Monday,
June 28, 2004

Part XXXVII

Office of Personnel Management

Semiannual Regulatory Agenda
### OFFICE OF PERSONNEL MANAGEMENT (OPM)

**5 CFR Ch. I**

**Regulatory Agenda**

**AGENCY:** Office of Personnel Management.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The following Office of Personnel Management (OPM) regulations are scheduled for development or review during the six-month period following publication. This agenda carries out OPM’s responsibilities to publish a semiannual agenda under Executive Order 12866 “Regulatory Planning and Review” and the Regulatory Flexibility Act (5 U.S.C. chapter 6). This publication in the Federal Register does not impose a binding obligation on the Office of Personnel Management with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded.

**FOR FURTHER INFORMATION CONTACT:** Jacqueline D. Carter, (202) 606-1973.

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**SUPPLEMENTARY INFORMATION:** OPM has begun a comprehensive, systematic review of its Governmentwide personnel regulations. OPM has undertaken this initiative to make the regulations more readable wherever possible, to eliminate duplication, and to weed out obsolete references. OPM has been publishing these regulations as proposed regulations and will continue to do so as the project progresses.


Kay Coles James, Director.

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Office of Personnel Management—Proposed Rule Stage

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### Office of Personnel Management (OPM) Proposed Rule Stage

**3579. TIME–IN–GRADE RESTRICTIONS**

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 3301; 5 USC 3302; EO 10577

CFR Citation: 5 CFR 300

Legal Deadline: None

Abstract: The Office of Personnel Management will eliminate the requirement that employees serve one year in-grade to be eligible for promotion above the GS-5 level. The requirement to be eliminated is separate from the qualifications requirement for one year’s experience at the next lowest grade or equivalent for promotion.

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Tina Vay, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415 Phone: 202 606–0830 Fax: 202 606–0390 Email: cmvay@opm.gov

**RIN:** 3206–AG06
### 3580. AMENDMENT TO SELECTIVE SERVICE REGISTRATION REQUIREMENTS

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 5 USC 3328  
**CFR Citation:** 5 CFR 300  
**Legal Deadline:** None  

**Abstract:** The Office of Personnel Management proposes regulations to delegate to agencies the determination whether a Federal job applicant's failure to register with the Selective Service was knowing and willful. This change is authorized by an amendment to 5 U.S.C. 3328.

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  

**Agency Contact:** Larry Lorenz, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606–0830  
Email: ltlorenz@opm.gov  

**RIN:** 3206–A152

### 3581. EMPLOYMENT IN THE EXCEPTED SERVICE

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 5 USC 1302; 5 USC 3301; 5 USC 3302; 5 USC 8151; EO 10577  
**CFR Citation:** 5 CFR 302  
**Legal Deadline:** None  

**Abstract:** The revised regulations will make it easier for agencies to understand how to run the excepted service employment system, so they can create better and more efficient employment procedures.

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  

### 3582. VETERANS RECRUITMENT APPOINTMENTS

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** PL 107–288  
**CFR Citation:** 5 CFR 307  
**Legal Deadline:** None  

**Abstract:** The Office of Personnel Management proposes to revise its regulations regarding Veterans Readjustment Appointments to implement the provisions of Public Law 107–288, the Jobs for Veterans Act, signed into law on November 7, 2002.

**Timetable:**

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**Regulatory Flexibility Analysis Required:** Undetermined  
**Government Levels Affected:** None  

**Agency Contact:** Diane Tyrrell, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606–0960  
Fax: 202 606–2329  
Email: dmyrrel@opm.gov  

**RIN:** 3206–AJ92

### 3583. STRATEGIC HUMAN CAPITAL MANAGEMENT ASSESSMENT

**Priority:** Other Significant  
**Legal Authority:** 5 USC 3301; 5 USC 3302  
**CFR Citation:** 5 CFR 316; 5 CFR 335  
**Legal Deadline:** None  

**Abstract:** In an effort to provide agencies with greater flexibility and to clarify existing flexibility, the Office of Personnel Management is proposing to revise the regulations covering merit promotion and internal placement. These regulations will provide a framework within which agencies may develop merit-based programs for internal selections.

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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  

**Agency Contact:** Michael J. Mahoney, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606–0830  
Fax: 202 606–0390  
Email: mjmahone@opm.gov  

**RIN:** 3206–AJ90

### 3584. MERIT PROMOTION AND INTERNAL PLACEMENT

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 5 USC 3301; 5 USC 3302  
**CFR Citation:** 5 CFR 307  
**Legal Deadline:** None  

**Abstract:** The Office of Personnel Management proposes regulations to implement the requirement in Public Law 107–296, section 1304 for OPM to design a set of systems for assessing human capital management by Federal agencies. These regulations describe the framework for these systems, including the metrics, that agencies will use.

**Timetable:**

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**Regulatory Flexibility Analysis Required:** Undetermined  
**Government Levels Affected:** None  

**Agency Contact:** Karen Jacobs, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606–0830  
Fax: 202 606–0390  
Email: kkjacobs@opm.gov  

**RIN:** 3206–A120

### 3585. OTHER THAN FULL–TIME EMPLOYMENT (PART–TIME, SEASONAL, INTERMITTENT)

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 5 USC 3301  

**Regulatory Flexibility Analysis Required:** None  
**Small Entities Affected:** None  
**Government Levels Affected:** None

**Agency Contact:** Diane Tyrrell, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606–0960  
Fax: 202 606–2329  
Email: dmyrrel@opm.gov  

**RIN:** 3206–AJ92

### 3586. OTHER THAN FULL–TIME EMPLOYMENT (PART–TIME, SEASONAL, INTERMITTENT)

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 5 USC 3301  

**Regulatory Flexibility Analysis Required:** None  
**Small Entities Affected:** None  
**Government Levels Affected:** None

**Agency Contact:** Diane Tyrrell, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606–0960  
Fax: 202 606–2329  
Email: dmyrrel@opm.gov  

**RIN:** 3206–AJ92

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CFR Citation: 5 CFR 340; 5 CFR 110
Legal Deadline: None
Abstract: These proposed regulations will grant agencies and employees more flexibility by clarifying agency authority to schedule part-time employees on a pay period, rather than weekly, basis; defines job sharing; and modifies seasonal employment, and includes plain language changes.

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None

Agency Contact: Diane Tyrrell,
Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606–0960
Fax: 202 606–2329
Email: dmtyrrel@opm.gov
RIN: 3206-A122

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3587. REEMPLOYMENT RIGHTS

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 3582; 5 USC 3301; PL 103–296
CFR Citation: 5 CFR 352
Legal Deadline: None
Abstract: The Office of Personnel Management proposes regulations to update provisions to conform to law allowing employees assigned to international organizations under certain conditions to maintain FERS and FICA retirement coverage. The current regulations require updates because they mention only CSRS retirement.

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None

Agency Contact: Michael J. Mahoney,
Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606–0830
Fax: 202 606–0390
Email: mjmahone@opm.gov
RIN: 3206-A119

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3586. REPRESENTATIVE RATE; ORDER OF RELEASE FROM COMPETITIVE LEVEL; ASSIGNMENT RIGHTS

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 1302; 5 USC 3502; 5 USC 3503
CFR Citation: 5 CFR 351
Legal Deadline: None
Abstract: The Office of Personnel Management is proposing retention regulations covering the order in which agencies release competing employees from their competitive levels in a reduction in force.

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None

Agency Contact: Thomas A. Glennon,
Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606–0960
Fax: 202 606–2329
Email: taglenno@opm.gov
RIN: 3206-A196

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3588. TRAINING

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 4118
CFR Citation: 5 CFR 410; 5 CFR 410.309; 5 CFR 410.404; 5 CFR 410.505
Legal Deadline: None
Abstract: The Office of Personnel Management is issuing proposed regulations to address continued service requirements in light of new legislation authorizing the expanded authority for payment of academic degrees. Proposed changes will restore the allowance for agency heads to delegate authority to define requirements for continued service and provide guidance concerning circumstances when the requirement for continued service can be waived.

Proposed regulations will also clarify distinctions between training and meetings.

