
Change No. 6

1. Material transmitted. This Change No. 6 to the CEFR consists of a revised chapter, a new CEFR document, and an amendment to EFR Doc. 12A-3.
2. Filing instructions.

REMOVE

Pages 12A-3-3 and 12A-3-4,
12A-3-7 through 12A-3-10,
12A-3-15 through 12A-3-20.

Pages 31-1-1 through 31-1-34.

INSERT

New pages 12A-3-3 and 12A-3-4,
12A-3-7 through 12A-3-10,
12A-3-15 through 12A-3-20.

Pages 31-1-1 through 31-1-55.

Pages 39-3-1 through 39-3-6.

June 1, 1970.

Designations have been made to provide a line of successors to the position of Regional Disbursing Officer as well as other key positions. Disbursing officers and their successors have been granted full authority to perform emergency functions independently and without direction of higher Treasury authority if circumstances so dictate. As soon as communication is possible, the regional disbursing officer or officer-in-charge will contact the Chief Disbursing Officer and advise him of the actions taken to restore disbursing service to the agencies.

2. To amplify the delegated authority granted regional disbursing officers or their successors, there are set out below some of the authorities which have been delegated:

a. To hold at their personal risk in the custody of bonded assistants selected from officers and/or employees of the Division of Disbursement and/or employees of other agencies who are bonded as assistant disbursing officers, sufficient cash to meet urgent on-the-spot payments on obligations of administrative agencies when such agencies relocate at points where regular disbursing facilities are not immediately available.

b. Designate cashiers and approve cash authorization for advances of funds.

c. Represent the Division of Disbursement as a witness in postal and check violations.

d. Accept designation of a certifying officer made by the ranking surviving official of the agency at any given location.

e. Issue substitute checks under 31 U.S.C. 528.

f. Upon receipt of a properly certified voucher, issue checks drawn against deposit accounts of the Secretary of the Treasury, which checks shall be signed, "Secretary of the Treasury,
By _____."

3. Procedures have been developed to cover the certification of vouchers and the bonding of Certifying Officers by administrative agencies under emergency conditions.

4. Provision has been made for the relocation of other essential activities of the Bureau of Accounts, including the system of central accounts of the Government maintained by the Division of Central Accounts and Reports, for providing continuity of such functions; and for correlating the accountability accounts of disbursing officers with the central accounts.

5. Regional disbursing officers have made arrangements with local depositories, at the relocation sites, for the cashing of checks of the disbursing officers and employees designated as assistant disbursing officers.

6. Emergency stockpiles of currency have been established by the Federal Reserve System throughout the country.

SECTION III - PLANS FOR CONTINUED DISBURSEMENTS

A. General

1. Regional disbursing office key personnel have been designated for relocation and have continuing travel orders to proceed to such locations when certain DEFCONS are declared. If an emergency should develop, the primary emergency, emergency branch disbursing, or alternate relocation sites, as necessary, will be activated to resume disbursing operations, particularly payrolls and urgent miscellaneous payments.

2. In the case of large volume payments, it is planned that if the volume of payments cannot be accommodated at the relocation site(s), the workload will be shifted to other regional disbursing offices still in operation. In the event it is impossible to shift the workload to other regional offices, the regional disbursing officer will take whatever action is necessary to re-establish the disbursing function.

B. Emergency Disbursing Kits

1. To provide for an emergency supply of card check stock to resume payments under the regular disbursing account symbol, one month's supply of card checks is stored at each primary emergency relocation site.

2. In addition to the card checks stored only at primary emergency relocation sites, there is stored at each primary emergency branch and most alternate relocation sites (see Attachment No. 3) an emergency disbursing kit. The kits contain a supply of Treasury Department paper checks assigned emergency disbursing symbols, plus certain pieces of essential equipment such as typewriters, adding machines, check signers, etc. The emergency disbursing symbols will be operated in connection with the disbursing kits and are to be used only in an emergency for on-the-spot payments to meet the requirements of administrative agencies. These symbols will be operated only for the period necessary to enable the Division of Disbursement to re-establish regular disbursing service. Attachment No. 4 lists the emergency disbursing symbols and the applicable relocation site.

3. If necessary, a small portable disbursing kit can be assembled by the regional office from the large kit to enable short runs to specified locations for the purpose of meeting cash payrolls and other conditions necessitating emergency disbursing operations.

C. Availability of Check Stock Production Facilities

1. There are stored at appropriate locations positive films of eight different face plates for use with card checks, as well as the front tint plate, the back tint plate and the back plate. The storage locations are in proximity to plants of the IBM Supply Division. These plants can be adapted to print Treasury card checks should the emergency cripple the source of normal supply.

2. The Division of Disbursement also stores two sets of positive films of face plates for printing continuous form paper Treasury checks under security control. Along with these positive films is kept a listing of printing establishments in non-critical target areas having plants capable of printing continuous form paper checks with whom prior arrangements have been made.

D. EDP Disbursements

1. The Division of Disbursement has six regional disbursing offices equipped with compatible electronic data processing systems. The offices are located in Austin, Birmingham, Chicago, Kansas City, Philadelphia, San Francisco, and Washington. Each of these offices has provided for emergency storage of prior month's magnetic tapes of all master payment records together with operational program cards, corresponding console instructions and program assembly listings. Each month the stored tape records are replaced with current tape records.

2. Accordingly, after an emergency occurs, the Chief Disbursing Officer (or Acting Chief Disbursing Officer, in the line of succession) will ascertain which computerized regional disbursing office facilities are available and will notify the other regional offices. Tape records of offices which have been knocked out will be shipped to the regional offices having computer systems still in operation. If all computerized offices are out of commission, the Chief Disbursing Officer will determine if backup computers capable of printing card checks for which prior arrangements have been made are operable. There will also be determined from the catalog of the National Resources Analysis Center and other material available the location of other compatible computer equipment that is operable. If compatible equipment having card check capability is available, arrangements will be made with the agency having jurisdiction over such equipment for the use thereof for check production purposes. Thereupon, blank card check stock and tape records, together with other disbursing supplies, signing equipment, etc., will be transported to the facility to re-establish mass production check writing operations.

3. As mentioned above, the National Resources Analysis Center, Office of Emergency Preparedness (OEP), will maintain a catalog of all electronic data processing equipment throughout the United States, whether in federal, state or other Government agencies or in private industry. This catalog will contain names of agencies or firms which own or rent the equipment, the locations and descriptions of such equipment, its capability, etc.

4. If compatible computer equipment is not available with card handling equipment but is available with continuous form printing, the positive films of check face plates will be transported to the nearest printing plant for execution of orders for continuous form paper checks. The paper checks will be transported to the computer site, along with the tape records, etc., for the re-establishment of disbursing activity using paper checks.

5. If no EDP facilities are available for the payment of recurring obligations, other actions can be taken. If computers with punching but not printing facilities are available, punch cards can be created from the stored magnetic tape records.

6. Presently, microfilm records of checks issued are maintained by each regional disbursing office. Further, agencies responsible for large volume payment programs are periodically furnished duplicate microfilm records of such payments, or have independent basic records which are updated periodically. Under emergent conditions and if necessary, it is planned that disbursing office copies, the duplicate copies retained by the agency, or the agency's own basic records will be used to reconstruct such records.

7. If hand keypunching is necessary, there are many large keypunch installations in Government agencies, such as the Internal Revenue Service Centers in Lawrence, Massachusetts; Kansas City, Missouri; and Ogden, Utah, as well as private industries that can be used, if necessary, for punching from print-outs of stored microfilm records to re-establish the payment files.

E. Non-EDP Payrolls

The name-and-amount-payroll-listings developed by administrative agencies or sent to agencies by regional disbursing offices may be used as a medium for the typing of payroll checks. When agencies have microfilm copies of their administrative records, such documents could be used to develop payment authorization documents from which typed checks can be prepared, if photographic paper and microfilm reader-printers are available for reconstruction of the roll by this process. In any case the roll or voucher should be certified in the usual manner by the agency's certifying officer.

F. Miscellaneous Administrative Payments

Re-establishment of service for payment of miscellaneous administrative obligations will be largely self-effectuating since the preparation and submission of vouchers to the disbursing office by administrative authority is required to effect payment. Cashiers can also be established as needed to take care of payments of an emergency nature until more normal communication facilities, including postal service, are restored.

G. Savings Bonds

The Federal Government urges its employees to use the payroll savings plan to buy savings bonds. In an emergency the importance of bond purchases is increased. However, it is not contemplated that United States Savings Bonds under the Payroll Savings Plan will be issued initially under emergency disbursing operations. The issuance will be reinstated as promptly as possible after the re-establishment of normal disbursing arrangements, either with another regional disbursing office or upon reactivation of the regional disbursing office regularly serving the agencies concerned.

H. Post Office Department Plans for Delivery of Mail in an Emergency

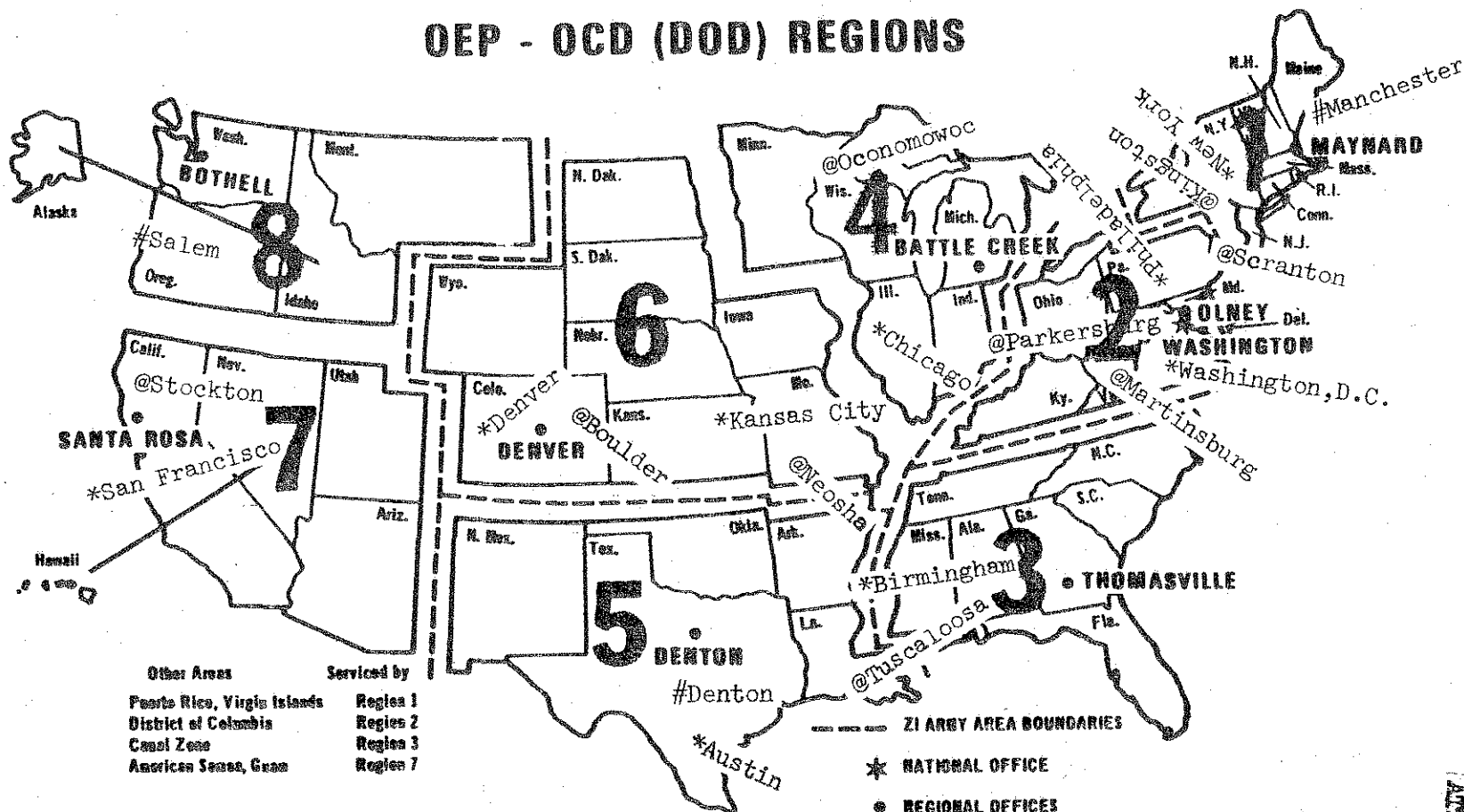
The Post Office Department's Defense Planning Manual for the Field Postal Service describes the Postal Registration and Information Program. Copies of this manual are stored at the regional disbursing offices' primary relocation sites. Under the Post Office Emergency System all first class mail, including checks, would be funneled through Postal Concentration Centers. Checks addressed to payees in non-damaged areas will be processed straight through for delivery. Those addressed to payees bearing addresses in areas which have suffered damage will be processed against the directory service to obtain the new addresses of the payees. Emergency Change of Address Cards (POD Form 809) are the basis for the establishment of the Directory Service. These cards are available in all post offices and will be made available to welfare agencies, reception centers, hospitals and so forth. The cards will be completed by evacuated individuals and by the welfare agencies, hospitals and so forth and turned into local post offices for transmittal to the Postal Concentration Centers.

