

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 550

RIN 3206-A178

#### Payments During Evacuation

**AGENCY:** Office of Personnel Management.

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing proposed regulations to raise the age requirement for payment of the maximum per diem rate for a dependent of an evacuated civilian employee from age 11 to age 12. This would apply to evacuations in the United States because of natural disasters or for military or other reasons that create an imminent danger to life. This proposed change would make OPM regulations consistent with Department of Defense (DOD) evacuation regulations, which require that an evacuated dependent of a uniformed member be 12 years of age or older to receive the maximum per diem rate.

**DATES:** Comments must be received on or before January 14, 2000.

**ADDRESSES:** Comments may be sent or delivered to Donald J. Winstead, Assistant Director for Compensation Administration, Workforce Compensation and Performance Service, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415, FAX: (202) 606-0824, or e-mail at [payleave@opm.gov](mailto:payleave@opm.gov).

**FOR FURTHER INFORMATION CONTACT:** Roger Knadle, (202) 606-2858, FAX: (202) 606-0824, or email at [payleave@opm.gov](mailto:payleave@opm.gov).

**SUPPLEMENTARY INFORMATION:** Office of Personnel Management (OPM) regulations on payments during evacuation are found in subpart D of 5 CFR part 550. The regulations are based on provisions of law in 5 U.S.C. 5522-5524, 5526, and 5527, and on authority in Executive Order 10982, 3 CFR 1959-1963, p. 502. Evacuation payments

under these authorities are made to employees or their dependents, or both, who are ordered to be evacuated because of natural disasters or for military or other reasons that create imminent danger to the lives of the employees or their dependents.

The OPM regulations are intended to provide Governmentwide uniformity in making payments to civilian employees during an evacuation. They apply to civilian Federal employees who are evacuated in the United States. In this regard, OPM is proposing that the definition of *United States area* in § 550.402 be removed and replaced by a new definition of *United States*. The proposed new definition has been updated to delete language excluding the Trust Territory of the Pacific Islands and to include the Commonwealth of the Northern Mariana Islands (formerly the Trust Territory). This is consistent with the fact that the Commonwealth of Puerto Rico is included in the definition. It is also consistent with the Federal Travel Regulation, which authorizes temporary quarters subsistence allowances, real estate allowances, and relocation income tax for the Northern Mariana Islands. The Panama Canal Zone is not included in the new definition of United States, since the Panama Canal Zone will cease to exist at the end of calendar year 1999.

Special allowances, including travel expenses and per diem, may be made to evacuated employees, including payments for their dependents, to offset any direct added expenses that are incurred by the employees as a result of evacuation. Current OPM regulations provide that per diem is authorized for dependents of an evacuated employee at a rate equal to the rate payable for the employee, except that the rate for dependents under 11 years of age is one-half the rate payable to the employee.

The Department of Defense (DOD) has requested that OPM raise the age requirement for payment of the maximum per diem rate for dependents of evacuated civilian employees from age 11 to age 12. This proposed change would make OPM regulations consistent with DOD regulations, which require that an evacuated dependent of a uniformed member be 12 years of age or older to receive the maximum per diem rate. This is true for dependents of uniformed members both within and outside the United States.

The term *uniformed members* means members of the "uniformed services," as defined in 5 U.S.C. 2101. This includes members of the armed forces, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

State Department regulations for evacuations from foreign areas currently set an age 12 requirement for payment of the maximum per diem rate during "travel" to a safe haven location for dependents of evacuated civilian employees. The State Department regulations also use an age 12 threshold for temporary quarters subsistence allowances and foreign transfer allowances. Similarly, the Federal Travel Regulation uses the age 12 threshold for computing per diem rates for permanent change of station and temporary quarters subsistence expense allowances. However, State Department regulations use age 18 as the threshold for payment of the maximum allowance for meals and incidental expenses (M&IE) for dependents of civilian employees stationed in foreign countries who have been evacuated to safe haven locations. (Note: *subsistence expense allowance* includes amounts that may be paid to employees for lodging, food, and incidental expenses. This is also true of the term *per diem*.)

DOD reports that current requirements establishing different ages for entitlement to the maximum per diem rate for evacuated dependents create confusion and the appearance of inequity. This is particularly true since civilian employees and dependents of uniformed members are often evacuated from the same locations at the same time. DOD employees in personnel and payroll offices sometimes assume that a 12-years-old threshold applies in all cases. This results in erroneous payments and causes DOD personnel to waste time explaining and implementing the different requirements and correcting errors.

OPM agrees that this difference in policy is unnecessary and inequitable and increases administrative complexity and confusion. Therefore, OPM is proposing revisions in § 550.405 consistent with the DOD recommendation.

At the request of DOD, OPM is also proposing a change in § 550.405(b)(1) to require that the maximum per diem rate

be computed using the "lodgings-plus per diem system." This term is defined in section 300-3.1 of the Federal Travel Regulation to mean "[t]he method of computing per diem allowances for official travel in which the per diem allowance for each travel day is established on the basis of the actual amount the traveler pays for lodging, plus an allowance for meals and incidental expenses (M&IE), the total of which does not exceed the maximum per diem rate for the location concerned."

