year 1 in which reimbursements were received and the other for Year 2 in which the RIT allowance is paid. CMTR's are single tax rates calculated to represent the Federal, State, and/or local income tax rates applicable to the earned income determined for Year 1. (See paragraph (d) of this section.) The CMTR's will be determined as follows:

(1) *Federal marginal tax rates.* The Federal marginal tax rates for Year 1 and Year 2 are determined by using the income level and filing status determined under paragraph (d) of this section and contained in the certified statement by the employee (or employee and spouse) on the RIT allowance claim, and applying the prescribed Federal tax tables contained in appendices A and C of this part. For example, if the income level for the 1989 tax year (Year 1) was $84,100 for a married employee filing a Federal joint return, the Federal marginal tax rate would be 33 percent for Year 1 (1989) (see appendix A of this part) and 28 percent for Year 2 (1990) (see appendix C of this part). These rates would be used regardless of how much of the $84,100

was attributable to reimbursement for the employee's relocation expenses.

NOTE: These marginal rates are different from the withholding tax rate used for WTA.

If the employee incurs only Federal income tax (i.e., there are no State or local taxes), the Federal marginal tax rates determined from appendices A and C of this part are the CMTR's to be used in the RIT gross-up formula provided in §302–11.8(f). In such cases, the provisions of paragraphs (e) (2) and (3) of this section do not apply.

(2) *State marginal tax rate.* (i) If the employee incurs an additional State income tax (see definition in §302–11.5(a)) liability as a result of moving expense reimbursements, the appropriate State tax table in appendix B of this part is to be used to determine the applicable State marginal tax rate that will be substituted into the formula for determining the CMTR for both Year 1 and Year 2. The appropriate State tax table will be the one that corresponds to the tax year in which the reimbursements are paid to the employee (Year 1). The income level determined in paragraph (d) of this section for Federal taxes shall be used to identify the appropriate income bracket in the State tax table. The applicable State marginal tax rate is obtained from the selected income bracket column for the State where the employee is required to pay State income tax on moving expense reimbursements. The tax rates shown in the table apply to all employees regardless of their filing status, except where a separate rate is shown for a single filing status.

(ii) The lowest income bracket shown in the State tax tables in appendix B of this part is $20,000–$24,999. In cases where the employee's (employee's and spouse's, if filing jointly) earned income as determined under paragraph (d) of this section is less than this income bracket, an appropriate State marginal tax rate shall be established by the employing agency from the applicable State tax code or regulations issued pursuant thereto. Such State marginal tax rate shall be representative of the earned income level in question but in no case more than the marginal tax rate established in appendix B of this part for the $20,000–$24,999 income bracket for the particular State in which an additional tax obligation has been incurred.

(iii) The prescribed State marginal tax rates generally are expressed as a percent of taxable income. However, if the applicable State marginal tax rate is stated as a percentage of the Federal income tax liability, the State tax rate must be converted to a percent of taxable income to be used in the CMTR formulas in paragraph (e)(5) of this section. This is accomplished by multiplying the applicable Federal tax rate for Year 1 by the applicable State tax rate. For example, if the Federal tax rate is 33 percent for Year 1 and the State tax rate is 25 percent of the Federal income tax liability, the State tax rate stated as a percent of taxable income would be 8.25 percent. The State tax rate thus determined for Year 1 will be used in determining the CMTR for both Year 1 and Year 2.

(iv) An employee may incur a State income tax liability on moving expense reimbursements in more than one State at the same or different marginal tax rates (*i.e.,* double taxation). For example, an employee may incur taxes on moving expense reimbursements in one State because of residency in that State, and in another State because that particular State taxes income earned within its jurisdiction irrespective of whether the employee is a resident. In such cases, a single State marginal tax rate must be determined for use in the CMTR formulas in paragraph (e)(5) of this section. The general rules in paragraph (e)(2)(iv) (A) through (C) of this section apply in determining the applicable single State marginal tax rate in such cases.

(A) If two or more States impose an income tax on an employee's moving expense reimbursement, but no two States tax the same portion of the reimbursement, then the reimbursement is not subject to double taxation. In this situation, the average of the applicable State marginal tax rates, as determined under paragraphs (e)(2) (i) through (iii) of this section, shall be treated as being imposed on the entire reimbursement, and shall be used in the CMTR formula.

(B) If two or more States impose an income tax on the moving expense reimbursement, and more than one State taxes the same portion of the reimbursement, but those States allow an adjustment or credit for income taxes paid to the other State(s), then the reimbursement is not subject to double taxation. In this situation, the highest of the applicable State marginal tax rates, as determined under paragraphs (e)(2) (i) through (iii) of this section, shall be used in the CMTR formula.

(C) If two or more States impose an income tax on the moving expense reimbursement, and more than one State taxes the same portion of the reimbursement without allowing an adjustment or credit for income taxes paid to the other, then the reimbursement is subject to double taxation. In this situation, the sum of the applicable State marginal tax rates, as determined under paragraphs (e)(2) (i) through (iii) of this section, shall be used in the CMTR formula.

(3) *Local marginal tax rate.* Because of the impracticality of establishing a single marginal tax rate table for local income taxes that could be applied uniformly on a nationwide basis, appropriate local marginal tax rates shall be determined as provided in paragraphs (e)(3) (i) through (iii) of this section.

(i) If the employee incurs an additional local income tax (see definition §302–11.5(b)) liability as a result of moving expense reimbursements, he/she shall certify to such fact when claiming the RIT allowance (see certification statement in §302–11.10) by specifying the name of the locality imposing the income tax and the applicable marginal tax rate determined from the actual marginal tax rate table or schedule prescribed by the taxing locality. The marginal tax rate shall be the one applicable to the taxable income portion of the amount of earned income determined under paragraph (d) of this section for the employee (and spouse, if filing jointly). The same tax rate shall be used in calculating the CMTR for both Year 1 and Year 2. The employing agency shall establish procedures to determine whether the employee-certified local marginal tax rate is appropriate for the employee's income level and filing status and approve its use in the CMTR formulas. (See also §302–11.10(b)(2).)

(ii) If the local marginal tax rate is stated as a percentage of Federal or State income tax liability, such rate must be converted to a percent of taxable income for use in the CMTR formulas. This is accomplished by multiplying the applicable Federal or State tax rate for Year 1 as determined in paragraph (e) (1) or (2) of this section by the applicable local tax rate. For example, if the State tax rate for Year 1 is 6 percent and the local tax rate is 50 percent of State income tax liability, the local tax rate stated as a percentage of taxable income would be 3 percent. The local tax rate thus determined for Year 1 will be used in determining the CMTR for both Year 1 and Year 2.

(iii) The situations described in paragraph (e)(2)(iv) of this section with respect to State income taxes may also be encountered with local income taxes. If such situations do occur, the rules prescribed for determining the single State marginal tax rate shall also be applied to determine the single local marginal tax rate for use in the CMTR formulas.

(4) *Marginal tax rates for the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the U.S. possessions*—(i) *The Commonwealth of Puerto Rico.* A Federal employee who is relocated to or from a point, or between points, in the Commonwealth of Puerto Rico may be subject to income tax on the employee's salary (including moving expense reimbursements) by both the U.S. Government and the government of Puerto Rico. However, under the current law of Puerto Rico, such employee receives a credit on his/her Puerto Rico income tax for the amount of taxes paid to the United States. The rules in paragraphs (e)(4)(i)(A) through (C) apply in determining the marginal tax rate applicable for transfers to, from, or between points in Puerto Rico.

(A) The applicable Puerto Rico marginal tax rate shall be determined by using the income level determined in paragraph (d) of this section for Federal taxes and the employee's filing status. The Puerto Rico marginal tax

rate for Year 1 will be used in computing the CMTR for both Year 1 and Year 2. The Puerto Rico tax tables are contained in appendix D of this part.

(B) If the applicable Puerto Rico marginal tax rate is higher than the applicable Federal marginal tax rate, then the total amount of taxes paid by the employee to both jurisdictions is equal to the employee's total income tax liability to the Commonwealth of Puerto Rico before any credit is given for taxes paid to the United States. The Federal marginal tax rate, therefore, is of no consequence and will be disregarded. In such cases, the formula in paragraph (e)(5)(iii) of this section will be used to compute the CMTR. The CMTR formula shall include only the Puerto Rico marginal tax rate, the State marginal tax rate as determined under paragraph (e)(2) of this section (when applicable), and the local marginal tax rate as determined under paragraph (e)(3) of this section. For purposes of applying the Puerto Rico CMTR formula in paragraph (e)(5)(iii) of this section, the State marginal tax rate will be applicable if both Puerto Rico and one or more of the States impose an income tax on the moving expense reimbursement, and more than one of these entities taxes the same portion of the reimbursement without allowing an adjustment or credit for income taxes paid to the other. In this situation, the S component of the CMTR formula will be the applicable State marginal tax rate as determined under paragraph (e)(2) of this section.

(C) If the applicable Puerto Rico marginal tax rate is equal to or lower than the applicable Federal marginal tax rate, then the total amount of taxes paid by the employee to both jurisdictions is equal to the employee's total Federal income tax liability. The Puerto Rico marginal tax rate, therefore, is of no consequence in such cases and will be disregarded. The CMTR will be computed using the formula in paragraphs (e)(5) (i) and (ii) of this section. This formula will include the Federal marginal tax rate as determined under paragraph (e)(1) of this section, the State marginal tax rate as determined under paragraph (e)(2) of this section (when applicable), and the local marginal tax rate as determined under paragraph (e)(3) of this section. The State marginal tax rate will be applicable if one or more States impose tax on the moving expense reimbursement.

(ii) *The Commonwealth of the Northern Mariana Islands and the U.S. possessions.* A Federal employee who is relocated to or from a point, or between points, in the Commonwealth of the Northern Mariana Islands or the U.S. possessions (Guam, American Samoa, and the U.S. Virgin Islands) is subject to both Federal income tax and income tax assessed by the Commonwealth of the Northern Mariana Islands or the U.S. possession, as applicable. However, the income tax system and rates for the Commonwealth of the Northern Mariana Islands and for the U.S. possessions are identical to the U.S. Federal income tax system and rates. This constitutes a ''mirror tax'' system. A tax credit or exclusion is provided by one of the taxing jurisdictions (either the U.S., the Commonwealth of the Northern Mariana Islands, or the U.S. possession, as appropriate) to prevent double taxation. The marginal tax rate for the Commonwealth of the Northern Mariana Islands or the U.S. possession, therefore, is of no consequence since it is identical to the Federal marginal income tax rate and is completely offset by a corresponding credit or exclusion. Thus, the Commonwealth's or the possession's tax rate will not be factored into the CMTR formula. The CMTR will be computed as provided in paragraphs (e)(5) (i) and (ii) based solely on the Federal marginal tax rate; when applicable, the State(s) marginal tax rate; and the local marginal tax rate.

(5) *Calculation of the CMTR's.* As stated above, the gross-up formula for calculating the RIT allowance requires the use of two CMTR's. However, the required CMTR's cannot be calculated by merely adding the Federal, State, and local marginal tax rates together because of the deductibility of State and local income taxes from income for Federal income tax purposes. The State tax tables prescribed in appendix B of this part are designed to use the same income amount as that determined for the Federal taxes, which reflects, among other things, State and local tax deductions. The formulas prescribed below for calculating the

CMTR's are designed to adjust the State and local tax rates to compensate for their deductibility from income for Federal tax purposes.

(i) *Calculation of the CMTR for Year 1.* The following formula shall be used to calculate the CMTR for Year 1.

CMTR Formula: X = F + (1 − F)S + (1 − F)L

Where:

X = CMTR for Year 1
F = Federal tax rate for Year 1
S = State tax rate for Year 1
L = Local tax rate for Year 1

(A) *Federal, State, and local taxes incurred.* If the employee incurs Federal, State, and local income taxes on moving expense reimbursements, the CMTR formula may be solved as follows:

Example:

If:

F=33 percent of income
S=6 percent of income
L=3 percent of income

Then:

X=.33+(1.00−.33).06+(1.00−.33).03
X=.3903

(B) *Federal and State income taxes only.* If the employee incurs tax liability on moving expense reimbursements for Federal and State income taxes but none for local income tax, the value of ''L'' is zero and the CMTR formula may be solved as follows:

Example:

If:

F=33 percent of income
S=6 percent of income
L=Zero

Then:

X=.33+(1.00−.33).06
X=.3702

(C) *Federal and local income taxes only.* If the employee incurs a tax liability on moving expense reimbursements for Federal and local income taxes but none for State income tax, the value of ''S'' is zero and the CMTR formula may be solved as follows:

Example:

If:

F=33 percent of income
S=Zero
L=3 percent of income

Then:

X=.33+(1.00−.33).03
X=.3501

(ii) *Calculation of the CMTR for Year 2.* The calculation of the CMTR for Year 2 is the same as described for Year 1, except that the Federal tax rate for Year 2 is used in place of the Federal tax rate for Year 1. State and local tax rates remain the same as for Year 1. The following formula shall be used to determine the CMTR for Year 2:

CMTR Formula: W=F+(1−F)S+(1−F)L

Where:

W=CMTR for Year 2
F=Federal tax rate for Year 2
S=State tax rate for Year 1
L=local tax rate for Year 1

(iii) *Calculation of CMTR's for Puerto Rico.* The following formula shall be used to calculate the CMTR for transfers to, from, or between points in Puerto Rico. (This formula is different from the formulas provided in paragraphs (e)(5) (i) and (ii) of this section since the Federal marginal tax rate is disregarded.)

CMTR Formula: X = P + S + L

Where:

X = CMTR for Year 1 and Year 2
P = Puerto Rico tax rate for Year 1
S = State tax rate for Year 1, when applicable (See § 302–11.8(e)(4)(i)(B).)
L = Local tax rate for Year 1

(f) *Determination of the RIT allowance.* The RIT allowance to cover the tax liability on additional income resulting from the covered taxable reimbursements received in Year 1 is calculated in Year 2 as provided below:

(1) The RIT allowance is calculated by substituting the amount of covered taxable reimbursements for Year 1, the CMTR's for Year 1 and Year 2, and the total amount of the WTA's paid in Year 1 into the gross-up formula as follows:

$$Z = \frac{X}{1-W}(R) - \frac{1-X}{1-W}(Y)$$

Where:

Z=RIT allowance payable in Year 2
X=CMTR for Year 1
W=CMTR for Year 2
R=covered taxable reimbursements
Y=total WTA's paid in Year 1

Example:

If:

X=.3903
W=.3448
R=$21,800
Y=$5,450

Then:

$$Z = \frac{.3903}{1.00 - .3448} \ (\$21,800) \ - \ \frac{1.00 - .3903}{1.00 - .3448} \ (\$5,450)$$

Z=.5957 ($21,800) – .9306 ($5,450)
Z=$12,986.26 – $5,071.77
Z=$7,914.49

(2) There may be instances when a WTA was not paid in Year 1 at the time moving expense reimbursements were made. In cases where there is no WTA to be deducted, the value of ''Y'' is zero and the formula stated in paragraph (f)(1) of this section for calculating the amount of the RIT allowance (Z) due the employee in Year 2 may be solved as shown in the following example:

Example:

If:

X=.3903
W=.3448
R=$21,800
Y=Zero

Then:

$$Z = \frac{.3903}{1.00 - .3448} \ (\$21,800)$$

Z=.5957 ($21,800)
Z=$12,986.26

(3) Certain States do not allow the deduction of all or part of the covered moving expenses that are deductible for Federal income tax purposes. The State gross-up to cover the additional State income tax liability resulting from the covered moving expense reimbursements received in Year 1 that are deductible for Federal income tax purposes but not for State income tax purposes is calculated in Year 2 as follows:

(i) The State gross-up is calculated by substituting the amount of covered moving expense reimbursements that are deductible for Federal income tax purposes but not for State income tax purposes, the Federal tax rate for Year 1, the State tax rate for Year 1, and the combined marginal tax rate for Year 2 into the State gross-up formula as follows:

Formula:

$$A = \frac{S(1 - F)}{1 - W} \ N$$

Where:

A=State gross-up
F=Federal tax rate for Year 1
S=State tax rate for Year 1
W=CMTR for Year 2
N=covered moving expense reimbursements that are deductible for Federal income tax purposes but not for State income tax purposes

Example:

If:

F=.33
S=.06
W=.3448
N=$9,250

Then:

$$A = \frac{.06(1 - .33)}{1 - .3448} \ \$9,250$$

A=.0614 ($9,250)
A=$567.95

(ii) Add the State gross-up to the RIT allowance amount as calculated using the formula in paragraph (f)(1) of this section. The result is the RIT allowance adjusted for those States that do not allow moving expense deductions.

Example:

RIT allowance payable in Year 1 ..	$7,914.49
Plus adjustment factor	+567.95
Total	$8,482.44

(4) If the amount of the RIT allowance is greater than zero, it is payable to the employee on the travel voucher as a relocation or moving expense allowance. The RIT allowance amount is included in the employee's gross income for Year 2 and, therefore, subject to appropriate withholding taxes. (See net payment to employee in paragraph (g) of this section.) The RIT allowance amount will be reported on IRS Form W–2 for Year 2 (including applicable income tax withholding amounts) and on IRS Form 4782 for the employee's information.

(5) If the calculation of the RIT allowance results in a negative amount, the employee is obligated to repay this amount as a debt due the Government. (See §§ 302–11.7(e)(2) and 302–11.9(b).)

(6) Any changes to the employee's income level or filing status for Year 1 that would affect the marginal tax rates (Federal, State, or local) used in calculating the RIT allowance must be reported to the agency by the employee as provided in §302–11.9(b)(2). (See also §302–11.10 for certified statement regarding these changes.)

(g) *Determination of the net payment due employee in Year 2.* Since the amount of the RIT allowance is income to the employee in Year 2, it is subject to the same tax withholding requirements as all other moving expense reimbursements. Agencies should determine the appropriate amounts for withholding taxes under their internal tax withholding procedures. The amount of withholding taxes is deducted from the RIT allowance to arrive at the net payment to the employee.

[54 FR 20332, May 10, 1989; 54 FR 23563, June 1, 1989, as amended by FTR Amdt. 14, 56 FR 9290, Mar. 6, 1991; 56 FR 12816, Mar. 27, 1991; FTR Amdt. 26, 57 FR 28636, June 26, 1992; FTR Amdt. 30, 58 FR 15437, Mar. 23, 1993; FTR Amdt. 37, 59 FR 27490, May 27, 1994]

§302–11.9 Responsibilities.

(a) *Agency.* Finance offices will calculate the amount of the gross-up for the WTA in Year 1 in accordance with procedures outlined herein and credit this amount to the employee at the time of reimbursement as provided in §302–11.7(e). The WTA will be reflected on the employee's Form W–2 for Year 1. The RIT allowance may be calculated in Year 2 either by the employee or by the agency finance office based on information provided by the employee on the voucher, as directed by the agency's implementing policies and procedures. In addition, agencies shall prescribe appropriate and necessary implementing procedures as provided elsewhere in this part.

(b) *Employee.* (1) The employee is required to submit a claim for the RIT allowance and to file the tax information for Year 1 specified in §302–11.10 with his/her agency in Year 2, regardless of whether any additional reimbursement for the RIT allowance is owed the employee. (See §302–11.7(e) for employee agreement.)

(2) If any action occurs (i.e., amended tax return, tax audit, etc.) that would change the information provided in Year 2 by the employee to his/her agency for use in calculating the RIT allowance due the employee for Year 1 taxes, this information must be provided by the employee to his/her agency under procedures prescribed by the agency. (See §302–11.10.)

(3) If the calculation of the RIT allowance results in a negative amount, the employee is obligated to repay this amount as a debt due the Government. (See §§302–11.7(e)(2) and 302–11.8(f)(5).)

[54 FR 20332, May 10, 1989, as amended by FTR Amdt. 14, 56 FR 9292, Mar. 6, 1991; FTR Amdt. 26, 57 FR 28636, June 26, 1992]

§302–11.10 Claims for payment and supporting documentation and verification.

(a) *Claims forms.* Claims for payment of the RIT allowance shall be submitted by the employee in Year 2 on SF 1012 (Travel Voucher) or other authorized travel voucher form. When claiming payment for the RIT allowance, the employee shall furnish and certify to certain tax information that has been or will be shown on his/her actually prepared tax returns. The spouse must also sign statement if joint filing status is claimed and spouse's income is included on statement. This information shall be contained in a certified statement on, or attached to, the SF 1012 reading essentially as follows:

CERTIFIED STATEMENT

I certify that the following information, which is to be used in calculating the RIT allowance to which I am entitled, has been (or will be) shown on the income tax returns filed (or to be filed) by me (or by my spouse and me) with the applicable Federal, State, and local (specify which) tax authorities for the 19___ tax year.

—Gross compensation as shown on attached IRS Form(s) W–2 and, if applicable, net earnings (or loss) from self-employment income shown on attached Schedule SE (Form 1040):

	Form(s) W–2	Schedule SE
Employee	$_____	$_____
Spouse (if filing jointly)[1]	$_____	$_____
Total (Both columns)		$_____

—Filing status: _____

(Specify one of the filing status items that was (or will be) claimed on IRS Form 1040.)

—Marginal tax rates from appendices A, B, and C of 41 CFR part 302–11 and local tax tables derived under procedures prescribed in 41 CFR part 302–11:

Federal for Year 1 _____

Federal for Year 2 _____

State (specify which): _____

Local (specify which): _____

The above information is true and accurate to the best of my knowledge. I (we) agree to notify the appropriate agency official of any changes to the above (i.e., from amended tax returns, tax audit, etc.) so that appropriate adjustments to the RIT allowance can be made. The required supporting documents are attached. Additional documentation will be furnished if requested.

I (we) further agree that if the 12–month service agreement required by 41 CFR 302–1.5 is violated, the total amount of the RIT allowance will become a debt due the United States Government and will be repaid according to agency procedures.

_____

Employee's signature

Date _____

_____

Spouse's signature (if filing jointly)[1]

Date _____

[1] If a joint filing status is claimed and spouse's income is included, the spouse must sign the statement. If the spouse does not sign the document, earned income will include only the employee's earned income as provided in 41 CFR 302–11.8(d). This condition will not apply if an employee is allowed, under IRS rules, to file a joint return as a surviving spouse.

(b) *Supporting documentation/verification.* The claim for the RIT allowance shall be supported by documentation attached to the voucher and by verification of State and local tax obligations as provided below:

(1) Copies of the appropriate IRS Forms W–2 and, if applicable, the completed IRS Schedule SE (Form 1040) shall be attached to the voucher to substantiate the income amounts shown in the certified statement. Employee (and spouse, if filing jointly) must agree to provide additional documentation to verify income amounts, filing status, and State and local income tax obligations if requested by the agency.

(2) In order to determine or verify whether a particular State or local tax authority imposes a tax on moving expense reimbursements, it is incumbent upon the appropriate agency officials to become familiar with the State and local tax laws that affect their transferring employees. In cases where the taxability of moving expense reimbursements is not clear, an agency may pay a RIT allowance which reflects only those State and local tax obligations that are clearly imposed under State and local tax law. Once the questionable State or local tax obligations are resolved, agencies may recompute the RIT allowance and make appropriate payment adjustments.

(c) *Fraudulent claims.* A claim against the United States is forfeited if the claimant defrauds or attempts to defraud the Government in connection therewith (28 U.S.C. 2514). In addition, there are two criminal provisions under which severe penalties may be imposed on an employee who knowingly presents a false, fictitious, or fraudulent claim against the United States (18 U.S.C. 287 and 1001). The employee's claim for payment of the RIT allowance shall accurately reflect the facts involved in every instance so that any violation of these provisions will be avoided.

§ 302–11.11 Violation of service agreement.

In the event the employee violates the terms of the service agreement required under § 302–1.5, no part of the RIT allowance or the WTA will be paid, and any amounts paid prior to such violation shall be a debt due the United States until they are repaid by the employee.

