

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 302-1 and 302-6

[FTR Interim Rule 6]

RIN 3090-AF63

Federal Travel Regulation; "Last Move Home" Benefits for Certain Individuals; Payment of Environmental Testing/Property Inspection Fees

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Interim rule.

SUMMARY: This interim rule amends the Federal Travel Regulation (FTR) to implement certain provisions of the Jerry L. Litton United States Post Office Building Act (Pub. L. No. 103-338, October 6, 1994). This Act provides for payment of "last move home" benefits for eligible VA medical center directors and also for members of the immediate family of an individual who dies while in Government service and who was eligible for "last move home" benefits immediately prior to death. This interim rule also implements the Joint Financial Management Improvement Program (JFMIP) recommendation to allow reimbursement for environmental testing and property inspection fees in connection with the sale or purchase of a home. This interim rule is intended to improve the workforce by enhancing the existing "last-move-home" incentive designed to encourage mobility among senior level officials, and to equitably reimburse employees for required environmental testing/home inspection fees.

DATES: *Effective date:* The provisions of this interim rule are effective May 13, 1997.

Applicability dates: The provisions of this interim rule which amend subpart B of part 302-1 of chapter 302 (except for the provision which adds new (§ 302-1.100(a)(3)) apply to an employee whose death occurs on or after January 1, 1994. The provision of this interim rule which adds new (§ 302-1.100(a)(3)) applies to eligible medical center directors who separate from Federal service on or after October 2, 1992, for purposes of retirement.

FOR FURTHER INFORMATION CONTACT: Larry A. Tucker, Travel and Transportation Management Policy Division (MTT), Washington, DC 20405, telephone 202-501-1538.

SUPPLEMENTARY INFORMATION:

"Last Move Home" Benefits for Members of the Immediate Family of a Deceased Employee

This interim rule amends the FTR to implement sections 3, 4, and 5 of the Jerry L. Litton United States Post Office Building Act (Pub. L. 103-338, October 6, 1994), hereinafter referred to as "the Act". The Act authorizes payment of "last move home" benefits for members of the immediate family of an employee who dies in Government service and who was eligible for "last-move-home" benefits at the time of death, or who died after separating but before completing "last-move-home" travel and transportation. These implementing provisions will be expanded in the final rule to provide agencies more definitive guidance on extending the last-move-home benefits to a deceased individual's immediate family.

VA Medical Center Directors

Paragraph 49 of section 2 of the Technical and Miscellaneous Civil Service Amendments Act of 1992 (Pub. L. 102-378, October 2, 1992) was enacted for the purpose of allowing VA medical center directors to qualify for "last move home" benefits. Section 2 incorrectly referenced 38 U.S.C. 4103(a)(8), as in effect on November 28, 1988. However, medical center directors were removed from 38 U.S.C. 4103(a)(8) on November 18, 1988, thus rendering section 2 ineffective. The Act corrected that error by inserting November 17, 1988 for November 28, 1988. This implementing interim rule allows VA medical center directors who were not SES career appointees to qualify for "last move home" benefits.

Environmental Testing and Property Inspection Fees

A multi-agency travel reinvention task force was organized in August 1994 under the auspices of the JFMIP to reengineer Federal travel rules and procedures. The task force developed 25 recommended travel management improvements published in a JFMIP report entitled "Improving Travel Management Governmentwide," dated December 1995. One of the 25 recommendations was to clarify the rules governing reimbursement of environmental testing and property inspection fees. The General Services Administration (GSA), after review of this JFMIP recommendation, has determined that the change is appropriate and is implementing the change through this interim rule.

This interim rule revises the FTR to clarify that environmental testing and

property inspection fees are reimbursable when required by Federal, State, or local law, or by the lender as a precondition to sale or purchase.

GSA has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993. This interim rule is not required to be published in the **Federal Register** for notice and comment, and therefore, the Regulatory Flexibility Act does not apply. This rule also is exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Parts 302-1 and 302-6

Government employees, Relocation allowances and entitlements, Transfers.

For the reasons set out in the preamble, 41 CFR parts 302-1 and 302-6 are amended as follows:

PART 302-1—APPLICABILITY, GENERAL RULES, AND ELIGIBILITY CONDITIONS

1. The authority citation for part 302-1 continues to read as follows:

Authority: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13474, 3 CFR, 1971-1975 Comp., p. 586.

Subpart B—Relocation Entitlements Upon Separation for Retirement

2. Section 302-1.100 is amended by adding new paragraph (a)(3), redesignating paragraph (b) as paragraph (c), and adding new paragraph (b) to read as follows:

§ 302-1.100 Applicability.

