

RESOLUTION OF THE GOVERING BODY OF
THE THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD RESERVATION

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, the Constitution and Bylaws of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities for the welfare and benefit of the tribes and tribal members; and

WHEREAS, in accordance with 41 CFR 29-70.103 the Department of Labor adopted the following maximum limitations on rates chargeable to travel and transportation effective April 20, 1980:

- a) Per diem rate now set at average lodging plus \$16 for meals and incidentals all of which cannot exceed \$35/per day;
- b) privately owned vehicles used will be paid a maximum of 20¢ per mile if the use is advantageous to the government;
- c) travel to and from cities designated high rate geographical areas should be an actual subsistence expense and should be reimbursed for the actual and necessary subsistence expenses incurred, not to exceed the maximum rate specified. These rates are not to be construed as per diem rates.

WHEREAS, the local DINAP program desires to adopt forementioned changes to federal travel regulations; and

THEREFORE BE IT RESOLVED, that the Three Affiliated Tribes' Tribal Business Council hereby approves the Division of Indian and Native American Program's (DINAP) request to adopt said changes to federal travel regulations in accordance with 41 CFR 29-70.103.

C E R T I F I C A T I O N

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 11 members of whom 7 constitutes a quorum, 10 were present at a Regular Meeting, thereof duly called, noticed, convened and held on the 14th day of August, 1980; that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 8 members, 0 members opposed, 1 members abstained, 0 members passed and that said resolution has not been rescinded or amended in any way. Chair voting / not voting.

Dated this 14th day of August, 1980.


SECRETARY,


TRIBAL BUSINESS COUNCIL

ATTEST:

CHAIRMAN


TRIBAL BUSINESS COUNCIL

THREE AFFILIATED TRIBES



(701)627-4757

(701)627-4756

Division of Indian and Native American Programs (DINAP)
Box 597
New Town, N. Dak. 58763

MEMORANDUM

To: Tillie Walker, Secretary, Tribal Council

From: Leo Cummings *LC*

Subject: Changes To Federal Travel Regulations

Date: August 12, 1980

Attached you will find DINAP Bulletin NO. 80-26, Transmitting changes to travel regulations effective April 20, 1980.

The rate changes are as follows:

- A. Per diem rate set at average lodging, plus \$16.00 for meals and incidentals; All of which cannot exceed \$35.00 per day.
- B. From 18.5 to 20¢ per mile for privately owned vehicles.
- C. High rate areas should be actual subsistence expenses, not to exceed maximum rate specified.

Finance will not honor these directives until the Tribal Council can paper a resolution to the effect. Could you please look into this for me as I would like to pay the 20¢ for mileage as soon as possible.

TAKE TO TRIBAL COUNCIL

U.S. Department of Labor

Employment and Training Administration
601 D Street, N.W.
Washington, D.C. 20213

RECEIVED

MAY 27 1980

THREE AFFILIATED TRIBES



May 15, 1980

DINAP BULLETIN NO. 80-26

SUBJECT: Changes to Federal Travel Regulations

TO: All Native American Grantees

1. Purpose: To transmit changes to Federal travel regulations that became effective April 20, 1980, and to restate DINAP travel policy.

2. References: Federal Property Management Regulations (FPMR) 101-7, Regulation A-11, Supplement 9, DINAP Bulletin 79-27, transmitting FMC 74-4 (amended), 41 CFR 29-70.103, 20 CFR 688.129, 20 CFR 688.43(f).

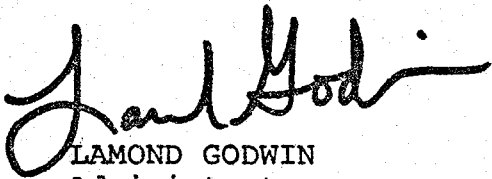
3. Background: The latest changes in the Federal travel regulations are (1) an increase in the mileage reimbursement rate for use of privately owned vehicle (POV) to 20 cents per mile, (2) new or revised high rate geographical areas (HRGA's), (3) amended first-class air travel provisions and (4) additional criteria for authorizing actual expense reimbursement, (5) guidelines for agency submission of HRGA requests. These changes in the Federal travel regulations should be noted and applied as guides in prudent management of program funds and in the prevention of program fraud and abuse (20 CFR 688.129).

4. Directive: In keeping with the spirit and intent of regulations at 41 CFR 29-70.103, which state in part "... the DOL agency ... shall allow only those costs permitted under the costs principles which are reasonable, allocable, necessary to achieve approved program goals, and which are in accordance with DOL agency policy ...," the following maximum limitations on rates chargeable to travel and transportation should be applied:

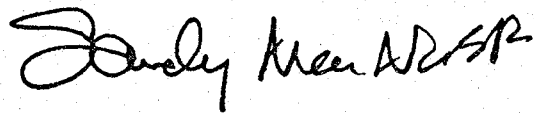
- a. Per diem rate now set at average lodging plus \$16 for meals and incidentals, all of which cannot exceed \$35 per day.
- b. Privately owned vehicles used will be paid a maximum of 20 cents per mile if the use is advantageous to the Government.