§ 302–11.12 Advance of funds.

No advance of funds is authorized in connection with the allowance provided in this part.

[54 FR 20332, May 10, 1989, as amended by FTR Amdt. 26, 57 FR 28636, June 26, 1992]

§ 302–11.13 Source references.

The following references or publications have been used as source material for this part.

(a) Internal Revenue Code (IRC), section 164(a)(3) (26 U.S.C. 164(a)(3)) pertaining to the deductibility of State and local income taxes, and section 217

(26 U.S.C. 217), pertaining to moving expenses.

(b) Internal Revenue Service Publication 521, ''Moving Expenses.''

(c) Internal Revenue Service, Circular E, ''Employer's Tax Guide.''

(d) Department of the Treasury Financial Manual, TFM 3–5000.

(e) 31 CFR 215.2 (5 U.S.C. 5516, 5517, and 5520).

[54 FR 20332, May 10, 1989, as amended by FTR Amdt. 26, 57 FR 28636, June 26, 1992]

APPENDIX A TO PART 302–11—FEDERAL TAX TABLES FOR RIT ALLOWANCE

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEARS 1983/1984

The following table is to be used to determine the Federal marginal tax rate for computation of the RIT allowance as prescribed in §302–11.8(e)(1).

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
11	$3,519	$4,692	$5,742	$7,845	$8,265	$10,356	$4,017	$5,220
12	4,692	5,812	7,845	9,830	10,356	12,587	5,220	6,514
14	5,812	8,010	9,830	11,979	12,587	17,415	6,514	8,215
15	8,010	10,102	N/A	N/A	N/A	N/A	N/A	N/A
16	10,102	12,586	N/A	N/A	17,415	22,090	8,215	10,524
17	N/A	N/A	11,979	15,480	N/A	N/A	N/A	N/A
18	12,586	14,953	15,480	19,216	22,090	26,915	10,524	13,105
20	14,953	17,340	19,216	23,330	N/A	N/A	N/A	N/A
22	N/A	N/A	N/A	N/A	26,915	32,198	13,105	15,068
23	17,340	21,186	N/A	N/A	N/A	N/A	N/A	N/A
24	N/A	N/A	23,330	29,738	N/A	N/A	N/A	N/A
25	N/A	N/A	N/A	N/A	32,198	38,335	15,068	18,748
26	21,186	27,362	N/A	N/A	N/A	N/A	N/A	N/A
28	N/A	N/A	29,738	35,682	38,335	45,082	18,748	21,934
30	27,362	34,022	N/A	N/A	N/A	N/A	N/A	N/A
32	N/A	N/A	35,682	43,397	N/A	N/A	N/A	N/A
33	N/A	N/A	N/A	N/A	45,082	58,888	21,934	27,415
34	34,022	41,150	N/A	N/A	N/A	N/A	N/A	N/A
35	N/A	N/A	43,397	59,143	N/A	N/A	N/A	N/A
38	41,150	49,875	N/A	N/A	58,888	78,203	27,415	35,991
42	49,875	64,832	59,143	78,622	78,203	107,463	35,991	49,858
45	N/A	N/A	78,622	101,019	107,463	132,836	49,858	62,195
48	64,832	92,257	101,019	128,517	N/A	N/A	N/A	N/A
49	N/A	N/A	N/A	N/A	132,836	186,961	62,195	89,006
50	92,257	.....	128,517	.....	186,961	.....	89,006	.....

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1985

The following table is to be used to determine the Federal marginal tax rate for computation of the RIT allowance as prescribed in §302–11.8(e)(1). This table is to be used for employees who received covered taxable reimbursements during calendar year 1985.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
11	$3,455	$4,668	$4,834	$7,245	$7,770	$9,566	$3,329	$4,460
12	4,668	5,865	7,245	9,726	9,566	12,134	4,460	5,767
14	5,865	8,209	9,726	12,174	12,134	17,001	5,767	8,384
15	8,209	10,420	N/A	N/A	N/A	N/A	N/A	N/A
16	10,420	12,957	N/A	N/A	17,001	21,757	8,384	10,689
17	N/A	N/A	12,174	15,623	N/A	N/A	N/A	N/A
18	12,957	15,242	15,623	19,303	21,757	26,795	10,689	13,161
20	15,242	17,601	19,303	23,250	N/A	N/A	N/A	N/A
22	N/A	N/A	N/A	N/A	26,795	32,275	13,161	15,569
23	17,601	21,513	N/A	N/A	N/A	N/A	N/A	N/A
24	N/A	N/A	23,250	29,995	N/A	N/A	N/A	N/A
25	N/A	N/A	N/A	N/A	32,275	39,016	15,569	18,966

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
26	21,513	28,102	N/A	N/A	N/A	N/A	N/A	N/A
28	N/A	N/A	29,995	37,075	39,016	46,428	18,966	22,953
30	28,102	35,112	N/A	N/A	N/A	N/A	N/A	N/A
32	N/A	N/A	37,075	44,145	N/A	N/A	N/A	N/A
33	N/A	N/A	N/A	N/A	46,428	60,694	22,953	29,565
34	35,112	42,507	N/A	N/A	N/A	N/A	N/A	N/A
35	N/A	N/A	44,145	59,644	N/A	N/A	N/A	N/A
38	42,507	53,394	N/A	N/A	60,694	80,537	29,565	39,359
42	53,394	72,157	59,644	83,982	80,537	114,119	39,359	54,702
45	N/A	N/A	83,982	113,966	114,119	147,522	54,702	75,409
48	72,157	101,995	113,966	145,359	N/A	N/A	N/A	N/A
49	N/A	N/A	N/A	N/A	147,522	207,441	75,409	110,906
50	101,995	.....	145,359	.....	207,441	.....	110,906	.....

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1986

The following table is to be used to determine the Federal marginal tax rate for Year 1 for computation of the RIT allowance as prescribed in §302–11.8(e)(1). This table is to be used for employees who received covered taxable reimbursements during calendar year 1986.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
11	$6,180	$7,370	$6,782	$9,533	$9,670	$11,795	$5,840	$7,879
12	7,370	8,450	9,533	10,523	11,795	13,739	7,879	9,665
14	8,450	10,710	10,523	12,705	13,739	18,356	9,665	11,000
15	10,710	11,775	N/A	N/A	N/A	N/A	N/A	N/A
16	11,775	13,197	N/A	N/A	18,356	23,068	11,000	11,600
17	N/A	N/A	12,705	16,050	N/A	N/A	N/A	N/A
18	13,197	15,648	16,050	19,764	23,068	27,963	11,600	13,947
20	15,648	18,108	19,764	23,841	N/A	N/A	N/A	N/A
22	N/A	N/A	N/A	N/A	27,963	33,533	13,947	16,843
23	18,108	22,040	N/A	N/A	N/A	N/A	N/A	N/A
24	N/A	N/A	23,841	29,849	N/A	N/A	N/A	N/A
25	N/A	N/A	N/A	N/A	33,533	40,202	16,843	20,297
26	22,040	28,198	N/A	N/A	N/A	N/A	N/A	N/A
28	N/A	N/A	29,849	35,320	40,202	46,870	20,297	22,659
30	28,198	33,918	N/A	N/A	N/A	N/A	N/A	N/A
32	N/A	N/A	35,320	41,715	N/A	N/A	N/A	N/A
33	N/A	N/A	N/A	N/A	46,870	59,477	22,659	30,364
34	33,918	40,741	N/A	N/A	N/A	N/A	N/A	N/A
35	N/A	N/A	41,715	54,643	N/A	N/A	N/A	N/A
38	40,741	47,419	N/A	N/A	59,477	76,132	30,364	44,795
42	47,419	64,468	54,643	74,430	76,132	104,120	44,795	55,653
45	N/A	N/A	74,430	112,442	104,120	128,224	55,653	69,383
48	64,468	96,172	112,442	129,934	N/A	N/A	N/A	N/A
49	N/A	N/A	N/A	N/A	128,224	183,988	69,383	106,160
50	96,172	.....	129,934	.....	183,988	.....	106,160	.....

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1987

The following table is to be used to determine the Federal marginal tax rate for Year 1 for computation of the RIT allowance as prescribed in §302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar year 1987.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
11	$4,650	$6,481	$7,763	$10,309	$10,400	$13,719	$5,811	$7,081

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	6,481	21,979	10,309	31,379	13,719	40,020	7,081	19,602
28	21,979	33,433	31,379	47,903	40,020	58,705	19,602	31,572
35	33,433	58,810	47,903	88,015	58,705	101,432	31,572	54,120
38.5	58,810	.....	88,015	.....	101,432	.....	54,120	.....

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1988

The following table is to be used to determine the Federal marginal tax rate for Year 1 for computation of the RIT allowance as prescribed in §302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar year 1988.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$5,260	$23,920	$9,440	$34,215	$12,500	$43,410	$6,200	$21,880
28	23,920	52,310	34,215	77,300	43,410	88,740	21,880	47,475
33	52,310	113,370	77,300	166,910	88,740	197,820	47,475	133,415
28	113,370	.....	166,910	.....	197,820	.....	133,415	.....

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1989

The following table is to be used to determine the Federal marginal tax rate for Year 1 for computation of the RIT allowance as prescribed in §302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar year 1989.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$5,320	$24,111	$9,061	$33,963	$12,940	$43,397	$6,723	$23,089
28	24,111	50,311	33,963	71,688	43,397	84,030	23,089	54,177
33	50,311	110,883	71,688	164,538	84,030	198,284	54,177	145,523
28	110,883	.....	164,538	.....	198,284	.....	145,523	.....

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1990

The following table is to be used to determine the Federal marginal tax rate for Year 1 for computation of the RIT allowance as prescribed in §302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar year 1990.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$5,556	$25,167	$9,824	$35,312	$12,652	$44,759	$6,885	$23,089
28	25,167	51,042	35,312	75,233	44,759	84,283	23,089	50,147
33	51,042	112,588	75,233	170,564	84,283	200,559	50,147	148,107
28	112,588	.....	170,564	.....	200,559	.....	148,107	.....

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1991

The following table is to be used to determine the Federal marginal tax rate for Year 1 for computation of the RIT allowance as prescribed in §302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar year 1991.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$5,754	$26,242	$10,177	$36,611	$13,093	$46,770	$7,120	$23,977
28	26,242	55,330	36,611	78,894	46,770	94,598	23,977	47,908
31	55,330	.....	78,894	.....	94,598	.....	47,908	.....

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1992

The following table is to be used to determine the Federal marginal tax rate for Year 1 for computation of the RIT allowance as prescribed in §302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar year 1992.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$6,190	$27,963	$10,864	$38,611	$14,316	$50,219	$7,819	$25,629
28	27,963	58,786	38,611	83,158	50,219	101,123	25,629	50,939
31	58,786	.....	83,158	.....	101,123	.....	50,939	.....

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1993

The following table is to be used to determine the Federal marginal tax rate for Year 1 for computation of the RIT allowance as prescribed in §302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar year 1993.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$ 6,253	$29,075	$11,181	$41,832	$15,153	$53,837	$ 7,677	$27,035
28	29,075	65,032	41,832	96,209	53,837	112,456	27,035	55,674
31	65,032	135,204	96,209	151,017	112,456	167,399	55,674	87,153
36	135,204	275,043	151,017	270,700	167,399	276,908	87,153	146,600
39.6	275,043	.....	270,700	.....	276,908	.....	146,600	.....

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1994

The following table is to be used to determine the Federal marginal tax rate for Year 1 for computation of the RIT allowance as prescribed in §302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar year 1994.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$6,492	$30,068	$11,603	$43,304	$15,846	$55,773	$7,738	$27,855
28	30,068	67,256	43,304	97,172	55,773	115,653	27,855	58,980
31	67,256	134,936	97,172	155,995	115,653	167,653	58,980	86,842
36	134,936	273,705	155,995	284,250	167,653	277,401	86,842	142,545
39.6	273,705	.....	284,250	.....	277,401	.....	142,545	.....

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1995

The following table is to be used to determine the Federal marginal tax rate for Year 1 for computation of the RIT allowance as prescribed in §302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar year 1995.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$6,643	$30,783	$11,937	$44,304	$16,387	$57,249	$8,171	$28,637
28	30,783	68,684	44,304	102,201	57,249	119,362	28,637	59,017
31	68,684	139,546	102,201	163,966	119,362	173,514	59,017	88,341
36	139,546	283,746	163,966	294,200	173,514	286,217	88,341	147,650
39.6	283,746	.....	294,200	.....	286,217	.....	147,650	.....

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1996

The following table is to be used to determine the Federal marginal tax rate for Year 1 for computation of the RIT allowance as prescribed in §302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar year 1996.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$6,885	$31,807	$12,295	$45,572	$17,027	$59,055	$8,229	$29,600
28	31,807	70,867	45,572	105,805	59,055	123,190	29,600	61,245
31	70,867	144,170	105,805	168,990	123,190	179,414	61,245	90,611
36	144,170	292,883	168,990	301,968	179,414	295,681	90,611	150,779
39.6	292,883	.....	301,968	.....	295,681	.....	150,779	.....

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1997

The following table is to be used to determine the Federal marginal tax rate for Year 1 for computation of the RIT allowance as prescribed in §302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar year 1997.

Marginal tax rate	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows & widowers		Married filing separately	
Percent	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$7,067	$32,674	$12,963	$46,966	$16,798	$59,856	$8,702	$29,669
28	32,674	71,647	46,966	104,632	59,856	123,931	29,669	62,023
31	71,647	141,006	104,632	161,381	123,931	180,221	62,023	92,072
36	141,006	288,900	161,381	293,567	180,221	299,695	92,072	152,835
39.6	288,900	.....	293,567	.....	299,695	.....	−152,835	.....

[54 FR 20332, May 10, 1989, as amended by FTR Amdt. 5, 55 FR 1674, Jan. 18, 1990; FTR Amdt. 15, 56 FR 10378, Mar. 12, 1991; FTR Amdt. 24, 57 FR 1112, Jan. 10, 1992; FTR Amdt. 28, 58 FR 8547, Feb. 16, 1993; FTR Amdt. 35, 59 FR 22520, May 2, 1994; FTR Amdt. 43, 60 FR 2536, Jan. 10, 1995; FTR Amdt. 46, 61 FR 3838, Feb. 2, 1996; FTR Amdt. 57, 62 FR 8174, Feb. 24, 1997; FTR Amdt. 71, 63 FR 14637, Mar. 26, 1998]

APPENDIX B TO PART 302–11—STATE TAX TABLES FOR RIT ALLOWANCE

STATE MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEARS 1983/1984

The following table is to be used to determine the State marginal tax rates for calculation of the RIT allowance as prescribed in §302–11.8(e)(2).

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column[1 2]			
	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 & over
1. Alabama	5	5	5	5
2. Alaska	0	0	0	0

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column [1] [2]			
	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 & over
3. Arizona	8	8	8	8
4. Arkansas	6	7	7	7
5. California	3	7	11	11
If single status [3]	8	11	11	11
6. Colorado	8	8	8	8
7. Connecticut	0	0	0	0
8. Delaware	8.4	11	13.5	13.5
If single status [3]	8.8	12.2	13.5	13.5
9. District of Columbia	10	11	11	11
10. Florida	0	0	0	0
11. Georgia	6	6	6	6
12. Hawaii	8.5	10	10.5	11
If single status [3]	10.5	11	11	11
13. Idaho	7.5	7.5	7.5	7.5
14. Illinois	2.5	2.5	2.5	2.5
15. Indiana	3	3	3	3
16. Iowa	8	11	12	13
17. Kansas	7.5	9	9	9
18. Kentucky	6	6	6	6
19. Louisiana	4	4	6	6
20. Maine	8	9.2	10	10
If single status [3]	9.2	10	10	10
21. Maryland	5	5	5	5
22. Massachusetts	5.375	5.375	5.375	5.375
23. Michigan	5.35	5.35	5.35	5.35
24. Minnesota	14	16	16	16
25. Mississippi	5	5	5	5
26. Missouri	6	6	6	6
27. Montana	9	10	11	11
28. Nebraska	* 19 percent of Federal income tax liability [4]			
29. Nevada	0	0	0	0
30. New Hampshire	0	0	0	0
31. New Jersey	2	2.5	3.5	3.5
32. New Mexico	3.9	5.6	6.5	7.8
If single status [3]	6.1	6.9	7.4	7.8
33. New York	11	14	14	14
If single status [3]	13	14	14	14
34. North Carolina	7	7	7	7
35. North Dakota	6	8	9	9
36. Ohio	4.75	5.7	6.65	9.5
37. Oklahoma	6	6	6	6
38. Oregon	10.8	10.8	10.8	10.8
39. Pennsylvania	2.35	2.35	2.35	2.35
40. Rhode Island	* 25.5 percent of Federal income tax liability [4]			
41. South Carolina	7	7	7	7
42. South Dakota	0	0	0	0
43. Tennessee	0	0	0	0
44. Texas	0	0	0	0
45. Utah	7.75	7.75	7.75	7.75
46. Vermont	* 26 percent of Federal income tax liability [4]			
47. Virginia	5.75	5.75	5.75	5.75
48. Washington	0	0	0	0
49. West Virginia	3.5	7.4	10.5	13
If single status [3]	8.2	12.6	13	13
50. Wisconsin	8.7	9.5	10	10
51. Wyoming	0	0	0	0

[1] Earned income amounts that fall between the income brackets shown in this table (e.g., $24,999.45, $49,999.75) should be rounded to the nearest dollar to determine the marginal tax rate to be used in calculating the RIT allowance.

[2] If the earned income amount is less than the lowest income bracket shown in this table, the employing agency shall establish an appropriate marginal tax rate as provided in §302–11.8(e)(2)(ii).

[3] This rate applies only to those individuals certifying that they will file under a single status within the States where they will pay income taxes. All other taxpayers, regardless of filing status, will use the other rate shown.

[4] Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in §302–11.8(e)(2)(iii).

STATE MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 1985

The following table is to be used to determine the State marginal tax rates for calculation of the RIT allowance as prescribed in §302–11.8(e)(2). This table is to be used for employees who received covered taxable reimbursements during calendar year 1985.

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column [1] [2]			
	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 and over
1. Alabama	5	5	5	5
2. Alaska	0	0	0	0
3. Arizona	8	8	8	8
4. Arkansas	6	7	7	7
5. California	3	7	11	11
If single status [3]	8	11	11	11
6. Colorado	8	8	8	8
7. Connecticut	0	0	0	0
8. Delaware	7.6	9.9	10.7	10.7
9. District of Columbia	10	11	11	11
10. Florida	0	0	0	0
11. Georgia	6	6	6	6
12. Hawaii	8.5	10	10.5	11
If single status [3]	10.5	11	11	11
13. Idaho	7.5	7.5	7.5	7.5
14. Illinois	2.5	2.5	2.5	2.5
15. Indiana	3	3	3	3
16. Iowa	8	11	12	13
17. Kansas	7.5	9	9	9
18. Kentucky	6	6	6	6
19. Louisiana	4	4	6	6
20. Maine	7	9.2	10	10
If single status [3]	9.2	10	10	10
21. Maryland	5	5	5	5
22. Massachusetts	5.375	5.375	5.375	5.375
23. Michigan	5.35	5.35	5.35	5.35
24. Minnesota	14	16	16	16
25. Mississippi	5	5	5	5
26. Missouri	6	6	6	6
27. Montana	9	10	11	11
28. Nebraska	*19 percent of Federal income tax liability [4]			
29. Nevada	0	0	0	0
30. New Hampshire	0	0	0	0
31. New Jersey	2	2.5	3.5	3.5
32. New Mexico	3.5	5.6	6.5	7.8
If single status [3]	6.1	6.9	7.4	7.8
33. New York	11	14	14	14
If single status [3]	13	14	14	14
34. North Carolina	7	7	7	7
35. North Dakota	6	8	9	9
36. Ohio	4.75	5.7	6.65	9.5
37. Oklahoma	6	6	6	6
38. Oregon	10.8	10.8	10.8	10.8
39. Pennsylvania	2.35	2.35	2.35	2.35
40. Rhode Island	*23.15 percent of Federal income tax liability [4]			
41. South Carolina	7	7	7	7
42. South Dakota	0	0	0	0
43. Tennessee	0	0	0	0
44. Texas	0	0	0	0
45. Utah	7.75	7.75	7.75	7.75
46. Vermont	*26.5 percent of Federal income tax liability [4]			
47. Virginia	5.75	5.75	5.75	5.75
48. Washington	0	0	0	0
49. West Virginia	3.5	7.4	10.5	13
If single status [3]	8.2	12.6	13	13
50. Wisconsin	8.7	9.5	10	10
51. Wyoming	0	0	0	0

[1] Earned income amounts that fall between the income brackets shown in this table (e.g., $24,999.45, $49,999.75) should be rounded to the nearest dollar to determine the marginal tax rate to be used in calculating the RIT allowance.

[2] If the earned income amount is less than the lowest income bracket shown in this table, the employing agency shall establish an appropriate marginal tax rate as provided in §302–11.8(e)(2)(ii).

[3] This rate applies only to those individuals certifying that they will file under a single status within the States where they will pay income taxes. All other taxpayers, regardless of filing status, will use the other rate shown.

[4] Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in §302–11.8(e)(2)(iii).

STATE MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 1986

The following table is to be used to determine the State marginal tax rates for calculation of the RIT allowance as prescribed in §302–11.8(e)(2). This table is to be used for employees who received covered taxable reimbursements during calendar year 1986.

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column [1] [2]			
	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 and over
1. Alabama	5	5	5	5
2. Alaska	0	0	0	0
3. Arizona	8	8	8	8
4. Arkansas	6	7	7	7
5. California	3	7	11	11
If single status [3]	8	11	11	11
6. Colorado	8	8	8	8
7. Connecticut	0	0	0	0
8. Delaware	6.9	9.0	9.7	9.7
9. District of Columbia	10	11	11	11
10. Florida	0	0	0	0
11. Georgia	6	6	6	6
12. Hawaii	8.5	10.0	10.5	11
If single status [3]	10.5	11	11	11
13. Idaho	7.5	7.5	7.5	7.5
14. Illinois	2.5	2.5	2.5	2.5
15. Indiana	3	3	3	3
16. Iowa	8	11	12	13
17. Kansas	7.5	9	9	9
18. Kentucky	6	6	6	6
19. Louisiana	4	4	6	6
20. Maine	7	9.2	10	10
If single status [3]	9.2	10	10	10
21. Maryland	5	5	5	5
22. Massachusetts	5.19	5.19	5.19	5.19
23. Michigan	4.725	4.725	4.725	4.725
24. Minnesota	11	14	14	14
If single status [3]	14	14	14	14
25. Mississippi	5	5	5	5
26. Missouri	6	6	6	6
27. Montana	9	10	11	11
28. Nebraska	*19 percent of Federal income tax liability [4]			
29. Nevada	0	0	0	0
30. New Hampshire	0	0	0	0
31. New Jersey	2	2.5	3.5	3.5
32. New Mexico	4.8	6.9	7.7	8.5
33. New York	11	13.5	13.5	13.5
34. North Carolina	7	7	7	7
35. North Dakota	6	8	9	9
36. Ohio	4.513	5.415	6.318	9.025
37. Oklahoma	6	6	6	6
38. Oregon	9.75	9.75	9.75	9.75
39. Pennsylvania	2.167	2.167	2.167	2.167
40. Rhode Island	*22.21 percent of Federal income tax liability [4]			
41. South Carolina	7	7	7	7
42. South Dakota	0	0	0	0
43. Tennessee	0	0	0	0
44. Texas	0	0	0	0
45. Utah	7.75	7.75	7.75	7.75
46. Vermont	*26.5 percent of Federal income tax liability [4]			
47. Virginia	5.75	5.75	5.75	5.75
48. Washington	0	0	0	0
49. West Virginia	3.5	7.4	10.5	13
If single status [3]	8.2	12.6	12.9	13
50. Wisconsin	9.1	9.5	10	10
51. Wyoming	0	0	0	0

[1] Earned income amounts that fall between the income brackets shown in this table (e.g., $24,999.45, $49,999.75) should be rounded to the nearest dollar to determine the marginal tax rate to be used in calculating the RIT allowance.

