CLASSIFICATION DEFINITIONS
TRUCK DRIVERS
HEAVY CONSTRUCTION

GROUP 1 - Euclid type or similar off highway equipment (where not self loaded), specialized earth moving equipment, truck mechanics (first class), twin engine equipment & double-hitched equipment (where not self-loaded.)

GROUP 2 - A-frames, agitators or mixers, asphalt distributors, dispatchers, low-boys, semi-trailers, tandems, batch trucks, truck mechanics (second class).

GROUP 3 - Dump trucks (single axle), dumpsters, escort & pilot vehicles, flat body material trucks (straight jobs), greasers, material checkers & receivers, panel trucks, pick-ups, rubber-tired (towing or pushing flat body vehicles), tiremen, truck mechanic helpers, truck helpers.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays: Good Friday, Memorial Day, Washington's Birthday, Labor Day, Presidential Election Day; Veteran's Day, Thanksgiving Day; Christmas Day.

b. Employer contribution of 8% of the basic hourly rate for 5 years or more of service and 5% of the basic hourly rate for 6 months to 5 years of service for Vacation Pay Credit.

c. Paid Holidays: A through F

d. Paid Holidays: New Year's Day; Declaration Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Good Friday.

FOOTNOTES: Cont'd

e. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Independence Day; Presidential Election Day; Veterans Day; and Thanksgiving Day.

f. Paid Holiday: Labor Day provided the employee is currently on the payroll and would be scheduled to work the holiday also employee must work the day prior to and after the holiday.

g. Paid Holidays: A through F; provided the employee worked the scheduled work day preceeding and following the holiday.

h. Paid Holidays: A through F; plus Election Day provided the employee works the scheduled work day before and after the holiday.

j. Paid Holiday: Election Day.

k. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day provided the employee has worked the scheduled workdays preceding and following the holiday.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5 (a)(1)(ii)).

WELDERS - Receive rate prescribed for craft performing operations to which welding is incidental.

[FR Doc. 85-9275 Filed 4-18-85; 8:45 am]

BILLING CODE 4510-27-C

federal register

Friday
April 19, 1985

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Part 65

Issuance and Renewal of Inspection Authorization; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 65

[Docket No. 24233; Amdt. No. 65-30]

Issuance and Renewal of Inspection Authorization

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment permits persons who have had their mechanic certificates or ratings suspended to be eligible for issuance or renewal of inspection authorizations (IA's) if their mechanic certificates or ratings have been reinstated. This amendment will remove a requirement that is unnecessary as a means of ensuring that only responsible persons exercise IA privileges.

EFFECTIVE DATE: April 19, 1985.

FOR FURTHER INFORMATION CONTACT: Leo Weston, General Aviation and Commercial Branch, AWS-340, Aircraft Maintenance Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Ave., SW., Washington, D.C. 20591, Telephone (202) 426-8205.

SUPPLEMENTARY INFORMATION:

Background

Section 65.93 of the Federal Aviation Regulations (FAR) provides that to be eligible for the renewal of an IA an applicant must present evidence that, among other things, he or she still meets the requirements of § 65.91(c) (1) through (4) for the original issuance of an IA. Before Amendment 65-22 (42 FR 46278; September 15, 1977), § 65.91(c)(1) provided that to be eligible for an IA, an applicant has to be "a certificated mechanic who has held both an airframe and a powerplant rating for at least 3 years before the date he applies." Amendment 65-22 revised paragraph (c)(1) to require that the applicant hold "a currently effective mechanic certificate with both an airframe rating and a powerplant rating, each of which is currently effective *and has been continuously in effect* for not less than the 3-year period immediately before the date of application." (Emphasis added.)

When renewal was sought under the old rule, the holder of an IA whose mechanic certificate or rating was suspended could still be said to have "held" that certificate during the time of suspension. However, the certificate could not be said to be "in effect" while it was suspended. Accordingly, after Amendment 65-22, the IA could not be renewed at the end of the year because at renewal time (authorization expires on March 31) the mechanic certificate or rating would not have been continuously in effect during the preceding 3 years. Therefore, the mechanic would not be eligible again for an IA until 3 years after the end of the suspension of the mechanic certificate. Moreover, because the eligibility requirements for issuance of a certificate are considered to be continuing requirements which must be met as long as certificate is held, an IA does not "become effective" again under § 65.91 at the end of the suspension of the mechanic certificate.

At the time Amendment 65-22 was adopted, the FAA was aware that adding the words "continuously in effect" to § 65.91(c)(1) would have this result. It was considered appropriate because the privileges and responsibilities that a person is charged with while holding the IA are greater than those of a certificated mechanic. Under § 65.95, the holder of an IA may inspect and approve for return to service certain aircraft or related parts or appliances after a major repair or major alteration to it in accordance with Part 43 of the FAR and perform annual and progressive inspections. Although a mechanic is authorized to perform much of the associated maintenance work underlying these functions, the IA holder is ultimately responsible for ensuring that the work is done in accordance with the FAR.

This 3-year-long period of ineligibility, however, has had an unintended inhibiting effect on the FAA's enforcement program. Amendment 65-22 has had a significant impact on the action taken against a mechanic for relatively minor to moderate violations. As a result of Amendment 65-22, a short-term suspension of a certificate or rating for a relatively minor offense effectively revokes an IA for a period of 3 years. Further, this creates the unusual situation where an action for revocation of an IA could have less of an impact on the mechanic involved than a 5-day suspension of a single rating on his or her mechanic certificate. (In most cases, a mechanic whose IA has been revoked may reapply after 1 year.) Not every action that warrants the suspension of a mechanic certificate evidences a lack of responsibility sufficient to justify such a long-term ineligibility for an IA. As a result, enforcement personnel have been reluctant in some cases to produce such results.

In attempting to resolve this problem, the FAA has reviewed the requirement of § 65.91(c)(1) and has determined that it is unnecessary as a means of ensuring that only responsible persons continue to exercise IA privileges. First, the suspension or revocation of a mechanic certificate or rating does result in loss of IA privileges. Section 65.92(a) provides that the holder of an IA may exercise the privileges of that authorization only while he or she holds a currently effective mechanic certificate with both a currently effective airframe rating and a currently effective powerplant rating. In addition, the cause that gave rise to suspension of the IA holder's mechanic certificate or rating may also warrant suspension of an IA for a longer period of time and may even justify revocation of the IA. Revocation of the IA may be justified when the person's actions evidence a lack of responsibility indicating that the mechanic should not be allowed to exercise the inspection and other privileges prescribed by § 65.95. Also, section 609 of the Federal Aviation Act of 1958, as amended (FAAct), provides that the FAA may reexamine any civil airman, including the holder of an IA. The FAA may reexamine, for instance, when there is reason to believe that the holder of an IA may not be qualified to exercise his or her privileges. If, as a result of this reexamination, the FAA determines that safety in air commerce or air transportation and the public interest require, the FAA may issue an order suspending or revoking the IA. Thus, the cause that gave rise to the suspension of the IA holder's mechanic certificate may also warrant reexamination to determine his or her qualification to hold an IA. The results of this reexamination may warrant suspending or revoking the IA.

Discussion of the Comments

Interested persons were afforded the opportunity to participate in the making of this amendment by Notice 84-16 (49 FR 35652; September 11, 1984). Due consideration has been given to all comments presented in response to this notice.

Sixteen of the 19 public comments received are favorable. Many of these favorable commenters agree that the proposal would reduce an unfair penalty imposed on any IA holder who has had his or her mechanic certificate or rating temporarily suspended by removing the requirement that the certificate and ratings be continuously in effect for 3 years at the time of the IA renewal.

Three commenters who are not in favor of this notice state that any time a certificated mechanic holding an IA has violated the regulations to such an extent as to cause a suspension of the mechanic certificate, that suspension should also affect his or her IA privileges. Two of these commenters state that a mechanic having his or her certificate or a rating suspended should have to prove his or her competency again to the satisfaction of the Administrator.

The FAA agrees, in part, with the above commenters that there are enforcement cases where suspensions or revocations of IA's or reexaminations of IA holders may be necessary. Under the authority of Section 609 of the FAAct, the FAA may reexamine an airman, including an IA. Therefore, when there is a question of an IA holder's qualification to exercise the privileges of the authorization, the FAA may reexamine the airman. Based on this reexamination or any other investigation, the FAA may suspend or revoke the airman's IA. The FAA has determined that its continued ability to suspend or revoke an IA or to reexamine an IA holder, when circumstances warrant, provides adequate protection against unqualified persons exercising IA privileges, without imposing an undue burden on mechanics for minor violations.

One commenter states that this NPRM is a timely response by the FAA to an unintended result of the rulemaking process and that it will relieve a significant burden to both individual certificate holders and the Administrator's enforcement personnel without derogation in air safety.

A professional organization states that the present regulations pose an unnecessary secondary penalty on any holder of an IA who is punished for a slight infraction of the regulations by suspension of either or both of the airframe and powerplant ratings. The organization believes that the public interest will not be compromised and that the economic impact will be positive because a highly trained individual will be returned to the wage-earning rolls more quickly.

Accordingly, the FAA is amending § 65.91 to return to the requirements which existed prior to Amendment 65–22 and is clarifying these requirements to provide that an otherwise eligible applicant need only hold a currently effective mechanic certificate with both an airframe rating and a powerplant rating which have been in effect for a total of at least 3 years. This revision will remove any inequity associated with the renewal process and will provide more flexible and fair enforcement program for IA holders, without derogation of the original certification standards.

Regulatory Assessment

This rule will relax an unnecessary requirement for original issuance or renewal of an IA. It also will eliminate a double penalty currently imposed on any IA holder who, as a result of a suspension, becomes ineligible for renewal solely because his or her mechanic certificate or ratings were not continuously in effect during the 3-year period preceding the annual IA renewal.

This rule will not impose any costs, other than the cost of publishing the rule. Benefits of the proposed rule will accrue from the elimination of income loss due to an individual's not being permitted to renew an IA for 3 years from the date of a suspension. The actual benefits will be inconsequential because, once the full impact of the current rule was fully realized, the FAA imposed few suspensions on IA holders. Thus, very few IA holders actually will be affected by this rule. Comments to the NPRM did not disclose any data or facts to contradict this position. In light of the lack of costs and benefits, the FAA finds that a regulatory evaluation is not warranted.

