

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

NARA

Statement of Regulatory Priorities

PROPOSED RULE STAGE

Overview

The National Archives and Records Administration (NARA) issues regulations directed to other Federal agencies and to the public. Records management regulations directed to Federal agencies concern the proper management and disposition of Federal records. Through the Information Security Oversight Office (ISOO), NARA also issues Governmentwide regulations concerning information security classification and declassification programs. NARA regulations directed to the public address access to and use of our historically valuable holdings, including archives, donated historical materials, Nixon Presidential materials, and Presidential records. NARA also issues regulations relating to the National Historical Publications and Records Commission (NHPRC) grant programs.

NARA has one regulatory priority for fiscal year 2010, which is included in The Regulatory Plan. We are drafting regulations for the Office of Government Information Services (OGIS), established under the OPEN Government Act of 2007. The OGIS Director is responsible for reviewing policies and procedures of administrative agencies under the Freedom of Information Act (FOIA); reviewing compliance with FOIA by administrative agencies; and recommending policy changes to Congress and the President to improve the administration of FOIA.

157. • OFFICE OF GOVERNMENT INFORMATION SERVICES

Priority:

Other Significant

Legal Authority:

PL 110-175

CFR Citation:

Not Yet Determined

Legal Deadline:

None

Abstract:

The Office of Government Information Services (OGIS), established under the OPEN Government Act of 2007, is responsible for reviewing policies and procedures of administrative agencies under the Freedom of Information Act (FOIA); reviewing compliance with FOIA by administrative agencies; and recommending policy changes to Congress and the President to improve the administration of FOIA.

Statement of Need:

The Office of Government Information Services (OGIS), established under the OPEN Government Act of 2007, may require implementing regulations.

Summary of Legal Basis:

The Open Government Act of 2007 (Public Law 110-175) requires the

establishment of an Office of Government Information Services within NARA. OGIS will oversee Freedom of Information Act (FOIA) activities government-wide.

Anticipated Cost and Benefits:

OGIS, as an organization responsible for reviewing policies and procedures of administrative agencies under the Freedom of Information Act (FOIA); reviewing compliance with FOIA by administrative agencies; and recommending policy changes to Congress and the President to improve the administration of FOIA, is expected to increase the efficiency of the FOIA process.

Timetable:

Action	Date	FR Cite
NPRM	09/00/10	

Regulatory Flexibility Analysis Required:

No

Government Levels Affected:

Federal

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**OFFICE OF PERSONNEL
MANAGEMENT (OPM)****Statement of Regulatory Priorities**

The Office of Personnel Management's mission is to ensure the Federal Government has an effective civilian workforce. OPM fulfills that mission by, among other things, providing human capital advice and leadership for the President and Federal agencies; delivering human resources policies, products, and services; and holding agencies accountable for their human capital practices. OPM's 2009 regulatory priorities are designed to support these activities.

Adverse Actions

OPM proposes to amend its regulations governing Federal adverse actions. The proposed amendments would clarify the adverse action rules regarding reductions in pay and indefinite suspension. In addition, OPM proposes to remove unnecessary subparts pertaining to statutory requirements, make a number of technical corrections, and utilize consistent language for similar regulatory requirements. OPM also proposes various revisions to make the regulations more readable.

*Pay and Leave Flexibilities in
Emergency Situations*

OPM will continue efforts to improve Federal pay and leave flexibilities available in emergency situations. Drawing on experiences and lessons learned in past emergency situations, OPM anticipates issuing proposed regulations to reorganize and clarify the administration of advance payments, evacuation payments, and special allowances.

OPM also anticipates issuing final regulations to entitle an employee to use sick leave to provide care for a family member when the relevant health authorities or a health care provider have determined that the family member's presence in the community would jeopardize the health of others because of the family member's exposure to a communicable disease. We anticipate a proposal to permit agencies to advance a maximum of 240 hours (30 days) of sick leave to an employee if the employee's presence on the job would jeopardize the health of others because of exposure to a communicable disease, and to advance a maximum of 104 hours (13 days) of sick leave to an employee to provide care for a family member who would jeopardize the health of others by that

family member's presence in the community because of exposure to a communicable disease.

*Benefits for Reservists and their Family
Members*

OPM will continue to enhance benefits and support work-life balance for Federal employees whose family members are serving on active duty. OPM anticipates issuing final regulations to implement section 585(b) of the National Defense Authorization Act for Fiscal Year 2008 (NDAA) (Public Law 110-181, January 28, 2008) that amends the Family and Medical Leave Act (FMLA) provisions in 5 U.S.C. 6381-6383 (applicable to Federal employees) to provide that a Federal employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness is entitled to a total of 26 administrative workweeks of leave during a single 12-month period to care for the covered servicemember. The covered servicemember must be a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list. The regulations would also permit an employee to substitute annual or sick leave, including advanced annual or sick leave, for any part of the 26-week period of unpaid FMLA leave to care for a covered servicemember.

OPM will also continue to support Federal civilian employees called to active duty to further serve our Nation. OPM anticipates issuing proposed regulations to implement statutory changes that provide a new benefit to Federal civilian employees who are members of the Reserve or National Guard and who are called or ordered to active duty. Section 751 of the Omnibus Appropriations Act, 2009 (Public Law 111-8, March 11, 2009) established a new provision in 5 U.S.C. 5538 that became effective on March 15, 2009. Under this new law, eligible Federal civilian employees called to active duty may receive a reservist differential. The reservist differential is equal to the amount by which an employee's projected civilian "basic pay" for a covered pay period exceeds the employee's actual military "pay and allowances" allocable to that pay period. While each employing civilian agency is responsible for making these payments, OPM, in consultation with

the Department of Defense, is required to issue regulations to implement the new benefit.

Benefits for a Diverse Workforce

OPM will continue to encourage the recruitment and retention of a diverse workforce. OPM anticipates issuing final regulations to modify definitions related to family member and immediate relative for purposes of use of sick leave, funeral leave, voluntary leave transfer, voluntary leave bank, and emergency leave transfer. These changes would implement section 1 of President Obama's June 17, 2009, Memorandum on Federal Benefits and Non-Discrimination and ensure that agencies are considering the needs of a widely diverse workforce and providing the broadest support possible to employees to help them balance their increasing work, personal, and family obligations. As part of OPM's continued efforts to support the needs of the Federal workforce during times of sickness, funerals, and medical or other emergencies, we are proposing to make the definitions of *family member* and *immediate relative* more explicit to include more examples of relationships that are covered under the phrase "[a]ny individual related by blood or affinity" whose close association with the employee is the equivalent of a family relationship. These examples include step-parents and step-children, grandparents, grandchildren, and same-sex and opposite-sex domestic partners. By making these definitions more explicit, we would ensure more consistent application of policy across the Federal Government and set an example of the Federal Government as a model employer of a diverse workforce.

*Federal Employees Health Benefits
Program (FEHB)*

OPM is amending its regulations to provide for continuation of health benefits coverage for certain former Senate restaurant employees who were transferred to employment with a private contractor. We are also proposing to change the annual FEHB Program Open Season to November 1 through November 30 of each year. We are also adding a new opportunity for eligible employees to enroll or change enrollment from self only to self and family under the Children's Health Insurance Program Reauthorization Act of 2009. We are also changing the regulations to allow FEHB plans to offer three options, one of which may be a high deductible health plan.