

employee: The revisions make the definition more readable by deleting information that appears instead in the "Guide for Implementing Child Care Legislation."

Section 792.227—(interim § 792.224)

Payments to employees: Agencies requested that OPM address the option of paying the child care subsidy directly to employees rather than the child care providers in special situations, and the revisions address that issue.

Section 792.230—(interim § 792.227)

Duration: The revisions clarify that the child care subsidy program will be in effect as long as the agency has a program in addition to the conditions previously listed.

Section 792.232—(interim § 792.229)

List of restrictions: The revisions include a sample list of restrictions agencies may place on the program that are in line with restrictions the agencies actually applied during the pilot phase. They also clarify that agencies must not restrict the use of funds to apply to accredited child care providers only.

Section 792.234—(interim § 792.231)

Advance payments: The permanent legislation includes a provision for advance payments. The revisions address the conditions under which agencies may make advance payments.

Section 792.235—(no interim section)

Disbursement and use of funds oversight responsibility: We removed this section from the regulations because the information is already stated in interim § 792.204.

These revisions make the regulations easier to understand by substituting the words "agency" and "agencies" for pronouns denoting "agency".

Section 792.203—Notifications: The revisions substitute "agencies" and "agency" for "we."

Section 792.228—Disbursements: The revisions substitute "agency" for "we."

Section 792.232—Restrictions: The revisions substitute "agency" for "we."

Section 792.233—Physical space: The revisions substitute "agency" for "we."

The interim changes will result in the following number order revisions:

Revised/Interim section no.	Former section no.
792.200	792.201
792.201	792.202
792.202	792.203
792.203	792.204
792.204	792.205
792.205	792.207
792.206	792.208
792.207	792.209
792.208	792.210
792.209	792.211
792.210	792.212
792.211	792.213

Revised/Interim section no.	Former section no.
792.212	792.214
792.213	792.215
792.214	792.216
792.215	792.217
792.216	792.218
792.217	792.219
792.218	792.220
792.219	792.222
792.220	792.223
792.221	792.224
792.222	792.225
792.223	792.226
792.224	792.227
792.225	792.228
792.226	792.229
792.227	792.230
792.228	792.231
792.229	792.232
792.230	792.233
792.231	792.234

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.

Lists 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, OPM is amending 5 CFR part 792 as follows:

PART 792—AGENCY USE OF APPROPRIATED FUNDS FOR CHILD CARE COSTS FOR LOWER INCOME EMPLOYEES

1. The authority citation for part 792 continues to read as follows:

Authority: Sec. 201 of Pub. L. 91-616; 84 Stat. 1849, as amended and transferred to sec. 520 of the Public Health Services Act by sec. 2(b)(13) of Pub. L. 98-24 (42 U.S.C. 290dd-1) and sec. 413 of Pub. L. 92-255, 86 Stat. 84, as amended and transferred to sec. 525 of the Public Health Services Act by sec. 2(b)(16)(A) of Pub. L. 98-24 (42 U.S.C. 290 ee-1); sec. 643, Pub. L. 106-58, 113 Stat. 477; sec. 630, Pub. L. 107-67.

2. Subpart B is revised to read as follows:

Subpart B—Agency Use of Appropriated Funds for Child Care Costs for Lower Income Employees—What is the Child Care Subsidy Program Legislation and to Whom Does It Apply?

Sec.

- 792.200 What are the benefits of the child care subsidy program law?
- 792.201 What is the purpose of the child care subsidy program law?
- 792.202 Do agencies have any notification responsibilities before initiating a child care subsidy program and when may agencies obligate funds for the program?
- 792.203 What materials are available to assist agencies with the process of establishing a child care subsidy program?
- 792.204 Are there any special reporting and oversight requirements related to the child care subsidy program law?
- 792.205 Which agency funds may be used for the purpose of child care the subsidy program?
- 792.206 Are agencies required to participate in this program?
- 792.207 When does the child care subsidy program law become effective and how may agencies take advantage of this law?
- 792.208 What is the definition of *executive agency*?
- 792.209 What is the definition of child care subsidy program?
- 792.210 What is the definition of *civilian employee*?
- 792.211 What is the definition of a *Federally sponsored child care center*?
- 792.212 What is the definition of a *child care contractor*?
- 792.213 What is the definition of a *child* for this purpose of this subpart?
- 792.214 Which children are eligible for this subsidy?
- 792.215 What is the definition of a *child with disabilities*?
- 792.216 Are Federal employees with children who are enrolled in summer programs and part-time programs eligible for the child care subsidy program?
- 792.217 Are part-time Federal employees eligible for the child care subsidy program?
- 792.218 Does the law apply only to on-site Federal child care centers that are utilized by Federal families?
- 792.219 Are agencies required to negotiate with their Federal labor organizations concerning the implementation of this law?
- 792.220 What are the requirements that child care providers must meet in order to participate in this program?
- 792.221 Is there a statutory cap on the amount or the percentage of child care costs that will be subsidized?
- 792.222 What is the definition of a *lower income Federal employee* and how is the amount of the child care subsidy determined?
- 792.223 Who determines if a Federal employee qualifies as a lower income employee and how is the program administered?
- 792.224 Are child care subsidies paid to the Federal employee using the child care?
- 792.225 May an agency disburse funds to an organization that administers the child care subsidy program prior to the time the employee receives the child care services?
- 792.226 How may an agency disburse funds to a Federally sponsored child care center in a multi-tenant building?