Trade Impact Assessment

This rule will have no impact on trade opportunities for either U.S. firms doing business overseas or foreign firms doing business in the United States.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress in order to ensure, among other things, that small entities are not disproportionately affected by Government regulations. The RFA requires agencies to review rules which may have "a significant economic impact on a substantial number of small entities."

This amendment will relax requirements for issuance and renewal of an IA and will impose no additional burden. Further, the number of persons who would be unable to renew their IA's if the current rule is not changed is minimal compared with the total number of IA holders.

The FAA finds that this rule will not have a significant economic impact, either beneficial or detrimental, on a substantial number of small entities. Therefore, a regulatory flexibility determination is not required.

Need for Immediate Adoption

This amendment will provide immediate relief and reduce a regulatory burden on persons who have had their mechanic certificates or ratings suspended by permitting them to be eligible for issuance or renewal of their IA's provided their mechanic certificate or ratings have been reinstated.

Immediate adoption will permit persons who have had their mechanic certificates or ratings suspended since the last IA renewal date (March 31) to be eligible again on the following year's renewal date provided they meet all of the requirements of §§ 65.91, 65.92, and 65.93 of the FAR.

This amendment will also permit persons who had previously become ineligible for a 3-year period, because of suspension of their mechanic certificates or ratings, to immediately become eligible for issuance of IA's provided that their mechanic certificates or ratings have been reinstated and they meet the requirements of § 65.91 of the FAR.

Finally, adoption of this amendment will not impose any burden on persons affected. Therefore, for these reasons, I find that good cause exists for making this amendment effective in fewer than 30 days.

Conclusion

This amendment will relax the requirements for initial issuance and renewal of an inspection authorization and thus will not impose an additional burden on any person. Accordingly, it has been determined that this action is not a major rule under Executive Order 12291, and it is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). For these reasons and because the number of persons who would be unable to renew their IA's if the current rule is not changed is minimal in comparison to the total number of IA holders, I certify that under the criteria of the Regulatory Flexibility Act, this proposal will not have a significant economic impact, positive or negative, on a substantial number of small entities. In addition, the FAA has determined that the expected economic impact of this proposal is so minimal that a full regulatory evaluation is not required.

List of Subjects in 14 CFR Part 65

Airmen other than flight crewmembers, Inspection authorization, Mechanic certification, Aircraft, Aviation safety.

Adoption of the Amendment

Accordingly, § 65.91 of the Federal Aviation Regulations (14 CFR 65.91) is amended as follows, effective April 19, 1985.

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

By revising § 65.91(c)(1) to read as follows:

§ 65.91 Inspection authorization.

* * * * *

(c) * * *

(1) Hold a currently effective mechanic certificate with both an airframe rating and a powerplant rating, each of which is currently effective and has been in effect for a total of at least 3 years;

* * * * *

(Secs. 313(a), 314(a), 601, 602, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355(a), 1421, 1422, and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983))

Issued in Washington, D.C., on April 1, 1985.

Donald D. Engen,

Administrator.

[FR Doc. 85-9443 Filed 4-18-85; 8:45 am]

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federal register

Friday
April 19, 1985

Part V

General Services Administration

Changes to Federal Travel Regulations; Notice

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPMR A-40, Supp. 14]

Changes to Federal Travel Regulations

AGENCY: Office of Federal Supply and Services, GSA.

ACTION: Notice of changes to Federal Travel Regulations (FTR).

SUMMARY: GSA has issued GSA Bulletin FPMR A-40, Supplement 14, to transmit a change to the Federal Travel Regulations (FTR), FPMR 101-7, implementing new provisions authorizing payment of a relocation income tax (RIT) allowance for reimbursement of additional Federal, State, and local income taxes incurred by transferred Federal employees as a result of certain relocation expense reimbursements.

EFFECTIVE DATE: The new provisions transmitted by Supplement 14 are effective for transferred employees whose effective date of transfer is on or after November 14, 1983, or on or after October 12, 1984, for certain specified provisions. The effective date of transfer means the date on which the employee reports for duty at the new official station.

FOR FURTHER INFORMATION CONTACT: Staff members, Travel and Transportation Regulations Division (FTA), Office of Transportation, (703) 557-1253 and 557-1256 or FTS 557-1253 and 557-1256.

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

Authority

1. Section 118 of Pub. L. 98-151 (97 Stat. 977), November 14, 1983, amended the statutory authority for the Federal employee relocation allowances contained in subchapter II of chapter 57, title 5, United States Code by adding new section 5724b authorizing reimbursement of "all or part" of the additional Federal, State, and "city" income taxes incurred by a transferred employee as a result of reimbursement for certain defined moving expenses.

2. Section 120 of Pub. L. 98-473 (98 Stat. 1968), October 12, 1984, amended the authority in 5 U.S.C. 5724b for the relocation income tax (RIT) allowance to (1) authorize reimbursement of "substantially all" (rather than all or part) of the additional Federal, State, and "local" (rather than only city) income taxes and (2) redefine the types of moving expenses covered by section 5724b to specifically include relocation services under 5 U.S.C. 5724c and to exclude expenses for nontemporary storage of household goods.

3. By Executive Order No. 12466, February 27, 1984, which amended Executive Order No. 11609, July 22, 1971, the President delegated authority to the Administrator of General Services to, among other things, prescribe regulations, in consultation with the Secretary of the Treasury, to implement 5 U.S.C. 5724b relating to reimbursement of additional income taxes incurred by transferred employees resulting from reimbursement for relocation expenses.

Guidelines to Agencies

1. The provisions of Part 11 to Chapter 2, FTR, give the agency the discretion to determine whether the actual calculation of the new allowance should be done by the employee or by an appropriate official. However, agencies are encouraged, at least during the initial implementation period, to either calculate the allowance for employees based on employee furnished information or provide as much assistance to employees as may be necessary to expedite payments or preclude erroneous claims.

2. Agencies should insure that employees understand that the statutory authority (Public Laws 98-151 and 98-473) for the RIT allowance as prescribed in the attached FTR change did not make changes to the Internal Revenue Code or State or local tax codes. Consequently, the authority for reimbursement of additional income taxes incurred as a result of moving expense reimbursements shall not be construed as changing or limiting the employee's income tax obligations in any way or as authorizing a refund of these taxes when filing a return with the IRS or other recognized tax authority. The RIT allowance must be claimed and paid on the SF 1012 (Travel Voucher) or other authorized travel voucher form, the same as other moving expense allowances.

Explanation of Changes

The attachment to GSA Bulletin FPMR A-40, Supplement 14, amends the FTR by adding Part 11 to Chapter 2, implementing policies and procedures for payment of a relocation income tax (RIT) allowance. Supplement 14 also transmits a change to Part 12, Chapter 2 (paragraph 2-12.7) by deleting the exclusion of certain payments to relocation companies from coverage by the RIT allowance.

Accordingly, the Federal Travel Regulations (FTR) are amended as follows:

CHAPTER 2—RELOCATION ALLOWANCES

1. **Authority:** (Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c)); 5 U.S.C. 5707; Executive Order No. 11609, July 22, 1971 and No. 12466, February 27, 1984.)

2. Chapter 2 of the FTR is amended by adding Part 11 to read as follows:

PART 11—RELOCATION INCOME TAX (RIT) ALLOWANCE

2-11.1. 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 (5 U.S.C 5724b, as amended). The RIT allowance shall be calculated and paid as provided in this Part 11.

2-11.2. 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 paragraph 2-1.4j.

b. *Individuals not covered.* The provisions of this Part 11 are not applicable to the following individuals or employees:

(1) New appointees as defined in 2-1.5e, including those covered under 2-1.5f (i.e., new appointees to shortage category or Senior Executive Service positions, and new Presidential appointees) and 2-1.5g(2) (i.e., new appointees to overseas posts of duty);

(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.

2-11.3. Types of moving expenses or allowances covered and general limitations.

The RIT allowance is by law limited 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 (1) actually paid or incurred, and (2) are not allowable as a moving expense deduction for tax purposes. The types of expenses or allowances listed in a through i, below, 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 FTR Part 2-2.)

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 FTR Part 2-8.)

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 conterminous United States. (See FTR 2-9.1.) Nontemporary storage expenses are not covered by the RIT allowance for transfers on or after October 12, 1984. (See 2-11.4c).

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 FTR Part 2-7.)

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 FTR Part 2-4.)

f. *Temporary quarters.* Subsistence expenses of the employee and immediate family during occupancy of temporary quarters. (See FTR Part 2-5.)

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 FTR Part 2-6.)

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 FTR Part 2-3.)

i. *Relocation services.* Payments, or portions thereof, made to a relocation service company for services provided to a transferred employee (see FTR Part 2-12), subject to the conditions stated below and within the general limitations of this paragraph 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 2-6.2 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 2-12.7 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 2-12.7.)

Note.—See FTR reference shown in parentheses for reimbursement provisions for each allowance listed in a through i, above. 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.

2-11.4. Exclusions from coverage.

The provisions of this Part 11 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 2-11.3i(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 2-11.5b.)

c. Any tax liability resulting from reimbursed expenses for any nontemporary storage of household goods except as specifically provided for in 2-11.3c.

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 difference is not covered by the RIT allowance. (See 2-11.8c(2)(a).)

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 2-11.8b(1) and 2-11.8c(2).)

2-11.5. 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 2-11.3 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 allowable tax deductions for moving expenses. (See determination in 2-11.8c.)