- c. Travel to and from cities designated high rate geographical areas (attached FPMR) should be an actual subsistence expense and should be reimbursed for the actual and necessary subsistence expenses incurred, not to exceed the maximum rate specified. (Note: These rates are not to be construed as per diem rates.)

5. Expiration Date: Continuing
6. Recissions: DINAP Bulletin 79-41 and 79-29.
7. Inquiries: Questions should be directed to your Division of Indian and Native American Programs Federal Representative.



LAMOND GODWIN
Administrator
Office of National Programs



ALEXANDER S. MACNABB
Director
Division of Indian and
Native American Programs

Attachment

§ 3.852 Institutional awards.

(b) In an institutional award of pension, compensation or retirement pay there may be paid to the chief officer of a non-Veterans Administration institution on behalf of the veteran an amount not in excess of \$60 per month. An institutional award of disability pension will not exceed \$25 per month if the award is apportionable under § 3.454(a). (38 U.S.C. 210(c))

[FR Doc. 80-12421 Filed 4-22-80; 8:45 am]

BILLING CODE 5320-01-M

GENERAL SERVICES ADMINISTRATION

Transportation and Public Utilities Service

41 CFR Ch. 101

[FPMR Temp. Reg. A-11, Supp. 9]

Changes To Federal Travel Regulations

AGENCY: Transportation and Public
Utilities Service, General Services
Administration.

ACTION: Temporary regulation

SUMMARY: This regulation amends the Federal Travel Regulations to (a) increase the mileage reimbursement rate for use of a privately owned automobile under certain circumstances, (b) designate new high rate geographical areas HRGA's and increase maximum rates and/or redefine boundaries of certain existing HRGA's, (c) amend the first-class air travel provisions, (d) provide additional criteria for authorizing actual expenses reimbursement for travel involving unusual circumstances of a travel assignment, (e) provide guidelines for agency submission of HRGA requests, and (f) revise the term "Canal Zone" to read, "areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements."

DATES: Effective date: The provisions of attachment A to Supplement 9 are effective for travel performed on or after April 20, 1980, except that the effective date for amendments resulting from the Panama Canal Act of 1979 is retroactive to October 1, 1979.

Expiration date: The provisions of attachment A to Supplement 9 expire December 31, 1980, unless superseded or canceled.

Effective 4/20/80:

- POA 20¢ per mile
- Designating new HRGA's

FOR FURTHER INFORMATION CONTACT

Mrs. Phyllis Hickman or Mr. Larry Tucker, Federal Travel Management Division (202-275-8144).

SUPPLEMENTARY INFORMATION: The General Services Administration is required by the Travel Expense Amendments Act of 1975 (Pub. L. 94-22, May 19, 1975) to conduct periodic investigations of the cost of travel and the operation of privately owned vehicles to employees traveling on official business and to report to the Congress the results of these investigations. GSA has submitted the results of its latest investigations to the Congress indicating that the governing regulations would be amended within 30 days.

Section 1231(d) of the Panama Canal Act of 1979 (Pub. L. 96-70, September 27, 1979, 93 Stat. 452) amended 5 U.S.C. 5724a(3) and (4). The Federal Travel Regulations are amended accordingly with regard to entitlements to temporary quarters and residence transactions with an effective date of October 1, 1979.

The provisions in the FTR governing the use of first-class air travel are amended to (1) allow agency heads to delegate the authority to authorize or approve the use of first-class air travel under appropriate written guidelines to the designee, (2) include provisions for authorization or approval of the use of first-class air travel when it can be shown that the use would result in an economic advantage to the Government, and (3) amend the semiannual reporting requirements for security-type travel. The FTR are also amended to provide an additional example of travel assignments that would qualify under criteria for unusual circumstances of a travel assignment and to provide procedural guidelines for submission of agency requests for HRGA's and the type of data required to support the HRGA request.

Mr. Allan W. Beres, Commissioner, Transportation and Public Utilities Service, General Services Administration, has determined that in view of the statutory requirements of Pub. L. 94-22 and the March 24, 1980, Report to the Congress, it is impossible to comply with all of the requirements of Executive Order 12044 of March 23, 1978. However, GSA has complied with E.O. 12044 to the extent possible within the time limitation stated herein. It has been further determined that since other changes promulgated by this regulation are based primarily on agency recommendations pertinent to previous amendments to the FTR, the intent of EO 12044 has been complied with. Further delay in the implementation of

these amendments would, in some instances, cause undue financial hardships to employees on official travel. Supplement 3 to FPMR Temporary Regulation A-11 (43 FR 10442, March 13, 1978), is canceled and deleted from the appendix at the end of Subchapter A. (4 U.S.C. 5707; Sec. 205(c), 63 Stat. 390; 49 U.S.C. 488(c))

In 41 CFR Chapter 101, this temporary regulation is listed in the appendix at the end of Subchapter A.