[2] If the earned income amount is less than the lowest income bracket shown in this table, the employing agency shall establish an appropriate marginal tax rate as provided in §302–11.8(e)(2)(ii).

[3] This rate applies only to those individuals certifying that they will file under a single status within the States where they will pay income taxes. All other taxpayers, regardless of filing status, will use the other rate shown.

[4] Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in §302–11.8(e)(2)(iii).

STATE MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 1987

The following table is to be used to determine the State marginal tax rates for calculation of the RIT allowance as prescribed in §302–11.8(e)(2). This table is to be used for employees who received covered taxable reimbursements during calendar year 1987.

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column[1][2]			
	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 & over
1. Alabama	5	5	5	5
2. Alaska	0	0	0	0
3. Arizona	7	8	8	8
4. Arkansas	4.5	7	7	7
If single status[3]	6	7	7	7
5. California	2	9.3	9.3	9.3
If single status[3]	8	9.3	9.3	9.3
6. Colorado	5	5	5	5
7. Connecticut	0	0	0	0
8. Delaware	6.1	8.2	8.8	8.8
9. District of Columbia	8	10	10	10
10. Florida	0	0	0	0
11. Georgia	6	6	6	6
12. Hawaii	8.25	9.75	10	10
If single status[3]	9.75	10	10	10
13. Idaho	7.8	8.2	8.2	8.2
14. Illinois	2.5	2.5	2.5	2.5
15. Indiana	3.2	3.2	3.2	3.2
16. Iowa	7	11	12	13
17. Kansas	7.5	9	9	9
18. Kentucky	6	6	6	6
19. Louisiana	4	4	6	6
20. Maine	3	9.2	10	10
If single status[3]	9.2	10	10	10
21. Maryland	5	5	5	5
22. Massachusetts	5	5	5	5
23. Michigan	4.6	4.6	4.6	4.6
24. Minnesota	8	9	9	9
25. Mississippi	5	5	5	5
26. Missouri	6	6	6	6
27. Montana	7	10	11	11
If single status[3]	9	10	11	11
28. Nebraska	3.2	5	5.9	5.9
If single status[3]	5	5.9	5.9	5.9
29. Nevada	0	0	0	0
30. New Hampshire	0	0	0	0
31. New Jersey	2	2.5	3.5	3.5
32. New Mexico	3.8	5.9	7.7	8.5
If single status[3]	5.8	7.7	8.5	8.5
33. New York	7	8.75	8.75	8.75
If single status[3]	8.75	8.75	8.75	8.75
34. North Carolina	7	7	7	7
35. North Dakota	6.67	9.33	12	12
If single status[3]	8	10.67	12	12
36. Ohio	3.004	4.506	5.257	6.008
37. Oklahoma	4	6	6	6
If single status[3]	6	6	6	6
38. Oregon	9	9	9	9
39. Pennsylvania	2.1	2.1	2.1	2.1
40. Rhode Island	*23.46 percent of Federal income tax liability[4]			
41. South Carolina	7	7	7	7
42. South Dakota	0	0	0	0
43. Tennessee	0	0	0	0
44. Texas	0	0	0	0
45. Utah	7.75	7.75	7.75	7.75
46. Vermont	*25.8 percent of Federal income tax liability[4]			
47. Virginia	5	5.75	5.75	5.75
48. Washington	0	0	0	0
49. West Virginia	4	4.5	6	6.5
If single status[3]	4	6	6.5	6.5
50. Wisconsin	6.55	6.93	6.93	6.93
51. Wyoming	0	0	0	0

[1] Earned income amounts that fall between the income brackets shown in this table (e.g., $24,999.45, $49,999.75) should be rounded to the nearest dollar to determine the marginal tax rate to be used in calculating the RIT allowance.

[2] If the earned income amount is less than the lowest income bracket shown in this table, the employing agency shall establish an appropriate marginal tax rate as provided in §302–11.8(e)(2)(ii).

[3] This rate applies only to those individuals certifying that they will file under a single status within the States where they will pay income taxes. All other taxpayers, regardless of filing status, will use the other rate shown.

[4] Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in §302–11.8(e)(2)(iii).

STATE MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 1988

The following table is to be used to determine the State marginal tax rates for calculation of the RIT allowance as prescribed in §302–11.8(e)(2). This table is to be used for employees who received covered taxable reimbursements during calendar year 1988.

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column[1,2]			
	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 and over
1. Alabama	5	5	5	5
2. Alaska	0	0	0	0
3. Arizona	6	8	8	8
If single status[3]	8	8	8	8
4. Arkansas	4.5	7	7	7
If single status[3]	6	7	7	7
5. California	2	6	9.3	9.3
If single status[3]	6	9.3	9.3	9.3
6. Colorado	5	5	5	5
7. Connecticut	0	0	0	0
8. Delaware	6	7.6	7.7	7.7
If single status[3]	6	7.7	7.7	7.7
9. District of Columbia	8	9.5	9.5	9.5
10. Florida	0	0	0	0
11. Georgia	6	6	6	6
12. Hawaii	8.25	9.75	10	10
If single status[3]	9.75	10	10	10
13. Idaho	7.5	7.8	8.2	8.2
If single status[3]	7.8	8.2	8.2	8.2
14. Illinois	2.5	2.5	2.5	2.5
15. Indiana	3.4	3.4	3.4	3.4
16. Iowa	6.8	8.8	9.98	9.98
If single status[3]	7.2	8.8	9.98	9.98
17. Kansas	4.05	5.3	5.3	5.3
If single status[3]	4.8	6.1	6.1	6.1
18. Kentucky	6	6	6	6
19. Louisiana	2	4	4	6
If single status[3]	4	4	6	6
20. Maine	2	8	8	8
If single status[3]	8	8	8	8
21. Maryland	5	5	5	5
22. Massachusetts	5	5	5	5
23. Michigan	4.6	4.6	4.6	4.6
24. Minnesota	6	8	8	8.5
If single status[3]	8	8.5	8.5	8.5
25. Mississippi	5	5	5	5
26. Missouri	6	6	6	6
27. Montana	7.7	11	12.1	12.1
If single status[3]	8.8	11	12.1	12.1
28. Nebraska	3.15	5	5.9	5.9
If single status[3]	5	5.9	5.9	5.9
29. Nevada	0	0	0	0
30. New Hampshire	0	0	0	0
31. New Jersey	2	2.5	3.5	3.5
32. New Mexico	3.8	6.9	7.7	8.5
If single status[3]	5.8	8.5	8.5	8.5
33. New York	5	8.375	8.375	8.375
If single status[3]	8.375	8.375	8.375	8.375
34. North Carolina	7	7	7	7
35. North Dakota	*14 percent of Federal income tax liablity[4]			
36. Ohio	2.972	4.457	5.201	6.9
If single status[3]	3.715	5.201	5.201	6.9
37. Oklahoma	4	6	6	6
If single status[3]	6	6	6	6
38. Oregon	9	9	9	9
39. Pennsylvania	2.1	2.1	2.1	2.1
40. Rhode Island	*22.96 percent of Federal income tax liability[4]			
41. South Carolina	7	7	7	7
42. South Dakota	0	0	0	0
43. Tennessee	0	0	0	0
44. Texas	0	0	0	0
45. Utah	7.75	7.75	7.75	7.75
46. Vermont	*23 percent of Federal income tax liability[4]			
47. Virginia	5	5.75	5.75	5.75

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column [1] [2]			
	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 and over
If single status [3]	5.75	5.75	5.75	5.75
48. Washington	0	0	0	0
49. West Virginia	4	4.5	6.5	6.5
If single status [3]	4	6	6.5	6.5
50. Wisconsin	6.55	6.93	6.93	6.93
If single status [3]	6.93	6.93	6.93	6.93
51. Wyoming	0	0	0	0

[1] Earned income amounts that fall between the income brackets shown in this table (e.g., $24,999.45, $49,999.75) should be rounded to the nearest dollar to determine the marginal tax rate to be used in calculating the RIT allowance.

[2] If the earned income amount is less than the lowest income bracket shown in this table, the employing agency shall establish an appropriate marginal tax rate as provided in §302–11.8(e)(2)(ii).

[3] This rate applies only to those individuals certifying that they will file under a single status within the States where they will pay income taxes. All other taxpayers, regardless of filing status, will use the other rate shown.

[4] Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in §302–11.8(e)(2)(iii).

STATE MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 1989

The following table is to be used to determine the State marginal tax rates for calculation of the RIT allowance as prescribed in §302–11.8(e)(2). This table is to be used for employees who received covered taxable reimbursements during calendar year 1989.

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column [1] [2]			
	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 & over
1. Alabama	5	5	5	5
2. Alaska	0	0	0	0
3. Arizona	6	8	8	8
If single status [3]	8	8	8	8
4. Arkansas	4.5	7	7	7
If single status [3]	6	7	7	7
5. California	2	6	9.3	9.3
If single status [3]	6	9.3	9.3	9.3
6. Colorado	5	5	5	5
7. Connecticut	0	0	0	0
8. Delaware	6	7.6	7.7	7.7
If single status [3]	6	7.7	7.7	7.7
9. District of Columbia	8	9.5	9.5	9.5
10. Florida	0	0	0	0
11. Georgia	6	6	6	6
12. Hawaii	8	9.5	10	10
If single status [3]	9.5	10	10	10
13. Idaho	7.5	7.8	8.2	8.2
If single status [3]	7.8	8.2	8.2	8.2
14. Illinois	2.75	2.75	2.75	2.75
15. Indiana	3.4	3.4	3.4	3.4
16. Iowa	6.8	8.8	9.98	9.98
If single status [3]	7.2	8.8	9.98	9.98
17. Kansas	3.65	5.15	5.15	5.15
If single status [3]	4.5	5.95	5.95	5.95
18. Kentucky	6	6	6	6
19. Louisiana	2	4	4	6
If single status [3]	4	4	6	6
20. Maine	4.5	8.5	8.5	8.5
If single status [3]	8.5	8.5	8.5	8.5
21. Maryland	5	5	5	5
22. Massachusetts	5.375	5.375	5.375	5.375
23. Michigan	4.6	4.6	4.6	4.6
24. Minnesota	6	8	8	8.5
If single status [3]	8	8.5	8.5	8.5
25. Mississippi	5	5	5	5
26. Missouri	6	6	6	6
27. Montana	7	10	11	11
If single status [3]	8	10	11	11
28. Nebraska	3.1	4.8	5.9	5.9
If single status [3]	4.8	5.9	5.9	5.9
29. Nevada	0	0	0	0
30. New Hampshire	0	0	0	0
31. New Jersey	2	2.5	3.5	3.5
32. New Mexico	3.8	6.9	7.7	8.5

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column [1] [2]			
	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 & over
If single status [3]	5.8	8.5	8.5	8.5
33. New York	5	7.875	7.875	7.875
If single status [3]	7.875	7.875	7.875	7.875
34. North Carolina	7	7	7	7
35. North Dakota	*17 percent of Federal income tax liability [4]			
36. Ohio	2.972	4.457	5.201	6.9
If single status [3]	3.715	5.201	5.201	6.9
37. Oklahoma	4	6	6	6
If single status [3]	6	6	6	6
38. Oregon	9	9	9	9
39. Pennsylvania	2.1	2.1	2.1	2.1
40. Rhode Island	*22.96 percent of Federal income tax liability [4]			
41. South Carolina	7	7	7	7
42. South Dakota	0	0	0	0
43. Tennessee	0	0	0	0
44. Texas	0	0	0	0
45. Utah	7.35	7.35	7.35	7.35
46. Vermont	*25 percent of Federal income tax liability [4]			
47. Virginia	5	5.75	5.75	5.75
If single status [3]	5.75	5.75	5.75	5.75
48. Washington	0	0	0	0
49. West Virginia	4	4.5	6.5	6.5
If single status [3]	4	6	6.5	6.5
50. Wisconsin	6.55	6.93	6.93	6.93
If single status [3]	6.93	6.93	6.93	6.93
51. Wyoming	0	0	0	0

[1] Earned income amounts that fall between the income brackets shown in this table (e.g., $24,999.45, $49,999.75) should be rounded to the nearest dollar to determine the marginal tax rate to be used in calculating the RIT allowance.

[2] If the earned income amount is less than the lowest income bracket shown in this table, the employing agency shall establish an appropriate marginal tax rate as provided in §302–11.8(e)(2)(ii).

[3] This rate applies only to those individuals certifying that they will file under a single status within the States where they will pay income taxes. All other taxpayers, regardless of filing status, will use the other rate shown.

[4] Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in §302–11.8(e)(2)(iii).

STATE MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 1990

The following table is to be used to determine the State marginal tax rates for calculation of the RIT allowance as prescribed in §302–11.8(e)(2). This table is to be used for employees who received covered taxable reimbursements during calendar year 1990.

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column [1] [2]			
	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 & over
1. Alabama	5	5	5	5
2. Alaska	0	0	0	0
3. Arizona	3.8	4.4	5.25	7
If single status [3]	4.4	5.25	6.5	7
4. Arkansas	4.5	7	7	7
If single status [3]	6	7	7	7
5. California	2	6	9.3	9.3
If single status [3]	6	9.3	9.3	9.3
6. Colorado	5	5	5	5
7. Connecticut	0	0	0	0
8. Delaware	6	7.6	7.7	7.7
9. District of Columbia	8	9.5	9.5	9.5
10. Florida	0	0	0	0
11. Georgia	6	6	6	6
12. Hawaii	8	9.5	10	10
If single status [3]	9.5	10	10	10
13. Idaho	7.8	8.2	8.2	8.2
14. Illinois	3	3	3	3
15. Indiana	3.4	3.4	3.4	3.4
16. Iowa	6.8	8.8	9.98	9.98
17. Kansas	3.65	5.15	5.15	5.15
18. Kentucky	6	6	6	6
19. Louisiana	4	4	6	6
20. Maine	4.5	8.5	8.5	8.5
If single status [3]	8.5	8.5	8.5	8.5
21. Maryland	5	5	5	5

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column[1][2]			
	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 & over
22. Massachusetts	5.95	5.95	5.95	5.95
23. Michigan	4.6	4.6	4.6	4.6
24. Minnesota	6	8	8	8.5
If single status[3]	8	8	8.5	8.5
25. Mississippi	5	5	5	5
26. Missouri	6	6	6	6
27. Montana	6	10	11	11
If single status[3]	8	10	11	11
28. Nebraska	3.361	5.21	6.41	6.41
If single status[3]	5.21	6.41	6.41	6.41
29. Nevada	0	0	0	0
30. New Hampshire	0	0	0	0
31. New Jersey	2	2.5	3.5	3.5
32. New Mexico	3.8	6.9	7.7	8.5
If single status[3]	5.8	8.5	8.5	8.5
33. New York	5	7.875	7.875	7.875
If single status[3]	7.875	7.875	7.875	7.875
34. North Carolina	6	7	7	7
35. North Dakota	6.67	10.67	12	12
If Single status[3]	8	10.67	12	12
36. Ohio	2.972	4.457	5.201	6.9
37. Oklahoma	4	7	7	7
If single status[3]	7	7	7	7
38. Oregon	9	9	9	9
39. Pennsylvania	2.1	2.1	2.1	2.1
40. Rhode Island	*22.96 percent of Federal income tax liability[4]			
41. South Carolina	7	7	7	7
42. South Dakota	0	0	0	0
43. Tennessee	0	0	0	0
44. Texas	0	0	0	0
45. Utah	7.2	7.2	7.2	7.2
46. Vermont	*28 percent of Federal income tax liability[4]			
47. Virginia	5	5.75	5.75	5.75
48. Washington	0	0	0	0
49. West Virginia	4	4.5	6.5	6.5
If single status[3]	4	6	6.5	6.5
50. Wisconsin	6.55	6.93	6.93	6.93
51. Wyoming	0	0	0	0

[1] Earned income amounts that fall between the income brackets shown in this table (e.g., $24,999.45, $49,999.75) should be rounded to the nearest dollar to determine the marginal tax rate to be used in calculating the RIT allowance.

[2] If the earned income amount is less than the lowest income bracket shown in this table, the employing agency shall establish an appropriate marginal tax rate as provided in §302–11.8(e)(2)(ii).

[3] This rate applies only to those individuals certifying that they will file under a single status within the States where they will pay income taxes. All other taxpayers, regardless of filing status, will use the other rate shown.

[4] Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in §302–11.8(e)(2)(iii).

STATE MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 1991

The following table is to be used to determine the State marginal tax rates for calculation of the RIT allowance as prescribed in §302–11.8(e)(2). This table is to be used for employees who received covered taxable reimbursements during calendar year 1991.

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column[1][2]			
	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 and over
1. Alabama	5	5	5	5
2. Alaska	0	0	0	0
3. Arizona	3.8	4.4	5.25	7
If single status[3]	4.4	5.25	6.5	7
4. Arkansas	3.5	7	7	7
If single status[3]	6	7	7	7
5. California	2	6	8	11
If single status[3]	6	9.3	9.3	11
6. Colorado	5	5	5	5
7. Connecticut	1.5	1.5	1.5	1.5
8. Delaware	5	7.6	7.7	7.7
9. District of Columbia	6	9.5	9.5	9.5
If single status[3]	8	9.5	9.5	9.5
10. Florida	0	0	0	0

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column [1] [2]			
	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 and over
11. Georgia	5	6	6	6
12. Hawaii	7.25	9.5	10	10
If single status [3]	9.5	10	10	10
13. Idaho	6.5	7.8	8.2	8.2
If single status [3]	7.8	8.2	8.2	8.2
14. Illinois	3	3	3	3
15. Indiana	3.4	3.4	3.4	3.4
16. Iowa	5	8.8	9.98	9.98
If single status [3]	7.2	8.8	9.98	9.98
17. Kansas	3.65	3.65	5.15	5.15
If single status [3]	4.5	5.95	5.95	5.95
18. Kentucky	6	6	6	6
19. Louisiana	2	4	4	6
If single status [3]	4	4	6	6
20. Maine	4.725	8.925	8.925	9.89
If single status [3]	8.925	9.89	9.89	9.89
21. Maryland	5	5	5	5
22. Massachusetts	6.25	6.25	6.25	6.25
23. Michigan	4.6	4.6	4.6	4.6
24. Minnesota	6	8	8	8.5
If single status [3]	8	8	8.5	8.5
25. Mississippi	4	5	5	5
26. Missouri	5.5	6	6	6
27. Montana	5	10	10	11
If single status [3]	8	10	11	11
28. Nebraska	3.63	5.62	6.92	6.92
If single status [3]	5.62	6.92	6.92	6.92
29. Nevada	0	0	0	0
30. New Hampshire	0	0	0	0
31. New Jersey	2	2.5	3.5	7
If single status [3]	2	5	6.5	7
32. New Mexico	3.8	5.9	7.7	8.5
If single status [3]	5.8	7.7	8.5	8.5
33. New York	4	7.875	7.875	7.875
If single status [3]	7.875	7.875	7.875	7.875
34. North Carolina	6	7	7	7.75
35. North Dakota	6.67	9.33	12	12
If Single status [3]	8	10.67	12	12
36. Ohio	1.486	4.457	5.201	6.9
If single status [3]	3.715	4.457	5.201	6.9
37. Oklahoma	3	7	7	7
If single status [3]	7	7	7	7
38. Oregon	9	9	9	9
39. Pennsylvania	2.6	2.6	2.6	2.6
40. Rhode Island	* 27.5 percent of Federal income tax liability [4]			
41. South Carolina	6	7	7	7
42. South Dakota	0	0	0	0
43. Tennessee	0	0	0	0
44. Texas	0	0	0	0
45. Utah	7.2	7.2	7.2	7.2
46. Vermont	* (See footnote 5) [4]			
If single status [3]	* 34 percent of Federal income tax liability [4]			
47. Virginia	5	5.75	5.75	5.75
48. Washington	0	0	0	0
49. West Virginia	3	4.5	6	6.5
50. Wisconsin	4.9	6.93	6.93	6.93
If single status [3]	6.93	6.93	6.93	6.93
51. Wyoming	0	0	0	0

[1] Earned income amounts that fall between the income brackets shown in this table (e.g., $24,999.45, $49,999.75) should be rounded to the nearest dollar to determine the marginal tax rate to be used in calculating the RIT allowance.

[2] If the earned income amount is less than the lowest income bracket shown in this table, the employing agency shall establish an appropriate marginal tax rate as provided in § 302–11.8(e)(2)(ii).

[3] This rate applies only to those individuals certifying that they will file under a single status within the States where they will pay income taxes. All other taxpayers, regardless of filing status, will use the other rate shown.

[4] Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in § 302–11.8(e)(2)(iii).

[5] The income tax rate for Vermont (for other than single status) is 31 percent of Federal income tax liability for employees whose earned income amounts are between $20,000-$24,999; for all other employees the rate is 34 percent of Federal income tax liability.

STATE MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 1992

The following table is to be used to determine the State marginal tax rates for calculation of the RIT allowance as prescribed in §302–11.8(e)(2). This table is to be used for employees who received covered taxable reimbursements during calendar year 1992.

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column[1,2]			
	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 and over
1. Alabama	5	5	5	5
2. Alaska	0	0	0	0
3. Arizona	3.8	4.4	5.25	7
If single status[3]	4.4	5.25	6.5	7
4. Arkansas	4.5	7	7	7
If single status[3]	6	7	7	7
5. California	2	6	8	11
If single status[3]	6	9.3	9.3	11
6. Colorado	5	5	5	5
7. Connecticut	4.5	4.5	4.5	4.5
8. Delaware	6	7.7	7.7	7.7
9. District of Columbia	6	9.5	9.5	9.5
If single status[3]	8	9.5	9.5	9.5
10. Florida	0	0	0	0
11. Georgia	5	6	6	6
12. Hawaii	7.25	9.5	10	10
If single status[3]	9.5	10	10	10
13. Idaho	6.5	7.8	8.2	8.2
If single status[3]	7.8	8.2	8.2	8.2
14. Illinois	3	3	3	3
15. Indiana	3.4	3.4	3.4	3.4
16. Iowa	6.8	8.8	9.98	9.98
17. Kansas	3.5	6.25	6.25	6.45
If single status[3]	4.4	7.75	7.75	7.75
18. Kentucky	6	6	6	6
19. Louisiana	2	4	6	6
If single status [3]	4	4	6	6
20. Maine	4.725	8.925	8.925	9.89
If single status[3]	8.925	9.89	9.89	9.89
21. Maryland	5	5	5	6
22. Massachusetts	5.95	5.95	5.95	5.95
23. Michigan	4.6	4.6	4.6	4.6
24. Minnesota	6	8	8	8.5
If single status[3]	8	8	8.5	8.5
25. Mississippi	4	5	5	5
26. Missouri	6	6	6	6
27. Montana	5.115	10.23	11.253	11.253
If single status[3]	8.184	11.253	11.253	11.253
28. Nebraska	3.63	5.62	6.92	6.92
If single status[3]	5.62	6.92	6.92	6.92
29. Nevada	0	0	0	0
30. New Hampshire	0	0	0	0
31. New Jersey	2	2.5	3.5	7
If single status[3]	2	6.5	6.5	7
32. New Mexico	3.8	5.9	7.7	8.5
If single status[3]	5.8	8.5	8.5	8.5
33. New York	4	7.875	7.875	7.875
If single status[3]	7.875	7.875	7.875	7.875
34. North Carolina	6	7	7	7.75
35. North Dakota	6.67	9.33	12	12
If single status[3]	8	10.67	12	12
36. Ohio	1.486	4.457	5.201	6.9
If single status[3]	3.715	5.201	5.201	6.9
37. Oklahoma	4	7	7	7
If single status[3]	7	7	7	7
38. Oregon	9	9	9	9
39. Pennsylvania	2.95	2.95	2.95	2.95
40. Rhode Island	[4]	[4]	[4]	[4]
If single status[3]	[5]	[5]	[5]	[5]
41. South Carolina	6	7	7	7
42. South Dakota	0	0	0	0
43. Tennessee	0	0	0	0
44. Texas	0	0	0	0
45. Utah	7.2	7.2	7.2	7.2
46. Vermont	[6]	[6]	[6]	[6]

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column [1] [2]			
	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 and over
If single status [3]	([7])	([7])	([7])	([7])
47. Virginia	5	5.75	5.75	5.75
48. Washington	0	0	0	0
49. West Virginia	3	4.5	6	6.5
If single status [3]	4	6	6.5	6.5
50. Wisconsin	4.9	6.93	6.93	6.93
If single status [3]	6.93	6.93	6.93	6.93
51. Wyoming	0	0	0	0

[1] Earned income amounts that fall between the income brackets shown in this table (e.g., $24,999.45, $49,999.75) should be rounded to the nearest dollar to determine the marginal tax rate to be used in calculating the RIT allowance.

