

CODE OF
EMERGENCY
FEDERAL
REGULATIONS

July 1, 1965

Office of the Federal Register
National Archives and Records Service
General Services Administration

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Explanation

I. Purpose and scope.

The Code of Emergency Federal Regulations (CEFR) is designed to provide continuity in the publication of Federal statutes and regulations during a condition of enemy attack or threatened attack. It provides a vehicle for the prepositioning of emergency measures on a stand-by basis for implementation as described in paragraph IV below. By centralizing stand-by emergency measures in one official publication, the CEFR makes available information that is essential to coordinated action and planning by all agencies having responsibilities in this area.

The emergency measures published in the CEFR are not intended to supplant all existing law. Rather, when called into effect, these measures would amend and supplement existing law to the extent necessary to meet the emergency. The CEFR, therefore, would be used in conjunction with normal sources, such as the United States Code and the Code of Federal Regulations.

II. Authority.

The CEFR is contemplated by the Act of June 25, 1956 (70 Stat. 337; 44 U.S.C. 305(c)), and is issued pursuant to section 12(f) of E.O. 11093, dated February 26, 1963 (3 CFR, 1959-1963 Comp., p. 737). Under the Act of June 25, 1956, operation of the Federal Register Act may be suspended only by action of the President.

44 U.S.C. 305(c) reads as follows:

§ 305. Documents to be published in Federal Register.

* * * * *

(c) Suspension of requirements for filing of documents; alternate systems for promulgating, filing or publishing documents; preservation of originals.

In the event of an attack or threatened attack upon the continental United States, by air or otherwise, and a determination by the President that as a result of such attack or threatened attack (i) publication of the Federal Register or filing of documents with the Division is impracticable, or (ii) under existing conditions publication in the Federal Register would not serve to give appropriate notice to the public of the contents of documents, the President may, without regard to the provisions of this chapter or of the Administrative Procedure Act, or of any other provision of law, suspend all or any part of the requirements of law or regulation for filing with the Division or publication in the Federal Register of all or any documents or classes of documents. Such suspensions shall remain in effect until

revoked by the President, or by concurrent resolution of the Congress. The President shall establish such alternate systems for promulgating, filing, or publishing documents or classes of documents affected by such suspensions, including requirements relating to their effectiveness or validity, as may be deemed under the then existing circumstances practicable to provide public notice of the issuance and of the contents of such documents. Such alternate systems may, without limitation, make provision for the use of regional or specialized publications or depositories for documents, or of the press, the radio, or similar mediums of general communication. Compliance with such alternate systems of filing or publication shall have the same force and effect as filing with the Division or publication in the Federal Register pursuant to the provisions of this chapter or of any other Act, or of any regulation. With respect to documents promulgated under such alternate systems, each agency shall preserve the original and two duplicate originals or two certified copies thereof for filing with the Division when the President determines that it is practicable to do so.

III. Distribution.

The CEFR is issued in loose-leaf format and will be kept up-to-date by periodic transmittal of new material and changed pages. A limited number of copies will be furnished to agencies through their mobilization officers or their representatives on the Interagency Emergency Planning Committee. At least two sets of the CEFR should be maintained at agency relocation sites.

IV. Implementation of the CEFR.

(a) Emergency Federal Register. Under 44 U.S.C. 305(c), the President may establish an alternate system for promulgating, filing, or publishing Presidential proclamations, Executive orders, and other legal documents during a period of attack or threatened attack. In such event, a serial publication designated the Emergency Federal Register (EFR) may be issued. Documents published in the EFR would then implement by reference, amend, or supplement the material carried in the CEFR.

(b) Original documents. The original signed document shall be retained by the issuing agency. In lieu of a separate original, agencies may elect to use the CEFR pages containing the document. Affixation of an official signature to the CEFR document would create the original. Original documents and two duplicate originals or two certified copies shall be preserved for transmission to the Office of the Federal Register when requested after the emergency period.

(c) Effectiveness. A document published in the CEFR may automatically become effective as prescribed by its own terms (self-triggering) or may be made effective by separate announcement published in the EFR during an emergency. To the extent practicable, notice of the effectiveness of self-triggering documents should also be published in the EFR.

(d) Numbering system and pagination. Agencies normally are assigned chapters in the CEFR when they first submit material. Documents are assigned numbers keyed to the agency's chapter. Thus, the third document issued within Chapter 8 would be numbered "EFR Doc. 8-3". Each document carries an independent pagination based on its EFR Document number: e.g., page 8-3-4 is page 4 of EFR Doc. 8-3.

Amendments to material in the CEFR, and implementation notices promulgated in accordance with paragraph (c) above, may use the EFR Document numbers for reference convenience.

V. Submission instructions.

The CEFR is produced by means of a photographic printing process, based on the pages of the material as actually submitted. Its quality is therefore dependent on the quality of the submissions. The following considerations and requirements are involved:

(a) Security classification. All submissions must be unclassified.

(b) Retention by issuing agency. The original signed document and two duplicate originals or two certified copies shall be retained by the issuing agency.

(c) Number of copies. Two copies of each document (three if printed on both sides) shall be submitted.

(d) Size and quality. All submitted copies shall be single-spaced, in black ink on white paper, 8"x10 $\frac{1}{2}$ ", with 1-inch margins. All copies shall be amply clear for photographic reproduction. Printed or reproduced copies are acceptable if prepared in conformance with these standards.

(e) Numbering. Chapter numbers and document numbers are assigned by the Emergency Federal Register Headquarters. There is no prescribed internal numbering system.

(f) Headings. Each document shall include the following headings: Name of issuing department or agency and a brief descriptive subject heading. If needed, agency numerical document designations, such as "Regulations 64", may be carried preceding the subject heading.

(g) Amendments. Amendments to previously submitted material shall be prepared in the form of completely revised paragraph units that facilitate cutting and pasting for new camera copy.

(h) Address. Submissions shall be addressed as follows:

Emergency Federal Register Headquarters
c/o Special Facilities Division
Room 011, Executive Office Building
Washington, D.C. 20504 STOP 16

(i) Inquiries. Telephone inquiries may be directed to the Emergency Federal Register Headquarters, Code 163, Extension 5651.

Chapter 1

The President

RESERVED

Chapter 2

The Congress

RESERVED

Chapter 3

Office of Emergency Planning

RESERVED

Chapter 4

Office of Civil Defense

RESERVED

Chapter 11

Department of State

RESERVED

Chapter 12

Department of the Treasury

[EFR Doc. 12-1]

[Emergency Banking Regulation No. 1]

MAINTENANCE OF OPERATIONS AND FUNCTIONS
OF BANKING INSTITUTIONS IN AN
EMERGENCY

In keeping with the objectives of The National Plan for Civil Defense and Defense Mobilization, I have issued an Emergency Banking Regulation that would become effective only in the event that there should be an attack upon the United States. Issuance of the Regulation at this time has no particular significance except that, after months of careful study, work on it has now been completed. It is being issued so that banking institutions may develop and complete their emergency preparedness programs as advocated by the National Plan.

Obviously the effective utilization of the financial capacity of the Nation in the conduct of any war that might befall us must be assured. The Regulation provides, insofar as possible, a reasonable degree of flexibility, as proper implementation would depend heavily upon the knowledge, initiative and judgment of the managements of our financial institutions and the understanding and cooperation of depositors and share or savings account owners. Basically the Regulation is for the purpose of assuring the maintenance of operations and functions of all banking institutions, including savings and loan associations and credit unions, and to facilitate restoration of such activities should they become temporarily disrupted because of such an emergency. This Regulation, should it ever become effective, would be subject to such amendment, modification or termination as might be consistent with the existing monetary needs and the developments in the national economy.

The Regulation has been issued pursuant to the authority vested in me as Secretary of the Treasury, including the authority vested in me by Section 5 (b) of the Trading with the Enemy Act of October 6, 1917, as amended (50 U.S.C. App. 5 (b)), and Executive Order No. 9193. Bearing in mind that the Regulation would become effective only in the event of an attack upon the United States and that the term "banking institutions" includes every commercial bank, trust company, private bank, savings bank, mutual savings bank, savings and loan association, building and loan association, cooperative bank, homestead association, credit union, and United States postal savings depository office authorized under the laws of the United States or of any state to transact business in the United States or any place subject to its jurisdiction, or any receiver or conservator for any of the foregoing, the Regulation is summarized as follows:

All Federal Reserve Banks, Federal Home Loan Banks, their respective branches, and all banking institutions and their branches would be required to remain open and continue their operations and functions, and permit the transaction of business during their regularly established hours. The only exceptions would be those unable to operate because they may have suffered personnel losses or physical damage, or may be located in areas declared to be unsafe because of defensive or enemy action.

Such institutions would also be authorized to act as agent for each other in carrying out their operations and functions. Banking institutions and depositors and the owners of share or savings accounts would be required to observe provisions that would guard against the misuse of the Nation's monetary resources so that they might be preserved primarily for the payment of vital expenses, reconstruction and essential living costs, taxes, or payrolls. Provisions would also guard against the misuse of credit by directing all lending activities toward the above-named essential purposes.

To prevent misuse or hoarding of goods and materials and in order to guard against inflation, Government planning also includes a number of other emergency measures. These would provide for the stabilization of rentals, prices, salaries and wages, and rationing. During an emergency of the type toward which our planning is directed, the cash and credit resources of our financial institutions must likewise be utilized to the end that the best interests of the Nation would be served.

(Signed) Robert B. Anderson
Secretary of the Treasury

Dated: January 10, 1961

EMERGENCY BANKING REGULATION NO. 1CHAPTER IAuthority

This Regulation is issued pursuant to the authority vested in me as Secretary of the Treasury, including the authority vested in me by Section 5 (b) of the Trading with the the Enemy Act of October 6, 1917, as amended (50 U.S.C. App. 5(b)), and Executive Order No. 9193.

CHAPTER IITime of Taking Effect

This Regulation shall be effective immediately after an attack upon the United States.

CHAPTER IIIDefinitions

(a) As used in this Regulation, the term "banking institution" shall include the following banking and financial institutions: every commercial bank, trust company, private bank, savings bank, mutual savings bank, savings and loan association, building and loan association, cooperative bank, homestead association, credit union, and United States Postal Savings depository office authorized under the laws of the United States or of any State to transact business in the United States or any place subject to its jurisdiction, or any receiver or conservator for any of the foregoing.

(b) As used in this Regulation, "operations and functions" shall include the paying out or earmarking of any coin or currency, or permitting the withdrawal or transfer thereof in any manner or by any device whatsoever; the receipt or paying out of deposits; the receipt of payments into share or savings accounts or the repurchase of or payments on withdrawals from share or savings accounts; the making of loans or discounts; transfers of credit; the performance of fiduciary, custodial or agency functions; the purchase or sale of securities, and the transaction of any banking or trust business whatsoever.

(c) As used in this Regulation, the term "Branch" shall include any duly authorized place of business separate and apart from the head office of a Federal Reserve Bank, Federal Home Loan Bank, or banking institution in which any of its operations and functions are carried out.

CHAPTER IVContinuance of Operations and Functions
Temporary Curtailment of Operations and Functions
Temporary Quarters, and Emergency Loans

Section 1. Continuance of operations and Functions of Federal Reserve Banks, Federal Home Loan Banks, Banking Institutions, and Branches. Except as provided in Section 2. of this Chapter, all Federal Reserve Banks, branches of Federal Reserve Banks, Federal Home Loan Banks, branches of Federal Home Loan Banks, and all banking institutions and all branches thereof, without regard to whether or not the head office or any other branch or branches are functioning, shall remain open and continue their operations and functions and permit the transaction of business during their regularly established hours.

Section 2. Temporary Curtailment of Operations and Functions. Any Federal Reserve Bank, Federal Home Loan Bank, banking institution, or branch may temporarily curtail, limit, suspend, or delegate any or all operations and functions if located in an area which is unsafe because of enemy or defensive action, or if essential personnel or physical facilities become unavailable. Operations and functions of any Federal Reserve Bank, Federal Home Loan Bank, banking institution, or branch which have been so curtailed or suspended shall, as soon as practicable, be resumed when the cause of such curtailment or suspension has been remedied, removed or dissipated.

Section 3. Temporary Change of Quarters. In the event that the main office or any branch of any Federal Reserve Bank, Federal Home Loan Bank, or banking institution becomes wholly or partially unusable, as a result of an attack upon the United States, the Federal Reserve Bank, Federal Home Loan Bank, banking institution, or branch so affected shall, if possible, establish temporarily necessary substitute quarters. The use of such substitute quarters shall be terminated as soon as practicable.

Section 4. Loans to and Borrowings From Federal Reserve Banks, Federal Home Loan Banks, or Banking Institutions. In order to provide the necessary liquidity to maintain operations and functions as required by Section 1. of this Chapter, any Federal Reserve Bank, Federal Home Loan Bank, or banking institution, or branch thereof, may make loans, discount assets, or borrow without regard to the restrictions of Federal or State law.

Section 5. Notification of Supervisory Authorities. Any banking institution or branch thereof which curtails or suspends its operations and functions or changes the location of its quarters pursuant to Section 2. or 3. of this Chapter, shall as promptly as possible notify all of the authorities responsible for its supervision, State and National, and if the banking institution is insured, such supervisory authorities shall notify the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation, as the case may be, of all such actions by banking institutions or branches thereof reported to them.

Section 6. Acting As Agent. Any Federal Reserve Bank, Federal Home Loan Bank, banking institution, or branch may by agreement act as agent and perform temporarily any or all operations and functions of any other Federal Reserve Bank, Federal Home Loan Bank, banking institution, or branch.

CHAPTER V

Restrictions on Cash Withdrawals and Transfers of Credit.

Section 1. Cash Withdrawals. (a) Withdrawals in the form of cash, whether by the cashing of checks or drafts, the making of loans in cash, or any other form of cash disbursement are prohibited except for those purposes, and not in excess of those amounts, for which cash is customarily used.

(b) Banking institutions are further authorized to restrict and ration cash withdrawals to the extent necessary in the event a sufficient amount of cash should not be available.

(c) Banking institutions shall prohibit withdrawals of cash in any case where there is reason to believe that such withdrawal is sought for the purpose of hoarding.

Section 2. Transfers of Credit. (a) No depositor or share or savings account owner may transfer in any manner or by any device whatsoever any balance to his credit on the date on which this Regulation becomes effective, except for the payment of (i) expenses or reconstruction costs vital to the war effort, (ii) essential living costs, (iii) taxes, (iv) payrolls, or (v) obligations incurred before the date on which this Regulation becomes effective, to the end that the best interests of the war effort and the public will be served.

(b) Banking institutions shall prohibit the transfer of credit in any case where there is reason to believe that such transfer is sought for any unauthorized purpose.

(c) After this Regulation becomes effective, banking institutions shall retain until released by Federal authority the original or a photographic copy (face and reverse sides) of each check and other evidence of transfer of credit in the amount of \$1,000 or more.

Section 3. Exceptions to Restrictions. (a) Balances in deposit or share or savings accounts may be transferred from one banking institution to a deposit or share or savings account of the same owner in another banking institution.

(b) The restrictions of Section 2. of this Chapter shall not apply to any check or draft negotiated for value prior to the time this Regulation becomes effective.

(c) The limitations and restrictions of this Chapter shall not apply to the United States, any State or any political subdivision thereof, nor to their respective agencies and authorities.

(d) The limitations and restrictions of this Chapter shall not apply to transactions between Federal Reserve Banks, Federal Home Loan Banks, banking institutions, and branches thereof.

(e) The provisions of Section 2. of this Chapter do not alter the right of any banking institution to invoke restrictions on withdrawals of deposits or repurchases of or payments on withdrawals from share or savings accounts provided for under contract or agreement with depositors or share or savings account owners or by reason of law or the provisions of its charter or bylaws.

CHAPTER VI

Lending and Extending Credit

Section 1. Making Loans and Extending Credit. No banking institution may make any loan, extend any credit, or discount or purchase any obligation or evidence of debt, unless it is established and certified in writing by the borrower and a banking institution that the purpose is to pay (i) expenses or reconstruction costs vital to the war effort, (ii) essential living costs, (iii) taxes, or (iv) payrolls, to the end that the best interests of the war effort and the public will be served.

Section 2. Exceptions to Restrictions. (a) The restrictions contained in Section 1. of this Chapter do not prohibit the renewal, recasting, or extension of any loan or credit outstanding prior to the effective date of this Regulation, if in the judgment of the management of the banking institution such action is in the best interests of the war effort. The cancelled original evidence of debt shall be attached to the instrument renewing, recasting, or extending such obligations.

(b) Section 1. of this Chapter shall not apply to loans or extensions of credit to the United States, to any State or any political subdivision thereof, nor to their respective agencies and authorities, nor to loans or extensions of credit between banking institutions.

CHAPTER VIISavings Provisions

Any action authorized or required to be taken by a Federal Reserve Bank, Federal Home Loan Bank, banking institution, or branch or its management pursuant to this Regulation may, in the absence of persons authorized by delegation or otherwise to take such action, be taken by any director, officer or employee of such Federal Reserve Bank, Federal Home Loan Bank, banking institution, or branch at the time conducting that part of the affairs of the Federal Reserve Bank, Federal Home Loan Bank, banking institution, or branch to which such action relates. Notwithstanding any other provision of law, no Federal Reserve Bank, Federal Home Loan Bank, banking institution, or branch or any director, officer, or employee thereof and no member or employee of any agency of the United States shall be subject to any liability on account of any action taken or omitted to be taken in good faith pursuant to this Regulation, provided that this sentence shall not be deemed to apply to any liability on account of any contractual obligation.

CHAPTER VIIIRevision or Termination

This Regulation may be revised or terminated when so ordered by the Secretary of the Treasury.

(Signed) Robert B. Anderson
Secretary of the Treasury

Dated: January 10, 1961

[EFR Doc. 12-2]

DELEGATION TO BOARD OF GOVERNORS OF FEDERAL RESERVE
SYSTEM OF EMERGENCY AUTHORITY

Pursuant to the authority vested in me as Secretary of the Treasury, including the authority vested in me by Executive Order 9193, I hereby delegate to the Board of Governors of the Federal Reserve System authority and power to take such action, consistent with regulations issued by the Secretary of the Treasury relating to the maintenance of the operations and functions of banking institutions, as may be necessary to maintain, regulate, limit, or suspend the operation and functioning of any banking institution.

As used in this Order the term "banking institution" includes every Federal Reserve bank, commercial bank, trust company, private bank, savings bank, and mutual savings bank authorized under the laws of the United States or of any State to transact business in the United States or any place subject to its jurisdiction, or any receiver or conservator for any of the foregoing.

The Board of Governors of the Federal Reserve System may make provision for the exercise by any person, agency, or instrumentality of any of the authority or power delegated by this Order.

This Order shall be effective immediately after an attack upon the United States.

(Signed) Robert B. Anderson
Secretary of the Treasury

Dated: January 10, 1961

[EPR Doc. 12-3]

DELEGATION TO FEDERAL HOME LOAN BANK BOARD
OF EMERGENCY AUTHORITY

Pursuant to the authority vested in me as Secretary of the Treasury, including the authority vested in me by Executive Order 9193, I hereby delegate to the Federal Home Loan Bank Board the authority and power to take such action, consistent with regulations issued by the Secretary of the Treasury relating to the maintenance of the operations and functions of banking institutions, as may be necessary to maintain, regulate, limit, or suspend the operation and functioning of any savings and loan institution.

As used in this Order the term "savings and loan institution" includes every Federal Home Loan bank, savings and loan association, building and loan association, cooperative bank, and homestead association authorized under the laws of the United States or of any State to transact business in the United States or any place subject to its jurisdiction, or any receiver or conservator for any of the foregoing.

The Federal Home Loan Bank Board may make provision for the exercise by any person, agency, or instrumentality of any of the authority or power delegated by this Order.

This Order shall be effective immediately after an attack upon the United States.

(Signed) Robert B. Anderson
Secretary of the Treasury

Dated: January 10, 1961

[EFR Doc. 12-4]

DELEGATION TO THE SECRETARY OF HEALTH, EDUCATION
AND WELFARE OF EMERGENCY AUTHORITY

Pursuant to the authority vested in me as Secretary of the Treasury, including the authority vested in me by Executive Order 9193, I hereby delegate to the Secretary of Health, Education and Welfare the authority and power to take such action, consistent with regulations issued by the Secretary of the Treasury relating to the maintenance of the operations and functions of banking institutions, as may be necessary to maintain, regulate, limit, or suspend the operation and functioning of any credit union.

As used in this Order the term "credit union" includes every credit union authorized under the laws of the United States or of any State to transact business in the United States or any place subject to its jurisdiction, or any receiver or conservator for any of the foregoing.

The Secretary of Health, Education, and Welfare may make provision for the exercise by any person, agency, or instrumentality of any of the authority or power delegated by this Order.

This Order shall be effective immediately after an attack upon the United States.

(Signed) Douglas Dillon
Secretary of the Treasury

Dated: May 10, 1963

Chapter 12A

Fiscal Service

[EFR Doc. 12A-1]

CONTINUANCE OF FINANCIAL REPORTING
AND DEPOSITS OF COLLECTIONS IN AN EMERGENCY

1. Financial Reports - Should a national emergency occur causing the dispersal of the Government from Washington, D.C. it will be essential that the Treasury Department have as current financial information available as is possible under the conditions which may then exist in order to cope with the many Federal fiscal problems resulting from such a situation. Much of the needed information will, as at present, have to be supplied by other Government agencies. In the initial stages, however, the Treasury Department will rely upon the Federal Reserve Bank System and its own disbursing and collecting facilities for securing the fiscal information required for the operations of the Government. As agencies are able to reestablish their own operations, and communication facilities become available, information will be requested of administrative officers by Treasury headquarters.

The Treasury Department anticipates that collecting and disbursing officers will continue to discharge their legal responsibilities in preserving and maintaining the basic documents and records of their fiscal transactions so that they will be able not only to account for funds coming within their jurisdiction but also to compile and furnish information with regard thereto when called for by the Treasury Department. Offices in areas which have not been damaged in the emergency should continue to maintain their accounts in such a manner as to be able to prepare the financial reports required under regulations in force at the time any emergency occurs, and should await further instructions as to where to transmit such reports.

All agencies of the Government will be advised currently as to any change in requirements that may be needed for emergency financial reporting covering the fiscal operations of the Federal Government.

2. Deposits of Collections - Collecting officers should make deposits promptly with Government depositories. If depositories are no longer available in the old vicinity, deposits should be transmitted by the best available means of transportation to the nearest Federal Reserve Bank or appropriate designated depository. In the event the Federal Reserve Bank with which the collecting officers normally do business has been relocated, mail addressed to it at the old address will be delivered by the Post Office Department to the new location.

Dated: July 3, 1957

(Signed) W. Randolph Burgess
Acting Secretary of the Treasury

Chapter 13

Department of Defense

RESERVED

Chapter 14

Department of Justice

RESERVED

Chapter 15

Post Office Department

[EFR Doc. 15-1]

Standby Emergency Actions and Regulations Essential to
Emergency Functions of the Postal Establishment

I. Line of Succession for Postmaster General

A. In case the Postmaster General and the Deputy Postmaster General are incapacitated as a result of an enemy attack or other national emergency conditions, the following shall perform the duties of the office of Postmaster General:

1. Assistant Postmaster General, Bureau of Operations
2. Assistant Postmaster General, Bureau of Transportation & International Services
3. Assistant Postmaster General, Bureau of Finance & Administration
4. Assistant Postmaster General, Bureau of Facilities
5. Assistant Postmaster General, Bureau of Personnel
6. General Counsel
7. Chief Postal Inspector
8. Deputy Assistant Postmaster General, Bureau of Operations (Field Operations)
9. Deputy Assistant Postmaster General, Bureau of Transportation & International Services (Research and Development and International)
10. Regional Director, New York, New York
11. Regional Director, Minneapolis, Minnesota
12. Regional Director, San Francisco, California
13. Regional Director, Dallas, Texas

B. Authority is hereby delegated to the officer who assumes the duties of the Postmaster General under authority of this order, to execute and perform in his own name all powers, functions and duties conferred by law upon the Postmaster General, including the authority to modify, suspend, or rescind orders, instructions, and regulations which have heretofore or which may hereafter be issued in the name of the Postmaster General, except that exclusive authority is hereby reserved to the Postmaster General, the Deputy Postmaster General, and to any officer designated by Executive Order as Acting Postmaster General, to modify, suspend or rescind all or any part of the authority delegated by this order. The officer performing the duties of the Postmaster General under authority of this order also is authorized to delegate to any officer, employee, or agency of the Post Office Department designated by him such of the powers, functions and duties delegated to him by this order as he deems appropriate.

II. (Reserved for Confidential Delegation of Authority.) (Memorandum February 16, 1965, from Postmaster General to Defense Coordinator.)

III. Bureau and Office Line of Succession

In case the head of a Bureau or Office is incapacitated as a result of an enemy attack or other national emergency condition, the following shall be the line of succession to perform the duties:

A. Assistant Postmaster General, Bureau of Operations:

1. Deputy Assistant Postmaster General, Field Operations
2. Deputy Assistant Postmaster General, Postmasters and Patron Relations
3. Director, Installations Management Division
4. Director, Distribution and Delivery Division

B. Assistant Postmaster General, Bureau of Transportation & International Services:

1. Deputy Assistant Postmaster General, Research and Development Division, and International Services Division
2. Deputy Assistant Postmaster General, Domestic Transportation Division, and Distribution and Routing Division

C. Assistant Postmaster General, Bureau of Finance & Administration

1. Deputy Assistant Postmaster General and Controller
2. Deputy Assistant Postmaster General for Administration
3. Assistant Controller for Budget
4. Finance Officer
5. Assistant Controller for Accounting

D. Assistant Postmaster General, Bureau of Facilities:

1. Deputy Assistant Postmaster General
2. Director, Realty Division
3. Director, Procurement Division
4. Director, Maintenance Division

E. Assistant Postmaster General, Bureau of Personnel:

1. Deputy Assistant Postmaster General (Labor Relations)
2. Executive Assistant
3. Special Assistant for Employee Relations
4. Director, Compensation Division
5. Director, Employment and Placement Division
6. Director, Departmental Personnel Division
7. Director, Training and Development Division

F. General Counsel

1. Deputy General Counsel
2. Associate General Counsel, (Opinions - Real Property)
3. Associate General Counsel, (Litigation - Claims)
4. Associate General Counsel, (Legislation - Mailability)
5. Assistant General Counsel, Opinions Division
6. Assistant General Counsel, Real Property Division
7. Assistant General Counsel, Damages and Claims Division
8. Assistant General Counsel, Litigation Division
9. Assistant General Counsel, Legislation Division
10. Assistant General Counsel, Mailability Division

G. Chief Postal Inspector

1. Deputy Chief Postal Inspector
2. Assistant Chief Postal Inspector
3. Assistant to the Chief Postal Inspector
4. Director, Mail Fraud Investigations Division
5. Postal Inspector in Charge, Philadelphia Division
6. Postal Inspector in Charge, Washington Division
7. Postal Inspector in Charge, New York Division
8. Postal Inspector in Charge, Cincinnati Division
9. Postal Inspector in Charge, Boston Division
10. Postal Inspector in Charge, Chicago Division
11. Postal Inspector in Charge, St. Louis Division
12. Postal Inspector in Charge, Atlanta Division
13. Postal Inspector in Charge, St. Paul Division
14. Postal Inspector in Charge, Chattanooga Division
15. Postal Inspector in Charge, Ft. Worth Division
16. Postal Inspector in Charge, Kansas City Division
17. Postal Inspector in Charge, Denver Division
18. Postal Inspector in Charge, Seattle Division
19. Postal Inspector in Charge, San Francisco Division

H. Director, Office of Research and Engineering:

1. Deputy Director
2. Assistant Director - Construction Engineering
3. Assistant Director - Management Engineering
4. Assistant Director - Programming and Control

IV. Authority for the performance of emergency functions is delegated to Regional Directors and Inspectors in Charge.

- V. The following actions will be implemented immediately in the event of a nuclear attack on the United States, or upon earlier advice in the event of receipt of warning of an attack.
- A. Postmasters and officials in charge shall acquaint supervisors with the problems involved in safeguarding mail and postal property and discuss and formulate ways and means of preventing any attempt at sabotage or subversive activities.
 - B. Employees shall maintain alert observation of all persons entering the premises to see that all suspicious characters are reported to the Postmaster or other officer in charge of the premises. They should also be directed to protect all working equipment in their respective departments.
 - C. Officials must be ever watchful for suspicious characters and to make frequent inspections of all areas, including tunnels, conveyor equipment, elevator machinery, pent-houses and shafts, tube systems, gas, electric and communication systems; heating, water and trucking systems and facilities, to see that such systems are at all times in a first-class working condition and free of obstruction or foreign matter. These inspections should be thorough and not merely casual, as small objects placed in strategic locations may be sufficient to cause a serious breakdown and a stoppage of business, with possible injury to occupants of the premises, and damage to facilities and equipment.
 - D. All machinery rooms housing electric switchboards, transformer units, heating and ventilating, elevator machinery, and other vital utilities must be kept locked at all times.
 - E. Particular attention must be given to the accessibility of roofs of buildings from adjacent properties and steps shall be taken to guard against entrance by this means.
 - F. Special attention should be given to doors and windows below street level and in areaways to see that these are always kept locked, and when such spaces are not occupied such openings shall be properly protected.
 - G. The number of employee entrances should not exceed absolute service requirements.