Federal Property Management Regulations Temporary Regulation A-11; Supplement 3 April 21, 1980.

To: Heads of Federal agencies.

Subject: Changes to Federal Travel Regulations.

1. Purpose. This supplement further amends FPMR 101-7, Federal Travel Regulations (FTR), as amended by FPMR Temporary Regulation A-11 and Supplements 4, 5, and 6 thereto, to (a) increase the mileage reimbursement rate for use of a privately owned automobile under certain circumstances, (b) designate new high rate geographical areas (HRGA's) and increase rates and/or redefine boundaries of certain existing HRGA's, (c) amend the first-class air travel provisions, (d) provide additional criteria for authorizing actual expense reimbursement for travel involving unusual circumstances of a travel assignment, (e) provide guidelines for agency submission of HRGA requests, (f) change terminology resulting from the Panama Canal Act of 1979, and (g) extend the expiration date of FPMR Temporary Regulation A-11 and Supplements 4 and 6 thereto.

2. Effective date. The provisions of attachment A to this supplement are effective for travel performed on or after April 20, 1980, except that the effective date for amendments resulting from the Panama Canal Act of 1979 is retroactive to October 1, 1979.

3. Expiration date. This regulation expires on December 31, 1980, unless sooner superseded or canceled.

4. Background. a. The Travel Expense Amendments Act of 1975 (Pub. L. 94-22, May 19, 1975) authorizes the Administrator of General Services to issue regulations prescribing, within statutory limits, mileage allowance rates as well as the maximum reimbursement for actual subsistence expense travel in designated high rate geographical areas (HRGA's). GSA is required to periodically investigate the cost of employee travel and the cost of operating privately owned vehicles on official travel and report the results of these investigations to the Congress. GSA submitted the results of the latest investigations to the Congress on March 24, 1980, indicating that the governing regulations would be amended within 30 days to reflect an increased mileage allowance for the use of privately owned automobiles, additional HRGA's and increased rates in certain existing HRGA's.

b. The FTR were amended effective April 1, 1978, to emphasize the Government policy that Federal employees would, with limited exceptions, use less-than-first-class

accommodations for all modes of transportation during official travel. Since implementation of the restrictions on the use of first-class air travel, various agencies have recommended that (1) the authority for authorizing or approving the use of first-class air travel should be at a level lower than the agency head or his or her deputy; (2) additional justification should be added to authorize the use of first-class air travel when the use would result in the avoidance of additional subsistence costs, lost worktime, overtime, etc., which would be incurred by waiting for the availability of less-than-first-class accommodations; and (3) the reporting requirements for security-type travel should be amended. On the basis of these recommendations and an analysis of the reports on the use of first-class air travel, the governing provisions are being amended accordingly.

c. Section 1231(d) of the Panama Canal Act of 1979 (Pub. L. 96-70, September 27, 1979, 93 Stat. 452) amended the pertinent sections of title 5 United States Code, which authorize certain allowances for temporary quarters and residence transactions (5 U.S.C. 5724a(a)(3) and (4)). These sections have been amended by deleting the term "Canal Zone" and inserting instead the words "areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979)." Section 3(a) states "(2) references to the Panama Canal Treaty of 1977 and related agreements refer to the Panama Canal Treaty of 1977, the agreements relating to the and implementing that Treaty, signed September 7, 1977, and the Agreement Between the United States of America and the Republic of Panama Concerning Air Traffic Control and Related Services, concluded January 8, 1979."

d. Even though, under the terms of the Panama Canal Treaty of 1977, the former Canal Zone area has reverted to the Republic of Panama (a foreign area), there is no change in the temporary quarters and residence transaction entitlements for those U.S. Government employees who are transferred to or from those "areas and installations in the Republic of Panama made available to the United States. . . ." Agencies are cautioned, however, that each transfer assignment to or from the Republic of Panama should be reviewed individually to determine whether the transfer is in fact to or from one of the "areas and installations. . . made available to the United States. . . ." pursuant to the Treaty. Additional information can be found in the following Selected Documents published by the Department of State's Bureau of Public Affairs, Office of Media Services: No. 8—Texts to Treaties Relating to the Panama Canal, No. 8B—Documents associated with the Panama Canal Treaties (GPO: 1977 O-249-33). (Annex A lists "areas and installations. . . made available to the U.S."). No. 8C—The meaning of the New Panama Canal Treaties.

e. Comments received regarding high rate geographical area (HRGA) designations and related boundary definitions indicate that when temporary duty points are located

outside but adjacent to an HRGA, employees sometimes forced to incur lodging expenses similar to those experienced within an HRGA or, because of the unavailability of lodging facilities near the temporary duty point, employees necessarily obtain lodging within the HRGA. To remedy this situation, the FTR are being amended to provide agencies with discretionary authority to allow actual expense reimbursement for these travel assignments under the provisions governing "unusual circumstances." In addition, because of the need to request additional subsistence cost data from agencies in the designation of HRGA's, guidelines are added to inform agencies how HRGA requests should be submitted and what information is required to support the request.