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None

Agency Contact: LaVeen Ponds,
Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606–1394
Email: lmponds@opm.gov
RIN: 3206-A119

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3589. AGENCY REPORTING REQUIREMENTS

Priority: Substantive, Nonsignificant
Legal Authority: 54 USC 4118
CFR Citation: 5 CFR 410

OPM Proposed Rule Stage
3590. EXECUTIVE PERFORMANCE AND ACCOUNTABILITY

Priority: Substantive, Nonsignificant
Legal Authority: PL 107–296; 5 USC 5307; PL 103–89
CFR Citation: 5 CFR 430
Legal Deadline: None

Abstract: The Office of Personnel Management, jointly with the Office of Management and Budget, is issuing interim regulations to implement a statutory amendment establishing the performance appraisal systems, certification requirements that must be met to pay senior executives up to the rate for Level II of the Executive Schedule and to use the higher rate for level II of the Executive Schedule to pay senior executives up to the aggregate limitation on pay (up to the Vice President's salary) for senior executives and employees in senior level and scientific or professional positions.

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Regulatory Flexibility Analysis Required: No
Government Levels Affected: None
Agency Contact: Leslie J. Pollack, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606–1426
Email: ljpollac@opm.gov
RIN: 3206–AH38

3592. MISCELLANEOUS CHANGES AND STANDARDIZATION OF PAY AND LEAVE REGULATIONS

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 5304; 5 USC 5305; 5 USC 5548; 5 USC 5550a; 5 USC 6124; 5 USC 6133(a); 5 USC 6304(d)(3); PL 102–484; PL 103–337; PL 103–329; EO 11228; 5 USC 6305; 5 USC 6306; 5 USC 6311; PL 103–365; 5 USC 6326; 5 USC 6332; 5 USC 6362; PL 100–566; PL 103–103; PL 105–18; 5 USC 6387; PL 103–3; 5 USC 6391; PL 102–25

CFR Citation: 5 CFR 530; 5 CFR 531; 5 CFR 550, subpart J; 5 CFR 600; 5 CFR 630
Legal Deadline: None

Abstract: The Office of Personnel Management is issuing proposed regulations to clarify and standardize the rules governing the pay and leave of Federal employees. The proposed regulations are being issued to aid and support the standardization of payroll processes under the e-Payroll initiative and enhance understanding of the administration of pay and leave policies and procedures.

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Jeanne D. Jacobson, Division for Strategic Human Resources Policy, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415
Phone: 202 606–2858
Fax: 202 606–0824
Email: pay-performance-policy@opm.gov
RIN: 3206–A100

3594. GENERAL SCHEDULE LOCALITY PAY AREAS

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 5304
CFR Citation: 5 CFR 531, subpart F
Legal Deadline: None

Abstract: The Office of Personnel Management is issuing proposed regulations (and plans to issue final regulations) on behalf of the President's Pay Agent to link the definitions of General Schedule locality pay area boundaries to the geographic scope of metropolitan area definitions established by the Office of Management and Budget, change the criteria used to evaluate areas adjacent to locality pay areas, and merge the

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Sharon Herzberg, Division for Strategic Human Resources Policy, Office of Personnel Management, 7H31, 1900 E Street NW., Washington, DC 20415
Phone: 202 606–2858
Fax: 202 606–0824
Email: pay-performance-policy@opm.gov
RIN: 3206–AJ85
existing Kansas City, Orlando, and St. Louis locality pay areas into the rest of U.S. locality pay area. (The President's Pay Agent consists of the Secretary of Labor and the Directors of the Office of Management and Budget and OPM.)

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Allan G. Hearne, Strategic Human Resources Policy Division, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415

Phone: 202 606–2838
Fax: 202 606–4264
Email: aghearne@opm.gov

RIN: 3206-AJ45

3596. PAY ADMINISTRATION; AVAILABILITY PAY FOR CRIMINAL INVESTIGATORS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 5545(h); 5 USC 5548

CFR Citation: 5 CFR 550

Legal Deadline: None

Abstract: These final regulations will clarify a number of issues relating to the administration of availability pay, a form of premium pay for criminal investigators who are required to work, or be available to work, substantial amounts of unscheduled overtime duty based on the needs of the employing agency.

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<td>59 FR 66149</td>
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<td>64 FR 4517</td>
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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Larry Lorenz, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415

Phone: 202 606–0830
Email: tlorenz@opm.gov

RIN: 3206-AJ49

3597. REEMPLOYMENT OF CIVILIAN RETIREES TO MEET EXCEPTIONAL EMPLOYMENT NEEDS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 8344; 5 USC 8468

CFR Citation: 5 CFR 553

Legal Deadline: None

Abstract: The Office of Personnel Management proposes regulations to establish new criteria for granting exceptions for key positions in temporary organizations established by law or Executive order. This rule will also expand and clarify the criteria used in exercising this authority.

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Vicki Draper, Division for Strategic Human Resources Policy, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415

Phone: 202 606–2858
Fax: 202 606–0824
Email: pay-performance-policy@opm.gov

RIN: 3206-AJ50

3598. IMPLEMENTATION OF TITLE II OF THE NOTIFICATION AND FEDERAL EMPLOYEE ANTIDISCRIMINATION AND RETALIATION ACT OF 2002

Priority: Substantive, Nonsignificant

Legal Authority: PL 107–174, sec 204; Presidential Memorandum dated July 8, 2003

CFR Citation: 5 CFR 724

Legal Deadline: None

Abstract: The Office of Personnel Management (OPM) will issue regulations that would implement title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002. The Act requires that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws. The regulations would clarify Federal agency notification and training requirements under the Act.

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</table>
### 3599. IMPLEMENTATION OF TITLE II OF THE NOTIFICATION AND FEDERAL EMPLOYEE ANTI-DISCRIMINATION AND RETALIATION ACT OF 2002

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** PL 107–174, sec 204; Presidential Memorandum dated July 8, 2003  
**CFR Citation:** 5 CFR 724  
**Legal Deadline:** None  
**Abstract:** The Office of Personnel Management (OPM) will issue regulations that would implement title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002. The Act requires that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws. The regulations would clarify Federal agency reporting requirements under the Act and address agency best practices regarding appropriate disciplinary actions against employees who violate antidiscrimination and whistleblower protection laws.

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### 3600. RETIREMENT—STATE INCOME TAX WITHHOLDING INTEGRALITY

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 5 USC 8345; 5 USC 8347; 5 USC 8461; 5 USC 8469  
**CFR Citation:** 5 CFR 831, subpart S; 5 CFR 841, subpart J  
**Legal Deadline:** None  
**Abstract:** These regulations modify existing regulations to reflect changes designed to expand and streamline the process of withholding State income tax from CSRS and FERS annuities.

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### 3601. FEDERAL EMPLOYEES’ GROUP LIFE INSURANCE FEDERAL ACQUISITION REGULATION

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** Not Yet Determined  
**CFR Citation:** 48 CFR 2101 to 2105; 48 CFR 2109; 48 CFR 2110; 48 CFR 2115; 48 CFR 2116; 48 CFR 2131; 48 CFR 2132; 48 CFR 2137; 48 CFR 2144; 48 CFR 2146; 48 CFR 2149; 48 CFR 2152  
**Legal Deadline:** None  
**Abstract:** This proposed regulation would revise the existing Federal Employees’ Group Life Insurance Federal Acquisition Regulation (LIFAR) by updating and revising policy regulations with respect to the acquisition and administration of life insurance contracts for Federal employees.