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 the FTR, Chapter 2. All or part of these reimbursements (see 2-11.6) are reported as income (wages, salary or other compensation) to the employee for that tax year under the provisions of the IRC and IRS regulations, and an obligation for Federal tax withholding is incurred. The withholding tax allowance (WTA) (see 1, below) is calculated in Year 1, to cover the employee's Federal tax withholding obligations each time reimbursements are made that result in a withholding obligation. For purposes of this regulation, 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 following Year 1 in which the employee files a tax return reflecting his/her tax liability for income received in Year 1. 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 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 2-11.7c). Agencies should refer to the Treasury Fiscal Requirements Manual, ITFRM 3-5000, and applicable IRS regulations for complete 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 moving expense reimbursements and the WTA) 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) from self-employment income shown on Schedule SE of IRS Form 1040. Earned income may be from more than one source. (See 2-11.8d.)

i. *Marginal tax rate (MTR).* The tax rate (for example 40%) applicable to a specific increment of income. The Federal and State marginal tax rates to be used in calculating the RIT allowance are provided in appendices 2-11.A and B. See 2-11.8e(3) for instructions on lcoal marginal tax rate determinations.

j. *Combined marginal tax rate (CMTR).* A single rate determined by combining the applicable margin tax rates prescribed herein for Federal, State and local income taxes, using the formula provided in 2-11.8e(4).

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 expense reimbursements listed in 2-11.3. (See total RIT allowance in m, below.)

l. *"Gross-up" formula.* The formula used to determine the amount of the "gross-up". The formula used herein (see 2-11.7d and 2-11.8f) compensates the employee for the initial tax, the tax on tax, etc. The formula assumes that the combined marginal tax rate for Year 2 and subsequent tax years will be the same as the one for Year 1 (see 2-11.8b(1)(c)).

m. *Total RIT allowance or "gross-up."* The amount of payment, computed in Year 2 by applying the "gross-up" formula, required to cover substantially all of the estimated additional tax liability incurred as a result of the covered moving expense reimbursements received in Year 1. (See k and l, above, and 2-11.8f.)

n. *Final RIT allowance or final "gross-up."* The total RIT allowance or "gross-up" less the WTA (see o, below). The final RIT allowance or final "gross-up" is calculated and paid in Year 2. (See 2-11.8f.)

o. *Withholding tax allowance (WTA).* The withholding tax allowance (WTA) is an estimated partial payment of the total RIT allowance. The WTA covers the employee's Federal tax withholding liability on covered taxable reimbursements. The amount is computed by applying the "gross-up" formula (using the Federal withholding tax rate) each time that a Federal withholding obligation is incurred on moving expense reimbursements in Year 1. "Grossing-up" the Federal withholding amount protects the employee from having to use part of his/her moving expense reimbursement to pay Federal withholding taxes. The amount of the WTA is considered income to the employee. (See 2-11.7.)

2-11.6. 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 regulation does not require changes to those internal fiscal procedures established by individual agencies pursuant to IRS regulations, or the Treasury Fiscal Requirements Manual, provided that the intents of the statute authorizing the RIT allowance and this regulation 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 Internal Revenue Code (IRC) and certain State and local government tax codes. Some 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 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. Procedures prescribed herein are not intended to change ongoing fiscal procedures in this area. (See Treasury Fiscal Requirements Manual for Federal Agencies.)

d. Payment of a withholding tax allowance (WTA) established herein will offset deductions for the Federal withholding taxes, on moving expense reimbursements and on the WTA itself, from the employee's moving expense reimbursements or from salary. The amount of the WTA is then deducted from the total RIT allowance computed the following year to arrive at the final RIT allowance.

e. The total amount of the RIT allowance can be computed after the end of Year 1 as soon as gross compensation and total covered taxable reimbursements can be determined.

f. Procedures are prescribed in 2–11.7 and 2–11.8 for computation and payment of the WTA and the final RIT allowance. These procedures are intended to build on existing fiscal procedures regarding reporting of employee income from reimbursements and withholding of taxes on supplemental wages.

2-11.7. Procedures for determining the withholding tax allowance (WTA) in Year 1.

a. *General rules.* The withholding tax allowance (WTA) is an estimated partial payment of the RIT allowance designed to cover the employee's Federal withholding tax obligation resulting from moving expense reimbursements. Withholding tax obligations, if any, for State and/or local income taxes on moving expense reimbursements are not covered by the WTA. The WTA will be calculated by the agency as provided below and credited to the employee on the travel voucher at the time reimbursement is made for certain moving expenses. The amount of the WTA is equal to the Federal withholding tax obligation incurred by the employee on covered moving expense reimbursements (which are not offset by deductible moving expenses) and on the WTA itself. The amount of the WTA is considered to be income to the employee and should, along with the amount of moving expense reimbursements, be reported on IRS Form W–2 and furnished to the employee on IRS Form 4782 (Employee Moving Expense Information) or another itemized listing of moving expense reimbursements. The total amount of all WTA's paid during Year 1 shall be deducted from the total RIT allowance calculated after the end of Year 1. The agency shall advise the employee that if the total amount of all WTA's paid in Year 1 exceeds the total RIT allowance which the employee is entitled to in Year 2, he/she is obligated to repay the excess amounts as a debt due the Government as provided in 2–11.9b(3). The WTA shall be calculated, accounted for, and reported as provided in b through f, below.

b. *Determination of amount of reimbursement subject to withholding.* Each time that moving expenses are reimbursed to the employee, or paid on behalf of the employee, IRS regulations require that the agency determine the amount of those reimbursements that it reasonably believes will be deductible moving expenses. Reimbursements for nondeductible moving expenses are then subject to withholding of Federal income tax. Since there are some relocation expenses which may be reimbursed but are not covered reimbursements under the RIT allowance, such as nontemporary storage of household goods (HHG) (see exclusions in 2–11.4), the amount of the nondeductible moving expenses may be different than the actual amount of covered taxable reimbursements which is subject to withholding. Because the difference in these amounts should not be substantial and the WTA is an estimated partial payment of the RIT allowance, the amount of nondeductible moving expenses subject to Federal withholding tax, as determined by the agency pursuant to IRS regulations, may be used in computing the WTA.

c. *Determination of Federal withholding tax rate (FWTR).* Because moving expense reimbursements constitute supplemental wages for Federal income tax purposes, the 20 percent flat rate of withholding is generally applicable to income generated by such reimbursements. The 20 percent rate shall be used in calculating the WTA unless under an agency's internal fiscal (withholding) procedures a different withholding rate is normally used pursuant to IRS tax regulations. In such cases, the applicable withholding rate shall be substituted for the 20 percent rate in the calculation shown in d, below.

d. *Calculation of withholding tax allowance (WTA).*

(1) The WTA is calculated by substituting the amounts determined in 2–11.7 b and c, above, into the gross-up formula shown below. The amount of nondeductible moving expenses (from 2–11.7b) is multiplied by the fraction of the FWTR (from 2–11.7c: generally 20 percent) over 1 minus the FWTR.

These calculations are expressed in the "gross-up" formula as follows:

Formula:

$$Y = \frac{X}{1-X}(N)$$

where

Y = WTA

X = FWTR (generally, 20 percent)

N = nondeductible moving expenses

Example: If

X = 20 percent

N = \$21,800

Then

$$Y = \frac{.20}{1.00-.20}(\$21,800)$$

Y = .25 (\$21,800)

Y = \$5,450

(2) The WTA may be calculated several times within Year 1 if reimbursements for nondeductible moving expenses are made on more than one travel voucher. Each time an employee is reimbursed for nondeductible moving expenses which are subject to Federal tax withholding, the WTA will be calculated and shown on the employee's travel voucher as an estimated allowance paid to cover the Federal tax withholding amount and its subsequent tax impact.

e. *Determination of employee's Federal withholding tax on WTA.* Since the amount of the WTA is considered income to the employee, it is subject to Federal tax withholding (generally at the 20 percent rate). The Federal tax withholding on the WTA should be calculated and handled in the same manner as withholding on nondeductible moving expenses. (Note: As a cross-check on the accuracy of the WTA computation, the withholding amount on the nondeductible moving expenses plus the withholding on the WTA should equal the WTA amount calculated in d, above.) After deducting all withholding amounts (withholding on the WTA and withholding on the nondeductible moving expenses) from the amount of the employee's reimbursements (including the WTA), the balance of the amount due the employee as shown on the travel voucher should be the original amount of reimbursement for the moving expenses.

f. *End of year reporting.* At the end of the year, agencies generally are required to issue IRS Forms 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 calculated during the year should be reflected, along with the applicable Federal withholding amount, on the employee's Form W-2. The total amount of the WTA's will also be furnished to the employee on IRS Form 4782 or another itemized listing provided for the employee's use in preparing his/her tax return and in claiming the RIT allowance as provided in 2-11.8.

2-11.8. 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, and covered taxable reimbursements for the Year 1. The RIT allowance is then calculated using the appropriate tax tables and the "gross-up" formula under procedures prescribed herein. The total amount of all WTA's paid in Year 1 is deducted from the RIT allowance yielding the final amount of the RIT allowance due the employee in Year 2. This final amount also is considered income. The appropriate amount of withholding taxes on the final RIT allowance is deducted and the balance constitutes the net payment to the employee. Rules, procedures, examples, and prescribed tax tables for these calculations are provided in b through h, below, and in the figures and appendices to this Part 11.

b. *General rules and assumptions.*

(1) The procedures prescribed herein for calculation 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 it has been assumed that:

(a) the employee will claim moving expense deductions for the same tax year in which the corresponding moving expense reimbursements are reflected as income;

(b) the employee will claim the maximum amount of deductible moving expenses allowable under the IRS tax rules when filing his/her tax return; and

(c) the employee's (and spouse's, if a joint return is filed) earned income, combined marginal tax rate, and filing status for Year 1, used to determine the amount of the RIT allowance, will remain the same or will not be substantially different in the second and subsequent tax years.

(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 (1), above.

(3) An adjustment of the final 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 combined marginal tax rate used in the RIT allowance calculation. (See 2-11.10 for claims procedures.)

c. *Determination of amount of covered taxable reimbursements.*

(1) Generally, the amount of the covered taxable reimbursements is the difference between (a) the amount of covered moving expense reimbursements for the allowances listed in 2-11.3 that was included in the employee's income in Year 1, and (b) the maximum amount of allowable moving expenses that may be claimed 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.

