

# Rules and Regulations

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## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 792

RIN 3206-AJ77

#### Agency Use of Appropriated Funds for Child Care Costs for Lower Income Employees

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing final regulations implementing the Child Care Subsidy Program legislation. OPM is issuing final regulations because Congress made permanent the law authorizing agencies in the Executive Branch of the Federal Government to assist lower income employees with their child care costs, thus making child care more affordable for those employees.

**EFFECTIVE DATE:** The regulations are effective March 24, 2003.

**ADDRESSES:** Direct questions to: U.S. Office of Personnel Management, 1900 E St. NW., Room 7315, Washington, DC 20415, Attn: Bonnie Storm or e-mail [bstorm@opm.gov](mailto:bstorm@opm.gov).

**FOR FURTHER INFORMATION CONTACT:** Bonnie Storm at (202) 606-1313; by fax at (202) 606-2091; or by e-mail at [bstorm@opm.gov](mailto:bstorm@opm.gov).

**SUPPLEMENTARY INFORMATION:** OPM is issuing final regulations for 5 CFR part 792. Congress enacted Pub. L. 106-58, sec. 643, on September 29, 1999, which allowed Executive agencies to use appropriated funds to assist their lower income Federal employees with the costs of child care. The authority was first established as a pilot program effective from March 14, 2000, until September 30, 2001.

OPM first issued interim regulations to implement the authority, which were

published in the **Federal Register** on March 14, 2000. The authority for the Child Care Subsidy Program was then made permanent on November 12, 2001, by sec. 630, Pub. L. 107-67, the 2001 Treasury and General Government Appropriations Act. OPM then issued interim regulations "Agency Use of Appropriated Funds for Child Care Costs for Lower Income Employees" on March 24, 2003 (68 FR 14127). This regulation became effective on March 24, 2003.

The latest interim regulations clarified that the law was permanent and removed dates that were no longer relevant. The regulation also authorized advance payments to child care providers under certain circumstances as described in Sec. 792.231. The revisions contained in the interim regulations also made the regulations easier to understand by substituting the words "child care subsidy" for "tuition assistance" to avoid any confusion associated with educational programs versus custodial care programs. Finally, the interim regulations clarified that agencies must use child care providers that meet State and local licensing standards, and that employees are free to choose among both accredited and non-accredited providers in order to qualify.

The interim regulations that were published in the **Federal Register** on March 24, 2003, provided a 30-day period for comments, but no comments were received.

#### Executive Order 12866 Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

#### Regulatory Flexibility Act

I certify that these changes will not have a significant economic impact on a substantial number of small entities because the regulations pertain only to Federal employees and agencies.

#### List of Subjects in 5 CFR Part 792

Alcohol abuse, Alcoholism, Day care, Drug abuse, Government employees.

Office of Personnel Management.

**Kay Coles James,**

*Director.*

■ Accordingly, under the authority of Pub. L. 107-67, the interim rule issued on March 24, 2003 (68 FR 14127)

amending 5 CFR part 792, is adopted as final with no substantive changes.

[FR Doc. 04-3953 Filed 2-23-04; 8:45 am]

**BILLING CODE 6325-41-M**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Parts 916 and 917

[Docket No. FV03-916-610 REVIEW]

#### Nectarines and Peaches/Pears Grown in California; Section 610 Review

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Confirmation of regulations.

**SUMMARY:** This action summarizes the results under the criteria contained in section 610 of the Regulatory Flexibility Act (RFA), of an Agricultural Marketing Service (AMS) review of Marketing Orders 916 and 917 regulating the handling of nectarines and peaches/pears grown in California. The provisions and regulations for pears have been suspended since 1994. Based upon its review, AMS has determined that the nectarine and peach marketing orders should be continued, and that the pear order provisions should be continued, as suspended.

**ADDRESSES:** Interested persons may obtain a copy of the review. Requests for copies should be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250-0237; fax: (202) 720-8938; or e-mail: [moab.docketclerk@usda.gov](mailto:moab.docketclerk@usda.gov).

#### FOR FURTHER INFORMATION CONTACT:

Terry Vawter, Marketing Specialist, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, California 93721; telephone: (209) 487-5902; fax: (209) 487-5906; e-mail: [TerryVawter@usda.gov](mailto:TerryVawter@usda.gov); or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250-0237; telephone: (202) 720-2491; fax: (202) 720-8938; e-mail: [George.Kelhart@usda.gov](mailto:George.Kelhart@usda.gov).