[2] If the earned income amount is less than the lowest income bracket shown in this table, the employing agency shall establish an appropriate marginal tax rate as provided in §302–11.8(e)(2)(ii).

[3] This rate applies only to those individuals certifying that they will file under a single status within the States where they will pay income taxes. All other taxpayers, regardless of filing status, will use the other rate shown.

[4] The income tax rate for Rhode Island (for other than single status) is 27.5 percent of Federal income tax liability for employees whose earned income amounts are between $20,000–$74,999; and 29.75 percent of Federal income tax liability for employees whose earned income amounts are $75,000 and over. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in §302–11.8(e)(2)(iii).

[5] The income tax rate for Rhode Island (for single status) is 27.5 percent of Federal income tax liability for employees whose earned income amounts are between $20,000–$49,999; and 29.75 percent of Federal income tax liability for employees whose earned income amounts are $50,000 and over. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in §302–11.8(e)(2)(iii).

[6] The income tax rate for Vermont (for other than single status) is 28 percent of Federal income tax liability for employees whose earned income amounts are between $20,000–$24,999; 31 percent of Federal income tax liability for employees whose earned income amounts are between $25,000–$74,999; and 34 percent of Federal income tax liability for employees whose earned income amounts are $75,000 and over. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in §302–11.8(e)(2)(iii).

[7] The income tax rate for Vermont (for single status) is 28 percent of Federal income tax liability for employees whose earned income amounts are between $20,000–$24,999; 31 percent of Federal income tax liability for employees whose earned income amounts are between $25,000–$49,999; and 34 percent of Federal income tax liability for employees whose earned income amounts are $50,000 and over. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in §302–11.8(e)(2)(iii).

STATE MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 1993

The following table is to be used to determine the State marginal tax rates for calculation of the RIT allowance as prescribed in §302–11.8(e)(2). This table is to be used for employees who received covered taxable reimbursements during calendar year 1993.

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column [1] [2]			
	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 and over
1. Alabama	5	5	5	5
2. Alaska	0	0	0	0
3. Arizona	3.8	4.4	5.25	7
If single status [3]	4.4	5.25	6.5	7
4. Arkansas	4.5	7	7	7
If single status [3]	6	7	7	7
5. California	2	4	8	11
If single status [3]	6	9.3	9.3	11
6. Colorado	5	5	5	5
7. Connecticut	4.5	4.5	4.5	4.5
8. Delaware	6	7.6	7.7	7.7
9. District of Columbia	8	9.5	9.5	9.5
10. Florida	0	0	0	0
11. Georgia	6	6	6	6
12. Hawaii	8	9.5	10	10
If single status [3]	9.5	10	10	10
13. Idaho	6.5	7.8	8.2	8.2
If single status [3]	7.8	8.2	8.2	8.2
14. Illinois	3	3	3	3
15. Indiana	3.4	3.4	3.4	3.4
16. Iowa	6.8	8.8	9.98	9.98
17. Kansas	3.5	6.25	6.25	6.45
If single status [3]	4.4	7.75	7.75	7.75
18. Kentucky	6	6	6	6
19. Louisiana	4	4	6	6
20. Maine	4.5	7	8.5	8.5
If single status [3]	8.5	8.5	8.5	8.5
21. Maryland	5	5	5	6
22. Massachusetts	5.95	5.95	5.95	5.95
23. Michigan	4.6	4.6	4.6	4.6

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column [1] [2]			
	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 and over
24. Minnesota	6	8	8	8.5
If single status [3]	8	8	8.5	8.5
25. Mississippi	5	5	5	5
26. Missouri	6	6	6	6
27. Montana	6.282	9.423	10.47	11.517
If single status [3]	8.376	10.47	10.47	11.517
28. Nebraska	3.65	5.24	6.99	6.99
If single status [3]	5.24	6.99	6.99	6.99
29. Nevada	0	0	0	0
30. New Hampshire	0	0	0	0
31. New Jersey	2	2.5	3.5	7
If single status [3]	2	5	6.5	7
32. New Mexico	3.8	5.9	7.7	8.5
If single status [3]	5.8	7.7	8.5	8.5
33. New York	5	7.875	7.875	7.875
If single status [3]	7.875	7.875	7.875	7.875
34. North Carolina	6	7	7	7.75
35. North Dakota	6.67	9.33	12	12
If single status [3]	8	10.67	12	12
36. Ohio	2.972	4.457	5.201	7.5
37. Oklahoma	5	7	7	7
If single status [3]	7	7	7	7
38. Oregon	9	9	9	9
39. Pennsylvania	2.8	2.8	2.8	2.8
40. Rhode Island		(See footnote 4)		
If single status [3]		(See footnote 5)		
41. South Carolina	7	7	7	7
42. South Dakota	0	0	0	0
43. Tennessee	0	0	0	0
44. Texas	0	0	0	0
45. Utah	7.2	7.2	7.2	7.2
46. Vermont		(See footnote 6)		
If single status [3]		(See footnote 7)		
47. Virginia	5	5.75	5.75	5.75
48. Washington	0	0	0	0
49. West Virginia	4	4.5	6	6.5
50. Wisconsin	6.55	6.93	6.93	6.93
51. Wyoming	0	0	0	0

[1] Earned income amounts that fall between the income brackets shown in this table (e.g., $24,999.45, $49,999.75) should be rounded to the nearest dollar to determine the marginal tax rate to be used in calculating the RIT allowance.

[2] If the earned income amount is less than the lowest income bracket shown in this table, the employing agency shall establish an appropriate marginal tax rate as provided in §302–11.8(e)(2)(ii).

[3] This rate applies only to those individuals certifying that they will file under a single status within the States where they will pay income taxes. All other taxpayers, regardless of filing status, will use the other rate shown.

[4] The income tax rate for Rhode Island (for other than single status) is 27.5 percent of Federal income tax liability for employees whose earned income amounts are between $20,000–$24,999; 32 percent of Federal income tax liability for employees whose earned income amounts are between $25,000–$49,999; 27.55 percent of Federal income tax liability for employees whose earned income amounts are between $50,000–$74,999; and 25.05 percent of Federal income tax liability for employees whose earned income amounts are $75,000 and over. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in §302–11.8(e)(2)(iii).

[5] The income tax rate for Rhode Island (for single status) is 32 percent of Federal income tax liability for employees whose earned income amounts are between $20,000–$24,999; 27.55 percent of Federal income tax liability for employees whose earned income amounts are between $25,000–$74,999; and 25.05 percent of Federal income tax liability for employees whose earned income amounts are $75,000 and over. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in §302–11.8(e)(2)(iii).

[6] The income tax rate for Vermont (for other than single status) is 28 percent of Federal income tax liability for employees whose earned income amounts are between $20,000–$24,999; 31 percent of Federal income tax liability for employees whose earned income amounts are between $25,000–$74,999; and 34 percent of Federal income tax liability for employees whose earned income amounts are $75,000 and over. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in §302–11.8(e)(2)(iii).

[7] The income tax rate for Vermont (for single status) is 28 percent of Federal income tax liability for employees whose earned income amounts are between $20,000–$24,999; 31 percent of Federal income tax liability for employees whose earned income amounts are between $25,000–$49,999; and 34 percent of Federal income tax liability for employees whose earned income amounts are $50,000 and over. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in §302–11.8(e)(2)(iii).

STATE MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 1994

The following table is to be used to determine the State marginal tax rates for calculation of the RIT allowance as prescribed in §302–11.8(e)(2). This table is to be used for employees who received covered taxable reimbursements during calendar year 1994.

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column [1] [2]			
	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 and over
1. Alabama	5	5	5	5
2. Alaska	0	0	0	0
3. Arizona	3.25	4.0	5.05	6.9
If single status [3]	3.25	4.0	6.4	6.9
4. Arkansas	4.5	7	7	7
If single status [3]	6	7	7	7
5. California	2	4	8	11
If single status [3]	6	9.3	9.3	11
6. Colorado	5	5	5	5
7. Connecticut	4.5	4.5	4.5	4.5
8. Delaware	6	7.6	7.7	7.7
9. District of Columbia	8	9.5	9.5	9.5
10. Florida	0	0	0	0
11. Georgia	6	6	6	6
12. Hawaii	8	9.5	10	10
If single status [3]	9.5	10	10	10
13. Idaho	7.5	7.8	8.2	8.2
14. Illinois	3	3	3	3
15. Indiana	3.4	3.4	3.4	3.4
16. Iowa	6.8	8.8	9.98	9.98
17. Kansas	3.5	6.25	6.25	6.45
If single status [3]	4.4	7.75	7.75	7.75
18. Kentucky	6	6	6	6
19. Louisiana	2	4	6	6
If single status [3]	4	4	6	6
20. Maine	4.5	8.5	8.5	8.5
If single status [3]	8.5	8.5	8.5	8.5
21. Maryland	5	5	5	6
22. Massachusetts	5.95	5.95	5.95	5.95
23. Michigan	4.4	4.4	4.4	4.4
24. Minnesota	6	8	8	8.5
If single status [3]	8	8	8.5	8.5
25. Mississippi	5	5	5	5
26. Missouri	6	6	6	6
27. Montana	6	9	10	11
If single status [3]	8	10	10	11
28. Nebraska	3.65	5.24	6.99	6.99
If single status [3]	5.24	6.99	6.99	6.99
29. Nevada	0	0	0	0
30. New Hampshire	0	0	0	0
31. New Jersey	1.9	2.375	3.325	6.65
If single status [3]	1.9	4.75	6.175	6.65
32. New Mexico	3.2	6	7.9	8.5
If single status [3]	6	7.9	8.5	8.5
33. New York	5	7.875	7.875	7.875
If single status [3]	7.875	7.875	7.875	7.875
34. North Carolina	6	7	7	7.75
35. North Dakota	6.67	9.33	12	12
If single status [3]	8	10.67	12	12
36. Ohio	2.972	4.457	5.201	7.5
37. Oklahoma	5	7	7	7
If single status [3]	7	7	7	7
38. Oregon	9	9	9	9
39. Pennsylvania	2.8	2.8	2.8	2.8
40. Rhode Island		(See footnote 4)		
If single status [3]		(See footnote 5)		
41. South Carolina	7	7	7	7
42. South Dakota	0	0	0	0
43. Tennessee	0	0	0	0
44. Texas	0	0	0	0
45. Utah	7.2	7.2	7.2	7.2
46. Vermont		(See footnote 6)		
47. Virginia	5	5.75	5.75	5.75
48. Washington	0	0	0	0
49. West Virginia	4	4.5	6	6.5
50. Wisconsin	6.55	6.93	6.93	6.93
51. Wyoming	0	0	0	0

[1] Earned income amounts that fall between the income brackets shown in this table (e.g., $24,999.45, $49,999.75) should be rounded to the nearest dollar to determine the marginal tax rate to be used in calculating the RIT allowance.

[2] If the earned income amount is less than the lowest income bracket shown in this table, the employing agency shall establish an appropriate marginal tax rate as provided in §302–11.8(e)(2)(ii).

[3] This rate applies only to those individuals certifying that they will file under a single status within the States where they will pay income taxes. All other taxpayers, regardless of filing status, will use the other rate shown.

[4] The income tax rate for Rhode Island (for other than single status) is 27.5 percent of Federal income tax liability for employees whose earned income amounts are between $20,000–$24,999; 32 percent of Federal income tax liability for employees whose earned income amounts are between $25,000–$49,999; 27.55 percent of Federal income tax liability for employees whose earned income amounts are between $50,000–$74,999; and 25.05 percent of Federal income tax liability for employees whose earned income amounts are $75,000 and over. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in § 302–11.8(e)(2)(iii).

[5] The income tax rate for Rhode Island (for single status) is 32 percent of Federal income tax liability for employees whose earned income amounts are between $20,000–$24,999; 27.55 percent of Federal income tax liability for employees whose earned income amounts are between $25,000–$74,999; and 25.05 percent of Federal income tax liability for employees whose earned income amounts are $75,000 and over. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in § 302–11.8(e)(2)(iii).

[6] The income tax rate for Vermont is 25 percent of Federal income tax liability for all employees. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in § 302–11.8(e)(2)(iii).

STATE MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 1995

The following table is to be used to determine the State marginal tax rates for calculation of the RIT allowance as prescribed in § 302–11.8(e)(2). This table is to be used for employees who received covered taxable reimbursements during calendar year 1995.

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column [1] [2]			
	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 and over
1. Alabama	5	5	5	5
2. Alaska	0	0	0	0
3. Arizona	3.25	4	5.05	6.9
If single status [3]	4	5.05	6.4	6.9
4. Arkansas	4.5	7	7	7
If single status [3]	6	7	7	7
5. California	2	4	8	11
If single status [3]	4	9.3	9.3	11
6. Colorado	5	5	5	5
7. Connecticut	4.5	4.5	4.5	4.5
8. Delaware	6	7.6	7.7	7.7
9. District of Columbia	8	9.5	9.5	9.5
10. Florida	0	0	0	0
11. Georgia	6	6	6	6
12. Hawaii	8	9.5	10	10
If single status [3]	9.5	10	10	10
13. Idaho	7.5	7.8	8.2	8.2
14. Illinois	3	3	3	3
15. Indiana	3.4	3.4	3.4	3.4
16. Iowa	6.8	7.55	9.98	9.98
If single status [3]	7.2	8.8	9.98	9.98
17. Kansas	3.5	6.25	6.25	6.45
If single status [3]	4.4	7.75	7.75	7.75
18. Kentucky	6	6	6	6
19. Louisiana	2	4	4	6
If single status [3]	4	4	6	6
20. Maine	4.5	7	8.5	8.5
If single status [3]	8.5	8.5	8.5	8.5
21. Maryland	5	5	5	5
22. Massachusetts	5.95	5.95	5.95	5.95
23. Michigan	4.4	4.4	4.4	4.4
24. Minnesota	6	8	8	8.5
If single status [3]	8	8	8.5	8.5
25. Mississippi	5	5	5	5
26. Missouri	6	6	6	6
27. Montana	6	9	10	11
28. Nebraska	3.65	5.60	7.35	7.75
If single status [3]	5.60	7.35	7.60	7.75
29. Nevada	0	0	0	0
30. New Hampshire	0	0	0	0
31. New Jersey	1.7	2.125	2.975	6.58
If single status [3]	1.7	4.25	6.013	6.58
32. New Mexico	3.2	6	7.1	8.5
If single status [3]	6	7.1	7.9	8.5
33. New York	4.55	7.594	7.594	7.594
If single status [3]	7.594	7.594	7.594	7.594
34. North Carolina	6	7	7	7.75
35. North Dakota	14	14 (See footnote 4)	14	14
36. Ohio	2.972	4.457	5.201	7.5
37. Oklahoma	4	7	7	7
If single status [3]	7	7	7	7

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column [1] [2]			
	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 and over
38. Oregon	9	9	9	9
39. Pennsylvania	2.8	2.8	2.8	2.8
40. Rhode Island	27.5	27.5	27.5	27.5
		(See footnote 5)		
41. South Carolina	7	7	7	7
42. South Dakota	0	0	0	0
43. Tennessee	0	0	0	0
44. Texas	0	0	0	0
45. Utah	7.2	7.2	7.2	7.2
46. Vermont		(See footnote 6)		
47. Virginia	5	5.75	5.75	5.75
48. Washington	0	0	0	0
49. West Virginia	4	4.5	6	6.5
50. Wisconsin	6.55	6.93	6.93	6.93
51. Wyoming	0	0	0	0

[1] Earned income amounts that fall between the income brackets shown in this table (e.g., $24,999.45, $49,999.75) should be rounded to the nearest dollar to determine the marginal tax rate to be used in calculating the RIT allowance.

[2] If the earned income amount is less than the lowest income bracket shown in this table, the employing agency shall establish an appropriate marginal tax rate as provided in §302–11.8(e)(2)(ii).

[3] This rate applies only to those individuals certifying that they will file under a single status within the States where they will pay income taxes. All other taxpayers, regardless of filing status, will use the other rate shown.

[4] The income tax rate for North Dakota is 14 percent of Federal income tax liability for all employees. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in §302–11.8(e)(2)(iii).

[5] The income tax rate for Rhode Island is 27.5 percent of Federal income tax liability for all employees. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in §302–11.8(e)(2)(iii).

[6] The income tax rate for Vermont is 25 percent of Federal income tax liability for all employees. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in §302–11.8(e)(2)(iii).

STATE MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 1996

The following table is to be used to determine the State marginal tax rates for calculation of the RIT allowance as prescribed in §302–11.8(e)(2). This table is to be used for employees who received covered taxable reimbursements during calendar year 1996.

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column [1] [2]			
	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 and over
1. Alabama	5	5	5	5
2. Alaska	0	0	0	0
3. Arizona	3	3.5	4.2	5.6
4. Arkansas	4.5	7	7	7
If single status [3]	6	7	7	7
5. California	2	4	8	11
If single status [3]	4	9.3	9.3	11
6. Colorado	5	5	5	5
7. Connecticut	4.5	4.5	4.5	4.5
8. Delaware	6	7.1	7.1	7.1
9. District of Columbia	8	9.5	9.5	9.5
10. Florida	0	0	0	0
11. Georgia	6	6	6	6
12. Hawaii	8	9.5	10	10
If single status [3]	9.5	10	10	10
13. Idaho	7.8	8.2	8.2	8.2
14. Illinois	3	3	3	3
15. Indiana	3.4	3.4	3.4	3.4
16. Iowa	6.8	7.55	9.98	9.98
If single status [3]	7.2	8.8	9.98	9.98
17. Kansas	3.5	6.25	6.25	6.45
If single status [3]	4.4	7.75	7.75	7.75
18. Kentucky	6	6	6	6
19. Louisiana	2	4	4	6
If single status [3]	4	4	6	6
20. Maine	4.5	7	8.5	8.5
If single status [3]	8.5	8.5	8.5	8.5
21. Maryland	5	5	5	5
22. Massachusetts	5.95	5.95	5.95	5.95
23. Michigan	4.4	4.4	4.4	4.4
24. Minnesota	6	8	8	8.5
If single status [3]	8	8	8.5	8.5
25. Mississippi	5	5	5	5

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column [1] [2]			
	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 and over
26. Missouri	6	6	6	6
27. Montana	6	9	10	11
28. Nebraska	3.65	5.24	6.99	6.99
If single status [3]	5.24	6.99	6.99	6.99
29. Nevada	0	0	0	0
30. New Hampshire	0	0	0	0
31. New Jersey	1.4	1.75	2.45	6.37
If single status [3]	1.4	3.45	5.25	6.37
32. New Mexico	3.2	6	7.1	8.5
If single status [3]	6	7.1	7.9	8.5
33. New York	5	7.125	7.125	7.125
If single status [3]	7.125	7.125	7.125	7.125
34. North Carolina	6	7	7	7.75
35. North Dakota	6.67	9.33	12	12
If single status [3]	8	10.67	12	12
36. Ohio	2.972	4.457	5.201	7.5
37. Oklahoma	4	7	7	7
If single status [3]	7	7	7	7
38. Oregon	9	9	9	9
39. Pennsylvania	2.8	2.8	2.8	2.8
40. Rhode Island	27.5	27.5	27.5	27.5
		(See footnote 4)		
41. South Carolina	7	7	7	7
42. South Dakota	0	0	0	0
43. Tennessee	0	0	0	0
44. Texas	0	0	0	0
45. Utah	7	7	7	7
46. Vermont		(See footnote 5)		
47. Virginia	5	5.75	5.75	5.75
48. Washington	0	0	0	0
49. West Virginia	4	4.5	6	6.5
50. Wisconsin	6.55	6.93	6.93	6.93
51. Wyoming	0	0	0	0

[1] Earned income amounts that fall between the income brackets shown in this table (e.g., $24,999.45, $49,999.75) should be rounded to the nearest dollar to determine the marginal tax rate to be used in calculating the RIT allowance.

[2] If the earned income amount is less than the lowest income bracket shown in this table, the employing agency shall establish an appropriate marginal tax rate as provided in §302–11.8(e)(2)(ii).

[3] This rate applies only to those individuals certifying that they will file under a single status within the States where they will pay income taxes. All other taxpayers, regardless of filing status, will use the other rate shown.

[4] The income tax rate for Rhode Island is 27.5 percent of Federal income tax liability for all employees. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in §302–11.8(e)(2)(iii).

[5] The income tax rate for Vermont is 25 percent of Federal income tax liability for all employees. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in §302–11.8(e)(2)(iii).

STATE MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 1997

The following table is to be used to determine the State marginal tax rates for calculation of the RIT allowance as prescribed in §302–11.8(e)(2). This table is to be used for employees who received covered taxable reimbursements during calendar year 1997.

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column. [1] [2]			
	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 & over
Alabama	5	5	5	5
Alaska	0	0	0	0
Arizona	2.9	3.3	3.9	5.17
Arkansas	4.5	7	7	7
If single status [3]	6	7	7	7
California	2	4	8	9.3
If single status [3]	4	9.3	9.3	9.3
Colorado	5	5	5	5
Connecticut	3	4.5	4.5	4.5
If single status [3]	4.5	4.5	4.5	4.5
Delaware	5.8	6.9	6.9	6.9
District of Columbia	8	9.5	9.5	9.5
Florida	0	0	0	0
Georgia	6	6	6	6
Hawaii	8	9.5	10	10
If single status [3]	9.5	10	10	10
Idaho	7.8	8.2	8.2	8.2

Marginal tax rates (stated in percents) for the earned income amounts specified in each column.[1] [2]

State (or district)	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 & over
Illinois	3	3	3	3
Indiana	3.4	3.4	3.4	3.4
Iowa	6.8	7.55	9.98	9.98
If single status [3]	7.2	8.8	9.98	9.98
Kansas	3.5	6.25	6.25	6.45
If single status [3]	4.4	7.75	7.75	7.75
Kentucky	6	6	6	6
Louisiana	2	4	4	6
If single status [3]	4	4	6	6
Maine	4.5	7	8.5	8.5
If single status [3]	8.5	8.5	8.5	8.5
Maryland	5	5	5	5
Massachusetts	5.95	5.95	5.95	5.95
Michigan	4.4	4.4	4.4	4.4
Minnesota	6	8	8	8.5
If single status [3]	8	8	8.5	8.5
Mississippi	5	5	5	5
Missouri	6	6	6	6
Montana	6	9	10	11
Nebraska	3.65	5.24	6.99	6.99
If single status [3]	5.24	6.99	6.99	6.99
Nevada	0	0	0	0
New Hampshire	0	0	0	0
New Jersey	1.4	1.75	2.45	6.37
If single status [3]	1.4	3.50	5.525	6.37
New Mexico	3.2	6	7.1	8.5
If single status [3]	6	7.1	7.9	8.5
New York	4	5.9	6.85	6.85
If single status [3]	5.9	6.85	6.85	6.85
North Carolina	6	7	7	7.75
North Dakota	6.67	9.33	12	12
If single status [3]	8	10.67	12	12
Ohio	2.853	4.279	4.993	7.201
Oklahoma	4	7	7	7
If single status [3]	7	7	7	7
Oregon	9	9	9	9
Pennsylvania	2.8	2.8	2.8	2.8
Rhode Island	27.5	27.5	27.5	27.5
(Rhode Island—See Footnote 4)				
South Carolina	7	7	7	7
South Dakota	0	0	0	0
Tennessee	0	0	0	0
Texas	0	0	0	0
Utah	7	7	7	7
Vermont	25	25	25	25
(Vermont—See Footnote 5)				
Virginia	5	5.75	5.75	5.75
Washington	0	0	0	0
West Virginia	4	4.5	6	6.5
Wisconsin	6.55	6.93	6.93	6.93
Wyoming	0	0	0	0

[1] Earned income amounts that fall between the income brackets shown in this table (e.g., $24,999.45, $49,999.75) should be rounded to the nearest dollar to determine the marginal tax rate to be used in calculating the RIT allowance.