(2) For purposes of the RIT allowance, the following special rules apply to the determination of moving expense deductions to offset moving expense reimbursements reported as income:

(a) The total amount of reimbursement (which was reported as income) for the expenses of en route travel for the employee and family (see 2-11.3a) and transportation (including up to 30 days temporary storage) of household goods (see 2-11.3b) to the new official station shall be used as a moving expense deduction.

(b) The total amount of reimbursement for a househunting trip, temporary quarters (up to 30 days at new station) and real estate transaction expenses (see 2-11.3e, 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 for the 1984 tax year 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 househunting trips and temporary quarters expenses combined). If the employee was reimbursed $1,350 for the 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 the 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 expenses was paid or in the year of reimbursement, 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 expense reimbursement is made. For example, if an employee incurred and was reimbursed $1,000 for a househunting trip and temporary quarters in 1984 and an additional $1,000 for temporary quarters in 1985, 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 1984, $1,000 of the $1,500 deduction is used to offset the $1,000 reimbursement in 1984 resulting in zero covered taxable reimbursements for the househunting trip and temporary quarters for 1984.

The remaining $500 (balance of the $1,500 not used in determining covered taxable reimbursements for 1984) will be used to offset the $1,000 temporary quarters reimbursement in 1985 (second Year 1), leaving $500 of the temporary quarters reimbursement as a covered taxable reimbursement for 1985.

(4) Although the WTA amount is included in income (see 2-11.7), 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 gross-up formula with covered taxable reimbursements without the WTA included.

(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 2-11.4; also see discussion in 2-11.7 regarding covered taxable reimbursements versus nondeductible expenses.)

(6) An example showing how to calculate covered taxable reimbursements is illustrated in Figure 2-11.8a. Also, Figures 2-11.8b. and 2-11.8c show an example of completed IRS Form 4782 (Employee Moving Expense Information) and of IRS Form 3903 (Moving Expense Adjustment) with dollar amounts which correspond to those shown in Figure 2-11.8a.

d. *Determination of income level and filing status.* In order to determine the combined marginal tax rate (CMTR) 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. (Note that moving expense reimbursements including the WTA amounts 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.) The earned income level as determined under this provision and the tax filing status (for example, from lines 1 through 5 on the 1984 IRS Form 1040) shall be contained in a certified statement on, or attached to, the voucher claiming the RIT allowance (see 2-11.10).

e. *Determination of the combined marginal tax rate (CMTR).* The gross-up formula used to calculate the RIT allowance in f, below, requires use of a single tax rate which represents the Federal, State and/or local tax rates applicable to the income determined in d, above, for Year 1 for the employee (or employee and spouse). This single tax rate is referred to as a combined marginal tax rate (CMTR). The CMTR will be determined as provided in (1) through (4), below. Note that the marginal tax rates determined below, as well as the income level and filing status, must be furnished by the employee in a certified statement in support of the RIT allowance claim (see 2-11.10).

(1) *Federal marginal tax rate.* The Federal marginal tax rate is determined by using the income level and filing status determined under 2-11.8d and contained in the certified statement by the employee on his/her RIT allowance claim, and applying the prescribed Federal tax tables contained in appendix 2-11.A. For example, if the income level (from 2-11.8d) was $65,000 for a married employee filing a Federal joint return, the Federal marginal tax rate would be 38 percent. This rate would be used regardless of how much of the $65,000 was attributable to reimbursement for the employee's relocation expenses. (Note that this marginal rate is different from the withholding tax rate used for the WTA.) If the employee incurs only Federal income tax (i.e., there are no State or local taxes), the Federal marginal tax rate determined from appendix 2-11.A is the CMTR to be used in the gross-up formula provided in 2-11.8f. In such cases, the provisions of (2) and (3), below, do not apply.

(2) *State marginal tax rate.*

(a) If the employee incurs an additional State income tax (see definition in 2-11.5a) liability as a result of moving expense reimbursements, the State tax table in appendix 2-11.B is to be used to determine the applicable State marginal tax rate that will be substituted into the formula for determining the CMTR. The income level determined in 2-11.8d 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 filing status, except where a separate rate is shown for single filing status.

(b) The lowest income bracket shown in the State tax table in appendix 2-11.B is $20,000-$24,999. In cases where the employee's (employee's and spouse's, if filing jointly) earned income as determined under 2-11.8d 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 2-11.B for the $20,000-$24,999 income bracket for the particular State in which an additional income tax obligation has been incurred.

(c) 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 formula in 2-11.8e(4). This is accomplished by multiplying the applicable Federal tax rate by the applicable State tax rate. For example, if the Federal tax rate is 38 percent and the State tax rate is 25 percent of the Federal tax liability, the State tax rate stated as a percent of income would be 9.5 percent.

(d) 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. Nevertheless, a single State marginal tax rate must be determined for use in the CMTR formula in 2-11.8e(4). The following general rules shall be applied in determining the applicable single rate.

(i) In the tax year during which the transfer actually takes place, the employee may incur a State income tax obligation at both the old and the new location. However, most moving expense reimbursements will be taxed at the new location. Although the employee may receive some reimbursements (e.g., for a househunting trip, possibly household goods shipment) prior to the actual transfer which would be credited as income at the old location, these types of expenses generally are tax deductible and would not generate an additional State tax liability for the employee. In addition, procedures inherent in the travel voucher reimbursement system tend to cause most reimbursements which may be taxable to occur after the actual transfer. Therefore, the State marginal tax rate determined under 2–11.8e(2)(a) through (c) for the new location will be used in the CMTR formula.

(ii) There may be instances where the employee is subject to taxes on moving expense reimbursements in two States, in one State because of State residency and in another because a particular State taxes income earned within its jurisdiction irrespective of whether the employee is a resident. If the States recognize such situations by allowing an adjustment or credit for taxes paid to another State, the State marginal tax rate for the State where income tax on moving expense reimbursements is actually paid will be determined and used in the CMTR formula. However, in those situations where there is in fact double taxation on income from moving expense reimbursements and the taxes imposed by both States qualify as a State income tax (as defined in 2–11.5a), the sum of the State marginal tax rates for the two States as determined under 2–11.8e(2)(a) through (c) 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 (a) through (c), below.

(a) If the employee incurs an additional local income tax (see definition 2–11.5b) liability as a result of moving expense reimbursements, he/she shall certify to such fact when claiming the RIT allowance (see certification statement in 2–11.10) 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 applicable to the taxable income portion of the amount of earned income determined under 2–11.8d for the employee (and spouse, if filing jointly). 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 formula. (See also 2–11.10b(2).)

(b) 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 income for use in the CMTR formula. This is accomplished by multiplying the applicable Federal or State tax rate determined in 2–11.8e(1) or (2) by the applicable local tax rate. For example, if the State tax rate is 6 percent and the local tax rate is 50 percent of State tax liability, the local tax rate stated as a percentage of income would be 3 percent.

(c) The situations described in 2–11.8e(2)(d) 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 formula.

(4) *Calculation of the combined marginal tax rate (CMTR).* As stated above, the gross-up formula for calculating the RIT allowance is designed for use with a single combined tax rate. However, the required CMTR 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 2–11.B 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 formula prescribed below for calculating the CMTR is designed to adjust the State and local tax rates to compensate for their deductibility from income for Federal tax purposes.

(a) *Both State and local taxes incurred.* If the employee incurs both State and local income taxes on moving expense reimbursements, the following formula shall be used to determine the CMTR:

Formula: $X=F+(1-F)S+(1-F)L$

where
X=CMTR
F=Federal tax rate
S=State tax rate
L=local tax rate

Example: If
F = 38 percent of income
S = 6 percent of income
L = 2 percent of income

Then
$X=.38+(1.00-.38).06+(1.00-.38).02$
$X=.4296$

(b) *State income tax incurred but no local income tax.* If the employee incurs tax liability on moving expense reimbursements for State income tax but none for local income tax, the value of "L" is zero and the formula in (a), above, may be solved as follows:

Formula:
$X=F+(1-F)S+(1-F)L$

Example: If
F=38 percent of income
S=6 percent of income
L=Zero

Then
$X=.38+(1.00-.38).06$
$X=.4172$

(c) *Local income tax incurred but no State income tax.* If the employee incurs a tax liability on moving expense reimbursements for local income tax but none for State income tax, the value of "S" is zero and the formula in (a), above, may be solved as follows:

Formula:
$X=F+(1-F)S+(1-F)L$

Example: If
F=38 percent of income
S=Zero
L=2 percent of income

Then
$X=.38+(1.00-.38).02$
$X=.3924$

f. *Determination of the RIT allowance.* The total RIT allowance for the covered taxable reimbursements received in Year 1 and the final amount of the allowance due the employee are calculated in Year 2 as provided below:

(1) The total RIT allowance is calculated by substituting the amount of covered taxable reimbursements for Year 1 (see 2–11.8c) and the CMTR (see 2–11.8e) attributable to the employee's (employee's and spouse's, if filing jointly) earned income level and filing status (see 2–11.8d) into the "gross-up" formula. The amount of covered taxable reimbursements is multiplied by the fraction of the CMTR over 1 minus the CMTR. For example, if the employee's CMTR was .4296 and the amount of covered taxable reimbursement was $21,800, the total RIT allowance would be $16,419.76.

(2) The employee usually will have been paid one or more WTA's during Year 1 to cover the Federal withholding tax on the reimbursements. Since the WTA is an estimated partial payment of the RIT allowance, the total amount of all WTA's paid during Year 1 shall be deducted from the total RIT allowance to determine the final amount of the RIT allowance payable to the employee in Year 2.