Under the plan checks need not be withheld from the mails because of doubt as to the delivery of the checks to addressees who formerly lived in areas where serious damage is reported. Checks which can not be delivered by the Post Office will be returned to the regional disbursing office. The Records Service is to be established in each of some 87 Postal Concentration Centers serving all areas of the country.

ATTACHMENT NO. 1
PAGE 2

LOCATION	D. O. OFFICE NO.	OFFICE TELEPHONE NUMBER	REGIONAL AND ASSISTANT REGIONAL DISBURSING OFFICERS AND ASSISTANT DISBURSING OFFICERS IN BRANCH OFFICES
<u>New York, New York 10001</u> Parcel Post Bldg. 341 Ninth Avenue	302	Area Code 212 971-7405	S. J. Wolicki George F. Egler
<u>New York Branch Office</u> Court House & P.O. Bldg. P.O. Box 3709 Recinto Sur & San Justo Sts. San Juan, Puerto Rico	302	772-4407 or 4408	Carlos W. Santiago
<u>Philadelphia, Pennsylvania 19101</u> 5000 Wissahickon Bldg. P.O. Box 7838	303	Area Code 215 438-5671 or 5672 After 5:00 p.m. 438-5207	James C. Abbott Robert Segal
<u>San Francisco, California 94105</u> 390 Main Street Mailing address: P.O. Box 3858 Rincon Annex 94119	312	Area Code 415 556-6299 or 4346 After 4:30 p.m. 556-4190	P. Edward Frowd Marvin B. Rognlie
<u>Washington, D. C. 20226</u> 1201 E St., N. W.	300	Area Code 202 Worth 4-4905 or 4912	Henry H. Eades C. B. Herrell John D. Horn

OEP - OCD (DOD) REGIONS



12A-3-16

CODE OF EMERGENCY FEDERAL REGULATIONS

June 1, 1970

ATTACHMENT NO. 2

June 1, 1970

CODE OF EMERGENCY FEDERAL REGULATIONS

12A-3-17

ATTACHMENT NO. 3

DIVISION OF DISBURSEMENT
RELOCATION SITES OF CENTRAL OFFICE AND REGIONAL OFFICES ^{1/}

<u>Office</u>	<u>Primary Emergency Site</u>	<u>Alternate Site</u>
Central Office	Treasury Department Bureaus Relocation site (also referred to as Treasury Department Alternate Headquarters Site)	Bureau of the Public Debt 214 - 7th Street Parkersburg, West Va. 26101 Area Code 304 422-855 (day time) 422-783 or 8783 (night) (Working Site)
Austin, Texas		
Birmingham, Alabama	Room B-03 Federal Bldg. Tuscaloosa, Alabama 35401 Area Code 205-553-3760	
Chicago, Illinois	Archives Building 453 West 2nd Street Oconomowoc, Wisconsin 53066 FT Operator, Milwaukee, Wisc. 414-272-8600 and ask for 567-5538	Post Office Bldg. Kankakee, Illinois * 60901 Area Code 815-933-5721
Denver, Colorado	Post Office Building 1905 15th Street, Room 5 Boulder, Colorado, 80302 Area Code 303-442-8411	Post Office Building North 3rd & Poplar Sts. Sterling, Colorado * 80751 Area Code 303-522-1105
Honolulu, Hawaii	Secured Site in Area	
Kansas City, Missouri	Vital Records Section Federal Records Center Annex c/o Ozark Terminal Neosho, Missouri 64850 FTS-417-624-2256	U. S. Post Office and Court House 817 Booneville Springfield, Missouri * 65801 FTS-417-865-3784

ATTACHMENT NO. 3

Page 2

Alternate SiteOfficePrimary Emergency Site

New York, N.Y.

Internal Revenue Service
59 North Front Street
Kingston, New York 12401
Area Code 914-331-2067
914-331-4556
914-331-0674

Philadelphia, Pa.

Post Office Building
Washington Ave. and
Linden Street
Scranton, Pennsylvania 18501
Area Code 717- Diamond 4-7111

Post Office Building
Stroudsburg, Penn* 18360
Area Code 717
Hamilton 1-1820

San Francisco, Calif.

Federal Building Room 22
Joaquin and Lindsay Sts.
Stockton, California 95206
Area Code 209-466-2333

Post Office Building
Yuba City, California 95991
Area Code 916
Sherwood 2-6537

Washington, D. C.

Veterans Administration Center
Building No. 306B
Martinsburg, West Virginia 25401
Area Code 304-263-0280

c/o Postmaster
Lynchburg, Virginia*24505

EMERGENCY BRANCH DISBURSING SITES 2/

Kansas City, Missouri

c/o Mr. William B. Wolfe, Jr.
Federal Regional Center
Denton, Texas* 76202
Area Code 817-387-5811

New York, New York

Post Office Building
Manchester, New Hampshire* 03101
Area Code 603-669-7753

San Francisco, California

Post Office Building
Salem, Oregon* 97308
Area Code 503-585-1243 or 1244

* Disbursing supplies are stored at these locations in addition to the primary site.

1/ Emergency relocation sites have not been established for the Manila and Juneau Regional Disbursing Offices.

2/ These sites will be automatically activated in an emergency.

ATTACHMENT NO. 4

EMERGENCY DISBURSING SYMBOLS

Regional Disbursing Office
to Which Symbol No. is Assigned

Symbol No.

Central Office	1164
Central Office	1170
Central Office	1172
Austin, Texas	1165
Birmingham, Alabama	1151
Birmingham, Alabama	1166
Chicago, Illinois	1159
Chicago, Illinois	1163
Denver, Colorado	1156
Denver, Colorado	1157
Kansas City, Missouri	1153
Kansas City, Missouri	1154
Kansas City, Missouri	1158
New York, New York	1161
New York, New York	1162
Philadelphia, Pennsylvania	1152
Philadelphia, Pennsylvania	1167
San Francisco, California	1168
San Francisco, California	1169
Washington, D. C.	1150
Washington, D. C.	1155
Washington, D. C.	1160
Washington, D. C.	1171

ATTACHMENT NO. 5

OEP REGIONAL OFFICES

Regions	Address	Commercial Number
REGION 1	Federal Regional Center Maynard, Massachusetts 01754	Area Code 617-897-9381
REGION 2	Olney, Maryland 20832	Government Code 1269 Area Code 301-921-5521
REGION 3	P. O. Box 108 Thomasville, Georgia 31792	Area Code 912-226-1761
REGION 4	Federal Center Battle Creek, Michigan 49016	Area Code 616-968-8142
REGION 5	Federal Regional Center Denton, Texas 76201	Area Code 817-387-5811
REGION 6	Federal Regional Center Denver, Colorado 80225	Area Code 303-237-8831
REGION 7	Federal Center Santa Rosa, California 95401	Area Code 717-544-1334
REGION 8	Federal Regional Center Bothell, Washington 98011	Area Code 206-486-0721

[EFR Doc. 31-1]

NATIONAL EMERGENCY STANDBY REGULATIONS

FOREWORDApplicability of Regulations

1. The National Emergency Standby Regulations of the Civil Service Commission are effective immediately upon an attack on the United States. Agencies may assume, unless otherwise notified, that authority for the regulations exists.

2. These National Emergency Standby Regulations supersede all Standby Regulations and Instructions that are now attached to Mobilization Circulars insofar as they are applicable in the event of an attack on the United States.

3. Except as suspended or modified by the National Emergency Standby Regulations, the Civil Service Regulations in Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations and the instructions contained in the Federal Personnel Manual and in other Commission issuances remain in effect.

4. It should be noted that agencies have been given broad authority to take personnel actions during a disaster period following an attack on the United States by section 230.401, subpart D, part 230, of the Civil Service Regulations. For the convenience of persons using the Code of Emergency Federal Regulations, section 230.401 reads as follows:

"Sec. 230.401. Agency authority to take personnel actions in a national emergency disaster. (a) Upon an attack on the United States, agencies are authorized to carry out whatever personnel activities may be necessary to the effective functioning of their organizations during a period of disaster without regard to any regulation or instruction of the Commission, except those which become effective upon or following an attack on the United States. This authority applies only to actions under the Commission's jurisdiction.

"(b) Actions taken under this section shall be consistent with affected regulations and instructions as far as possible under the circumstances and shall be discontinued as soon as conditions permit the reapplication of the affected regulations and instructions.

"(c) An employee may not acquire a competitive civil service status by virtue of any action taken under this section.

"(d) Actions taken, and authority to take actions, under this section may be adjusted or terminated in whole or in part by the Commission.

"(e) Agencies shall maintain records of the actions taken under this section."

Notes on Use of Regulations

1. The organization and numbering of the Standby Regulations correspond with the overall subject-matter classification and numbering used in the Federal Personnel Manual System, the details of which are shown in Appendix A of FPM Chapter 171. The number of a Standby Regulation, however, is prefixed by the letter "M"; the use of the same basic numbers and titles for both the Standby and present Commission Regulations extends to parts and subparts of the Standby Regulations. There the matching ends. The subject matter of a section of the Standby Regulations is not necessarily the same as that of a section of the Civil Service Regulations bearing the same basic number.

2. Civil Service Regulations to be suspended are shown in the same manner regularly used in the Federal Register, that is, through statements of suspension rather than by formal, numbered regulations. Formal Standby Regulations are used, however, to show the suspension of statutes and Executive orders.

3. The table at the end of this chapter shows the applicability of the Civil Service Regulations and the Standby Regulations in the event of an attack on the United States. Beside the title of each part in that table are listed, in parallel columns, the numbers of any related Standby Regulations, the numbers of any Civil Service Regulations that are not suspended; and the numbers of any Civil Service Regulations that are suspended.

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Part M-210

BASIC CONCEPTS AND DEFINITIONS

Upon an attack on the United States, and thereafter until further notice, this Part M-210 is effective.

SUBPART A. DEFINITIONS

Sec.
M-210.101 Definitions

SUBPART A. DEFINITIONS

Sec. M-210.101 Definitions.

(a) "Commission" means the United States Civil Service Commission;

(b) "The Commission's regulations" means the regulations of the United States Civil Service Commission published in Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations.

Part M-290

PERSONNEL RECORDS AND PROCESSING

Upon an attack on the United States and thereafter until further notice, this Part M-290 of the Code of Emergency Federal Regulations is effective.

SUBPART A. MAINTENANCE OF OFFICIAL PERSONNEL RECORDS

Sec.
M-290.101 Agency authority to streamline personnel action record keeping
M-290.102 Minimum Records
M-290.103 Determinations
M-290.104 Form of Records

SUBPART A. MAINTENANCE OF OFFICIAL PERSONNEL RECORDS

Sec. M-290.101. Agency authority to streamline personnel action record keeping. The Commission hereby authorizes agencies to streamline

the keeping of official records of personnel actions, when emergency conditions do not permit the keeping of more complete records. However, such streamlining must meet the minimal requirements of Section M-290.102.

Sec. M-290.102. Minimum Records. As a minimum, personnel records must:

- (a) identify the employee by name and date of birth,
- (b) identify the employer,
- (c) identify the location of employment,
- (d) identify the nature of the personnel action and the authority for it,
- (e) identify the title and rate of pay for the position,
- (f) identify the effective date of the action,
- (g) show whether or not the employee is covered by Federal Employee Group Life Insurance, and
- (h) include appointment oaths and affidavits.

Sec. M-290.103. Determinations. As soon as circumstances permit, the agency will:

- (a) secure a certificate of total Federal service for leave accrual purposes,
- (b) find out who is the next of kin or beneficiary,
- (c) determine the employee's retirement coverage, veteran preference, and selective service or military reserve status, and
- (d) secure any other necessary information.

Sec. M-290.104. Form of Records. If the usual personnel forms are not available, or if time or circumstances do not permit the use of these forms, records may be kept on any appropriate forms, cards, or papers, properly identifiable as official records.

Part M-300

EMPLOYMENT (GENERAL)

Upon an attack on the United States, and thereafter until further notice, Subparts C, D, E, I, and Subsection 300.603(a)(3) of Part 300 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations are suspended, and this Part M-300 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART C. POSITIONS IN GS-16 AND ABOVE

Sec.