[2] If the earned income amount is less than the lowest income bracket shown in this table, the employing agency shall establish an appropriate marginal tax rate as provided in §302–11.8(e)(2)(ii).

[3] This rate applies only to those individuals certifying that they will file under a single status within the States where they will pay income taxes. All other taxpayers, regardless of filing status, will use the other rate shown.

[4] The income tax rate for Rhode Island is 27.5 percent of Federal income tax liability for all employees. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in §302–11.8(e)(2)(iii).

[5] The income tax rate for Vermont is 25 percent of Federal income tax liability for all employees. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in §302–11.8(e)(2)(iii).

[54 FR 20332, May 10, 1989, as amended by FTR Amdt. 5, 55 FR 1674, Jan. 18, 1990; 55 FR 5945, Feb. 20, 1990; 55 FR 10866, Mar. 23, 1990; FTR Amdt. 15, 56 FR 10379, Mar. 12, 1991; FTR Amdt. 24, 57 FR 1112, Jan. 10, 1992; FTR Amdt. 26, 57 FR 28636, June 26, 1992; FTR Amdt. 28, 58 FR 8547, Feb. 16, 1993; FTR Amdt. 35, 59 FR 10997, Mar. 9, 1994; FTR Amdt. 43, 60 FR 2536, Jan. 10, 1995; FTR Amdt. 46, 61 FR 3838, Feb. 2, 1996; FTR Amdt. 57, 62 FR 8174, Feb. 24, 1997; FTR Amdt. 71, 63 FR 14638, Mar. 26, 1998]

APPENDIX C TO PART 302–11—FEDERAL TAX TABLES FOR RIT ALLOWANCE—YEAR 2

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1987

The following table is to be used to determine the Federal marginal tax rate for Year 2 for computation of the RIT allowance as prescribed in §302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar years 1983, 1984, 1985, and 1986.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
11	$4,650	$6,481	$7,763	$10,309	$10,400	$13,719	$5,811	$7,081
15	6,481	21,979	10,309	31,379	13,719	40,020	7,081	19,602
28	21,979	33,433	31,379	47,903	40,020	58,705	19,602	31,572
35	33,433	58,810	47,903	88,015	58,705	101,432	31,572	54,120
38.5	58,810	.....	88,015	.....	101,432	.....	54,120	.....

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1988

The following table is to be used to determine the Federal marginal tax rate for Year 2 for computation of the RIT allowance as prescribed in §302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar years 1983, 1984, 1985, 1986, and 1987.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$5,260	$23,920	$9,440	$34,215	$12,500	$43,410	$6,200	$21,880
28	23,920	52,310	34,215	77,300	43,410	88,740	21,880	47,475
33	52,310	113,370	77,300	166,910	88,740	197,820	47,475	133,415
28	113,370	.....	166,910	.....	197,820	.....	133,415	.....

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1989

The following table is to be used to determine the Federal marginal tax rate for Year 2 for computation of the RIT allowance as prescribed in §302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar years 1983, 1984, 1985, 1986, 1987, 1988.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$5,320	$24,111	$9,061	$33,963	$12,940	$43,397	$6,723	$23,089
28	24,111	50,311	33,963	71,688	43,397	84,030	23,089	54,177
33	50,311	110,883	71,688	164,538	84,030	198,284	54,177	145,523
28	110,883	.....	164,538	.....	198,284	.....	145,523	.....

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1990

The following table is to be used to determine the Federal marginal tax rate for Year 2 for computation of the RIT allowance as prescribed in §302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar years 1983, 1984, 1985, 1986, 1987, 1988, or 1989.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$5,556	$25,167	$9,824	$35,312	$12,652	$44,759	$6,885	$23,089

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
28	25,167	51,042	35,312	75,233	44,759	84,283	23,089	50,147
33	51,042	112,588	75,233	170,564	84,283	200,559	50,147	148,107
28	112,588	.....	170,564	.....	200,559	.....	148,107	.....

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1991

The following table is to be used to determine the Federal marginal tax rate for Year 2 for computation of the RIT allowance as prescribed in §302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar years 1983, 1984, 1985, 1986, 1987, 1988, 1989, or 1990.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$5,754	$26,242	$10,177	$36,611	$13,093	$46,770	$7,120	$23,977
28	26,242	55,330	36,611	78,894	46,770	94,598	23,977	47,908
31	55,330	.....	78,894	.....	94,598	.....	47,908	.....

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1992

The following table is to be used to determine the Federal marginal tax rate for Year 2 for computation of the RIT allowance as prescribed in §302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar years 1985, 1986, 1987, 1988, 1989, 1990, or 1991.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$6,190	$27,963	$10,864	$38,611	$14,316	$50,219	$7,819	$25,629
28	27,963	58,786	38,611	83,158	50,219	101,123	25,629	50,939
31	58,786	.....	83,158	.....	101,123	.....	50,939	.....

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1993

The following table is to be used to determine the Federal marginal tax rate for Year 2 for computation of the RIT allowance as prescribed in §302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar years 1985, 1986, 1987, 1988, 1989, 1990, 1991, or 1992.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$6,289	$28,621	$11,017	$39,541	$14,584	$51,229	$7,740	$26,145
28	28,621	60,303	39,541	85,315	51,229	103,223	26,145	52,226
31	60,303	.....	85,315	.....	103,223	.....	52,226	.....

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1994

The following table is to be used to determine the Federal marginal tax rate for Year 2 for computation of the RIT allowance as prescribed in §302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar years 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, or 1993.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$6,492	$30,068	$11,603	$43,304	$15,846	$55,773	$7,738	$27,855
28	30,068	67,256	43,304	97,172	55,773	115,653	27,855	58,980
31	67,256	134,936	97,172	155,995	115,653	167,653	58,980	86,842
36	134,936	273,705	155,995	284,250	167,653	277,401	86,842	142,545
39.6	273,705	.....	284,250	.....	277,401	.....	142,545	.....

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1995

The following table is to be used to determine the Federal marginal tax rate for Year 2 for computation of the RIT allowance as prescribed in §302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar years 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, or 1994.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$6,643	$30,783	$11,937	$44,304	$16,387	$57,249	$8,171	$28,637
28	30,783	68,684	44,304	102,201	57,249	119,362	28,637	59,017
31	68,684	139,546	102,201	163,966	119,362	173,514	59,017	88,341
36	139,546	283,746	163,966	294,200	173,514	286,217	88,341	147,650
39.6	283,746	.....	294,200	.....	286,217	.....	147,650	.....

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1996

The following table is to be used to determine the Federal marginal tax rate for Year 2 for computation of the RIT allowance as prescribed in §302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar years 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, or 1995.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$6,885	$31,807	$12,295	$45,572	$17,027	$59,055	$8,229	$29,600
28	31,807	70,867	45,572	105,805	59,055	123,190	29,600	61,245
31	70,867	144,170	105,805	168,990	123,190	179,414	61,245	90,611
36	144,170	292,883	168,990	301,968	179,414	295,681	90,611	150,779
39.6	292,883	.....	301,968	.....	295,681	.....	150,779	.....

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1997

The following table is to be used to determine the Federal marginal tax rate for Year 2 for computation of the RIT allowance as prescribed in §302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar years 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, or 1996.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$7,067	$32,674	$12,963	$46,966	$16,798	$59,856	$8,702	$29,669
28	32,674	71,647	46,966	104,632	59,856	123,931	29,669	62,023
31	71,647	141,006	104,632	161,381	123,931	180,221	62,023	92,072
36	141,006	288,900	161,381	293,567	180,221	299,695	92,072	152,835
39.6	288,900	.....	293,567	.....	299,695	.....	152,835	.....

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1998

The following table is to be used to determine the Federal marginal tax rate for Year 2 for computation of the RIT allowance as prescribed in §302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar years 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, or 1997.

Marginal tax rate	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows & widowers		Married filing separately	
Percent	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$7,229	$33,530	$12,964	$48,232	$16,858	$61,069	$8,685	$30,351
28	33,530	73,135	48,232	109,311	61,069	126,880	30,351	63,863
31	73,135	145,648	109,311	177,378	126,880	184,945	63,863	92,550
36	145,648	299,410	177,378	321,683	184,945	308,061	92,550	152,715
39.6	299,410	.....	321,683	.....	308,061	.....	152,715	.....

[54 FR 20332, May 10, 1989, as amended by FTR Amdt. 5, 55 FR 1676, Jan. 18, 1990; FTR Amdt. 15, 56 FR 10380, Mar. 12, 1991; FTR Amdt. 24, 57 FR 1114, Jan. 10, 1992; FTR Amdt. 28, 58 FR 8549, Feb 16, 1993; FTR Amdt. 35, 59 FR 10997, Mar. 9, 1994; FTR Amdt. 43, 60 FR 2536, Jan. 10, 1995; FTR Amdt. 46, 61 FR 3840, Feb. 2, 1996; FTR Amdt. 57, 62 FR 8174, Feb. 24, 1997; 63 FR 14639, Mar. 26, 1998]

APPENDIX D TO PART 302–11—PUERTO RICO TAX TABLES FOR RIT ALLOWANCE

PUERTO RICO MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 1987

The following table is to be used to determine the Puerto Rico marginal tax rate for computation of the RIT allowance as prescribed in §302–11.8(e)(4)(i).

Marginal tax rate (percent)	Single filing status		Any other filing status	
	Over	But not over	Over	But not over
25.66	.....	$25,000	.....	.....
33.35	.....	.....	.....	$25,000
47.03	$25,000	50,000	.....	.....
50.00	50,000	.....	$25,000	.....

PUERTO RICO MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 1988

The following table is to be used to determine the Puerto Rico marginal tax rate for computation of the RIT allowance as prescribed in §302–11.8(e)(4)(i).

Marginal tax rate (percent)	Single filing status		Any other filing status	
	Over	But not over	Over	But not over
15	.....	$25,000	.....	.....
25	.....	.....	.....	$25,000
41	$25,000	.....	$25,000	.....

PUERTO RICO MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 1989

The following table is to be used to determine the Puerto Rico marginal tax rate for computation of the RIT allowance as prescribed in §302–11.8(e)(4)(i).

Marginal tax rate (percent)	Single filing status		Any other filing status	
	Over	But not over	Over	But not over
15	.....	$25,000	.....	.....
25	.....	.....	.....	$25,000
38	$25,000	.....	$25,000	.....

PUERTO RICO MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 1990

The following table is to be used to determine the Puerto Rico marginal tax rate for computation of the RIT allowance as prescribed in §302–11.8(e)(4)(i).

Marginal tax rate (percent)	Single filing status		Any other filing status	
	Over	But not over	Over	But not over
15		$25,000		
25				$25,000
41	$25,000		$25,000	

PUERTO RICO MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 1991

The following table is to be used to determine the Puerto Rico marginal tax rate for computation of the RIT allowance as prescribed in §302–11.8(e)(4)(i).

Marginal tax rate (percent)	Single filing status		Any other filing status	
	Over	But not over	Over	But not over
15		$25,000		
25				$25,000
36	$25,000		$25,000	

PUERTO RICO MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 1992

The following table is to be used to determine the Puerto Rico marginal tax rate for computation of the RIT allowance as prescribed in §302–11.8(e)(4)(i).

Marginal tax rate (percent)	Single filing status		Any other filing status	
	Over	But not over	Over	But not over
15		$25,000		
25				$25,000
36	$25,000		$25,000	

PUERTO RICO MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 1993

The following table is to be used to determine the Puerto Rico marginal tax rate for computation of the RIT allowance as prescribed in §302–11.8(e)(4)(i).

Marginal tax rate (percent)	Single filing status		Any other filing status	
	Over	But not over	Over	But not over
15				$25,000
25		$25,000		
36	$25,000		$25,000	

PUERTO RICO MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 1994

The following table is to be used to determine the Puerto Rico marginal tax rate for computation of the RIT allowance as prescribed in §302–11.8(e)(4)(i).

Marginal tax rate (percent)	Single filing status		Any other filing status	
	Over	But not over	Over	But not over
15				$25,000
25		$25,000		
36	$25,000		$25,000	

PUERTO RICO MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 1995

The following table is to be used to determine the Puerto Rico marginal tax rate for computation of the RIT allowance as prescribed in §302–11.8(e)(4)(i).

Marginal tax rate (percent)	Single filing status		Any other filing status	
	Over	But not over	Over	But not over
12				$25,000
18		$25,000		
31			$25,000	$50,000
33	$25,000		$50,000	

PUERTO RICO MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 1996

The following table is to be used to determine the Puerto Rico marginal tax rate for computation of the RIT allowance as prescribed in §302–11.8(e)(4)(i).

Marginal tax rate (percent)	Single filing status		Any other filing status	
	Over	But not over	Over	But not over
12	.....	.....	.....	$25,000
18	.....	$25,000	.....	.....
31	$25,000	$50,000	$25,000	$50,000
33	$50,000	.....	$50,000	.....

PUERTO RICO MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 1997

The following table is to be used to determine the Puerto Rico marginal tax rate for computation of the RIT allowance as prescribed in §302–11.8(e)(4)(i).

Marginal tax rate	Single filing status		Any other filing status	
Percent	Over	But not over	Over	But not over
12	.....	.....	.....	$25,000
18	.....	$25,000	.....	.....
31	$25,000	50,000	$25,000	50,000
33	50,000	.....	50,000	.....

[FTR Amdt. 30, 58 FR 15438, Mar. 23, 1993, as amended by FTR Amdt. 35, 59 FR 10997, Mar. 9, 1994; FTR Amdt. 43, 60 FR 2536, Jan. 10, 1995; FTR Amdt. 46, 61 FR 3840, Feb. 2, 1996; FTR Amdt. 57, 62 FR 8176, Feb. 24, 1997; FTR Amdt. 71, 63 FR 14639, Mar. 26, 1998]

PART 302–12—USE OF A RELOCATION SERVICES COMPANY

Subpart A—Agency's Use of a Relocation Services Company

Sec.

302–12.1 What are ''relocation services''?
302–12.2 May we enter into a contract with a relocation services company for the company to provide relocation services?
302–12.3 What contracted relocation services may we provide at Government expense?
302–12.4 May we separately contract for each type of relocation service?
302–12.5 What is the purpose of contracting for relocation services?
302–12.6 How must we administer a relocation services contract?
302–12.7 What policies must we establish when offering our employees the services of a relocation services company?
302–12.8 What rules must we follow when contracting for relocation services?
302–12.9 What are the income tax consequences that we must consider when offering relocation services?
302–12.10 What must we consider in deciding whether to use the fixed-fee or cost-reimbursable contracting method?
302–12.11 May we take title to an employee's residence?
302–12.12 Under a homesale program, may we establish a maximum home value above which we will not pay for homesale services?
302–12.13 Under a homesale program, may we pay an employee for losses he/she incurs on the sale of a residence?
302–12.14 Under a homesale program, may we direct the relocation services company to pay an employee more than the fair market value of his/her residence?
302–12.15 May we use a relocation services contract for services which we are contractually bound to obtain under another travel services contract?

Subpart B—Employee's Use of a Relocation Services Company

302–12.100 Am I eligible to use a relocation services company?
302–12.101 Must my agency allow me to use a relocation services company?
302–12.102 Under what conditions may I use a relocation services company?
302–12.103 For what relocation services expenses will my agency pay?
302–12.104 If I use a contracted-for relocation service that is a substitute for reimbursable relocation allowance, will I be reimbursed for the relocation allowance as well?
302–12.105 What expenses will my agency pay if I use a relocation services company to ship household goods in excess of the maximum weight allowance?
302–12.106 What expenses will my agency pay if I use a relocation services company to sell or purchase a residence for which I and/or a member(s) of my immediate family do not have full title?

302–12.107 If my agency authorizes me to enter a homesale program, must I accept a buyout offer from the relocation services company?
302–12.108 What are the income tax consequences if I use a relocation services company?

AUTHORITY: 5 U.S.C. 5738 and 20 U.S.C. 905(c).

SOURCE: FTR Amdt. 62, 62 FR 13766, Mar. 21, 1997, unless otherwise noted.

Subpart A—Agency's Use of a Relocation Services Company

NOTE TO SUBPART A: Use of the pronouns ''we'' and ''you'' throughout this subpart refers to the agency.

§ 302–12.1 What are "relocation services"?

''Relocation services'' are services provided by a private company under a contract with an agency to assist a transferred employee in relocating to the new official station. Examples include homesale programs, home marketing assistance, home finding assistance, and property management services.

§ 302–12.2 May we enter into a contract with a relocation services company for the company to provide relocation services?

Yes.

§ 302–12.3 What contracted relocation services may we provide at Government expense?

You may pay for contracted relocation services that are a substitute for reimbursable relocation allowances authorized throughout this chapter. For example, you may pay for homesale services as a substitute for residence sale expenses, or household goods management services as a substitute for transportation of household goods.

§ 302–12.4 May we separately contract for each type of relocation service?

Yes, or you may combine several types of relocation services in a single contract.

§ 302–12.5 What is the purpose of contracting for relocation services?

To improve the treatment of employees who are directed to relocate to facilitate the retention of a well-qualified workforce.

§ 302–12.6 How must we administer a relocation services contract?

You must balance the positive effects that availability of relocation services has on employee mobility and morale with any increased costs your agency may experience as a result of providing relocation services.

§ 302–12.7 What policies must we establish when offering our employees the services of a relocation services company? You must establish policies governing:

(a) The conditions under which you will authorize an employee to use a relocation services company;

(b) Which employees you will allow to use a relocation services company;

(c) What relocation services you will offer an employee; and

(d) Who will determine in each case if an employee may use a relocation services company and what services will be offered.

§ 302–12.8 What rules must we follow when contracting for relocation services?

The rules contained in the Federal Acquisition Regulations (FAR) (48 CFR) and/or other procurement regulations applicable to you.

§ 302–12.9 What are the income tax consequences that we must consider when offering relocation services?

Amounts you pay to a relocation services company on behalf of an employee may be taxable to the employee. In some cases, such as with certain homesale programs, the amounts may not be taxable. You must determine the taxability of such payments, and pay a relocation income tax (RIT) allowance in accordance with part 302–11 of this chapter on payments you determine to be taxable to the employee. You may contact the Assistant Chief Counsel (Income Tax & Accounting), Internal Revenue Service, 1111 Constitution Avenue, NW., Room 5501,

Washington, DC 20224, for information on the income tax consequences of payments you make to a relocation services company.

§ 302–12.10 What must we consider in deciding whether to use the fixed-fee or cost-reimbursable contracting method?

You must consider the following factors in deciding which contracting method to use:

(a) *Risk of alternative methods.* Under a fixed fee contract, the relocation services company bears all risks not expressly contained in the contract. Under a cost-reimbursable contract, you must assume some or all risks and, therefore, must assume some management responsibilities under the contract as well. For example, under a fixed fee homesale program you are not directly liable for losses incurred if a residence does not sell immediately, while under a cost-reimbursable homesale program you assume some or all risks of selling the residence.

(b) *Cost of alternative methods.* Under the fixed fee method of contracting, the fee includes a cost component for risk assumed by the relocation services company. Under the cost-reimbursable method of contracting, you are directly responsible for some or all of the costs associated with management of the contract. In deciding whether to use cost-reimbursable contracting you, therefore, must consider the cost of resources you would require (including personnel costs) to manage a cost-reimbursable relocation services contract.

(c) *Effect on the obligation of funds.* You must obligate funds for a relocation in the fiscal year in which the purchase order is awarded under the contract. Under the fixed fee contracting method, the amount of the relocation services fee is fixed and you have a basis for determining the amount of funds to obligate. Under the cost-reimbursable contracting method, you must obligate funds based on an estimate of the costs that will be incurred. When opting for cost-reimbursable contracting you, therefore, should establish a reliable method of computing fund obligation estimates.

§ 302–12.11 May we take title to an employee's residence?

No, you may not take title to an employee's residence except as specifically provided by statute. The statutes which form the basis for the provisions of this part do not provide such authority.

§ 302–12.12 Under a homesale program, may we establish a maximum home value above which we will not pay for homesale services?

Yes. If a home exceeding the maximum value is sold under your homesale program, the employee will be responsible for any additional costs. You must establish a maximum amount commensurate with your agency's experience. You may consider, among other factors, budgetary constraints, the value range of homes in areas where you have offices, and the value range of homes previously entered in your program.

§ 302–12.13 Under a homesale program, may we pay an employee for losses he/she incurs on the sale of a residence?

No. But, this does not preclude your reimbursing a relocation services company for losses incurred while the contractor holds the property.

§ 302–12.14 Under a homesale program, may we direct the relocation services company to pay an employee more than the fair market value of his/her residence?

No. Under a homesale program you may not direct the relocation services company to pay an employee more than the fair market value (as determined by the residence appraisal process) of his/her home.

§ 302–12.15 May we use a relocation services contract for services which we are contractually bound to obtain under another travel services contract?

No. For example, you may not use a relocation services contract to circumvent the travel and transportation expense payment system contract if you are a user of that contract.

Subpart B—Employee's Use of a Relocation Services Company

NOTE TO SUBPART B: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§302–12.100 Am I eligible to use a relocation services company?

Yes, if you are an employee who is authorized to transfer.

§302–12.101 Must my agency allow me to use a relocation services company?

No. Your agency determines if you may use a relocation services company.

§302–12.102 Under what conditions may I use a relocation services company?

You may use a relocation services company if:

(a) You meet all conditions required for you to be eligible for an allowance contained in this chapter for which a service provided by the relocation services company would serve as a substitute, and you are authorized to use a specific relocation service provided by the company as a substitute;

(b) You have signed a service agreement; and

(c) You meet any specific conditions your agency has established.

§302–12.103 For what relocation services expenses will my agency pay?

Your agency will pay the relocation services company s fees/expenses for the services you are authorized to use. If your agency pays the relocation services company for actual expenses the company incurs on your behalf, payment to the company is limited to what you would have received under the direct reimbursement provisions of this chapter.

§302–12.104 If I use a contracted-for relocation service that is a substitute for reimbursable relocation allowance, will I be reimbursed for the relocation allowance as well?

No.

§302–12.105 What expenses will my agency pay if I use a relocation services company to ship household goods in excess of the maximum weight allowance?

Your agency will pay the portion of the fee attributable to 18,000 pounds net weight. You must pay the rest.

§302–12.106 What expenses will my agency pay if I use a relocation services company to sell or purchase a residence for which I and/or a member(s) of my immediate family do not have full title?

Your agency will pay the portion of the relocation services company's fee attributable to your pro rata share of the residence, as determined in accordance with §302–6.1(f) of this chapter. You must pay any portion of the fee attributable to other than your pro rata share of the residence.