5. *Explanation of changes.* The provisions of attachment A to this supplement amend the FTR, as amended by FPMR Temporary Regulation A-11 and supplements thereto, for the reasons given below.

a. Paragraphs 1-1.3c(6) and 1-3.3c are republished from Supplement 5 without change.

b. Paragraph 1-3.3d is revised to (1) authorize the heads of agencies to delegate the authority to authorize or approve first-class air travel; (2) include provisions to allow authorization or approval of the use of first-class air accommodations when it can be shown that this use would result in an economic advantage to the Government; and (3) amend semiannual reporting requirements when travel is required to be performed confidentially or when disclosure of the employee's identity would jeopardize the agency mission.

c. Paragraph 1-3.4a is republished from Supplement 5 as a reserved paragraph without change.

d. Paragraphs 1-4.2a(2) and 1-4.2c(1) and (2) are revised to implement an increase in the reimbursement mileage rate for the use of privately owned automobiles in certain circumstances.

e. Paragraph 1-8.1c(3)(d) is added to provide agencies with discretionary authority to authorize or approve actual expense reimbursement due to unusual circumstances when the temporary duty assignment is outside but adjacent to an HRGA and lodging expenses are the same or similar to those experienced in the HRGA if otherwise justified.

f. Paragraph 1-8.6 is revised to designate additional HRGA's and to increase the maximum actual subsistence expense rate or refine the boundaries of certain existing HRGA's. Because of the numerous HRGA's now designated, the listing is revised from an alphabetical city listing to a listing by State with HRGA's listed alphabetically under each State to provide an easier review of the listing. When an HRGA consists of one or more counties, a city is usually shown as a key point in the HRGA. When an HRGA consists of two or more States, the appropriate counties are listed under the respective States with a cross reference to the key point. For example, see the Washington, DC area which spans Maryland, Virginia, and District of Columbia.

g. Paragraph 1-8.7 is added to provide a procedure by which agencies can request

GSA to designate HRGA's and the type of data required to support the request.

h. Paragraph 1-11.6b(8) and (9) are republished from Supplement 5 without change.

1. Paragraphs 2-5.2a and 2-6.1a are amended to delete the term "Canal Zone" and reflect the new terminology authorized by the Panama Canal Act of 1979 (Pub. L. 96-70, September 27, 1979). No change in entitlements is intended for those employees transferring to or from those "areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977"

6. *Effect on other directives.* Supplements 4, 8, and 9 to FPMR Temporary Regulation A-11 contain all current amendments to the Federal Travel Regulations. (Supplement 9 contains a complete current list of designated HRGA's.) Amendments remaining in Supplement 5 that have not been previously modified or superseded have been carried forward, modified in some cases, and included in this Supplement 9. Therefore, Supplement 5 is canceled. The expiration date for FPMR Temp. Reg. A-11 and its Supplements 4 and 8 is extended to December 31, 1980.

Ray Kline,
Acting Administrator of General Services.

Changes to Federal Travel Regulations, FPMR 101-7

1. Paragraph 1-1.3c(6) is republished without change as follows:

1-1.3. General rules.

c.
(6) *Employee.* As used in this chapter, "employee" means the head of an agency, an agency official, or any other individual employed in or under an agency. This definition also includes an individual employed intermittently in the Government service as an expert or consultant and paid on a daily when-actually-employed (WAE) basis and an individual serving without pay or at \$1 a year (5 U.S.C. 5701(2)).

2. Paragraph 1-3.3c is republished without change, and paragraph 1-3.3d is revised to read as follows:

1-3.3. Travel policy, class of service authorized, and reports.

a.
c. *Steamer accommodations.* The minimum first-class accommodation will be allowed when a stateroom is included in the cost of passage or is a separate charge. Higher cost accommodations may be allowed upon certification by the employee on the travel voucher that lowest first-class accommodations were not available or that use of higher cost accommodations were authorized or approved by the

head of the agency concerned, or his designee, as being required for security purposes. (See 1-3.6a for use of U.S.-flag ships.) The travel order or other administrative determination may, however, specify the use of an accommodation less costly than the minimum first-class accommodations when suitable for a particular voyage. The term "minimum first-class accommodation" as used in this paragraph means one which provides direct access from within the stateroom to a washbasin, shower or bath, and toilet.

d. Airline accommodations.