(3) Calculation of the final RIT allowance as provided in (1) and (2), above, may be stated in a final "gross-up" formula as follows:

Formula:

$$Z=\frac{X}{1-X}(R)-Y$$

where
Z=final RIT allowance payable in Year 2
X=CMTR

R = covered taxable reimbursements
Y = total WTA's paid in Year 1

Example: If
X = .4296
R = $21,800
Y = $5,450

Then

$$Z = \frac{.4296}{1.00 - .4296} (\$21,800) - \$5,450$$

Z = .7532 ($21,800) − $5,450
Z = $16,419.76 − $5,450
Z = $10,969.76

(4) There may be instances when a WTA was not paid in Year 1 at the time moving expense reimbursements were made. For example, for those employees whose effective date of transfer was on or after November 14, 1983, through December 31, 1984, and whose reimbursements were received in 1983 or 1984, a WTA would not have been paid. In cases where there is no WTA to be deducted, the value of "Y" is zero and the formula stated in (3), above, for calculating the final amount of the RIT allowance (= Z) due the employee in Year 2 may be solved as follows:

Formula:

$$Z = \frac{\times}{1 - \times} (R) - y$$

Example: If
× = .4296
R = $21,800
Y = Zero

Then

$$Z = \frac{.4296}{1.00 \times .4296} (\$21,800)$$

Z = .7532 ($21,800)
Z = $16,419.76

(5) If the final 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 final 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 2-11.8g). The final RIT allowance amount will be reported on IRS Form W-2 for Year 2 and on IRS Form 4782 for the employee's information.

(6) If the final amount of the RIT allowance shown on the travel voucher is less than zero (negative amount) because the WTA amount paid in Year 1 exceeds the total RIT allowance, the employee shall repay the excess amount to his/her agency (see also 2-11.7a and 2-11.9b).

(7) 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 2-11.9b(2). (See also 2-11.10 for certified statement regarding these changes.)

g. *Determination of the net payment due employee in Year 2.* Since the final amount of the RIT allowance is income to the employee in Year 2, it is subject to Federal tax withholding. It is also subject to appropriate State and local tax withholding if the employing agency normally withholds for State and local taxes on moving expense reimbursements. Agencies should determine the appropriate amounts of withhold taxes under their internal tax withholding procedures. The amount of withholding taxes is deducted from the final RIT allowance to arrive at the net payment to the employee.

h. *Summary example.* The procedures provided in a through g, above, for calculating the RIT allowance and in 2-11.7 for calculating the WTA are summarized and illustrated for a hypothetical situation in Figure 2-11.8d.

2-11.9. Responsibilities.

a. *Agency.* Finance offices will calculate the amount of the gross-up for the withholding tax allowance (WTA) in Year 1 in accordance with procedures outlined herein and credit this amount to the employee on the travel voucher at the time of reimbursement. 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 11.

b. *Employee.*

(1) The employee is required to file the tax information for Year 1 specified in 2-11.10 with his/her agency in Year 2, regardless of whether any additional reimbursement for the RIT tax allowance is owed the employee.

(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 total 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 2-11.10.)

(3) If the total amount of all WTA's paid by the Government in Year 1 is more than the total RIT allowance computed in Year 2, the employee is obligated to repay the excess amounts as a debt due the Government. (See also 2-11.7a and 2-11.8f(6).)

2-11.10. 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. This information shall be contained in a certified statement on, or attached to, the SF 1012 reading essentially as follows:

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 198__ 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):

Employee	$____	$____
Spouse (if filing jointly)	$____	$____
Total (Both columns)	$____	

—Filing status: ____

(Specify one of the five filing status items that was (or will be) claimed on IRS Form 1040.)

—Marginal tax rates from FTR appendices 2-11.A and B and local tax tables derived under procedures prescribed in FTR Part 2-11:

Federal ____
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 adjustment to the RIT allowance can be made. The required supporting documents are attached. Additional documentation will be furnished if requested.

Employee's Signature ____
Date ____
Spouse's signature (if joint filing status) ____
Date ____

b. *Supporting documention/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/or spouse 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 locality 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 forefeited 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.

2-11.11. Violation of service agreement.

In the event the employee violates the terms of the agreement required under 2-1.5a(1), no part of the RIT allowance 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.

2-11.12. Advance of funds.

No advance of funds is authorized in connection with the allowance provided in this part.

2-11.13. Source references.

The following references or publications have been used as source material for this Part 11.

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 Treasury Fiscal Requirements Manual for Federal Agencies, ITFRM 3-5000.

e. 31 CFR 215.2 (5 U.S.C. 5516, 5517, and 5520).

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EXAMPLE 1. CALCULATION OF COVERED TAXABLE REIMBURSEMENTS

The following example shows how to calculate covered taxable reimbursements as provided in FTR 2-11.8. Column (a) shows hypothetical moving expense reimbursements. Column (b) shows Federal moving expense deductions for employee and spouse filing a joint return and residing together at the end of the tax year (see footnote 5/, below). Column (c) shows the balance of the covered reimbursements in column (a) which have not been offset by moving expense deductions in column (b). Amounts shown are for illustration purposes only and should not be construed in any way to represent actual, average, or typical moving costs.

Covered Allowances (FTR 2-11.3)		Amount Paid/ Reimbursed (a) 1/	Maximum Moving Exp. Deduction (b) 2/	Amount of Covered Taxable Reimbursements (c)=(a)-(b) 3/
1. Travel and transportation expenses between duty stations.		$ 1,150 4/	$ 1,150 4/	$ -0- 4/
2. Transportation and 30 days temporary storage of household goods (HHG's).		$ 5,100 4/	$ 5,100 4/	$ -0- 4/
3. Temporary storage of HHG's not included on line 2, and/or nontemporary storage (see (2-11.3c).		$ 1,100	$ -0-	$ 1,100
4. Mobile home movement instead of HHG's.		$ -0-	$ -0-	$ -0-
5. Miscellaneous expense allowance.		$ 700	$ -0-	$ 700
6. Househunting trip.	$1,550			
7. Temporary quarters, 30 days, new station.	$2,550			
8. Total lines 6 and 7.		$ 4,100		
9. Enter lesser of line 8 or $1,500 as deductible amount in col. b; 5/			$ 1,500	
10. Enter balance of line 8 minus line 9.				$ 2,600
11. Temporary quarters in excess of line 7.		$ 1,900	$ -0-	$ 1,900
12. Real estate transactions resulting from:				
(a) Sale expenses. $13,500				
(b) Purchase expenses. $ 3,500				
(c) Unexpired lease. $ -0-				
(d) Relocation services. 6/ $ -0-				
13. Total of items (a) through (d), line 12.		$17,000		
14. Enter lesser of line 13 or $3,000 less deductible amount used on line 9. 5/			$ 1,500	
15. Balance of line 13 minus line 14.				$15,500
16. Relocation services not included on line 12(d). 6/		$ -0- 6/	$ -0- 6/	$ -0- 6/
17. Total column (a), (b), and (c).		$31,050	$ 9,250 7/	$21,800 8/
18. Total amount of WTA's paid in Year 1.		$ 5,450 9/		
19. Total lines 17 and 18, column (a).		$36,500 10/		

Figure 2-11.8a. Illustration of Example for Calculation of
(Part 1 of 2) Covered Taxable Reimbursements in Year 2.

1/ Enter in column (a) the amounts of reimbursed expenses for the allowances listed in FTR 2-11.3.

2/ Enter in column (b) the maximum amounts of the reimbursed expenses in column (a) which are deductible moving expenses. (See FTR 2-11.8c(2); also see footnote 4/.)

3/ Enter in column (c) the balance of column (a) minus column (b). (See FTR 2-11.8c.)

4/ The amount entered in column (b) for lines 1 and 2 should be the same as that entered in column (a). (See FTR 2-11.8c(2)(a).) Column (c) will be zero.

5/ Limits may vary according to filing status, etc. See page 5 of IRS Publication 521, Moving Expenses.

6/ In this example, relocation services were not used--employee declined (see FTR 2-12 and employing agency policy). However, if relocation services were used, any amounts paid to the relocation service company that are determined to be income to the employee (see FTR 2-11.3i, 2-11.4a, and 2-12.7) and covered by the RIT allowance would be entered on lines 12(d) and 16, column (a), as appropriate. In such cases, the amount shown in column (c) as a covered taxable reimbursement would depend on whether any part of the amount in column (a) is a moving expense deduction in column (b). All amounts included in column (a) may not be deductible and there are limitations as to what can be included as a covered reimbursement under 2-11.3i.

7/ In this example, total moving expense deductions on line 17, column (b), equate to the amount shown on line 11 on IRS Form 3903 in Figure 2-11.8c. Amounts on those lines for an actual situation may not be the same because of relocation expenses incurred which are not paid for or reimbursed by the Government but which may be claimed as a moving expense deduction for Federal tax purposes, such as extra valuation insurance for household goods shipments.

8/ The amount on line 17, column (c), is the amount of covered taxable reimbursements to be used in the gross-up formula for the RIT allowance.

9/ Enter total amount of all WTA's paid in Year 1 on line 18, column (a) only. This amount is an estimated partial payment of the RIT allowance. It is not included in the amount of covered taxable reimbursements determined for calculation of the RIT allowance. (See FTR 2-11.8c(4).)

10/ In this example, the total amount shown on line 19, column (a), equates to the amount shown on line 7 on IRS Form 4782 in Figure 2-11.8b. Amounts on those lines for an actual situation may differ because of relocation allowances paid or reimbursed which are not covered by the RIT allowance. (See exclusions in FTR 2-11.4.)

Figure 2-11.8a. Illustration of Example for Calculation of Covered (Part 2 of 2) Taxable Reimbursements in Year 2. (Footnotes)

EXAMPLE 2

Form **4782** (Rev. August 1983) Department of the Treasury Internal Revenue Service

Employee Moving Expense Information

Payments made during the calendar year 19 ......

OMB No. 1545-0182

Do not file. Keep for your records.

Name of employee: I. M. EMPLOYEE

Social security number: 000 00 0000

Moving Expense Payments

Type of expense	a. Amount paid to employee	b. Amount paid to a third party for employee's benefit and value of services furnished in kind	c. Total (Add columns a. and b.)
1 Transportation expenses in moving household goods and personal effects (including storage expenses for a foreign move)		(carrier payment) 6,200.00	6,200.00
2 Travel, meal, and lodging expenses in moving from old to new residence	1,150.00		1,150.00
3 Pre-move travel, meal, and lodging expenses in looking for a new residence after obtaining employment	870.00	(air carrier) 680.00	1,550.00
4 Temporary living expenses in new location or area during any 30 days in a row after obtaining employment (90 days in a row for a foreign move)	2,550.00		2,550.00
5 Qualified expenses of selling, buying, or leasing a residence	17,000.00		17,000.00
6 All other payments (specify) Misc. Exp. Allowance	700.00		700.00
Temporary Qtrs. in excess of 30 days	1,900.00		1,900.00
Withholding Tax Allowance	5,450.00		5,450.00
7 Total moving expense payments. Add lines 1 through 6.			36,500.00

Figure 2-11.8b. Illustration of completed Example IRS Form 4782

EXAMPLE 3

Form **3903** Department of the Treasury Internal Revenue Service

Moving Expense Adjustment

▶ Attach to Form 1040.