M-300.301 Suspension of sections 3324 and 5108 of title 5, United States Code

SUBPART F. TIME-IN-GRADE RESTRICTIONS

M-300.601 Exception to restrictions

SUBPART C. POSITIONS IN GS-16 AND ABOVE

Sec. M-300.301. Suspension of sections 3324 and 5108 of title 5, United States Code. Sections 3324 and 5108 of title 5, United States Code, are suspended.

SUBPART F. TIME-IN-GRADE RESTRICTIONS

Sec. M-300.601. Exception to restrictions. Section 300.602 of the Commission's regulations does not prevent the advancement of an employee when he is on an appropriate list of qualified candidates for competitive appointment and in the priority group from which selections are being made.

Part M-301

OVERSEAS EMPLOYMENT

Upon an attack on the United States, and thereafter until further notice, Subpart B of Part 301 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations is suspended.

Part M-303

DEFERMENT FROM MILITARY SERVICE

Upon an attack on the United States, and thereafter until further notice, this Part M-303 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART B. CONTROLS ON GOVERNMENT REQUESTS FOR SELECTIVE
SERVICE DEFERMENT OF FEDERAL AND DISTRICT OF COLUMBIA
GOVERNMENT EMPLOYEES

Sec.

- M-303.201 Requests for occupational deferments-- policy
- M-303.202 Establishment of committees
- M-303.203 Designation of key positions
- M-303.204 Requesting deferment
- M-303.205 Specific responsibilities

SUBPART B. CONTROLS ON GOVERNMENT REQUESTS FOR SELECTIVE SERVICE
DEFERMENT OF FEDERAL AND DISTRICT OF COLUMBIA GOVERNMENT EMPLOYEES

Sec. M-303.201. Requests for occupational deferments--policy.

(a) Authority for submission of request. An agency in the executive branch of the Federal Government or the municipal government of the District of Columbia may not request the occupational deferment by Selective Service of any civilian officer or employee, including those who are Standby Reservists of the Armed Forces, except as provided by this subpart.

(b) Basis for request. An agency may request occupational deferment of an officer or employee only on the basis that the loss of his civilian services would substantially impair activities essential to the emergency effort, including necessary supporting activities and the maintenance of the national health, safety, and interest. In determining whether the loss of an employee's services is of this nature, an agency shall consider all relevant factors, such as the actual effectiveness of the employee, his unique fitness for the work, his unique familiarity with a specific project in the course of completion, the difficulty of replacing him, his qualifications, his assignment to duties outside the continental United States, his designation on the staff of a noninterruptible function or of a program of the agency identified as essential for continuity of government, and any special or unusual circumstance connected with his civilian assignment.

(c) Deferment period. An agency may not request deferment for a period longer than is deemed to be absolutely necessary.

(d) Submission of employee requests. A Government employee, including one who is a Standby Reservist of the Armed Forces, who desires to initiate a request for occupational deferment should submit his request through his employing agency.

Sec. M-303.202. Establishment of committees.

(a) Interagency Committee. (1) There is hereby established in the Commission the Federal Interagency Committee on Deferment of Government Employees (hereinafter referred to as the Interagency Committee) which shall establish, and secure compliance with, policies and procedures governing Government requests for the selective service deferment of officers and employees in the executive branch of the Federal Government and in the municipal government of the District of Columbia.

(2) The members of the Interagency Committee will be the Chairman of the Civil Service Commission, who shall serve as Chairman of the Interagency Committee, and one representative each from the Office of Emergency Planning, the Selective Service System, the Department of Labor, and the Department of Defense to be designated by the respective heads of these agencies. The Chairman of the Civil Service Commission may designate any officer or employee of the Commission to serve in his place as Chairman of the Interagency Committee. The Commission shall provide the staff and facilities required to perform the functions of the Interagency Committee.

(3) The Interagency Committee is authorized to amend or supplement this regulation and to issue any instructions it determines to be necessary to carry out its purposes. It is empowered also to take appropriate steps to insure compliance with the regulations and instructions.

(4) The Chairman of the Interagency Committee may exercise the functions of the full Interagency Committee until the committee is activated or when circumstances prevent the full Interagency Committee from performing its functions.

(b) Agency committee. The head of each agency shall designate a Committee on Deferment of Government Employees (hereinafter referred to as an Agency Committee), of three to five members possessing a comprehensive view of the needs of the agency. For the purposes of this subpart the government of the District of Columbia is deemed to be a single agency. Each agency committee is subject to the supervision and control of the head of the agency. As used in this subpart the term "agency committee" includes a field committee established under paragraph (c) of this section.

(c) Field committee. The head of an agency may also designate field committees when he finds this action desirable because of the numbers and geographical distribution of employees of the agency.

Within its area each field committee shall have the same authority and responsibility as an agency committee. Field committees shall deal with the Interagency Committee through agency committees.

(d) Representation before Selective Service System. An agency committee shall be the sole contact within its area with the Selective Service System on matters of occupational deferment of the agency's employees, except for employees engaged in active oceangoing service whose deferment requests are centralized in another agency by the Interagency Committee.

Sec. M-303.203. Designation of key positions.

(a) Responsibility for designation. Each agency committee shall prepare, subject to the approval of the head of the agency, a list of key positions in the agency. The Interagency Committee may revise the list of key positions of that agency as conditions warrant.

(b) Criteria for designation. Key positions shall be limited to positions which are deemed necessary to carry out the functions of Government directly concerned with maintaining the security of the Nation, including those necessary to carry out the National Plan for Emergency Preparedness, and which also involve serious difficulty of replacement because of a scarcity of available qualified personnel and which require extended periods of training or specialized experience for effective performance of the duties. The Department of Labor's List of Critical Occupations is a useful guide in developing the list of key positions.

Sec. M-303.204. Requesting deferment.

(a) Employee eligibility. An agency committee may submit to the appropriate local Selective Service Board a request for the occupational deferment of any officer or employee of the agency who occupies a key position within the meaning of section M-303.203 and whose civilian services are essential within the meaning of paragraph (b) of section M-303.201. To meet very unusual or emergency situations, an agency committee may also submit a request for the occupational deferment of an employee for whom a request would be appropriate under the provisions of section M-303.201 but whose position is not on the list of key positions.

(b) Initiating request. An agency committee shall submit a request for occupational deferment to a local Selective Service Board in accordance with selective service regulations.

(c) Preparation of request. In preparing an agency request for occupational deferment, the agency committee shall enter on the request the words "government request", and shall show the name of the agency and the subordinate part thereof in which the employee is employed. In processing an employee request for occupational deferment, the agency committee shall endorse on the request the approval or disapproval of the agency committee.

(d) Agency appeal. When a request for deferment is denied by a local Selective Service Board, the agency committee may appeal as authorized by selective service regulations.

Sec. M-303.205. Specific responsibilities.

(a) General. Under instructions to be issued by the Interagency Committee, each agency shall submit to the Interagency Committee a periodic report of all actions taken under this subpart. The Interagency Committee may consult with the agency committee on any departure from the requirements of this subpart. The Interagency Committee may designate a representative to attend meetings of an agency committee. The Interagency Committee shall at all times have access to all records of an agency committee.

(b) Interagency Committee.

(1) The Chairman of the Interagency Committee may suspend the authority of any agency committee to submit requests for deferment if the agency committee submits requests in violation of this subpart. In that event, the Chairman of the Interagency Committee or his designee shall perform the functions of the agency committee on requests for occupational deferments until the suspension is lifted.

(2) The Interagency Committee may cancel an agency request for deferment if the request is made in violation of this subpart.

(c) Agency.

(1) Each agency shall issue special instructions to require each employee to report immediately through proper channels the receipt of notice to report for induction or any change in his selective service status.

(2) Each agency shall plan and carry out an orderly program of replacement and training occasioned by the entry or prospective entry of employees into the Armed Forces, on the basis of the information provided for in paragraph (d) of this section.

(d) Agency committee. As instructed by the Interagency Committee, each agency committee shall supervise the preparation and maintenance, on a current basis, of adequate information on the selective service status of its employees, and on related matters, and shall summarize and report this information to the Interagency Committee.

(e) Director of Selective Service. The Director of Selective Service will furnish copies of this subpart to all local Selective Service Boards.

(f) Executive orders superseded. Executive Orders 9309 of March 6, 1943, and 9744A of June 29, 1946, are superseded.

Part M-305

EXECUTIVE ASSIGNMENT SYSTEM

Upon an attack on the United States and thereafter until further notice, Subparts E and G of Part 305 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations are suspended and this Part M-305 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART E. CAREER EXECUTIVE ASSIGNMENTS

Sec.

M-305.601 Suspending the Executive Assignment System

SUBPART E. CAREER EXECUTIVE ASSIGNMENTS

Sec. M-305.601. Suspending the Executive Assignment System. The provisions of sections 9.2 through 9.10 of Civil Service Rule IX are suspended.

Part M-307

TRANSITIONAL APPOINTMENTS

Upon an attack on the United States and thereafter until further notice, Part 307 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations is suspended and this Part M-307 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART A. TRANSITIONAL APPOINTMENTS

Sec.

M-307.101 Suspension of Executive Order 11397

SUBPART A. TRANSITIONAL APPOINTMENTS

Sec. M-307.101. Suspension of Executive Order 11397. The provisions of Executive Order 11397 are suspended.

Part M-310

EMPLOYMENT OF RELATIVES

Upon an attack on the United States and thereafter until further notice, Part 310 of Chapter I of Title 5 of the Code of Federal Regulations is suspended and this Part M-310 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART A. RESTRICTIONS ON THE EMPLOYMENT OF RELATIVES

Sec.

M-310.101. Suspension of restrictions in title 5, United States Code

SUBPART A. RESTRICTIONS ON THE EMPLOYMENT OF RELATIVES

Sec. M-310.101. Suspension of restrictions in title 5, United States Code. The provisions of section 3110 of title 5, United States Code, are suspended.

Part M-312

POSITION CONTROL

Upon an attack on the United States and thereafter until further notice, this Part M-312 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART A. GENERAL PROVISIONS

Sec.

M-312.101 Suspension of statutory manpower ceilings and staffing ratios

SUBPART A. GENERAL PROVISIONS

Sec. M-312.101. Suspension of statutory manpower ceilings and staffing ratios. All numerical manpower ceilings or ratios fixed in appropriation acts applicable to Federal departments, agencies, or independent establishments, including corporations owned and operated by the Government, or applicable to the municipal government of the District of Columbia, are suspended.

Part M-315

CAREER AND CAREER-CONDITIONAL EMPLOYMENT

Upon an attack on the United States, and thereafter until further notice, Part 315 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations is suspended, and this Part M-315 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART B. THE CAREER-CONDITIONAL EMPLOYMENT SYSTEM

Sec.

M-315.201 Conversion from career-conditional to career appointment

SUBPART C. CAREER OR CAREER-CONDITIONAL APPOINTMENT FROM REGISTERS

M-315.301 Initial career or career-conditional appointment from certificates issued prior to the effective date of this subpart

SUBPART D. CAREER OR CAREER-CONDITIONAL APPOINTMENT
OF CURRENT OR FORMER EMPLOYEES

M-315.401 Career or career-conditional appointment of persons currently employed in or separated from the Federal service within the preceding 90 days

SUBPART B. THE CAREER-CONDITIONAL EMPLOYMENT SYSTEM

Sec. M-315.201. Conversion from career-conditional to career appointment. A career-conditional appointment shall be converted automatically to career appointment upon completion of the period of creditable service required on the effective date of this subpart. Creditable service is computed under the Commission's regulations and

instructions in effect prior to the effective date of this subpart, except that a break in service of 90 days or less does not require the beginning of a new period of service.

SUBPART C. CAREER OR CAREER-CONDITIONAL APPOINTMENT FROM REGISTERS

Sec. M-315.301. Initial career or career-conditional appointment from certificates issued prior to the effective date of this subpart. Eligibles selected in regular order from certificates issued for career or career-conditional appointment prior to the effective date of this subpart and reported as selected not later than 30 days thereafter may be given career or career-conditional appointments. If, in a disaster situation, communications are disrupted to such an extent that it is not feasible to report selections to the Commission within 30 days thereafter, a later showing by the agency that the appointee was selected from a certificate within 30 days after the effective date of this subpart and entered on duty as a result of this selection is evidence of intent to grant a career or career-conditional appointment.

SUBPART D. CAREER OR CAREER-CONDITIONAL APPOINTMENT OF CURRENT OR FORMER EMPLOYEES

Sec. M-315.401. Career or career-conditional appointment of persons currently employed in or separated from the Federal service within the preceding 90 days.