(1) *Policy.* It is the policy of the Government that employees who use commercial air carriers for domestic and international travel on official business shall use less-than-first-class accommodations. (See 1-3.6b for use of U.S.-flag air carriers.) Only limited exceptions to this policy may be permitted as set forth in 1-3.3d(3), below.

(2) *Authorization and approval of the use of first-class air accommodations.*

(a) *Authorization or approval.* Heads of agencies may authorize or approve the use of first-class air accommodations under criteria provided herein. As used in this 1-3.3d, "agency head" means the Secretary, Attorney General, Administrator, Governor, Chairman, or chief official by any other title of an executive agency, as defined in 5 U.S.C. 105, an agency in the legislative branch of the Government, or the Government of the District of Columbia. For ease of administration, heads of agencies may delegate, with provisions for limited redelegation, authority to authorize or approve first-class air travel under provisions of 1-3.3d provided that appropriate guidelines in the form of regulations or other written instructions are furnished to the designee. The delegation or redelegation of authority to authorize or approve first-class air travel under provisions of 1-3.3d(3)(a) shall be held to as high an administrative level as practical to ensure adequate consideration and review of the circumstances requiring the need for first-class air accommodations.

(b) *Requirements.* Authorization for the use of first-class air accommodations shall be made in advance of the actual travel unless extenuating circumstances or emergency situations make advance authorization impossible. If advance authorization cannot be obtained, the employee shall obtain written approval from the agency head, or his or her deputy, or other designee at the earliest possible time.

employee responsibility and accountability. The employee shall certify on the travel voucher the reasons for the use of first-class air accommodations. Specific authorization or approval shall be attached to, or stated on, the travel voucher and retained for the record. In the absence of specific authorization or approval, the employee shall be responsible for all additional costs resulting from the use of first-class air accommodations. The additional costs shall be the difference between the first-class accommodations used and the next lower class below first-class.

(3) Use of first-class air accommodations. Circumstances justifying the use of first-class air accommodations are limited to those listed in (a) and (b), below.

(a) Employee certification required. First-class accommodations may be used when regularly scheduled flights between the authorized origin and destination points (including connection points) provide only first-class accommodations, and the employee certifies this circumstance on the travel voucher. Note—The use of first class accommodations in this instance need not be reported under the provisions of (4), below.

Agency authority or approval required. The agency head (as defined in 1-3.3d(2)(a)), or his or her designee, may authorize or approve the use of first-class accommodations when:

(i) Space is not available in less-than-first-class accommodations on any scheduled flight in time to accomplish the purpose of the official travel, which is so urgent that it cannot be postponed;

(ii) First-class accommodations are necessary because the employee is so handicapped or otherwise physically impaired that other accommodations cannot be used, and this condition is substantiated by competent medical authority;

(iii) First-class accommodations are required for security purposes or because exceptional circumstances, as determined by the agency head (or his or her designee), make their use essential to the successful performance of an agency mission;

(iv) Less-than-first-class accommodations on foreign carriers do not provide adequate sanitation or health standards; or

(v) The use of first-class accommodations would result in an savings to the Government

on economic considerations, such as avoidance of additional subsistence costs, overtime, or lost productive time that would be incurred

while awaiting availability of less-than-first-class accommodations.

(4) First-class accommodations report. Heads of agencies shall submit semiannual reports on the use of first-class air accommodations to the Administrator of General Services (A), Washington, D.C. 20405, within 60 calendar days after the periods ending September 30 and March 31 of each fiscal year. Negative reports are required. Interagency Report Control Number 0167-GSA-SA has been assigned to this report in accordance with FPMR 101-11.11. The reports shall indicate the total number of employees whose use of first-class air accommodations was authorized or approved, the total additional cost to the Government, and the information listed in (a) through (d), below, for each trip in the order shown below. Information on the use of first-class air travel for security purposes essential to the successful performance of the agency's mission need be shown only by the total number of employees, the total number of trips, and total the additional costs incurred.

(a) Name, grade, and position or title of each employee whose use of first-class air accommodations was authorized or approved;

(b) Origin and destination or segments of trip on which first-class accommodations were used;

(c) Additional cost to the Government resulting from the difference between the first-class accommodations used and the next lower class accommodations below first-class; and

(d) Explanation of the circumstances justifying the use of the first-class air accommodations, the name and title of the authorizing or approving official, and, if a foreign air carrier were used, the name of the carrier.

3. Paragraph 1-3.4a is reserved without change as follows:

1-3.4. Special fares.

a. Reserved.

4. Paragraphs 1-4.2a(2) and 1-4.2c (1) and (2) are revised to read as follows:

1-4.2. When use of a privately owned conveyance is advantageous to the Government.

(2) For use of a privately owned automobile: 20 cents per mile.