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3603. • ENTERPRISE HUMAN RESOURCE INTEGRATION (EHRI)
Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.
Legal Authority: 5 USC 2951
CFR Citation: 5 CFR 293
Legal Deadline: None
Abstract: To support the goals of EHRI, the Office of Personnel Management will make regulatory changes to allow the electronic processing, maintenance and storage of Federal employee personnel files.
Timetable:
Action Date FR Cite
NPRM 10/00/04
Final Action 03/00/05
Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Mary Beth Smith-Toomey, Office of the Chief Information Officer, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606–8358
Fax: 202 418–3251
Email: mbtoomey@opm.gov
RIN: 3206–AK53

3605. • PRIVACY ACT REGULATIONS
Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 552
CFR Citation: 5 CFR 297
Legal Deadline: None
Abstract: The Office of Personnel Management is issuing proposed regulations to revise the agency’s Privacy Act regulations. The revisions include incorporating the agency reorganization of 2003 and to make plain language modifications.
Timetable:
Action Date FR Cite
NPRM 09/00/04
NPRM Comment Period End 11/00/04
Final Action 04/00/05
Regulatory Flexibility Analysis Required: No
Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Mary Beth Smith-Toomey, Office of the Chief Information Officer, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606–8358
Fax: 202 418–3251
Email: mbtoomey@opm.gov
RIN: 3206–AK53

3606. PROBATION ON INITIAL APPOINTMENT TO A COMPETITIVE POSITION
Priority: Other Significant
Legal Authority: 5 USC 3321

3607. • EXAMINING SYSTEM
Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.
Legal Authority: Not Yet Determined
CFR Citation: 5 CFR 337
Legal Deadline: None
Abstract: The Office of Personnel Management (OPM) is issuing an interim regulation to: a) designate two sections of the Alternative Ranking and Selection Procedures from the Homeland Security Act of 2002 as a veterans’ preference requirement to align the regulation with others covering veterans’ preference; and b) amend the direct-hire authority human resources flexibility allowing agencies to recruit and appoint highly qualified individuals for certain Federal acquisition positions deemed as a shortage category under Public Law 108-136.
Timetable:
Action Date FR Cite
NPRM 07/00/04
Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
3608. • EMPLOYEE SURVEYS
Priority: Substantive, Nonsignificant
CFR Citation: 5 CFR 420
Legal Deadline: None
Abstract: The Office of Personnel Management (OPM) is issuing interim regulations implementing the National Defense Authorization Act for Fiscal Year 2004 (Pub. L. 108-136) that requires agencies to conduct an annual survey of their employees to assess leadership and management practices that contribute to agency performance and employee satisfaction. The regulations add a new part to the Code of Federal Regulations (CFR) and provide a list of questions that must appear in all agency surveys.
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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No

3611. • REPAYMENT OF STUDENT LOANS
Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 5379
CFR Citation: 5 CFR 537
Legal Deadline: None
Abstract: The Office of Personnel Management (OPM) is issuing final regulations to implement statutory provisions that establish a new performance-based pay system for the Senior Executive Service (SES) and a higher aggregate limitation on pay for SES members and employees in senior-level (SL) and scientific or professional (ST) positions. These regulations prescribe the criteria for the administration of rates of basic pay and performance awards under the SES performance-based pay system and the rules for applying the aggregate limitation on pay.
Timetable:

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No

3610. • REPAYMENT OF STUDENT LOANS
Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 5379
CFR Citation: 5 CFR 537
Legal Deadline: None
Abstract: The Office of Personnel Management (OPM) proposes to revise the rules implementing 5 USC 5379, which permits agencies to provide student loan repayment benefits to candidates for Federal jobs or current Federal employees when necessary to recruit and retain highly qualified personnel. Except as otherwise stated in the supplementary information, the purpose of the revision to part 537 is not to make substantive changes, but rather to make part 537 more readable. As part of this rewriting effort, the proposed regulations have been reorganized and converted to a question-and-answer format (except for the introductory sections on purpose and definitions).
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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No

3609. • SENIOR EXECUTIVE SERVICE PAY AND PERFORMANCE AWARDS AND AGGREGATE LIMITATION ON PAY
Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 5307; 5 USC 5382; 5 USC 5383
CFR Citation: 5 CFR 451; 5 CFR 530; 5 CFR 534; 5 CFR 575
Legal Deadline: None
Abstract: The Office of Personnel Management (OPM) is issuing interim regulations to implement statutory provisions that establish a new performance-based pay system for the Senior Executive Service (SES) and a higher aggregate limitation on pay for SES members and employees in senior-level (SL) and scientific or professional (ST) positions. These regulations prescribe the criteria for the administration of rates of basic pay and performance awards under the SES performance-based pay system and the rules for applying the aggregate limitation on pay.
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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No

Government Levels Affected: None
Agency Contact: Linda Watson, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415 Phone: 202 606–0830 Fax: 202 606–0390 Email: linda.watson@opm.gov
RIN: 3206–AK35

Government Levels Affected: None
Agency Contact: Vicki Draper, Strategic Human Resources Policy Division, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415 Phone: 202 606–2858 Fax: 202 606–0824 Email: pay-performance-policy@opm.gov
RIN: 3206–AK37

Government Levels Affected: None
Agency Contact: Larry Lorenz, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415 Phone: 202 606–0830 Email: ltlorenz@opm.gov
RIN: 3206–AK39

Government Levels Affected: None
Agency Contact: Jo Ann Perrini, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415 Phone: 202 606–2858 Fax: 202 606–0824 Email: pay-performance-policy@opm.gov
RIN: 3206–AK34

Government Levels Affected: None
Agency Contact: Vicki Draper, Strategic Human Resources Policy Division, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415 Phone: 202 606–2858 Fax: 202 606–0824 Email: pay-performance-policy@opm.gov
RIN: 3206–AK37
3612. RETIREMENT—COURT ORDERS
AWARDING SURVIVOR ANNUITIES;
CORRECTING OR SUPPLEMENTING
THE FIRST ORDER DIVIDING
MARITAL PROPERTY
Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 8347; 5 USC
8461
CFR Citation: 5 CFR 838
Legal Deadline: None
Abstract: These regulations would
establish standards for determining
which supplemental or correcting court
orders are not “modifications” and the
procedures applicable to such orders.
They also provide for the continuation
of the former spouse’s survivor
coverage and the reduction in the
retiree’s annuity until the State court
decides the extent of the former
spouse’s rights to retirement benefits.
Timetable:

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Regulatory Flexibility Analysis
Required: No
Government Levels Affected: None
Agency Contact: John Panagakos,
Division for Strategic Human Resources
Policy, Office of Personnel
Management, 1900 E Street NW.,
Washington, DC 20415
Phone: 202 606–0299
Email: combox@opm.gov
RIN: 3206–AG28

3613. RETIREMENT—FERS
ELECTIONS OF COVERAGE
Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 8347(a); 5 USC
8461(g); PL 99–335, sec 301(d)(3)
CFR Citation: 5 CFR 846
Legal Deadline: None
Abstract: These regulations implement
title III of the Federal Employees
Retirement System (FERS) Act of 1986,
as amended, dealing with the election
of FERS coverage by employees under
the Civil Service Retirement System
and certain other employees. The
regulations contain regulatory and
interpretative rules concerning
employees’ eligibility to elect FERS
coverage, procedures for electing FERS
coverage, and basic benefits based on
the service for employees who elect
FERS coverage.
Timetable:

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Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Cynthia Reinhold,
Division for Strategic Human Resources
Policy, Office of Personnel
Management, 1900 E Street NW.,
Washington, DC 20415
Phone: 202 606–0299
Email: payleave@opm.gov
RIN: 3206–AG96

3614. FEDERAL EMPLOYEES’
GROUP LIFE INSURANCE PROGRAM:
MISCELLANEOUS CHANGES AND
CLARIFICATIONS
Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 8716
CFR Citation: 5 CFR 870
Legal Deadline: None
Abstract: These regulations include
changes to FEGLI regulations that
clarify procedures for signing and
witnessing designations of beneficiary,
accepting designations of beneficiary by
facsimile, accepting DNA evidence to
establish paternity, etc. They also
change the time frame for electing
optional insurance when first eligible
from 31 days to 60 days and add
information on Basic insurance for
certain Department of Defense
employees under Public Law 106-398.
Timetable:

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Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Agnes M. Kalland,
Division for Strategic Human Resources
Policy, Office of Personnel
Management, 1900 E Street NW.,
Washington, DC 20415
Phone: 202 606–0004
Email: amkallan@opm.gov
RIN: 3206–AG63

3615. FEDERAL EMPLOYEES’
HEALTH BENEFITS PROGRAM:
CONTINUING FEHB COVERAGE INTO
RETIREMENT
Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 8913
CFR Citation: 5 CFR 890
Legal Deadline: None
Abstract: This proposed regulation
would increase OPM’s ability to waive
requirements for continuing health
benefits coverage into retirement when
it is to the advantage of the
Government to do so.
Timetable:

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Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Agnes M. Kalland,
Division for Strategic Human Resources
Policy, Office of Personnel
Management, 1900 E Street NW.,
Washington, DC 20415
Phone: 202 606–0004
Email: amkallan@opm.gov
RIN: 3206–A162
3616. BASIC CONCEPTS AND DEFINITIONS (GENERAL)

Priority: Other Significant. Major status under 5 USC 801 is undetermined.
Legal Authority: 5 USC 3301; 5 USC 3302
CFR Citation: 5 CFR 210
Legal Deadline: None
Abstract: The Office of Personnel Management (OPM) is proposing a plain language rewrite of its regulations on basic concepts and definitions of part 210 as part of a broader review of OPM’s regulations. The purpose of the revisions is to make the regulations more readable.