(a) Policy. A career or career-conditional employee, including a person serving under career executive assignment, who moves from another agency or a former Federal employee who is reemployed within 90 days after separation from his latest career or career-conditional employment or career executive assignment, shall be given career or career-conditional appointment in accordance with his present or former tenure, except as provided in subsection (c) of this section. (An intervening period of service under a temporary appointment or a limited executive assignment which follows career or career-conditional appointment without a break in service of 90 days or more shall be considered for purposes of this determination as a continuation of career or career-conditional service.) This applies to an employee or former employee who is a member of the Executive Reserve or who was selected through National Emergency Standby Recruitment when called to active duty under the conditions stated above.

(b) Probationary period required. An employee appointed under subsection (a) of this section shall complete the probationary period, if any, he was serving before his separation.

(c) Status and tenure. A career or career-conditional employee's status and tenure shall not be changed by movement, or by reemployment within 90 days, except:

(1) The tenure of a career-conditional employee shall change to that of a career employee when he moves to, or is reemployed in, a position to which initial career appointment was required.

(2) The tenure of a career employee, serving in a position to which initial career appointment was required, shall change to career-conditional when he moves to, or is reemployed in, a position which required a career-conditional period, unless he has met already the service requirement for career appointment.

Part M-316

TEMPORARY AND EMERGENCY-INDEFINITE EMPLOYMENT

Upon an attack on the United States, and thereafter until further notice, Part 316 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations is suspended, and this Part M-316 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART B. EMERGENCY-INDEFINITE EMPLOYMENT

Sec.

- M-316.201 Appointments
- M-316.202 Status and tenure
- M-316.203 Trial period
- M-316.204 Within-grade increases
- M-316.205 Conversion of temporary appointments pending establishment of register and of indefinite, transitional and term appointments
- M-316.206 Conversion of limited Executive Assignments

SUBPART D. TEMPORARY EMPLOYMENT

- M-316.401 Purpose and duration
- M-316.402 Circumstances and conditions
- M-316.403 Status and tenure
- M-316.404 Within-grade increases

SUBPART B. EMERGENCY-INDEFINITE EMPLOYMENT

Sec. M-316.201. Appointments. All appointments to continuing positions shall be emergency-indefinite appointments except as provided by part M-315 and subpart D of this part.

Sec. M-316.202. Status and tenure. Persons given emergency-indefinite appointments do not thereby acquire a competitive status. Except as required under Part 351 of the Commission's regulations, emergency-indefinite employees shall not be subject to displacement until the Commission determines that a displacement program will not hamper the emergency effort.

Sec. M-316.203. Trial period. Persons given emergency-indefinite appointments shall serve a trial period of one year unless they were reemployed within 90 days after prior Federal service. A trial period interrupted by a break in service of less than 90 days shall be completed following reemployment under an emergency-indefinite appointment. The agency shall use the trial period to determine the fitness of the employee and shall terminate his services during the trial period if he fails to demonstrate fully his qualifications for continued Federal employment.

Sec. M-316.204. Within-grade increases. An agency shall grant to an employee serving under an emergency-indefinite appointment in a position subject to Chapter 51 of title 5, United States Code, a within-grade increase when the employee otherwise meets the requirements of Subpart D of Part 531 of the Commission's regulations.

Sec. M-316.205. Conversion of temporary appointments pending establishment of register and of indefinite, transitional, and term appointments. Appointments of employees serving under temporary appointments pending establishment of registers, under indefinite or status quo appointments, under transitional appointments, and under term appointments are hereby converted to emergency-indefinite appointments.

Sec. 316.206. Conversion of limited Executive assignments. Appointments of employees serving under limited Executive assignments who are eligible for career or career-conditional appointment under Part M-315 of the regulations on the effective date of this regulation are hereby converted to career or career-conditional appointment. Such a conversion must be recorded, citing this regulation as authority. The appointments of all other employees serving under limited Executive assignment are hereby automatically converted to emergency-indefinite appointments.

SUBPART D. TEMPORARY EMPLOYMENT

Sec. M-316.401. Purpose and duration. Temporary appointments may be used to meet administrative needs for temporary employment, such as to fill a temporary position or a continuing position for a temporary period. Temporary appointments may be made only for a definite period of time not to exceed one year.

Sec. M-316.402. Circumstances and conditions.

(a) The following types of positions are filled by temporary appointment:

- (1) Positions not expected to last more than one year;
- (2) Part-time and intermittent positions of uncertain duration;
- (3) Seasonal positions (i.e., positions involving periodically recurring employment) other than career-type positions; and
- (4) Continuing positions, when temporarily vacated for periods of less than one year or when filled by persons 70 and older.

(b) Agencies may extend temporary appointments made for less than one year for a year from the date of appointment. They may renew temporary appointments to continuing positions filled by persons 70 or over or to part-time and intermittent positions of uncertain duration for an additional yearly period. Where it appears that there will be a continuing need for the services of temporary appointees hired for positions not expected to last more than one year, the incumbent may be given an emergency-indefinite appointment at the end of one year. If at the end of a year's temporary appointment it appears necessary to continue the position for not to exceed an additional year, the incumbent may be given a new temporary appointment under noncompetitive selection procedures.

Sec. M-316.403. Status and tenure. Persons given temporary appointments do not thereby acquire a competitive status and their tenure is limited as provided in section M-316.401.

Sec. M-316.404. Within-grade increases. An agency may not grant a within-grade increase to an employee serving under a temporary appointment in a position subject to Chapter 51 of title 5, United States Code.

Part M-330

RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

Upon an attack on the United States, and thereafter until further notice, sections 330.202 through 330.204 and Subparts C, D, E, F, and G of Part 330 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations are suspended, and this Part M-330 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART D. POSITIONS RESTRICTED TO PREFERENCE ELIGIBLES

Sec.

M-330.401 Competitive selection

M-330.402 Noncompetitive selection

SUBPART E. TIME-AFTER-COMPETITIVE-APPOINTMENT RESTRICTION

M-330.501 General restriction

SUBPART F. PROHIBITED PRACTICES

M-330.601 Withdrawal from competition

SUBPART H. EFFECT ON OTHER REGULATIONS

M-330.701 Effect on other regulations

SUBPART D. POSITIONS RESTRICTED TO PREFERENCE ELIGIBLES

Sec. M-330.401. Competitive selection. The positions of custodian, elevator operator, guard, and messenger (referred to hereinafter in this subpart as restricted positions) shall be filled by the appointment of preference eligibles as long as qualified preference eligibles are available.

Sec. M-330.402. Noncompetitive selection. An agency may fill a restricted position by noncompetitive selection of a nonpreference eligible only when it determines that no qualified preference eligible is available for appointment by any method. This does not apply to the appointment of national emergency standby personnel when the determination was made at the time of recruitment.

SUBPART E. TIME-AFTER-COMPETITIVE-APPOINTMENT RESTRICTION

Sec. M-330.501. General restriction. No present or former Federal employee shall, within three months after his latest non-temporary competitive appointment, be (a) promoted; (b) reassigned to a different line of work; or (c) appointed to a higher grade or different line of work.

SUBPART F. PROHIBITED PRACTICES

Sec. M-330.601. Withdrawal from competition. No applicant for Federal employment, no eligible on any list of candidates, nor any officer or employee in the executive branch of the Government shall directly or indirectly persuade, induce, or coerce (or attempt to persuade, induce, or coerce) any prospective applicant to withhold

filing application, or to withdraw from competition or eligibility for positions in the competitive service for the purpose of either improving or injuring the prospects of any applicant or eligible for appointment. The penalty for violation of this section by applicants or eligibles is cancellation of application or eligibility, as the case may be, and such other penalty as the Commission may deem appropriate.

SUBPART H. EFFECT ON OTHER REGULATIONS

Sec. M-330.701. Effect on other regulations. The regulations in this part M-330 do not modify the authority contained in section 230.401 of the Commission's regulations to take necessary action during a period of disaster in a national emergency.

Part M-332

RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION

Upon an attack on the United States, and thereafter until further notice, Part 332 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations is suspended.

Part M-333

COMPETITIVE SELECTION FOR APPOINTMENT

Upon an attack on the United States, and thereafter until further notice, Part 333 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations is suspended, and this Part M-333 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART A. GENERAL PROVISIONS

Sec.	
M-333.101	Authority
M-333.102	Standards
M-333.103	Provision for special consideration of local eligibles
M-333.104	Listing in priority order
M-333.105	Normal order of selection
M-333.106	Passing over preference eligibles
M-333.107	Applicants who have had three considerations
M-333.108	Effect on other regulations

SUBPART A. GENERAL PROVISIONS

Sec. M-333.101. Authority. Agencies are authorized to make appointments competitively. Unless appointment is made under section M-315.301 or section M-334.101, all appointments shall be made under this subpart.

Sec. M-333.102. Standards. An agency making an appointment under this subpart shall determine that the applicant meets the qualifications standards and requirements issued by the Commission and that he is not disqualified for any of the reasons listed in sections 339.101 and 731.201 of the Commission's regulations. To fill a position for which there is no approved standard, when it is not practicable to obtain prior approval from the Commission, the agency may establish an interim qualifications standard for the position. As soon as conditions permit, the agency shall request the Commission's approval of the interim standard.

Sec. M-333.103. Provision for special consideration of local eligibles. An agency may limit recruitment and consideration for appointment to applicants who live in the local labor market area, but when the agency considers any applicant from outside the area, it shall consider all qualified applicants from outside the local labor market area.

Sec. M-333.104. Listing in priority order. Unless the Commission has authorized rating and ranking procedures to distinguish among competitors eligible for the position or positions, applications of qualified persons shall be listed and the applicants considered for appointment in the following priority groups:

(a) Qualified applicants entitled to 10-point preference who have a compensable service-connected disability of 10 percent or more (except that this group does not include applicants for professional and scientific positions in grades GS-9 and above).

(b) All other qualified applicants entitled to 10-point preference and 5-point preference (except that this group includes all qualified preference applicants for professional and scientific positions in grades GS-9 and above).

(c) All other qualified applicants.

Sec. M-333.105. Normal order of selection. An appointing officer may select any applicant in the highest group listed in section M-333.104. He may not select from a lower group as long as three qualified applicants in a higher group (or a combination of higher groups) are available.

Sec. M-333.106. Passing over preference eligibles. When an appointing officer passes over a preference eligible and tentatively selects a nonpreference eligible, he shall submit to the Commission his reasons for not selecting the preference eligible for a determination as to their sufficiency. When more than one vacancy is to be filled, the appointing officer may pass over a preference eligible and select other eligibles provided he reserves one vacancy for appointment of the preference eligible should reasons for passing him over be found not sufficient. When a single vacancy is to be filled, the appointing officer may not appoint the nonpreference eligible until he receives the Commission's findings. If the reasons are found to be sufficient, the appointing officer may then appoint the nonpreference eligible; if the reasons are found to be not sufficient, the appointing officer may not pass over the preference eligible and appoint the nonpreference eligible.

Sec. M-333.107. Applicants who have had three considerations. An applicant who has been considered by the same appointing officer for three appointments to the same type and grade of position need not be considered further by that appointing officer for (a) emergency-indefinite appointment if the previous considerations were for appointment to a continuing position of the same type and grade or (b) temporary appointment to a position of the same type and grade, regardless of the type of appointment for which he was previously considered.

Sec. M-333.108. Effect on other regulations. The regulations in this part M-333 do not modify the authority contained in section 230.401 of the Commission's regulations to take necessary action during a period of disaster in a national emergency.

Part M-334

NONCOMPETITIVE SELECTION FOR APPOINTMENT

Upon an attack on the United States, and thereafter until further notice, this Part M-334 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART A. GENERAL PROVISIONS

Sec.

M-334.101 Authority for appointment

M-334.102 Standards

M-334.103 Effect on other regulations

SUBPART A. GENERAL PROVISIONS

Sec. M-334.101. Authority for appointment. An agency, without regard to the priorities for making competitive appointments under part M-333, may appoint:

(a) A person currently serving or who last served in the Federal Government within the past 90 days;

(b) A former Federal employee who entered the military service while serving under a nontemporary appointment, if he is selected within 90 days after his honorable separation from military service or discharge from hospitalization for not more than one year immediately following that service;

(c) A former Federal employee who served with competitive status;

(d) A person who was recruited on a standby basis prior to the national emergency in accordance with applicable requirements of the Commission;

(e) A member of the National Defense Executive Reserve, designated in accordance with section 710(e) of the Defense Production Act of 1950, Executive Order 11179 of September 22, 1964, and implementing instructions of the Office of Emergency Planning; and

(f) A person to a position under section 3104, 3325, or 5361 of title 5, section 1581 of title 10, section 210(g) of title 42, or section 1343(f) of title 49, United States Code, or a similar law.