(1) Round trip when in lieu of taxicab to carrier terminals. In lieu of the use of a taxicab under 1.2.3c, payment on a mileage basis at the rate of 20 cents per

mile and other allowable costs as set forth in 1-4.1c shall be allowed for the round trip mileage of a privately owned automobile used by an employee going from either the employee's home or place of business to a terminal or from a terminal to either the employee's home or place of business. However, the amount of reimbursement for the round trip shall not in either instance exceed the taxicab fare, including tip, allowable under 1-2.3c for a one-way trip between the applicable points.

(2) Round trip when in lieu of taxicab between residence and office on day of travel. In lieu of the use of a taxicab under 1-2.3d, payment on a mileage basis at the rate of 20 cents per mile and other allowable costs as set forth in 1-4.1c shall be allowed for round trip mileage of a privately owned automobile used by an employee going from the employee's residence to the employee's place of business or returning from place of business to residence on a day travel is performed. However, the amount of reimbursement for the round trip shall not in either instance exceed the taxicab fare, including tip, allowable under 1-2.3d for a one-way trip between the points involved.

5. Paragraph 1-8.1c(3) is amended by adding subparagraph (d) as follows:

1-8.1. Authorization or approval.

(3) Travel which involves unusual circumstances may include, but is not limited to, the following situations:

(d) The temporary duty point is located in an area adjacent to a designated HRGA and the subsistence costs at available facilities are commensurate with those in the HRGA or the employee must of necessity obtain lodging in the HRGA.

6. Paragraph 1-8.8 is revised to read as follows:

1-8.8. Designated high-rate geographical areas (HRGA's). Under the provisions of 1-8.1b and 1-8.2a(1), for temporary duty travel to or within the cities designated as high-rate geographical areas below, a traveler shall automatically be placed in an actual subsistence expense status and shall be reimbursed for the actual and necessary subsistence expenses incurred, not to exceed the maximum rate prescribed for the particular geographical area involved. (Note—These rates are not to be construed as per diem rates.)

Designated HRGA's ¹

	Prescribed maximum daily rates
Alabama	
Birmingham	843
Huntsville	43
Arizona	
Phoenix/Scottsdale (all locations within the corporate limits of Phoenix and Scottsdale, including Humboldt Mountain Air Force Station)	48
Tucson (all locations within the corporate limits of Tucson, including Davis Monthan AFB)	50
Arkansas Little Rock	42
California	
Fresno	48
Los Angeles (all locations within Los Angeles Orange, and Ventura Counties, including Edwards AFB)	50
Monterey (all locations within Monterey County)	47
Palm Springs (all locations within Riverside County)	50
Sacramento (all locations within Sacramento County)	50
San Bernardino (all locations within San Bernardino County)	50
San Diego (all locations within San Diego County)	50
San Francisco/Oakland (all locations within San Francisco, Alameda, and Contra Costa Counties)	50
San Jose (all locations within Santa Clara County)	50
San Mateo (all locations within San Mateo County)	47
Santa Barbara (all locations within Santa Barbara County)	50
Santa Cruz	50
Colorado	
Boulder (all locations within Boulder County)	48
Denver (all locations within Denver, Adams, Arapahoe, and Jefferson Counties)	50
Vail	50
Connecticut	
Bridgeport (all locations within Fairfield County)	50
Groton	50
Hartford (all locations within Hartford County)	50
New Haven	50
New London	50
Delaware	
Wilmington	50
District of Columbia, Washington, DC, area (all locations within the corporate limits of the District of Columbia, the cities of Alexandria, Falls Church, and Fairfax, and the Counties of Arlington, Loudoun, and Fairfax in Virginia, and the counties of Montgomery and Prince Georges in Maryland) (See also Maryland and Virginia)	50
Florida	
FL Meyers (all locations within Lee County)	50
FL Walton Beach (all locations within Okaloosa County)	50
Gainesville	44
Jacksonville (all locations within the corporate limits of Jacksonville, including Naval Station Mayport)	44
Miami (all locations within Dade, Broward, Palm Beach, and Monroe Counties)	50
Orlando	47
Panama City (all locations within Bay County)	50
Pensacola (all locations within Escambia and Santa Rosa Counties)	43
Tampa/St. Petersburg (all locations within Hillsborough and Pinellas Counties)	50
Georgia	
Albany	40
Atlanta	50
Idaho Boise	48
Illinois	
Chicago (all locations within Lake and Cook Counties)	50
Rockford	40
Springfield	68
Indiana	
Fort Wayne	50