§302–12.107 If my agency authorizes me to enter a homesale program, must I accept a buyout offer from the relocation services company?

No. Your agency must give you the option to accept or reject an offer from the relocation services company.

§302–12.108 What are the income tax consequences if I use a relocation services company?

You may incur income taxes on relocation services provided by a relocation services company and paid for by your agency. Section 82 of the Internal Revenue Code states there shall be included in gross income (as compensation for services) any amount received or accrued, directly or indirectly, by an individual as a payment for or reimbursement of expenses of moving from one residence to another residence which is attributable to employment. You will receive a relocation income tax (RIT) allowance if your agency determines that such expenses are taxable. The Government does not assume responsibility for payment of your taxes, however, and you may wish to consult a tax professional on income tax reporting.

PART 302–14—HOME MARKETING INCENTIVE PAYMENTS

Subpart A—Payment of Incentive to the Employee

Sec.

302–14.1 What is a ''homesale program''?
302–14.2 What is the purpose of a home marketing incentive payment?
302–14.3 Am I eligible to receive a home marketing incentive payment?
302–14.4 Must my agency pay me a home marketing incentive?
302–14.5 Under what circumstances will I receive a home marketing incentive payment?
302–14.6 How much may my agency pay me for a home marketing incentive?
302–14.7 Are there tax consequences when I receive a home marketing incentive payment?

Subpart B—Agency Responsibilities

302–14.100 How should we administer our home marketing incentive payment program?
302–14.101 What policies must we establish to govern our home marketing incentive payment program?
302–14.102 What factors should we consider in determining whether to establish a home marketing incentive payment program?
302–14.103 What factors should we consider in determining the amount of a home marketing incentive payment?

AUTHORITY: 5 U.S.C. 5756.

SOURCE: FTR Amdt. 61, 62 FR 13763, Mar. 21, 1997, unless otherwise noted.

Subpart A—Payment of Incentive to the Employee

NOTE TO SUBPART A: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§302–14.1 What is a "homesale program"?

It is a program offered by an agency through a contractual arrangement with a relocation services company. The relocation services company purchases a transferred employee s residence at fair market (appraised) value and then independently markets and sells the residence.

§302–14.2 What is the purpose of a home marketing incentive payment?

To reduce the Government s relocation costs by encouraging transferred employees who participate in their employing agency s homesale program to independently and aggressively market, and find a bona fide buyer for, their residence. This significantly reduces the fees/expenses their agencies must pay to relocation services companies and effectively lowers the cost of such programs.

§302–14.3 Am I eligible to receive a home marketing incentive payment?

Yes, if you are an employee who is authorized to transfer and you otherwise meet requirements for sale of your residence at Government expense.

§302–14.4 Must my agency pay me a home marketing incentive?

No. Your agency determines when it is in the Government s interest to offer you a home marketing incentive.

§302–14.5 Under what circumstances will I receive a home marketing incentive payment?

You will receive a home marketing incentive payment when:

(a) You enter your residence in your agency s homesale program;

(b) You independently and aggressively market your residence;

(c) You find a bona fide buyer for your residence as a result of your independent marketing efforts;

(d) You transfer the residence to the relocation services company;

(e) Your agency pays a reduced fee/expenses to the relocation services company as a result of your independent marketing efforts; and

(f) You meet any additional conditions your agency has established, including but not limited to, mandatory marketing periods, list price guidelines, closing requirements, and residence value caps.

§302–14.6 How much may my agency pay me for a home marketing incentive?

Your agency determines the amount of your home marketing incentive payment. The incentive payment, however, may not exceed the lesser of:

(a) Five percent of the price the relocation services company paid when it purchased the residence from you; or

(b) The savings your agency realized from the reduced fee/expenses it paid as a result of your finding a bona fide buyer.

§302–14.7 Are there tax consequences when I receive a home marketing incentive payment?

Yes, the home marketing incentive payment is considered income. Consequently, you will be taxed, and your agency will withhold income and employment taxes, on the home marketing incentive payment. You will not, however, receive a withholding tax allowance (WTA) to offset the withholding on your home marketing incentive payment, nor will you receive a relocation income tax (RIT) allowance payment for substantially all of your Federal, state and local income taxes on the incentive payment.

Subpart B—Agency Responsibilities

NOTE TO SUBPART B: Use of the pronouns ''we'' and ''you'' throughout this subpart refers to the agency.

§302–14.100 How should we administer our home marketing incentive payment program?

Your goal in using an incentive payment program is to reduce your overall relocation costs. You must not make a home marketing incentive payment that exceeds the savings you realize from the reduced fees/expenses you pay the relocation services company.

§302–14.101 What policies must we establish to govern our home marketing incentive payment program?

You must establish policies to govern:

(a) The conditions under which you will authorize a home marketing incentive payment for an employee;

(b) The amount of the home marketing incentive payment(s) you will offer (or the method you will use to compute your home marketing incentive payments); and

(c) Who will determine in each case whether a home marketing incentive payment is authorized.

§302–14.102 What factors should we consider in determining whether to establish a home marketing incentive payment program?

You should consider:

(a) Whether the program will increase the percentage of residences sold for which employees find a bona fide buyer. You should establish a benchmark for the percentage of residences for which you expect employees to find a bona fide buyer resulting in lower homesale costs to you. If your historical percentage of employee-generated sales is below your benchmark, a home marketing incentive payment program may benefit you.

(b) The expected net savings from a home marketing incentive payment program.

§302–14.103 What factors should we consider in determining the amount of a home marketing incentive payment?

You should consider:

(a) Amount of savings from reduced fee/expenses paid to the relocation services company. The home marketing incentive payment program is intended to reduce your relocation costs. The amount of each home marketing incentive payment you make, therefore, must not exceed the savings you realize from the reduced fee you pay to the relocation services company.

(b) Employee's efforts in marketing the residence. The purpose of a home marketing incentive payment program is to encourage a transferred employee who participates in a homesale program to independently and aggressively market his/her residence and find a bona fide buyer.

PART 302–15—ALLOWANCE FOR PROPERTY MANAGEMENT SERVICES

Subpart A—General Rules for the Employee

Sec.
302–15.1 What are ''property management services''?
302–15.2 What is a ''nonforeign area''?
302–15.3 What is a ''foreign area''?
302–15.4 What are the purposes of the allowance for property management services?
302–15.5 In what situations may my agency authorize payment for property management services?
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Subpart B—Payment for Property Management Services for Employees Transferred to a Foreign Area Post of Duty

302–15.100 Am I eligible for payment for property management services under this subpart?
302–15.101 Will my agency pay for property management services when I transfer to a foreign area post of duty?
302–15.102 For what property may my agency authorize payment under this subpart?
302–15.103 How long may my agency pay under this subpart?
302–15.104 If my agency is paying for property management services under this subpart and my service agreement expires, what must I do to ensure that payment for property management services continues?
302–15.105 Must I repay property management expenses my agency paid under this subpart if I elect to sell my nonforeign area residence at Government expense when I am transferred from my current foreign area post of duty to a different nonforeign area official station than the one I left?

Subpart C—Payment for Property Management Services for Employees Transferred to a Nonforeign Area From a Foreign Area

302–15.200 Am I eligible for payment for property management services under this subpart?
302–15.201 Under what circumstances will my agency authorize payment under this subpart?
302–15.202 When my agency authorizes payment for me under this subpart, am I obligated to use such services, or may I elect instead to sell my residence at Government expense?
302–15.203 For what property may my agency authorize payment under this subpart?
302–15.204 How long may my agency pay under this subpart?
302–15.205 If my agency authorized, and I elected to receive, payment under this subpart, may I later elect to sell my residence at Government expense?

Subpart D—Agency Responsibilities

302–15.300 What governing policies must we establish for the allowance for property management services?

AUTHORITY: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13474, 3 CFR, 1971–1975 Comp., p. 586.

SOURCE: FTR Amdt. 60, 62 FR 13761, Mar. 21, 1997, unless otherwise noted.

Subpart A—General Rules for the Employee

NOTE TO SUBPART A: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§ 302–15.1 What are "property management services"?

''Property management services'' are programs provided by private companies for a fee, which help an employee to manage his/her residence at the old official station as a rental property. These services typically include, but are not limited to, obtaining a tenant, negotiating the lease, inspecting the property regularly, managing repairs and maintenance, enforcing lease terms, collecting the rent, paying the mortgage and other carrying expenses from rental proceeds and/or funds of the employee, and accounting for the transactions and providing periodic reports to the employee.

§ 302–15.2 What is a "nonforeign area"?

A ''nonforeign area'' is the United States, its territories or possessions, the Commonwealths of Puerto Rico or the Northern Mariana Islands, or the former Canal Zone area (i.e., areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal

Treaty of 1977 and related agreements (as described in 22 U.S.C. 3602(a))).

§302–15.3 What is a "foreign area"?

A ''foreign area'' means any area that is not a ''nonforeign area'', as defined in §302–15.2.

§302–15.4 What are the purposes of the allowance for property management services?

The purpose is to reduce overall Government relocation costs when used instead of sale of the employee's residence at Government expense. When authorized in connection with an employee's transfer to a foreign area post of duty, the purpose is to relieve the employee of the costs of maintaining a home in a nonforeign area while stationed at a foreign area post of duty.

§302–15.5 In what situations may my agency authorize payment for property management services?

Your agency may authorize payment when:

(a) You transfer in the interest of the Government to a foreign area post of duty; or

(b) You are transferred back to a different nonforeign area official station than the one you left when you were transferred to a foreign area, and you are otherwise eligible for the sale of your residence at Government expense.

§302–15.6 Must my agency authorize payment for property management services?

No, your agency determines when it is in the Government's interest to authorize payment for these services and what procedures you must follow when it authorizes such payment.

§302–15.7 What are the income tax consequences when my agency pays for my property management services?

You will be taxed on the amount of expenses your agency pays for property management services whether it reimburses you directly or whether it pays a relocation services company to manage your residence. Your agency must pay you a relocation income tax (RIT) allowance for the additional Federal, State and local income taxes you incur on property management expenses it reimburses you or pays on your behalf. You may wish to consult with a tax advisor to determine whether you will incur any additional tax liability, unrelated to your agency's payment of your property management expenses, as a result of maintaining your residence as a rental property.

§302–15.8 Who is not eligible for payment for property management services?

New appointees, employees assigned under the Government Employees Training Act (5 U.S.C. 4109), and employees transferring wholly within a nonforeign area.

Subpart B—Payment for Property Management Services for Employees Transferred to a Foreign Area Post of Duty

NOTE TO SUBPART B: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§302–15.100 Am I eligible for payment for property management services under this subpart?

Yes, when your transfer to a foreign area post of duty is in the interest of the Government and you and/or a member(s) of your immediate family hold title to a residence which you would be eligible to sell at Government expense under part 302–6 or 302–12 of this chapter if you were transferred to or within a nonforeign area.

§302–15.101 Will my agency pay for property management services when I transfer to a foreign area post of duty?

Yes, when:

(a) Your agency authorizes payment for your property management services;

(b) You have signed a service agreement; and

(c) You meet any additional conditions that your agency has established.

§302–15.102 For what property may my agency authorize payment under this subpart?

Payment may be authorized only on your residence at the last nonforeign area official station from which you

transferred to a foreign area post of duty.

§ 302–15.103 How long may my agency pay under this subpart?

Your agency may pay from the time you transfer to a foreign area post of duty until one of the following occurs:

(a) You transfer back to an official station in a nonforeign area;

(b) You complete a service agreement at your post of duty and remain there, but do not sign a new service agreement; or

(c) You separate from Government service.

§ 302–15.104 If my agency is paying for property management services under this subpart and my service agreement expires, what must I do to ensure that payment for property management services continues?

You must sign a new service agreement.

§ 302–15.105 Must I repay property management expenses my agency paid under this subpart if I elect to sell my nonforeign area residence at Government expense when I am transferred from my current foreign area post of duty to a different nonforeign area official station than the one I left?

No. The authority for your agency to pay for property management services under this subpart when you are transferred to a foreign area is separate from, and in addition to, the authority to sell your residence at Government expense under part 302–6 or 302–12 of this chapter, or to pay property management services under subpart C of this part.

Subpart C—Payment for Property Management Services for Employees Transferred to a Nonforeign Area From a Foreign Area

NOTE: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§ 302–15.200 Am I eligible for payment for property management services under this subpart?

Yes, when:

(a) You transfer in the interest of the Government back to a different nonforeign area official station than the one you left when you transferred to a foreign area; and

(b) You and/or a member(s) of your immediate family hold title to a residence which you are eligible to sell at Government expense under part 302–6 or 302–12 of this chapter.

§ 302–15.201 Under what circumstances will my agency authorize payment under this subpart?

Your agency will authorize payment under this subpart when:

(a) Your agency has determined that payment for property management services is more advantageous and cost effective for the Government than sale of your residence;

(b) You have signed a service agreement incident to your transfer back to a nonforeign area; and

(c) You meet any additional conditions that your agency has established.

§ 302–15.202 When my agency authorizes payment for me under this subpart, am I obligated to use such services, or may I elect instead to sell my residence at Government expense?

You are not obligated to use your authorized property management services allowance. You have the option of choosing to sell your residence at Government expense or to use the property management services allowance.

§ 302–15.203 For what property may my agency authorize payment under this subpart?

Your agency may authorize payment only on your residence at the old nonforeign area official station.

§ 302–15.204 How long may my agency pay under this subpart?

Your agency may pay for a period not to exceed two years from your effective date of transfer.

§ 302–15.205 If my agency authorized, and I elected to receive, payment under this subpart, may I later elect to sell my residence at Government expense?

Yes, provided:

(a) Your agency allows you to change your election of payment for property management expenses to an election of sale of your residence at Government expense; and

(b) Payment for the sale of your residence at Government expense is offset in accordance with your agency's policy established under § 302–15.300(d).

Subpart D—Agency Responsibilities

NOTE TO SUBPART D: Use of the pronouns ''we'' and ''you'' throughout this subpart refers to the agency.

§ 302–15.300 What governing policies must we establish for the allowance for property management services?

You must establish policies and procedures governing:

(a) When you will authorize payment for property management services for an employee who transfers to a foreign area post of duty;

(b) Who will determine whether payment for property management services is appropriate when an employee transfers to a foreign area post of duty;

(c) The circumstances under which you will authorize an employee who is eligible under this part for property management services to elect the use of property management services instead of the sale of his/her residence at Government expense under part 302–6 or 302–12 of this chapter;

(d) Who will determine whether payment for property management services is more advantageous and cost effective than sale of an employee's residence at Government expense;

(e) If and when you will allow an employee who was offered and accepted payment for property management services under subpart C of this part to change his/her mind and elect instead to sell his/her residence at Government expense, and who will make that determination; and

(f) How you will offset expenses you have paid for property management services against payable expenses for sale of the employee's residence when an eligible employee who elected payment for property management services later changes his/her mind and elects instead to sell his/her residence at Government expense.

CHAPTER 303—PAYMENT OF EXPENSES CONNECTED WITH THE DEATH OF CERTAIN EMPLOYEES

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PART 303–1—GENERAL

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303–1.1 Authority, coverage, and applicability.
303–1.2 Responsibility.
303–1.3 Definitions.
303–1.4 Death related to performance of official duty.
303–1.5 Death during a period of absence from duty.
303–1.6 Escort for remains.
303–1.7 Method of payment.

AUTHORITY: 5 U.S.C. 5721–5734, 5741–5742; E.O. 11609, 36 FR 13747, 3 CFR, 1971–1975 Comp., p. 586.

SOURCE: 54 FR 20351, May 10, 1989, unless otherwise noted.

§303–1.1 Authority, coverage, and applicability.

(a) *Statutory Authority.* This chapter sets forth the allowable expenses, not otherwise provided for by law, authorized by 5 U.S.C. 5742(b) for the preparation and transportation of the remains of a deceased employee, and for the transportation of the immediate family and household goods of a deceased employee.

(b) *Persons covered.* The provisions of this chapter cover an employee who dies while:

(1) On official travel away from his/her official station in the United States.

(2) Performing official duties outside CONUS.

(3) Absent from duty as provided in §303–1.5.

(4) Reassigned away from his/her home of record pursuant to a mandatory mobility agreement executed as a condition of employment.

(c) *Applicability.* The provisions of this chapter apply whether an employee's death is or is not work-related.

[FTR Amdt. 22, 56 FR 57289, Nov. 8, 1991, as amended by FTR Amdt. 26, 57 FR 28637, June 26, 1992]

§303–1.2 Responsibility.

It is the responsibility of the head of an agency or his/her designated representative upon being informed of an employee's death which occurred while in any status subject to the provisions of this subtitle, immediately to inform the decedent's next of kin or legal representative of the provisions of this chapter. The agency head or his/her designated representative shall render every reasonable assistance in arranging for preparation and transportation of the remains of the decedent when death occurs during a travel status or at the official station outside CONUS. Also, the agency head or his/her designated representative shall provide necessary assistance for the return of the decedent's immediate family and household goods to the official residence when the decedent's official station was outside the continental United States.

[54 FR 20351, May 10, 1989, as amended by FTR Amdt. 22, 56 FR 57290, Nov. 8, 1991; FTR Amdt. 26, 57 FR 28637, June 26, 1992]

§303–1.3 Definitions.

As used in this chapter, and unless otherwise specifically provided in this chapter, the following definitions apply:

(a) *United States.* United States means the 50 States and the District of Columbia.

(b) *Continental United States.* The continental United States (or CONUS) means the 48 contiguous States and the District of Columbia.

[FTR Amdt. 22, 56 FR 57290, Nov. 8, 1991]

§303–1.4 Death related to performance of official duty.

When an employee's death results from injuries sustained while he/she was actually performing official duty, the expenses for preparation and transportation of the remains will be properly payable under the provisions of 5 U.S.C. 8134. The authorized allowances may not be denied because of the deceased employee's entitlement to burial benefits as a veteran of the Armed Forces of the United States.

[54 FR 20351, May 10, 1989. Redesignated by FTR Amdt. 22, 56 FR 57289, Nov. 8, 1991]

§303–1.5 Death during a period of absence from duty.

The provisions of this chapter apply when an employee is performing official travel away from his/her official station located in the United States and dies while temporarily absent from a temporary duty station. The provisions of this chapter also apply when

an employee is performing official duties outside CONUS and dies while temporarily absent from his official station or temporary duty station outside CONUS. If the temporary absence is for the purpose of taking leave or occurs during nonworkdays, the allowable cost for the transportation of remains shall not exceed the amount which would have been allowed if death had occurred at the temporary duty station or at the official station outside CONUS.

[FTR Amdt. 22, 56 FR 57290, Nov. 8, 1991]

§ 303–1.6 Escort for remains.

Travel expenses of an escort for the decedent are not allowable.

§ 303–1.7 Method of payment.

Payment of allowable expenses may be made direct to the person performing the services or by reimbursement to any person making the original payment. Claims for reimbursement shall be supported by receipts. When the remains are transported by common carrier via express service through the use of a Standard Form 1103, U.S. Government Bill of Lading, or through the use of a Standard Form 1169, U.S. Government Transportation Request, payment shall be made on the appropriate voucher forms.

[54 FR 20351, May 10, 1989. Redesignated by FTR Amdt. 22, 56 FR 57289, Nov. 8, 1991]

PART 303–2—ALLOWANCES

Sec.

303–2.1 Preparation of employee remains.
303–2.2 Allowable costs for preparation of remains.
303–2.3 Transportation of employee remains.
303–2.4 Transportation of remains of a member of an employee's immediate family.
303–2.5 Allowable costs for transportation of employee remains.
303–2.6 Transportation of the immediate family and household goods.
303–2.7 Transportation of baggage.
303–2.8 Prohibition of payment when other laws apply.

AUTHORITY: 5 U.S.C. 5721–5734, 5741–5742; E.O. 11609, 36 FR 13747, 3 CFR, 1971–1975 Comp., p. 586.

SOURCE: 54 FR 20352, May 10, 1989, unless otherwise noted.

§ 303–2.1 Preparation of employee remains.

The amount allowed for preparing the remains of an employee who dies while traveling on official business within the continental United States is limited to $250. When death occurs during a travel status outside the continental United States or at the official station outside CONUS, the head of the agency concerned or his/her designated representative shall allow actual costs for preparation of the remains of an employee.

[54 FR 20352, May 10, 1989, as amended by FTR Amdt. 22, 56 FR 57290, Nov. 8, 1991]

§ 303–2.2 Allowable costs for preparation of remains.

Allowable costs for preparation of remains are as follows:

(a) Costs of embalming or cremation;

(b) Necessary clothing;

(c) Casket or container suitable for shipment to place of interment; and

(d) Expenses necessarily incurred in complying with local laws and laws at the port of entry in the United States applicable to the preparation of remains for transportation and burial.

§ 303–2.3 Transportation of employee remains.

(a) *Death while performing official travel within the continental United States.* When an employee dies while performing official travel within CONUS, payment is authorized for the cost of transporting the remains to the employee's place of actual residence, official station, or place of interment. The cost of transportation shall not exceed the cost to the place of actual residence or official station, whichever is more distant.

(b) *Death while performing official duties outside the continental United States.* When an employee dies while performing official duties outside CONUS, payment is authorized for the cost of transporting the remains to the employee's place of actual residence, official station, or place of interment. The cost of transportation shall not exceed the cost to the place of actual residence or official station, whichever is more distant.

[FTR Amdt. 22, 56 FR 57290, Nov. 8, 1991]

§303–2.4 Transportation of remains of a member of an employee's immediate family.

Under the authority of 5 U.S.C. 5742(c), the head of an agency may authorize payment for transportation of remains of a member of an employee's immediate family who dies while residing with an employee stationed outside the continental United States.

§303–2.5 Allowable costs for transportation of employee remains.

(a) *By common carrier.* The allowable costs for transportation of remains by common carrier include the costs of:

(1) Movement from place of death to a mortuary;

(2) Shipping permits;

(3) Outside case for shipment of remains (including the sealing of the shipping case when necessary);

(4) Removal to common carrier;

(5) Transportation of the remains by common carrier; and

(6) One removal from the common carrier.

(b) *By hearse or means other than common carrier.* Charges for transportation of remains overland by hearse or means other than common carrier shall not exceed the cost of common carrier transportation. Reimbursable costs include the cost of hearse or means other than common carrier plus ferry fares, bridge tolls, and similar charges. An allowance for an outside shipping case is not authorized for this conveyance.

§303–2.6 Transportation of the immediate family and household goods.

(a) *While performing duties outside CONUS*—(1) *General.* The cost of return transportation of the immediate family and the baggage and household goods of the decedent and his/her immediate family shall be allowed when an employee dies while he/she is performing official duties outside CONUS, or while he/she is in transit to or from that place. Allowable transportation costs shall not exceed the costs of returning the immediate family and the baggage and household goods from the place where the official duties were performed or were to be performed, by the most direct route, to the decedent's place of actual residence, or to any other place as the head of the agency concerned or his/her designated representative may designate, provided the cost to the Government shall not exceed the cost of transportation to the decedent's place of actual residence.

(2) *Time limitations.* Travel of the immediate family and shipment of household goods must be undertaken within 1 year from the date of death of the employee, except that an extension of the time for shipment of household goods may be granted by the head of the agency or his/her designated representative if requested prior to the expiration of the 1-year limit.

(3) *Transportation of immediate family.* The transportation of the immediate family is subject to the provisions of part 302–2 of this subtitle.

(4) *Transportation of household goods.* The costs allowed for the transportation of household goods are limited to those prescribed in §§302–8.2 and 302–8.4 of this title. Reference to ''employee'' in §302–8.4(e) of this title shall mean the deceased employee's legal representative or a member of his/her immediate family when the term is used in connection with the transportation of the household goods of a deceased employee.

