Title 19—CUSTOMS DUTIES
Chapter I—Bureau of Customs, Department of the Treasury
[T.D. 72-1]
PART 1—GENERAL PROVISIONS
Customs Agency Service Districts

To provide for more effective enforcement, jurisdiction over Coos County, N.H., is transferred from the Special Agent in Charge, Boston, Mass., in Customs Agency District No. 1 to the Special Agent in Charge, Rouses Point, N.Y., in Customs Agency District No. 20.

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To effect this change, the table in § 1.5 of the Customs Regulations is amended as follows:

In Customs Agency District No. 1:
Under “Customs Agency Service Districts and Suboffices,” in the column headed “Area of Jurisdiction,” the area of jurisdiction of the Special Agent in Charge, Boston, Mass., is revised to read:

The States of Maine, Massachusetts, and Rhode Island; the State of New Hampshire except for Coos County; and that part of the State of Connecticut east of a straight line running north and south midway between Bridgeport and New Haven.
acquiescence with section 3304(a) (9) (B) of the Internal Revenue Code of 1954, as amended by the Employment Security Amendments of 1970 (Public Law 91–373).

The provisions of 5 U.S.C. 553 which require notice of proposed rule making, public participation in their adoption, and delay in the effective date are not applicable because the arrangement is not addressed primarily to members of the public but rather to the several States which must participate in and administer the arrangement, and further, notice, public participation, and delay in the effective date is found to be contrary to the public interest which in this instance makes the prompt issuance of this new part so that States may have as much time as possible to prepare their procedures which must be in effect on and after January 1, 1972.

This new part shall become effective on the date of publication in the Federal Register (12–28–71).

As added, Part 616 reads as follows:

§ 616.4 Rules, regulations, procedures, forms—resolution of disagreements. All State agencies shall operate in accordance with such rules, regulations, and procedures, and shall use such forms, as the Secretary in consultation with the State unemployment compensation agencies. All rules, regulations, and standards prescribed by the Secretary with respect to interstate claims will apply to claims filed under this arrangement unless they are clearly inconsistent with the arrangement. The Secretary shall resolve any disagreement between State agencies concerning the operation of the arrangement, with the advice of the duly designated representatives of the State agencies.

§ 616.5 Effective date.

This arrangement shall apply to all new claims (to establish a benefit year) filed under it after December 31, 1971.

§ 616.6 Definitions.

These definitions apply for the purpose of this arrangement and the procedures issued to effectuate it.

(a) State. "State" includes the States of the United States of America, the District of Columbia, and the Commonwealth of Puerto Rico.

(b) State agency. The agency which administers the unemployment compensation law of a State.

(c) Combined-Wage Claim. A claim filed under this arrangement.

(d) Combined-Wage Claimant. A claimant whose wage is not under the unemployment compensation law of more than one State and who has filed a claim under this arrangement.

(e) Paying State. (1) The State in which a Combined-Wage Claim is filed is not the paying State under the criteria set forth under subparagraph (1) of this paragraph then that State where the Combined-Wage Claimant was last employed in covered employment among the States in which he qualifies.

(f) Transferring State. A State in which a Combined-Wage Claimant had covered employment and wages in the base period of a paying State, and which transfers such employment and wages to the paying State for its use in determining the benefit rights of such claimant under its law.

(g) Employment and wages. "Employment" refers to all services which are covered under the unemployment compensation law of a State, whether expressed in terms of weeks of work or otherwise. "Wages" refers to all remuneration for such employment.

(h) Secretary. The Secretary of Labor of the United States.

(i) Base period and benefit year. The benefit year year applicable under the unemployment compensation law of the paying State.

§ 616.8 Responsibilities of the paying State.

(a) Transfer of employment and wages—payment of benefits. The paying

1 The Federal-State Extended Unemployment Compensation Act of 1970, title II, Public Law 91–373, section 203(a) (1), limits the payment of extended benefits with respect to any week of work if the claimant has no rights to regular compensation with respect to such week under any State unemployment compensation law or to compensation under any other Federal law and in certain other instances. This provision excludes any individual from receiving any Federal-State extended benefits with respect to any week for which he is eligible to receive regular benefits based on a Combined Wage Claim. (See section 6709, note V of the Employment Security Manual.)
State shall request the transfer of a Combined-Wage Claimant's employment and wages during such period, and shall determine his entitlement to benefits (including additional benefits, extended benefits and dependents' allowances when applicable) under the provisions of its law based on employment and wages in the paying State, if any, and all such employment and wages transferred to it hereunder. The paying State shall pay all the provisions of its law to each determination made hereunder, even if the Combined-Wage Claimant has no earnings in covered employment in that State, except that the paying State may not determine an issue which has previously been adjudicated by a transferring State. Such exception shall not apply, however, if the transferring State's determination of the issue resulted in making the Combined-Wage Claim possible under § 616.7(b)(2). If the paying State fails to establish a benefit year for the Combined-Wage Claimant, or if he withdraws his claim as provided herein, it shall return to each transferring State all employment and wages paid under the provisions of such notice to the local office in which the claimant filed such claim.