Designated HRGA's ¹ - Continued

	Prescribed maximum daily rates
Indianapolis (all locations within the corporate limits of Indianapolis, including Fort Benjamin Harrison)	50
Iowa: Des Moines	46
Kansas	
Kansas City (See also Kansas City, MO) Wichita	50
Kentucky	
Covington	48
Lexington-Fayette (all locations within Lexington-Fayette Urban County)	50
Louisville	49
Louisiana	
Baton Rouge	49
New Orleans (all locations within Jefferson, Orleans, Plaquemines, and St. Bernard Parishes)	50
Maine	
Bath	47
Brunswick	47
Kittery (all locations within the corporate limits of Kittery, including the Portsmouth Naval Shipyard) (See also Portsmouth, NH)	50
Portland	47
Topeham	47
Maryland	
Annapolis (all loc. ons within Anne Arundel County)	50
Baltimore (all locations within Baltimore City and Baltimore County)	50
Montgomery County (See Washington, DC, area)	50
Prince Georges County (See Washington, DC, area)	50
Massachusetts	
Boston (all locations within the counties of Middlesex, Norfolk, and Suffolk)	50
Pittsfield	50
Springfield	47
Worcester	50
Michigan	
Ann Arbor (all locations within Washtenaw County)	50
Detroit (all locations within Wayne County)	50
Kalamazoo	48
Marquette	42
Warren (all locations within Macomb County)	43
Minnesota Minneapolis/St. Paul (all locations within Anoka, Hennepin, and Ramsey Counties, including the Fort Snelling Military Reservation)	50
Mississippi	
Gulfport (all locations within Harrison County)	44
Jackson	44
Missouri	
Kansas City (See also Kansas City, KS) Springfield	50
St. Louis (all locations within St. Louis and St. Charles Counties)	42
Montana Great Falls	50
Nebraska Omaha	41
Nevada	
Carson City	45
Las Vegas (all locations within the corporate limits of Las Vegas, including Nellis AFB)	50
Reno	50
Sparks	50
New Hampshire	
Manchester	47
Portsmouth/Newington (all locations within the corporate limits of Portsmouth and Newington, including Pease AFB) (See also Kittery, ME)	50
New Jersey	
Camden	50
Dover (all locations within the corporate limits of Dover, including Picatinny Arsenal)	49
Easton/Lebanon (all locations within the corporate limits of Easton/Lebanon, including Fort Monmouth)	50
Edison	50
Newark (all locations within Bergen, Essex, Hudson, Passaic, and Union Counties)	50
Princeton	48

Designated HRGA's ¹ - Continued

	Prescribed maximum daily rates
New Mexico	
Albuquerque (all locations within Bernalillo County)	49
Los Alamos	50
Santa Fe	49
New York	
Albany (all locations within Albany County)	50
Buffalo/Megara Falls	50
Lake Placid	50
New York (all locations within the Boroughs of the Bronx, Brooklyn, Manhattan, Queens and Staten Island and the counties of Nassau and Suffolk)	50
Rochester	50
Syracuse	50
West Point Military Reservation, West Point	40
North Carolina	
Asheville	47
Charlotte	45
Raleigh	42
Ohio	
Akron	48
Cincinnati	50
Cleveland	50
Columbus (all locations within Franklin County)	50
Dayton (all locations within Montgomery County, including Wright-Patterson AFB)	48
Evansdale	50
Toledo	47
Oklahoma	
Oklahoma City	43
Tulsa	50
Oregon Portland	50
Pennsylvania	
Fort Washington	50
Harrisburg	50
Mechanicsburg (all locations within Cumberland County)	45
Monroeville	50
Philadelphia/Bala Cynwyd	50
Pittsburgh	50
Valley Forge/King of Prussia	50
York	45
Rhode Island	
Newport	50
Providence	50
South Carolina Charleston (all locations within Charleston and Berkeley Counties)	49
South Dakota Sioux Falls	43
Tennessee	
Memphis	49
Nashville	45
Texas	
Amarillo	44
Austin	50
Beaumont	50
Dallas/Fort Worth (all locations within Dallas and Tarrant Counties)	50
El Paso	47
Houston (all locations within the corporate limits of Houston, including the L. B. Johnson Space Center and Ellington AFB)	50
San Antonio	47
Utah: Salt Lake City (all locations within the corporate limits of Salt Lake City, including Dugway Proving Ground)	49
Vermont Burlington (all locations within the corporate limits of Burlington, South Burlington, and Essex Junction)	48
Virginia	
Alexandria (See Washington, DC, area)	50
Ferfax (See Washington, DC, area)	50
Falls Church (See Washington, DC, area)	50
Norfolk area (all locations within the cities of Norfolk, Virginia Beach, Portsmouth, Hampton, Newport News, and Chesapeake, VA, and the county of York, including the Naval Weapons Station, Yorktown, VA)	47
Petersburg (all locations within the corporate limits of Petersburg and the counties of Dinwiddie and Prince George including Fort Lee, VA)	43
Richmond (all locations within the city of Richmond and the counties of Chesterfield and Henrico, including the Defense General Supply Center)	44
Rosemead	50
Williamsburg	50