Timetable:

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Karen Jacobs, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415 Phone: 202 606–0830 Fax: 202 606–0390 Email: kkjacobs@opm.gov
RIN: 3206–AJ28

3619. • EXCEPTED SERVICE—PRIVACY PROCEDURES FOR PERSONNEL RECORDS, CAREER AND CAREER–CONDITIONAL EMPLOYMENT, TEMP. ASSIGNMENT OF EMPLOYEES BETWEEN FEDERAL AGENCIES AND STATE, LOCAL, AND INDIAN TRIBAL GOVTS.

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 307; 5 USC 2103; 5 USC 4301
CFR Citation: 5 CFR 213; 5 CFR 297; 5 CFR 315; 5 CFR 334; 5 CFR 362; 5 CFR 537; 5 CFR 550
Legal Deadline: None
Abstract: The Office of Personnel Management (OPM) is issuing proposed regulations modifying the Presidential Management Intern Program.

Timetable:

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Larry Lorenz, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415 Phone: 202 606–0830 Email: ltolorenz@opm.gov
RIN: 3206–AK27

3618. EXCEPTED SERVICE—TEMPORARY ORGANIZATIONS

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 3161
CFR Citation: 5 CFR 213
Legal Deadline: None
Abstract: Since the new law on temporary organizations provides new limitations on temporary organizations, we are amending excepted service appointing authority for hiring persons in temporary organizations to reflect these changes.

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Karen Jacobs, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415 Phone: 202 606–0830 Email: kkjacobs@opm.gov
RIN: 3206–AJ70

3620. DETAIL OF GOVERNMENT EMPLOYEES BETWEEN THE EXECUTIVE BRANCH AND THE LEGISLATIVE BRANCH

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.
Legal Authority: 5 USC 1103
CFR Citation: 5 CFR 300
Legal Deadline: None
Abstract: OPM is proposing new regulations regarding the detail of executive branch employees to the legislative branch. The purpose of the revision is to set forth guidelines for executive branch detailees to the legislative branch.

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<tr>
<td>Agency Contact:</td>
<td>Linda Watson, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415 Phone: 202 606–0830 Fax: 202 606–0930 Email: <a href="mailto:linda.watson@opm.gov">linda.watson@opm.gov</a></td>
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### 3621. REASONABLE ACCOMMODATION LANGUAGE FOR VACANCY ANNOUNCEMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 1302; 5 USC 3301; 5 USC 3302; 5 USC 3304(f); 5 USC 3327; ... 5 USC 3324; 5 USC 3325; ... 5 USC 3392; 5 USC 3393; 5 USC 3395; ... 5 USC 3396

**CFR Citation:** 5 CFR 302; 5 CFR 317; 5 CFR 330; 5 CFR 333; 5 CFR 335

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is publishing interim regulations requiring a reasonable accommodation statement in agency vacancy announcements.

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Linda Watson, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415 Phone: 202 606–0830 Fax: 202 606–0930 Email: linda.watson@opm.gov

**RIN:** 3206–AK03

### 3622. EMPLOYMENT OF RELATIVES

**Priority:** Info./Admin./Other. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 5 USC 3110

**CFR Citation:** 5 CFR 310

**Legal Deadline:** None

**Abstract:** A plain language rewrite of the regulations to make them more readable.

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Linda Watson, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415 Phone: 202 606–0830 Fax: 202 606–0930 Email: linda.watson@opm.gov

**RIN:** 3206–AK32

### 3624. RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 3301; 5 USC 3302

**CFR Citation:** 5 CFR 332

**Legal Deadline:** None

**Abstract:** OPM is issuing an interim regulation to allow agencies to decide how candidates are referred for competitive appointment when agencies fill multiple vacancies simultaneously. We are codifying a long-standing practice (5 U.S.C. 3301 and 5 U.S.C. 3302) of providing agencies with the option of either certifying a candidate for only one vacancy at a time, or certifying a candidate simultaneously for all vacancies for which that candidate expresses an interest, is eligible, and is within reach.

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Linda Watson, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415 Phone: 202 606–0830 Fax: 202 606–0930 Email: linda.watson@opm.gov

**RIN:** 3206–AJ52
3625. TEMPORARY ASSIGNMENT OF EMPLOYEES BETWEEN FEDERAL, STATE, LOCAL, AND INDIAN TRIBAL GOVERNMENTS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 3376
CFR Citation: 5 CFR 334

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Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: None

Agency Contact: Delores Everett, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-1050
Email: dseveret@opm.gov

RIN: 3206-AJ65

3627. LOCALITY-BASED COMPARABILITY PAYMENTS

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 5304
CFR Citation: 5 CFR 531

Legal Deadline: None

Abstract: The Office of Personnel Management is issuing interim regulations to provide that a locality rate of pay is considered basic pay for the purpose of computing danger pay allowances and post differentials for certain employees temporarily assigned to work in foreign areas for which the Department of State has established danger pay allowances. These regulations will aid agencies in responding to emergency, mission-critical staffing needs in support of the Global War on Terrorism and other international activities in imminently dangerous overseas work locations by increasing the danger pay allowance and post differential benefits for employees temporarily assigned to such locations.

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Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: None

Agency Contact: Suzy Barker, Division for Strategic Human Resources Policy, Office of Personnel Management, Employment Service, Washington, DC 20415
Phone: 202 606-0830
Fax: 202 606-0390
Email: sbarker@opm.gov

RIN: 3206-AJ94

3626. AWARDS

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 4506
CFR Citation: 5 CFR 450, subpart C

Legal Deadline: None

Abstract: Regulations at 5 C.F.R. 450, subpart C (new), implement provisions of Public Law 107-67 (5 U.S.C. 4507a) that extend eligibility for Presidential Rank Awards to certain senior level employees.

Timetable:

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Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: None

Agency Contact: Clara, CA, nonappropriated fund wage area, would be placed in the Santa Clara County, the sole county of the wage area, would be placed in the Santa Clara, CA, nonappropriated fund wage area as an area of application.

3628. JOB GRADING REVIEWS AND APPEALS OF FEDERAL WAGE SYSTEM EMPLOYEES (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 5346
CFR Citation: 5 CFR 532, subpart G

Legal Deadline: None

Abstract: The job grading reviews and appeals regulations require updating to reflect current organizational nomenclature following a reorganization within OPM.

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3629. PREVAILING RATE SYSTEMS; REDEFINITION OF THE SAN FRANCISCO, CALIFORNIA, NONAPPROPRIATED FUND WAGE AREA

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 5343
CFR Citation: 5 CFR 532

Legal Deadline: None

Abstract: The Office of Personnel Management plans to issue a rule that would abolish the San Francisco, CA, nonappropriated fund Federal Wage System wage area. San Francisco County, the sole county of the wage area, would be placed in the San Francisco, CA, nonappropriated fund wage area as an area of application.

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Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Mark Allen, Division for Strategic Human Resources Policy, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415
Phone: 202 606–2848
Fax: 202 606–4264
Email: maallen@opm.gov
RIN: 3206–AK26

3630. PREMIUM PAY LIMITATIONS
Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 5547; 5 USC 5548
CFR Citation: 5 CFR 550
Legal Deadline: None
Abstract: The Office of Personnel Management is issuing interim regulations to implement recent statutory amendments dealing with the premium pay limitations for Federal employees. Those amendments raise the premium pay caps for most employees, provide authority to use an annual cap instead of a biweekly cap in additional circumstances, and make certain other changes.
Timetable:

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Agency Contact: Sharon Herzberg, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., 7H31, Washington, DC 20415
Phone: 202 606–2858
Fax: 202 606–0824
Email: pay-performance-policy@opm.gov
RIN: 3206–AJ88

3632. RETENTION ALLOWANCES
Priority: Other Significant. Major under 5 USC 801.
Legal Authority: 5 USC 5754
CFR Citation: 5 CFR 575, subpart C
Legal Deadline: None
Abstract: These final regulations would provide agencies with greater flexibility in the use of retention allowances by allowing them to pay such allowances to employees who are likely to leave their positions for other Federal employment under certain limited circumstances.
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</table>
Agency Contact: Vicki Draper, Strategic Human Resources Division, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415
Phone: 202 606–2858
Fax: 202 606–0824
Email: pay-performance-policy@opm.gov
RIN: 3206–AJ87