OMB No. 1545-0062 **1984** 62

Name(s) as shown on Form 1040: I. M. Employee | Your social security number: 000 00 0000

a What is the distance from your **old** residence to your **new** work place? 1500 miles

b What is the distance from your **old** residence to your **old** work place? 20 miles

c If the distance in **a** above is 35 or more miles farther than the distance in **b** above, complete the rest of this form. If the distance is less than 35 miles, you may not take a deduction for moving expenses. This rule does not apply to members of the armed forces.

1 Transportation expenses in moving household goods and personal effects			1	5,100 00
2 Travel, meal, and lodging expenses in moving from old to new residence			2	1,150 00
3 Pre-move travel, meal, and lodging expenses in looking for a new residence after getting your job	3	1,550 00		
4 Temporary living expenses in new location or area during any 30 days in a row after getting your job	4	2,550 00		
5 Add lines 3 and 4	5	4,100 00		
6 Enter the smaller of line 5 or $1,500 ($750 if married, filing a separate return, and, at the end of the tax year, you lived with your spouse who also started work during the tax year)	6	1,500 00		
7 Expenses of (check one): a ☑ selling or exchanging your old residence; or b ☐ if renting, settling an unexpired lease on your old residence	7	13,500 00		
8 Expenses of (check one): a ☑ buying your new residence; or b ☐ if renting, getting a lease on your new residence	8	3,500 00		
9 Add lines 6, 7, and 8	9	18,500 00		
10 Enter the smaller of line 9 or $3,000 ($1,500 if married, filing a separate return, and, at the end of the tax year, you lived with your spouse who also started work during the tax year)			10	3,000 00
11 Add lines 1, 2, and 10. This is your moving expense deduction. Enter here and on Form 1040, line 24 ▶			11	9,250 00

Note: *Use any amount on line **7a** not deducted because of the $3,000 (or $1,500) limit to decrease the gain on the sale of your residence. Use any amount on line **8a** not deducted because of the limit to increase the basis of your new residence. See **No Double Benefit** in the instructions.*

Note: *If your employer paid for any part of your move (including the value of any services furnished in kind), report that amount on **Form 1040, line 7.** See **Reimbursements** in the instructions.*

Figure 2-11.8c. Illustration of completed Example IRS Form 3903

EXAMPLE 4. Summary of RIT Procedures

Year 1: In 1984, the employee received $31,050 in covered moving expense reimbursements. After subtracting $9,250 of deductible moving expenses, $21,800 of the reimbursements (nondeductible moving expenses) were subject to Federal tax withholding. (No State or local tax withholding in this case.)

Apply WTA formula: $Y = \frac{X}{1-X} (N)$

Where Y = WTA
X = Federal withholding tax rate (.20)
N = nondeductible moving expenses ($21,800)

Then $Y = \frac{.20}{1-.20}$ ($21,800)
Y = $5,450

Compute net payment to employee in Year 1:

Total moving expense reimbursements in Year 1	$31,050
Less deductible moving expenses	- 9,250
Nondeductible moving expenses subject to withholding	$21,800
Plus WTA on $21,800	+ 5,450
Amount subject to withholding	$27,250
Less Federal tax withholding ($27,250 X .20)	- 5,450
Balance after withholding	$21,800
Plus deductible moving expenses	+ 9,250
Net payment to employee in Year 1	$31,050

Year 2: In 1985, the amount of the RIT allowance is determined on the basis of covered reimbursements in Year 1. Assume that $21,800 of nondeductible moving expenses is the same as the covered taxable reimbursements. Also, assume that employee and spouse (married, filing jointly) have combined earned income of $65,000. Thus, the Federal marginal tax rate would be 38%. Also, assume the applicable State and local marginal tax rates are 6% and 2%, respectively, of taxable income.

Apply CMTR formula: $X = F + (1-F)S + (1-F)L$

Where X = CMTR
F = Federal tax rate
S = State tax rate
L = local tax rate

Then $X = .38 + (1-.38).06 + (1-.38).02$
$X = .38 + .0372 + .0124$
$X = .4296$

Figure 2-11.8d. Summary Example of RIT Allowance Procedures
(Part 1 of 2)

Example 4. Summary of RIT Allowance Procedures (continued)

Apply final gross-up formula: $Z = \frac{X}{1-X}(R) - Y$

Where Z = final RIT allowance
X = CMTR (.4296)
R = covered taxable reimbursements ($21,800)
Y = WTA paid in Year 1 ($5,450)

Then $Z = \frac{.4296}{1-.4296}(\$21,800) - \$5,450$
$Z = .7532(\$21,800) - \$5,450$
$Z = \$16,419.76 - \$5,450$
$Z = \$10,969.76$

Compute net payment to employee in Year 2:

Total RIT allowance	$16,419.76
Less WTA's paid in Year 1	- 5,450.00 1/
Final RIT allowance payable	$10,969.76
Less Federal withholding tax	- 2,193.95
Less State and local withholding	N/A
Net amount paid to employee	$ 8,775.81

1/ If no WTA's had been paid in this example, the final RIT allowance would be the same as the total RIT allowance ($16,419.76). The Federal withholding tax would be $3,283.95, leaving a net payment to the employee of $13,135.81.

Figure 2-11.8d. Summary Example of RIT Allowance Procedures (Part 2 of 2)

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 FTR 2-11.8e(1).

Marginal Tax Rate	Single Taxpayer		Heads of Household		Married Filing Jointly/Qualifying Widows & 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	---

Appendix 2-11.A. Federal Tax Table for RIT Allowance

STATE MARGINAL TAX RATES BY EARNED INCOME LEVEL - TAX YEARS 1983/1984

The following table (pages 1 thru 3) is to be used to determine State marginal tax rates for calculation of the RIT allowance as prescribed in FTR 2-11.8e(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
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

Appendix 2-11.8. State Tax Table for RIT Allowance

STATE MARGINAL TAX RATES BY EARNED INCOME LEVEL - TAX YEARS 1983/1984 (cont'd.)

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
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/			

Appendix 2-11.B

BILLING CODE 6820-24-C

STATE MARGINAL TAX RATES BY EARNED INCOME LEVEL - TAX YEARS 1983/1984 (cont'd.)

State (or district)	$20,000-24,999	$25,000-49,999	$50,000-74,999	$75,000 & OVER
	Marginal tax rates (stated in percents) for the earned income amounts specified in each column. 1/ 2/			
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, etc.) 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 FTR 2-11.8e(2)(b).

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 FTR 2-11.8e(2).

Appendix 2-11.B

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PART 12—USE OF RELOCATION SERVICE COMPANIES

3. Part 12 of Chapter 2 of the FTR is amended by revising paragraph 2-12.7 to read as follows:

2-12.7. Income tax consequences of using relocation companies.

In entering into contracts with relocation companies, agencies should consider the income tax consequences for the employee. Certain payments on behalf of the employee to a relocation company may constitute taxable income to the employee, depending on the specific terms of the contract. Under the provisions of 5 U.S.C. 5724b, additional taxes resulting from such income would be covered by the relocation income tax allowance as provided in 2-11. For further information relating to the income tax consequences of payments to relocation companies, agencies should contact the Internal Revenue Service, 1111 Constitution Avenue, NW., (CC: IND:I) Room 5019, Washington, D.C. 20224.

Dated: April 1, 1985.

Dwight Ink,

Acting Administrator of General Services.

[FR Doc. 85-9488 Filed 4-18-85; 8:45 am]

BILLING CODE 6820-24-M

federal register

Friday
April 19, 1985

Part VI

National Archives and Records Administration

36 CFR Ch. XII

41 CFR Parts 101-11, 101-13, 105-60, 105-61, 105-65

Establishment of Chapter and Redesignation of Regulations; Final Rule

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Ch. XII

41 CFR Parts 101-11, 101-13, 105-60, 105-61, and 105-65

Establishment of Chapter XII and Redesignation of Regulations

AGENCY: National Archives and Records Administration.

ACTION: Final rule.

SUMMARY: This document establishes Chapter XII in Title 36 for regulations of the National Archives and Records Administration, an independent executive branch agency established by Public Law 98-497. It also redesignates certain regulations concerning NARA programs that now appear in Title 41, and makes minor technical changes in organizational references.

EFFECTIVE DATE: April 1, 1985.

FOR FURTHER INFORMATION CONTACT: Adrienne C. Thomas, Director, Program Policy and Evaluation Division, National Archives (NAA), Washington, DC 20408, (202) 523-3214.

SUPPLEMENTARY INFORMATION: The National Archives and Records Administration Act of 1984, Public Law 98-497, established the National Archives and Records Administration (NARA) as an independent agency in the executive branch, and transferred the National Archives and Records Service of the General Services Administration to the agency. Regulations concerning National Archives and Records Service programs relating to disposition of Federal records; vital records during an emergency; preservation of records by war contractors; public availability and use of records, donated historical materials and facilities; and National Historical Publications and Records Commission programs were contained in Title 41 CFR Parts 101-11, 101-13, 105-60, 105-61, and 105-65, and were issued under the authority of the Administrator of General Services.

This document establishes the National Archives and Records Administration regulations in Title 36, Chapter XII of the Code of Federal Regulations. The table of contents for Chapter XII set forth below includes regulations which are issued in this final rule, as well as the part titles of other material which NARA intends to issue in the future after notice of proposed rulemaking. The regulations redesignated in this document were originally issued in Title 41 after providing the public an opportunity to comment. Only nomenclature changes and technical amendments to the redesignated regulations are made: changing references from GSA organizations and officials to NARA organizations; clarifying citations and language where necessary; and in Part 1253, adding the location and hours of use of additional NARA facilities not previously included in the regulations.