- H. Unauthorized persons and employees when not on duty must not be admitted to restricted areas such as post office workrooms; boiler, fuel, electrical and mechanical equipment rooms; transportation areas; and such other portions as are ordinarily forbidden to the public.
- I. Officials must ever be on the alert for fire hazards, make systematic inspections of sprinkler systems and test of fire-fighting equipment and make frequent visits to portions of the buildings where gasoline and oil supplies are stored.
- J. All employees in the building should be furnished with appropriate means of identification, which they must produce upon demand by any building guard, watchman, or elevator operator, or such other employee as may be designated by the building custodian.
- K. No employee shall be permitted to return after working hours to any part of the building to which the public is denied access. Employees returning to the building on official business will be required to secure a special pass; otherwise entrance will be forbidden.
- L. Special consideration should be given to the institution of controls to govern the public having business in the building and such measures taken as may be compatible with local conditions to assure every precaution being taken in the protection of the building and its equipment, and the mails.
- M. Building operating forces should be specially instructed in methods of observation and dealing with any situation which may arise and they shall be ever on the alert.
- N. Studies should be made to determine whether any portion of exteriors or the grounds should be provided with additional lighting to facilitate observation.

VI. Surprise attack on United States Possessions

- A. To protect the interests of the United States and to prevent anything of value or use in the custody of the postal establishment from falling into enemy hands, where it is impossible to remove the same to a place of safety, the heads of postal establishments in the States of Alaska and Hawaii; Puerto Rico; the Virgin Islands; Guam; the Canal Zone; and all other territories and possessions of the United States, in cooperation with military authorities, are hereby directed to make arrangements for the complete destruction by burning, or other effective

means, of all currency, stamp stock, accountable forms, mail and post office property or property used for postal property or property used for postal purposes if, in the judgment of the military authorities, the military situation so requires.

B. Immediately upon receipt of this order the heads of postal establishments will take the necessary action to insure:

1. Prompt receipt of advice from responsible military authorities as to when the military situation requires the action authorized in paragraph A.
2. Full cooperation so far as possible of all such postal establishments with the governing authority and committees appointed by them for the destruction of valuables. (If the instructions in this order conflict or are inconsistent with instructions of such governing authorities, the Department should be advised at once.)
3. Designation of a special destruction committee at each such postal establishment, of which committee the postmaster or other facility head in each case should be a member.

C. Upon receipt of advice from the military authorities that the military situation requires that destruction begin, the destruction committees should comply with the following instructions as far as possible:

1. List all currency showing the amount and kinds such as U. S. currency, Federal Reserve notes, with the name of bank of issue.
2. Prepare an inventory showing the amounts and kinds of stamps destroyed.
3. Prepare at postal savings depositories, transcripts of the record of depositors' accounts showing all identifiable data, the serial numbers and dates of issue of outstanding certificates. These transcripts should be forwarded to the Regional Director at once. Thereafter a daily record of certificates issued and paid shall be forwarded to the Regional Office.
4. If time permits prepare inventories of all items falling within the categories described in paragraph A for use in verifying the item and quantity destroyed. The original and one copy, verified by each member of the committee witnessing the destruction, should be forwarded to the Regional Director.

- D. If for any reason a committee is unable to destroy all the items that should be destroyed and, if it is possible to do so, a minimum showing of what items were not destroyed should be prepared and forwarded to the Regional Office.

(The following will be published immediately as a Postal Bulletin if and when Executive Order is issued instituting Censorship).

- VII. An Executive Order has been issued directing the Department of Defense to institute censorship of communications crossing the borders of the United States, or any of its territories or possessions. Censorship stations are being activated as follows:

<u>District Station No.</u>	<u>Location</u>	<u>Area of Responsibility</u>
1	Gardner, Mass.	Maine, N. H., Mass., R. I., Vt.
2	Poughkeepsie, N. Y.	N. Y., Conn., N. J.
3	Williamsport, Pa.	Pa., Del., Ohio
4	Lynchburg, Va.	D. C., Va., Md., W. Va., Ky.
5	Bristol, Tenn.	Tenn., N. C., S. C.
8	Ocala, Fla.	Fla., Ga., Ala., Miss.
10	Texarkana, Ark.	La., Ark., Okla.
12	El Paso, Tex.	N. Mexico
22	Bryan, Tex.	Texas
6	Quincy, Ill.	Ill., Mo.
7	Oshkosh, Wis.	Wisconsin
9	Battle Creek, Mich.	Indiana & Michigan
11	Fargo, N. Dak.	Minn., N. Dak., S. Dak.
13	Grand Island, Nebr.	Wyo., Colo., Nebr., Kans., Iowa
14	Modesto, Calif.	Post Offices in that portion of Calif. served through the following sectional centers: Burlingame San Francisco Eureka San Jose Oakland San Rafael Palo Alto Santa Rosa Redding Stockton Sacramento Vallejo Salinas
15	Bakersfield, Calif.	Post Offices in that portion of Calif. served through the following sectional centers: Alhambra Oceanside Bakersfield Pasadena Fresno Pomona Glendale San Bernardino Huntington Park San Diego Indio San Luis Obispo Inglewood Santa Ana Long Beach Santa Monica Los Angeles Van Nuys Mojave Ventura North Hollywood Whittier

<u>District Station No.</u>	<u>Location</u>	<u>Area of Responsibility</u>
16	Yakima, Wash.	Wash., Oreg., Idaho, Mont.
17	Tucson, Ariz.	Ariz., Utah, Nev.
18	Anchorage, Alaska	Alaska
19	Ft. DeRussy, Hawaii	Hawaii, Guam
20	San Juan, P. R.	Puerto Rico and Virgin Islands
21	Ft. Clayton, C. Z.	Canal Zone

- A. All outgoing international mail on hand and hereafter deposited at post offices (except that bearing United States national censorship clearance) shall be forwarded to the postmaster at the censorship station listed above which has responsibility for the State or portion thereof in which the post office of mailing is located.
- B. All incoming international mail, and territorial mail not bearing United States national censorship clearance, on hand and hereafter received at exchange offices or other points of entry shall be forwarded promptly in pouches labeled to the censorship stations listed above which have responsibility for the State or portion thereof to which such mail is addressed. Following treatment at censorship stations the mail, which will not be individually endorsed to indicate clearance, will be turned over to the censorship station post offices for merging with mail of domestic origin for onward transmission to the offices of address. At such point this mail of foreign origin will, of course, lose its identity as having been processed at the censorship stations. It is to be assumed by all distributors through whose hands it thereafter passes that all such mail has been cleared by censor and it must not be further intercepted or delayed en route or at the office of delivery, but will be delivered promptly as addressed.

Postmasters where censorship stations are located are directed to cooperate fully with postal inspectors and District Postal Censors in charge of censorship stations, in implementing the censorship program. Separate instructions are being issued to those postmasters relative to operation of the Censorship Program.

VIII. The following action will be implemented immediately in the event of a nuclear attack on the United States.

- A. Until communication with higher level authority is established, the head of each postal installation, or, when that official is unavailable, the highest ranking official in line of succession shall take any action the emergency demands in order to maintain essential postal functions under all circumstances.

- IX. The following action will be effective immediately in the event of a nuclear attack on the United States.
- A. Regional officials, postmasters, and other heads of postal establishments, are hereby authorized to consult with, and be governed by advice and guidance of, competent civil defense or health authorities regarding recovery, disposition, or destruction of currency, stamp stock, mail matter, forms, records, furniture, fixtures, and equipment, which have been exposed to radioactive fallout, or have otherwise been contaminated and constitute a health hazard.
- X. The following actions will be effective on the day after any nuclear attack on the United States.
- A. Until further notice, acceptance of domestic and international mail will be restricted to letter mail in its ordinary form not exceeding 8 ounces in weight. This action shall not apply to essential mail sent by or to agencies of Federal, State and local governments, and by or to civil defense and relief agencies, money shipments by banks, shipments for disaster areas of medicines, drugs, surgical instruments, serums, surgical dressings, or hospital and sick room supplies.
- B. Until further notice, the following special mail services are hereby suspended: insurance, C.O.D., registered mail, certified mail, special handling, and special delivery. This Action should not apply to essential mail sent by or to agencies of Federal, State and local governments, and by or to civil defense and relief agencies, money shipments by banks, shipments for disaster areas of medicines, drugs, surgical instruments, serums, surgical dressings, or hospital and sick room supplies.
- C. Postmasters are directed until further notice to decline to issue postal money orders for payment in any foreign country with which the United States is at war, or any of the possessions of such country or other places under its jurisdiction or control, informing inquiring patrons that such transactions are prohibited. Postal money orders which have already been issued and are now retained at exchange offices or which will hereafter reach such offices will be returned to the issuing postmasters with instructions to refund the amounts of the orders and the fees to the remitters and to treat the money orders as "not issued."

- D. It is ordered that during the present emergency, no letter, packages (including parcel post), or other mail matter originating within the United States or its possessions and destined for any foreign country with which the United States is at war, or any of the possessions of such country or other places under its jurisdiction or control, shall be dispatched from the United States or its possessions to their respective destinations. All such mail, including that transiting the United States or its possessions originating in or destined to such countries, shall be forwarded to the postmaster at the appropriate censorship station as shown in special issue of the Postal Bulletin activating the Censorship Program.
- E. Until further notice, ordinary letter mail including post cards will be accepted in disaster areas free of postage. No such mail shall be withheld or returned for lack of postage.
- F. During the present national emergency the postal service must do all within its power to help maintain civilian morale. As many patrons in emergency and relocation areas may be entirely without funds, postmasters in such areas will, to the extent that emergency funds are available, pay on a reasonable basis and to a reasonable degree postal savings certificates. Payments may not be made to the point of depleting funds so as not to be able to pay salaries and emergency expenses to continue essential postal services. In emergency areas, postmasters may pay postal savings certificates issued at another post office. Obtain satisfactory identification. Pay principal only, unless amount of interest is definitely known. If only principal is paid, postmasters should hold paid certificate until the initial emergency is over so payment of any interest due can be made later. Additional deposits should not be accepted until appropriate instructions are issued.
- G. Until further notice, postmasters will make no remittances to Federal Reserve Banks. Special accounts shall be established in local or nearby banks (Federally insured if available) and all funds, surplus and otherwise, shall be deposited therein and drawn upon by check in the usual manner. Each account shall be in the name "United States Post Office" and checks shall be signed "United States Post Office, By _____, Postmaster," or Acting Postmaster, as the case may be.

- H. Until further notice, post offices in disaster areas shall receive telegrams and transmit them as official mail without postage to nearest operating telegraph office which will accept them as collect telegrams. Postmasters will accept telegrams for free delivery in disaster areas from nearby telegraph offices.
- I. During the present war or national emergency as proclaimed by the President, and for sixty days thereafter:
 - 1. Employees paid under the PFS Schedule in any Postal installation designated by the Regional Director may be required to work overtime and on Saturdays or Sundays as the needs of the service require. If, for any reason, compensatory time cannot be given for such work, overtime compensation may be paid in the manner prescribed by 39 U. S. Code 3573.
 - 2. Regular employees assigned to road duty shall be paid overtime for work in excess of their scheduled tours in accordance with 39 U. S. Code 3581.
 - 3. Additional compensation at a rate consistent with the rates of compensation provided employees paid salary level 4 of the PFS Schedule for overtime work may be paid to any rural carrier when the Regional Director determines that such rural carrier is required to perform service in excess of 40 hours per week.
 - 4. Additional compensation at a rate consistent with the rates of compensation provided employees paid salary level 5 of the PFS Schedule for overtime work may be paid to any postmaster in a fourth-class office whenever the Regional Director determines that such postmaster is required to perform service in excess of 48 hours per week.
- XI. The following actions will be effective on the third day after any nuclear attack on the United States.
 - A. Complete authority is hereby delegated to Regional Directors, and to such officers and employees under their jurisdiction as they may designate to act for them in emergency situations or in their absence:
 - 1. To appoint, promote, reassign, separate and take other personnel actions as necessary, including Regional Office, and employees of all Bureau of Facilities field installations, except the Mail Equipment Shops, and further excepting U. S. Postal Agent employees.

2. To rank positions under Chapter 45, 39 U. S. C., in the above-mentioned offices and all other postal field installations within the geographical boundaries of their respective regions. The authority to rank positions and to evaluate and set salary levels may be redelegated to heads of major postal field installations having personnel officers qualified to rank such positions.

This authority shall become effective upon receipt and remain in effect during this emergency unless rescinded at an earlier date.

This Action shall not be construed as affecting any prior delegations of authority to or by Regional officials.

- B. Postmasters and other postal officials in charge of postal units in disaster areas may appoint sufficient temporary employees to maintain minimum postal operations. Any necessary deviations from normal qualifications, are authorized.

XII. The following actions will be effective on the fifth day after any nuclear attack on the United States.

- A. Postal officials in disaster and affected contiguous areas are authorized to spend or obligate funds for emergency purposes in excess of previous allotment or authorizations, as follows:
 1. Postmasters may arrange for contractual services necessary to the continued operation of operating equipment up to \$10,000 for any one contract or services.
 2. Postmasters may arrange contracts for maintenance and repair of vehicles. In case vehicle repair parts are rationed and are not available locally, Superintendents or other personnel in charge of maintenance facilities, are authorized to procure supplies, equipment and services not to exceed \$1,000 in a single purchase. Postmasters are delegated emergency authority not to exceed \$500 per vehicle for the purchase of supplies, equipment and services for maintenance of vehicles. Regional Directors are authorized to procure items in larger amounts.

3. Any attempt to maintain buildings on other than an emergency basis will be abandoned as long as personnel and funds are required for other emergency services. Expenditures of Government funds are authorized to make emergency repairs to leased facilities if it is not possible to contact lessors. Any amount so expended shall be deducted from ensuing rental payments.
4. Postmasters in devastated areas, post-attack at the time of a national war emergency, are authorized to procure supplies, equipment and services up to a maximum amount of one thousand dollars (\$1,000) for each purchase. Larger purchases may be made only upon signature of the contract by the Regional Director, or the official acting in the capacity of the Regional Director, for purchases not exceeding \$25,000 each. No contract for procurement in excess of \$25,000 may be approved except by the Postmaster General, or the Assistant Postmaster General, Bureau of Facilities. The Regional Director is delegated authority to procure supplies, equipment and services in an unlimited amount as he deems necessary for continued operation of the Postal Service, subject to the dollar limitations cited above for each individual purchase, without necessity of advertising or competitive bidding. Such procurement will not be limited by any allotments or authorization which has been made to him at the time of the attack, but must be limited by good judgment. All procurement officers will make every effort, however, to obtain the lowest possible prices. Where there are price controls, payment may not be made in excess of the authorized price. It is not planned that any new equipment other than that needed for emergencies will be either furnished or procured locally by regional offices or postal installations.
5. The Chief, Real Estate Branch, is authorized under emergency delegation of authority to obtain on a negotiated basis space which the Regional Director deems necessary and without regard to the availability of authorized or allotted funds. Emergency delegation of authority is hereby increased (effective only at the time of a national emergency) from six months to one year, and from \$5,000 to not in excess of \$10,000 rental per month to meet the emergency conditions. The Chief, Real Estate Branch, is of course responsible for negotiating sound and proper occupancy

agreements despite the pressure of the emergency. This is subject to any priorities or instructions assigned or that might be assigned by duly authorized Federal defense officials.

6. Upon the expiration of existing leases, time probably will not permit the usual advertising procedures nor permit the preparation of various forms, pictures, strip maps, and other supporting data. If such buildings are usable and needed, emergency authority is granted to negotiate for that space for continued occupancy without benefit of usual advertising procedures and with little or no modernization. Flexibility of occupancy is most desirable and lease commitments should not be made for periods in excess of one year. The Chief, Real Estate Branch, should, save for future use at least one copy of records such as rental agreements, letters of understanding, leases, and other pertinent documents.
 - B. Where the present national emergency requires, Regional Directors may authorize postmasters to pay salaries and expenses of other employees such as Postal Inspection Service, Bureau of Facilities field installations (Mail Equipment Shops, Supply Centers, Capital Equipment Warehouses, Mail Bag Repair Centers and Depositories), etc., upon certification of the ranking postal official for those services in the area. In the payment of salaries, employees shall be paid an amount equal to two-thirds of the total salary due in lieu of making the usual payroll deductions, unless the proper deductions can be conveniently computed. If no funds are available, payment is authorized to be made by money order without fee. Complete records shall be kept of all earnings and payments, including deductions if made.
- XIII. The following action will be effective on the tenth day after any nuclear attack on the United States.
- A. Where needed, postal officials may temporarily appoint retired employees to perform emergency work.
- XIV. The following action becomes effective at the discretion of the Regional Director, but not later than the 30th day after any nuclear attack on the United States.

- A. During the continuance of the emergency all postal employees are requested to do their utmost to conserve equipment, supplies, materials, and labor and to lessen in every way possible production demands upon industry. Light, power, fuel and utilities should be conserved. Substitutes should be supplied for critical materials. Appliances presently in use should be frequently inspected, and properly maintained.
 - B. Travel should be limited to urgent official business.
 - C. Fuel should be conserved in every way possible. Heating plants should be frequently inspected and properly maintained. Heating pipes should be covered with insulation whenever feasible.
 - D. Tires, tubes and gasoline should be conserved.
 - E. Postmasters and postal officials generally should streamline their operations with a view to the conservation of any and all critical resources (materials, manpower, facilities and money).
- XV. The effective date of the following action will be determined by each regional director for his own Postal Region.
- A. Regional Directors are hereby given authority to modify or rescind the suspension of insurance, C.O.D., registered mail, certified mail, special handling, and special delivery services in their respective regions when they shall individually determine that special services may be resumed. Consideration shall be given to the ability of post offices and other postal installations to receive and deliver mail, and the availability of transportation facilities.

The foregoing Emergency Regulations are issued under authority of 39 USC 309, 501, 505, and Executive Order 11002, to become effective in a civil defense emergency when and as specified.


Postmaster General

Chapter 16

Department of the Interior

RESERVED

Chapter 17

Department of Agriculture

RESERVED

Chapter 18

Department of Commerce

RESERVED

Chapter 19

Department of Labor

RESERVED

Chapter 20

**Department of Health, Education,
and Welfare**

RESERVED

Chapter 31

Civil Service Commission

[EFR Doc. 31-1]

PART M-12 - STANDBY REGULATIONS FOR USE IN A NATIONAL EMERGENCY

FOREWORD

Applicability of Regulations

1. The following regulations, if not previously placed into effect, are effective immediately upon an attack on the United States. Agencies may assume, unless notified otherwise, that authority for the regulations exists.

2. Except as suspended or modified by the following regulations, all other regulations and instructions contained in the Federal Personnel Manual and in other Commission issuances remain in effect.

Notes on Use of Regulations

1. Each regulation (or regulations), if any, pertaining to a specific subject has been issued as a single action, not directly related to other regulations unless so stated. For example, regulations M-12.310 and M-12.331 represent a single action "suspending the career-conditional appointment system and introducing an emergency-indefinite appointment system."

2. The first regulation, section M-12.101 gives agencies authority to take any action necessary to meet the emergency disaster situation resulting from an attack, without regard to existing Commission regulations, except those specifically designated as applicable to the situation. The other regulations in this chapter are also specifically applicable to a disaster situation resulting from an attack. However, where they might hamper an agency in taking appropriate emergency action over which the Commission has jurisdiction, a provision has been included authorizing exception through the application of regulation M-12.101. For example, regulation M-12.310(b) specifically permits the use of regulation M-12.101 in taking necessary actions in a disaster situation without regard to the requirements of the emergency appointment system regulations (M-12.310 through M-12.331).

Incorporation of Mobilization Circulars

The Civil Service Commission Mobilization Circulars listed at the end of this document are incorporated herein by reference.

BASIC AUTHORITIES

Sec.

- M-12.101 Agency authority to take personnel actions in a national emergency disaster.

STAFFING GOVERNMENT PROGRAMS

- M-12.304 Suspending dual employment and dual compensation restrictions.
M-12.305 Authority to make exceptions to citizenship requirements.
M-12.306 Suspending statutory manpower ceilings and stopping ratios.

REGULATIONS APPLICABLE TO THE EMERGENCY-INDEFINITE
APPOINTMENT SYSTEM

- M-12.310 Establishment of emergency-indefinite appointment system.
M-12.311 Definition of the term "indefinite".
M-12.312 Delegation of authority.
M-12.313 Appointments subject to investigation.
M-12.314 Disqualifications of applicants.
M-12.315 Withdrawal from competition.
M-12.320 Career or career-conditional appointment.
M-12.321 Emergency-indefinite appointment.
M-12.322 Temporary appointment.
M-12.323 Competitive selections.
M-12.324 Appointment based on prior Federal service or prior qualification for active emergency service, or special authority for noncompetitive selection for competitive appointment.
M-12.330 Position change.
M-12.331 Restrictions on position change or appointment to a higher grade or different line of work.

CONTROLLING GOVERNMENT REQUESTS FOR SELECTIVE SERVICE DEFERMENT
OF FEDERAL AND DISTRICT OF COLUMBIA GOVERNMENT EMPLOYEES

- M-12.401 Requests for occupational deferments - policy.
M-12.402 Establishment of committees.
M-12.403 Designation of key positions.
M-12.404 Requesting deferment.
M-12.405 Specific responsibilities and effective date.

DETAIL OF EMPLOYEE TO ANOTHER FEDERAL AGENCY, TO A STATE OR LOCAL AGENCY,
OR TO A PRIVATE ORGANIZATION, TO PERFORM ESSENTIAL DEFENSE FUNCTIONS

Sec.

M-12.410 Authority to detail.

RELEASE, REASSIGNMENT, AND REEMPLOYMENT RIGHTS

- M-12.420 Definition.
- M-12.421 Release of employees.
- M-12.422 Required movements of employees.
- M-12.423 Appeals to the Commission.
- M-12.424 Reemployment rights of employees.
- M-12.425 Application to the Commission for placement.

EMPLOYEE RELATIONS AND SERVICES

- M-12.501 Agency procedure for taking adverse action in a disaster situation.
- M-12.502 Suspending appeals requirements during a disaster period.

PAY ADMINISTRATION

- M-12.601 Suspension of retroactive effective date provision of Part 511.
- M-12.602 Suspension of limitations on rates of nonforeign differentials and allowances.
- M-12.603 Suspending the provisions of section 505 of the Classification Act of 1949, as amended.
- M-12.604 Suspending certain provisions of Public Law 313, 80th Congress, as amended, and similar provisions of certain other laws.

HOURS OF WORK AND LEAVE

- M-12.702 Establishment of a 48-hour workweek in the executive branch.
- M-12.703 Payment for annual leave over the maximum limits.
- M-12.704 Placing employees on administrative leave in a disaster.

RETIREMENT

- M-12.801 Deferring the adjudication of claims to make deposits and redeposits and suspending the receipt of payments on deposits and redeposits.

Sec.

- M-12.802 Suspending the receipt of voluntary contributions.
- M-12.803 Suspending the requirement (1) for annual medical check-ups of and income reports by disability annuitants and (2) that annuity payments stop when disability annuitants recover or are restored to earning capacity.
- M-12.804 Suspending valuations of the Civil Service Retirement System.

INVESTIGATIONS

- M-12.901 Agency authority to make appointments for limited periods without regard to the investigative requirements of subsection 3(a) of Executive Order 10450.
- M-12.902 Authority to agency heads to delegate their authority under subsection 3(b) of Executive Order No. 10450 to fill sensitive positions without a preappointment investigation first having been completed.

BASIC AUTHORITIES

Sec. M-12.101 - Agency authority to take personnel actions in a national emergency disaster.

(a) The Commission hereby authorizes agencies to carry out whatever personnel activities may be necessary to the effective functioning of their organizations during a period of disaster in a national emergency without regard to any regulation or instruction of the Commission, except those specifically designated as applicable to disaster conditions. This authority applies only to actions over which the Commission has 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) In no event shall an employee 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 an official of the Commission acting under proper authority.

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

STAFFING GOVERNMENT PROGRAMS

Sec. M-12.304 - Suspending dual employment and dual compensation restrictions.

(a) All restrictions against the holding of more than one position in the Federal service at the same time and the receiving of full compensation therefor from each position, or against the receiving of full pay from a Federal position and retirement benefits from military service at the same time, are hereby suspended for the duration of the present national emergency.

Sec. M-12.305 - Authority to make exceptions to citizenship requirements.

(a) Agencies are authorized to make exceptions to citizenship requirements for employment in the Executive Branch of the Federal service, when such exceptions are in the interest of the emergency effort. Appointment of noncitizens to competitive positions shall be made in accordance with applicable regulations of the Commission.

(b) Any officer or employee who is not a citizen of or who does not owe permanent allegiance to the United States shall not be eligible to attain permanent tenure in the Government service as a result of such exception to the citizenship requirements.

(c) Agencies shall maintain records of exceptions made under this section.

Sec. M-12.306 - Suspending statutory manpower ceilings and staffing ratios.

(a) 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 to the Municipal Government of the District of Columbia, are hereby suspended for the duration of the emergency.

REGULATIONS APPLICABLE TO THE EMERGENCY-INDEFINITE
APPOINTMENT SYSTEM

Sec. M-12.310 - Establishment of emergency-indefinite appointment system.

(a) Scope. For the duration of the present emergency all appointments will be made in accordance with regulations M-12.310-331, except as provided in subsections (b) and (c) below.

(b) Continuance of authority under section M-12.101. Sections M-12.311-331 which follow do not modify the authority contained in section M-12.101 to take necessary action in a disaster situation without regard to civil service regulations and instructions.

(c) Applicability of certain previous regulations. Except for appointments made under paragraphs (1) and (2) of subsection M-12.320(a), the following provisions of the Civil Service Regulations do not apply to the emergency-indefinite appointment system:

- (1) Part 230;
- (2) Subparts D, E, F, and H of Part 300;
- (3) Part 315 (except section 315.807);
- (4) Part 316;
- (5) Subparts A, C, D, E, and F of Part 330;
- (6) Part 332 (except section 332.102);
- (7) Part 333;
- (8) Part 335;
- (9) Part 337;

- (10) Part 338;
- (11) Part 339;
- (12) Part 713;
- (13) Part 731;
- (14) Part 732; and
- (15) Section M-12.301.

Sec. M-12.311 - Definition of the term "indefinite".

Whenever the term "indefinite" occurs in Parts 351, 353, 752, and 772, and in sections 330.201 and 330.202 of the Commission's regulations, it includes employees serving under emergency-indefinite appointment.

Sec. M-12.312 - Delegation of authority.

(a) Authorizing agency recruitment. Except as provided in section M-12.320, an appointing officer may fill any position in the competitive service through agency recruitment in accordance with regulations M-12.310-331. He shall exercise his discretion in all personnel actions solely on the basis of merit and fitness. (In determining the merit and fitness of any person under this paragraph, there shall be no discrimination on the basis of his religious or political affiliations, or his marital status, physical handicap, race, color, or national origin.)

(b) Standards and requirements. All personnel actions under delegated authority shall be taken in accordance with the qualification standards issued by the Commission and such other requirements as the Commission may publish. The Commission may disapprove any action taken by an agency under delegated authority whenever it finds that the Commission's regulations and instructions have not been followed.

(c) Withdrawal of delegated authority. The Commission may suspend or withdraw any authority it has delegated to an agency whenever it finds that the Commission's regulations and instructions have not been followed, or that such action is in the interest of the service for other reasons.

Sec. M-12.313 - Appointments subject to investigation.

(a) Types of appointment. All types of appointments under the regulations except promotions, demotions, reassignments, and conversions from career-conditional to career appointment, are subject to investigation by the Commission to establish the appointee's qualifications and suitability for employment in the competitive service.

(b) Expiration of condition upon appointment. Except in cases under section M-12.314(a)(4) involving intentional false statements or deception or fraud in examination or appointment, the condition "subject to investigation" expires automatically at the end of one year after the effective date of the appointment.

(c) Removal by Commission direction. For a period of one year after the effective date of an appointment subject to investigation under paragraph (a) of this section, the Commission may instruct the agency to remove the employee if investigation discloses that he is disqualified for any of the reasons listed in section M-12.314. Thereafter, the Commission may require removal only on the basis of intentional false statements or deception or fraud in examination or appointment.

(d) Purpose of condition. Appointments are made subject to investigation to continue the Commission's jurisdiction to investigate the qualifications and suitability of an applicant after appointment and to require removal when it finds an employee is disqualified for Federal employment. The condition "subject to investigation" shall not be construed as requiring any employee to serve a new probationary or trial period or as extending the probationary or trial period of any employee.

(e) Appellate rights in Commission-directed removals. Part 752 of the Commission's regulations does not apply when an agency removes an employee under instructions of the Commission.

(f) Appellate rights in agency-directed removals. Part 752 of the Commission's regulations applies when removal action is initiated by an agency.

Sec. M-12.314 - Disqualifications of applicants.

(a) Grounds for disqualification. An applicant may be denied appointment for any of the following reasons:

- (1) Dismissal from employment for delinquency or misconduct;
- (2) Physical or mental unfitness for the position for which applied;
- (3) Criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct;
- (4) Intentional false statements or deception or fraud in examination or appointment;
- (5) Refusal to furnish testimony as required by section 5.3 of Rule V;
- (6) Habitual use of intoxicating beverages to excess;
- (7) Reasonable doubt as to the loyalty of the person involved to the Government of the United States; or
- (8) Any legal or other disqualification which makes the applicant unfit for the service.

(b) Debarment. A person disqualified for any of the reasons listed in paragraph (a) of this section may, in the discretion of the Commission, be denied appointment to any competitive position, for a period of not more than three (3) years from the date of the determination of such disqualification. Upon expiration of the period of debarment the person who has been debarred shall not be appointed to any position in the competitive service until his fitness for appointment shall have been redetermined by the Commission.

Sec. M-12.315 - 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.

Sec. M-12.320 - Career or career-conditional appointment.

(a) Career or career-conditional appointments shall be made under the following circumstances only:

(1) Initial career appointment. Initial career appointments shall be made to the following positions: (A) hearing examiner; (B) first-, second-, and third-class postmaster; and (C) positions of uniformed personnel in the Police and Fire Departments of the District of Columbia.

(2) Initial career or career-conditional appointment from certificates issued prior to the inception of the emergency-indefinite appointment system. Persons selected in regular order from certificates issued for career or career-conditional appointment prior to the effective date of these regulations 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 these regulations and was entered on duty pursuant thereto will serve as evidence of intent to grant career or career-conditional rights and privileges.