3633. EXTENDED ASSIGNMENT INCENTIVES
Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 5757; PL 107–273
CFR Citation: 5 CFR 575
Legal Deadline: None
Abstract: The Office of Personnel Management is issuing interim regulations to implement a recent statutory amendment that authorizes the payment of extended assignment incentives to certain categories of Federal employees in positions located in a territory or possession of the United States, the Commonwealth of Puerto Rico, or the Commonwealth of the Northern Mariana Islands. The interim regulations will establish the criteria and procedures for the payment of extended assignment incentives.
Timetable:

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</table>
Agency Contact: Vicki Draper, Strategic Human Resources Policy Division, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415
Phone: 202 606–2858
Fax: 202 606–0824
Email: pay-performance-policy@opm.gov
RIN: 3206–AJ48

3634. COST–OF–LIVING ALLOWANCES (NONFOREIGN AREAS); METHODOLOGY CHANGES
Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 5941
CFR Citation: 5 CFR 591
Legal Deadline: None

Abstract: The Office of Personnel Management (OPM) will publish final regulations making technical changes in the methodology used to determine nonforeign area cost-of-living allowances (COLAs). The changes correct minor drafting errors; provide consistent treatment of sale prices; allow the use of non-housing price data collected on St. John, U.S. Virgin Islands; correct and clarify the definition of COLA survey areas; and allow a one-time prospective index definition of COLA survey areas; and concurrent with the adjustment for the Caribbean and Alaska areas. The changes would implement title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002. The Act requires that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws. The regulations would clarify Federal agency reporting and training requirements under the Act and prescribe the procedures for reimbursement of the judgment fund.

Timetable:

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Donald L. Paquin, Human Resources and Systems Service, Office of Compensation Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415 Phone: 202 606–2838

Email: cola@opm.gov

RIN: 3206–AK29

3635. IMPLEMENTATION OF TITLE II OF THE NOTIFICATION AND FEDERAL EMPLOYEE ANTIDISCRIMINATION AND RETALIATION ACT OF 2002

Priority: Substantive, Nonsignificant

Legal Authority: PL 107–174, sec 204; Presidential Memorandum dated July 8, 2003

CFR Citation: 5 CFR 724


Abstract: The Office of Personnel Management is proposing interim regulations that would implement title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002. The Act requires that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws. The regulations would clarify Federal agency reporting and training requirements under the Act and prescribe the procedures for reimbursement of the judgment fund.

Timetable:

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Gary D. Wahlert, Human Resources System Service, Family Programs and Employee Relations Div., Office of Personnel Management, 1900 E Street NW., Washington, DC 20415 Phone: 202 606–2920

RIN: 3206–AJ93

3636. RETIREMENT; COVERAGE—NONAPPROPRIATED FUND INSTRUMENTALITIES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831; 5 CFR 837; 5 CFR 841 to 844; 5 CFR 847

Legal Deadline: Final, Statutory, August 9, 1996.

Abstract: These regulations implement the provisions of Public Law 104-106 and Public Law 107-107, which allow employees who have been employed by nonappropriated fund instrumentalities under the jurisdiction of the armed forces to obtain retirement credit under limited circumstances.

Timetable:

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: James Giuseppe, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415 Phone: 202 606–0299 Email: combox@opm.gov

RIN: 3206–A102

3637. COVERAGE FOR CERTAIN EMPLOYEES OF THE DISTRICT OF COLUMBIA

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 8374(a); 5 USC 8361(g); PL 105–33, sec 11202(f), 11232(e), 11246(b); PL 106–522, sec 145

CFR Citation: 5 CFR 831; 5 CFR 837; 5 CFR 842; 5 CFR 846; 5 CFR 870; 5 CFR 890

Legal Deadline: None

Abstract: These regulations implement provisions of the National Capital Revitalization and Self-Government Improvement Act of 1997, which requires that nonjudicial employees of the District of Columbia Courts, and under certain conditions, the District of Columbia Corrections Trustee, and the District of Columbia Pretrial Services, Parole, Adult Probation and Offender Supervision Trustee and their respective employees be considered Federal employees for purposes of Federal retirement, health, and life insurance coverage.

Timetable:

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Robert Girouard, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415 Phone: 202 606–0299 Email: combox@opm.gov

RIN: Related to 3206–AJ72

RIN: 3206–AH57
3638. RETIREMENT, HEALTH, AND LIFE INSURANCE COVERAGE FOR CERTAIN EMPLOYEES OF THE DISTRICT OF COLUMBIA UNDER THE DISTRICT OF COLUMBIA COURTS AND JUSTICE TECHNICAL CORRECTIONS ACT OF 1998

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-274

CFR Citation: 5 CFR 831; 5 CFR 837; 5 CFR 842; 5 CFR 846; 5 CFR 870; 5 CFR 890

Legal Deadline: None

Abstract: These interim regulations implement the District of Columbia Courts and Justice Technical Corrections Act of 1998. The effect of these regulations is to extend Federal retirement, health insurance, and life insurance coverage to employees of the Public Defender Service of the District of Columbia under section 7 of the Act, and to exclude certain former employees of the District of Columbia, who are hired by the Department of Justice or by the Court Services and Offender Supervision Agency, from Federal retirement coverage if they elect, under section 3 of the Act, to continue their coverage under a retirement system for employees of the District of Columbia.

Timetable:

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Patrick Jennings, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415

Phone: 202 606-0299

Email: combox@opm.gov

RIN: 3206-AJ55

3640. CONTINUATION OF ELIGIBILITY FOR CERTAIN CIVIL SERVICE BENEFITS FOR FORMER FEDERAL EMPLOYEES OF THE CIVILIAN MARKSMANSHIP PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: Sec. 1622(b), PL 104–106, 110 Stat 515

CFR Citation: 5 CFR 831; 5 CFR 842; 5 CFR 870; 5 CFR 890

Legal Deadline: None

Abstract: These regulations describe conditions and procedures applicable to continuation of eligibility for certain Civil Service benefits for former Federal employees of the Civilian Marksmanship Program.

Timetable:

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Howard T. Newland Jr., Strategic Human Resources Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415

Phone: 202 606-0299

Email: combox@opm.gov

RIN: 3206-AJ82
3642. FEDERAL EMPLOYEES RETIREMENT SYSTEM; DEATH BENEFITS AND EMPLOYEE REFUNDS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 8347; 5 USC 8461

CFR Citation: 5 CFR 841; 5 CFR 842; 5 CFR 843

Legal Deadline: None

Abstract: The Office of Personnel Management (OPM) is revising: 1) the table of reduction factors for early commencing dates of survivor annuities for spouses of separated employees who die before the date on which they would be eligible for unreduced deferred annuities; and 2) the annuity factor for spouses of deceased employees who die in service when those spouses elect to receive the basic employee death benefit in 36 installments under the Federal Employees Retirement System (FERS) Act of 1986. These rules are necessary to conform the tables to the previously published economic assumptions approved by the Board of Actuaries. OPM is also making nonsubstantive changes to parts 841, 842, and 843 of title 5, Code of Federal Regulations, to correct and clarify the regulations.

Timetable:

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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Patrick Jennings, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606–0299
Email: combox@opm.gov

RIN: 3206–AJ71

3643. FEDERAL LONG-TERM CARE INSURANCE REGULATIONS

Priority: Other Significant

Legal Authority: 5 USC 9008

CFR Citation: 5 CFR 875

Legal Deadline: None

Abstract: On September 19, 2000, the Long-Term Care Security Act became law. As directed by the Act, OPM published interim regulations on February 4, 2003, which establish the basic rules under which the Federal Long Term Care Insurance Program operates. Final Regulations are in clearance.

Timetable:

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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: John Cutler, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606–0735
Email: john.cutler@opm.gov

RIN: 3206–AJ34

3644. FEDERAL EMPLOYEES’ HEALTH BENEFITS CHILDREN’S EQUITY

Priority: Substantive, Nonsignificant

Legal Authority: PL 106–394

CFR Citation: 5 CFR 890; 5 CFR 892

Legal Deadline: None

Abstract: Public Law 106–394 requires mandatory self and family coverage for Federal Employees’ Health Benefits (FEHB) eligible employees who do not comply with a court or administrative order to provide health benefits for their children. This regulation requires that employees subject to such an order be enrolled in self and family coverage in a plan that provides full benefits to his/her child(ren) in the area where they live or provide documentation to his/her employing office that he/she has other health coverage for the children. If the employee does not enroll in an appropriate health plan or provide documentation of other coverage for the child(ren), the employing office will enroll the employee for self and family coverage in the option of the Blue Cross and Blue Shield Service Benefit Plan that provides the lower level of coverage. This type of mandatory coverage has been in effect for several years in the private sector. This regulation defines how this requirement will be implemented in the FEHB Program.