Sec. M-334.102. Standards. An agency making an appointment under this part shall determine that the applicant meets the qualifications standards and requirements prescribed by the Commission and is not disqualified for any of the reasons listed in sections 339.101 and 731.201 of the Commission's regulations. To fill a position for which there is no approved standard, when it is not practicable to obtain prior approval from the Commission, an agency may establish an interim qualifications standard for the position. As soon as conditions permit, the agency shall request the Commission's approval of the interim standard. Persons recruited on a standby basis who met qualifications standards when recruited are not required to meet qualifications standards at the time of appointment but are subject to the provisions of sections 339.101 and 731.201 of the Commission's regulations.

Sec. M-334.103. Effect on other regulations. The regulations in section M-334.102 do not modify the authority contained in section 230.401 of the Commission's regulations to take necessary action during a period of disaster in a national emergency.

Part M-335

PROMOTION AND INTERNAL PLACEMENT

Upon an attack on the United States, and thereafter until further notice, Part 335 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations is suspended, and this Part M-335 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART A. GENERAL PROVISIONS

Sec.

M-335.101 Effect of position change on status and tenure

M-335.102 Agency authority to promote, demote, or reassign

SUBPART A. GENERAL PROVISIONS

Sec. M-335.101. Effect of position change on status and tenure.

(a) A position change made under section M-335.102 does not change an employee's status or tenure.

(b) A position change made under section M-335.102 of an employee who is serving a probationary or trial period is subject to completion of the probationary or trial period in the new position.

Sec. M-335.102. Agency authority to promote, demote, or reassign. An agency may promote, demote, or reassign career, career-conditional, or emergency-indefinite employees.

Part M-337

EXAMINING SYSTEM

Upon an attack on the United States, and thereafter until further notice, Part 337 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations is suspended.

Part M-338

QUALIFICATIONS REQUIREMENTS (GENERAL)

Upon an attack on the United States, and thereafter until further notice, Part 338 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations is suspended, and this Part M-338 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART A. CITIZENSHIP REQUIREMENTS

Sec.

M-338.101 Citizenship requirements

SUBPART A. CITIZENSHIP REQUIREMENTS

Sec. M-338.101. Citizenship requirements. (a) Subject to the provisions of paragraph (b) of this section, an agency that has statutory or other restrictions on the payment of compensation to or the employment of noncitizens in the executive branch of the Federal service is authorized to make exceptions to such restrictions when in the interest of the emergency effort.

(b) Appointments to competitive positions shall be limited to persons who are citizens of or who owe permanent allegiance to the United States except that temporary or emergency-indefinite appointments may be given to noncitizens when (1) no qualified citizen is available, or (2) the appointing officer determines that appointment of a noncitizen is in the interest of the emergency effort although there are qualified citizens available.

(c) An officer or employee who is not a citizen of or who does not owe permanent allegiance to the United States may not attain permanent tenure in the Government service as a result of an exception to the citizenship requirements under this section.

(d) Each agency shall maintain records of exceptions made under this section.

Part M-351

REDUCTION IN FORCE

Upon an attack on the United States, and thereafter until further notice, Sections 351.901 and 351.902 of Part 351 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations is suspended, and this Part M-351 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART B. GENERAL PROVISIONS

Sec.

M-351.201 Applicability to emergency-indefinite employee

SUBPART B. GENERAL PROVISIONS

Sec. M-351.201. Applicability to emergency-indefinite employee.
The term "indefinite employee" in Part 351 of the Commission's regulations includes an employee serving under an emergency-indefinite appointment.

Part M-352 REEMPLOYMENT RIGHTS

Upon an attack on the United States, and thereafter until further notice, Subpart B, Section 352.312 and Section 352.508 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations are suspended, and this Part M-352 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART A. REEMPLOYMENT RIGHTS BASED ON MOVEMENT TO ANOTHER AGENCY, TO A STATE OR LOCAL GOVERNMENT, OR TO A PRIVATE ORGANIZATION

Sec.

M-352.101 Definition
M-352.102 Eligibility for reemployment rights
M-352.103 Term of reemployment rights
M-352.104 Exercise of reemployment rights
M-352.105 Loss of reemployment rights
M-352.106 Agency's obligation to reemploy
M-352.107 Employee appeals to the Commission
M-352.108 Application to the Commission for placement

SUBPART A. REEMPLOYMENT RIGHTS BASED ON MOVEMENT TO ANOTHER AGENCY, TO A STATE OR LOCAL GOVERNMENT, OR TO A PRIVATE ORGANIZATION

Sec. M-352.101. Definition. In this subpart, agency means a department or agency in the executive branch, including Government-owned and controlled corporations, and the municipal government of the District of Columbia.

Sec. M-352.102. Eligibility for reemployment rights. An employee in a competitive position under a career or career-conditional appointment, or a nontemporary excepted employee, who is released or moved in furtherance of the emergency effort from one agency to another agency, to a State or local government, or to a private organization, under the provisions of sections M-402.302 or M-402.304 shall be granted reemployment rights at the time he moves. Reemployment rights are not lost because of active military duty.

Sec. M-352.103. Term of reemployment rights. Except as provided by section M-352.105, reemployment rights granted under these regulations shall continue until an expiration date established by the Commission.

Sec. M-352.104. Exercise of reemployment rights. An employee shall apply for reemployment:

- (a) Within 30 calendar days after his employment with reemployment rights is terminated or
- (b) Within 30 calendar days after the date for the expiration of reemployment rights established by the Commission.

Sec. M-352.105. Loss of reemployment rights. An employee loses his reemployment rights if:

- (a) He fails to apply within the time limits prescribed by section M-352.104 after having been notified of action he must take;
- (b) He resigns without the written consent of his employing agency; or
- (c) He fails to accept within 10 calendar days a proper offer of reemployment made under section M-352.106.

Sec. M-352.106. Agency's obligation to reemploy. (a) The responsible agency shall reemploy an employee entitled to reemployment under these regulations as promptly as possible, but not later than 30 calendar days after it receives his application, in the same installation, or in the local commuting area where the installation is located.

(b) The reemploying agency may reemploy the employee in a position of higher grade than that which he left, but when it does not reemploy him in a higher grade position, it shall reemploy him in his former position or in a position of like seniority, status, and pay.

(c) When reemployed under these regulations, the employee shall be granted all the rights, benefits, and privileges to which he would have been entitled had he remained with his agency.

(d) Upon reemployment in the postal service, the Post Office Department shall grant to the employee the seniority he would have attained had he remained in the postal service.

(e) An agency may refuse to reemploy under this section only when the employee was separated for serious cause evidencing his unsuitability for reemployment.

Sec. M-352.107. Employee appeals to the Commission. (a) An agency shall inform an employee in writing of the denial of his reemployment rights and of his right to appeal to the Commission within 10 calendar days after receipt of the notice.

(b) The Commission may extend the time limit for filing an appeal if the employee shows that circumstances beyond his control prevented his filing within the specified period.

(c) The Commission's decision on the employee's right to reemployment is final and the agency must comply with the Commission's decision.

Sec. M-352.108. Application to the Commission for placement. If an employee with reemployment rights cannot be reemployed by the responsible agency because the agency has been abolished, or for any other appropriate reasons, he may, within 30 calendar days after termination of his emergency employment, apply to the Commission for placement in a position of like seniority, status, and pay in another agency in the same local commuting area.

Part M-353

RESTORATION AFTER MILITARY DUTY

Upon an attack on the United States, and thereafter until further notice, section 353.406 and Subpart G of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations are suspended, and this Part M-353 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART A. GENERAL PROVISIONS

Sec.

M-353.101 Applicability to emergency-indefinite employee

SUBPART A. GENERAL PROVISIONS

Sec. M-353.101. Applicability to emergency-indefinite employee.
The term "indefinite employee" in Part 353 of the Commission's regulations includes an employee serving under an emergency-indefinite appointment.

Part M-402

MANPOWER CONTROLS

Upon an attack on the United States, and thereafter until further notice, this Part M-402 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART B. DETAILS

Sec.

M-402.201 Authority to detail

SUBPART C. RELEASE AND REASSIGNMENT

- M-402.301 Definition
- M-402.302 Release of employees to higher priority work
- M-402.303 Restrictions on movement of employees from emergency functions
- M-402.304 Required movements of employees
- M-402.305 Appeals to the Commission

SUBPART D. MANPOWER CONTROL PROCEDURES

M-402.401 Application to Federal agencies

SUBPART B. DETAILS

Sec. M-402.201. Authority to detail. An agency may detail an employee to another Federal agency, to a State or local agency, or to a private organization, to perform an essential defense function. A detail under this section is subject to manpower priorities and controls, except that manpower priorities and controls that become

effective after the employee leaves his regular assignment for the detail may not prevent the employee from reporting for duty under the detail in accordance with his instructions.

SUBPART C. RELEASE AND REASSIGNMENT

Sec. M-402.301. Definition. In this subpart, agency means a department or agency in the executive branch, including Government-owned and controlled corporations, and the municipal government of the District of Columbia.

Sec. M-402.302. Release of employees to higher priority work. An employing agency shall grant a release to an employee for higher priority work upon request by another agency, a State or local government, or a private organization when in furtherance of the emergency effort, or when the employee has special skills more critically needed by the requesting agency, government, or private organization.

Sec. M-402.303. Restrictions on movement of employees from emergency functions. An agency shall not employ:

(a) An employee of another agency without a release from that agency or from the Commission or

(b) A person who left his agency during the preceding 90 calendar days without a release from that agency or from the Commission.

Sec. M-402.304. Required movements of employees. When the Commission determines that an employee cannot be moved under regular procedures or through voluntary arrangements and the circumstances justify direct action, the Commission may require an employee to move to another agency on a temporary or permanent basis or may require his agency to separate him if he refuses to move as directed.

Sec. M-402.305. Appeals to the Commission.

(a) Appeals from agencies. An agency may appeal to the Commission from any action by the Commission taken without the agency's consent, if the agency believes that its own emergency operations will be seriously impaired.

(b) Appeals from employees. An employee may appeal to the Commission from his movement to another agency without his consent, if he believes the movement will cause him undue personal hardship.

SUBPART D. MANPOWER CONTROL PROCEDURES

Sec. M-402.401. Application to Federal agencies. Except as otherwise authorized by the Commission, Federal agencies shall comply with recruiting and hiring procedures established by the appropriate manpower control agency.

Part M-430

PERFORMANCE EVALUATION

Upon an attack on the United States, and thereafter until further notice, Part 430 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations is suspended.

Part M-500

SALARY AND WAGE STABILIZATION

Upon an attack on the United States, and thereafter until further notice, this Part M-500 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART A. APPLICATION TO FEDERAL AGENCIES

Sec.

M-500.101 General provisions

SUBPART A. APPLICATION TO FEDERAL AGENCIES

Sec. M-500.101. General provisions. Federal agencies shall comply with pertinent procedures of a salary and wage stabilization program following a general freeze order placed on salaries, wages, and other forms of compensation, except as modified by implementing regulations or instructions of the Commission.

Part M-511

POSITION CLASSIFICATION UNDER THE CLASSIFICATION SYSTEM

Upon an attack on the United States, and thereafter until further notice, Subpart F,

and sections 511.702 and 511.703 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations are suspended.

Part M-531

PAY UNDER THE CLASSIFICATION SYSTEM

Upon an attack on the United States, and thereafter until further notice, the following provisions of Part 531 of Subchapter B of Title 5 of the Code of Federal Regulations are suspended: Subparagraph (3), paragraph (e), and the last sixteen words of paragraph (g) of section 531.407; section 531.516.

Part M-532

PAY UNDER PREVAILING RATE SYSTEMS

Upon an attack on the United States, and thereafter until further notice, Subpart G of Part 532 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations is suspended.

Part M-534

PAY UNDER OTHER SYSTEMS

Upon an attack on the United States, and thereafter until further notice, Subpart C of Part 534 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations is suspended, and this Part M-534 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART C. SCIENTIFIC AND PROFESSIONAL POSITIONS REQUIRING SPECIALLY QUALIFIED PERSONNEL

Sec.

M-534.301 Suspending certain provisions of titles 5, 10, 42, and 49, United States Code

SUBPART C. SCIENTIFIC AND PROFESSIONAL POSITIONS REQUIRING
SPECIALLY QUALIFIED PERSONNEL

Sec. M-534.301. Suspending certain provisions of titles 5, 10, 42 and 49, United States Code. (a) The provisions of sections 3104, 3325, and 5361 of title 5; section 1581 of title 10; section 210(g) of title 42; and section 1343(f) of title 49, United States Code, which limit the number of positions which can be established and which require approval by the Commission of the salary levels and qualifications of appointees are suspended.

(b) Agencies shall follow the provisions of part M-334 in making appointments to these positions.