(3) Appointments made under (1) and (2) of this subsection are subject to the provisions of Parts 300, 315, 330, 332, 337, 338, 339, 713, 731, and 732 of the Civil Service Regulations.

(4) Career or career-conditional appointment of persons currently employed in or separated from the Federal service within the preceding 90 days. (a) Career or career-conditional employees who move to another agency or former Federal employees who are reemployed within 90 days following separation from their latest career or career-conditional appointment shall be given career or career-conditional appointment in accordance with their present or former tenure except as provided in (d). (An intervening period of service under a temporary appointment which follows career or career-conditional appointment without 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 employees or former employees who are members of the Executive Reserve or who were selected through National Emergency Standby Recruitment when called to active duty under the conditions stated above.

(b) Career and career-conditional appointees serving on the date of establishment of emergency-indefinite appointment system. Under the emergency-indefinite appointment system career and career-conditional employees retain their status and tenure, their reduction-in-force standing, and other privileges and rights during their continued employment, except as provided in (d).

(c) Probationary period required. An employee appointed under subparagraph (a)(4) above shall be required to complete any probationary period he was serving prior to his separation.

(d) Conversion from career-conditional to career appointment. A career-conditional appointment under this section shall be converted automatically to career appointment upon completion of the period of creditable service required on the effective date of these regulations. Creditable service is computed in accordance with the regulations and instructions of the Commission which were in effect prior to the effective date of these regulations except that a break in service of 90 days or less does not require the beginning of a new period of service. A career or career-conditional employee's status and tenure shall not be changed by movement or by reemployment within 90 days except as follows:

(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 is required.

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

Sec. M-12.321 - Emergency-indefinite appointment.

(a) Nature. All appointments to continuing positions shall be made as emergency-indefinite appointments except (1) those specifically exempted under section M-12.320; and (2) those made for temporary appointment not to exceed one year.

(b) Conversion of TAPERS and indefinites. Appointments of employees serving under temporary appointments pending establishment of registers and under indefinite or status quo appointments are hereby converted to emergency-indefinite. Thereafter such employees shall be entitled to all the rights and privileges of emergency-indefinite employees.

(c) Appointments under this section are subject to the following provisions:

(1) Citizenship. (A) Appointments are limited to citizens of, or to persons who owe permanent allegiance to the United States, except as provided in (B).

(B) Non-citizens may be given emergency-indefinite appointment by agencies legally authorized to employ them when (i) no qualified citizens are available; or (ii) the appointing officer determines that appointment of non-citizens is in the interest of the emergency effort, although there are qualified citizens available.

(2) Trial period. Persons given emergency-indefinite appointments are required to 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 utilize the trial period as fully as possible to determine the fitness of the employee and shall terminate his services during such period if he fails to demonstrate fully his qualifications for continued Federal employment.

(3) Status and tenure. Persons appointed under this section do not thereby acquire a competitive status. Their tenure of employment shall be limited to the duration of the present national emergency and not to exceed six (6) months thereafter. Emergency-indefinite employees shall not be subject to displacement except as required under Part 351, sections 330.201 and 202, and sections 772.301, .302, 303, .306, .307, and .308 of the Civil Service Regulations until such time as the Commission determines that a displacement program will not hamper the emergency effort.

(4) Salary step increases. Employees serving under emergency-indefinite appointment in positions within the scope of the compensation schedules of

the Classification Act of 1949, as amended, shall be eligible for step increases in accordance with section 530.301, Subpart B of Part 531, and section 539.203 of the Civil Service Regulations.

Sec. M-12.322 - Temporary appointment.

(a) When used. (1) 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 will be limited to a definite period of time not in excess of one (1) year.

(2) The circumstances and conditions prescribed by the Commission in its instructions govern agencies in making and extending temporary appointments.

(b) Citizenship. (1) Appointments will be limited to citizens of, or to persons who owe permanent allegiance to the United States, except as provided in (2).

(2) Noncitizens may be given temporary appointment by agencies legally authorized to appoint them when (A) no qualified citizens are available; or (B) when the appointing officer determines that the appointment of a non-citizen is in the interest of the emergency effort although there are qualified citizens available.

(c) Status and tenure. Persons appointed under this section do not thereby acquire a competitive status and their tenure is limited as provided in paragraph (a) of this section.

(d) Salary step increases. Employees serving under temporary appointment in positions within the scope of the Classification Act of 1949, as amended, are not eligible for step increases.

Sec. M-12.323 - Competitive selection.

(a) Authority. Agencies are authorized to make appointments competitively. Unless appointment is authorized under M-12.320 (a)(1) and (2) or M-12.324 all applicants shall be appointed in accordance with the following provisions of this section.

(b) Positions restricted to veterans. The positions of custodian, elevator operator, guard, and messenger shall be filled by the appointment of veterans as long as qualified veterans are available.

(c) Standards. Agencies making appointments under this section shall determine that the applicant meets the qualification standards issued by the Commission and that he is not disqualified for any one of the reasons listed in section M-12.314, subject to investigation by the Commission under section M-12.313.

(d) Provision for special consideration of local eligibles. An agency may limit recruitment and consideration for appointment to those applicants who reside within the local labor market area provided that the agency may not, under such circumstances, consider any applicant from outside the area unless it considers all qualified applicants from outside the local labor market area.

(e) Listing in priority order. Unless the Commission has authorized rating and ranking procedures to distinguish among those 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:

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

(2) All other qualified persons entitled to 10-point preference and 5-point preference (this group includes all qualified preference applicants with respect to professional and scientific positions in grades GS-9 and above).

(3) All other qualified applicants.

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

(g) Passing over veterans. When an appointing officer passes over a veteran and tentatively selects a nonveteran, he is to submit his reasons for not selecting the veteran to the Commission for a determination as to their sufficiency. When more than one vacancy is to be filled, the appointing officer may then select other eligibles, provided he reserves one vacancy for appointment of the veteran, should reasons for passing him over not be found sufficient. When a single vacancy is to be filled, the appointing officer may not take further action on the appointment of the nonveteran until he receives the Commission's findings. If the reasons are found to be sufficient, the appointing officer may then appoint the nonveteran; if the reasons are found not to be sufficient, the appointing officer may not pass over the veteran and appoint the nonveteran.

(h) Applicants who have had three considerations. An applicant who has been considered by the same appointing officer three times in connection with three actual appointments to the same type and grade of position need not be considered further by that appointing officer (1) for emergency-indefinite appointment if the previous considerations were for appointment to a continuing

position of the same type and grade or (2) for 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-12.324 - Appointment based on prior Federal service or prior qualification for active emergency service, or special authority for non-competitive selection for competitive appointment.

(a) Determining eligibility for appointment. An agency may, without regard to the priorities for making competitive appointments under section M-12.323, appoint:

(1) Any person currently serving or who last served in the Federal Government during the past 90 days;

(2) Any 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 such service;

(3) Any former Federal employee who served with competitive status;

(4) Persons who were recruited on a standby basis prior to the national emergency in accordance with applicable requirements of the Commission;

(5) Any 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 Civil and Defense Mobilization; and

(6) Any person appointed to positions filled under Public Law 80-313 [5 U.S.C. 1161-1163] and similar laws as defined in the Commission's instructions.

(b) Standards. The agency in making appointments under this section shall determine that the applicant meets the qualification standards issued by the Commission and that he is not disqualified for any of the reasons listed in section M-12.314 subject to investigation by the Commission under section M-12.313. Individuals recruited on a standby basis who met qualification standards at the time of recruitment are not required to meet qualification standards at the time of appointment. They are, however, subject to the provisions of M-12.314.

(c) Positions restricted to veterans. An agency may appoint qualified nonveterans under this regulation to positions of custodian, elevator operator, guard and messenger only when no qualified veterans are available for appointment by any method. This does not apply to the appointment of national emergency standby personnel when such determination was made at the time of recruitment.

(d) Restrictions on reappointment at a higher grade. The restrictions of M-12.331(b) through (j) on promotions apply to appointment under this section.

Sec. M-12.330 - Position change.

(a) Delegation to agency. An agency may promote, demote, or reassign career, career-conditional, or emergency-indefinite employees.

(b) Effect of position change on status and tenure. The status and tenure of an employee shall not be changed by promotion, demotion, or re-assignment under this section.

(c) Probationary period. The promotion, demotion, or reassignment of a career or career-conditional employee before he has completed probation is subject to satisfactory completion of the probationary period in the new position.

(d) Trial period. The promotion, demotion, or reassignment of an emergency-indefinite employee before he has completed his trial period is subject to satisfactory completion of the one-year trial period in the new position.

Sec. M-12.331 - Restrictions on position change or appointment to a higher grade or different line of work.

(a) Reassignment and promotion after competitive appointment. No present or former Federal employee shall, within three (3) months after his latest nontemporary competitive appointment, be:

- (1) Promoted;
- (2) Reassigned to a different line of work; or
- (3) Appointed to a higher grade or a different line of work.

(b) Grade restrictions.

(1) The grade restrictions on promotion contained in paragraphs (c) through (j) of this section also apply to appointment at a higher grade within one (1) year after separation from any nontemporary appointment.

(2) These restrictions apply when both the position last held and the position being filled are subject to the Classification Act of 1949, as amended. However, they do not apply when the position last held is outside the competitive service and in the legislative or judicial branches of the Government. The restrictions apply to movements from positions not subject to the Classification Act to positions subject to the Act only if the employee has held a position subject to the Act within the preceding year.

(3) The periods of service required by paragraphs (c), (d), and (f) of this section include all services at the appropriate or higher level in the Federal civilian service. However, when two (2) periods of service under the Classification Act are interrupted for less than one (1) year by other service, such latter service shall be counted as a continuation of the prior service in the position subject to the Classification Act.

(c) Promotions to position at GS-12 or above. An employee may be promoted to a position at GS-12 or above after he has served one (1) year at the next lower grade.

(d) Promotions to positions at GS-6 through GS-11.

(1) An employee may be promoted to a position at GS-6 through GS-11 which is in a line of work properly classified at two-grade intervals after he has served one (1) year in a position two (2) grades lower.

(2) An employee may be promoted to a position at GS-6 through GS-11 which is in a line of work properly classified at one-grade intervals after he has served one (1) year at the next lower grade.

(e) Promotions to positions at GS-5 or below. An employee may be promoted to a position at GS-5 or below which is not more than two (2) grades above the lowest grade he held within the preceding year under nontemporary appointment. However, an employee may be promoted to any grade at GS-5 or below which he previously held or to which he could have previously been promoted under this paragraph.

(f) Normal line of promotion. An employee of the agency who has one (1) year of service two (2) grades lower than the position being filled may be promoted without regard to the restrictions of paragraphs (c) and (d) of this section if there is no position in the normal line of promotion at the next lower grade.

(g) Training agreements. The restrictions of this section, with the exception of paragraph (a), shall not apply to any employee who is being promoted in accordance with a training agreement which has been approved by the Commission. Promotions of more than two (2) grades in one (1) year may not be made solely on the basis of a training agreement or a series of training agreements.

(h) Reduction in force. The restrictions in this section, with the exception of paragraph (a), shall not apply to any person who is being advanced to any grade or level up to that from which he had ever been demoted or separated by any agency because of reduction in force.

(i) Persons within reach for competitive appointment. The restrictions of this section shall not apply to any person who is on an appropriate list of qualified candidates for competitive appointment and in the priority group from which selections are being made.

(j) Undue hardship or inequity. In order to avoid undue hardship or inequity, the Commission may, when requested by the head of the agency involved, authorize promotions in individual cases of meritorious nature without regard to the restrictions of this section.

CONTROLLING GOVERNMENT REQUESTS FOR SELECTIVE SERVICE DEFERMENT
OF FEDERAL AND DISTRICT OF COLUMBIA GOVERNMENT EMPLOYEES

Sec. M-12.401 - Requests for occupational deferments--policy.

(a) Authority for submission of request. No agency in the executive branch of the Federal Government or the municipal government of the District of Columbia shall request the occupational deferment by Selective Service of any civilian officer or employee, including those who are Standby Reservists of the armed forces, except in accordance with the provisions of sections M-12.401 through M-12.405 of this Regulation. These sections do not modify the authority contained in section M-12.101 to take necessary action in a disaster situation without regard to civil service regulations and instructions.

(b) Basis for request. An agency request for occupational deferment of an officer or employee may be made only if it is determined 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, consideration shall be given to 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 of the agency or of program identified as essential for continuity of Government, and any special or unusual circumstance connected with his civilian assignment.

(c) Deferment period. No such request shall be made for a period longer than is deemed to be absolutely necessary.

(d) Submission of employee requests. Government employees, including those who are Standby Reservists of the Armed Forces, desiring to initiate requests for occupational deferment should submit their requests through their employing agencies.

Sec. M-12.402 - Establishment of committees.

(a) Federal Interagency Committee. There is hereby established in the Civil Service Commission the Federal Interagency Committee on Deferment of Government Employees (hereinafter referred to as the Interagency Committee) with authority to establish, and secure compliance with, policies and procedures on the handling of 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.

The membership of the Interagency Committee shall consist of 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 Civil Service Commission to serve in his place as Chairman of the Interagency Committee. The Civil Service Commission shall provide such staff and facilities as may be required for the performance of the functions of the Interagency Committee.

The Interagency Committee is hereby delegated authority to amend or supplement this regulation and to issue such instructions as it determines to be necessary to carry out its purposes. It is also empowered to take appropriate steps as may be necessary to assure compliance with such regulations and instructions.

The Chairman of the Interagency Committee shall exercise the functions of the full Interagency Committee until such time as the Committee is activated or under circumstances which prevent the full Interagency Committee from operating as a Committee.

(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 sections M-12.401 through M-12.405 the government of the District of Columbia shall be deemed to be a single agency. Each Agency Committee shall be subject to the supervision and direction of the head of the agency.

(c) Field committee. The head of any agency may also designate field committees whenever the number and geographical distribution of the personnel of the agency made such action desirable. Within their respective areas such field committees shall have the authority and responsibility of an Agency Committee; and as used in sections M-12.401 through M-12.405 the term "Agency Committee" shall include a field committee established under this section. Field Committees shall deal with the Interagency Committee through Agency Committees.

(d) Representation before Selective Service System. Agency Committees, including field committees, shall be the sole contact within their agency with the Selective Service System on matters of occupational deferment of the agency's employees, except where deferment requests for employees engaged in active ocean-going service are centralized in another agency by the Interagency Committee.

Sec. M-12.403 - 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, on its own motion, may review and revise the list of key positions of that agency as conditions warrant.

(b) Criteria for designation. Key positions shall be limited (a) to those 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 Civil and Defense Mobilization, and (b) to those which 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 will be useful as a guide in developing the list of key positions.

Sec. M-12.404 - Requesting deferment.

(a) Employee eligibility. An Agency Committee may prepare and 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-12.403, and whose civilian services are essential within the meaning of paragraph (b) of section M-12.401. In addition, to meet very unusual or emergency situations, an Agency Committee may submit a request for the occupational deferment of an employee for whom a request would be appropriate under the provisions of section M-12.401 but whose position is not on the list of key positions.

(b) Initiating request. The agency Committees shall prepare and submit requests for the occupational deferment of employees of their respective agencies to local Selective Service Boards in accordance with selective service regulations.

(c) Preparation of request. In preparing an agency request for occupational deferment to the local Selective Service Board, the Agency Committee shall enter on the request the words "Government Request," and shall also indicate thereon the name of the agency and the subordinate part thereof in which the registrant 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. In any case in which a request for deferment is denied by a local Selective Service Board, the Agency Committee concerned may take such appeal or appeals as authorized by selective service regulations.

Sec. M-12.405 - Specific responsibilities and effective date.

(a) General. Under instructions to be issued by the Interagency Committee, the several agencies shall submit to the Interagency Committee periodic reports concerning all actions taken under sections M-12.401 through M-12.405. The Interagency Committee will review such reports and consult with Agency Committees with respect to any departures from these sections. The Interagency Committee may also designate representatives to attend meetings of Agency Committees. Such representatives shall at all times have full access to all records of such Committees.

(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 sections M-12.401 through M-12.405. In such an event, the functions of the Agency Committee on requests for occupational deferments shall be performed by the Chairman of the Interagency Committee or his designee until such time as the suspension is lifted.

(2) An agency request for deferment of an employee may be cancelled by the Interagency Committee if it determines that the request was made in violation of sections M-12.401 through M-12.405.

(c) Agency.

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

(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. The Agency Committee in each agency shall supervise the preparation and maintenance, on a current basis, of adequate statistics on the selective service status of its employees, and on related matters, which shall be summarized and reported to the Interagency Committee at periodic intervals as instructed by the Interagency Committee.

(e) Director of Selective Service. The Director of Selective Service has agreed to furnish copies of sections M-12.401 through M-12.405 to all local Selective Service Boards. The Director of Selective Service will issue to the Selective Service System such instructions as are necessary to carry out the intent of these sections.

(f) Effective date. Sections M-12.401 through M-12.405 constitute a standby regulation and are effective (1) upon specific notification by the Civil Service Commission, or (2) upon an attack on the United States. Emergency regulation sections M-601.101 through M-601.106 issued March 6, 1959, and Executive Orders 9309 of March 6, 1943, and 9744A of June 29, 1946, are superseded.

DETAIL OF EMPLOYEE TO ANOTHER FEDERAL AGENCY, TO A STATE
OR LOCAL AGENCY, OR TO A PRIVATE ORGANIZATION, TO
PERFORM ESSENTIAL DEFENSE FUNCTIONS

Sec. M-12.410 - 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.

RELEASE, REASSIGNMENT, AND REEMPLOYMENT RIGHTS

[When these regulations become effective, Part 352 of the Commission's Regulations are superseded.]

Sec. M-12.420 - Definition.

In sections M-12.420 through M-12.425, 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-12.421 - Release of employees.

(a) 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.

(b) Movement of employees from emergency functions. An agency shall not employ:

(1) A person presently employed by another agency without a release from the present employer or from the Civil Service Commission, or

(2) A person who left his position in an agency during the preceding 90 calendar days without a release from his last agency or from the Civil Service Commission.

Sec. M-12.422 - Required movements of employees.

When the Commission determines that movement of employees cannot be effected 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 employing agency to separate the employee if he refuses to move as directed.

Sec. M-12.423 - 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.

Sec. M-12.424 - Reemployment rights of employees.

(a) 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 from one agency to another agency, to a State or local government, or to a private organization, when in furtherance of the emergency effort, under the provisions of sections M-12.421 and M-12.422 shall be granted reemployment rights at the time he moves. Reemployment rights will not be lost because of active military duty.

(b) Term of reemployment rights. Except as provided by paragraph (d), reemployment rights granted under these regulations shall continue until an expiration date established by the Commission.

(c) Exercise of reemployment rights. An employee shall apply for reemployment:

(1) Within 30 calendar days after his employment with reemployment rights is terminated, or

(2) Within 30 calendar days after the date for the expiration of reemployment rights established by the Commission.

(d) Loss of reemployment rights. An employee loses his reemployment rights if:

(1) He fails to apply within the time limits prescribed by paragraph (c) after having been notified of action he must take.

(2) He resigns without the written consent of his employing agency, or

(3) He fails to accept within 10 calendar days, a proper offer of reemployment made under paragraph (e).

(e) Agency's obligation to reemploy. (1) 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.

(2) The reemploying agency may reemploy the employee in a position of higher grade than that to which he is entitled but, in any event, shall reemploy him in a position of like seniority, status and pay.

(3) Upon reemployment 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.

(4) 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.

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

(f) Employee appeals to the Commission. (1) 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.

(2) 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.

(3) 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-12.425 - 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 any other agency in the same local commuting area.

EMPLOYEE RELATIONS AND SERVICES

Sec. M-12.501 - Agency procedure for taking adverse action in a disaster situation.

(a) All procedural requirements in taking adverse actions are hereby suspended in a disaster situation 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 basis for the action.

Sec. M-12.502 - Suspending appeals requirements during a disaster period.

(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 hereby suspended during the present national emergency, except that this suspension shall not apply to appeals provisions which are specifically designated as applicable in a disaster period during the present national emergency.

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

(c) After the period of disaster has passed, decisions on appeals for a restoration of substantive rights that were disregarded because of the disaster shall not have retroactive effect unless the action appealed was unreasonable and unnecessary under the disaster conditions existing at the time the action was taken.

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

PAY ADMINISTRATION

Sec. M-12.601 - Suspension of retroactive effective date provision of Part 511.

Effective (1) upon specific notice by the Commission, or (2) upon an attack on the United States, the provision of Part 511 which establishes a retroactive effective date for certain classification appeals decisions described therein is suspended until further notice.

Sec. M-12.602 - Suspension of limitations on rates of nonforeign differentials and allowances.

(a) The provision in section 207 of the Independent Offices Appropriation Act, 1949, as amended (5 U.S.C. 118(h)), which restricts additional compensation to a maximum rate of 25 percent of rates of basic compensation, is hereby suspended for the duration of the present national emergency.

(b) Sections 591.401(b) and 591.304 of Part 350, Title 5 of the Code of Federal Regulations, are hereby suspended.

Sec. M-12.603 - Suspending the provisions of section 505 of the Classification Act of 1949, as amended.

(a) The provisions of section 505 of the Classification Act of 1949, as amended, are hereby suspended for the duration of the present national emergency.

(b) This regulation is effective (1) upon specific notice by the Commission or (2) upon an attack on the United States.

Sec. M-12.604 - Suspending certain provisions of Public Law 313, 80th Congress, as amended, and similar provisions of certain other laws.

(a) The provisions of Public Law 313, 80th Congress, as amended, limiting the number of positions which can be established and requiring approval of the salary levels and qualifications of appointees by the Civil Service Commission, and similar provisions of other laws as identified by the Commission, are hereby suspended for the duration of the present national emergency.

(b) Agencies shall follow the provisions of sections M-12.310 through M-12.331 in making appointments to these positions.

(c) An individual appointed to one of these positions after the effective date of this regulation shall not acquire competitive status solely by reason of his appointment to the position.

HOURS OF WORK AND LEAVE

Sec. M-12.702 - Establishment of a 48-hour workweek in the executive branch.

(a) 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.

(b) Compensation for authorized hours of work performed by employees in excess of 40 hours a week shall be determined and paid in accordance with the applicable pay statutes and the Commission's pay regulations, or any other appropriate pay authority.

Sec. M-12.703 - Payment for annual leave over the maximum limits.

(a) During the present national emergency, when an employee has annual leave in excess of the maximum limits provided in sections 203 and 208 of the Annual and Sick Leave Act of 1951, as amended, he shall be paid for this excess annual leave at the time such excess leave would otherwise be lost.

(b) Heads of departments and agencies having employees under their jurisdiction subject to the Annual and Sick Leave Act shall follow the policy of granting annual leave to the maximum extent possible consistent with the conditions of the national emergency to permit their 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 the Annual and Sick Leave Act of 1951, as amended.

Sec. M-12.704 - Placing employees on administrative leave in a disaster.

(a) All civilian officers and employees who are relieved or prevented from reporting for duty because of disaster conditions in the present national emergency shall be placed on administrative leave without charge to leave or loss of pay until appropriate action is taken in accordance with their current status.

(b) This regulation applies to all civilian 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 a regularly scheduled tour of duty.

RETIREMENT

Sec. M-12.801 - Deferring the adjudication of claims to make deposits and redeposits and suspending the receipt of payments on deposits and redeposits.

(a) The adjudication of claims to make deposits or redeposits to the retirement fund is deferred and the provisions of section 4 of the Civil Service Retirement Act permitting receipt of payments on a deposit or redeposit are rendered inoperative, until an application for retirement or death benefits is received.

Sec. M-12.802 - Suspending the receipt of voluntary contributions.

(a) The provisions of section 12 of the Civil Service Retirement Act and of Part 831 of the Regulations relating to receipt of voluntary contributions to the retirement fund are rendered inoperative until an employee retires.

Sec. M-12.803 - Suspending the requirement (1) for annual medical check-ups of and income reports by disability annuitants and (2) that annuity payments stop when disability annuitants recover or are restored to earning capacity.

(a) The provisions in section 7 of the Civil Service Retirement Act and in Part 831 of the Regulations, which require (1) 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 (2) cessation of annuity payments to such annuitants who during the emergency recover or are restored to earning capacity, are suspended.

Sec. M-12.804 - Suspending valuations of the Civil Service Retirement System.

(a) The provision in section 16(g) of the Civil Service Retirement Act requiring valuations of the Retirement System at intervals of five years, or oftener if deemed necessary by the Civil Service Commission, is suspended.

INVESTIGATIONS

Sec. M-12.901 - Agency authority to make appointments for limited periods without regard to the investigative requirements of subsection 3(a) of Executive Order 10450.

(a) In the event that the head of a department or agency or his representative determines that emergency conditions make it impracticable to meet the standards for investigation provided for in subsection 3(a) of Executive Order No. 10450; the head of such department or agency or his representative may, if he determines such action to be necessary in the national interest, appoint civilian officers or employees in such department or agency for a limited period subject only to such investigation as he may find to be feasible under the circumstances or, if he finds no investigation to be feasible, without investigation, but investigation consonant with the standards of subsection 3(a) shall be conducted with respect to every incumbent officer or employee so appointed as soon as conditions make such investigation practicable.

(b) Whenever communications with the Commission are disrupted because of disaster conditions or whenever 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 the obtaining of such information is not feasible under the emergency conditions; the head of the department or agency or his representative may use the authority provided in paragraph (a) of this section in effecting the appointments of civilian officers or employees.

Sec. M-12.902 - Authority to agency heads to delegate their authority under subsection 3(b) of Executive Order No. 10450 to fill sensitive positions without a preappointment investigation first having been completed.

(a) Agency heads are hereby authorized to delegate their authority in subsection 3(b) of Executive Order No. 10450 to fill a sensitive position, in case of emergency, for a limited period with a person on whom a full field preappointment investigation has not been completed.

The Civil Service Commission Mobilization Circulars listed below are incorporated herein by reference:

<u>Mobilization Circular No.</u>	<u>Date issued</u>	<u>Subject</u>
1, Revised	March 8, 1961	Emergency Mobilization of Federal Civilian Manpower.
2, Revision No. 3	January 14, 1964	Organization of the U. S. Civil Service Commission in a National Emergency.
3	July 15, 1958	A. Method of Issuing Standby Regulations and Instructions. B. Method of Issuing Current Regulations and Instructions Which Are Issued in Contemplation of an Emergency. C. Numbering of Standby Regulations. D. Numbering of Current Regulations Issued in Contemplation of an Emergency.
4	October 10, 1958	A. Regulation M-12.101, Agency Authority To Take Personnel Actions in a National Emergency Disaster. B. Standby Instructions for Maintenance of Personnel Records in a National Emergency Disaster.
5, Revised	May 5, 1961	Regulation and Instructions for Carrying Employees on Administrative Leave in a Disaster.
6, Revised	August 31, 1962	A. Controlling Government Requests for the Selective Service Deferment of Federal and District of Columbia Government Personnel. B. Development of Agency Plans to Implement Item A.
6, Revised, Supp. No. 1	November 19, 1962	Transmittal of Attachment Approved by the Federal Interagency Committee on Deferment of Government Employees.

<u>Mobilization Circular No.</u>	<u>Date issued</u>	<u>Subject</u>
7, Revised	February 5, 1960	A. Planning Assumptions for Federal Civilian Manpower and Personnel Management. B. Responsibilities of the Civil Service Commission, As the Representative of the Federal Government as an Employer, for Participating in the Formulation and Implementation of National and Regional Manpower Policies Regarding the Distribution of the Civilian Manpower Resources of the Country as They Affect the Federal Government.
8	June 9, 1959	Providing Broad Authority for the President to Meet Federal Civilian Personnel Management Problems in National Emergencies.
9	June 10, 1959	Recruiting Housewives and Students.
10	June 11, 1959	Providing Broad Authority to Agency Heads to Suspend Laws Relating to the Administration of Federal Personnel in Foreign Areas in Special Emergency Situations.
11	June 12, 1959	Providing Broad Authority for Heads of Agencies to Act in a Disaster.
12, Revised	January 24, 1961	Temporary Appointment Outside the Register in a National Emergency.
12, Revised, Supp. No. 1	October 26, 1961	Authority to Waive Written Test Requirements for Temporary Appointment Outside the Register in a National Emergency.
13	July 2, 1959	Suspending Restrictions as to Members of Family in a National Emergency.

<u>Mobilization Circular No.</u>	<u>Date issued</u>	<u>Subject</u>
14, Revised	March 15, 1961	Suspending Citizenship Requirements in a National Emergency.
15, Revised	December 9, 1960	Suspending the Laws Restricting Dual Employment and Dual Compensation.
16	July 15, 1959	Suspension of Apportionment Requirements During a National Emergency.
17, Revision No. 2	April 26, 1963	Suspending Procedural Requirements in Adverse Actions During a Disaster Period.
18	July 28, 1959	Establishing an Applicant Referral System.
19, Revision No. 2	May 13, 1963	Curtailing Appeals During a Disaster.
20	August 3, 1959	Suspending Action on Position Classification Appeals.
21, Revised	July 14, 1961	Suspending Statutory Limitations on Rates of Additional Pay for Service Outside the Continental United States.
22	October 15, 1959	Adjusting the Career-Conditional Period.
23	February 8, 1960	General Operational Relationships Between the Commission as the Representative of the Federal Government as an Employer and the Emergency Manpower Authorities.
24, Revised	December 30, 1960	Operating the Investigations Program During a National Emergency.
25	January 19, 1961	Suspending the Career-Conditional Appointment System and Introducing an Emergency-Indefinite Appointment System.