Timetable:

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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Nataya Battle, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20515
Phone: 202 606–0004
Email: nbattle@opm.gov

RIN: 3206–AJ40
3646. • FEDERAL EMPLOYEE HEALTH BENEFITS PROGRAM: REMOVAL OF TWO–OPTION LIMITATION FOR HEALTH BENEFITS PLAN AND CONTINUATION OF COVERAGE FOR ANNUITANTS WHOSE PLAN TERMINATES AN OPTION

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 890
CFR Citation: 5 CFR 890
Legal Deadline: None

Abstract: This regulation removes the prohibition against FEHB plans offering more than two options, to allow FEHB plans to offer two options plus a high deductible plan. It also modifies what happens when an annuitant’s health plan terminates an option, and the annuitant does not make a health benefits change.

Timetable:

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Karen Leibach, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606–0004
Email: karen.leibac@opm.gov
RIN: 3206–AK48

3648. GENERAL AND MISCELLANEOUS

Priority: Info./Admin./Other. Major status under 5 USC 801 is undetermined.
Legal Authority: 5 CFR 1
CFR Citation: 5 CFR 990
Legal Deadline: None

Abstract: The Office of Personnel Management is proposing to remove its regulation concerning the submission of claims by preference representatives by OPM. The existing regulation is now obsolete.

Timetable:

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: LaVeen Ponds, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606–1394
Email: lmponds@opm.gov
RIN: 3206–AJ84

3649. FEDERAL EMPLOYEES’ HEALTH BENEFITS ACQUISITION REGULATION: LARGE PROVIDER AGREEMENTS, SUBCONTRACTS, AND MISCELLANEOUS CHANGES

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 8913; 40 USC 486(c); 48 CFR 1.301
CFR Citation: 48 CFR 1602; 48 CFR 1604; 48 CFR 1615; 48 CFR 1632; 48 CFR 1644; 48 CFR 1652; 48 CFR 1602; 48 CFR 1646; 

Legal Deadline: None
Abstract: The Office of Personnel Management is proposing a new policy that establishes notification and information requirements, including audits, for Federal Employees’ Health Benefits experience-rated carrier large provider agreements. The proposed regulation also revises the threshold for advance approval of carrier subcontracts.

Timetable:

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Mike Kaszynski, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606–0004
Email: mwka@opm.gov
RIN: 3206–AJ20

3650. IMPLEMENTATION OF ADDITIONAL COST PRINCIPLES IN THE FEDERAL EMPLOYEES’ HEALTH BENEFITS PROGRAM

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 8913; 40 USC 486(c); 48 CFR 1.301
CFR Citation: 48 CFR 1630; 48 CFR 1631; 48 CFR 1652
Legal Deadline: None
Abstract: The Office of Personnel Management is proposing a regulation that would inform experience-rated carriers in the Federal Employees’ Health Benefits Program how it intends to implement additional cost principles.
### OPM

**3651. OPM EMPLOYEE RESPONSIBILITIES AND CONDUCT**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 5 USC 552a; 5 USC 7301  
**CFR Citation:** 5 CFR 1001  
**Legal Deadline:** None  
**Abstract:** The Office of Personnel Management (OPM) is proposing a plain language rewrite of its regulations regarding the standards that govern OPM employee's responsibilities and conduct as part of a broader review of OPM's regulations. The purpose of the revisions is to make the regulations more readable.

#### Timetable:

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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Agency Contact:** Wade Plunkett, Office of the General Counsel, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606–1700  
Email: aseaston@opm.gov  
**RIN:** 3206–AJ10

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**3652. POSTING REGULATIONS**

**Priority:** Info./Admin./Other  
**Legal Authority:** 5 USC 1103  
**CFR Citation:** 5 CFR 110  
**Legal Deadline:** None  
**Abstract:** The Office of Personnel Management is issuing proposed regulations to revise the rules relating to notice of new regulations and information collection requirements. The revisions include eliminating one subpart and renaming the remaining subpart, and making plain language modifications.

#### Timetable:

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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Robert T. Coco, Division for Management and Chief Financial Officer, Office of Personnel Management, Contracting, Facilities, and Administrative Services Group, Publications Management Branch, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606–1822  
Fax: 202 606–0909  
Email: rtcoco@opm.gov  
**RIN:** 3206–AJ73

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**3653. INFORMATION TECHNOLOGY EXCHANGE PROGRAM**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** PL 107–347  
**CFR Citation:** 5 CFR 370  
**Legal Deadline:** None  
**Abstract:** The Office of Personnel Management is issuing proposed regulations to implement Governmentwide provisions contained in the E-Government Act (Pub. L. 107–347). This law authorizes the temporary Governmentwide provisions to prevent eligible employees from suffering a reduction in pay that would otherwise result from a Schedule or the Federal Wage System.

**Agency Contact:** Jeanne D. Jacobson, Division for Strategic Human Resources Policy, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606–2858  
Fax: 202 606–0824  
Email: pay-performance-policy@opm.gov  
**RIN:** 3206–A188

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**3654. GRADE AND PAY RETENTION**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 5 USC 5361; 5 USC 5366  
**CFR Citation:** 5 CFR 536  
**Legal Deadline:** None  
**Abstract:** The Office of Personnel Management is issuing final regulations giving agencies discretionary authority to grant pay retention to certain employees moving to positions under pay systems other than the General Schedule or the Federal Wage System. This new flexibility would allow agencies to prevent eligible employees from suffering a reduction in pay that would otherwise result from a management action.

#### Timetable:

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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Michael J. Mahoney, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606–0830  
Fax: 202 606–0390  
Email: mjmahoney@opm.gov  
**RIN:** 3206–AJ91

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**3655. HUMAN CAPITAL PERFORMANCE FUND**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 5 USC 54  
**CFR Citation:** 5 CFR 540  
**Legal Deadline:** None  
**Abstract:** The Office of Personnel Management is issuing interim regulations to implement legislation...
creating the Human Capital Performance Fund (HCPF). Agencies may use funds from the HCPF to increase the pay of those employees who demonstrate exceptional performance contributing to the achievement of their agency’s mission. These regulations provide the criteria and rules for allocating and managing funds appropriated for the HCPF and granting and administering payments made from the HCPF to employees.

**Timetable:**

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**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sharon Herzberg, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., 7H31, Washington, DC 20415

Phone: 202 606–2858
Fax: 202 606–0824
Email: pay-performance-policy@opm.gov

**RIN:** 3206-AJ76

### 3657. EMPLOYEE RESPONSIBILITIES AND CONDUCT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 7301; EO 12674, 3 CFR, 1989 Comp, p. 215, as modified by EO 12731; EO 12731, 3 CFR, 1989 Comp, p. 306

**CFR Citation:** 5 CFR 735

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management (OPM) is proposing a plain language rewrite of its regulations governing employee responsibilities and conduct as part of a broader review of OPM’s regulations. The purpose of the revisions is to make the regulations more readable.

**Timetable:**

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<tr>
<th>Action</th>
<th>Date</th>
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<td>NPRM</td>
<td>01/15/03</td>
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<td>Final Action</td>
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</table>

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Charles Gray, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415

Phone: 202 606–9860
Fax: 202 606–2329
Email: cgray@opm.gov

**RIN:** 3206-AJ76

### 3658. RETIREMENT—DEBT COLLECTION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 8347; 5 USC 8461

**CFR Citation:** 5 CFR 835, subpart E

**Legal Deadline:** None

**Abstract:** These regulations will amend the Civil Service Retirement System (CSRS) and Federal Employees Retirement System (FERS) regulations by consolidating and updating existing regulations in three different subparts of the CSRS regulations, and 5 CFR 845 in the FERS regulations to eliminate duplication of the provisions governing debt collection. This item is for subpart E of the new part 835, which will address collections of Government claims from payments made by OPM.