Within the next month, NARA intends to issue a notice of proposed rulemaking that would establish regulations implementing the Privacy Act and Freedom of Information Act and other general agency regulations. NARA intends to issue another notice of proposed rulemaking that would incorporate provisions of 41 CFR Part 101-11 relating to adequacy of documentation and records disposition in records management programs. Provisions in 41 CFR Part 101-11 and Chapter 105 as they relate to NARA will continue to remain in those CFR units during the interim period that the two notices of proposed rulemaking are issued. NARA intends to issue the final regulation rewriting and transferring these provisions to Chapter XII of Title 36 by June 30, 1985. GSA is issuing regulations in its FIRMR (41 CFR Chapter 201) incorporating provisions of 41 CFR 101-11 which promote economy and efficiency in records management (50 FR 14220, April 11, 1985). NARA will have sole signatory authority over its regulations.

This rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant economic impact on small business entities.

List of Subjects in 36 CFR Chapter XII

Archives and records, Classified information, Reporting and recordkeeping requirements, Freedom of information, Research.

Title 36—[Amended]

For the reasons set forth above, Title 36 of the Code of Federal Regulations is amended as follows:

1. The authority for Chapter XII reads as follows:

Authority: 44 U.S.C. 2104(a), as added by sec. 102(a)(2) of Pub. L. 98-497.

2. Title 36 of the Code of Federal Regulations is amended by establishing Chapter XII to read "Chapter XII—National Archives and Records Administration." The general organization of the chapter is as follows:

CHAPTER XII—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

SUBCHAPTER A—GENERAL RULES

Part

SUBCHAPTER B—RECORDS MANAGEMENT

SUBCHAPTER C—PUBLIC AVAILABILITY AND USE

SUBCHAPTER D—DECLASSIFICATION

SUBCHAPTER E—PRESIDENTIAL RECORDS

SUBCHAPTER F—NIXON PRESIDENTIAL MATERIALS

SUBCHAPTER G—NARA FACILITIES

3. Title 36 of the Code of Federal Regulations is amended by transferring certain regulations appearing in 41 CFR Chapters 101 and 105 and redesignating the provisions accordingly. The following table shows the relationship of the former CFR Part, subpart and section numbers under 41 CFR Chapters 101 and 105 and new part, subpart and section numbers in 36 CFR Chapter XII.

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4. The table of contents for the newly redesignated Part 1206 is set forth below. All internal references appearing in the newly redesignated part are revised as appropriate.

PART 1206—NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

Authority: 44 U.S.C. 2104(a); 44 U.S.C. 2501–2506.

§ 1206.16 [Amended]

5. The title for § 1206.16 is revised to read "§ 1206.16 Book publication projects."

§ 1206.20 [Amended]

6. The title for § 1206.20 is revised to read "§ 1206.20 Microform publication projects."

§ 1206.22 [Amended]

7. The title for § 1206.22 is revised to read "§ 1206.22 Microform publication standards."

§ 1206.70 [Amended]

8. Section 1206.70 is amended by removing from the first sentence the words "the Administrator of General Services or".

9. The table of contents for the newly redesignated Part 1228 is set forth below. All internal references appearing in the newly redesignated part are revised as appropriate.

PART 1228—DISPOSITION OF FEDERAL RECORDS

Authority: 44 U.S.C. 2104(a).

10. Part 1228 is amended by removing the word "(NCD)" whenever it appears and inserting the word "(NIR)".

§ 1228.1 [Amended]

11. Section 1228.1 is amended by removing the word "subpart" appearing in the section title and text and inserting the word "part."

§ 1228.2 [Amended]

12. The definitions formerly appearing in 41 CFR 101-11.405-2 (permanent records), 101-11.406-2 (temporary records), and 101-11.411-1 (National Archives) and redesignated into § 1228.2 are arranged in alphabetical sequence.

§ 1228.22 [Amended]

13. Section 1228.22 is amended by removing the words "General Services Administration (NARS)" and inserting the words "National Archives and Records Administration".

§ 1228.72 [Amended]

14. Section 1228.72 is amended by removing "(NC)" whenever it appears and inserting "(NI)".

§ 1228.74 [Amended]

15. Section 1228.74 is amended by adding "41 CFR" before the reference "Part 101–45" in the last sentence in paragraph (b) and by removing "(NC)" in paragraph (c)(2) and inserting "(NI)".

§ 1228.92 [Amended]

16. Section 1228.92 is amended by removing "GSA" in paragraph (e) and inserting "NAR".

§ 1228.104 [Amended]

17. Section 1228.104 is amended by removing "GSA" in paragraph (b) and inserting "NAR".

§ 1228.106 [Amended]

18. Section 1228.106 is amended by removing the word "Section" at the beginning of the second sentence and inserting "41 CFR".

19. Section 1228.150 is amended by revising the table to read as follows:

§ 1228.150 Authority.

* * * * *

Areas served	Federal records center
District of Columbia, Maryland, West Virginia, and Virginia (except U.S. Court records).	Washington National Records Center, Washington, DC 20409.
Designated records of the Military Departments and the U.S. Coast Guard.	National Personnel Records Center (Military Personnel Records), 9700 Page Boulevard, St. Louis, MO 63132.
The entire Federal Government personnel records of separated Federal employees; medical and pay records of all Federal employees; designated medical records of Army and Air Force military personnel and their dependents; and records of agencies in the St. Louis area (Missouri only), of Scott AFB, IL, and of the Memphis Service Center, Internal Revenue Service.	National Personnel Records Center (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118.
Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.	Federal Records Center, 380 Trapelo Road, Waltham, MA 02154.
New York, New Jersey, Puerto Rico, and the Virgin Islands.	Federal Records Center, Military Ocean Terminal, Building 22, Bayonne, NJ 07002.
Delaware, Pennsylvania, and U.S. court records for Maryland, Virginia, and West Virginia.	Federal Records Center, 5000 Wissahickon Ave., Philadelphia PA 19144.
North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, Florida, and Kentucky.	Federal Records Center, 1557 St. Joseph Ave., East Point, GA 30044.
Illinois, Wisconsin, Minnesota, and U.S. court records for Indiana, Michigan, and Ohio.	Federal Records Center, 7358 South Pulaski Rd., Chicago, IL 60629.
Indiana, Michigan, and Ohio except for U.S. court records.	Federal Records Center, 3150 Bertwynn Drive, Dayton, OH 45439.
Kansas, Iowa, Nebraska, and Missouri except greater St. Louis area.	Federal Records Center, 2312 East Bannister Rd., Kansas City, MO 64131.
Texas, Oklahoma, Arkansas, Louisiana, and New Mexico.	Federal Records Center, P.O. Box 6216, Forth Worth, TX 76115.
Colorado, Wyoming, Utah, Montana, North Dakota, and South Dakota.	Federal Records Center, Bldg 48, Denver Federal Center, P.O. Box 25307, Denver, CO 80225.
Nevada except Clark County, California except southern California, American Samoa.	Federal Records Center, 1000 Commodore Drive, San Bruno, CA 94066.
Arizona; Clark County, Nevada, and southern California (counties of San Luis Obispo, Kern, San Bernadino, Santa Barbara, Ventura, Orange, Los Angeles, Riverside, Inyo, Imperial, and San Diego).	Federal Records Center, 24000 Avila Road, Laguna Niguel, CA 92677.
Washington, Oregon, Idaho, Alaska, Hawaii, and Pacific Ocean area (except American Samoa).	Federal Records Center, 6125 Sand Point Way, Seattle, WA 98115.

§ 1228.152 [Amended]

20. Section 1228.152(c) is amended by changing the words "in the GSA region" to read "serving the area".

§ 1228.158 [Amended]

21. Section 1228.158 is amended by changing the words "regional National Archives and Records Service" to read "NARA field".

§ 1228.164 [Amended]

22. Section 1228.164 is amended by removing in paragraph (b) the words "GSA Form 3165" and inserting the words "NA Form 1300" and by removing in paragraph (c) the words "GSA Form 3170" and inserting the words "NA Form 1301".

§ 1228.180 [Amended]

23. Section 1228.180 is amended by removing in the second sentence of paragraph (b) the words "the Administrator," and by removing paragraph (c).

24. Section 1228.182 is amended by removing the words "regional archives" whenever they appear in paragraph (b) and inserting the words "National Archives Field Branches"; by adding at the end of paragraph (b)(2)(i) the words ", except for records of agency field offices located in the Washington, DC area"; and by revising paragraph (b)(3)(i), removing paragraph (b)(3)(ii), and redesignating paragraph (b)(3)(iii) as paragraph (b)(3)(ii), to read as follows:

§ 1228.182 Types of records to be transferred.

* * * * *

(b) * * *

(3) * * *

(i) Records of Washington, DC area field offices of Federal agencies and other records relating to the District of Columbia and the Washington, DC area, such as records of the National Capital Planning Commission.

* * * * *

§ 1228.190 [Amended]

25. Section 1228.190 is amended by inserting the word "Legal" before the word "custody" at the beginning of the last sentence of paragraph (a) and at the beginning of the last sentence of paragraph (b).

§ 1228.192 [Amended]

26. Section 1228.192 is amended by inserting the word "legal" before the word "custody" at the beginning of the last sentence of paragraph (a) and in the last sentence of paragraph (b).

27. The table of contents for the newly redesignated Part 1236 is set forth below. All internal references appearing in the newly redesignated part are revised as appropriate.

PART 1236—VITAL RECORDS DURING AN EMERGENCY

Sec.

Authority: 44 U.S.C. 2104(a); Executive Order 11490 of October 28, 1969 as amended (3 CFR 1966–1970 Comp., p. 820.)

§ 1236.1 [Amended]

28. Section 1236.1 is amended by removing "§ 101–11.701" and inserting the word "part".

§ 1236.4 [Amended]

29. Section 1236.4 is amended by revising the title to read "§ 1236.4 Categories of vital records."

§ 1236.6 [Amended]

30. Section 1236.6 is amended by revising the title to read § 1236.6 Vital records storage at Federal records centers." and by removing in paragraph (b) the words ", NARS Regional Commissioner,".