(a) * * *

(3) *Medical Center Directors.* The provisions of this subpart are applicable to individuals who:

(i) Served as a director of a Department of Veteran's Affairs medical center under 38 U.S.C. 4103(a)(8) as in effect on November 17, 1988;

(ii) Separated from Government service on or after October 2, 1992; and

(iii) Are not otherwise covered under paragraph (a) (1) or (2) of this section.

(b) *Immediate family of deceased covered individual.* The provisions of this subpart apply to the immediate family of a covered individual, as defined in paragraph (a)(1) of this section, who satisfies the eligibility criteria in § 302-1.101, and who:

(1) Died in Government service on or after January 1, 1994; or

(2) Died after separating from Government service but before travel

and/or transportation authorized under this subpart were completed.

* * * * *

3. Section 302-1.101 is amended by revising the introductory text and paragraph (d) to read as follows:

§ 302-1.101 Eligibility criteria.

Upon separation from Federal service for retirement, a covered individual as defined in § 302-1.100(a) of this subpart (or a deceased covered individual's immediate family as described in § 302-1.100(b)) is eligible for those travel and transportation allowances specified in § 302-1.103 of this subpart, if such individual meets the following criteria:

* * * * *

(d) Is eligible to receive an annuity upon such separation (or, in the case of death in Government service, met the requirements for being considered eligible to receive an annuity, as of the date of death) under the provisions of subchapter III of chapter 83 (CSRS) or chapter 84 (FERS) of title 5, U.S.C., including an annuity based on optional retirement, discontinued service retirement, early voluntary retirement under an OPM authorization, or disability retirement; and

* * * * *

4. Section 302-1.102 is revised to read as follows:

§ 302-1.102 Agency authorization or approval.

Covered individuals. An individual who is eligible for moving expenses under this subpart shall submit a request to the designated agency official for authorization or approval of the moving expenses stating tentative moving dates and origin and destination locations of the planned move. Such requests shall be submitted in a format and timeframe as prescribed by agency policy and procedures.

(b) *Immediate family of deceased covered individual.* Travel and transportation under this subpart are

payable for the immediate family of a covered individual who died while in Government service during the period beginning on January 1, 1994, and ending October 6, 1994, upon the immediate family's written application submitted to the designated agency official by May 13, 1998.

5. Section 302-1.105 is amended by revising paragraph (a) to read as follows:

§ 302-1.105 Origin and destination.

(a) The expenses listed in § 302-1.103 may be paid from the official station where separation of the eligible individual occurs to the place where the individual has elected to reside within the United States, the Commonwealth of Puerto Rico or the Commonwealth of the Northern Mariana Islands, a United States territory or possession, or the former Canal Zone area (i.e., areas and installations in the Republic of Panama made available to the United States under the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979)); or if the individual dies before separating or after separating but before the travel and transportation are completed, expenses may be paid from the deceased individual's official station at the time of death or where separation occurred, as appropriate, to the place within the areas listed in this paragraph where the immediate family elects to reside even if different from the place elected by the separated eligible individual.

* * * * *

6. Section 302-1.106 is revised to read as follows:

§ 302-1.106 Time limits for beginning travel and transportation.

(a) Except as provided in paragraph (b) of this section, all travel, including that for the separated covered individual, and transportation, including that for household goods, allowed under this subpart, shall be

accomplished within 6 months of the date of separation (or date of death if the individual died before separating), or other reasonable period of time as determined by the agency concerned, but in no case later than 2 years from the effective date of the individual's separation from Government service (or date of death if the individual died before separating).

(b) For the immediate family of a covered individual who died in Government service between January 1, 1994 and May 13, 1997, all travel and transportation, including that for household goods, allowed under this subpart, shall be accomplished no later than May 13, 1999.

PART 302-6—ALLOWANCE FOR EXPENSES INCURRED IN CONNECTION WITH RESIDENCE TRANSACTIONS

7. The authority citation for part 302-6 continues to read as follows:

Authority: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13474, 3 CFR, 1971-1975 Comp., p. 586.

8. Section 302-6.2 is amended by adding paragraph (d)(1)(xi) to read as follows:

§ 302-6.2 Reimbursable and nonreimbursable expenses.

* * * * *

(d) * * *

(1) * * *

(xi) Expenses in connection with environmental testing and property inspection fees when required by Federal, State, or local law; or by the lender as a precondition to sale or purchase.

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Dated: May 7, 1997.

David J. Barram,

Acting Administrator of General Services.

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