**Timetable:**

<table>
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<th>Action</th>
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**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Cynthia Reinhold, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415

Phone: 202 606–0299
Email: combox@opm.gov

**RIN:** 3206-AE72

### 3659. CORRECTION OF RETIREMENT COVERAGE ERRORS UNDER THE FEDERAL ERRONEOUS RETIREMENT COVERAGE CORRECTION ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 106–265

**CFR Citation:** 5 CFR 839

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is amending its regulations to include new rules for correcting certain retirement coverage errors. We are amending the regulations to implement the provisions of the Federal Erroneous Retirement Coverage Corrections Act (FERCA), title II of Public Law 106-265. The regulations will allow agencies to correct affected coverage errors.

**Timetable:**

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**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Wade Plunkett, Office of the General Counsel, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415

Phone: 202 606–1700

Email: bplunkett@opm.gov

**RIN:** 3206-AE72
Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606–0299
Email: payleave@opm.gov
RIN: 3206-AJ38

3660. RETIREMENT—GENERAL ADMINISTRATION
Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 8347
CFR Citation: 5 CFR 841
Legal Deadline: None
Abstract: These regulations would allow an agency to retain the individual retirement record when an employee transfers within the same agency even though the employee would be serviced by another intra-agency payroll.
Timetable:

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<th>Action</th>
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Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

3661. RETIREMENT—FERS BASIC ANNUITY
Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 8461
CFR Citation: 5 CFR 842, subparts B to G
Legal Deadline: None
Abstract: These final regulations will amend FERS Basic Annuity regulations governing Eligibility (subpart B), Credit for Service (subpart C), Computations (subpart F), and Alternative Forms of Annuity (subpart G). These regulations have been published at various times in interim final form, and have been affected by statutory changes.

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

Agency Contact: Christopher H. Ziebarth, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606–0299
Email: combox@opm.gov
RIN: 3206-AG58

3662. RETIREMENT—CREDIT FOR MILITARY SERVICE
Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 8347(a); 5 USC 8461(g); 38 USC 4331
CFR Citation: 5 CFR 842.306; 5 CFR 842.307
Legal Deadline: None
Abstract: These regulations implement changes in the treatment of certain military service under CSRS and FERS required under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Agency Contact: James Giuseppe, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606–0299
Email: combox@opm.gov
RIN: 3206-AH57

3663. RETIREMENT COVERAGE AND SERVICE CREDIT ELECTIONS AVAILABLE TO CURRENT AND FORMER NONAPPROPRIATED FUND EMPLOYEES
Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 8347; 5 USC 8461; PL 107–107, sec 1131; PL 107–107, sec 1132
CFR Citation: 5 CFR 847, subpart H; 5 CFR 847, subpart I
Legal Deadline: None
Abstract: These regulations amend the Civil Service Retirement System (CSRS) and Federal Employees Retirement System (FERS) regulations to establish procedures for employees who want to elect to use service they performed for a Nonappropriated Fund Instrumentality (NAFI) of the Department of Defense or Coast Guard to qualify for immediate retirement under CSRS or FERS annuity when employees elect to use NAFI service to qualify for immediate CSRS or FERS retirement.

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Agency Contact: John Panagakos, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606–0299
Email: combox@opm.gov
RIN: 3206-AJ72

3664. FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM: PAYMENT OF PREMIUMS FOR PERIODS OF LEAVE WITHOUT PAY OR INSUFFICIENT PAY
Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 8913
CFR Citation: 5 CFR 890
Legal Deadline: None
Abstract: These regulations establish a requirement that Federal agencies
counsel employees entering nonpay status, or whose pay is insufficient to
cover their FEHB premium payments, of the options of continuing or
terminating their FEHB coverage, and if continuing, of paying premiums
directly on a current basis or incurring a debt to be withheld from future
salary. These regulations are intended to ensure employees are fully aware of
these alternatives. We have received comments on the interim final rule,
which are under review.

Timetable:

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Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

Agency Contact: Agnes M. Kallan,
Division for Strategic Human Resources
Policy, Office of Personnel
Management, 1900 E Street NW.,
Washington, DC 20415
Phone: 202 606–0004
Email: amkallan@opm.gov
RIN: 3206–AG66

3665. AGENCY REPORTING REQUIREMENTS; TRAINING

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 8913
CFR Citation: 5 CFR 890
Legal Deadline: None

Abstract: The Office of Personnel Management (OPM) is proposing a
revision to its regulations concerning agency reporting requirements. The
proposed change requires agencies to electronically transfer training data to
OPM’s governmentwide electronic data collection system on a regular basis.
This proposed regulatory change will also facilitate reporting
governmentwide training information data using OPM’s electronic data
collection system.

Timetable:

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Agency Contact: LaVeen Ponds,
Division for Strategic Human Resources
Policy, Office of Personnel
Management, 1900 E Street NW.,
Washington, DC 20415
Phone: 202 606–1394
Email: lmponds@opm.gov
RIN: 3206–AK46

3666. IMPLEMENTATION OF FLEXIBLE SPENDING ACCOUNTS FOR EXECUTIVE BRANCH FEDERAL EMPLOYEES PARTICIPATING IN THE FEDERAL EMPLOYEES’ HEALTH BENEFITS PROGRAM

Priority: Substantive, Nonsignificant
Legal Authority: 26 USC 125; 26 USC 129; 26 USC 152
CFR Citation: 5 CFR 892
Legal Deadline: None

Abstract: The Office of Personnel Management plans to issue regulations
that enable employees of all executive branch agencies to elect a Health Care
Flexible Spending Account (HCFSA) and/or a Dependent Care Flexible
Spending Account (DCFSA) in accordance with sections 125, 129, and
152 of the Internal Revenue Code.

Timetable:

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Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Paula L. Bridgham,
Division for Human Capital Leadership and Merit System Accountability,
Office of Personnel Management, 1900 E Street NW.,
Washington, DC 20415
Phone: 202 606–1000
Fax: 202 606–3350
Email: plbridgh@opm.gov
RIN: 3206–AJ68

3668. DEPARTMENT OF HOMELAND SECURITY (DHS) HUMAN RESOURCES MANAGEMENT SYSTEMS

Priority: Other Significant. Major under
5 USC 801.
Legal Authority: 5 USC 9701
CFR Citation: 5 CFR 970
Legal Deadline: None

Abstract: The Department of Homeland Security (DHS) and the Office of
Personnel Management (OPM) are issuing proposed regulations to
establish a new human resources (HR) management system within DHS, as
authorized by the Homeland Security Act of 2002. The affected subsystems
include the systems governing basic pay, classification, performance
management, labor relations, adverse actions (e.g., disciplinary actions), and
employee appeals. These changes are
designed to ensure that DHS’ human resources management system aligns
with the Department’s critical mission requirements and protects the civil
service rights of its employees.

Timetable:

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Regulatory Flexibility Analysis
Required: No

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael W. Kaszynski,
Retirement and Insurance Services
Office of Personnel Management,
Insurance Policy and
Information Division, 1900 E Street
NW., Washington, DC 20415
Phone: 202 606–0004
Fax: 202 606–0633
Email: mwkaszyn@opm.gov
RIN: 3206–AJ66
3669. PERSONNEL SECURITY AND RELATED PROGRAMS

Priority: Other Significant
Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7312; 50 USC 403; EO 10450; EO 10577
CFR Citation: 5 CFR 732
Legal Deadline: None
Abstract: With the abolishment of the Federal Personnel Manual (FPM), certain policies and procedures enunciated in the FPM are being considered for publication in another format.

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Kathy Dillaman, Associate Director, Investigations Service, Office of Personnel Management, Division for Strategic Human Resources Policy, 1900 E Street NW., Washington, DC 20415–4000 Phone: 202 606–1042
RIN: 3206–AC21

Timetable:

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Next Action Undetermined

3670. INVESTIGATIONS

Priority: Other Significant
Legal Authority: PL 93–579; 5 USC 552a
CFR Citation: 5 CFR 736
Legal Deadline: None
Abstract: With the abolishment of the Federal Personnel Manual (FPM), certain policies and procedures enunciated in the FPM are being considered for publication in another format.