<u>Mobilization Circular No.</u>	<u>Date issued</u>	<u>Subject</u>
25, Supp. No. 1	October 27, 1961	Instructions on Qualification Standards, Written Test Requirements, and Minimum Age Limits for Use Under the Emergency-Indefinite Appointment System.
25, Supp. No. 2	August 20, 1964	Filling Public Law 80-313 and Similar Type Positions Under Emergency Indefinite Appointment in the Event of an Attack on the United States.
26	January 17, 1961	Delegating to the Civil Service Commission Broad Responsibility and Authority for Federal Civilian Manpower and Personnel Management.
27	January 18, 1961	Appointment of Standby Personnel in a National Emergency.
29	February 10, 1961	Suspending Statutory Manpower Ceilings and Staffing Ratios
30	February 10, 1961	Operating the Civil Service Retirement System During a National Emergency.
30, Supp. No. 1	August 28, 1961	Operating the Civil Service Retirement System During a National Emergency: Protection of Essential Records.
30, Supp. No. 2	December 20, 1962	Operating the Civil Service Retirement System During a National Emergency: Protection of Essential Records.
32	March 8, 1961	Establishment of a 48-Hour Workweek in the Executive Branch as a Matter of General Policy.

<u>Mobilization Circular No.</u>	<u>Date issued</u>	<u>Subject</u>
33	March 15, 1961	Providing Payment for Annual Leave Over the Maximum Limits.
34	May 31, 1961	Suspending Statutory Limitations on Positions in Grades GS-16 and Above in a National Emergency.
35	July 12, 1961	Coordinating and Controlling Recruiting Activities of Federal Agencies.
35, Supp. No. 1	August 31, 1961	Coordinating and Controlling Recruiting Activities of Federal Agencies.
35, Supp. No. 2	March 28, 1963	Pre-Positioning Standby Orders with Local Employment Service Offices.
36	October 6, 1961	Suspending Certain Provisions of Public Law 313, 80th Congress, as Amended, and Certain Provisions of Other Laws Establishing Public Law 313-Type Positions.
37	October 19, 1961	Establishment of Agency Programs for the Referral and Placement of Employees to be Separated Through Reduction in Force.
38	December 8, 1961	Assigning Commission Liaison Personnel to Agencies and Installations.
39	December 8, 1961	Providing Special Personnel Management Advisory Services to New and Expanding Agencies.
40	February 23, 1962	Use of Manpower Data in a National Emergency.
41	May 14, 1962	Planning for Effective Utilization of Federal Civilian Employees in a National Emergency.

<u>Mobilization Circular No.</u>	<u>Date issued</u>	<u>Subject</u>
42	July 13, 1962	Application of National Emergency Manpower Controls in the Federal Service.
43, Revised	February 7, 1964	Release, Reassignment, and Reemployment of Federal Employees in a National Emergency.
44	October 17, 1962	Salary and Wage Stabilization in the Federal Service under a General Freeze.
45	November 30, 1962	Providing Employee Services During an Emergency.
46	May 17, 1963	Prevention and Prompt Settlement of Grievances.
47	July 12, 1963	Detail of Employee to Another Federal Agency, to a State or Local Agency, or to a Private Organization, to Perform Essential Defense Functions.
47, Correction Slip	February 24, 1964	

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL]



David F. Williams, Director
Bureau of Management Services

Chapter 32

Board of Governors of the Federal Reserve System

[EFR Doc. 32-1]

EMERGENCY REGULATION NO. 1Operations of Federal Reserve Banks

- Section 1. Authority
- Section 2. Time of Taking Effect
- Section 3. Continuance of Operations
- Section 4. Curtailment of Operations
- Section 5. Change of Quarters
- Section 6. Performance of Functions of One Federal Reserve Bank by Another
- Section 7. Distribution of Currency and Coin
- Section 8. Collection of Cash Items and Noncash Items
- Section 9. Discounts and Advances
- Section 10. Purchases, Sales, and Pledges
- Section 11. Reserves
- Section 12. Fiscal Agency Operations
- Section 13. Temporary Appointments
- Section 14. Authorization to Directors, Officers, and Employees

Section 1. Authority. This Regulation is issued pursuant to authority conferred upon the Board of Governors of the Federal Reserve System by the Federal Reserve Act (38 Stat. 251), as amended, by Section 5(b) of the Trading with the Enemy Act of October 6, 1917, (40 Stat. 415), as amended, by Delegation Order, January 10, 1961, from the Secretary of the Treasury to the Board, and by Emergency Banking Regulation No. 1, January 10, 1961, issued by the Department of the Treasury.¹

Section 2. Time of Taking Effect. This Regulation shall be effective immediately after an attack on the United States.

Section 3. Continuance of Operations. Except as provided in Section 4, all Federal Reserve Banks and branches, without regard to whether or not the head office or any other branch or branches are functioning, shall remain open and continue their operations and functions and permit the transaction of business during their regularly established hours.

Section 4. Curtailment of Operations. Any Federal Reserve Bank or branch may temporarily curtail, limit, suspend, or delegate any or all of its operations and functions to such extent and for such period as it may deem necessary if located in an area which is unsafe because of enemy or defensive action, or if essential personnel or physical facilities become unavailable, or if the effective performance of its operations and functions has been impaired as a result of an attack; provided, that the Board of Governors shall be notified as soon as practicable of any action taken pursuant to this Section; provided further, that operations shall be resumed when the cause of curtailment, suspension, or delegation has been remedied, removed, or dissipated.

Section 5. Change of Quarters. In the event that the main office or any branch of any Federal Reserve Bank becomes wholly or partially unusable as a result of an attack, the Federal Reserve Bank or branch so affected is authorized to, and, if possible, shall establish temporary substitute quarters, offices, or facilities at any place within its own or any other district if the establishment of such quarters, offices, or facilities will, in the judgment of such Federal Reserve Bank or branch, facilitate the transaction or resumption of operations; provided, that the Board of Governors shall be notified as soon as practicable of any action taken pursuant to this Section; provided further, that the use of substitute quarters, offices, and facilities shall be terminated as soon as practicable.

¹ EFR Docs. 12-2 and 12-1.

Section 6. Performance of Functions of One Federal Reserve Bank by Another. Any Federal Reserve Bank or branch, either as agent or in its own right, is authorized to perform temporarily any or all operations and functions of any other Federal Reserve Bank or branch which is unable to perform its operations and functions effectively as a result of an attack; provided, that the Board of Governors shall be notified as soon as practicable of any action taken pursuant to this Section; provided further, that such temporary performance of operations and functions shall cease when the cause of disability has been removed.

Section 7. Distribution of Currency and Coin. Each Federal Reserve Bank is authorized and directed to impose such restrictions and to take such measures as it may deem necessary to assure the effective and equitable use in the public interest of all available supplies of currency and coin. Each Federal Reserve Bank is authorized to designate selected commercial banks to act as emergency Cash Agents for the distribution of currency and coin.

Section 8. Collection of Cash Items and Noncash Items.
(a) Each Federal Reserve Bank is authorized and directed to prescribe such emergency rules and instructions as it may deem necessary to facilitate the receipt and collection of checks, other cash items, and noncash items, including those which cannot be presented due to transportation difficulties and those drawn on destroyed or inoperable banks. Each Federal Reserve Bank is authorized to designate selected commercial banks, clearing house associations, or other facilities to act as emergency Check Agents for the receipt and collection of checks, other cash items, and noncash items.

(b) The provisions of the Board's Regulations J and G shall continue to apply to the receipt and collection of checks, other cash items, and noncash items received by or on behalf of any Federal Reserve Bank, except to the extent that any Federal Reserve Bank by such emergency rules and instructions may otherwise provide as necessary or desirable in the circumstances then existing.

Section 9. Discounts and Advances. (a) The provisions of the Board's Regulation A, Advances and Discounts by Federal Reserve Banks, shall continue to apply to the making of discounts or advances immediately following an attack; except to the extent and for the period that the results of an attack make necessary or desirable the use of the emergency measures described in this Section for the continuance of banking operations in the national interest.

(b) Federal Reserve Banks will make credit available to both member and nonmember banks; provided, that Federal Reserve Banks are authorized to restrict credit to any bank which willfully

violates the Emergency Banking Regulations of the Secretary of the Treasury. In making credit available as authorized in this Regulation, considerations of formality of contract, security, and maturity of advances should be regarded as secondary to the problem of meeting the obvious essential needs of banks operating in conformance with the Treasury's Emergency Banking Regulation. Federal Reserve Banks are authorized to make credit available to individuals, partnerships, and corporations when credit for essential purposes is not otherwise available on reasonable terms.

(c) Federal Reserve Banks are authorized to make advances to any member or nonmember bank and to nonbank customers for such period or periods as the Reserve Bank may deem appropriate, (1) on the secured or unsecured promissory note of the borrower, or (2) in accordance with the general terms (other than amount) of lines of credit established with the borrower either preattack or postattack, or (3) by honoring overdrafts on the reserve accounts of member banks, or (4) by honoring overdrafts on the clearing accounts of nonmember banks.

(d) Federal Reserve Banks are authorized to rely on the borrower's statement that it owns identified unencumbered assets acceptable for discount or as security for advances, that such assets are physically unavailable as a result of an attack, and that the borrower will hold such assets in trust for the Reserve Bank pending the physical delivery of such assets to the Reserve Bank.

(e) Credit extended by Reserve Banks to banks in the immediate postattack period should carry the same discount rate that prevailed preattack; credit extended to nonbank customers should be at rates deemed appropriate under the circumstances by Reserve Banks.

Section 10. Purchases, Sales, and Pledges. (a) Federal Reserve Banks are authorized, subject to the provisions of Section 12A of the Federal Reserve Act, and the provisions of Resolution of Federal Open Market Committee Authorizing Certain Actions by Federal Reserve Banks during an Emergency, (1) to purchase, at prices slightly below those on comparable maturities of securities just prior to the attack, and to sell U. S. Government securities on their own account and to make such transactions with bank and nonbank customers, (2) to buy and sell due bills for direct obligations of the United States, and (3) to pledge such due bills or notes secured by such due bills as collateral for Federal Reserve notes.

(b) Federal Reserve Banks are authorized to rely on the seller's or pledgor's statement that it owns identified unencumbered assets which are the subject of purchase, repurchase, sale, or pledge, that such assets are physically unavailable as a result of an attack,

and that the seller or pledgor will hold assets in trust for the Reserve Bank pending the physical delivery of such assets to the Reserve Bank.

Section 11. Reserves. (a) Each Federal Reserve Bank is authorized to reduce or disregard its gold certificate reserve requirement when necessary due to the extension of Federal Reserve credit pursuant to the provisions of this Regulation. The Board of Governors shall be notified as soon as practicable of a reduction of reserve ratio below 25 per cent.

(b) The Federal Reserve Banks are authorized (1) to raise or lower reserve requirements for member banks without regard for provisions of existing statutes and regulations, and requirements may be varied according to regions or types of banks in the light of changes in reserve balances; (2) to require reports from nonmember banks for the purpose of determining whether conditions warrant the extension of reserve requirements to nonmember banks; (3) to extend reserve requirements when conditions warrant to nonmember banks; and (4) to waive penalties on deficient reserves; provided, that authority under Section 11 shall terminate as soon as postattack conditions permit the Board to resume such authority.

Section 12. Fiscal Agency Operations. Each Federal Reserve Bank is authorized to take such action as fiscal agent of the United States as authorized by the Secretary of the Treasury, and to take such action as fiscal agent of any other agency as may be authorized by such agency.

Section 13. Temporary Appointments. (a) The president or officer in charge of any Federal Reserve Bank is authorized to make temporary appointments of officers without regard to the standing policy on outside business connections, when necessary as a result of an attack, and to pay them salaries consistent with the established salary scale of such Reserve Bank.

(b) The Federal Reserve Agent or an Assistant Federal Reserve Agent is authorized to make temporary appointments of Acting Assistant Federal Reserve Agents when necessary as a result of an attack. In the event neither the Federal Reserve Agent nor an Assistant Federal Reserve Agent is available, the board of directors of the Reserve Bank is authorized to make such appointments, and, if the board is unavailable, the president or officer in charge of the Reserve Bank is authorized to make such appointments. Each Reserve Bank is authorized to pay such Acting Assistant Federal Reserve Agents salaries consistent with the salary scale for the Assistant Federal Reserve Agent and Alternate Assistant Federal Reserve Agent at that Reserve Bank.

Section 14. Authorization to Directors, Officers, and Employees. (a) Any action authorized or required to be taken by a

Federal Reserve Bank or other banking institution or its management pursuant to this Regulation may, in the absence of persons authorized by delegation or otherwise to take such action, be taken by any director, officer, or employee of such institution at the time conducting that part of the affairs of the institution to which such action relates.

(b) Notwithstanding any other provision of law, no banking institution, nor any director, officer, or employee thereof, nor any employee of the Board of Governors of the Federal Reserve System shall be subject to any liability on account of any action taken or omitted to be taken in good faith pursuant to this Regulation; provided, that this exculpation shall not apply to any liability on account of any contractual obligation undertaken pursuant to any provision of this Regulation.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

(Signed) Merritt Sherman
Secretary

Washington, D. C.

January 15, 1962.

[EFR Doc. 32-2]

EMERGENCY REGULATION NO. 2Use of Secured Notes to Transfer Credits

Section 1. Authority. This Regulation is issued pursuant to authority conferred upon the Board of Governors of the Federal Reserve System by the Federal Reserve Act (38 Stat. 251), as amended, by Section 5(b) of the Trading with the Enemy Act of October 6, 1917, (40 Stat. 415), as amended, by Delegation Order, January 10, 1961, from the Secretary of the Treasury to the Board, and by Emergency Banking Regulation No. 1, January 10, 1961, issued by the Department of the Treasury.¹

Section 2. Time of Taking Effect. This Regulation shall be effective immediately after an attack on the United States.

Section 3. Issuance of Promissory Notes. (a) Whenever the aggregate amount due to any banking institution from other banking institutions (including Federal Reserve Banks) has been seriously reduced as a result of abnormal withdrawals or transfers occasioned by circumstances resulting from an attack and such institution is unable to obtain a loan or to sell securities on reasonable terms, and whenever the management of such institution concludes that, as a result of the foregoing, it will be unable to meet foreseeable demands for withdrawals, transfers, or other payments not involving disbursement of cash, such institution is hereby authorized to effect such payments to banking institutions by means of its demand promissory notes, which shall be negotiable, payable only to the order of a Federal Reserve Bank or other banking institution and secured by an equal par value amount of direct obligations of the United States owned by such institution and not otherwise pledged.

(b) The notes described in paragraph (a) shall not bear interest, except that during the time such notes are held by a Federal Reserve Bank, they shall bear interest at a rate of one per cent per annum above the Federal Reserve Bank rate currently applicable to discounts of ninety-day commercial paper for member banks.

(c) The collateral security described in paragraph (a) shall be held in trust as security for the payment of said notes whether or not the banking institution issuing said notes has physical possession of such securing obligations. Such notes shall contain the following notation on their face -

¹

EFR Docs. 12-2 and 12.1.

"Issued pursuant to Emergency Regulation No. 2 of the Board of Governors of the Federal Reserve System, and secured by \$___ par value of direct obligations of the United States owned by this banking institution and held in trust as security for payment of the amount due hereon."

(The dollar amount to be inserted will correspond to the actual dollar amount shown to be due on the fact of the note.)

(d) The issuance of said notes containing the notation described in paragraph (c) will, as an incident thereto, automatically effect a declaration of trust of an equivalent amount of direct obligations of the United States owned by the issuing banking institution and not otherwise pledged, and the holder of said notes will be entitled to a lien thereon and preferential payment out of the proceeds thereof notwithstanding any other provisions of law, except that such lien and preference shall be subordinate to the rights of a bona fide purchaser or of any holder in due course of such direct obligations of the United States.

Section 4. Receipt of Notes as Payment or for Credit.

(a) Notes issued pursuant to this Regulation shall be accepted by all banking institutions as payment by the issuers and, when offered by an issuing depositor, shall be honored by any such institution by credit at par to the account of the depositor.

(b) Notes issued pursuant to this Regulation and transferred by a banking institution to a Federal Reserve Bank shall be deemed to have been endorsed without recourse by such banking institution, and such notes shall be accepted by a Federal Reserve Bank as payment by another banking institution and, when deposited with any Federal Reserve Bank by a banking institution, immediate credit at par shall be given therefor to the account of such depositor.

Section 5. Segregation of Securing Obligations. (a) If the issuing banking institution has physical possession of the United States obligations securing the notes issued, such obligations shall be segregated from other securities in its assets and earmarked, and proper records shall be maintained as to what notes are secured thereby.

(b) If the United States obligations are held by another banking institution for safekeeping, the same records shall be maintained by the issuing banking institution and the safekeeping institution shall be notified as soon as possible as to what United States obligations to segregate from other securities that may be held for the issuing bank. The safekeeping institution shall segregate such designated United States obligations and maintain appropriate records thereof.

(c) In the event that obligations securing notes issued by a banking institution pursuant to this Regulation are physically inaccessible because of circumstances occasioned by an attack, such obligations shall be segregated as required by this Section as soon as practicable.

Section 6. Records to be Kept. A detailed record of notes so drawn shall be maintained. The following general ledger entries are required:

(a) Credit special liability account "Notes secured by par value amount of direct obligations of the United States" with amount issued each day. Offsetting entries normally will be charged against depositors' accounts.

(b) Credit United States obligations with amount of notes issued each day.

(c) Debit special general ledger asset account "United States obligations pledged against own notes" with amount of notes issued each day.

Section 7. Payment. When the notes are presented by a Federal Reserve Bank or other banking institution to the issuer for payment, they shall be paid by the issuer if it has in the meantime been able to borrow funds or has been able to liquidate assets in an amount sufficient to provide the necessary funds. If this has not been accomplished, payment of the notes will be effected at the earliest date such action becomes possible.

Section 8. Limitation on Use of Procedure. The procedure herein authorized may be placed in effect by a banking institution only if its management concludes that there is a definite need for such procedure and shall be discontinued as soon as funds have become available.

Section 9. Limitation on Aggregate Amount. No banking institution shall issue notes under this authorization in an aggregate amount exceeding the par value of direct obligations of the United States owned by it and otherwise unpledged.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

(Signed) Merritt Sherman
Secretary

Washington, D. C.

January 15, 1962.

Chapter 33

Housing and Home Finance Agency

[EFR Doc. 33-1]

EMERGENCY ORGANIZATION OF HHFA**ESTABLISHMENT AND ORGANIZATION OF THE HHFA EMERGENCY
FIELD SERVICE**

Purpose. In the period immediately after an attack upon the United States, it is likely that normal lines of communication between headquarters and field offices will not exist.

The purpose of this order is to set up a temporary field organization through which the Housing and Home Finance Agency can carry out its assigned responsibilities in such an emergency. The order provides a means of coordinating Agency activities at the local and regional levels in the absence of communication with the headquarters offices and delegates the emergency powers needed during this period.

This order does not affect the regularly established planning or operational responsibilities of the heads of HHFA constituents or the headquarters organization of those constituents. The emergency field organization itself will be in effect only until it is possible to reestablish normal lines of communication and working relationships.

1. HHFA EMERGENCY FIELD SERVICE. This order establishes the emergency field service of the Housing and Home Finance Agency, which shall be activated in the event of a civil defense emergency as provided in paragraph 7.

2. HHFA REGIONS. (a) The emergency field service shall consist of 9 regions:

<u>Region</u>	<u>Headquarters</u>	<u>Jurisdiction</u>
I	New York, N. Y.	Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont
II	Philadelphia, Pa.	Delaware, District of Columbia, Kentucky, Maryland, Ohio, Pennsylvania, Virginia, West Virginia
III	Atlanta, Ga.	Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee
IV	Chicago, Ill.	Illinois, Indiana, Michigan, Minnesota, Wisconsin
M-IV	Denver, Colo.	Colorado, Iowa, Kansas, Missouri, Nebraska, North Dakota, South Dakota, Wyoming

<u>Region</u>	<u>Headquarters</u>	<u>Jurisdiction</u>
V	Fort Worth, Tex.	Arkansas, Louisiana, New Mexico, Oklahoma, Texas
VI	San Francisco, Calif.	Arizona, California, Hawaii, Nevada, Utah
M-VI	Seattle, Wash.	Alaska, Idaho, Montana, Oregon, Washington
VII	San Juan, P. R.	Puerto Rico, Virgin Islands

(b) Each region shall be headed by a Regional Administrator, who shall report to the Administrator.

(1) The following designations of Regional Administrators in the emergency field service are effective until revoked:

<u>Region</u>	<u>Regional Administrator</u>
I	HHFA Regional Administrator, Region I
II	HHFA Regional Administrator, Region II
III	HHFA Regional Administrator, Region III
IV	HHFA Regional Administrator, Region IV
M-IV	Director, FHA Insuring Office, Denver
V	HHFA Regional Administrator, Region V
VI	HHFA Regional Administrator, Region VI
M-VI	Director of Northwest Operations, Seattle
VII	HHFA Regional Administrator, Region VII

(2) In the event that the Regional Administrator for any region (except Region M-IV or M-VI) is unable to act because of absence, illness, or other cause, or in the event of a vacancy in that position, the persons holding the following positions within that region, but excluding persons serving in those positions in an acting capacity, shall act as Regional Administrator in his place and stead; provided that no person shall serve as Acting Regional Administrator unless all other persons whose titles precede his in this designation are unable to act by reason of absence, illness, or other cause, or there is a vacancy in the position.

1. HHFA Deputy Regional Administrator
2. Regional Director, Public Housing Administration
3. Regional Director of Community Facilities Activities
4. Regional Director of Urban Renewal

(3) The persons designated as Regional Administrators for Regions M-IV and M-VI shall issue orders establishing the order of precedence to act as Regional Administrator for their regions.

(c) Each regional headquarters office in the emergency field service (except for Regions M-IV and M-VI) is formed from the staff and facilities of such regional headquarters offices of the Office of the Administrator, Public Housing Administration, and Federal National Mortgage Association as may be located within the regional boundaries.

(1) The regional headquarters office for Region M-IV is formed from the staff and facilities of the FHA Insuring Office at Denver. The Regional Administrator shall determine how such staff and facilities shall be allocated between the regional headquarters office and the State Office for Colorado.

(2) The regional headquarters office for Region M-VI is formed from the staff and facilities of the HHFA Area Office at Seattle.

(3) Employees stationed in the field as a part of a FHA Zone Commissioner's staff shall be assigned to the Regional headquarters office of the region in which they are located.

(4) Any staff or facilities not required for the performance of the essential functions of any regional headquarters office shall be assigned to State Offices in accordance with their operational needs.

(d) Each regional headquarters office in the emergency field service shall:

(1) Supervise and coordinate the activities of State Offices within the region.

(2) Maintain liaison with the regional offices of OEP and other Federal agencies and with adjacent HHFA regions.

(3) Assign staff, facilities, and resources available within the region on the basis of operational needs.

3. HHFA FIELD OFFICES. (a) HHFA activities within each State shall be performed by, or under the supervision of, a State Office.

(b) There is established in each State a State Office, which shall be headed by a State Director, who shall report to and perform his duties under the supervision of the Regional Administrator.

(1) The director of the FHA Insuring Office in each State or, if there is more than one such office in any State, of the FHA Insuring Office nearest the State capital, is designated as State Director.

(2) In the event that the State Director for any State is unable to act because of absence, illness, or other cause, the persons holding the following positions within that State, but excluding persons serving in those positions in an acting capacity, shall act as State Director in his place and stead; provided that no person shall serve as Acting State Director unless all other persons whose titles precede his in this designation are unable to act by reason of absence, illness, or other cause:

1. Directors of FHA Insuring Offices other than that nearest the State capital, in the order listed in column 2 below.

2. Assistant Director of the FHA Insuring Office nearest the State capital.
3. Chief Underwriter of the FHA Insuring Office nearest the State capital.

(3) The persons designated as State Directors shall issue orders supplementing this designation of Acting State Directors, so that the order of precedence to act in each State Office shall include a minimum of 6 persons.

(4) If all of the FHA Insuring Offices in any State are inoperative, the Regional Administrator shall form the State Office from staff and facilities otherwise available within the Region.

(c) Each State Office is formed from the staff and facilities of the FHA Insuring Office in that State.

(1) Where there is more than one FHA Insuring Office in a State, the State Office is formed from the staff and facilities of the Insuring Office nearest the State capital, as designated in column 1 below.

(2) If the FHA Insuring Office designated as State Office is inoperative, the State Director shall form the State Office from the staff and facilities of the Insuring Office which is still operative nearest the State capital, in the order listed in column 2 below.

(3) For the purpose of this order, in cases where there is more than one FHA Insuring Office in a State the Insuring Office designated in column 1 shall be considered to be the office nearest the State capital. Those designated in column 2 shall be considered next nearest, in the order in which they are listed.

<u>State</u>	<u>Column 1</u>	<u>Column 2</u>
California	Sacramento	San Francisco, Los Angeles, San Diego
Florida	Jacksonville	Tampa, Miami
Illinois	Springfield	Chicago
Louisiana	New Orleans	Shreveport
Michigan	Grand Rapids	Detroit
Missouri	St. Louis	Kansas City
New Jersey	Camden	Newark
New York	Albany	New York City, Jamaica, Buffalo
Ohio	Columbus	Cincinnati, Cleveland
Oklahoma	Oklahoma City	Tulsa
Pennsylvania	Philadelphia	Pittsburgh
Tennessee	Knoxville	Memphis
Texas	San Antonio	Houston, Fort Worth, Dallas, Lubbock
Washington	Seattle	Spokane

4. FIELD STATIONS. (a) Field offices not otherwise provided for in this order, including insuring offices, service offices, valuation stations, community disposition offices, VHMCP regional offices, and the offices of HHFA field engineers, field representatives, and site representatives, become a part of, and report to the State Offices in the States in which they are located.

(b) In the absence of communications with the State Office, field offices not otherwise provided for in this order represent the Housing and Home Finance Agency in the areas where they are and, as far as their resources allow, shall assist local officials in caring for local emergency needs.

(c) Each State Director may, as operational needs require, establish and abolish offices subordinate to the State Office or reassign any of the staff or facilities of such offices.

5. DELEGATIONS OF EMERGENCY POWERS. (a) Each Regional Administrator and State Director in the emergency field service of the Housing and Home Finance Agency, with respect to matters within the geographical areas over which they have jurisdiction, is hereby authorized to exercise all powers now or hereafter vested in or assigned to the Housing and Home Finance Administrator, except those powers which by law cannot be delegated by the Administrator.

(b) Each Regional Administrator and State Director is authorized to redelegate any of the foregoing authority to any officers and employees under his jurisdiction.

(c) The senior employee of the Housing and Home Finance Agency (by grade and, within grade, by total length of Federal service) who is present:

1. At any regional headquarters office, in the absence of a person designated to serve as Regional Administrator or as Acting Regional Administrator,
2. At any State Office, in the absence of a person designated to serve as State Director or as Acting State Director, or
3. At any other location where he is on duty, during such times as it may be impossible or infeasible to contact higher authority, is authorized to assume and exercise the powers herein or hereafter delegated to Regional Administrators in the emergency field service.

6. MOBILIZATION PLANNING. (a) Each Regional Administrator and State Director designated in this order shall formulate in advance such plans as may be necessary to facilitate the activation of the emergency field service.

(b) Whenever under this order a State is to be transferred from one HHFA region to another region in the emergency field service, the Regional Administrators designated in this order, shall formulate in advance such plans as may be necessary to facilitate the transfer.

7. EFFECTIVE DATE. (a) This order (except as to paragraph 6) shall become effective only upon the existence of a state of civil defense emergency, as proclaimed by the President or by concurrent resolution of the Congress, as provided for by section 301 of the Federal Civil Defense Act of 1950, 64 Stat. 1251, 50 U.S.C. App. 2291.

(b) Paragraph 6 of this order is effective immediately.

(c) This order shall remain in effect during the existence of a state of civil defense emergency until otherwise ordered by the Housing and Home Finance Administrator.

(d) This order supersedes the delegation of emergency powers to Regional Administrators dated May 28, 1959.

Issued this 22nd day of March, 1960.

/s/ Norman P. Mason
Housing and Home Finance Administrator

[EFR Doc. 33-2]

SUCCESSION ORDERS

Designation of Acting Administrator

The officers appointed to the following listed positions in the Office of the Administrator are hereby designated to act in the place and stead of the Housing and Home Finance Administrator, with the title of "Acting Administrator" and with all the powers, rights, and duties vested in or assigned to the Administrator, in the event the Administrator is unable to act by reason of his absence, illness, or other cause, provided that no officer shall have authority to act as "Acting Administrator" unless all those whose titles precede his in this designation are unable to act by reason of absence, illness, or other cause:

1. Deputy Administrator;
2. General Counsel;
3. Assistant Administrator (Program Policy).

This designation supersedes the designation of Acting Administrator effective October 24, 1958 (23 F.R. 8222, 10/24/58), which designation is hereby revoked.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended, 12 U.S.C. 1701c; 63 Stat. 440 (1949), 12 U.S.C. 1701d-1)

Effective as of the 5th day of March, 1959.

/s/ Norman P. Mason

Housing and Home Finance Administrator

[EFR Doc. 33-3]

SUPPLEMENTAL DESIGNATION OF
ACTING HOUSING AND HOME FINANCE ADMINISTRATOR, EFFECTIVE UPON
THE EXISTENCE OF A STATE OF CIVIL DEFENSE EMERGENCY

In addition to the officers designated to serve as Acting Housing and Home Finance Administrator listed in the Order effective March 5, 1959, published at 24 F.R. 1671, March 5, 1959, or in any later published Order designating officers to serve in such acting capacity, the officers appointed to the following listed positions in the Housing and Home Finance Agency are hereby designated to serve as Acting Housing and Home Finance Administrator during the absence of the Housing and Home Finance Administrator, with all the powers, functions, and duties vested in or assigned to the Administrator, provided that no officer is authorized to serve as Acting Administrator unless all officers whose titles precede his in the aforementioned published Order and in this designation are unable to act by reason of absence:

1. Federal Housing Commissioner.
2. Public Housing Commissioner.
3. Urban Renewal Commissioner.
4. Community Facilities Commissioner.
5. President, Federal National Mortgage Association.
6. Assistant Administrator (Administration).
7. Assistant Administrator (Community Improvement Program).
8. Assistant Administrator (Public Affairs).
9. Assistant Administrator (Housing for Senior Citizens).
10. Regional Administrator, Region I (New York).
11. Regional Administrator, Region II (Philadelphia).
12. Regional Administrator, Region IV (Chicago).
13. Regional Administrator, Region III (Atlanta).
14. Regional Administrator, Region V (Fort Worth).
15. Regional Administrator, Region VI (San Francisco).