(c) A person appointed to one of these positions after the effective date of this subpart may not acquire competitive status solely by reason of his appointment to the position.

Part M-550

PAY ADMINISTRATION (GENERAL)

Upon an attack on the United States, and thereafter until further notice, this Part M-550 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART F. REDUCTION-IN-RETIRED-PAY PROVISIONS OF SUBCHAPTER IV
OF CHAPTER 53 OF TITLE 5, UNITED STATES CODE

Sec.

M-550.601 Exception for all retired regular officers

SUBPART G. SEVERANCE PAY

Sec.

M-550.701 Applicability to emergency-indefinite employees

SUBPART F. REDUCTION-IN-RETIRED-PAY PROVISIONS OF SUBCHAPTER IV
OF CHAPTER 53 OF TITLE 5, UNITED STATES CODE

Sec. M-550.601. Exception for all retired regular officers. Until further notice by the Commission, all retired officers of regular components of the uniformed services are excepted from the restrictions in section 5532(b) of title 5, United States Code.

SUBPART G. SEVERANCE PAY

Sec. M-550.701. Applicability to emergency-indefinite employees. The term employee in subsection 550.701(b)(1) of part 550 of the Commission's regulations includes an employee serving under an emergency-indefinite appointment.

Part M-591

ALLOWANCES AND DIFFERENTIALS PAYABLE IN NONFOREIGN AREAS

Upon an attack on the United States, and thereafter until further notice, section 591.304, and subsection 591.401(b) and the last sentence of subsection 591.401(h) of Part 591 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations are suspended, and this Part M-591 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART D. PAYMENT OF ALLOWANCES AND DIFFERENTIALS

Sec.

M-591.401 Suspension of limitations on nonforeign differentials and allowances

SUBPART D. PAYMENT OF ALLOWANCES AND DIFFERENTIALS

Sec. M-591.401. Suspension of limitations on nonforeign differentials and allowances. The provision in section 5941 of title 5, United States Code, which restricts an allowance to a maximum rate of 25 percent of the rate of basic pay is suspended.

Part M-610

HOURS OF DUTY

Upon an attack on the United States, and thereafter until further notice, this Part M-610 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART A. WEEKLY AND DAILY SCHEDULING OF WORK

Sec.

M-610.101 Establishment of a 48-hour workweek in the executive branch

SUBPART A. WEEKLY AND DAILY SCHEDULING OF WORK

Sec. M-610.101. Establishment of a 48-hour workweek in the executive branch. In the interest of the emergency effort, there is hereby established for employees in the departments, agencies, and independent establishments of the executive branch of the Federal service, including corporations owned and operated by the Government, and in the municipal government of the District of Columbia, a regularly scheduled administrative workweek of 48 hours, except where the head of a department, agency, or independent establishment finds the application of this policy to be administratively impracticable.

Part M-630

ABSENCE AND LEAVE

Upon an attack on the United States, and thereafter until further notice, this Part M-630 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART C. ANNUAL LEAVE

Sec.

M-630.301 General policy on granting annual leave

M-630.302 Payment for excess annual leave

SUBPART K. PLACING EMPLOYEES ON ADMINISTRATIVE LEAVE
FOLLOWING AN ATTACK

Sec.

M-630.1101 General policy

M-630.1102 Application

M-630.1103 Action following attack

M-630.1104 Guidelines for application of the policy

M-630.1105 Review of absent employees' status

SUBPART C. ANNUAL LEAVE

Sec. M-630.301. General policy on granting annual leave. The head of a department or agency having employees subject to subchapter I of chapter 63 of title 5, United States Code, shall grant annual leave to the maximum extent possible consistent with the conditions of the national emergency to permit employees to have vacations and other necessary time off in order to maintain a high degree of morale, well-being, and productivity, and to keep to a minimum the amount of annual leave in excess of the maximum limits provided by subchapter I of chapter 63 of title 5, United States Code.

Sec. M-630.302. Payment for excess annual leave. When an employee has annual leave in excess of the maximum limits provided in subchapter I of chapter 63 of title 5, United States Code, his agency shall pay him for this excess annual leave at the time this excess leave otherwise would be lost.

SUBPART K. PLACING EMPLOYEES ON ADMINISTRATIVE LEAVE FOLLOWING AN ATTACK

Sec. M-630.1101. General policy. An officer or employee who is relieved or prevented from reporting for duty because of disaster conditions shall be placed on administrative leave without charge to leave or loss of pay until appropriate action is taken in accordance with his current status.

Sec. M-630.1102. Application. This subpart applies to all officers and employees in the Federal departments, agencies, and independent establishments, including corporations wholly owned and operated by the Government, and the municipal government of the District of Columbia, except officers and employees (other than hourly workers in the Postal Field Service) who do not have regularly scheduled tours of duty. Employees serving under temporary appointments with specific time limitations are covered by this regulation until the end of the term for which appointed, but not beyond that date unless the agency takes appropriate action to extend the term of the appointment.

Sec. M-630.1103. Action following attack. All employees covered by this subpart who do not report for duty following an attack will be regarded as on administrative leave until it is otherwise officially determined. No formal action need be taken prior to such determination to record their leave status; however, informal notes should be made and filed, insofar as practicable, to facilitate the later adjudication of claims.

Sec. M-630.1104. Guidelines for application of the policy. While it is difficult to anticipate all the kinds of situations that might arise in a disaster period, the following described situations are likely to occur and should be used by agencies as guidelines in the application of this administrative leave policy. Each agency will make its decision on the basis of the facts in each individual case in accordance with the intent of the policy as illustrated in the following situations:

(a) Employees under instructions to report for work at an agency relocation site in the event of an attack. Employees instructed to report to the agency relocation site immediately after an attack

who are delayed in reporting for work due to disaster conditions which prevented them from reaching the relocation site (road conditions, radioactive fallout, and so on), should be granted administrative leave for the full period of time it took to reach the relocation site. If an employee voluntarily delays reporting to work when he could do so under the existing conditions, the agency will have to decide the employee's leave status during the period of delay. Based on whatever facts are available, the employee may be granted administrative leave, annual leave, leave without pay, or determined to be absent without leave, for all or for any part of the period of delay.

If an employee does not report for duty or cannot be located within a reasonable period of time, it may be assumed that he is missing, injured, dead, on military duty, on civil defense work, or at work for another employer. Agencies should take appropriate action in such cases as described in subsection (d) through (j) below.

(b) Employees under instructions to report for work at some prescribed elapsed time following an attack. Some agencies may instruct some of their employees not to report to the relocation site immediately but to delay their reporting for some period of time following an attack. For example, a group of employees may be instructed to report for work 30 days after an attack. Such employees would be entitled to administrative leave during this 30-day period, unless other action under such situations as described in subsections (d) through (j) below is more appropriate. Such employees may be entitled to additional administrative leave if they are unable because of disaster conditions to report for work at the end of the thirty day period. Agencies would take appropriate action in these cases in the same manner as in the situation described in subsection (a) above.

(c) Employees who have been given no specific instructions to report for work following an attack. Employees who have been given no specific orders to report for work following an attack will be considered to be on a standby status and should be entitled to administrative leave until the agency calls them to work or takes other appropriate action with respect to their status on the agency rolls.

Standby employees who are called to work should be continued on administrative leave under the same conditions as employees in subsections (a) and (b) above until they report for duty.

(d) Employees who are already on leave, furlough, or suspension at the time of the attack.

(1) Employees on annual leave. Employees on annual leave at the time of an attack, will be expected to report for duty in accordance with pre-emergency instructions and should be granted administrative leave as above.

(2) Employees on sick leave. Employees who are already on sick leave should be granted administrative leave from time of attack, if they are able to report for duty as soon as disaster conditions permit. Any further delay in reporting may be charged to sick or other leave in accordance with regular practice if it is clear that such delay is due solely to the illness or injury for which they were originally granted sick leave. However, if such a determination cannot easily be made by the agency, action may be taken by the agency as in the situation described in subsection (e) below.

(3) Employees on leave without pay, furlough, or suspension. Employees who are on leave without pay in lieu of annual or sick leave should be treated as in (1) or (2) above. Employees who are on leave without pay for other reasons or employees who are on furlough or suspension should be granted administrative leave under this policy only when the agency, in its discretion, decides that such leave is justified by the circumstances in the individual case.

(e) Employees unable to work because of injuries or illness. Employees unable to work because of injuries or illness should be carried on administrative leave until their status is known. If they are still unable to report for work, other appropriate action may be taken, such as placing the employee on sick leave or compensation for injury rolls, or retiring the employee on disability.

(f) Employees who are called to military duty before they are able to report for work. Employees called to military duty should be carried on administrative leave until date of entrance in the military service.

(g) Employees who are on civil defense work. Employees who are engaged in emergency civil defense work should be continued on administrative leave until released from such work.

(h) Employees who are at work for another employer. Employees who are unable to report for work because of disaster conditions or standby employees who are awaiting instructions to report for duty should be granted administrative leave (subsections (a), (b), and (c), above) even though they have accepted employment with another employer during the period of delay.

(i) Employees who are reported as dead following an enemy attack. Employees reported as dead should be carried on administrative leave until the reported date of death.

(j) Employees who are missing. When all surviving employees may be presumed to have reported for duty or communicated their whereabouts to the agency, there may be some employees whose whereabouts are still unknown by the agency and may therefore be presumed to be missing. If such employees are eligible for a status under the provisions of subchapter VII of chapter 55 of title 5, United States Code, they should no longer be given administrative leave under this policy but should be treated in accordance with such provisions.

In the event that missing employees are not eligible for a status under such provisions, they should be continued on administrative leave until their status becomes known or until they can be presumed to be dead for the purpose of adjudicating claims of dependents under the Retirement and Group Life Insurance Acts, or other applicable Acts providing benefits in certain circumstances upon the death of an employee.

Sec. M-630.1105. Review of absent employees' status.

(a) Agencies shall make periodic reviews of the available sources of information in an attempt to clear up the status of employees who have not been accounted for. The first such review should be made not later than 90 days after the occurrence of the attack.

(b) At the end of six months, all cases should be closed out insofar as possible. However, agencies may permit a longer period of administrative leave in individual cases when, in their judgment, the circumstances justify.

Part M-713

EQUAL OPPORTUNITY

Upon an attack on the United States, and thereafter until further notice, section 713.215, the second sentence of subsection 713.217(c), the second and third sentence of subsection 713.220(a), subsection 713.221(b), section 713.231, section 713.232, section 713.233, section 713.234, section 713.235, and section 713.236 of Subpart B of Part 731 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations are suspended.

Part M-731

SUITABILITY

Upon an attack on the United States, and thereafter until further notice, subpart D of Part 731 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations is suspended.

Part M-732

PERSONNEL SECURITY AND RELATED PROGRAMS

Upon an attack on the United States, and thereafter until further notice, Part 732 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations is suspended.

Part M-733

POLITICAL ACTIVITIES OF FEDERAL EMPLOYEES AND OF ENROLLEES OF THE JOB CORPS

Upon an attack on the United States, and thereafter until further notice, subsection 733.704(c) and sections 733.705 through 733.710 of subpart G of Part 733 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations are suspended.

Part M-736

INVESTIGATIONS

Upon an attack on the United States, and thereafter until further notice, this Part M-736 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART A. GENERAL PROVISIONS

Sec.

M-736.101 Agency authority to defer for limited periods the initiation of investigation under subsection 3(a) of Executive Order 10450

M-736.102 Authority of agency head to delegate his authority under subsection 3(b) of Executive Order 10450 to fill sensitive positions without a completed preappointment investigation

SUBPART A. GENERAL PROVISIONS

Sec. M-736.101. Agency authority to defer for limited periods the initiation of investigation under subsection 3(a) of Executive Order 10450. (a) When the head of a department or agency, or a person to whom he has delegated the authority, determines that emergency conditions make it impracticable, in the appointment of civilian officers or employees in the department or agency, to meet the standards for investigation in subsection 3(a) of Executive Order No. 10450, he may, if he determines such action to be necessary in the national interest, defer the initiation of investigation or require only whatever investigation he may find feasible under the circumstances, but as soon as conditions permit, he shall cause the investigation required by subsection 3(a) to be conducted or completed.

(b) The head of a department or agency, or a person to whom he has delegated the authority, may use the authority provided in paragraph (a) of this section when communications with the Commission are disrupted because of disaster conditions, or when the Commission defers or discontinues temporarily the obtaining of investigative information from the sources specified in subsection 3(a) of Executive Order No. 10450 because it is not feasible to obtain the information under the emergency conditions.

Sec. M-736.102. Authority of agency head to delegate his authority under subsection 3(b) of Executive Order No. 10450 to fill sensitive positions without a completed preappointment investigation. An agency head may delegate his authority in subsection 3(b) of Executive Order No. 10450 to fill a sensitive position for a limited period, in case of emergency, with a person on whom a full field preappointment investigation has not been completed.