(b) *While stationed in the continental United States.* When an employee stationed in the continental United States dies while on temporary duty, transportation expenses shall not be authorized for his/her immediate family or his/her household goods. The deceased employee's baggage at the temporary duty point shall be transported at Government expense to his/her official station or place of actual residence.

[54 FR 20352, May 10, 1989, as amended by FTR Amdt. 22, 56 FR 57290, Nov. 8, 1991; FTR Amdt. 26, 57 FR 28637, June 26, 1992]

§303–2.7 Transportation of baggage.

The allowable cost for transportation of personal baggage other than household goods shall include the expenses actually and necessarily incurred in transporting personal baggage as prescribed in part 301–5 of this subtitle. Expenses in connection with the transportation of baggage by a privately owned conveyance which would not have been incurred if the baggage had been transported by common carrier

shall not be allowed. Reimbursement for loss or damage to baggage during transit shall not be allowed, nor shall charges for marine and other insurance be allowed.

[54 FR 20352, May 10, 1989, as amended by FTR Amdt. 26, 57 FR 28637, June 26, 1992]

§ 303–2.8 Prohibition of payment when other laws apply.

Payment of allowances provided by this chapter shall not be made if payment is authorized by any other law of the United States. However, the allowances provided by this chapter shall not be denied because the deceased employee is eligible for burial benefits as a veteran of the Armed Forces of the United States.

[54 FR 20352, May 10, 1989, as amended by FTR Amdt. 22, 56 FR 57290, Nov. 8, 1991]

CHAPTER 304—PAYMENT FROM A NON-FEDERAL SOURCE FOR TRAVEL EXPENSES

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PART 304–1—ACCEPTANCE OF PAYMENT FROM A NON-FEDERAL SOURCE FOR TRAVEL EXPENSES

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304–1.5 Conflict-of-interest analysis.
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304–1.7 Reimbursement claims for official travel expenses.
304–1.8 Limitations and penalties.
304–1.9 Reports.

AUTHORITY: 5 U.S.C. 5701–5709; 31 U.S.C. 1353; E.O. 11609, 36 FR 13747, 3 CFR, 1971–1975 Comp., p. 586.

SOURCE: 57 FR 53289, Nov. 9, 1992, unless otherwise noted.

§304–1.1 Authority.

This part is issued under the authority of 31 U.S.C. 1353 and 5 U.S.C. 5701–5709.

§304–1.2 General.

(a) *Applicability*. This part applies to agency acceptance of payment from a non-Federal source for travel, subsistence, and related expenses with respect to the attendance of an employee in a travel status (and/or the accompanying spouse of such employee when applicable) at any meeting or similar function relating to the official duties of the employee. This part does not authorize acceptance of such payments by an employee or the accompanying spouse of an employee in his/her personal capacity (see, however, §304–1.8(a)).

(b) *Solicitation prohibited.* An employee shall not solicit payment for travel, subsistence, and related expenses from a non-Federal source. However, after receipt of an invitation from a non-Federal source to attend a meeting or similar function or in the course of discussions of an event to be sponsored jointly by the agency and the non-Federal source, the agency or employee may inform the non-Federal source of this authority.

(c) *Definitions.* As used in this part, the following definitions apply:

(1) *Agency*. ''Agency'' means an executive agency as defined in 5 U.S.C. 105, and includes an independent agency as well as an agency within the Executive Office of the President.

(2) *Employee.* ''Employee'' means an appointed officer or employee of an agency, including a special Government employee as defined in 18 U.S.C. 202, or an expert or consultant appointed under the authority of 5 U.S.C. 3109.

(3) *Meeting or similar function*. ''Meeting or similar function'' means a conference, seminar, speaking engagement, symposium, training course, or similar event that takes place away from the employee's official station, and is sponsored or cosponsored by a non-Federal source. This term does not include a meeting or other event required to carry out an agency's statutory or regulatory functions (i.e., a function that is essential to an agency's mission), such as investigations, inspections, audits, site visits, negotiations, or litigation. The term also does not include promotional vendor training or other meetings held for the primary purpose of marketing the non-Federal source's products or services. A meeting or similar function need not be widely attended for purposes of this definition, and includes but is not limited to the following:

(i) An event at which the employee will participate as a speaker or panel participant, including an event at which the employee will give an oral presentation focusing on his/her official duties or on the policies, programs, or operations of the agency;

(ii) A conference, convention, seminar, symposium or similar event the primary purpose of which is to receive training other than promotional vendor training, or to present or exchange substantive information concerning a subject of mutual interest to a number of parties;

(iii) An event at which the employee will receive an award or honorary degree, which is in recognition of meritorious public service that is related to the employee's official duties, and which may be accepted by the employee consistent with the applicable standards of conduct regulation.

(4) *Non-Federal source.* ''Non-Federal source'' means any person or entity other than the Government of the United States. The term includes any

individual, private or commercial entity, nonprofit organization or association or international or multinational organization (irrespective of whether an agency holds membership in the organization or association), or foreign, state, or local government (including the government of the District of Columbia).

(5) *Payment.* ''Payment'' means funds paid by a non-Federal source for travel, subsistence, and related expenses by check or similar instrument to an agency, or payment in kind.

(6) *Payment in kind.* ''Payment in kind'' means goods, services, or other benefits provided by a non-Federal source for travel, subsistence, and related expenses in lieu of funds paid to an agency by check or similar instrument for the same purpose.

(7) *Travel, subsistence, and related expenses.* ''Travel, subsistence and related expenses'' means the same types of expenses payable under chapter 301 of this subtitle or analogous provisions of chapter 100 of Volume 6 of the Foreign Affairs Manual (6 FAM 100)[1] or Volume 1 of the Joint Federal Travel Regulations (JFTR).[2] Also encompassed in this definition are such expenses as conference or training fees (in whole or in part) as well as benefits which cannot be paid under the applicable travel regulation and which are provided in kind and made available by the sponsor(s) to all attendees incident to and for use at the meeting or similar function.

§ 304–1.3 Policy.

(a) *Acceptance of payment for employee.* As provided in this part, an agency may accept payment from a non-Federal source (or authorize an employee to receive such payment on its behalf) with respect to attendance of the employee at a meeting or similar function which the employee has been authorized to attend in an official capacity on behalf of the employing agency.

(b) *Acceptance of payment for an accompanying spouse.* An agency may accept payment under this part from a non-Federal source for an accompanying spouse when the spouse's presence at the meeting or similar function is in the interest of the agency. A spouse's presence at an event may be determined to be in the interest of the agency if the spouse will:

(1) Support the mission of the agency or substantially assist the employee in carrying out his/her official duties;

(2) Attend a ceremony at which the employee will receive an award or honorary degree described in § 304–1.2(c)(3); or

(3) Participate in substantive programs related to the agency's programs or operations.

(c) *Administration and delegation of authority.* Payment acceptance must be in accordance with internal agency procedures. Agencies shall ensure that officials delegated authority to determine the propriety of accepting payments under this part are at as high an administrative level as practical to ensure adequate consideration and review of the circumstances surrounding the offer and acceptance of the payment.

(d) *Payment in excess of regulatory limitations*—(1) *Subsistence expenses.* When a non–Federal source makes full payment for subsistence expenses, acceptance of payment for, and when applicable, reimbursement by an agency to, an employee (and/or the accompanying spouse of such employee when applicable) under this part are not subject to the maximum per diem or actual subsistence expense rates prescribed in chapter 301 of this subtitle or by the Secretary of Defense in Civilian Personnel Per Diem Bulletins published periodically in the FEDERAL REGISTER.

(2) *Transportation expenses.* When a non–Federal source makes full payment for common carrier transportation expenses, acceptance of payment for, and when applicable, reimbursement by an agency to, an employee (and/or the accompanying spouse of such employee when applicable) under this part are not subject to the transportation class of service limitations applicable to premium-class other than

[1] Chapter 100 of Volume 6 of the Foreign Affairs Manual (6 FAM 100) is available from the Department of State, Publishing Services, Washington, DC 20520–0854.

[2] Volume 1 of the Joint Federal Travel Regulations (JFTR) is available from the Superintendent of Documents, Government Printing Office, Washington, DC 20402.

first-class accommodations, as prescribed in chapter 301 of this subtitle or the JFTR. Acceptance of payment for first-class transportation accommodations is allowed only when the use of first-class transportation accommodations is authorized in accordance with §301–3.3 of this subtitle.

(e) *Reduced per diem rate in partial payment situation.* If the designated agency official determines in advance of the travel that a payment covers some but not all of the per diem costs to be incurred by the employee (and/or the accompanying spouse when applicable), the agency should authorize a reduced per diem rate, in accordance with §301–7.12 of this subtitle or analogous provisions of 6 FAM 100 or the JFTR, as applicable, that is commensurate with the known subsistence expense levels.

[57 FR 53289, Nov. 9, 1992, as amended by FTR Amdt. 32, 58 FR 58244, Oct. 29, 1993]

§304–1.4 Conditions for acceptance.

(a) An agency may accept payment for employee and/or spousal travel from a non-Federal source when a general authorization to accept payment (rather than an item-by-item authorization) is issued in advance of the travel following a determination by the agency official designated in accordance with §304–1.3(c) that the payment is:

(1) For travel relating to an employee's official duties (including attendance because the employee's presence at the meeting is necessary to permit participation in the meeting by another employee or because a spouse's presence at the meeting or similar function is in the interest of the agency) under an official travel authorization issued to the employee, and to an accompanying spouse when applicable;

(2) For attendance at a meeting or similar function (as defined in §304–1.2(c)(3) relating to the official duties of the employee; and

(3) From a non-Federal source that is not disqualified under §304–1.5 on conflict-of-interest grounds.

(b) Payments may be accepted from multiple sources under paragraph (a) of this section.

(c) If a meeting or similar function does not concern a subject of mutual interest to the employee's agency and the non-Federal source, acceptance of payment from the non-Federal source under paragraph (a) of this section is limited to payment in kind and to the types of services the non-Federal source generally provides; e.g., air passenger transportation services provided by a commercial airline.

§304–1.5 Conflict-of-interest analysis.

(a) Payment from a non-Federal source shall not be accepted if the authorized agency official determines that acceptance under the circumstances would cause a reasonable person with knowledge of all the facts relevant to a particular case to question the integrity of agency programs or operations. In making this determination, an authorized agency official shall be guided by all relevant considerations, including, but not limited to:

(1) The identity of the non-Federal source;

(2) The purpose of the meeting or similar function;

(3) The identity of other expected participants;

(4) The nature and sensitivity of any matter pending at the agency affecting the interests of the non-Federal source;

(5) The significance of the employee's role in any such matter; and

(6) The monetary value and character of the travel benefits offered by the non-Federal source.

(b) The authorized agency official may find that, while acceptance from the non-Federal source is permissible, it is in the interest of the agency to qualify acceptance of the offered payment by, for example, authorizing attendance at only a portion of the event or limiting the type or character of benefits that may be accepted.

§304–1.6 Payment guidelines.

(a) *Payment other than in kind.* Payments from a non-Federal source for an employee and/or accompanying spouse, other than payments in kind, shall be by check or similar instrument made payable to the agency. Any such payment received by the employee on behalf of the agency for his/her travel and/or that of the accompanying spouse is accepted on behalf of the agency and is to be submitted as soon

as practicable for credit to the agency appropriation applicable to such expenses. When the acceptance of payment has been approved in advance by the designated agency official, the agency, or employee on behalf of the agency for his/her travel (and/or that of the accompanying spouse, when applicable), may, in accordance with the provisions of §304–1.3(d), accept payment in excess of applicable limitations, provided that the accommodation or other benefit furnished is comparable in value to that offered to, or purchased by, other similarly situated individuals attending the meeting or similar function. When the applicable limitation will be exceeded, payment should be required in advance of the travel.

(b) *Payment in kind.* When the acceptance of payment has been approved in advance by the designated agency official, the employee, for his/her travel (and/or that of the accompanying spouse, when applicable), may, in accordance with the provisions of §304–1.3(d), accept payment in kind in excess of applicable limitations, provided that the accommodation or other benefit furnished is comparable in value to that offered to, or purchased by, other similarly situated individuals attending the meeting or similar function.

§304–1.7 Reimbursement claims for official travel expenses.

(a) The employee (and/or accompanying spouse when applicable) shall submit to the employing agency on authorized reimbursement forms all travel expense reimbursement claims, and shall itemize all expenses incurred which exceed applicable limitations (see §304–1.3(d)). Generally, the employee, and/or accompanying spouse when applicable, shall be reimbursed an amount not to exceed applicable limitations. However, when the non-Federal source, in accordance with the provisions of §304–1.3(d), makes full payment in excess of applicable limitations for reimbursable subsistence expenses or common carrier transportation expenses incurred, reimbursement shall be the amount of the payment from the non-Federal source. Reimbursement for expenses in excess of regulatory limitations shall not in any case exceed the amount of the expenses incurred.

(b) The agency may reimburse the employee (and/or accompanying spouse of such employee when applicable) for only the types of expenses defined in §§301–7.1 (b)(6) and (c) of this subtitle or in analogous provisions of 6 FAM 100 or the JFTR, as applicable, for per diem allowances, transportation expenses, or other miscellaneous travel expenses.

(c) If an accepted payment covers only a portion of one or more types of the expenses incurred (e.g., $50.00 per night for lodging in a locality with an $85.00 per night maximum lodging allowance), the agency shall reimburse the employee (and/or accompanying spouse when applicable) only the amount to which he/she otherwise would be entitled under applicable regulation (chapter 301 of this subtitle, 6 FAM 100, or the JFTR). (See §304–1.3(e) regarding reduced per diem rate situations.)

(d) If an accepted payment covers in full one or more types of expenses described in paragraph (b) of this section (e.g., payment for lodging accommodations) but does not cover all of the travel expenses incurred, the agency shall reimburse the employee (and/or accompanying spouse of such employee when applicable) for those expenses that are not covered by the payment, not to exceed applicable limitations established in chapter 301 of this subtitle or in analogous provisions of 6 FAM 100 or the JFTR.

§304–1.8 Limitations and penalties.

(a) This part is the only authority under which an agency may accept payment from a non-Federal source, or authorize an employee to accept such payment on behalf of the agency, in connection with the attendance of its employee (and/or the accompanying spouse of such employee when applicable) at a meeting or similar function. An agency may not accept, under an agency gift statute or other similar authority, payment for travel, subsistence, and related expenses incurred by an employee and/or accompanying spouse to attend a meeting or similar function. However, nothing in this part prohibits an agency or employee from accepting payment as follows:

(1) When authorized under 5 U.S.C. 4111 or 5 U.S.C. 7342;

(2) When payment is for travel to be performed for a partisan rather than an official purpose in the case of an employee who is exempt from the Hatch Act under 5 U.S.C. 7324(d);

(3) When authorized pursuant to an agency gift statute or similar statutory authority and payment is for attendance at or participation in an event (other than a meeting or similar function) relating to the official duties of the employee; or

(4) When consistent with the applicable standards of ethical conduct regulation concerning personal acceptance of gifts.

(b) An employee who accepts any payment in violation of this part is subject to the following:

(1) The employee may be required, in addition to any penalty provided by law and applicable regulations, to repay for deposit to the general fund of the Treasury, an amount equal to the amount of the payment so accepted; and

(2) When repayment is required under paragraph (b)(1) of this section, the employee shall not be entitled to any reimbursement from the Government for such expenses.

§ 304–1.9 Reports.

(a) *Agency reports.* Each agency shall submit semiannual reports of payments (see definition of payment in § 304–1.2(c)) which total more than $250 per event, and which have been accepted under this part with respect to the attendance at, or participation in, a meeting or similar function by an agency employee, and/or accompanying spouse of such employee when applicable. Negative reports are required.

(1) *Submission.* The head of each agency (or his/her designee) shall submit the semiannual report to the Director of the Office of Government Ethics (OGE), 1201 New York Avenue, N.W., Suite 500, Washington, DC 20005–3917. The report shall be based on when payment is received rather than when travel is performed, and shall be submitted as follows:

(i) Not later than May 31 of each year with respect to payments received in the preceding period beginning on October 1 and ending on March 31; and

(ii) Not later than November 30 of each year with respect to payments received in the preceding period beginning on April 1 and ending on September 30.

(2) *Information required.* Except as provided in paragraph (a)(6) of this section, the report shall specify the following information in the order presented:

(i) The name of the agency submitting the report;

(ii) Each event (meeting or similar function) for which an agency accepts payment under this part of more than $250 for an employee and spouse together, or for either the employee or the spouse separately, including:

(A) The sponsor(s) of the event;

(B) The location of the event;

(C) The date(s) of the event; and

(D) The nature of the event;

(iii) The name of each employee for whom such payment was accepted in connection with the event, including:

(A) The employee's Government position; and

(B) The employee's travel date(s) in connection with attendance at the event;

(iv) The name of the accompanying spouse, if applicable, for whom payment was accepted in connection with the event, including:

(A) The name of the employee accompanied by the spouse;

(B) The employee's Government position; and

(C) The spouse's travel date(s) in connection with attendance at the event;

(v) The identity of any non-Federal source from which payment was accepted in connection with the event;

(vi) An itemization of the benefits accepted by the agency in connection with attendance at the event, including for each benefit:

(A) A description of the benefit, provided that benefits accepted as a part of a conference or training fee need not be reported separately;

(B) The method of payment (payment in kind or by check or similar instrument);

(C) The individual for whom payment was accepted (employee or spouse);

(D) The non-Federal source that provided the benefit; and

(E) The amount of the payment; and

(vii) The total value of the payments accepted for the employee and/or spouse in connection with the event identified as follows:

(A) The total amount of payments provided by check or similar instrument; and

(B) The total value of payments provided in kind.

(3) *Valuation of payments in kind.* In the case of conference, training, or similar fees waived or paid by the non-Federal source, report the amount charged other participants. In the case of transportation or lodging, report the cost to the non-Federal source, or indicate the rate that would have been charged a similar non-Federal source for a similar benefit at the time the benefit was provided. In the case of meals or other benefits that are not provided incident to transportation, lodging, or a conference, training, or similar fee, report the cost to the non-Federal source or provide a reasonable approximation of the market value of the benefit.

(4) *Valuation of noncommercial benefits furnished by a non-Federal source*—(i) *Transportation.* In the case of transportation on a chartered, corporate or other private aircraft, report the first-class rate that would have been charged by an air common carrier at the time the transportation was provided or, if common carrier transportation was unavailable between the two locations, report the cost of chartering a similar aircraft using a commercially available service.

(ii) *Lodging.* In the case of lodging for which no commercial rate is available, report the maximum lodging rate prescribed in chapter 301 of this subtitle; section 925, a per diem supplement to the Standardized Regulations (Government Civilians, Foreign Areas); or Civilian Personnel Per Diem Bulletins issued by the Secretary of Defense, as applicable.

(5) *Public availability of reports.* Except as provided in paragraph (a)(6) of this section, the Director of OGE shall make any report filed pursuant to this section available for public inspection and copying within 30 days after the applicable due date or within 30 days after the date OGE actually receives the report, whichever is later.

(6) *Exemption.* To the extent that information is protected from disclosure by statute, an agency is not required to furnish information otherwise required to be reported. Information that may be disclosed shall be submitted to OGE and made available to the public in accordance with paragraph (a)(5) of this section. Information that is not disclosed because it is protected from disclosure by statute shall be made available by the reporting agency for review by properly cleared OGE personnel.

(b) *Employee reports.* Payments properly accepted under this part are accepted by the agency. Receipt of a benefit by an employee and/or the accompanying spouse, when applicable, on behalf of the agency under the authority of this part is not required to be reported as a gift on any confidential or public financial disclosure report that the employee is required to file pursuant to law or OGE regulation. Acceptance of payment by an employee for himself/herself and/or the accompanying spouse, when applicable, under authorities other than this part may be subject to other reporting requirements such as those required by the Ethics in Government Act of 1978, as amended, including reporting the payment on the employee's financial disclosure report.

PART 304–2—REDUCTIONS IN MEETING AND TRAINING ALLOWANCE PAYMENTS

Sec.

304–2.1 Authority.
304–2.2 Applicability.
304–2.3 Conditions for approval of contributions or payments.
304–2.4 Agency responsibilities.

AUTHORITY: 5 U.S.C. 4111(b); E.O. 11609, 36 FR 13747, 3 CFR, 1971–1975 Comp., p. 586.

SOURCE: 56 FR 9881, Mar. 8, 1991, unless otherwise noted.

§ 304–2.1 Authority.

This part is issued under the authority of 5 U.S.C. 4111(b).

§304–2.2 Applicability.

Subject to the exceptions in 5 U.S.C. 4102, this part applies to civilian officers and employees of executive agencies, including the Department of Defense; independent establishments, as defined in 5 U.S.C. 104; Government corporations, subject to 31 U.S.C. 9101 *et seq.*; the Library of Congress; the Government Printing Office; the Government of the District of Columbia; and commissioned officers of the National Oceanic and Atmospheric Administration. All such officers and employees and all such agencies, independent establishments, and departments are referred to in this part as ''employees'' or ''agencies,'' as appropriate.

[56 FR 9881, Mar. 8, 1991, as amended by FTR Amdt. 26, 57 FR 28637, June 26, 1992]

§304–2.3 Conditions for approval of contributions or payments.

Section 303(j) of Executive Order 11348 of April 20, 1967, and the regulations issued by the Office of Personnel Management under section 401(b) of that Order, prescribe the conditions under which agency heads may approve the acceptance by employees of contributions and awards incident to training and payments incident to attendance at meetings, under 5 U.S.C. 4111(a), from the organizations described therein. These organizations are referred to in this part as ''donors.''

[56 FR 9881, Mar. 8, 1991, as amended by FTR Amdt. 26, 57 FR 28637, June 26, 1992]

§304–2.4 Agency responsibilities.

Agency heads shall provide adequate safeguards to ensure that the following provisions of this section are carried out:

(a) Where an approved payment by a donor fully covers expenses incident to training in a non-Government facility, or travel, subsistence, or other expenses incident to attendance at a meeting, the agency shall not pay for such expenses or shall recover payments previously made in the manner described in paragraph (c) of this section.

(b) If an approved payment by a donor does not fully cover expenses described in paragraph (a) of this section, the agency may pay an amount considered sufficient to cover the balance of the expenses to the extent authorized by law and regulation, including 5 U.S.C. 4109 and 4110. If an amount in excess of such balance has been previously paid by the agency, such amount shall be recovered from the employee in the manner described in paragraph (c) of this section.

(c) Recoveries of payments, as provided in paragraph (b) of this section, shall be made in the manner prescribed by regulations of the agency concerned and shall be issued according to 5 U.S.C. 5514.

(d) No reduction in payment by an agency is required where an approved contribution or award to an employee covers types of expenses which the agency is not authorized to pay. For example, where an agency authorizes travel expenses of an employee, including per diem and transportation expenses of his/her immediate family and household goods and personal effects to a training location, no reduction in payment by the agency is required if an approved contribution or award covers subsistence expenses of the family en route and expenses incurred by the employee in establishing himself/herself and the family at the training location.

(e) Expense data shall be obtained from employees or donors in such detail as the agency head deems necessary to carry out the provisions of this part.