This designation supersedes the supplemental designation of Acting Administrator issued July 17, 1959.

This Order shall become effective only upon the existence of a state of civil defense emergency, as proclaimed by the President or by concurrent resolution of the Congress, as provided for by section 301 of the Federal Civil Defense Act of 1950, 64 Stat. 1251, 50 U.S.C. App. 2291.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), 12 U.S.C. 1701c; 63 Stat. 440 (1949), 12 U.S.C. 1701d-1; Sec. 7 of E.O. 11004, 27 F.R. 1542, 1544, 2/20/62)

Issued as of the 25th day of October 1962.

/s/ Robert C. Weaver
Housing and Home Finance Administrator

[EFR Doc. 33-4]

[ASP]

ORDER TO SUSPEND ALL NONESSENTIAL PROGRAMS AND ACTIVITIES

TO: ALL OFFICIALS OF THE HOUSING AND HOME FINANCE AGENCY

Section 1. I hereby direct the immediate suspension of all operations of your respective organizations in connection with the undertaking or completion of programs, activities, projects and applications administered by such organizations except to the extent (1) that such suspension will result in irreparable damage or injury to the Government and the failure to suspend will not involve the expenditure or commitment of resources (including materials, manpower and funds) otherwise necessary to meet the national defense emergency, or (2) such undertaking or activity is directly or specifically necessary or helpful in meeting the national defense or emergency.

Section 2. You are requested to issue appropriate orders or directives to your respective organizations to implement and carry out this directive, and to the extent that exceptions under "(1)" and "(2)" above cannot be determined and promulgated immediately with respect to any program, activity, project or application, you are to suspend without exception all operations in connection therewith, without prejudice to subsequent reactivation of such operations within said exceptions.

Section 3. This Order is effective the ____ day of _____, 19____.

Housing and Home Finance Administrator

[EFR Doc. 33-5]

[BEAR]

ORDER MAKING FEDERALLY-OWNED OR CONTROLLED HOUSING
AND RELATED FACILITIES AVAILABLE FOR REFUGEE LODGINGTO: ALL FEDERAL DEPARTMENTS AND AGENCIES OWNING OR CONTROLLING HOUSING
AND RELATED FACILITIES

Section 1. Pursuant to the authority delegated to the Housing and Home Finance Administrator by the Director, OEP, all housing and related facilities Federally-owned or controlled shall be made available immediately for the necessary lodging of refugees.

Section 2. Each Federal Department and Agency having jurisdiction over such housing and related facilities is hereby delegated authority, pending issuance of further orders, to take such actions as are necessary to implement this order including, without limitation, the assignment of housing accommodations to refugees in the area of such housing; the establishment, if necessary, of priority rights thereto on basis of sex, age, and physical disability but without regard to race, color or religion; the establishment of procedures and operations for recording, to the extent possible, actions taken hereunder and claims for compensation or damages resulting therefrom; and the enforcement of measures essential to the accomplishment of this order.

Section 3. Each such Federal Department and Agency shall forthwith prepare and transmit to the Housing and Home Finance Administrator a list, in triplicate, of Federally-owned or controlled housing accommodations within their respective jurisdictions indicating (1) the location, character (single, duplex, apartments, barracks, trailers, etc.) and the number and size thereof (either in terms of dimensions or units and rooms per unit); (2) present degree of vacancies and estimate of the additional number of refugees that may be accommodated by such housing under emergency conditions; (3) the adequacy and maximum capacity of existing community facilities to meet increased demands; and (4) the nature and extent of the Government's interest in and control over such housing.

Section 4. Housing and related facilities mean, for the purpose of this Order, all dwellings suitable for human habitation or structures readily convertible to same, and the facilities related thereto, including, without limitation, houses, apartments, barracks, trailers, tents, recreation shelters and halls, armories, warehouses and similar accommodations.

Section 5. This Order shall not apply to the Department of Defense and the military services thereunder, the Atomic Energy Commission and other Government agencies directly involved in the national defense and/or subject to security regulations and controls, except to the extent that housing and related facilities owned or controlled by them can be made available for lodging refugees by virtue of not being subject to security regulations and not being used or not presently essential to the carrying out of the functions and operations of said departments and agencies.

Section 6. This Order is effective the _____ day of _____, 19____.

Housing and Home Finance Administrator

[EFR Doc. 33-6]

[CAT]

DELEGATION OF EMERGENCY CONTRACTING AUTHORITY

TO: ALL OFFICIALS OF THE HOUSING AND HOME FINANCE AGENCY

Pursuant to the authority delegated to the Housing and Home Finance Administrator by the Director, OEP, it is hereby ordered as follows:

Section 1. (a) Subject to the provisions of Sections 2 and 3 of this Order and subject to such other policies as may be prescribed by the Director, OEP, the authority for Emergency Contracting Authority is hereby delegated to the Commissioners of the Federal Housing Administration, the Public Housing Administration, the Community Facilities Administration, and the Urban Renewal Administration, respectively, the Regional Administrators and State Directors (as provided in the Housing and Home Finance Administrator's Order establishing the Emergency Field Service, dated March 22, 1960, as amended).

(b) The authority delegated by this section may be redelegated to such officers and employees of the Housing and Home Finance Agency as are deemed appropriate to carry out the emergency responsibilities and functions of the Agency.

Section 2. (a) 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 things and services necessary, appropriate or convenient for the national defense, or for the invention, development, or production of, or research concerning any such things, so long as such agreements are consistent with the Government priorities and allocation regulations, orders and directives.

(b) The officers and employees as designated may by agreement modify or amend or settle claims under contracts heretofore or hereafter made, may make advance, progress, and other payments upon such contracts of any percentum of the contract price, and may enter into agreements with contractors or obligors, modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds, whenever, in their judgment, the national defense will be thereby facilitated. Amendments and modifications of contracts may be with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished hereunder, irrespective of the time or circumstances of the making, or the form, of the contract 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.

(c) Advertising, competitive bidding, and bid, payment, performance or other bonds or other forms of security need not be required.

(d) Complete data shall be maintained by the responsible officials of the agencies as to all contracts and purchases made pursuant to this directive. The responsible officials designated in Section 1 (a) shall make 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.

Section 3. (a) There shall be no discrimination in any act performed hereunder against any person on the ground of race, creed, color, or national origin, and all contracts hereunder shall contain a provision that the contractor or any subcontractors thereunder shall not so discriminate.

(b) No claim against the United States arising under any purchase or contract made under the authority of this Order shall be assigned except in accordance with the Assignment of Claims Act of 1940 (54 Stat. 1029).

(c) Advance payments shall be made hereunder only after careful scrutiny to determine that such payments will promote the national defense.

(d) Every contract entered into, amended, or modified pursuant to this Order shall contain a warranty by the contractor in substantially the following terms:

"The Contractor warrants that no person or selling Agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration the full amount of such commission, percentage, brokerage, or contingent fee."

(e) All contracts entered into, amended, or modified pursuant to authority of this Order shall include a clause to the effect that the Comptroller General of the United States or any of his duly authorized

representatives shall have access to and the right to examine any pertinent books, documents, papers and records of the contractor or any of his subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts.

(f) Nothing herein shall be construed to authorize the cost-plus-a-percentage-of-cost system of contracting.

(g) Nothing herein shall be construed to authorize any contracts in violation of existing law relating to limitation of profits, or the payment of a fee in excess of such limitation as may be specifically set forth in the act appropriating the funds or granting the contract authorization obligated by a contract. In the absence of such limitation, the fixed fee to be paid the contractor as a result of any cost-plus-a-fixed fee contract entered into under the authority of this Order shall not exceed ten percentum of the estimated cost of the contract, exclusive of the fee, as determined by the Administrator at the time of entering into such contract (except that a fee not in excess of 15 percentum of such estimated cost is authorized in any such contract for experimental, developmental, or research work; and that a fee inclusive of the contractor's costs and not in excess of six percentum of the estimated cost, exclusive of fees, as determined by the Administrator at the time of entering into the contract, of the project to which such fee is applicable, is authorized in contracts for architectural or engineering service relating to any public works or utility project).

(h) No contract or modification or amendment thereof shall be exempt from the provisions of the Copeland Act (48 Stat. 948), as amended, because of being entered into without advertising or competitive bidding, and the provisions of such Act, if otherwise applicable, shall apply to contracts made and performed under the authority of this Order.

(i) Nothing herein contained shall prejudice any authority which the Agency may have with respect to procurement.

Section 4. This Order is effective the ____ day of _____, 19____.

Housing and Home Finance Administrator

[EFR Doc. 33-7]

[DOG]

ORDER DELEGATING AUTHORITY TO REQUISITION PRIVATE PROPERTY

TO: ALL OFFICIALS OF THE HOUSING AND HOME FINANCE AGENCY

Pursuant to the authority delegated to the Housing and Home Finance Administrator by the Director, OEP, it is hereby ordered as follows:

Section 1. Authority to requisition survival supplies, equipment and facilities or real property to provide housing and related facilities for dislocated persons and employees of essential industries is hereby delegated to the Commissioners of the Federal Housing Administration, Public Housing Administration, Community Facilities Administration and Urban Renewal Administration, respectively, to the Regional Administrators and State Directors (as provided in the Housing and Home Finance Administrator's Order establishing the HHFA Emergency Field Service, dated March 22, 1960, as amended), in connection with carrying out their respective functions and responsibilities, and may be exercised by them in accordance with the procedures established by the Housing and Home Finance Administrator and the policies and procedures specified in this Order.

Section 2. Each of the foregoing officers is authorized, subject to the provisions of this Order, to redelegate the authority vested in him under Section 1 above, to such responsible officers and employees under his jurisdiction who have personal knowledge of the policies established to govern the exercise of the requisitioning authority.

Section 3. Limitations on Use of Requisitioning Authority. The requisitioning authority, hereby redelegated, being one of the most drastic powers exercised by the Federal Government, shall be used only when necessary for military operations and their support or survival of the population of the country. The power is not to be used, ordinarily, until reasonable attempts to secure the required property by purchase or other arrangements have failed, or unless time does not permit such attempts to be made or continued. Except when the exigencies of war otherwise require, the requisitioning of real property or facilities should be limited to requisition the temporary use of such property or facilities. Requisitioning actions without centralized review in advance should be limited to actions required by war exigencies primarily in disaster areas and, to the maximum practicable extent, should be limited to the period immediately following the infliction of the war damage.

Section 4. The procedures governing the requisitioning of survival supplies, equipment and facilities or real property to provide housing and related facilities for dislocated persons and employees of essential industries shall be as follows:

- a. Where owner is known and can be reached in person in a reasonable time (in light of the need for the property) in the city or community where such property is located, a fair offer for the purchase, lease, or rental of the property shall be made before the requisitioning authority is exercised. If the owner refuses to accept such offer, the property may be requisitioned provided, however, that the person requisitioning the property serve the owner with a written notice of the requisitioning as described in Section 5 below. If the notice of requisitioning cannot be served, a copy shall be mailed to the owner at his last known address.
- b. Where the owner is known but cannot be reached in person in a reasonable time (in the light of the need for the property) in the city or community where the property is located, the property may be requisitioned provided, however, that the person exercising the requisitioning authority prepare a written notice of the requisitioning (as described in Section 5 below) and mail a copy thereof to the last known address of the owner. If the address of the owner is unknown, the notice shall be published in any local newspaper or other regularly published periodical in the city or the community where the property is located, and if there be no such paper or other regularly published periodical, it shall be posted in the local U. S. Post Office, in the City Hall, or in some other local public building.
- c. Where the owner is not known, the property may be requisitioned provided, however, that the requisitioning officer prepare a written notice of the requisitioning as described in Section 5 below and such notice be published in a local newspaper or other regularly published periodical in the city or the community where the property is located; and if there be no such paper or other regularly published periodical, the notice shall be posted in the local U. S. Post Office, in the City Hall, or in some other local public building.

Section 5. The notice of requisitioning shall contain a description of the exact property or property interest taken; a statement to the effect that a fair value will be paid to the owner by the Government of the United States at the earliest possible date in accordance with the procedures to be developed under Public Law 920, Section 306, 81st Congress; and shall be dated and signed by the requisitioning officer with his full name, official title and the office (Regional, State, etc.) in which he is employed.

Section 6. Whenever property has been requisitioned in accordance with the provisions of Section 4 a, b, or c above, the requisitioning officer shall certify in writing the manner in which he complied with the provisions of the applicable paragraph. The certification shall include:

- a. Under the conditions specified in Section 4 a above, the offer made, a copy of the notice of requisition furnished to the owner and a statement of date and place of service, or if personal service was not made, a statement of the address to which the notice was sent and the date and place of mailing.
- b. Under the conditions specified in Section 4 b above, a statement of the address to which the notice was sent, and the date and place of mailing or, if the address of the owner was unknown, a copy of the publication and the name and date of the newspaper or periodical in which published and a statement of the date and place where a copy of such notice was posted.
- c. Under the conditions specified in Section 4 c above, a copy of the publication and the name and date of the newspaper or periodical in which published and a statement of the date and place where a copy of such notice was posted.

Section 7. The certifications by the requisitioning officer described above shall be prepared in triplicate, one copy to be retained in the files of the requisitioning officer, one copy to be sent to the Administrator, HHFA, and one copy to be sent to the Director, OEP.

Section 8. When the property requisitioned is not consumed in whole or in part in the use thereof, e.g., real property or machinery, such property shall be returned to the owner as soon as the need thereof ceases to exist.

Section 9. In all instances the word "owner" as used above shall be deemed to include any duly authorized agent of the owner or, where the owner is a corporation, any duly elected officer thereof.

Section 10. This order is effective the _____ day of _____, 19____

Housing and Home Finance Administrator

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[EFR Doc. 33-8]

[ELK]

DELEGATION OF AUTHORITY TO INSURE TIMELY AND NECESSARY
AUTHORIZATIONS FOR THE OBLIGATION, EXPENDITURES, AND REIMBURSEMENT
OF FUNDS AND OTHER APPROPRIATE ACTIONS

TO: ALL OFFICIALS OF THE HOUSING AND HOME FINANCE AGENCY

Pursuant to the authority delegated to the Housing and Home Finance Administrator by the President of the United States, it is hereby ordered as follows:

Section 1. Subject to the provisions of Section 2 of this Order and subject to such policies and procedures as may be prescribed with respect to accounting, reporting and control of funds, there is hereby delegated to the Commissioners of the Federal Housing Administration, the Public Housing Administration, the Community Facilities Administration and the Urban Renewal Administration, respectively, the President of Federal National Mortgage Association, the Regional Administrators and the State Directors (as provided in the Housing and Home Finance Administrator's Order establishing the Emergency Field Service, dated March 22, 1960, as amended) authority to incur such obligations and make such expenditures from appropriations or funds available or made available to them by allotment or otherwise and, when such appropriations or funds are exhausted pledge the credit of the United States to finance such actions as may be necessary to carry out essential Government activities, especially the emergency responsibilities assigned to the Housing and Home Finance Administrator by Executive Order No. 11004, signed by the President on February 16, 1962. When made in good faith and in the exercise of due care, such obligations and expenditures may be made without regard to laws or regulations controlling or regulating the expenditure of public funds or relating to fiscal limitations or procedures, except those made specifically applicable to emergency conditions.

Section 2. The authority delegated by Section 1 of this Order shall remain available as specified herein until the expiration of 15 days after Congress (a) has enacted legislation dealing specifically with the manner in which essential wartime functions are to be financed and accounted for or (b) insofar as the financing of essential wartime functions is concerned, has appropriated funds for such functions.

Section 3. This Order is effective the ____ day of _____ 19__.

Housing and Home Finance Administrator

[EFR Doc. 33-9]

[FOX]

DELEGATION OF BROAD AUTHORITY TO TAKE IMMEDIATE
CIVILIAN PERSONNEL ACTION NECESSARY TO THE EFFECTIVE FUNCTIONING
OF AGENCY PROGRAMS

TO: ALL OFFICIALS OF THE HOUSING AND HOME FINANCE AGENCY

Pursuant to the authority delegated to the Housing and Home Finance Administrator by the Civil Service Commission, it is hereby ordered as follows:

Section 1. There is hereby delegated to the Commissioners of the Federal Housing Administration, the Public Housing Administration, the Community Facilities Administration and the Urban Renewal Administration, respectively, the President of Federal National Mortgage Association, the Regional Administrators and the State Directors (as provided in the Housing and Home Finance Administrator's Order establishing the Emergency Field Service, dated March 22, 1960, as amended) authority to take personnel actions under the broad authority of Civil Service Commission Regulation No. M-12.101.¹

Section 2. This Order is effective the _____ day of
_____ 19____.

Housing and Home Finance Administrator

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EFR Doc. 31-1.

[EFR Doc. 33-10]

COMMUNITY FACILITIES ADMINISTRATION

The officers appointed to the following listed positions in the Community Facilities Administration, Housing and Home Finance Agency, are hereby designated to serve as Acting Community Facilities Commissioner during the absence of the Community Facilities Commissioner, with all the powers, functions, and duties delegated or assigned to the Commissioner, provided that no officer is authorized to serve as Acting Community Facilities Commissioner unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Community Facilities Commissioner.
2. Assistant Commissioner for Program Development.
3. Assistant Commissioner for Management Control.
4. Assistant Commissioner for Operations and Engineering.
5. Chief Counsel.

This designation supersedes the designation effective July 27, 1964 (29 F.R. 10632, July 30, 1964).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 29th day of January 1965.

Robert C. Weaver
Housing and Home Finance Administrator

[EFR Doc. 33-11]

URBAN RENEWAL ADMINISTRATION

The officers appointed to the following listed positions in the Urban Renewal Administration, Housing and Home Finance Agency, are hereby designated to serve as Acting Urban Renewal Commissioner during the absence of the Urban Renewal Commissioner, with all the powers, functions, and duties delegated or assigned to the Urban Renewal Commissioner, provided that no officer is authorized to serve as Acting Urban Renewal Commissioner unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Urban Renewal Commissioner.
2. Chief Counsel.
3. Assistant Commissioner for Program Planning.
4. Assistant Commissioner for Relocation and Rehabilitation.
5. Assistant Commissioner for Urban Planning and Community Development.
6. Assistant Commissioner for Field Operations.
7. Assistant Commissioner for Technical Standards.

This designation supersedes the designation of Acting Urban Renewal Commissioner effective February 8, 1963 (28 F.R. 1275, February 8, 1963).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c).

Effective as of the 12th day of September 1964.

Milton P. Semer
Acting Housing and Home Finance Administrator

Chapter 34

Interstate Commerce Commission

[EFR Doc. 34-1]

GENERAL ORDER ICC TM-1**As amended June 15, 1962****PREFERENCE AND PRIORITY FOR THE TRANSPORTATION BY CARRIERS FOR HIRE OF
UNITED STATES MILITARY PERSONNEL, ACCREDITED CIVIL DEFENSE WORKERS,
AND UNITED STATES MAIL**

It is deemed necessary in the public interest and to promote the national safety and defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use of intercity for-hire passenger equipment for the preferential transportation, in interstate or foreign commerce, of Department of Defense uniformed or civilian personnel in official travel status and accredited Federal or State personnel in official travel status on civil defense or mobilization assignments. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives, has been had, and consideration has been given to their recommendations. Accordingly, General Order ICC TM-1 is hereby amended to read as follows:

Sec.

1. Transportation of United States military personnel, accredited civil defense or mobilization personnel, and United States mail.
2. Applicability.
3. Definitions.
4. Communications.

AUTHORITY: Section 1 to 4, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154, Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E. O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E. O. 10480, Aug. 14, 1953, as amended, 18 F. R. 4939, 19 F. R. 3807; DMO 1-7, Aug. 14, 1953, 18 F. R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F. R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, I.C.C., Revised, items 3.2 (b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

Sec. 1. Transportation of United States military personnel, accredited civil defense or mobilization personnel, and United States mail. Each carrier for hire operating intercity passenger service shall give preference and priority over all other traffic to the transportation of uniformed or civilian personnel of the armed forces of the United States and its allies in official travel status, to military recruits in travel status, and to accredited Federal or State personnel in official travel status on civil defense or mobilization assignments, and where necessary to accord such

preference and priority, shall limit or restrict the number of other passengers transported on any intercity passenger vehicle operated by such carriers: **Provided further,** That any such carrier under contract or other arrangement to transport United States mail in connection with the operations of intercity passenger service shall likewise give preference and priority to such mail over all other cargo, except baggage of passengers being transported.

Sec. 2. Applicability. The provisions of this order shall be applicable in the United States, including the District of Columbia but not including any territory or possession of the United States.

Sec. 3. Definitions. As used in this order (§ 1 to 4, inclusive):

(a) The term "carrier for-hire" means any carrier by railroad, motor vehicle, or inland waterway which transports passengers for compensation, in intercity service.

(b) The term "intercity service" means all operations, except those wholly within an attacked area, a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of any such municipality or municipalities.

(c) The terms "attack area", "area of attack", or "attacked area" mean any city, town or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United States, suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

Sec. 4. Communications. Communications concerning this order should refer to "General Order ICC TM-1, as amended", and should be addressed to the Interstate Commerce Commission, Official Headquarters.

This General Order ICC TM-1, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-1, issued December 17, 1956, is hereby superseded.

Issued at Washington, D. C., this 15th day of June, 1962.

RUPERT L. MURPHY
Chairman
Interstate Commerce Commission

[EFR Doc. 34-2]

GENERAL ORDER ICC TM-2
As amended June 15, 1962

RAIL FREIGHT EMBARGO - APPOINTMENT OF PERMIT AGENT

It is deemed necessary in the public interest and to promote the national safety and defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use of railroad equipment and facilities for the preferential transportation of shipments for civil defense, the Department of Defense, Atomic Energy Commission, and for the maintenance of essential civilian economy. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives, has been had and consideration has been given to their recommendations. Accordingly, General Order ICC TM-2 is hereby amended to read as follows:

Sec.

1. General embargo on rail shipments; exceptions; permit system after 48 hours
2. Appointment of permit agent
3. Priorities
4. Applicability
5. Resumption of operations in areas of attack
6. Definitions
7. Communications

AUTHORITY: Section 1 to 7, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E.O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, I.C.C., Revised, items 3.2(b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; and E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

Sec. 1. General embargo on rail shipments; exceptions; permit system after 48 hours.

(a) During the 48-hour period immediately following a proclamation of the existence of a state of civil defense emergency by the president or by concurrent resolution of the Congress, no common carrier by railroad shall accept for movement by rail, any carload, less-than-carload, or express shipment consigned, reconsigned, or to be reconsigned to any consignee at any destination within any area which is being or has been subjected to enemy action, except shipments moving under civil defense symbol or consigned to any State or local civil defense authority, or to any establishment of the Department of Defense or Atomic Energy Commission.

(b) From and after the expiration of the 48-hour period specified above in paragraph (a) of this section, no common carrier by railroad shall accept for movement by rail, any carload, less-than-carload, or express shipment consigned, reconsigned, or to be reconsigned to any consignee at any destination within any area which has been subjected to enemy action, except under permit issued by the general permit agent designated in Section 2 of this order, or by a permit agent duly designated by such general permit agent, or by an interim permit agent provided for in Section 2 of this order.

Sec. 2. **Appointment of permit agent.** The Chairman of the Car Service Division, Association of American Railroads, is hereby designated and appointed as General Permit Agent of the Interstate Commerce Commission, with full authority to issue or withhold the issuance of permits under this order, and to designate such permit agents as may be necessary to act for him in the issuance of or the withholding of permits. No permit shall be issued authorizing the acceptance of any shipment until the permit agent has obtained clearance from the responsible railroad transportation officer that the shipment can be handled to destination.

Sec. 3. **Priorities.** Priorities in the issuance of permits shall be given as shown in **Appendix A** of this order.

Sec. 4. **Applicability.** The provisions of this order shall be applicable in the United States including the District of Columbia, Alaska, and Hawaii.

Sec. 5. **Resumption of operations in areas of attack.** When the circumstances or conditions created by enemy action in an area of attack have been corrected or overcome to such an extent as to enable reasonably free flow of railroad traffic to and within such area or a substantial part thereof, and the Department of Defense or State civil defense so advises this Commission, the movement of rail traffic thereto and therein may be resumed without compliance with the provisions of Section 1 of this order.

Sec. 6. **Definitions.** As used in this order (§ 1 to 7 inclusive):

(a) The term "common carrier by railroad" means any carrier by railroad or any express company subject to Part I of the Interstate Commerce Act, as amended.

(b) The terms "attack area," "area of attack," or "attacked area" mean any city, town, or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United States, suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

Sec. 7. **Communications.** Communications concerning this order should refer to "General Order ICC TM-2" and should be addressed to the Interstate Commerce Commission, Official Headquarters.

This General Order ICC TM-2, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-2 issued December 17, 1956 is hereby superseded.

Issued at Washington, D. C., this 15th day of June, 1962.

RUPERT L. MURPHY
Chairman
Interstate Commerce Commission

APPENDIX A

LIST OF PROPERTY IN RESPECT OF WHICH PRIORITY SHALL BE GIVEN IN ACCEPTING
SHIPMENTS FOR TRANSPORTATION TO POINTS WHICH HAVE BEEN ATTACKED *

1. Shipments moving under civil defense symbol, or consigned to any State or local civil defense authority, or to any establishment of the Department of Defense, or the Atomic Energy Commission.
2. Food for human consumption.
3. Medical and hospital supplies, and chemicals used for sanitation and public health, milk processing, and food processing. Also caskets and funeral supplies.
4. Operating supplies, including fuel, repair parts, materials, and equipment for the operation and restoration of transportation and public utilities services, including communications, power and light, and water supply.
5. Domestic fuel.
6. Shipments moving under emergency ratings assigned by the Business and Defense Services Administration, United States Department of Commerce, for the operation and restoration of production capacity.
7. First class United States mail.
8. Newspapers.
9. Other shipments when transportation conditions will permit.

*Except as to the first item listed above, which shall be given priority and preference over all other items listed, the order in which the items of property are listed does not establish any precedence among the items.

[EFR Doc. 34-3]

GENERAL ORDER ICC TM-3
As amended June 15, 1962

MOTOR FREIGHT EMBARGO

It is deemed necessary in the public interest and to promote the national defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use and distribution of motor carrier freight equipment and facilities for the preferential transportation, in interstate or foreign commerce, for compensation, of shipments for civil defense, the Department of Defense, Atomic Energy Commission, and for the maintenance of the essential civilian economy. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives, has been had, and consideration has been given to their recommendations. Accordingly, General Order ICC TM-3 is hereby amended to read as follows:

Sec.

1. General embargo on motor carrier shipments; exceptions; priority system after 72 hours.
2. Resumption of operations.
3. Applicability.
4. Definitions.
5. Communications.

AUTHORITY: Section 1 to 5, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154, Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E. O. 10219, Feb. 28, 1951, as amended, 16 F. R. 1983, 19 F. R. 3807; sec. 201, E. O. 10480, Aug. 14, 1953, as amended, 18 F. R. 4939, 19 F. R. 3807; DMO 1-7, Aug. 14, 1953, 18 F. R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F. R. 4550; ICC Order, June 30, 1955, 20 F. R. 4780; Organization Minutes, I.C.C., Revised, items 3.2(b)(4) and 9.1, 26 F. R. 1965, 1970, 4774, 4779; E. O. 11005, Feb. 16, 1962, 27 F. R. 1544.

Sec. 1. General embargo on motor carrier shipments; exceptions; priority system after 72 hours.

(a) During the 72-hour period immediately following a proclamation of the existence of a state of civil defense emergency by the President or by concurrent resolution of the Congress, no motor carrier for compensation shall accept for transportation, or transport, in over-the-road service, any truckload, less-than-truckload, or express shipments consigned, reconsigned, or to be reconsigned to any consignee at any destination known to be within any area which is being or has been subjected to enemy action, except shipments moving under Department of Defense, civil defense, or Atomic Energy direction and authority or consigned to any Federal, State or local civil defense authority, or to any establishment of the Department of Defense or the Atomic Energy Commission.

(b) From and after the expiration of the 72-hour period specified above in paragraph (a) of this section, no motor carrier for compensation shall accept for transportation, or transport, in over-the-road service, any truckload, less-than-truckload, or express shipment consigned, re-consigned, or to be re-consigned to any consignee at any destination known to be within any area which has been subjected to enemy action, except under bill of lading, shipping order or permit issued by the Department of Defense, civil defense authority, or Atomic Energy Commission, or by an agent duly designated by any of such agencies.

Sec. 2. **Resumption of operations in areas of attack.** When the circumstances or conditions created by enemy action in an area of attack have been corrected or overcome to such an extent as to enable reasonably free flow of motor vehicular traffic to and within such area or a substantial part thereof, and the Department of Defense or State civil defense so advises this Commission, the movement of traffic by motor vehicle thereto and therein may be resumed without compliance with the provisions of Section 1 of this order.

Sec. 3. **Applicability.** The provisions of this order shall be applicable in the United States, including the District of Columbia but not including any territory or possession of the United States.

Sec. 4. **Definitions.** As used in this order (§ 1 to 5, inclusive):

(a) The term "person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative.

(b) The term "motor carrier" means any person which engages in the transportation of property by motor vehicle for compensation.

(c) The term "property" means anything, except persons, capable of being transported by motor vehicle.

(d) The term "motor vehicle" means either (1) a straight truck, (2) a combination truck tractor and semi-trailer, (3) a full trailer, (4) or any combination thereof, or (5) any other rubber-tired vehicle propelled or drawn by mechanical power when used in the transportation of property, but shall not include (i) any motor truck of 12,000 pounds or less gross vehicle weight, (ii) any motor truck the primary carrying capacity of which is occupied by mounted machinery, or (iii) any other motor truck the load-bearing space of which is not suitable for the efficient and safe transportation of property of the kinds or classes specified in this order.