Designated HRGA's - Continued

	Prescribed maximum daily rates
Aringon County (See Washington, DC, area)	80
Fairfax County (See Washington, DC, area)	80
Loudoun County (See Washington, DC, area)	80
Washington	
Seattle (all locations within King County)	80
Spokane	80
West Virginia Charleston	80
Wisconsin	
Madison	47
Minneapolis	80
Wyoming	
Casper	24
Cheyenne	80

* The HRGA boundary is defined as "all locations within the corporate limits or entirely surrounded by the boundaries thereof, including independent entries located within the boundaries" unless otherwise specified.
 * HRGA's with county definitions shall include "all locations entirely surrounded by the boundaries thereof, including independent entries located within the boundaries."
 * Newly designated HRGA.
 * Increased maximum rate or redefined boundary for previously designated HRGA.

7. Paragraph 1-8.7 is added as follows:

- 1-8.7. Request for designation of HRGA's.** a. On the basis of a determination that the maximum per diem rate is inadequate for travel to a specific city or area, agencies may submit a request to GSA for review and designation of the location as an HRGA. These requests shall be submitted through or by the agency headquarters office to the General Services Administration (TT), Washington, DC 20406, for approval and designation, if justified.
- b. The requests for designation of an HRGA may be for a new HRGA or increased rates and/or expansion of an existing HRGA and shall include the following information and cost data:
- (1) Lodging costs for a wide range of hotel/motel facilities within proximity of the temporary duty point location(s). (Hotel/motel brochures will suffice);
 - (2) Meal costs for breakfast, lunch, and dinner for several eating facilities in the area. (Restaurant menus are preferred, if available);
 - (3) Number of agency travelers and frequency of the travel to the particular area;
 - (4) Type or purpose of travel (inspections, conduct investigations or audits, visit to contractor facilities, training, administrative travel; e.g., conferences or meetings; etc.);
 - (5) Name and location of activity visited (Government and non-Government). Also show other Federal activities located in or near the area that is being requested for designation as an HRGA; and
 - (6) Recommended boundary line (city, corporate limits, county, etc.) and maximum rate.

8. Paragraphs 1-11.6b (8) and (9) are republished without change as follows:

- 1-11.6. Administrative approvals.**
- b. . . .
 - (8) Use of accommodations superior to those authorized (1-3.3).
 - (9) Use of extra-fare trains (1-3.3b(3)).

9. Paragraph 2-5.2a is revised to read as follows:

2-5.2. Conditions and limitations for eligibility. a. Length of time allowed and location of new official station. Subsistence expenses of the employee for whom a permanent change of station is authorized or approved and each member of his or her immediate family (defined in 2-1.4d) shall be allowed for a period of not more than 30 consecutive days while the employee and family necessarily occupy temporary quarters and the new official station is located in the 50 States, the District of Columbia, United States territories and possessions, the Commonwealth of Puerto Rico, and the areas and installations in the Republic of Panama made available to the United States under the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979); provided a written agreement as required in 2-1.5a(1) is signed in connection with the transfer. The period of consecutive days may be interrupted for the time that is allowed for travel between the old and new official stations or for circumstances attributable to official necessity; for example, an intervening temporary duty assignment. The 30-day limitation applies when employees transfer from official stations located in foreign countries to official stations in the United States; however, when temporary lodgings are obtained in a foreign area, the employee may be eligible for an allowance under the Standardized Regulations (Government Civilians, Foreign Areas).

10. Paragraph 2-6.1a is revised to read as follows:

2-6.1. Conditions and requirements under which allowances are payable.

a. **Transfers covered—agreement required.** A permanent change of station is authorized or approved and the old and new official stations are located within the 50 States, the District of Columbia, the territories and possessions of the United States, the Commonwealth of Puerto Rico, or the areas and installations in the Republic of Panama made available to the United States under the Panama Canal Treaty

of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979), and the employee has signed an agreement as required in 2-1.5a(1). (See exclusions in 2-6.4).

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INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Service Order Nos. 1397 and 1397-A]

The Chesapeake and Ohio Railway Co. Authorized to Operate Over Tracks of the Baltimore and Ohio Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1397-A.

SUMMARY: Service Order No. 1397 authorizes The Chesapeake and Ohio Railway Company to operate over tracks of The Baltimore and Ohio Railroad Company located at Cottages Grove, Indiana.

The order is being vacated.

EFFECTIVE DATE: 11:59 p.m., April 21, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275-7840.

Decided: April 17, 1980.

Upon further consideration of Service Order No. 1397 (44 FR 55885), and good cause appearing therefor:

It is ordered,

§ 1033.1397 Service Order 1397.

The Chesapeake and Ohio Railway Company authorized to operate over tracks of the Baltimore and Ohio Railroad Company. Service Order No. 1397 is vacated effective 11:59 p.m., April 21, 1980.

(49 U.S.C. (10304-10305 and 11121-11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.