[56 FR 9881, Mar. 8, 1991, as amended by FTR Amdt. 26, 57 FR 28637, June 26, 1992]

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302–11.8 Corrected 23563
302–12 Added 20350

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Chapter 302—Continued
302–12.4 (b)(3) revised 37812
(b)(3) corrected 43521
Subtitle F (Appendix) Temporary Reg. 3 amended 48611
Chapter 303
303–1—303–2 (Chapter 303) Chapter established 20351
303–1 Added 20351
303–2 Added 20352
Chapter 304
304–1—304–2 (Chapter 304) Chapter established 20353
304–1 Added 20353
304–2 Added 20353
Subtitle F (Appendix) Heading added 20353
Temporary Reg. 1 added 20355
Temporary Reg. 2 added 20357
Temporary Reg. 2 corrected 27795
Temporary Reg. 3 added 20360

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Chapter 201
Chapter 201 Revised 53387
201–1 Authority citation revised 30704
201–1.000–1 (c) revised 30704
(c) regulation at 55 FR 30704 effective date delayed to 10–1–90 34719
201–1.102–2 (c) revised 30704
(c) regulation at 55 FR 30704 effective date delayed to 10–1–90 34719
201–1.102–3 Removed 30705
Regulation at 55 FR 30705 effective date delayed to 10–1–90 34719
201–1.103 Revised 30705
Regulation at 55 FR 30705 effective date delayed to 10–1–90 34719
Regulation at 53 FR 28639 confirmed 35315
201–2 Authority citation revised 30705
201–2.001 Amended 30705
Regulation at 55 FR 30705 effective date delayed to 10–1–90 34719
201–23 Revised 30706

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Chapter 201—Continued
Regulation at 55 FR 30706 effective date delayed to 10–1–90 34719
201–23.103–1 (c)(4) corrected 37478
201–24 Authority citation revised 30709
201–24.109 Added 30710
Regulation at 55 FR 30710 effective date delayed to 10–1–90 34719
201–24.202 Revised 30710
Regulation at 55 FR 30710 effective date delayed to 10–1–90 34719
201–24.203 Removed 30710
Regulation at 55 FR 30710 effective date delayed to 10–1–90 34719
201–38 Authority citation revised 30710
201–38.200—201–38.207–3 (Subpart 201–38.2) Removed 30710
Regulation at 55 FR 30710 effective date delayed to 10–1–90 34719
201–39.100—201–39.199 (Subpart 201–39.1) Heading added 30710
Regulation at 55 FR 30710 effective date delayed to 10–1–90 34719
201–39.100 Added 30710
Regulation at 55 FR 30710 effective date delayed to 10–1–90 34719
(c)(2) corrected 37478
201–39.5202–2 Added 30710
Regulation at 55 FR 30710 effective date delayed to 10–1–90 34719
201–39.5202–3 Added 30710
Regulation at 55 FR 30710 effective date delayed to 10–1–90 34719
201–41 Authority citation revised 30710
201–41.005 Regulation at 53 FR 28639 confirmed; revised 35315
201–41.006 Revised 30710
Regulation at 55 FR 30710 effective date delayed to 10–1–90 34719
201–45.200—201–45.209 (Subpart 201–45.2) Added 19221
(Appendix A) Temporary Reg. 13, Supplement 3 added 30

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Chapter 201—Continued
Chapter 201 Appendix A amended 30711
Regulation at 55 FR 30711 effective date delayed to 10–1–90 34719
Chapter 301
301–1.1 Revised 49894
301–1.6 (e) amended 41525
301–2.2 (d)(1)(ii) revised 10769
301–3.2 (c)(1) amended 41525
301–3.4 (b)(1)(ii) and (c) revised 10770
301–3.6 (b)(1)(iii) amended 41526
301–7 Revised 41526
301–8.1 Introductory text revised 41533
Introductory text corrected 46064
301–8.2 (a) introductory text amended; (b) revised 41533
301–8.3 Introductory text, (a)(1) and (b)(1) introductory text revised; (d) added 2380
Revised 41533
301–8.5 (a)(2) and (3) amended 41534
301–8.6 (b) revised 31534
301–8.7 Revised 41534
301–9.1 (c) revised 49894
301–10.1 Heading and section revised 10770
(a) amended 49894
301–10.2 (b)(2)(ii) revised 10770
(b)(2)(ii) amended 49895
301–10.3 Revised 10770
(a) amended; (d) removed; (e) redesignated as (d); (c)(4) and new (d) introductory text revised 49895
301–11.6 (a)(1), (4), (b)(15), (26), and (27) amended; (b)(16) revised 41534
(b)(21) revised 49895
301–12.1 Amended 41534
301–12.5 (a) amended 41534
301–14.6 (a) amended 41534
301–14.7 (b)(1), (2) and (d)(2)(i) amended 41534
301–15 Added 10771
301–15.40—301–15.48 (Subpart C) Heading revised 49895
301–15.40 Introductory text, (b) and (c) revised; (d) added 49895
301–15.41 Revised 49895
301–15.42 Revised 49895
301–15.43 (b) revised 49896
301–15.44 (a), (c), (e)(1), (3) and (h) revised 49896

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Chapter 301—Continued
301–15.45 (a) revised 49896
301–15.47 Redesignated as 301–15.48; new 301–15.47 added 49896
301–15.48 Redesignated from 301–15.47; (a)(2) and (d) revised 49896
301–16 Added; eff. to 6–30–92 7327
Chapter 301 Appendix A revised 1946, 51713
Appendix A corrected 5945, 10866
Appendix A amended 41534
Appendix B added 41535
Chapter 302
302–1.3 (a)(3) revised 10778
302–1.11 (b)(2) and (e) revised 10778
(b)(2) corrected 14916
302–1.12 (b)(1), (c)(1), (e)(1), (5) and (6) amended 41536
302–1.13 (b)(3) amended 41536
302–2.1 Revised 41537
302–2.2 (a) and (b) introductory text revised 41537
302–5.2 (a)(1), (g)(1) and (2) revised; (i) amended 41537
302–5.4 (c)(1)(i), (ii), (3) and (4) revised; (c)(2)(v) removed 41537
302–6.1 (a) amended 41538
302–6.2 (g)(1) and (2) revised 45608
302–11 Appendixes A and B amended 1674
Appendix B corrected 5945, 10866
Appendix C amended 1676
Subtitle F (Appendix) Temporary Reg. 1 effective date extended to 6–30–90 3740
Appendix removed 10778

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Chapter 201
201–4.001 Corrected 4948
201–9.200 Introductory text corrected 4948
201–18.002 (c) corrected 4948
201–20.103–7 (c) corrected 4948
201–20.203–1 (a)(3) corrected 4948
201–20.305–1 (a)(1) introductory text corrected 4948
201–21.603 (d)(4)(iii) and (e) introductory text corrected 29186
201–22.100 Corrected 29187
201–23.003 (d) corrected 4948
201–24.107 Heading and (a) corrected 4948

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Chapter 201—Continued
201–39.106–4 (c)(2) corrected 4948
201–39.1501–1 (a)(1) corrected 4948
201–39.1701–1 (c) corrected 4948
201–39.1701–3 Introductory text and (c) corrected 4948
201–39.5202–1 Corrected 4948
201–39.5202–2 Corrected 4948
201–39.5202–3 Corrected 4948
201–39.5202–4 Corrected 4948
201–39.5202–5 Corrected 4948
201–39.5202–6 Corrected 4948
Chapter 201 FIRMR Index Corrected 4949
Chapter 301
301–1.1—301–1.3 Designated as Subpart A 23654
301–1 Authority citation revised 9878
301–1.1 Revised 9878, 23654
Regulation at 56 FR 9878 effective date corrected 11106
301–1.2 (b) revised; (c) added; interim 9878
Regulation at 56 FR 9878 effective date corrected 11106
Corrected 11304
(d) added 23654
301–1.3 (b) revised; interim 9878
Regulation at 56 FR 9878 effective date corrected 11106
(c)(3) through (9) redesignated as (c)(4) through (10); new (c)(3) added 23654
301–1.4 Redesignated as 301–1.101 23654
301–1.5 Redesignated as 301–1.102 23654
301–1.6 Redesignated as 301–1.103 23654
301–1.100—301–1.103 Designated as Subpart B 23654
301–1.100 Added 23654
301–1.101 Redesignated from 301–1.4; (b)(3) amended 23654
301–1.102 Redesignated from 301–1.5 23654
301–1.103 Redesignated from 301–1.6 23654
301.1.200—301–1.205 (Subpart C) Added 23654
301–3.5 (a)(2) and (b) amended 23655
301–4.2 (a)(2), (d)(1) and (2) revised 28824
301–7.1 (b)(2) and (6) amended 23655
301–7.5 (a) amended 23655

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Chapter 301—Continued
301–8.3 (c) revised; effective to 10–1–94 37478
301–10.2 (a)(3) and (b)(3) amended 23655
(b)(3) corrected 29439
301–10.3 (b)(2) revised 10378
301–11.5 (g) amended 23656
301–11.6 (b)(1) amended 23656
301–12 Heading corrected 28589
301–12.4 (d) amended 23656
301–14.4 Amended 23656
Chapter 301 Appendix A corrected 1492

Chapter 302
302–1.1—302–1.14 (Subpart A) Regulations at 54 FR 29716 confirmed 15050
302–1.2 (a)(7) removed; (a)(4) and (5) revised 23656
302–1.3 (a)(2) revised; (a)(3) removed; (a)(4) and (5) redesignated as (a)(3) and (4); (c) and (d) amended 23656
(c) corrected 28589, 40946
302–1.4 (c) revised; (d) through (k) redesignated as (e) through (l); new (d) added 23656
(i) revised 46989
302–1.5 (b)(3) amended 15050
(a) revised 23656
302–1.7 (b) amended 23657
302–1.8 Revised 46989
302–1.10 Revised 23657
302–1.11 (c) amended 15050
Removed 23657
302–1.12 (f) and (g) amended 23657
302–1.13 (c)(2)(iii) amended 15050
302–1.100—302–1.107 (Subpart B) Regulations at 54 FR 29716 confirmed 15050
302–1.100 (a) and (b) amended 15050
302–1.101 Revised 15050
(b)(3) and (d) corrected 28796
302–1.102 Revised 15050
302–1.103 Revised 15050
Introductory text corrected 28796
302–1.104 Revised 15050
302–1.105 (a) and (c) revised 15050
(a) corrected 28796
302–1.107 Revised 15051
302–2.1 Amended 23657
302–2.2 (c)(1) amended 23657
302–2.3 (a) amended 23657

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Chapter 302—Continued
302–3.1 (b) introductory text revised; (b)(2) removed; (b)(3) through (6) redesignated as (b)(2) through (5) 46989
302–3.2 (b) amended 23657
302–4.1 (c)(3) revised 57289
302–4.3 (b) amended 23657
302–5.2 (a) amended 23658
302–6.1 (b) amended 23658
(b) corrected 29439
302–6.2 (g)(1) and (2) revised 51177
302–7.1 (a) and (b) revised 46989
302–7.3 Revised 46990
302–7.5 Revised 46990
302–11 Authority citation corrected 12816
302–11.2 (a) amended; (b)(1) revised 23658
302–11.4 (g) added 23658
302–11.5 (i) and (k) revised; (o) and (p) added 9290
302–11.7 (e)(2) amended 9290
302–11.8 (b)(1)(iii), (c)(3), (e)(1), (2)(iii), (4)(i)(A) through (C), (f)(1) and (2) revised; (c)(6) and (h) removed; (f)(3) through (5) redesignated as (f)(4) through (6); new (f)(3) added 9290
(e)(4)(i)(A) and (f)(1) corrected 12816
302–11.9 (b)(3) amended 9292
302–11 Appendixes A, B and C amended 10378
Figure 302–11(a) and Figure 302–11(b) removed 9292
302–12.1 Amended 23658
302–12.4 (a)(2) amended 23658
(a)(2) correctly amended 29439

Chapter 303
303–1.1 Revised 57289
303–1.2 Amended 57290
303–1.3 Redesignated as 303–1.4 57289
Added 57290
303–1.4 Redesignated as 303–1.7; new 303–1.4 redesignated from 303–1.3 57289
303–1.5 Revised 57290
303–1.7 Redesignated from 303–1.4 57289
303–2.1 Amended 57290
303–2.3 Revised 57290
303–2.6 (a)(1) revised; (b) removed; (c) redesignated as (b) 57290
303–2.8 Amended 57290

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Chapter 304

304–1—304–2 (Chapter 304) Revised; interim 9878
Regulation at 56 FR 9878 effective date corrected 11106
304–1.2 (b)(8) corrected 11304
304–1.6 (a) and (b) corrected 11304
304–1.7 (a) through (d) corrected 11304
(b) and (d) corrected 12422
304–1.8 (a) corrected 11304

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Chapter 201

201–38 Reinstated; CFR correction 56280
CFR correction withdrawn 60132

Chapter 301

301–1 Authority citation revised 28633
301–1.1 Amended 28633
301–1.2 (a), (b) and (c) amended 28633
(c) revised; interim 53289
301–1.3 (c)(1), (2) and (6) amended 28633
301–1.102 (b) introductory text and (3) amended 28633
301–2 Authority citation revised 28633
301–2.2 (d)(4) amended 28633
301–2.3 (e) amended 28633
301–2.6 (d) added; interim 54305
301–3 Authority citation revised 28633
301–3.3 (d)(2)(i) amended 28633
301–3.4 (b)(1)(ii) amended 28633
301–3.5 (a) introductory text amended 28633
301–3.6 (b)(1) introductory text amended 28633
301–4 Authority citation revised 28633
301–4.2 (a) introductory text and (b) introductory text amended 28633
301–5 Authority citation revised 28633
301–5.1 (a) amended 28633
301–6 Authority citation revised 28633
301–6.4 (c) amended 28633
301–7 Authority citation revised 28633

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Chapter 301—Continued

301–7.1 Introductory text amended 28633
301–7.2 (b) introductory text amended 28633
301–7.4 Amended 6678
301–8 Authority citation revised 28633
301–8.1 Introductory text, (a), (c) and (d) amended 28633
301–8.2 (b) amended 28633
301–8.3 (d) amended 28633
301–8.4 (c) amended 28633
301–8.5 (b) amended 28633
301–9 Authority citation revised 28634
301–9.2 Redesignated as 301–9.3; new 301–9.2 added 8091
301–9.3 Redesignated as 301–9.4; new 301–9.3 redesignated from 301–9.2 8091
301–9.4 Redesignated from 301–9.3 8091
Amended 28634
301–10 Authority citation revised 28634
301–10.1 (b)(3) amended 28634
301–10.2 (b) introductory text and (2)(iii) amended 28634
301–11 Authority citation revised 28634
301–11.3 (a) amended 28634
301–11.4 (a) amended 28634
301–11.6 (b)(23) through (27) redesignated as (b)(24) through (28); (b)(19) and new (b)(24) amended; new (b)(23) addd 8092
301–12 Authority citation revised 28634
301–12.2 Amended 28634
301–12.4 Introductory text and (c) amended 28634
301–12.7 (a) and (c) amended 28634
301–14 Authority citation revised 28634
301–14.2 Amended 28634
301–14.4 Amended 28634
301–14.9 Amended 28634
301–14.10 Amended 28634
301–15 Authority citation revised 28634
301–15.43 (a) amended 28634
301–16 Authority citation revised 28634
301–16.1 Amended 28634
Chapter 301 Appendix A revised 6678

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Chapter 301—Continued
Appendix A amended 28634

Chapter 302
302–1 Authority citation revised 28634
302–1.1 Amended 28635
302–1.2 (b) introductory text amended 28635
302–1.3 (a) introductory text amended 28634
(a) introductory text and (c) amended 28635
302–1.4 (d), (f)(1)(ii), (iii), (iv), (2) and (j)(1) introductory text amended 28634
Introductory text, (b), (e) introductory text, (f)(2) and (k) amended 28635
302–1.5 (b)(1) and (2) introductory text amended 28635
302–1.6 Introductory text amended 28635
302–1.9 (b) amended 28635
302–1.10 (g) amended 28634
302–1.12 (e)(6) amended; (a), (b)(1), (2) introductory text, (3) and (5) amended 28635
302–1.13 (a)(2) introductory text, (c)(1), (2)(ii), (d)(1)(i)(D) and (2)(i) amended 28635
302–1.14 (b) introductory text amended 28635
302–1.105 (c) amended 28635
302–2 Authority citation revised 28635
302–2.3 (c)(2), (e)(1), (2) and (3) amended 28635
302–3 Authority citation revised 28635
302–3.1 (c) introductory text, (2) and (4) amended 28635
302–3.2 (b) amended 28635
302–3.3 (b) amended 28635
302–3.4 Amended 28635
302–4 Authority citation revised 28635
302–4.1 (b) introductory text amended 28635
302–4.3 (b) amended 28635
302–4.4 Amended 28635
302–5 Authority citation revised 28635
302–5.1 Amended 28635
302–5.2 (e) and (i) amended 28635
302–5.3 Amended 28635
302–5.5 Amended 28635

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Chapter 302—Continued
302–6 Authority citation revised 28635
302–6.1 Introductory text, (g)(1) introductory text, (ii), (2), (4) and (5) amended 28635
302–6.2 (g)(1) and (2) amended 45001
302–6.3 (b) amended 28635
302–6.4 Amended 28635
302–6.5 Amended 28635
302–7 Authority citation revised 28636
302–8 Auhtority citation revised 28636
302–8.1 Amended 28636
302–8.2 (a), (b)(1), (e) and (f) amended 28636
302–8.3 (a)(3) amended 28636
302–8.4 (e)(3) amended 28636
302–9 Authority citation revised 28636
302–9.1 (a) and (d) amended 28636
302–9.3 (b) amended 28636
302–9.4 Amended 28636
302–10 Authority citation revised 28636
302–10.1 (a)(1), (2) and (b) amended 28636
302–10.2 (a) amended 28636
302–10.3 (b) introductory text, (2), (c)(1), (2) and (d)(2) amended 28636
302–10.4 (b) and (e) amended 28636
302–10.5 (a)(1) and (c) amended 28636
302–10.6 Amended 28636
302–11 Authority citation revised 28636
302–11.1 Amended 28636
302–11.2 (b) amended 28636
302–11.3 (i) amended 28636
302–11.4 Introductory text amended 28636
302–11.5 Introductory text and (e) amended 28636
302–11.6 (a) and (e) amended 28636
302–11.8 (a), (d), (e)(1), (2)(i), (ii), (4) and (f)(3)(ii) amended 28636
302–11.9 (a) amended 28636
302–11.12 Amended 28636
302–11.13 Introductory text amended 28636
302–11 Appendixes A, B and C amended 1112
Appendix B amended 28636
302–12 Authority citation revised 28636

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Chapter 302—Continued
302–12.1 Amended 28636
302–12.3 Amended 28637
302–12.4 (b) introductory text and (1) amended 28637
302–12.5 (b) amended 28637
302–12.6 (a)(2) and (b)(2) amended 28637
302–12.7 Amended 28637

Chapter 303
303–1 Authority citation revised 28637
303–1.1 (a) amended 28637
303–1.2 Amended 28637
303–2 Authority citation revised 28637
303–2.6 (a)(3) amended 28637
303–2.7 Amended 28637

Chapter 304
304–1 Authority citation revised 28637
Revised; interim 53289
304–2 Authority citation revised 28637
304–2.2 Amended 28637
304–2.3 Amended 28637
304–2.4 Introductory text and (e) amended 28637

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Chapter 301
301-1 Authority citation revised 58236
301-1.102 (a) introductory text and (b)(1) revised 58236
301-1.103 (f)(3) amended 58236
301-2.5 (b) revised 58236
301-3.3 Revised 58236
(d)(4)(iii)(C) and (ix) corrected 60390
301-4.3 (a)(1) and (2) revised 58240
301-7.11 (e) amended 58241
301–7.12 (a)(2)(i) table amended 12890
301-8.2 (a) amended 58241
301-8.3 (c)(2) and (d) amended 58241
301-10.2 (a)(2)(i) revised 58241
301-10.3 (f) redesignated as (e) 58241
301-11.6 (b)(9) revised 58241
301-15.7 (g) amended 58242
301-16 Added 58242
301-16.4 (a)(1) corrected 60390
301 Appendix A revised 12890

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Chapter 301—Continued
amended 58502
revised 67950

Chapter 302
302-1 Authority citation revised 58243
302-1.3 (a) revised 58243
302-1.10 (b) through (g) redesignated as (c) through (h); (a), new (e) introductory text and new (f) amended; new (b) added 58243
302-1.100—302-1.107 (Subpart B) Heading revised 58243
302-1.100 Revised 58243
302-1.101 Introductory text and (a) revised 58243
302-1.102 Amended 58244
302-1.104 Amended 58244
302-1.105 (a) and (c) amended 58244
302-1.106 Amended 58244
302-6.2 (g)(1) and (2) amended 53137
302–11.1 Revised 15437
302-11.5 (i) revised 58244
(j) revised 15437
302–11.8 (e)(2) amended; (e)(2)(iv) revised; (e)(4) redesignated as (e)(5); new (e)(4) and new (5)(iii) added 15437
302–11 Appendixes A, B and C amended 8547
Appendix D added 15438

Chapter 304
304-1.3 (d) revised 58244

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Chapter 201
201–1.002–2 (d) and (e) redesignated as (e) and (f); new (d) and (g) added; new (f) revised 66203
201–1.002–3 Added 66203
201–3.001 (b)(1) revised 66203
201–3.402 (b) amended 61282
201–4.001 Amended 61282
201–9.202–1 (b)(7) amended 61282
201–9.202–2 (b)(1)(ix) amended 61282
201–17.001 (l) and (m) revised; (n) added; interim 953
201–18.003 Amended 61282
201–20.103–11 Added; interim 953
201–20.203–2 (c) revised 66203
201–20.303 (d)(2) amended 61282

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Chapter 201—Continued
201–20.305 (a)(3) revised; (a)(5) and (6) added; interim 53361
(a)(7) added 61282
201–20.305–1 Introductory text and (c) removed; (a)(1) introductory text, (3) and (b) revised; interim 53362
(a)(1) introductory text revised; (c) added 61282
201–21.403 (a)(2)(ii) amended 61283
201–21.603 (d)(1) and (3) amended 61283
201–21.604 (a) amended 61283
201–23.003 (a) and (c) amended 61283
201–24.101–2 (a) introductory text revised 61283
201–24.101–3 (a) amended; (d) revised; (g) added 61283
201–24.102 (c)(2) amended 61283
201–24.104 Removed 61283
201–39.001 (b) revised 61283
201–39.101–3 (b)(4) and (5) redesignated as (b)(5) and (6); new (b)(4) and (7) added; new (b)(6) revised 66203
201–39.101–6 (b) amended 61283
201–39.104–1 (b)(3) amended 61283
201–39.802 Revised 61283
201–39.802–1 Revised 61283
201–39.802–2 Revised 61283
201–39.802–3 Revised 61284
201–39.1402–1 (b) revised 66204
201–39.1501–1 (b) revised 66204
201–39.3304–1 Revised 61284
Chapter 201 FIRMR Index amended 61284

Chapter 301
301–1.3 (a) and (c)(1) revised 46192
301–1.101 (b)(4) added 46193
301–1.202 Heading revised; (a)(5) and (b)(6) added 46193
301–1.205 (e) added 46193
301–3.3 (e)(1)(vi) amended 27488
301–4.2 (a) revised; (b) removed; (c) and (d) redesignated as (b) and (c); new (c) amended 66626
301–4.4 Amended 66626
301–7.2 (a)(4) added; (b) revised 46193
301–8.3 (c) revised 43500
301–8.5 (a)(4) added 46194
301–9.2 (a)(1) revised 27488
301–11.2 Revised 46194
301–16.2 (g) removed 46194
301–16.3 Revised 46194

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Chapter 301—Continued
301–16.4 (c)(1) revised 46195
301–17 Added 46195
301 Appendix A amended 15119
Appendix A revised 65682

Chapter 302
302–1 Authority citation revised 58243
302–1.2 (a)(7) added 27488
302–1.10 (b)(1) amended 27488
302–2.3 (c) introductory text amended 66626
302–6.1 (c) and (f) revised 27489
302–6.2 (g)(1) and (2) amended 46357
302–11.8 (e)(2)(iii) amended 27490
302–11 Appendixes A through D amended 10997
Appendix A corrected 22520

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Chapter 201
201–3.402 (b) corrected 2029, 7715
201–9.202–1 (b)(7) corrected 2029, 7715
Revised 55661
201–9.202–2 (b)(1)(ix) corrected 2029, 7715
201–18.003 Corrected 2029, 7715
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