31. The table of contents for the newly redesignated Part 1239 is set forth below. All internal references appearing in the newly redesignated part are revised as appropriate.

PART 1239—PRESERVATION OF RECORDS BY WAR CONTRACTORS

Authority: 18 U.S.C. 443.

32. Table of contents for the newly redesignated Part 1252 is set forth below. All internal references appearing in the newly redesignated part are revised as appropriate.

PART 1252—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES; GENERAL

Authority: 44 U.S.C. 2104(a).

33. In Part 1252, remove the word "part" wherever it occurs, and replace it with the word "subchapter".

§ 1252.2 [Amended]

34. The definitions formerly appearing in 41 CFR 105–61.001–1 through 105–61.001–7 and redesignated into § 1252.2 are arranged in alphabetical sequence after the existing text of § 1252.2 and the definitions of "Director" and "Federal records centers" are revised to read as follows:

§ 1252.2 Definitions.

* * * * *

"Director" means the head of a Presidential library, the head of an Office of the National Archives division, branch, or unit responsible for servicing records, or the head of a Federal center.

"Federal records center" include the Washington National Records Center, National Personnel Records Center, and the Federal Records Centers located at National Archives Centers listed in § 1253.6.

* * * * *

35. The table of contents for the newly redesignated Part 1253 is set forth below. All internal references appearing in the newly redesignated part are revised as appropriate.

PART 1253—LOCATION OF RECORDS AND HOURS OF USE

Authority: 44 U.S.C. 2104(a).

36. § 1253.2 is added to read as follows:

§ 1253.2 Pickett Street facility.

Nixon Presidential materials (see Subchapter F) and holdings of the Cartographic and Architectural Branch are located at the Pickett Street facility, 881 S. Pickett Street, Alexandria, VA. Mailing address: National Archives (NLN) or National Archives (NNSC), Washington, DC 20408. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

§ 1253.6 [Amended]

37. Section 1253.6 is amended by revising the section title, by redesignating paragraphs (d) through (k) as (f) through (m), by adding new paragraph (d), by removing "2306" appearing in newly designated paragraph (h) and inserting "2312", and by removing the words "Federal Archives and Records Center" appearing in newly redesignated paragraphs (i) and (j) and inserting the words "National Archives Center" as follows:

§ 1253.6 National Archives Centers.

* * * * *

(d) National Archives Field Archives Branch: 9th and Market Streets, Room 1350, Philadelphia, PA 19107. Hours: 8 a.m. to 5 p.m., Monday through Friday; 9 a.m. to 1 p.m., first and third Saturdays of the month.

* * * * *

38. The table of contents for the newly redesignated Part 1254 is set forth below. All internal references appearing in the newly redesignated part are revised as appropriate.

PART 1254—AVAILABILITY OF RECORDS AND DONATED HISTORICAL MATERIALS

Subpart A—General

Subpart B—Research Room Rules

Subpart C—Access to Unclassified Records and Donated Historical Materials

Subpart D—Access to National Security Information

Subpart E—Information, Reproduction, and Authentication Services

Authority: 44 U.S.C. 2101–2118.

§ 1254.1 [Amended]

39. Section 1254.1 is amended by revising the title to read "§ 1254.1 General provisions."

37. Section 1254.8 is revised to read as follows:

§ 1254.8 Subpoenas and other legal demands for records transferred to the National Archives and Records Administration.

(a) Access to records transferred to a Federal records center is controlled by the instructions and restrictions imposed on NARA by the Federal agency that transferred the records to the Federal records center. NARA will honor a subpoena duces tecum or other legal demand for the production of these records, to the extent required by law, if the transferring agency has imposed no restrictions. When the transferring agency has imposed restrictions, NARA will notify the authority issuing the subpoena or other legal demand that NARA must abide by the agency-imposed restrictions and will request the authority to pursue the matter directly with the transferring agency.

(b) The Archivist of the United States, the Director of the Legal Services Staff (NSL) or his designee, and the Director of the Federal Records Center in which the records are stored are the only NARA officials authorized to accept a subpoena or other legal demand for records transferred to a Federal records center.

(c) A subpoena duces tecum or other legal demand for the production of records designated as "archives" or "donated historical materials" administered by NARA may be served only on the Archivist of the United States, the Director of the Legal Services Staff (NSL) or his designee, the appropriate Assistant Archivist, Director of a National Archives Field Archives Branch, or Director of a Presidential Library.

§ 1254.30 [Amended]

41. Section 1254.30 is amended by removing in the first sentence of paragraph (a) the word "44 U.S.C. 2104" and inserting the word "44 U.S.C. 2108" and by removing in the fourth sentence the words "and the GSA Business Service Center reading rooms set forth in § 105-60.303."

§ 1254.70 [Amended]

42. Section 1254.70 is amended by removing the words "the Service" wherever they appear, and inserting the word "NARA".

43. The table of contents for the newly redesignated Part 1256 is set forth below. All internal references appearing in the newly redesignated part are revised as appropriate.

PART 1256—RESTRICTIONS ON THE USE OF RECORDS

Authority: 44 U.S.C. 2108.

44. Part 1256 is amended by removing the words "44 U.S.C. 2104" whenever they appear and inserting the words "44 U.S.C. 2108".

§ 1256.1 [Amended]

45. Section 1256.1 is amended by removing in the section title and the text the word "subpart" and inserting the word "part".

46. Section 1256.40 is added to read as follows:

§ 1256.40 Agency-imposed restrictions.

Some records in NARA legal custody are covered by restrictions imposed by the agency of origin that are in conformance with the Freedom of Information Act.

47. The table of contents for the newly redesignated Part 1258 is set forth below. All internal references appearing in the newly redesignated part are revised as appropriate.

PART 1258—FEES

Authority: 44 U.S.C. 2116(c).

§ 1258.1 [Amended]

48. Section 1258.1 is amended in the first sentence by removing the words "44 U.S.C. 2112c" and inserting the words "44 U.S.C. 2116(c)" and by removing the words ", not in excess of 10 percent more than the costs or expenses,".

§ 1258.2 [Amended]

49. Section 1258.2(c)(1) is amended by removing the word "GSA".

50. The table of contents for the newly redesignated Part 1260 is set forth below. All internal references appearing in the newly redesignated part are revised as appropriate.

PART 1260—DECLASSIFICATION OF AND PUBLIC ACCESS TO NATIONAL SECURITY INFORMATION

Authority: 44 U.S.C. 2104(a); Executive Order 12356 of April 2, 1982 (3 CFR 1982 Comp., p. 166).

§ 1260.1 [Amended]

51. The title for §1260.1 is revised to read "§ 1260.1 Scope of part."

§ 1260.2 [Amended]

52. Section 1260.2 is amended by removing in the fourth sentence the word "NARS' " and inserting the word "NARA's".

§ 1260.40 [Amended]

53. The title for § 1260.40 is revised to read "§ 1260.40 Information subject to mandatory review."

54. The table of contents for the newly redesignated Part 1280 is set forth below. All internal references appearing in the newly redesignated part are revised as appropriate.

PART 1280—PUBLIC USE OF FACILITIES

Authority: 44 U.S.C. 2104(a).

§ 1280.1 [Amended]

55. Section 1280.1 is amended by revising the title for § 1280.1 to read "§ 1280.1 General provisions." and by removing the words "Federal records center" and inserting the words "National Archives Center".

§ 1280.10 [Amended]

56. The title for § 1280.10 is revised to read "§ 1280.10 Admittance of visitors to the National Archives Exhibition Hall."

§ 1280.14 [Amended]

57. The title for § 1280.14 is revised to read "§ 1280.14 Artificial lighting in public areas."

§ 1280.18 [Amended]

58. The title for § 1280.18 is revised to read "§ 1280.18 National Archives Theater and conference rooms."

§ 1280.20 [Amended]

59. The title for § 1280.20 is revised to read "§ 1280.20 Application for outside use of National Archives Theater and conference rooms."

§ 1280.60 [Amended]

60. Section 1280.60 is amended by adding the section title to read "§ 1280.60 Use of conference rooms" and by removing in the first sentence the words "Federal records center" and inserting the words "National Archives Center".

§ 1280.62 [Amended]

61. Section 1280.62 is amended by adding the section title to read "§ 1280.62 Restrictions on use."

62. In Chapter XII, remove the words "Administrator of General Services" whenever they appear and insert the words "Archivist of the United States".

63. In Chapter XII, remove the word "Administrator" whenever it appears and insert the word "Archivist".

64. In Chapter XII, remove the words "National Archives and Records Service" whenever they appear and insert the words "National Archives and Records Administration".

65. Except in §§ 1254.52(a)(6)(iv) and 1260.44(d), remove the words "General Services Administration" whenever they appear in Chapter XII and insert the words "National Archives".

66. Except in §§ 1228.188(c) and the note to § 1288.222(b)(11), remove the word "GSA" and the word "NARS" whenever they appear in Chapter XII and insert the word "NARA".

67. In Chapter XII, remove the words "Part 101-11" whenever they appear and insert the words "Subchapter B".

68. In Chapter XII, remove the words "Part 105-61" whenever they appear and insert the words "Subchapter C".

69. In Chapter XII, remove the words "Subpart 101-20.3" whenever they appear and insert the words "41 CFR 101-20.3".

70. In Chapter XII, remove the words "Subpart 101-20.7" whenever they appear and insert the words "41 CFR 101-20.7".

Title 41—[Amended]

71. The following sections are removed from 41 CFR Parts 101-11, 105-61, and 105-65:

Section 101-11.701
Section 101-11.701-2
Section 105-61.000
Section 105-61.000-2
Section 105-61.106
Section 105-61.108
Section 105-61.108-2
Section 105-61.109
Section 105-61.201
Section 105-61.5100
Section 105-61.5101-6(a)
Section 105-65.103
Section 105-65.104
Section 105-65.203
Section 105-65.302.

Dated: March 27, 1985.

Robert M. Warner,
Archivist of the United States.

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