#### E.O. 12866, Regulatory Review

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

#### Regulatory Flexibility Act

I certify that these regulations would not have a significant impact on a substantial number of small entities because they would apply only to Federal agencies and employees.

#### List of Subjects in 5 CFR Part 550

Administrative practice and procedure, Claims, Government employees, Wages.

U.S. Office of Personnel Management

Janice R. Lachance,

Director.

Accordingly, OPM is proposing to amend subpart D of part 550 of title 5 of the Code of Federal Regulations as follows:

#### PART 550—PAY ADMINISTRATION (GENERAL)

##### Subpart D—Payments During Evacuation

1. The authority citation for subpart D of part 550 is revised to read as follows:

**Authority:** 5 U.S.C. 5527; E.O. 10982, 3 CFR, 1959-1963, Comp. p. 502.

2. In § 550.401, paragraph (a) is revised to read as follows:

#### § 550.401 Purpose, applicability, authority, and administration.

(a) *Purpose.* This subpart provides regulations to administer subchapter III (except sections 5524a and 5525) of chapter 55 of title 5, United States Code. The regulations provide for Governmentwide uniformity in making payments during an evacuation to employees or their dependents, or both, who are evacuated in the United States because of natural disasters or for military or other reasons that create imminent danger to their lives.

\* \* \* \* \*

3. In § 550.402, the definition of *United States area* is removed, and a

new definition of *United States* is added to read as follows:

#### § 550.402 Definitions.

\* \* \* \* \*

*United States* means the 50 States, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and any territory or possession of the United States.

4. In section 550.405, paragraphs (a) and (b)(1) are revised to read as follows:

#### § 550.405 Determination of special allowances.

\* \* \* \* \*

(a) The travel expenses and per diem for an evacuated employee and the travel expenses for his or her dependents must be determined in accordance with the Federal Travel Regulation (FTR) and any applicable implementing agency regulations, whether or not the employee or dependents are actually covered by or subject to the FTR. In addition, per diem is authorized for dependents of an evacuated employee at a rate equal to the rate payable to the employee, as determined in accordance with the FTR (except that the rate for dependents under 12 years of age shall be one-half this rate), whether or not the employee or dependents are actually covered by or subject to the FTR. Per diem for an employee and his or her dependents is payable from the date of departure from the evacuated area through the date of arrival at the safe haven, including any period of delay en route that is beyond an evacuee's control or that may result from evacuation travel arrangements.

(b) \* \* \*

(1) The applicable maximum per diem rate must be computed using the "lodgings-plus per diem system," as defined in the FTR, for the employee and each dependent who is 12 years of age or over. One half of such rate must be computed for each dependent under 12 years of age. These maximum rates may be paid for a period not to exceed the first 30 days of evacuation.

\* \* \* \* \*

[FR Doc. 99-32461 Filed 12-14-99; 8:45 am]

BILLING CODE 6325-01-P

#### DEPARTMENT OF AGRICULTURE

##### Rural Utilities Service

##### 7 CFR Part 1703

##### Rural Business-Cooperative Service

##### Rural Utilities Service

##### 7 CFR Part 4280

RIN 0570-AA19

#### Rural Economic Development Loan and Grant Program

**AGENCIES:** Rural Business-Cooperative Service and Rural Utilities Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Rural Business-Cooperative Service (RBS or Agency) is proposing to amend regulations for the Rural Economic Development Loan and Grant (REDLG) Program. This action is part of a reinvention laboratory initiative of the Department of Agriculture and RBS. It is written in a "Plain Language" format that is simpler and should improve ease of use by the public and program beneficiaries.

**DATES:** Written or e-mail comments must be received on or before February 14, 2000 to be assured of consideration. The comment period for information collections under the Paperwork Reduction Act of 1995 continues through February 14, 2000.

**ADDRESSES:** Submit written comments via the U.S. Postal Service, in duplicate, to the Regulations and Paperwork Management Branch, Attention: Cheryl Thompson, Rural Development, U.S. Department of Agriculture, Stop 0742, 1400 Independence Avenue, SW., Washington, DC 20250-0742. Submit written comments via commercial express carrier, in duplicate, to the Regulations and Paperwork Management Branch, Attention: Cheryl Thompson, USDA-Rural Development, 3rd Floor, 300 E. St., SW., Washington, DC 20546. Also, comments may be submitted via the Internet by addressing them to [comments@rus.usda.gov](mailto:comments@rus.usda.gov) and must contain the word "economic" in the subject line. All written comments will be available for public inspection during regular work hours at the 300 E. St., SW. address listed above.

**FOR FURTHER INFORMATION CONTACT:** Mark Wyatt, Specialty Lenders Division, Rural Business-Cooperative Service, U.S. Department of Agriculture, STOP 3225, 1400 Independence Ave. SW, Washington, DC 20250-3225, Telephone (202) 720-2383.

**SUPPLEMENTARY INFORMATION:**