(e) The term "over-the-road service" means all operations of a motor vehicle except those wholly within an attacked area or any municipality or urban community and those within and between contiguous municipalities or urban communities.

(f) The terms "enemy action" or "area subjected to enemy action" mean any city, town or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United States, suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

Sec. 5. **Communications.** Communications concerning this order should refer to "General Order ICC TM-3 as amended" and should be addressed to the Interstate Commerce Commission, Official Headquarters.

This General Order ICC TM-3, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-3, as amended February 24, 1958, is hereby superseded.

Issued at Washington, D. C., this 15th day of June, 1962.

RUPERT L. MURPHY
Chairman
Interstate Commerce Commission

[EFR Doc. 34-4]

GENERAL ORDER ICC TM-4
As amended June 15, 1962

INLAND WATERWAYS FREIGHT EMBARGO

It is deemed necessary in the public interest and to promote the national safety and defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use and distribution of the transportation equipment and facilities of carriers by water on inland waterways, including the Great Lakes, for the preferential transportation, in interstate or foreign commerce, for compensation, of shipments for civil defense, the Department of Defense, Atomic Energy Commission, and for the maintenance of the essential civilian economy. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives, has been had and consideration has been given to their recommendations. Accordingly, General Order ICC TM-4 is hereby amended to read as follows:

Sec.

1. General embargo on inland waterways shipments; exceptions; priority system after 72 hours.
2. Utilization of excess cargo space.
3. Resumption of operations in areas of attack.
4. Applicability.
5. Definitions.
6. Communications.

AUTHORITY: Sections 1 to 6 inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 U.S.C. App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 U.S.C. App. 2071; sec. 101 E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201, E.O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, I.C.C. revised items 3.2(b) (4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; and E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

Sec. 1. **General embargo on inland waterways shipments; exceptions; priority system after 72 hours.**

(a) During the 72-hour period immediately following a proclamation of the existence of a state of civil defense emergency by the President or by concurrent resolution of the Congress, no carrier by water shall accept for transportation, or transport, any cargo consigned, reconsigned, or to be reconsigned to any consignee at any destination known to be within any area which is being or has been subjected to enemy attack, except shipments moving under Department of Defense, civil defense, or Atomic Energy direction and authority or consigned to any Federal, State

or local civil defense authority, or to any establishment of the Department of Defense, or the Atomic Energy Commission.

(b) From and after the expiration of the 72-hour period specified above in paragraph (a) of this section, no carrier by water shall accept for transportation, or transport, any cargo consigned, reconsigned, or to be reconsigned to any consignee at any destination known to be within any area which has been subjected to enemy action, except under bill of lading, shipping order or permit issued by the Department of Defense, civil defense authority, or Atomic Energy Commission, or by an agent duly designated by any of such agencies.

Sec. 2. Utilization of excess cargo capacity. Any carrier by water having unutilized and available cargo capacity in any vessel after accepting and providing for the transportation of all shipments of property of the kinds specified in Sec. 1 of this order tendered to it for transportation, is hereby authorized to use such unutilized and available cargo capacity for the transportation of property other than that specified in Sec. 1 above.

Sec. 3. Resumption of operations in areas of attack. When the circumstances or conditions created by enemy action in an area of attack have been corrected or overcome to such an extent as to enable reasonably free flow of inland waterway traffic to and within such area or a substantial part thereof, and the Department of Defense or State civil defense so advises this Commission, the movement of inland waterway traffic thereto and therein may be resumed without compliance with the provisions of Section 1 of this order.

Sec. 4. Applicability. The provisions of this order shall be applicable in the fifty States of the United States, including the District of Columbia.

Sec. 5. Definitions. As used in this order (§ 1 to 6, inclusive):

(a) The term "carrier by water" means any person who engages in the transportation of property for compensation by vessel on inland waterways, including the Great Lakes.

(b) The term "property" means anything, except persons, capable of being transported by vessel.

(c) The term "vessel" means any watercraft or other artificial contrivance of whatever description which is designed or converted for use, which is used, or is capable of being used, or is intended to be used, in the transportation of property, by water, and which is documented under the laws of the United States, or is owned by a citizen of the United States, or is engaged in the transportation, by water, of property on inland waterways, including the Great Lakes.

(d) The terms "attack area", "area of attack", or "attacked area" means any city, town or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United States,

suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

Sec. 6. **Communications.** Communications concerning this order should refer to "General Order ICC TM-4, as amended," and should be addressed to the Interstate Commerce Commission, Official Headquarters.

This General Order ICC TM-4, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-4, as amended February 24, 1958, is hereby superseded.

Issued at Washington, D. C., this 15th day of June, 1962.

RUPERT L. MURPHY
Chairman
Interstate Commerce Commission

[EFR Doc. 34-5]

GENERAL ORDER ICC TM-5

As amended June 15, 1962

DISPOSAL BY CARRIERS OF UNDELIVERABLE SHIPMENTS

It is deemed necessary in the public interest and to promote the national defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use and distribution of freight equipment and facilities of for-hire carriers for the preferential transportation, in interstate or foreign commerce, of shipments for civil defense, the Department of Defense, Atomic Energy Commission, and for the maintenance of the essential civilian economy. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives has been had, and consideration has been given to their recommendations. Accordingly, General Order ICC TM-5 is hereby amended to read as follows:

Sec.

1. Undeliverable shipments; notice by carrier to shipper; removal of shipment to storage; sale of perishable property.
2. Applicability.
3. Definitions.
4. Communications.

AUTHORITY: Section 1 to 4, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E. O. 10219, Feb. 28, 1951, as amended, 16 F. R. 1983, 19 F. R. 3807; sec. 201, E. O. 10480, Aug. 14, 1953, as amended, 18 F. R. 4939, 19 F. R. 3807; DMO 1-7, Aug. 14, 1953, 18 F. R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F. R. 4550; ICC Order, June 30, 1955, 20 F. R. 4780; Organization Minutes, I.C.C., Revised, items 3.2 (b)(4) and 9.1, 26 F. R. 1965, 1970, 4774, 4779; E.O. 11005, Feb. 16, 1962, 27 F. R. 1544.

Sec. 1. Undeliverable shipments; notice by carrier to shipper; removal of shipments to storage; sale of perishable property.

(a) From and after any proclamation of the existence of a state of civil defense emergency by the President or by concurrent resolution of the Congress, any railroad, motor carrier, or carrier by water, unable to make delivery of any shipment in its possession to the consignee of such shipment at any destination within any area which is being or has been subjected to enemy action, due to damage caused by or resulting from enemy action, is hereby directed to retain such shipment in its possession at any point or in any facility convenient to it and to forthwith notify the shipper of such retention and to request further shipping instructions. In the event further shipping instructions are not received by the carrier within 72 hours after such notice is sent, as

provided above, such carrier is hereby directed to remove, or cause to be removed, such shipment from the point of retention to any public or licensed warehouse or other available place. The reasonable expense of such removal and storage shall be payable by such shipper or owner of such shipment, and such shipment shall be subject to a lien for such expense; **Provided that**, in the case of any shipment of perishable property such carrier is hereby directed, where necessary to prevent deterioration, to sell, without previous notice to the shipper, such property to the best advantage at private or public sale, but in that event, notice of such action and the proceeds of such sale, less the reasonable expenses thereof and any lawful freight charges due the carrier, shall forthwith be transmitted by the carrier to the shipper or the consignee, whichever is lawfully entitled to such proceeds.

(b) When the carrier is unable to make delivery of shipments in its possession which are consigned to the armed forces of the United States at a specified service installation or warehouse, it shall forthwith notify the nearest Regional Director of the Defense Traffic Management Service, Department of Defense of such retention and request further shipping instructions. If further shipping instructions are not received by the carrier within 72 hours after notice is sent as provided above, such carrier is hereby directed to divert such shipments, if other than household goods, to the nearest Department of Defense installation. When the shipments consist of household goods, the carrier shall remove, or cause to be removed, such shipments from the point of retention to any public or licensed warehouse. In such case, the carrier or its agent shall forthwith send a notice to the nearest Regional Director of the Defense Traffic Management Service, which shall identify the household goods shipments and the name and address of the warehouse in which the shipment has been placed.

Sec. 2. Applicability. The provisions of this order shall be applicable in the United States, including the District of Columbia but not including any territory or possession of the United States.

Sec. 3. Definitions. As used in this order (§ 1 to 4, inclusive):

(a) The term "person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative.

(b) The term "railroad" means any common carrier by railroad.

(c) The term "motor carrier" means any person which engages in the transportation of property by motor vehicle for compensation.

(d) The term "carrier by water" means any person who engages in the transportation of property by vessel for compensation on inland waterways, including the Great Lakes.

(e) The term "property" means anything, except persons, capable of being transported by motor vehicle, railroad or water.

(f) The term "motor vehicle" means either (1) a straight truck, (2) a combination truck tractor and semi-trailer, (3) a full trailer, (4) or any combination thereof, or (5) any other rubber-tired vehicle propelled or drawn by mechanical power when used in the transportation of property, but shall not include (i) any motor truck of 12,000 pounds or less gross vehicle weight, (ii) any motor truck the primary carrying capacity of which is occupied by mounted machinery, (iii) any other motor truck the load-bearing space of which is not suitable for the efficient and safe transportation of property.

(g) The term "over-the-road service" means all operations of a motor vehicle except those wholly within an attacked area, or any municipality or urban community, and between contiguous municipalities or urban communities.

(h) The term "vessel" means any watercraft or other artificial contrivance of whatever description which is designed or converted for use, which is used, or is capable of being used, or is intended to be used, in the transportation of property, by water, and which is documented under the laws of the United States, or is owned by a citizen of the United States, or is engaged in the transportation, by water, of property on inland waterways, including the Great Lakes.

(i) The terms "attack area", "area of attack", or "attacked area" means any city, town or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United States, suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

Sec. 4. Communications. Communications concerning this order should refer to "General Order ICC TM-5, as amended" and should be addressed to the Interstate Commerce Commission, Official Headquarters.

This General Order ICC TM-5, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-5, issued December 17, 1956, is hereby superseded.

Issued at Washington, D. C., this 15th day of June, 1962.

[SEAL]

RUPERT L. MURPHY
Chairman

Interstate Commerce Commission

[EFR Doc. 34-6]

GENERAL ORDER ICC TM-6

As amended July 15, 1964

CONTROL OF RAILROAD TANK CARS

It is deemed necessary in the public interest and to promote the national safety and defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use and distribution of Tank Cars and facilities for the preferential transportation by rail of shipments for civil defense, the Department of Defense, the Atomic Energy Commission, and for the maintenance of the essential civilian economy. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives, has been had and consideration has been given to their recommendations. Accordingly, General Order ICC TM-6 is hereby further amended to read as follows:

Sec.

1. Control of railroad tank cars.
2. Appointment of agent; supervision and reservation.
3. Exemptions.
4. Applicability.
5. Definitions.
6. Communications.

AUTHORITY: Section 1 to 6, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E. O. 10219, Feb. 28, 1951, as amended, 16 F. R. 1983, 19 F. R. 3807; sec. 201, E. O. 10480, Aug. 14, 1953, as amended, 18 F. R. 4939, 19 F. R. 3807; DMO 1-7, Aug. 14, 1953, 18 F. R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F. R. 4550; ICC Order, June 30, 1955, 20 F. R. 4780; Organization Minutes, I.C.C. Revised, items 3.2(b)(4) and 9.1, 26 F. R. 1965, 1970, 4774, 4779, and E. O. 11005, Feb. 16, 1962, 27 F. R. 1544.

Sec. 1. Control of Railroad Tank cars. Any person having possession or control of any railroad tank cars shall, notwithstanding any contract, charter, lease, arrangement, or other commitment, express or implied, with respect to the use or operation of such vehicle, cause such vehicle (a) to be operated in such manner, for such purposes, and between such points and places, as the Interstate Commerce Commission shall from time to time direct, and (b) to be leased, chartered, or rented to such person or persons as the Interstate Commerce Commission shall from time to time direct. Unless the interested parties agree upon the amount of compensation payable for the lease, charter, rental, or use of any such vehicle, so directed to be leased, chartered, or rented, the amount of such compensation shall be such amount as shall be determined by the Interstate Commerce Commission, or other competent government authority.

Sec. 2. Appointment of agent; supervision and reservation.

(a) The Assistant Director and Chief, Section of Car Service, Bureau of Safety and Service, Interstate Commerce Commission, is hereby appointed agent of the Commission and is hereby vested with authority to control the movement of railroad tank cars. When necessary, he shall direct the distribution of all railroad tank cars without regard to ownership, or assignment, so as to increase provident utilization of such vehicles. He is authorized and directed to supervise, coordinate, and direct the distribution of all tank cars to meet the needs of the various loading areas, and to require any common carrier by railroad to deliver, accept, or transport empty tank cars for the purpose of equalizing the supply of such vehicles at points where products are loaded.

(b) The authority herein delegated may be exercised by said agent through such members of the staff of the Interstate Commerce Commission, as he may designate.

(c) The exercise of the authority conferred by this order shall be subject to the general control and supervision of the Chairman of the Commission, and the right of modification or revocation by the Chairman in any specific case. Notwithstanding any provisions of this order, the Chairman, in his discretion, may exercise from time to time any authority, or perform any function or duty, delegated by this order.

Sec. 3. Exemptions. The provisions of this order shall not apply to tank cars owned, controlled, or operated by the United States or any department or agency thereof except governmental corporations.

Sec. 4. Applicability. The provisions of this order shall be applicable in the United States including the District of Columbia, Alaska, and Hawaii.

Sec. 5. Definitions. As used in this order (§1 to 6 inclusive):

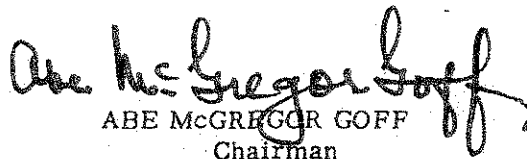
(a) The term "person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative.

(b) The term "tank car" means any railway car designed, or suitable for use, or used in the transportation by railroad of liquid or gaseous cargo in bulk.

Sec. 6. Communications. Communications concerning this order should refer to "General Order ICC TM-6, as amended," and should be addressed to the Interstate Commerce Commission, Official Headquarters.

This General Order ICC TM-6, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-6, as amended February 24, 1958, and June 15, 1962, is hereby superseded.

Issued at Washington, D. C., this 15th day of July, 1964.


ABE MCGREGOR GOFF

Chairman

Interstate Commerce Commission

[EFR Doc. 34-7]

GENERAL ORDER ICC TM-7
As amended June 15, 1962

REROUTING OF RAIL TRAFFIC

It is deemed necessary in the public interest and to promote the national safety and defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use of railroad equipment and facilities for the preferential transportation of shipments for civil defense, the Department of Defense, the Atomic Energy Commission, and for the maintenance of the essential civilian economy. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives, has been had and consideration has been given to their recommendations. Accordingly, General Order ICC TM-7 is hereby amended to read as follows:

Sec.

1. General authority for certain carriers to reroute rail traffic.
2. Rates applicable to rerouted traffic; division of revenue.
3. Applicability.
4. Communications.

AUTHORITY: Section 1 to 4, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101 E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; Sec. 201, E.O. 10480, Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F.R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, I.C.C., Revised, Items 3.2(b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; and E.O. 11005; Feb. 16, 1962, 27 F.R. 1544.

Sec. 1. General authority to reroute rail traffic. From and after the proclamation of the existence of a state of civil defense emergency by the President or by concurrent resolution of the Congress, any common carrier by rail unable to transport traffic over the whole or any part of system because of damage resulting from enemy action or sabotage, is hereby authorized and directed, upon and in accordance with the direction of the executive railroad reservist having jurisdiction, to divert or reroute such traffic over any available route to expedite its movement, regardless of the routing shown on the waybill. The billing covering all traffic so rerouted shall bear reference to this order and the direction of the executive reservists as authority for the rerouting.

Sec. 2. Rates applicable to rerouted traffic; division of revenue.

(a) Inasmuch as the diversion or rerouting of traffic under Section 1 of this order is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(b) In exercising authority under Section 1 of this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic: divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

Sec. 3. **Applicability.** The provisions of this order shall be applicable in the United States including the District of Columbia, Alaska, and Hawaii.

Sec. 4. **Communications.** Communications concerning this order should refer to "General Order ICC TM-7" and should be addressed to the Interstate Commerce Commission, Official Headquarters.

This General Order ICC TM-7, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-7, issued December 17, 1956, is hereby superseded.

Issued at Washington, D. C., this 15th day of June, 1962.

RUPERT L. MURPHY

Chairman

Interstate Commerce Commission

[EFR Doc. 34-8]

GENERAL ORDER ICC TM-8

As amended June 15, 1962

**DIRECTION TO CERTAIN OVER-THE-ROAD MOTOR CARRIERS OF PROPERTY REGARDING
ROUTES, DIVERSIONS AND SERVICE TO CERTAIN DESTINATIONS**

It is deemed necessary in the public interest and to promote the national defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the availability, use, and distribution of freight equipment and facilities of for-hire motor carriers for the transportation, in interstate or foreign commerce, to certain destinations of shipments for civil defense, the Department of Defense, and the Atomic Energy Commission. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives, has been had and consideration has been given to their recommendations. Accordingly, General Order ICC TM-8 is hereby amended to read as follows:

Sec.

1. Direction to certain over-the-road motor carriers of property; use of available routes; diversion to other motor carriers; applicable rates; divisions.
2. Direction to provide service not covered by existing authority; applicable rates.
3. Applicability.
4. Definitions.
5. Resumption of operations in areas of attack.
6. Communications.

AUTHORITY: Section 1 to 6, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E.O. 10219, Feb. 28, 1951, as amended, 16 F.R. 1983, 19 F.R. 3807; sec. 201 E. O. 10480, Aug. 14, 1953, as amended, 18 F. R. 4939, 19 F. R. 3807; DMO 1-7, Aug. 14, 1953, 18 F. R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F. R. 4550; ICC Order, June 30, 1955, 20 F. R. 4780; Organization Minutes, ICC. Revised, items 3.2(b)(4) and 9.1, 26 F. R. 1965, 1970, 4774, 4779; E. O. 11005, Feb. 16, 1962, 27 F. R. 1544.

Sec. 1. Direction to certain over-the-road motor carriers of property; use of available routes; diversion to other motor carriers; applicable rates; divisions.

(a) From and after the proclamation of the existence of a state of civil defense emergency by the President or by concurrent resolution of the Congress, any motor carrier licensed or authorized to transport property in over-the-road service to, through, or from, any destination within any area which is being or has been subjected to enemy action who is unable to transport traffic over any portion of its authorized or usually used routes, due to damage caused by, or resulting from enemy action, is hereby directed and authorized except as prohibited by General Order ICC TM-3,

to use any available route, or to divert such traffic at any point or place to any other authorized carrier available to accept it, to expedite the movement regardless of routing specified by the shipper, or any limitations contained in carrier's operating authority.

(b) The rates, rules, and regulations applicable to traffic transported over other than authorized routes, or diverted to any other carrier, pursuant to paragraph (a) of this section, shall be the rates, rules, and regulations which would have applied if the shipment had not been re-routed or diverted.

(c) In executing the direction and authorization contained in paragraph (a) of this section, the carriers involved shall proceed even though no contracts, agreements, or arrangements exist between them with respect to the division of rates applicable to said traffic; divisions shall be, during the period this order is in force, those voluntarily agreed upon by said carriers; or, upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Interstate Commerce Commission.

Sec. 2. Direction to provide service not covered by existing authority; applicable rates.

(a) Every motor carrier licensed or authorized to transport property in over-the-road service to any destination within any area which is being or has been subjected to enemy action, or to any point within a radius of 100 miles of any such destination, is hereby directed and authorized, except as prohibited by General Order ICC TM-3, to accept for transportation, and to transport, between any points in the United States, within a radius of 300 miles of any such destination, over any available highway route or routes, shipments moving under Department of Defense, civil defense or Atomic Energy Commission direction or authority or consigned to any State or or local civil defense authority, or to any establishment of the Department of Defense, or the Atomic Energy Commission, notwithstanding any limitations or restrictions contained in the license, certificate, or operating authority under which such motor carrier operates with respect to origin or destination points, territory to be served, route or routes, or commodities to be transported.

(b) Transportation of property by any motor carrier pursuant to the direction and authorization contained in paragraph (a) of Section 2 of this order shall be (1) at the carrier's lawfully published rates, or charges; or (2) if the carrier does not have rates, or charges on file with the Interstate Commerce Commission, or with any State or local regulatory body, or otherwise published, for the transportation of property to or from the points of origin and destination served by it under this order, then the property shall be transported at the nearest comparable rate, or charge published by common carriers of the same type parties to an agency tariff, naming rates applicable to or from the same points.

Sec. 3. **Applicability.** The provisions of this order shall be applicable in the United States including, the District of Columbia but not including any territory or possession of the United States.

Sec. 4. **Definitions.** As used in this order (§ 1 to 6, inclusive):

(a) The term "person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative.

(b) The term "motor carrier" means any person which engages in the transportation of property by motor vehicle for compensation.

(c) The term "property" means anything, except persons, capable of being transported by motor vehicle.

(d) The term "motor vehicle" means either (1) a straight truck, (2) a combination truck tractor and semi-trailer, (3) a full trailer, (4) or any combination thereof, or (5) any other rubber-tired vehicle propelled or drawn by mechanical power when used in the transportation of property, but shall not include (i) any motor truck of 12,000 pounds or less gross vehicle weight, (ii) any motor truck the primary carrying capacity of which is occupied by mounted machinery, or (iii) any motor truck the load-bearing space of which is not suitable for the efficient and safe transportation of property.

(e) The term "over-the-road service" means all operations of a motor truck except those wholly within an attacked area, or any municipality or urban community, and those within and between contiguous municipalities or urban communities.

(f) The terms "area subjected to enemy action", "area of attack", or "attacked area" mean any city, town or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United States, suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

Sec. 5. **Resumption of operations in areas of attack.** When the circumstances or conditions created by enemy action in an area of attack have been corrected or overcome to such an extent as to enable reasonably free flow of motor vehicular traffic to and within such area or a substantial part thereof, and the Department of Defense or State civil defense so advises this Commission, the movement of traffic by motor vehicle thereto and therein may be resumed without compliance with the directions, and without the benefit of the authorizations provided for in paragraph (a) of Section 1, and in paragraph (a) of Section 2, of this order.

Sec. 6. **Communications.** Communications concerning this order should refer to "General Order ICC TM-8, as amended", and should be addressed to the Interstate Commerce Commission, Official Headquarters.

This General Order ICC TM-8, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-8, issued December 17, 1956, is hereby superseded.

Issued at Washington, D. C., this 15th day of June, 1962.

RUPERT L. MURPHY

Chairman

Interstate Commerce Commission

[EFR Doc. 34-9]

GENERAL ORDER ICC TM-9

As amended June 15, 1962

DIRECTION TO CERTAIN INTERCITY COMMON CARRIERS
OF PERSONS BY BUS TO SERVE CERTAIN POINTS

It is deemed necessary in the public interest and to promote the national defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the availability, use, and distribution of intercity common carrier bus equipment and facilities for the transportation in interstate or foreign commerce of persons to, from, and between certain points and areas. In the formulation of this order, as hereby amended consultation with industry representatives, including trade association representatives, has been had and consideration has been given to their recommendations. Accordingly, General Order ICC TM-9 is hereby amended to read as follows:

Sec.

1. Direction to certain intercity common carriers of persons by bus.
2. Applicable rates, fares, or charges.
3. Applicability.
4. Definitions.
5. Resumption of operations to and within areas of attack.
6. Communications.

AUTHORITY: Section 1 to 6, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E. O. 10219, Feb. 28, 1951, as amended, 16 F. R. 1983, 19 F. R. 3807; sec. 201, E. O. 10480, Aug. 14, 1953, as amended, 18 F. R. 4939, 19 F. R. 3807; DMO 1-7, Aug. 14, 1953, 18 F. R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F. R. 4550; ICC Order, June 30, 1955, 20 F. R. 4780; Organization Minutes, I.C.C. Revised, items 3.2(b)(4) and 9.1, 26 F. R. 1965, 1970, 4774, 4779; E. O. 11005, Feb. 16, 1962, 27 F. R. 1544.

Sec. 1. **Direction to certain intercity common carriers of persons by bus.** Every common carrier licensed or authorized to transport persons by bus in intercity service from or to any city, town, or other community within any area of attack, or from or to any point within a radius of 100 miles of any such city, town, or community, is hereby authorized and directed, except as prohibited by General Order ICC TM-1, to accept for transportation, and to transport, persons between any such city, town, or other community and any point in the United States within a radius of 300 miles of any such city, town, or other community over any available highway route or routes, notwithstanding any limitations or restrictions contained in its license, certificate, or operating

authority under which such common carrier operates with respect to origin or destination points, territory to be served, route or routes, or persons to be transported.

Sec. 2. Applicable rates, fares, or charges. Transportation of persons by any intercity common carrier pursuant to the direction and authorization contained in Section 1 of this order shall be (1) at the carrier's lawfully published rates, fares, or charges; or (2) if the carrier does not have rates, fares, or charges on file with the Interstate Commerce Commission, or with any State or local regulatory body, or otherwise published, for the transportation of passengers to or from the points of origin and destination served by it under this order, then the persons shall be transported at the nearest comparable rate, fare, or charge published by common carriers of the same type parties to an agency tariff, naming rates applicable to or from the same points.

Sec. 3. Applicability. The provisions of this order shall be applicable in the United States, including the District of Columbia but not including any territory or possession of the United States.

Sec. 4. Definitions. As used in this order (§ 1 to 6, inclusive):

(a) The term "person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative.

(b) The term "bus" means any rubber-tired vehicle propelled or drawn by mechanical power, used in the transportation of persons and having a capacity of 10 or more passengers.

(c) The term "intercity service" means all bus operations except those wholly within an attacked area or any municipality or urban community and between contiguous municipalities or urban communities.

(d) The terms "attack area", "area of attack", or "attacked area" mean any city, town or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United States, suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

Sec. 5. Resumption of operations to and within areas of attack. When the circumstances or conditions created by enemy action in an area of attack have been corrected or overcome to such an extent as to enable reasonably free flow of motor vehicular traffic to and within such area or a substantial part thereof, and the Department of Defense or State civil defense so advises this Commission, the movement of traffic by motor vehicle thereto and therein may be resumed without compliance with the provisions of Section 1 of this order.

Sec. 6. Communications. Communications concerning this order shall refer to "General Order ICC TM-9, as amended" and should be addressed to the Interstate Commerce Commission, Official Headquarters.

This General Order ICC TM-9, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-9, issued December 17, 1956, is hereby superseded.

Issued at Washington, D. C., this 15th day of June, 1962.

RUPERT L. MURPHY

Chairman

Interstate Commerce Commission

[EFR Doc. 34-10]

GENERAL ORDER ICC TM-10

CONTROL OF MOTOR TRANSPORT VEHICLES

It is deemed necessary in the public interest and to promote the national safety and defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use and distribution of motor transport vehicles and facilities for the preferential transportation, in interstate or foreign commerce, of persons or shipments for civil defense, the Department of Defense, Atomic Energy Commission, and for the maintenance of the essential civilian economy. In the formulation of this order, consultation with industry representatives, including trade association representatives, has been had and consideration has been given to their recommendations. Accordingly, General Order ICC TM-10 is hereby ordered to read as follows:

Sec.

1. Control of motor transport vehicles.
2. Appointment of agent; supervision and reservation.
3. Exemptions.
4. Applicability.
5. Definitions.
6. Communications.

AUTHORITY: Section 1 to 6, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E. O. 10219, Feb. 28, 1951, as amended, 16 F. R. 1983, 19 F. R. 3807; sec. 201, E. O. 10480, Aug. 14, 1953, as amended, 18 F. R. 4939, 19 F. R. 3807; DMO 1-7, Aug. 14, 1953, 18 F. R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F. R. 4550; ICC Order, June 30, 1955, 20 F. R. 4780; Organization Minutes, ICC Revised, items 3.2 (b)(4) and 9.1, 26 F. R. 1965, 1970, 4774, 4779; E. O. 11005, Feb. 16, 1962, 27 F. R. 1544.

Sec. 1. Control of motor transport vehicles.

(a) Any person having possession or control of any motor vehicle which is normally used in transporting passengers or property for compensation shall, notwithstanding any contract, charter, lease, arrangement, or other commitment, express or implied, with respect to the temporary use or operation of such vehicle, cause such vehicle (1) to be operated for such purposes, and between such points and places, as the Interstate Commerce Commission shall direct or (2) to be leased, chartered, or rented to such person or persons as the Interstate Commerce Commission shall direct for the purpose of meeting the transportation needs in areas which have been subjected to enemy action; **Provided that**, no such temporary motor vehicle assignments shall be

for more than a period of 15 days without the consent of the owners thereof. Unless the interested parties agree upon the amount of compensation payable for the lease, charter, rental, or use of any such vehicle, so directed to be leased, chartered, rented, or used, the amount of such compensation shall be such amount as shall be determined by the Interstate Commerce Commission or other competent governmental authority.

(b) Any person having possession and control of any motor vehicle which is normally used in transporting passengers or property as private carriage in furtherance of any commercial enterprise, may be requested to charter, lease or rent such vehicle to such person or persons as the Interstate Commerce Commission shall designate for the purpose of meeting the transportation needs in any area or areas which have been subjected to enemy attack; **Provided that**, any such charter, lease, or rental of any motor vehicle shall be contingent upon a prior agreement being reached between the person having possession and control of such vehicle and the person to whom it is chartered, leased, or rented, as to compensation for the use of, responsibility for, control of, and the duration of any such usage of the motor vehicle.

Sec. 2. Appointment of agent; supervision and reservation.