Part M-750

DISCIPLINE AND ADVERSE ACTIONS (GENERAL)

Upon an attack on the United States, and thereafter until further notice, this Part M-750 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART A. REQUIREMENTS IN TAKING ADVERSE ACTIONS

Sec.

M-750.101 Procedure for taking adverse action in a disaster situation

SUBPART A. REQUIREMENTS IN TAKING ADVERSE ACTIONS

Sec. M-750.101. Procedure for taking adverse action in a disaster situation. All procedural requirements for taking adverse actions are hereby suspended during a period of disaster except that the employee concerned shall be furnished a written statement setting forth the action taken and explaining why it has been taken. This explanation shall consist, as a minimum, of the agency's conclusions as to the deficiencies of performance or conduct or the other bases for the action.

Part M-752

ADVERSE ACTIONS BY AGENCIES

Upon an attack on the United States, and thereafter until further notice, the third sentence of subsection 752.202(e)(3), the last two phrases in the third sentence of subsection 752.202(f) and section 752.203, the last two phrases in the third sentence of subsection 752.302(c) and section 752.304, and section 752.401 of Part 752 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations are suspended, and this Part M-752 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART A. GENERAL PROVISIONS

Sec.

M-752.101 Applicability to emergency-indefinite employee

SUBPART A. GENERAL PROVISIONS

Sec. M-752.101. Applicability to emergency-indefinite employee. The term "indefinite employee" in Part 752 of the Commission's regulations includes an employee serving under an emergency-indefinite appointment.

Part M-754

ADVERSE ACTIONS BY THE COMMISSION

Upon an attack on the United States, and thereafter until further notice, the last clause in the first sentence of section 754.104 and section 754.105 of Part 754 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations are suspended, and this Part M-754 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART A. GENERAL PROVISIONS

Sec.

M-754.101 Applicability to emergency-indefinite employee

SUBPART A. GENERAL PROVISIONS

Sec. M-754.101. Applicability to emergency-indefinite employee. The term "indefinite employee" in Part 754 of the Commission's regulations includes an employee serving under an emergency-indefinite appointment.

Part M-770

APPEALS AND OTHER REMEDIES (GENERAL)

Upon an attack on the United States, and thereafter until further notice, this Part M-770 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART A. GENERAL PROVISIONS

Sec.

M-770.101 Suspending appeals requirements

SUBPART A. GENERAL PROVISIONS

Sec. M-770.101. Suspending appeals requirements. (a) All requirements in laws, Executive orders, rules, and regulations for the consideration or reconsideration of pending appeals and for the acceptance of new appeals or requests for reconsideration are suspended, except that this suspension shall not apply to appeals provisions which are specifically designated as effective upon or following an attack on the United States.

(b) Decisions made and actions taken to meet the requirements of the emergency situation will be subject to later appeal only if they involve matters of substance.

(c) Decisions on these later appeals for restoration of substantive rights that were disregarded because of the provisions of this section shall not have retroactive effect unless the action appealed was unreasonable and unnecessary under the emergency conditions existing at the time the action was taken.

(d) This section shall not apply to appeals requirements in laws, Executive orders (other than Executive Order 10987), rules, or regulations (other than agency appeals systems established under Executive Order 10987) which are administered by an agency other than the Commission.

Part M-771

EMPLOYEE GRIEVANCES AND ADMINISTRATIVE APPEALS

Upon an attack on the United States, and thereafter until further notice, Part 771 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations is suspended.

Part M-772

APPEALS TO THE COMMISSION

Upon an attack on the United States, and thereafter until further notice, Part 772 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations is suspended.

Part M-831

RETIREMENT

Upon an attack on the United States, and thereafter until further notice, sections 831.107, 831.1111, and 831.1205 and sub-sections 831.502(b)(1) and (2) and (c)(1) and (2) of Part 831 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations are suspended, and this Part M-831 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART A. ADMINISTRATION AND GENERAL PROVISIONS

Sec.

M-831.101 Suspending valuations of the Civil Service Retirement System

SUBPART D. VOLUNTARY CONTRIBUTIONS

M-831.401 Suspending the receipt of voluntary contributions

SUBPART E. ELIGIBILITY FOR RETIREMENT

M-831.501 Suspending the requirement (a) for annual medical checkups of and income reports by disability annuitants and (b) that annuity payments stop when disability annuitants recover or are restored to earning capacity

M-831.502 Providing salary retention for employees demoted to lower grade positions in lieu of disability retirement

M-831.503 Continued eligibility for disability retirement after change of position in lieu of disability retirement

M-831.504 Initial medical examination for disability retirement

SUBPART G. COMPUTATION OF ANNUITIES

M-831.701 Deferring the adjudication of claims to make deposits and redeposits and suspending the receipt of payments on deposits and redeposits

SUBPART A. ADMINISTRATION AND GENERAL PROVISIONS

Sec. M-831.101. Suspending valuations of the Civil Service Retirement System. The provision in section 8347 of title 5, United States Code, requiring valuations of the Retirement System at intervals of five years, or oftener if deemed necessary by the Civil Service Commission, is suspended.

SUBPART D. VOLUNTARY CONTRIBUTIONS

Sec. M-831.401. Suspending the receipt of voluntary contributions. The provisions of section 8343 of title 5, United States Code, and of subpart D of Part 831 of the Commission's regulations relating to receipt of voluntary contributions to the retirement fund are inoperative until an employee retires.

SUBPART E. ELIGIBILITY FOR RETIREMENT

Sec. M-831.501. Suspending the requirement (a) for annual medical checkups of and income reports by disability annuitants and (b) that annuity payments stop when disability annuitants recover or are restored to earning capacity. The provision in section 8337 of title 5, United States Code which require (a) each disability annuitant who has not attained age 60 to be examined, and to report his income from wages and self-employment, annually under the direction of the Commission and (b) cessation of annuity payments to annuitants who during the emergency recover or are restored to earning capacity, are suspended.

Sec. M-831.502. Providing salary retention for employees demoted to lower grade positions in lieu of disability retirement. No decrease shall be made in the salary of an employee by reason of his change to a lower grade position in lieu of disability retirement.

Sec. M-831.503. Continued eligibility for disability retirement after change of position in lieu of disability retirement. Any Commission instructions which void an employee's eligibility for disability retirement based on his inability to perform the duties of his position when he accepts reassignment to a position for which he is medically qualified, are suspended.

Sec. M-831.504. Initial medical examination for disability retirement. The requirement of section 831.502(a) for initial medical examination is waived when disaster conditions prevent the obtaining of professional medical service in connection with disability claims.

SUBPART G. COMPUTATION OF ANNUITIES

Sec. M-831.701. Deferring the adjudication of claims to make deposits and redeposits and suspending the receipt of payments on deposits and redeposits. The adjudication of claims to make deposits or redeposits to the retirement fund is deferred, and the provisions of section 8334 of title 5, United States Code, permitting receipt of payments on a deposit or redeposit are inoperative, until an application for retirement or death benefits is received by the Commission.

Part M-870

LIFE INSURANCE

Upon an attack on the United States, and thereafter until further notice, section 870.205 of Part 870 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations is suspended.

Part M-871

OPTIONAL LIFE INSURANCE

Upon an attack on the United States, and thereafter until further notice, section 871.206 of Part 871 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations is suspended.

Part M-890

FEDERAL EMPLOYEES HEALTH BENEFITS

Upon an attack on the United States, and thereafter until further notice, subsections 890.103(a) and (b) of Part 890 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations are suspended.

Part M-891

RETIRED FEDERAL EMPLOYEES HEALTH BENEFITS

Upon an attack on the United States, and thereafter until further notice, subsection 891.105(a) of Part 891 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations is suspended.

Part M-930

PROGRAMS FOR SPECIFIC POSITIONS AND
EXAMINATIONS (MISCELLANEOUS)

Upon an attack on the United States, and thereafter until further notice, Subparts A and B of Part 930 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations is suspended, and this Part M-930 of Chapter 31 of the Code of Emergency Federal Regulations is effective.

SUBPART B. APPOINTMENT, PAY, AND REMOVAL OF HEARING EXAMINERS

Sec.

M-930.201 Removal of hearing examiners

SUBPART B. APPOINTMENT, PAY, AND REMOVAL OF HEARING EXAMINERS

Sec. M-930.201. Removal of Hearing Examiners. The provisions of section 7521 of title 5, United States Code, are suspended.

Part M-990

GENERAL AND MISCELLANEOUS

Upon an attack on the United States, and thereafter until further notice, Subpart A of Part 990 of Subchapter B of Chapter I of Title 5 of the Code of Federal Regulations is suspended.

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL]

Executive Assistant to the
Commissioners

TABLE FOR APPLICABILITY OF CIVIL SERVICE REGULATIONS AND OF STANDBY REGULATIONS UPON AN ATTACK ON THE UNITED STATES

Title of Part	Standby Regulations	Civil Service Regulations Not Suspended	Civil Service Regulations Suspended
Political Activities of State Employees: Rules of Practice		151	
Basic Concepts and Definitions (General)	M-210-A	210-A	
Veteran Preference		211-A	
Competitive Service and Competitive Status		212-A, -C, -D	
Excepted Service		213-A, -C	
Organization of the Government for Personnel Management		230-B, -D*	
Personnel Records and Processing	M-290-A		
Personnel Records and Files		293-B	
Availability of Official Information		294-A, -B, -C, -D, -E, -F, -G, -H, -I, J, K	
Employment (General)	M-300-C, -F	300-F except 300.603(a)(3)	300-C, -D, -E, -I, 300.603(a)(3) 301-B
Overseas Employment			
Employment in the Excepted Service		302-A, -B, -C, -D	
Deferment from Military Service	M-303-B		
Executive Assignment System	M-305-E	305-A, -F	305-E, -G
Transitional Appointments	M-307-A		307
Employment of Relatives	M-310-A		310-A, -B
Position Control	M-312-A		
Career and Career-Conditional Employment	M-315-B, -C, -D		315-B, -C, -D, -E, -F, -G, -H
Temporary and Emergency-Indefinite Employment	M-316-B, -D		316-B, -C, -D, -E, -F, -G, -H

* Subpart 230-D provides broad authority to agencies to take personnel actions in a national emergency disaster

TABLE FOR APPLICABILITY OF CIVIL SERVICE REGULATIONS AND OF STANDBY
REGULATIONS UPON AN ATTACK ON THE UNITED STATES

Title of Part	Standby Regulations	Civil Service Regulations Not Suspended	Civil Service Regulations Suspended
Recruitment, Selection, and Placement	M-330-D, -E, -F, -H	330-A, 330.201	330-C, -D, -E, -F, -G 330.202 through .204 332-A, -C, -D
Recruitment and Select- ion through Competi- tive Examination			
Competitive Selection for Appointment	M-333-A		333-A
Noncompetitive Select- ion for Appointment	M-334-A		
Promotion and Internal Placement	M-335-A		335-A
Examining System			337-A
Qualifications Require- ments (General)	M-338-A		338-A, -B, -C, -F
Qualifications Require- ments (Medical)		339-A	
Reduction in Force	M-351-B	351-B, -C, -D, -E, -F, -G, -H, -J, 351.903	351.901 351.902
Reemployment Rights	M-352-A	352-D, 352-C except 352.312, 352.501 through .507	352-B, 352.312, 352.508
Restoration After Military Duty	M-353-A	353-A, -C, -H, 353.401 through .405	353-G, 353.406
Manpower Controls	M-402-B, -C, -D		
Training		410-A, -B, -C, -D, -E, -F, -G, -I	
Performance Evalua- tion			430-A, -C, -D
Salary and Wage Stabilization	M-500-A		
Position Classifica- tion Under the Classification System		511-A, -B, 511.701	511-F, 511.702, 511.703

TABLE FOR APPLICABILITY OF CIVIL SERVICE REGULATIONS AND OF STANDBY REGULATIONS UPON AN ATTACK ON THE UNITED STATES

Title of Part	Standby Regulations	Civil Service Regulations Not Suspended	Civil Service Regulations Suspended
Pay Rates and Systems (General)		530-C	
Pay Under the Classification System		531-B, -C, 531.401 through .406, 531.407 except (d)(3), (e) and last 16 words of (g), 531.408 through .413, 531.501 through .515	531.407(d)(3), (e), last 16 words of (g), 531.516
Pay Under the Prevailing Rate System			532-G
Pay Under Other Systems	M-534-C	534-B	534-C
Conversions Between Pay Systems		539-B	
Pay Administration (General)	M-550-F, -G	550-A, -C, -D, -E, -F, -G, -H, -I	
Allowances and Differentials Payable in Nonforeign Areas	M-591-D	591-A, -B, 591.301 through .303, 591.401(a), (c) through (j) except last sentence of (h)	591.304, 591.401(b) and last sentence of (h)
Hours of Duty	M-610-A	610-A, -B, -C	
Absence and Leave	M-630-C, -K	630-A, -B, -C, -E, -F, -G	
Equal Opportunity		713.201 through .205, 713.211 through .214, 714.216, 713.217 except second sentence of (c), 713.218, 713.219, 713.220 except second and third sentences of (a), 713.221(a), 713.222, 713.241, 713-C, -D	713.215, second sentence of 713.217(c), second and third sentences of 713.220(a), 713.221(b), 713.231 through .236