(c) Redeterminations. Redeterminations may be made by the paying State in accordance with its law based on additional or corrected information received from any source, including a transferring State, except that such information shall not be used as a basis for changing the paying State's benefits paid under the Combined-Wage Claim.

(d) Appeals. (1) Except as provided in subparagraph (3) of this paragraph, where the claimant files his Combined-Wage Claim in the paying State, any protest, redetermination or appeal shall be in accordance with the law of such State.

(2) Where the claimant files his Combined-Wage Claim in a State other than the paying State, or under the circumstances described in subparagraph (3) of this paragraph, any protest, request for redetermination or appeal shall be in accordance with the Interstate Benefit Payment Plan.

To the extent that any protest, request for redetermination or appeal involves a dispute as to the coverage of the employing unit or services in a transferring State, or otherwise involves the amount of employment and wages subject to transfer, the protest, request for redetermination or appeal shall be decided by the transferring State in accordance with its law.

(e) Recovery of overpayments. If there is an overpayment outstanding thereon, except that this paragraph shall not apply to requests for transfer made after June 30, 1973, or after amendment of the law to provide for noncharging, whichever is earlier.

(2) Reimbursement of paying State. In such transferring State shall be responsible for costs of redeterminations under this arrangement. This paragraph shall apply to overpayments only if the transferring State certifies to the paying State that the determination of overpayment was made within 3 years before the Combined-Wage Claim was filed and that repayment by the claimant is legally required and enforceable against him under the law of the transferring State.

(d) Statement of benefit charges. (1) At the close of each calendar quarter, the paying State shall send each transferring State a statement of benefits charged during the period of the Combined-Wage Claimant.

(2) Each such charge shall bear the same ratio to the total benefits paid to the Combined-Wage Claimant by the paying State as his wages transferred by the transferring State bear to the total wages used in such determination. The computation of such ratio shall be to the nearest full percentage point.

§ 616.9 Responsibilities of transferring States.

(a) Transfer of employment and wages. Each transferring State shall promptly transfer to the paying State the employment and wages of the Combined-Wage Claimant had in covered employment during the base period of the paying State. Any employment and wages so transferred shall be transferred without restriction as to their use for determination and benefit payments under the provisions of the paying State's law.

(b) Employment and wages not transferable. Employment and wages transferred to the paying State by a transferring State shall not include:

(1) Any employment and wages which have been transferred to the paying State and not returned unused, or which have been used in the transferring State as the basis of a monetary determination which established a benefit year.

(2) Any employment and wages which have been canceled or are otherwise unavailable to the claimant as a result of a determination by the transferring State made prior to its receipt of the request for transfer, if such determination has become final or is in the process of appeal but is still pending. If the appeal is finally decided in favor of the Combined-Wage Claimant, any employment and wages involved in the appeal shall forthwith be transferred to the paying State by the paying State. The paying State and any necessary redetermination shall be made by each paying State.

(3) Any employment and wages which would be canceled under the law of the transferring State, if its law does not permit noncharging of benefits paid

Title 39—Postal Service

Chapter I—U.S. Postal Service

PART 911—RULE MAKING PROCEDURES OF THE POST OFFICE DEPARTMENT

PART 926—RULES OF PRACTICE IN PROCEEDINGS TO REVOKE ORDERS CHANGING THE MODE OF TRANSPORTATION OF PERIODICAL MAIL OF THE SECOND CLASS

PART 936—RULES OF PROCEDURE FOR CONTRACT FINANCING

Revocation of Parts

I. Procedural regulations set out in Parts 911, 926, and 936 of Title 39, Code of Federal Regulations, are outmoded, in view of the enactment of the Postal Reorganization Act (Public Law 91–375). Accordingly, Parts 911 and 926 are revoked.

II. Part 936 has been superseded. (See 36 F.R. 12451.) Accordingly, Part 936 is revoked.

Louis A. Corb, Solicitor.