(a) The Assistant Director, Bureau of Motor Carriers, is hereby appointed agent of the Commission and is hereby vested with authority to control the movement of motor transport vehicles, as specified in Sec. 1 above. When necessary, he shall direct or request the distribution of all motor transport vehicles without regard to ownership, or assignment, so as to provide motor vehicles to meet emergency temporary transportation needs in such areas where transport facilities are inadequate. He is authorized and directed to supervise, coordinate, and direct or request the distribution of such motor transport vehicles as are necessary to meet the needs of of areas which have been subjected to enemy action and to require or request any motor carrier to deliver, accept, or transport empty motor transport vehicles for the purpose of providing a supply of such vehicles to meet emergency transportation needs to, from, or within such areas.

(b) The authority herein delegated may be exercised by said agent through such other Commission employees as he may designate; **Provided, however**, that pending the designation of agents by the said Assistant Director, each District Director and each District Supervisor of the Bureau of Motor Carriers and each Interstate Commerce Commission Executive Reservist (motor) is hereby authorized to exercise the authority as provided in this order.

(c) The exercise of the authority conferred by this order shall be subject to the general control, supervision, and right of modification or revocation by the Chairman of the Commission in any specific case. Notwithstanding any provisions of this order, said Chairman, in his discretion, may exercise any authority, or perform any function or duty, delegated by this order.

Sec. 3. Exemptions. The provisions of this order shall not apply to motor transport vehicles owned, controlled, or operated by the United States Department of Defense.

Sec. 4. Applicability. The provisions of this order shall be applicable in the United States, including the District of Columbia but not including any territory or possession of the United States.

Sec. 5. Definitions. As used in this order (§ 1 to 6, inclusive):

(a) The term "person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative.

(b) The term "motor transport vehicle" means either (1) a bus having a capacity of 10 or more passengers, (2) a straight truck, (3) a combination truck tractor and semi-trailer, (4) a full trailer, or (5) any combination thereof, but shall not include (i) any motor truck of 12,000 pounds or less gross vehicle weight, or (ii) any other motor truck the load-bearing space of which is not suitable for the efficient and safe transportation of property.

(c) The terms "attack area", "area of attack", or "attacked area" mean any city, town or village and such area adjacent to any of them as may be designated by the Department of Defense or the State civil defense authority, or any other closely inhabited area, in the United States, suffering or about to suffer, from enemy action, substantial damage or destruction, or danger to human life.

Sec. 6. Communications. Communications concerning this order should refer to "General Order ICC TM-10" and should be addressed to the Interstate Commerce Commission, Official Headquarters.

This General Order ICC TM-10 shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith this order cancels: General Order ICC TM-6 "Control of Liquid Transport Vehicles," of February 24, 1958, insofar as it relates to motor transport vehicles; General Order ICC TM-10 "Restrictions Upon the Transfer, Change in Use or Terms Governing Utilization of Port Facilities," issued December 17, 1956; and ICC Delegation TM GO-10-1 "Appointment of Acting Port Controller and Port Control Directors; Delegations of Authority," of February 24, 1958.

Issued at Washington, D. C., this 15th day of June 1962.

RUPERT L. MURPHY

Chairman

Interstate Commerce Commission

[EFR Doc. 34-11]

GENERAL ORDER ICC TM-11

As amended June 15, 1962

CONTROL OF FREIGHT SHIPMENTS TO OR WITHIN PORT OR STORAGE AREAS

It is deemed necessary in the public interest and to promote the national safety and defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the availability, use, and distribution of port facilities for the preferential handling of traffic for civil defense, the Department of Defense, Atomic Energy Commission, and for the maintenance of the essential civilian economy; and to coordinate domestic traffic movements with ocean shipping in order to avoid terminal congestion at port areas in the United States, and to expedite the movement of traffic. In the formulation of this order, as hereby amended, consultation with industry representatives, including trade association representatives, has been had and consideration has been given to their recommendations. Accordingly, General Order ICC TM-11 is hereby amended to read as follows:

Sec.

1. Definitions.
2. Transportation and delivery of shipments of overseas freight to or within specified port areas.
3. Transportation of shipments of government domestic or import freight to or within specified port areas for storage in public warehouses.
4. Transportation of carload shipments of export or overseas freight to specific interior storage areas.
5. Reconsignment restrictions.
6. Issuance of special and general permits.
7. Procedures; delegations of authority.
8. Applicability.
9. Exemptions.
10. Communications.

AUTHORITY: Sections 1 to 10, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101 E.O. 10219, Feb. 28, 1951, as amended, 16 F. R. 1983, 19 F.R. 3807; sec. 201, E.O. 10480 Aug. 14, 1953, as amended, 18 F.R. 4939, 19 F.R. 3807; DMO 1-7, Aug. 14, 1953, 18 F.R. 5366; Org. Order DTA-1, as amended June 27, 1955, 20 F.R. 4550; ICC Order, June 30, 1955, 20 F.R. 4780; Organization Minutes, I.C.C. Revised, Items 3.2(b)(4) and 9.1, 26 F.R. 1965, 1970, 4774, 4779; and E.O. 11005, Feb. 16, 1962, 27 F.R. 1544.

Sec. 1. **Definitions.** As used in this order (§ 1 to 10, inclusive), or in any order, permit, or regulation issued hereunder, the term:

(n) "Carload shipment" means a shipment of property moving by rail (1) in a quantity the weight of which is 20,000 pounds or more, or (2) in a quantity the weight of which is less than 20,000 pounds if transported by a rail carrier at a carload rate or rates and exclusively occupying a railway car when forwarded from point of origin.

(o) "Less-than-carload shipment" means a shipment of property moving by rail in quantity the weight of which is less than 20,000 pounds and which, if exclusively occupying a railway car when forwarded from point of origin, is not transported by a rail carrier at a carload rate or rates.

(p) "Motor truck" means (1) a straight truck, (2) a combination truck-tractor and semi-trailer, (3) a full trailer, (4) or any combination thereof, or (5) any other rubber-tired vehicle propelled by mechanical power, when used in the transportation of property.

(q) "Property" means anything, except passengers, capable of being transported by rail, motor truck, or water.

(r) "Port area" means any locality in the United States within which facilities are maintained for the interchange of property between ocean vessels and other transportation instrumentalities. A port area shall include both the switching and lighterage limits of the ports or places shown in Appendix A attached hereto, or in any administrative order or appendix thereto, issued pursuant to the provisions of Section 7 of this order.

(s) "Interior storage area" means any storage area supplementary to a port area or range of port area within the United States, as such interior storage areas may be defined from time to time in any administrative order issued pursuant to the provisions of Section 7 of this order.

Sec. 2. Transportation and delivery of shipments of overseas freight to or within specified port areas.

(a) No person shall offer for transportation to a rail carrier, and no rail carrier shall accept for transportation, or transport, any carload shipment of overseas freight to or within any port area named in Appendix A attached hereto, or in any administrative order or appendix thereto, issued pursuant to the provisions of Section 7 of this order, for storage within such port area, or for delivery to an ocean carrier at such port area, unless there is outstanding an effective ICC unit permit authorizing the transportation of such shipment, and the number of such permit is endorsed upon the shipping order, waybill, and other shipping documents covering such shipment.

(b) No person shall offer for transportation, and no carrier shall accept for transportation, or transport, to or within any port area named in Appendix A attached hereto, or in any administrative order or appendix thereto, issued pursuant to the provisions of Section 7 of this order, any less-than-carload shipments of overseas freight, or any shipment of overseas freight by motor truck or vessel, for storage within such port area, unless such shipment (1) is consigned to an

officer of the armed forces of the United States at a specified service installation; or (2) is consigned to the Director, National Shipping Authority, and his forwarding authorization serial identification is shown on the shipping documents covering the inland transportation of such shipment, and, if by motor truck or vessel, only when such forwarding authorization specifically authorizes such mode of transportation; or (3) is consigned to a specific warehouse facility; or (4) is covered by a bona fide firm booking with the ocean carrier for the transportation of such shipment and the shipper so indicates on the shipping documents covering the inland transportation of such shipment.

Sec. 3. Transportation of shipments of government domestic or import freight to or within specified port areas for storage in public warehouses. No person shall offer any shipment of domestic or imported freight of an aggregate weight of 20,000 pounds or more for transportation to or within any port area named in **Appendix B** attached hereto, or in any administrative order or appendix thereto, issued pursuant to the provisions of Section 7 of this order when such shipment is intended for storage for account of a government agency in a public warehouse located within any such port area, unless the transportation of such shipment to such public warehouse within such port area has been authorized by an ICC port storage forwarding permit issued by the Commission or its authorized permit agent, and the number of such permit is endorsed upon the shipping order or other appropriate shipping document covering such shipment.

Sec. 4. Transportation of carload shipments of export or overseas freight to specific interior storage areas. The Director of the Bureau of Safety and Service of the Interstate Commerce Commission, is hereby authorized to name and define in any administrative order issued pursuant to the provisions of Section 7 of this order, specific interior storage areas in the United States to which carload shipments of export or overseas freight may not be transported for storage, unless the transportation of any such shipment to any such interior storage area has been authorized by the issuance of an ICC unit permit. No person shall offer for transportation, and no rail carrier shall accept for transportation, or transport to any such interior storage area which may be hereafter named and defined in any such administrative order, any carload shipment intended for re-shipment from such interior storage area to a destination outside the United States, unless there is outstanding an effective ICC unit permit authorizing the transportation of such shipment to such interior storage area, and the number of such permit is endorsed upon the shipping order, waybill, and other shipping documents covering such shipment.

Sec. 5. Reconsignment restrictions.

(a) Any shipment which is subject to the permit requirements of this order at the time it is offered for transportation, and which when reconsigned continues to be subject to such permit requirements, shall not be reconsigned to a point other than the original billed destination unless

there is outstanding an effective ICC permit authorizing the transportation of such shipment to such new destination.

(b) Any shipment which is not subject to the permit requirements of this order at the time it is offered for transportation, but which, when reconsigned to a new destination becomes subject to such permit requirements, shall not be so reconsigned unless there is outstanding an effective ICC permit authorizing the transportation of such shipment to such new destination.

Sec. 6. Issuance of special and general permits. The provisions of this order shall be subject to any special permit issued by the Director of the Bureau of Safety and Service, and to any general permit issued by the Commission to meet specific needs or exceptional circumstances or to prevent undue hardships.

Sec. 7. Procedures; delegations of authority.

(a) The Director of the Bureau of Safety and Service is hereby authorized and directed to issue such administrative orders as may be necessary to implement this order, including the establishment of procedures to be followed with respect to applications for the issuance of ICC unit permits and ICC port storage forwarding permits. Said Director may issue such permits through such permit agents as have been delegated such authority in any such administrative order.

(b) In the issuance of ICC unit permits, the Director, and his authorized permit agents, subject to his general supervision, are hereby authorized to designate in any such permit the route or routes, within the United States, over which the shipment or shipments covered by any such permit shall be transported. Failure of a shipper to observe the routing specified in any such permit shall render such permit invalid.

Sec. 8. Applicability. The provisions of this order shall be applicable in the United States, including the District of Columbia, Alaska, and Hawaii.

Sec. 9. Exemptions. This order shall not apply to any traffic which is exempted from its provisions by any administrative order issued pursuant to Section 7 of this order.

Sec. 10. Communications. Communications concerning this order should refer to "General Order ICC TM-11," and should be addressed to the Interstate Commerce Commission, Official Headquarters.

This General Order ICC TM-11, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-11, issued December 17, 1956, is hereby superseded.

Issued at Washington, D. C., this 15th day of June, 1962.

RUPERT L. MURPHY

Chairman

Interstate Commerce Commission

APPENDIX A**PORT AREAS TO, OR WITHIN WHICH, SHIPMENTS OF "OVERSEAS FREIGHT" ARE
SUBJECT TO ICC UNIT PERMIT REQUIREMENTS****ATLANTIC COAST**

Maine: Portland
Massachusetts: Boston
Rhode Island: Providence, Portsmouth, Davisville
Connecticut: New Haven, New London
New York: Port of New York, Poughkeepsie, Albany
New Jersey: Port of New York, Camden, Trenton
Pennsylvania: Port of Philadelphia
Delaware: Wilmington
Maryland: Baltimore
Virginia: Hampton Roads (Including Norfolk, Newport News, Portsmouth)
South Carolina: Charleston
North Carolina: Wilmington
Georgia: Savannah
Florida: Jacksonville, Palm Beach, Fort Lauderdale, Port Everglades, Miami

GULF COAST

Florida: Port Tampa, Tampa, Pensacola
Alabama: Mobile, Theodore
Mississippi: Gulfport
Louisiana: New Orleans, Baton Rouge, Lake Charles
Texas: Port Arthur, Beaumont, Galveston, Houston, Texas City, Corpus Christi

PACIFIC COAST

California: San Diego, Port of Los Angeles (Wilmington, San Pedro, Long Beach), Port
Hueneme, Port of San Francisco, Stockton
Oregon: Coos Bay, Astoria, St. Helens, Portland
Washington: Aberdeen, Port Angeles, Bremerton, Seattle, Tacoma, Olympia, Everett, Anacortes,
Bellingham, Vancouver, Longview

GREAT LAKES

New York: Oswego, Rochester, Buffalo
Pennsylvania: Erie
Ohio: Ashtabula, Cleveland, Toledo, Conneaut, Fairport, Sandusky
Michigan: Detroit, Menominee, Marquette, Ludington, Escanaba, Bay City, Muskegon, Manistiquette
Illinois: Chicago
Wisconsin: Kenosha, Racine, Milwaukee, Sheboygan, Manitowoc, Kewaunee, Ashland, Superior
Minnesota: Duluth, Two Harbors

ALASKA

Seward
Anchorage

HAWAII

Honolulu
Port Allen
Hilo

APPENDIX B**PORT AREAS TO, OR WITHIN WHICH, SHIPMENTS OF GOVERNMENT DOMESTIC OR IMPORT
FREIGHT INTENDED FOR STORAGE IN PUBLIC WAREHOUSES ARE SUBJECT TO ICC PORT
STORAGE FORWARDING PERMIT REQUIREMENTS****ATLANTIC COAST**

Massachusetts: Boston
New York: Port of New York
New Jersey: Port of New York, Camden, Trenton
Pennsylvania: Port of Philadelphia
Delaware: Wilmington
Maryland: Baltimore
Virginia: Port of Norfolk
North Carolina: Wilmington
South Carolina: Charleston
Georgia: Savannah
Florida: Jacksonville

GULF COAST

Florida: Tampa, Pensacola
Alabama: Mobile
Louisiana: New Orleans
Texas: Galveston, Houston

PACIFIC COAST

California: Ports of Los Angeles and San Francisco
Oregon: Portland
Washington: Bellingham, Everett, Olympia, Seattle, Tacoma, Vancouver

GREAT LAKES

New York: Rochester, Buffalo
Pennsylvania: Erie
Ohio: Ashtabula, Cleveland, Toledo, Conneaut, Sandusky
Michigan: Detroit, Marquette, Escanaba, Bay City
Illinois: Chicago
Wisconsin: Milwaukee, Sheboygan, Manitowoc, Ashland, Superior
Minnesota: Duluth, Two Harbors

ALASKA

Seward, Anchorage

HAWAII

Honolulu, Port Allen, Hilo

[EFR Doc. 34-12]

ICC General Permit TM GO-11-1
As amended June 15, 1962

CONTROL OF FREIGHT SHIPMENTS TO OR WITHIN PORT OR STORAGE AREAS*

Pursuant to the provisions of Section 6 of General Order ICCTM-11, **It is hereby ordered,**
That:

Until further order of the Chairman, the provisions of General Order ICC TM-11 shall not apply to or become effective in the port areas subject to the embargoes imposed by General Orders ICC TM-2, TM-3, and TM-4.

This General Order, ICC TM-GO-11-1, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-GO-11-1, issued December 17, 1956, is hereby superseded.

Issued at Washington, D. C., this 15th day of June, 1962.

[SEAL]

RUPERT L. MURPHY

Chairman

Interstate Commerce Commission

*This General Permit TM-GO-11-1 is issued so as to avoid permit requirements for the same shipment under General Order ICC TM-11, and also under General Order ICC TM-2 (Rail Freight Embargo) or General Order ICC TM-3 (Motor Freight Embargo) or General Order ICC TM-4 (Inland Waterways Freight Embargo).

It is intended that this General Permit be cancelled simultaneously with the termination of the ICC TM orders above listed.

[EFR Doc. 34-13]

GENERAL ORDER ICC TM-12
As amended June 15, 1962

INVENTORY AND DISPOSITION OF SHIPMENTS OF FOOD AND MEDICAL SUPPLIES
REQUISITIONED BY GOVERNMENT IN POSSESSION OF RAILROADS AND MOTOR CARRIERS

It is deemed necessary in the public interest and to promote the national safety and defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate and allocate the use of certain freight equipment and facilities in interstate or foreign commerce to effectuate such action as the government of the United States may take in requisitioning for civil defense purposes shipments of certain food and medical supplies in possession of railroads and motor carriers. In the formulation of this order, as hereby amended consultation with industry representatives, including trade association representatives, has been had and consideration has been given to their recommendations. Accordingly, General Order ICC TM-12 is hereby amended to read as follows:

Sec.

1. Retention by railroads and motor carriers of certain food shipments; inventory; disposition by Department of Agriculture.
2. Retention by railroads and motor carriers of certain medical supplies shipments; inventory; disposition by Department of Health, Education, and Welfare.
3. Applicability.
4. Definitions.
5. Communications.

AUTHORITY: Section 1 to 5, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101 E. O. 10219, Feb. 28, 1951, as amended, 16 F. R. 1983, 19 F.R. 3807; Sec. 201, E. O. 10480, Aug. 14, 1953, as amended, 18 F. R. 4939, 19 F. R. 3807; DMO 1-7, Aug. 14, 1953, 18 F. R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F. R. 4550; ICC Order, June 30, 1955, 20 F. R. 4780; Organization Minutes ICC Revised, items 3.2(b)(4) and 9.1, 26 F. R. 1965, 1970, 4774, 4779; E. O. 11005, Feb. 16, 1962, 27 F. R. 1544.

Sec. 1. Retention by railroads and motor carriers of certain food shipments; inventory; disposition by Department of Agriculture. Every common carrier by railroad and every motor carrier engaged in transporting property in over-the-road service, having in its possession any shipments of food requisitioned by the government, notwithstanding any bill of lading, contract, charter, lease, or other commitment, express or implied, with respect to the transportation and delivery of any such shipment of food, shall retain all of such requisitioned shipments in its

possession, at any point convenient to it, and hold for further disposition orders from the Department of Agriculture; and such carrier shall forthwith and not later than 72 hours after such requisitioning report to the Chairman, United States Department of Agriculture, State or County Defense Board in and for the State or County in which the shipments are retained, a list of such shipments in the possession of such carrier, including with respect to each shipment a general description of the commodity, quantity, the names and addresses of the consignor and consignee, and the exact location where each such shipment is being held. Further transportation and delivery of such shipments shall be in accordance with shipping and delivery instructions furnished to the carrier by such Defense Board.

Sec. 2. Retention by railroads and motor carriers of certain medical supplies shipments; inventory; disposition by Department of Health, Education, and Welfare. Every common carrier by railroad and every motor carrier engaged in transporting property in over-the-road service, having in its possession any shipments of medical supplies requisitioned by the Department of Health, Education & Welfare, notwithstanding any bill of lading, contract, charter, lease, or other commitment, express or implied, with respect to the transportation and delivery of any such shipment of medical supplies, shall retain all of such requisitioned shipments in its possession, at any point convenient to it, and hold for further disposition orders from the Department of Health, Education, and Welfare unless disposition orders accompany the requisition order; and such carrier shall forthwith and not later than 72 hours after such requisitioning, report in writing to the Department of Health, Education, and Welfare at an address to be provided in the requisitioning order, a list of such shipments in the possession of such carrier, including with respect to each shipment a general description of the commodity, quantity, the names and addresses of the consignor and consignee, and the exact location where each such shipment is being held. Further transportation and delivery of such shipments shall be in accordance with shipping and delivery instructions furnished to the carrier by the Department of Health, Education, and Welfare.

Sec. 3. Applicability. The provisions of this order shall be applicable in the United States including, the District of Columbia but not including any territory or possession of the United States.

Sec. 4. Definitions. As used in this order (§ 1 to 5, inclusive):

(a) The term "common carrier by railroad" means any carrier by railroad or an express company subject to Part I of the Interstate Commerce Act, as amended.

(b) The term "motor carrier" means any person which engages in the transportation of property by motor vehicle in over-the-road service.

(c) The term "person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative.

(d) The term "property" means anything, except persons, capable of being transported by railroad or motor vehicle.

(e) The term "motor vehicle" means either (1) a straight truck, (2) a combination truck tractor and semi-trailer, (3) a full trailer, (4) or any combination thereof, or (5) any other rubber-tired vehicle propelled or drawn by mechanical power when used in the transportation of property, but shall not include (i) any motor truck of 12,000 pounds or less gross vehicle weight, (ii) any motor truck the primary carrying capacity of which is occupied by mounted machinery, or (iii) any other motor truck the load-bearing space of which is not suitable for the efficient and safe transportation of property.

(f) The term "over-the-road service" means all operations of a motor vehicle except those wholly within an attacked area or any municipality or urban community and those within and between contiguous municipalities or urban communities.

Sec. 5. Communications. Communications concerning this order should refer to "General Order ICC TM-12, as amended", and should be addressed to the Interstate Commerce Commission, Official Headquarters.

This General Order ICC TM-12, as amended, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress, except that effective forthwith General Order ICC TM-12 issued December 17, 1956 is hereby superseded.

Issued at Washington, D. C., this 15th day of June, 1962.

RUPERT L. MURPHY

Chairman

Interstate Commerce Commission

[EFR Doc. 34-14]

GENERAL ORDER ICC TM-13

CONTROL OF LIQUID TRANSPORT VESSELS

It is deemed necessary in the public interest and to promote the national safety and defense, during the existence of a state of civil defense emergency proclaimed by the national government, to regulate, allocate, and promote the use and distribution of liquid transport vessels and facilities for the preferential transportation by water of shipments for civil defense, the Department of Defense, the Atomic Energy Commission, and for the maintenance of the essential civilian economy. In the formulation of this order, consultation with industry representatives, including trade association representatives, has been had and consideration has been given to their recommendations. Accordingly, it is hereby ordered, that:

Sec.

1. Control of liquid transport vessels.
2. Appointment of agent; supervision and reservation.
3. Exemptions.
4. Applicability.
5. Definitions.
6. Communications.

AUTHORITY: Section 1 to 6, inclusive, issued under sec. 704, as amended, 64 Stat. 816, 65 Stat. 139, 50 USC App. 2154. Interpret or apply sec. 101, as amended, 64 Stat. 799, 67 Stat. 129, 50 USC App. 2071; sec. 101, E. O. 10219, Feb. 28, 1951, as amended, 16 F. R. 1983; 19 F. R. 3807; sec. 201, E. O. 10480, Aug. 14, 1953, as amended, 18 F. R. 4939, 19 F. R. 3807; DMO 1-7, Aug. 14, 1953, 18 F. R. 5366; Org. Order DTA 1, as amended June 27, 1955, 20 F. R. 4550; ICC Order, June 30, 1955, 20 F. R. 4780; Organization Minutes, I.C.C. Revised, items 3.2(b)(4) and 9.1, 26 F. R. 1965, 1970, 4774, 4779, and E. O. 11005, Feb. 16, 1962, 27 F. R. 1544.

Sec. 1. Control of liquid transport vessels. Any person having possession or control of any liquid transport vessel shall, notwithstanding any contract, charter, lease, arrangement, or other commitment, express or implied, with respect to the use or operation of such vessel, cause such vessel (a) to be operated in such manner, for such purposes, and between such ports and points, as the Interstate Commerce Commission shall from time to time direct, and (b) to be leased, chartered, or rented to such person or persons as the Interstate Commerce Commission shall from time to time direct. Unless the interested parties agree upon the amount of compensation payable for the lease, charter, rental, or use of any such vessel, so directed to be leased, chartered, or rented, the amount of such compensation shall be such amount as shall be determined by the Interstate Commerce Commission or other competent government authority.

Sec. 2. Appointment of agent; supervision and reservation.

(a) The Assistant Director, Bureau of Water Carriers and Freight Forwarders, Interstate Commerce Commission, is hereby appointed agent of the Commission and is hereby vested with authority to control the movement of liquid transport vessels. When necessary, he shall direct the distribution of all liquid transport vessels without regard to ownership, or assignment, so as to increase provident utilization of such vessels. He is authorized and directed to supervise, coordinate, and direct the distribution of all liquid transport vessels to meet the needs of the various loading areas, and to require

any common carrier by water to deliver, accept, or transport empty liquid transport vessels for the purpose of providing a supply of such vessels at points where products are loaded.

(b) The authority herein delegated may be exercised by said agent through such members of the staff of the Interstate Commerce Commission, as he may designate.

(c) The exercise of the authority conferred by this order shall be subject to the general control and supervision of the Chairman of the Commission, and the right of modification or revocation by the Chairman in any specific case. Notwithstanding any provisions of this order, the Chairman, in his discretion, may exercise from time to time any authority, or perform any function or duty, delegated by this order.

Sec. 3. **Exemptions.** The provisions of this order shall not apply to liquid transport vessels owned, controlled, or operated by the United States or any department or agency thereof except governmental corporations.

Sec. 4. **Applicability.** The provisions of this order shall be applicable in the United States.

Sec. 5. **Definitions.** As used in this order (§1 to 6 inclusive):

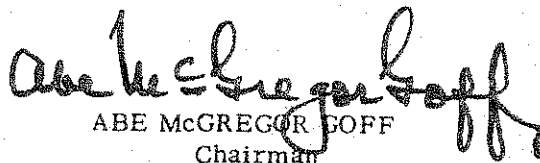
(a) The term "person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative.

(b) The term "liquid transport vessel" means any vessel or watercraft, or other contrivance designed or converted for use, or which is used, or is capable of being used, as a means of transportation of liquid or gaseous cargo in bulk by water.

Sec. 6. **Communications.** Communications concerning this order should refer to "General Order ICC TM-13" and should be addressed to the Interstate Commerce Commission, Official Headquarters.

This General Order ICC TM-13, shall become effective upon the proclamation of the existence of a state of civil defense emergency by the President, or by concurrent resolution of the Congress.

Issued at Washington, D. C., this 15th day of July 1964.



ABE MCGREGOR GOFF
Chairman

Interstate Commerce Commission

Chapter 35

Federal Home Loan Bank Board

[EFR Doc. 35-1]

EMERGENCY REGULATION NO. 1

Withdrawals

Section 1. Authority. This Regulation is issued pursuant to all relevant authority and power vested in the Federal Home Loan Bank Board, including without limitation authority and power vested in said Board by delegation from the President of the United States or otherwise, and particularly Executive Order 11,094, dated February 26, 1963, and the Order of the Secretary of the Treasury dated January 10, 1961¹, delegating to the Board such authority as may be necessary to maintain, regulate, limit or suspend the operation and functioning of any savings and loan institution.

Section 2. Withdrawals. (a) During the period this Regulation is in effect no savings and loan institution shall permit any withdrawals or make loans on shares or accounts of such institutions or of any other savings and loan institution except that it may permit such withdrawals or loans for (1) expenses or reconstruction costs vital to the war effort, (2) essential living costs, (3) tax payments, (4) payrolls, and (5) obligations incurred before the date on which this Regulation becomes effective. The maximum amounts of withdrawals or share loans permitted in the preceding sentence shall be such amounts as may be fixed from time to time by the Federal Home Loan Bank Board.

(b) Notwithstanding the provisions of (a) of this section 2, balances in share or savings accounts may be transferred from one savings and loan institution to a share or savings account of the same owner in another savings and loan association.

(c) Notwithstanding the provisions of (a) of this section 2, the restrictions relating to withdrawals shall not apply in any case where a request for the withdrawal of savings or for the repurchase of shares was duly filed with a savings and loan institution prior to the time this Regulation becomes effective.

(d) Notwithstanding the provisions of (a), (b) and (c) of this section 2, the rights of any savings and loan institution to invoke restrictions on repurchases or withdrawals from share or savings accounts provided for under contract or agreement with share or savings account owners or by reason of law or the provisions of its charter or bylaws, shall not be altered or otherwise affected by the provision of said subsection (a) hereof.

¹ EFR Doc. 12-3

Section 3. Persons Authorized to Act. Any action authorized or required to be taken by a savings and loan institution or its management pursuant to this Regulation shall be valid if such action is taken by any person or persons at the time responsible for the conduct of that part of the affairs of the institution to which such action relates.

Section 4. Definitions. As used in this Regulation, the term "savings and loan institution" means any building and loan association, savings and loan association, cooperative bank, or homestead association transacting business in the United States of America or in any place subject to its jurisdiction, or any conservator, receiver, or other legal custodian for any of the foregoing.

Section 5. Time of Taking Effect. This Regulation shall be effective immediately after an attack upon the United States.

By the Federal Home Loan Bank Board

Harry W. Caulsen
Secretary

Washington, D. C.
November 16, 1964

[EFR Doc. 35-2]

SUPPLEMENT NO. 1 TO EMERGENCY REGULATION NO. 1

Section 1. This supplement is issued pursuant to all relevant authority and power vested in the Federal Home Loan Bank Board, including without limitation authority and power vested in said Board by delegation from the President of the United States or otherwise, and particularly Executive Order 11,094, dated February 26, 1963, and the Order of the Secretary of the Treasury dated January 10, 1961¹, delegating to the Board such authority as may be necessary to maintain, regulate, limit or suspend the operation and functioning of any savings and loan institution.

Section 2. This supplement to Regulation No. 1 of the Federal Home Loan Bank Board, to the extent hereinafter indicated, modifies certain provisions in said Regulation No. 1.