TABLE FOR APPLICABILITY OF CIVIL SERVICE REGULATIONS AND OF STANDBY
REGULATIONS UPON AN ATTACK ON THE UNITED STATES

Title of Part	Standby Regulations	Civil Service Regulations Not Suspended	Civil Service Regulations Suspended
Suitability		731-B, -C	731-D
Personnel Security and Related Programs			732-D
Political Activities of Federal Employees and of Enrollees of the Job Corps		733-A, -C, -F, -H, 733.701 through .703, 733.704 except (c) 735-A, -B, -C, -D	733.704(c), 733.705 through .710
Employee Responsibil- ities and Conduct	M-736-A		
Investigations	M-750-A		
Discipline and Adverse Actions (General)			
Adverse Actions by Agencies	M-752-A	752-A, 752.201, 752.202 except third sentence of (e)(3) and last two phras- es in third sentence of (f), 752.301, 752.302 except last two phras- es in third sentence of (c), 752.303, 752.402	Third sentence of 752.202(e) (3), last two phrases in third sen- tence of 752.202 (f), 752.203, last two phrases in third sen- tence of 752.302 (c), 752.304, 752.401
Adverse Actions by the Commission	M-754-A	754.101 through .104 except last phrase of first sen- tence of 754.104	Last phrase in first sen- tence of 754.104, 754.105
Appeals and Other Remedies (General)	M-770-A		
Employee Grievances and Administrative Appeals			771-B

TABLE FOR APPLICABILITY OF CIVIL SERVICE REGULATIONS AND OF STANDBY
REGULATIONS UPON AN ATTACK ON THE UNITED STATES

Title of Part	Standby Regulations	Civil Service Regulations Not Suspended	Civil Service Regulations Suspended
Appeals to the Commission Retirement	M-831-A, - -D, -E, -G	831.101 through .106, 831.108, 831-B, -C, -D, 831.501, 831.502(a), (b)(3), (c) (3), and (d), 831.503, 831-F, -G, -H, -J, -K except 831.1111, -L except 831.1205	772-C 831.107, 831.502(b)(1), and (2), (c) (1) and (2), 831.1111, 831.1205
Life Insurance		870-A, -B except 870. 205, -C, -D, -E, -F, -G, -I	870.205
Optional Life Insurance		871-A, -B ex- cept 871.206, -C, -D, -E, -F	871.206
Federal Employees Health Benefits		890-A except 890.103(a) and (b), -B, -C, -D, -E	890.103(a) and (b)
Retired Federal Employees Health Benefits		891-A except 891.105(a), -B, -C, -D, -E	891.105(a)
Programs for Specific Positions and Examin- ations (Miscellaneous)	M-930-B		930-A, -B
General and Miscellaneous			990-A

[EFR Doc. 39-3]

EMERGENCY CONTRACTING REGULATION

1. Scope. This Emergency Contracting Regulation is issued pursuant to the Defense Resources Act, the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, and various Executive orders implementing the Defense Resources Act. Certain executive agencies have, by delegation from the Office of Defense Resources, been authorized to perform emergency contracting functions. Basically, the regulation prescribes minimum policies and procedures for entering into and modifying contracts made by such executive agencies of the Government (and by State and local governments to the extent they may be performing emergency functions as agents of such agencies of the Federal Government) for the procurement of property and services necessary, appropriate, or convenient for the national defense during any period proclaimed or announced by duly constituted authority to be a period of extreme national emergency warranting the use by the Government of extraordinary contractual actions.

2. Applicability. This Emergency Contracting Regulation is a standby regulation which becomes effective after an appropriately authorized announcement. Prior to receiving authorization to put into effect any of the emergency contracting policies and procedures prescribed in this regulation, executive agencies shall continue to contract for property and services in accordance with the provisions of the Federal Procurement Regulations (41 CFR, Chapter 1), including Part 1-17, setting forth authority for agencies to engage in extraordinary contractual actions to facilitate the national defense, as detailed appropriately in their own implementing and supplementing procurement regulations. While this regulation is intended to standardize contracting practices of the various agencies so far as possible, the emergency nature of a particular procurement must be emphasized. Consequently, formalities may be dispensed with, or modified whenever necessary, depending on the gravity of the particular situation.

3. Definition of contracting. As used in this Emergency Contracting Regulation, "contracting" means the act of entering into and modifying agreements with non-Federal sources for all types and kinds of property and services necessary, appropriate, or convenient for authorized executive agencies to meet their requirements for property and services necessary, appropriate, or convenient for the national defense. The word "property" consists of both real property and personal property, and the word "services" consists of both personal services and nonpersonal services.

4. Contracting authority. Any agency of the Government duly authorized to exercise emergency contracting authority under the authority cited in paragraph 1 hereof, may, except as provided in paragraph 7, below, enter into contracts and into amendments or modifications of contracts, theretofore or thereafter made, and may make advance payments without regard to the provisions of law relating to the consummation, performance, amendment, or modification of contracts whenever such action would facilitate the national defense.

a. With respect to contracts theretofore or thereafter made, officers and agencies given authority to perform emergency contracting may by agreement modify, amend, or settle claims under such contracts, may make advance, progress, or other payments under such contracts or upon any percentum of the contract price, and may enter into agreements with contractors or obligors, releasing bid, payment, performance, and other bonds and modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds, whenever, in the judgment of the heads of the agencies, or their duly authorized representatives, the national defense will be thereby facilitated. Bid, payment, performance, or other bonds required by law under nonemergency conditions may similarly be waived on determination by the agency head. Obligations in excess of \$50,000 must be approved by an official at the level of an Assistant Secretary or his Deputy, or by a Departmental or Agency Contract Adjustment Board, except that such approval may be waived by an agency head on a finding that such waiver is necessary to expedite procurement for the national defense.

b. Amendments and modifications of contracts may be with or without consideration and may be used to accomplish the same objectives as any original contract could have accomplished thereunder, irrespective of the time or circumstances of the making, or the form, of the contract as amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof. Contracts which were negotiated after formal advertisement pursuant to the provisions of section 302(c)(14) of the Federal Property and Administrative Services Act, as amended, may, if circumstances warrant, be amended to increase the contract price to a price higher than that of the lowest rejected bid of a responsible bidder under the original advertised procurement if an agency head finds that it is necessary to expedite procurement for the national defense.

c. The contracts hereby authorized to be made include agreements of all kinds (whether in the form of letters of intent, purchase orders, or otherwise) for all types and kinds of property and services necessary.

appropriate, or convenient for the agency to meet its requirements under national emergency conditions, or for the invention, development, or production of, or research concerning any such property, so long as such agreements are consistent with duly issued directives regarding delegation of priorities and allocation authority.

5. General policies.

a. Method of contracting. When performed under this Emergency Contracting Regulation, contracting may be by negotiation or advertising, entirely at the discretion of the contracting officer.

b. Types of contracts. Insofar as practicable, contracts shall be of the fixed-price type, but cost type contracts may be used where they appear best to represent the national interest.

c. Award of contracts. In awarding a contract, the award shall be to that responsible offeror whose offer will be most advantageous to the Government, price and other factors considered. Contracting officers shall exercise care and judgment in making contracts so as to obtain requirements at prices as reasonable as possible under whatever urgency there is to complete the contract, but price factors may be disregarded where a showing is made that the national interest is best served by award to other than the low offeror.

d. Advance payments. Advance payments shall be made only after careful scrutiny to determine that such payments will promote the national defense. Contracting officers shall work closely with the appropriate legal and fiscal personnel in the development of financial terms and conditions to be incorporated in the contract. The procedures set forth in Subpart 1-30.4 of the Federal Procurement Regulations should be followed as far as possible.

e. Agreements regarding claims and obligations under contracts, prepayments, and amendments without consideration. In carrying out the procedures set forth in subparagraphs 4(b) and (c) above, action shall ordinarily be approved at a level at least one step higher than that of the contracting officer taking the action, unless emergency conditions demonstrate to the contracting officer the impracticability of securing such approval.

f. Conservation of essential materials. Consideration shall be given to the conservation of scarce materials, including the substitution of other materials therefor, so that the maximum quantity of such scarce materials will be available for essential production. Such consideration may be a factor in bid evaluation.

g. Allocations and priorities. Contracting transactions shall be subject to any controls involving allocations and priorities which may be established by the duly authorized agency.

h. Price and wage controls. Prices paid under contracts entered into hereunder shall be subject to any system of price and wage controls established by the duly authorized agency.

(i) Loans. Consideration shall be given to guaranteeing, in whole or in part, any financing institution against loss on any loan which may be made by such financing institution for the purpose of financing the contractor, any subcontractor, or other person in connection with the performance of the contract. In giving such consideration, the contracting officer shall work closely with the appropriate legal and fiscal personnel. Consideration shall be given to the making of direct loans for the expansion of capacity, the development of technological processes, or the production of essential materials. Both guaranteed and direct loans shall be available for the restoration, repair, expansion, or construction of essential facilities, and for the operation of facilities acquired by the Government.

(j) Records. Complete data shall be maintained by the responsible officials of the agencies as to all contracts and purchases made pursuant to the emergency contracting authority. All unclassified contracts will be a matter of public record. In addition, the responsible officials of the agency shall make freely available for public inspection so much of such data as they may respectively deem compatible with the public interest and as does not cover classified contracts or purchases.

(k) Availability of contract data. A file shall be maintained by the contracting officer reflecting actions taken in connection with each contract made under the emergency contracting authority (see paragraphs 2 and 4, above). The file should contain the name and address of each prospective supplier who was given an opportunity to make an offer, a record of each offer received, reasons for rejecting lower offers if the contract was not made at the lowest price offered, a copy of the contract, and any information that would show that the contracting officer had exercised good judgment in making and administering the contract.

6. Specific policies.

a. Requests for proposals. When negotiating a contract, oral requests for proposals and price quotations are authorized, but requests for proposals shall be in writing to the extent practicable.

b. Disclosure of cost and profit figures. Cost and profit figures of one offeror or contractor shall not be revealed to other offerors or contractors.

c. Cost principles. The cost principles which are set forth in Part 1-15 of the Federal Procurement Regulations shall be used in connection with appropriate cost-reimbursement type contracts to the extent practicable.

7. Limitations. Nothing in the delegated authority to perform emergency contracting (see paragraph 4, above) or in this Emergency Contracting Regulation shall be construed to authorize:

a. The cost-plus-a-percentage-of-cost system of contracting;

b. Any contracts in violation of existing law relating to limitation of profits, or payment of a fee in excess of such limitation as may be set forth in the act appropriating the funds or granting the contract authorization obligated by a contract; or

c. In the case of cost-plus-fixed-fee contracts, the fixed fee to be paid shall not exceed 10 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the agency head at the time of entering into such contract; provided, however, that a fee not in excess of 15 per centum may be authorized for experimental, developmental, or research contracts. In the case of contracts for architectural or engineering services relating to any public works or utility project, the maximum fee shall be 6 per centum of the estimated cost.

8. General requirements of the contract. Each contract, amendment, or modification, except as provided in paragraph 9, below, should be consummated in writing but in any event shall be a matter of public record. However, it is to be clearly understood that contracting agencies have extraordinary powers hereunder, and such transactions as oral contracts and similar unconventional contractual actions may be proper if the acuteness of the situation warrants such action. The clauses contained in Part 1-7 of the Federal Procurement Regulations should be included when feasible to the extent applicable, but (except for the mandatory inclusion of the Examination of Records clause in all cases) may be omitted on a determination by the contracting officer that it is in the public interest to do so. The information called for on Standard Form 33, Solicitation, Offer, and Award, should also be included so far as possible.

9. Small purchases. The requirements of paragraph 8, above, need not be applied when the aggregate amount involved in any one procurement transaction does not exceed \$2,500, and the procurement can be made by use of Standard Form 44, Purchase Order - Invoice - Voucher, or other simplified procedure used under normal conditions.

10. Effective date. This regulation becomes effective upon appropriate announcement by duly constituted authority of existence of emergency conditions warranting the use of extraordinary contractual actions.

ADMINISTRATOR OF GENERAL SERVICES