Regulatory Flexibility Analysis Required: No
Government Levels Affected: None
Agency Contact: Kathy Dillaman, Associate Director, Investigations Service, Office of Personnel Management, Division for Strategic Human Resources Policy, 1900 E Street NW., Washington, DC 20415–4000 Phone: 202 606–1042
RIN: 3206–AB92

3671. PERSONNEL MANAGEMENT IN AGENCIES

Priority: Other Significant
CFR Citation: 5 CFR 250
Completed:
Reason Date FR Cite
Withdrawn 04/23/04

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Diane Tyrrell Phone: 202 606–0960 Fax: 202 606–2329 Email: dmtyrrel@opm.gov
RIN: 3206–AJ95

3672. PROMOTION AND INTERNAL PLACEMENT; ACCELERATED QUALIFICATIONS

Priority: Substantive, Nonsignificant
CFR Citation: 5 CFR 316; 5 CFR 335; 5 CFR 338
Completed:
Reason Date FR Cite
Withdrawn 04/23/04

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Karen Jacobs Phone: 202 606–0830 Fax: 202 606–0390 Email: kkjacobs@opm.gov
RIN: 3206–AG19

3673. PERFORMANCE MANAGEMENT

Priority: Other Significant
CFR Citation: 5 CFR 430, subpart A; 5 CFR 430, subpart B
Completed:
Reason Date FR Cite
Withdrawn 04/20/04

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Barbara Colchao Phone: 202 606–2720 Fax: 202 606–2395 Email: pay-performance-policy@opm.gov
RIN: 3206–AJ80
3674. OFFICIAL DUTY STATION DETERMINATIONS FOR PAY PURPOSES

Priority: Substantive, Nonsignificant
CFR Citation: 5 CFR 530; 5 CFR 531; 5 CFR 591

Completed:

Reason Date FR Cite
Withdrawn 04/23/04

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No
Government Levels Affected: None

Agency Contact: Jeanne D. Jacobson
Phone: 202 606–2858
Fax: 202 606–0824
Email: pay-performance-policy@opm.gov
RIN: 3206–AH84

3675. PAY UNDER THE GENERAL SCHEDULE; SUBPART F—LOCALITY–BASED COMPARABILITY PAYMENTS

Priority: Substantive, Nonsignificant
CFR Citation: 5 CFR 531

Completed:

Reason Date FR Cite
Final Action 04/22/03 68 FR 19707

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No
Government Levels Affected: None

Agency Contact: Allan G. Hearne
Phone: 202 606–2838
Fax: 202 606–4264
Email: aghearne@opm.gov
RIN: 3206–AJ62

3676. PREVAILING RATE SYSTEMS; CHANGE IN FEDERAL WAGE SYSTEM SURVEY JOB AND MISCELLANEOUS CHANGE

Priority: Substantive, Nonsignificant
CFR Citation: 5 CFR 532

Completed:

Reason Date FR Cite
Final Action 05/13/04 69 FR 26475
Final Action Effective 06/14/04

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No
Government Levels Affected: None

Agency Contact: Mark Allen
Phone: 202 606–2848
Fax: 202 606–4264
Email: maallen@opm.gov
RIN: 3206–AJ79

3677. POST DIFFERENTIALS (NONFOREIGN AREAS); PALMYRA ATOLL

Priority: Info./Admin./Other
CFR Citation: 5 CFR 591

Completed:

Reason Date FR Cite
Withdrawn 04/23/04

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No
Government Levels Affected: None

Agency Contact: Donald L. Paquin
Phone: 202 606–2838
Email: cola@opm.gov
RIN: 3206–AK00

3678. • PAY ADMINISTRATION (GENERAL)

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 5542(a)(2)
CFR Citation: 5 CFR 550.113(b)

Completed:

Legal Deadline: None


Timetable:

Action Date FR Cite
Final Action 05/13/04 69 FR 26475
Final Action Effective 05/13/04

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No
Government Levels Affected: None

Agency Contact: Vicki Draper, Strategic Human Resources Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415 Phone: 202 606–2858 Email: pay-performance-policy@opm.gov
RIN: 3206–AK47

3679. PREVAILING RATE SYSTEMS; CHANGE IN THE SURVEY MONTH FOR THE BUREAU OF RECLAMATION MID–PACIFIC REGION SURVEY

Priority: Substantive, Nonsignificant
Major status under 5 USC 801 is undetermined.
CFR Citation: 5 CFR 592

Completed:

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No
Government Levels Affected: None

Agency Contact: Mark Allen
Phone: 202 606–2848
Fax: 202 606–4264
Email: maallen@opm.gov
RIN: 3206–AK06

3680. PHYSICIAN’S COMPARABILITY ALLOWANCES

Priority: Substantive, Nonsignificant
CFR Citation: 5 CFR 595

Completed:

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No
Government Levels Affected: None

Agency Contact: Vicki Draper
Phone: 202 606–2858
Email: pay-performance-policy@opm.gov
RIN: 3206–AJ96

3681. AGENCY USE OF APPROPRIATED FUNDS FOR CHILD CARE COSTS FOR LOWER INCOME EMPLOYEES

Priority: Other Significant
CFR Citation: 5 CFR 792, subpart B

Completed:

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No
Government Levels Affected: None

Agency Contact: Vicki Draper
Phone: 202 606–2858
Email: pay-performance-policy@opm.gov
RIN: 3206–AJ96

Reason Date FR Cite
Final Action 02/24/04 69 FR 8325

Final Action Effective 06/16/04

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No
Government Levels Affected: None

Agency Contact: Vicki Draper
Phone: 202 606–2858
Email: pay-performance-policy@opm.gov
RIN: 3206–AK47
### 3682. FEDERAL EMPLOYEES’ HEALTH BENEFITS PROGRAM: EFFECTIVE DATES

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 5 CFR 890  
**Completed:**  
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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Bonnie Storm  
Phone: 202 606–1313  
RIN: 3206–AJ77

### 3683. FINANCIAL SANCTIONS OF HEALTH CARE PROVIDERS IN THE FEDERAL EMPLOYEES’ HEALTH BENEFITS PROGRAM

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 5 CFR 890, subpart J  
**Completed:**  
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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Anne Easton  
Phone: 202 606–0004  
Email: aseaston@opm.gov  
RIN: 3206–AI37

### 3684. PERSONNEL MANAGEMENT RESEARCH PROGRAMS AND DEMONSTRATION PROJECTS

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 5 CFR 470  
**Completed:**  
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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Nancy H. Kichak  
Phone: 202 606–0722  
Email: nhkitchak@opm.gov  
RIN: 3206–AJ67

### 3685. PREVAILING RATE SYSTEMS; REDEFINITION OF THE NORTH DAKOTA AND DULUTH, MINNESOTA, APPROPRIATED FUND WAGE AREAS

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 5 CFR 532  
**Completed:**  
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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Mark Allen  
Phone: 202 606–2848  
Fax: 202 606–4264  
Email: maallen@opm.gov  
RIN: 3206–AJ78

### 3686. LIST OF AGENTS DESIGNATED TO ACCEPT LEGAL PROCESS

**Priority:** Info./Admin./Other  
**CFR Citation:** 5 CFR 581, app  
**Completed:**  
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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** J. David Cope  
Debarring Official, Office of the Inspector General, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606–2851  
Fax: 202 606–2153  
Email: jdcope@opm.gov  
RIN: 3206–AK30

### 3687. FEDERAL EMPLOYEES’ GROUP LIFE INSURANCE: REMOVAL OF PREMIUMS AND AGE BANDS FROM REGULATIONS

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 5 CFR 870  
**Completed:**  
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**Final Action Effective:** 11/13/03  
**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Karen Leibach  
Phone: 202 606–0004  
Email: karen.leibac@opm.gov  
RIN: 3206–AJ46

### 3688. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** Sec 2455, PL 103–355, 108 Stat 3327; EO 12549, CFR, 1986 Comp., p. 189; EO 12689, 3 CFR 1989 Comp., p. 235  
**CFR Citation:** 5 CFR 919; 5 CFR 970  
**Legal Deadline:** None  
**Abstract:** The Office of Personnel Management (OPM) is issuing a final rule to redesignate part 970 of title 5 of the Code of Federal Regulations as part 919. OPM intends to use part 970 in the near future as the location for new regulations issued jointly by the Department of Homeland Security and OPM, which will establish a new human resources management system within DHS.  
**Timetable:**  
<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>FR Cite</th>
</tr>
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<tbody>
<tr>
<td>Final Action</td>
<td>12/23/03</td>
<td>68 FR 74161</td>
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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
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RIN: 3206–AK30