Section 3. Savings and loan institutions, operating under their own boards of directors and management, and able to function with essential records available, may permit withdrawals or make loans on withdrawable shares or accounts without limitation with respect to the amount of such withdrawals or loans for any of the reasons specified in section 2 of Regulation No. 1, upon the signing of a certificate by any person, firm, or corporation seeking such withdrawal or loan that the proceeds of such withdrawal or loan are for one of the purposes specified in section 2 of said Regulation No. 1.

Section 4. In the event any savings and loan institution is affected by military action, or other action occurring during a period of national emergency proclaimed by the President of the United States, as a result of which any such savings and loan institution is incapable of acting for itself, the Supervisory Agent or, in the case of his inability to act, any officer of the Federal Home Loan Bank, in the District in which any such savings and loan institution is, or was, located, or such other person as may be designated by the Federal Home Loan Bank Board, is hereby authorized to select and authorize any savings and loan institution insured by the Federal Savings and Loan Insurance Corporation operating under its own board of directors and management, and able to function, to act as paying and receiving agent for any such savings and loan institution incapable of acting for itself.

¹

EFR Doc. 12-3

Section 5. Any savings and loan institution appointed in accordance with section 4 as a paying or receiving agent for a savings and loan institution incapable of acting for itself, is authorized to make advances to persons who hold withdrawable savings accounts in such savings and loan institution incapable of acting for itself, against such withdrawable savings accounts solely for the purpose of meeting necessary living expenses in an amount which together with all other funds received by such advance (including the amount of loans made to such person by any financial institution) since shall not exceed \$; Provided that any such person applying for an advance of funds as aforesaid executes a certificate in triplicate which shall state his name and address; the name and address of the savings and loan institution incapable of acting for itself; the amount of the free balance (to the best of his knowledge) such person has in a withdrawable savings account in the savings and loan institution incapable of acting for itself; that the applicant has not received any funds (including the proceeds of a loan) from any financial institution since or, if any funds were received by the applicant since that date, the amount of such funds; that the funds for which the advance is requested are solely for necessary living expenses; and an acknowledgment in writing (in the form of a receipt) for the amount of the advance received from the paying and receiving agent for the savings and loan institution incapable of acting for itself.

Section 6. Each such paying and receiving agent, appointed pursuant to section 4 of this supplement, shall promptly forward two signed copies of each statement and receipt required under section 5 of this supplement to the Supervisory Agent, or in case the paying and receiving agent was appointed by another official specified in section 4 of this supplement, to such official.

Section 7. As used in this supplement the term "savings and loan institution" shall have the same meaning given to said term in Regulation No. 1

Section 8. Any action authorized or required to be taken by a paying and receiving agent appointed pursuant to this supplement shall be valid if taken by any person or persons designated by the paying and receiving agent to act in its behalf.

Section 9. Any Supervisory Agent, or other official specified in section 4 of this supplement, as the case may be, appointing a paying and receiving agent under the provisions of section 4 of this supplement shall, as soon as possible, confirm such appointment in writing (including any directions to such paying and receiving agent) and shall promptly transmit two copies of such written confirmation of appointment to the Director of the Office of Examinations and Supervision of the Federal Home Loan Bank Board.

Section 10. Any appointment of a paying and receiving agent made pursuant to section 4 of this supplement, and the authority conferred thereunder, shall continue until the Federal Home Loan Bank Board shall otherwise provide.

Section 11. This supplement to Regulation No. 1 shall be effective immediately after an attack upon the United States.

By the Federal Home Loan Bank Board

Harry W. Caulsen
Secretary

[EFR Doc. 35-3]

EMERGENCY REGULATION NO. 2

Temporary Quarters, Curtailment of Savings and
Loan Operations, and War-Emergency Borrowing
of Savings and Loan Institutions

Section 1. Authority. This Regulation is issued pursuant to all relevant authority and power vested in the Federal Home Loan Bank Board, including without limitation authority and power vested in said Board by delegation from the President of the United States or otherwise, and particularly Executive Order 11,094, dated February 26, 1963, and the Order of the Secretary of the Treasury dated January 10, 1961¹, delegating to the Board such authority as may be necessary to maintain, regulate, limit or suspend the operation and functioning of any savings and loan institution.

Section 2. Temporary Change of Quarters. In the event that the main office or any branch of any savings and loan institution becomes wholly or partially unusable, as a result of military action, the institution may temporarily establish necessary substitute quarters. The use of such substitute quarters shall be terminated as soon as practicable, but in any event when so ordered by the Federal Home Loan Bank Board (hereinafter referred to as the "Board").

Section 3. Temporary Curtailment of Operations. Any savings and loan institution located in an area directly affected by military action may, if essential personnel, physical facilities, or other resources become unavailable as a result of such military action, temporarily curtail, limit, or suspend any or all operations affected thereby. Such suspended operations shall be resumed as soon as practicable, but in any event when so ordered by the Board.

Section 4. Notification of Change of Quarters or Curtailment of Operations. As promptly as possible after change of its quarters or curtailment of its operations pursuant to section 2 or section 3 of this Regulation, a savings and loan institution shall notify (1) the Federal Home Loan Bank Board, (2) the Federal Home Loan Bank in the District in which such institution is located, and (3) in the case of a State-chartered institution, the State savings and loan authority.

¹ EFR Doc. 12-3

Section 5. War-Emergency Borrowing of Savings and Loan Institutions. Any savings and loan institution in an area directly affected by military action may borrow from any Federal Home Loan Bank without regard to any provisions of Federal or State law imposing limitations as to amount, security, or otherwise.

Section 6. Persons Authorized to Act. Any action authorized or required to be taken by a savings and loan institution or its management pursuant to this Regulation shall be valid if such action is taken by any person or persons at the time responsible for the conduct of that part of the affairs of the institution to which such action relates.

Section 7. Definitions. As used in this Regulation, the term "savings and loan institution" means any building and loan association, savings and loan association, cooperative bank, or homestead association transacting business in the United States of America or in any place subject to its jurisdiction, or any conservator, receiver, or other legal custodian for any of the foregoing. As used in this Regulation, the term "State" includes the District of Columbia, the territories and possessions, and any place subject to the jurisdiction of the United States.

Section 8. Time of Taking Effect. This Regulation shall be effective immediately after an attack upon the United States.

By the Federal Home Loan Bank Board

Harry W. Caulsen
Secretary

Washington, D. C.
November 16, 1964

[EFR Doc. 35-4]

EMERGENCY REGULATION NO. 3

Operation of Federal Home Loan Banks

Section 1. Authority. This Regulation is issued pursuant to all relevant authority and power vested in the Federal Home Loan Bank Board, including without limitation authority and power vested in said Board by delegation from the President of the United States or otherwise, and particularly Executive Order 11,094, dated February 26, 1963, and the Order of the Secretary of the Treasury dated January 10, 1961¹, delegating to the Board such authority as may be necessary to maintain, regulate, limit or suspend the operation and functioning of any savings and loan institution.

Section 2. Temporary Change of Banking Quarters. In the event that the quarters of any Federal Home Loan Bank become unusable as a result of an attack upon the United States, such Federal Home Loan Bank may temporarily establish necessary substitute quarters.

Section 3. Establishment of Temporary Offices. Any Federal Home Loan Bank is authorized to establish temporary offices or facilities in any place within its own or any other District if the establishment of such offices or facilities will, in the judgment of such Federal Home Loan Bank, facilitate the transaction or resumption of operations disrupted as a result of an attack upon the United States.

Section 4. Curtailment of Operations. Any Federal Home Loan Bank may temporarily curtail, limit or suspend any or all of its operations to such extent and for such period as it may deem necessary whenever the effective performance of such Bank's functions has been impaired as a result of an attack upon the United States.

Section 5. Notice to Board. Each Federal Home Loan Bank shall notify the Federal Home Loan Bank Board as soon as practicable of any action taken by it pursuant to sections 2, 3, or 4 of this Regulation.

¹ EFR Doc. 12-3

Section 6. Persons Authorized to Act. Any action authorized or required to be taken by a Federal Home Loan Bank pursuant to this Regulation shall be valid if such action is taken by any person or persons at the time responsible for the conduct of that part of the affairs of such Bank to which such action relates.

Section 7. Time of Taking Effect. This Regulation shall be effective immediately after an attack upon the United States.

By the Federal Home Loan Bank Board

Harry W. Caulsen
Secretary

[EFR Doc. 35-5]

EMERGENCY REGULATION NO. 4

Suspension and Waiver of Certain Requirements of the
Regulations for the Federal Home Loan Bank System

Section 1. Certain Provisions of Regulations Suspended. Notwithstanding any provision of law, during any period when this Regulation is in effect the provisions of sections 523.12, 525.1, 525.2, and 525.30 of the Regulations¹ for the Federal Home Loan Bank System are hereby suspended.

Section 2. Advances Under Section 11(g)(3) of the Federal Home Loan Bank Act, as amended. During any period when this Regulation is in effect, advances under section 11(g)(3) of the Federal Home Loan Bank Act, as amended, may be made for periods not exceeding one year without security or on any security, and any advances made under this section, or any advances made under section 11(g)(3) aforesaid pursuant to section 525.32 of the Regulations for the Federal Home Loan Bank System, may be renewed or extended at maturity or otherwise for not to exceed one year, without regard to the provisions of said section 525.32.

Section 3. Persons Authorized to Act. Any action authorized or required to be taken by a Federal Home Loan Bank pursuant to this Regulation shall be valid if such action is taken by any person or persons at the time responsible for the conduct of that part of the affairs of such Bank to which such action relates.

Section 4. Time of Taking Effect. This Regulation shall be effective immediately after an attack upon the United States.

By the Federal Home Loan Bank Board

Harry W. Caulsen
Secretary

Washington, D. C.
November 16, 1964

¹ Title 12, Code of Federal Regulations

[EFR Doc. 35-6]

EMERGENCY REGULATION NO. 5

Suspension, Waiver, and Relaxation of Certain Requirements of the Rules and Regulations for the Federal Savings and Loan System

Section 1. Certain Provisions of Rules and Regulations Suspended. Notwithstanding any provision of law, during any period when this Regulation is in effect the provisions of sections 543.2(c), 545.6-8, 545.6-13, and 545.8-2, the last sentence of section 543.6(e), the last proviso of section 545.8, the last sentence and the proviso to the first sentence of section 545.10, and the proviso to the first sentence of section 545.15 of the Rules and Regulations¹ for the Federal Savings and Loan System are hereby suspended.

Section 2. Suspension of Amount Limitation on Sales of Loans. During any period when this Regulation is in effect any Federal savings and loan association may sell any loan without regard to the provisions of the second sentence of section 545.11 of said Rules and Regulations.

Section 3. Offices and Agencies. During any period when this Regulation is in effect any Federal savings and loan association may be operated in whole or in part from any branch office or agency without regard to the provisions of section 545.13 of said Rules and Regulations.

Section 4. Agencies. During any period when this Regulation is in effect the requirement of prior approval by the Board imposed by the first sentence of section 545.15 of said Rules and Regulations is hereby suspended.

Section 5. Conservatorships and Receiverships. During any period when this Regulation is in effect any authorization or approval by the Board which is required by any provision of Part 549 of said Rules and Regulations may be given also by the Director of the Office of Examinations and Supervision or by a Deputy Director or an Associate Deputy Director.

Section 6. Persons Authorized to Act. Any action authorized or required to be taken by a Federal savings and loan association or its management pursuant to this Regulation shall be valid if such action is taken by any person or persons at the time responsible for the conduct of that part of the affairs of the institution to which such action relates.

¹ Title 12, Code of Federal Regulations

Section 7. Time of Taking Effect. This Regulation shall be effective immediately after an attack upon the United States.

By the Federal Home Loan Bank Board

Harry W. Caulsen
Secretary

Washington, D. C.
November 16, 1964

[EFR Doc. 35-7]

EMERGENCY REGULATION NO. 6

Suspension and Waiver of Certain Requirements of the
Rules and Regulations for Insurance of Accounts

Section 1. Certain Provisions of Rules and Regulations Suspended. During any period when this Regulation is in effect the provisions of the second sentence of subsection (c) of section 562.3, the provisions of the second sentence of section 563.8, the provisions of subsection (c) of section 563.9-1, and the provisions of section 567.2 of the Rules and Regulations¹ for Insurance of Accounts are hereby suspended.

Section 2. Waiver of 20 Percent Limitation on Sales of Loans. During any period when this Regulation is in effect any insured institution may sell any loan without regard to the proviso to the first sentence of section 563.23 of said Rules and Regulations.

Section 3. Suspension of Area Limitation on Sales of Loans. During any period when this Regulation is in effect the Federal Savings and Loan Insurance Corporation hereby approves the making or purchase of any loans by any insured institution beyond fifty miles from its principal office, without regard to the provisions of section 563.9 of said Rules and Regulations or any other provision of said Rules and Regulations and without regard to any agreement or condition entered into by such institution, or imposed upon such institution by the Board or said Corporation, under subsection (b) of section 403 of the National Housing Act or otherwise.

Section 4. Settlement of Insurance Upon Default. During any period when this Regulation is in effect the amount of an insured account in the event of a default by an insured institution may be determined from any available evidence, including affidavits of account holders or others, if the evidence required by the second sentence of section 564.1 of said Rules and Regulations is not available.

Section 5. Persons Authorized to Act. Any action authorized or required to be taken by an insured institution or its management pursuant to this Regulation shall be valid if such action is taken by any person or persons at the time responsible for the conduct of that part of the affairs of the institution to which such action relates.

¹ Title 12, Code of Federal Regulations

Section 6. Time of Taking Effect. This Regulation shall be effective immediately after an attack upon the United States.

By the Federal Home Loan Bank Board

Harry W. Caulsen
Secretary

Washington, D. C.
November 16, 1964

[EFR Doc. 35-8]

EMERGENCY REGULATION NO. 7

Debt Deferments

Section 1. Authority. This Regulation is issued pursuant to all relevant authority and power vested in the Federal Home Loan Bank Board, including without limitation authority and power vested in said Board by delegation from the President of the United States or otherwise, and particularly Executive Order 11,094, dated February 26, 1963, and the Order of the Secretary of the Treasury dated January 10, 1961¹, delegating to the Board such authority as may be necessary to maintain, regulate, limit or suspend the operation and functioning of any savings and loan institution.

Section 2. General Provisions. All savings and loan institutions shall grant deferment of indebtedness in any case in which the ability of the debtor to make payment as a result of an attack upon the United States has been substantially impaired by reason of --

(a) Destruction in whole or in part of assets or property (whether or not constituting all or a part of the security for the indebtedness) from which the debtor derives income, or

(b) Destruction in whole or in part of earning power of the debtor (or of a person upon whom the debtor is dependent) by reason of injury or death of the debtor (or of such person) caused directly or indirectly by such attack or by reason of loss of employment due to destruction or damage caused directly or indirectly by such attack.

Section 3. Duration of Deferment. Any such deferment shall continue until the Federal Home Loan Bank Board shall otherwise provide.

Section 4. Persons Authorized to Act. Any action authorized or required to be taken by a savings and loan institution or its management pursuant to this Regulation shall be valid if such action is taken by any person or persons at the time responsible for the conduct of that part of the affairs of the institution to which such action relates.

¹

EFR Doc. 12-3

Section 5. Definitions. As used in this Regulation --

(a) The term "savings and loan institution" means any building and loan association, savings and loan association, cooperative bank, or homestead association transacting business in the United States of America or in any place subject to its jurisdiction, for any conservator, receiver, or other legal custodian or any of the foregoing,

(b) The term "indebtedness" means any indebtedness, secured or unsecured, incurred prior to and held by a savings and loan institution, including any such indebtedness secured by shares or accounts in such institutions, and

(c) The term "debtor" means the obligor or person primarily liable (by assumption or otherwise) on an indebtedness, or one of several such obligors or persons upon whose assets or earning power the ability of all such obligors or persons to make the stipulated payment on the indebtedness depends.

Section 6. Time of Taking Effect. This Regulation shall be effective immediately after an attack upon the United States.

By the Federal Home Loan Bank Board

Harry W. Caulsen
Secretary

Washington, D. C.
November 16, 1964

[EFR Doc. 35-9]

EMERGENCY REGULATION NO. 8

Examination of Savings and Loan Institutions

Section 1. Authority. This Regulation is issued pursuant to all relevant authority and power vested in the Federal Home Loan Bank Board, including without limitation authority and power vested in said Board by delegation from the President of the United States or otherwise, and particularly Executive Order 11,094, dated February 26, 1963, and the Order of the Secretary of the Treasury dated January 10, 1961¹, delegating to the Board such authority as may be necessary to maintain, regulate, limit or suspend the operation and functioning of any savings and loan institution.

Section 2. Examinations. Each savings and loan institution shall be subject to examination and audit at any time by the Federal Home Loan Bank Board (hereinafter referred to as the "Board"), with appraisals when deemed advisable, in accordance with general policies established from time to time by the Board.

Section 3. Cost of Examinations. The cost, as computed by the Board, of any such examination or audit, or both, including office analysis thereof, and appraisals made in connection therewith, overhead, per diem, and travel expenses, shall be paid by the institution examined or audited.

Section 4. Other Regulations Relating to Insured Institutions Not Affected. Nothing contained herein shall be construed to be a restriction of or limitation upon any other regulation affecting insured institutions.

Section 5. Definitions. As used in this Regulation, the term "savings and loan institution" means any building and loan association, savings and loan association, cooperative bank, or homestead association transacting business in the United States of America or in any place subject to its jurisdiction, or any conservator, receiver, or other legal custodian for any of the foregoing.

¹
EFR Doc. 12-3

Section 6. Time of Taking Effect. This Regulation shall be effective immediately after an attack upon the United States.

By the Federal Home Loan Bank Board

Harry W. Caulsen
Secretary

Washington, D. C.
November 16, 1964

[EFR Doc. 35-10]

EMERGENCY REGULATION NO. 9

Suspension of Certain Charter Limitations

Section 1. Authority. This Regulation is issued pursuant to all relevant authority and power vested in the Federal Home Loan Bank Board, including without limitation authority and power vested in said Board by delegation from the President of the United States or otherwise, and particularly Executive Order 11,094, dated February 26, 1963, and the Order of the Secretary of the Treasury dated January 10, 1961, delegating to the Board such authority as may be necessary to maintain, regulate, limit or suspend the operation and functioning of any savings and loan institution.

Section 2. Suspension of Charter Limitations. Notwithstanding any limitation contained in their charters, during any period when this Regulation is in effect, any Federal savings and loan association operating under a Federal Charter "K" or a Federal Charter "E" is hereby authorized to lend its funds and borrow money upon the same conditions as all other Federal savings and loan associations.

Section 3. Persons Authorized to Act. Any action authorized to be taken by a Federal savings and loan association or its management pursuant to this Regulation shall be valid if such action is taken by any person or persons at the time responsible for the conduct of that part of the affairs of the association to which such action relates.

Section 4. Time of Taking Effect. This Regulation shall be effective immediately after an attack upon the United States.

By the Federal Home Loan Bank Board

Harry W. Caulsen
Secretary

Washington, D. C.
November 16, 1964

Chapter 36

Railroad Retirement Board

EPR Doc. 36-1

PLAN OF OPERATION

DURING A NATIONAL EMERGENCY

Pursuant to the general authority contained in Section 10 of the act of June 24, 1937 (50 Stat. 314, 45 U.S.C. 208j) and Section 12 of the Act of June 25, 1936 (52 Stat. 1094, 1107; 45 U.S.C. 362) and Executive Order 11095, Part 395 to the Regulations under such acts is adopted by Board Order 64-135, dated October 28, 1964, to read as follows:

§ 395.1 Purpose.

(a) The Railroad Retirement Board has adopted a plan to provide basic organization and methods of operation which may be needed to continue the uninterrupted payment of retirement, survivor, unemployment, and sickness benefits and the continuation of employment service under the Railroad Retirement Act (45 U.S.C. ch. 9) and the Railroad Unemployment Insurance Act (45 U.S.C. ch. 11) during a period of national emergency as defined in § 395.2.

(b) The plan is published to inform all interested persons of the circumstances and ways in which the Board will organize and operate in a national emergency.

§ 395.2 National emergency and effective date.

A period of national emergency shall be deemed to exist and the provisions of this part shall become effective only (1) after an attack upon the United States, or at a time specified by the authority of the President after such attack, and (2) by order of the chairman of the Board or his successor as set forth in § 395.5, or when it is no longer possible to communicate with such official at his designated station.

§ 395.3 Policy.

To the greatest extent possible, payment of benefits shall be made and employment service functions shall be carried on through the period of a national emergency in strict conformance with the pertinent provisions of the Railroad Retirement Act, the Railroad Unemployment Insurance Act, and the regulations promulgated by the Board to administer those acts. Where the character of the national emergency is such as to prevent this, the stand-by regulations contained in this part shall obtain. It will be expected, however, that every effort shall be made to return to normal operating practices as quickly as possible thereafter.

§ 395.4 Mailing Instructions.

In a national emergency as defined in § 395.2, all mail shall be directed to Board offices at their normal locations. Through pre-positioned registration information with the Registration and Information facilities of the United States Post Office Department, mail will be redirected automatically to the Board's relocation sites if offices at normal locations become inoperative.

§ 395.5 Organization and functions of the Board, delegations of authority, and lines of succession.

(a) During a national emergency as defined in § 395.2, the respective functions and responsibilities of the Board, the bureaus and offices, and the regional and district offices shall be to the extent possible as set forth in the U. S. Government Organization Manual; where not possible such functions and responsibilities may be exercised without regard to any existing policy or procedure of the Board.

(b) The following delegation of authority is made to provide continuity of that organization in the event of a national emergency:

(1) The chairman of the Board shall act with full administrative authority for the Board.

(2) In the absence or incapacity of the chairman of the Board, the authority of the chairman to act for the Board shall pass to the available successor highest on the following list:

Management Member of the Board
Labor Member of the Board
Chief Executive Officer
Director of Wage and Service Records
Director of Budget and Fiscal Operations
Director of Management Control
Director of Research
The Regional Director highest on the following list:

Kansas City
Dallas
Cleveland
Atlanta
San Francisco
New York
Chicago

(3) Except as may be determined otherwise by the chairman of the Board or his successor and as provided in § 395.6 and in § 395.7, the duties of each bureau or office head, or regional director shall be discharged in his absence or incapacity during a national emergency by the available staff member next in line of succession. Each bureau and office head, and each regional director shall designate and preposition the line of succession within his bureau, office or region. If no such designation has been made, such duties shall be assumed by the available subordinate who is highest in grade or, if there is more than one, in length of Board service.

(4) Emergency responsibility and authority under this section, once assumed, shall be relinquished on direction of the duly constituted higher authority acting under the provisions of subparagraph (2) of this paragraph.

§ 395.6 Personnel, fiscal, and service functions.

(a) Personnel. In a national emergency as defined in § 395.2, when it is no longer possible for a regional director, or the manager of the Seattle district office, to communicate with the chairman of the Board or his successor as set forth in § 395.5, complete responsibility and authority for administration of the personnel function are delegated to such regional director, or the Seattle district manager, for his respective OCD-OEP geographic area.

(b) Fiscal. (1) In a national emergency as defined in § 395.2, the chairman of the Board or his successor as set forth in § 395.5 shall designate an individual to assume the responsibilities of the Director of Budget and Fiscal Operations in the event the Director or the Assistant Director is unable to assume those responsibilities.

(2) In a national emergency, incumbents of the following positions are hereby authorized to appoint emergency certifying officers:

Chief Executive Officer
Director, Office of Budget and Fiscal Operations
Director, Bureau of Retirement Claims
Director, Bureau of Unemployment and Sickness Insurance
Regional Directors, or
Regional Unemployment Insurance Officers, or
Chiefs of Field Activities

(i) The emergency certifying officers shall be empowered to certify:

- (a) Benefit payments under the Railroad Retirement Act.
- (b) Benefit payments under the Railroad Unemployment Insurance Act.
- (c) Administrative expenses of the Railroad Retirement Board.

(ii) Emergency certifying officers shall be appointed under the authority delegated by this section when (a) normal channels for certifying payments have been rendered inoperable, and (b) clearance has been obtained from the ranking official in line of succession as set forth in § 395.5(b)(1) and (2) and under such instructions and conditions as he may prescribe. Appointing officers shall observe the requirements of Section IV (A3 and A6) of the Emergency Disbursing Plan of the Department of the Treasury with respect to required signature cards and bonds.

(3) In a national emergency, incumbents of the following positions are designated as emergency cashiers and are authorized to receive and disburse cash for emergency administrative needs of the Board:

<u>Cashier</u>	<u>Alternates</u>
Chairman of the Board	Director, Bureau of Retirement Claims
	Director, Bureau of Unemployment and Sickness Insurance
Management Member of the Board	Labor Member of the Board
	Director, Office of Budget and Fiscal Operations
Chief Executive Officer	None
Regional Director	
Atlanta	Chief of Field Activities
New York	Chief of Field Activities
Cleveland	Assistant Chief of Field Activities
Chicago	Assistant Chief of Field Activities
Dallas	Chief of Field Activities
Kansas City	Chief of Field Activities
San Francisco	Chief of Field Activities
District Manager - Seattle	None

(i) The incumbents of the positions listed in this subparagraph (3) are also designated as certifying officers for administrative expenses. They shall perform in the dual capacity of cashier and certifying officer only where circumstances make it impractical to use the services of another individual as certifying officer, and only when (a) all channels for making administrative payments through a regional disbursing office of the Department of the Treasury have been rendered inoperable, and (b) clearance has been obtained from the ranking official in line of succession as set forth in § 395.5(b)(1) and (2) if possible.

(ii) Cash disbursed under this authority shall be used in payment of payrolls, travel reimbursement vouchers, emergency travel advances and other necessary administrative expenses of the Board; cash shall not be used to pay benefits under the Railroad Retirement Act or the Railroad Unemployment Insurance Act.

(c) Supply and Service. (1) In a national emergency as defined in § 395.2, complete responsibility and authority for the procurement of needed supplies, equipment, space, communications, transportation (automobiles only), and repair services are delegated to each regional director and to the manager of the Seattle district office for their respective OCD-OEP geographic areas.

(2) Federal sources of supply and service, if available, shall be used.

(3) Any supplies, equipment, space, or services provided under this emergency delegation shall be documented to show what was provided, the amount procured, the cost thereof, and the source from which procured.

(4) As soon after the period of national emergency as conditions permit, the records required by subparagraph (3) of this paragraph shall be transmitted to the Director, Office of Supply and Service or his surviving successor.

§ 395.7 Operating regulations.

(a) Retirement claims. (1) In a national emergency as defined in § 395.2, applications for and development and certification of claims for retirement, disability, and survivor benefits shall be to the extent possible, as set forth in 20 CFR Sub-chapter B, except that:

(i) Standards of evidence may be relaxed although legal requirements for entitlement to payments shall remain unchanged; in determining relationships, employment, birth, death, etc., consideration shall be given to whatever information is in the possession of applicants and beneficiaries or the Board office adjudicating a claim.

(ii) If prescribed forms are not available, any writing that contains substantially the necessary information shall be acceptable.

(iii) In a national emergency, that is when the headquarters office is inoperable, the development and certification of claims shall be assumed by the regional offices.

(2) To provide the necessary authority for a decentralized program as outlined in this paragraph (a), those authorities which have been delegated to the Director, Bureau of Retirement Claims, are hereby delegated to the regional directors or their surviving successors.

(b) Unemployment and sickness claims. (1) In a national emergency as defined in § 395.2, receipt, adjudication, and certification of claims for unemployment and sickness benefits shall be to the extent possible as set forth in 20 CFR Subchapter C, except that:

(1) Where the Board's wage records have been destroyed or are otherwise unavailable, the wage-record evidence in the possession of the claimant, or the employer's wage records will be acceptable in determining qualifications for benefits.

(ii) In the event normal record sources such as claim file folders or magnetic tape master records are destroyed or otherwise unavailable, other evidence of previous benefit payments shall be considered in determining the periods for which benefits are currently payable and the amounts.

(iii) In developing sickness benefit claims where medical evidence in the form of a doctor's statement is not available, an affidavit from the claimant or other person having knowledge of his sickness or injury shall be acceptable.

(iv) If prescribed forms are not available, any writing that contains substantially the necessary information shall be acceptable.

(v) Eligibility interviews, investigations, and checking procedures shall be curtailed.

(vi) If claims cannot be submitted to the processing offices in headquarters and in the regions because of the national emergency or if those offices become inoperative, the development and certification of claims shall be assumed by district offices.

(2) To provide the necessary authority for a decentralized program as outlined in this paragraph (b), the authorities which have been delegated to the Director, Bureau of Unemployment and Sickness Insurance and to the regional directors are hereby delegated to the district managers or to their surviving successors.

(c) Manpower. (1) In a national emergency as defined in § 395.2, complete responsibility and authority for administration of the manpower function are delegated to regional directors and district managers who shall be governed by existing Board procedures as set forth in 20 CFR Subchapter C, except that maximum freedom in the implementation thereof may be exercised.

§ 395.8 Regulations for employers.

(a) In a national emergency as defined in § 395.2, employers shall continue to follow to the greatest extent possible the provisions set forth in 20 CFR Subchapters A and B in registering new employees, in submitting employee and compensation data, in distributing certificates of service and compensation, in making contributions and contribution reports, in providing information relating to retirement claims, in providing information relating to unemployment and sickness claims, and in maintaining claims office facilities.

(b) Where the national emergency prevents employers from following these provisions in whole or in part, it shall be their responsibility to resume the payment of contributions and other normal practices as quickly as possible in the post-attack period, to bring contribution accounts up to date, and to supply the Board with wage and service and other required information within the limits of available data withheld during the emergency.

(c) In a national emergency as defined in § 395.2, contributions, communications, and other materials are to be mailed as set forth in § 395.4.

(Section 10, 50 Stat. 314, as amended; 45 U.S.C. 228j and Section 12, 52 Stat. 1107, as amended; 45 U.S.C. 362)

By Authority of the Board

Lawrence Garland
Secretary of the Board

Dated: November 20, 1964