

## GENERAL SERVICES ADMINISTRATION

### 41 CFR Chapters 301–11 and 302–4

[FTR Case 2003–301; FTR Amendment 2003–03]

RIN 3090–AH72

### Federal Travel Regulation; Per Diem Rates—Removal of Appendix A Per Diem Rate Tables to Chapter 301—Prescribed Maximum Per Diem Rates for CONUS

**AGENCY:** Office of Governmentwide Policy, Travel Management Policy Division, GSA.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the Federal Travel Regulation (FTR) to remove the per diem rate tables from Appendix A of chapter 301. The Continental United States (CONUS) per diem rates will be published on a periodic basis by the Office of Governmentwide Policy, Office of Transportation and Personal Property, Travel Management Policy, and will be available on the Internet at <http://www.gsa.gov/perdiem> as FTR Per Diem Bulletins. Such bulletins will be numbered consecutively on a fiscal year basis (e.g., the first bulletin, scheduled to be effective for fiscal year 2003, would be numbered as FTR Per Diem Bulletin #03–1). Subsequent changes or updates to the fiscal year 2003 rate would be numbered 03–2, 03–3, etc. This change in the publication of the

CONUS per diem rate is effective April 28, 2003. A notice will be published in the **Federal Register** to alert readers of any new FTR per diem bulletins.

**EFFECTIVE DATE:** This final rule is effective April 28, 2003.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jim Harte, Office of Governmentwide Policy, Travel Management Policy Division, at (202) 501–1538 for technical information. For information pertaining to status or publication schedules, contact the Regulatory and Federal Assistance Publications Division, Room 4035, GS Building, Washington, DC, 20405, at (202) 208–7312.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

The change in this final rule is made to expedite and simplify the publication of the CONUS per diem rates established by the General Services Administration (GSA).

##### B. Executive Order 12866

GSA has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993.

##### C. Regulatory Flexibility Act

This final rule is not required to be published in the **Federal Register** for notice and comments; therefore, the Regulatory Flexibility Act does not apply.

##### D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not

impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 501 *et seq.*

##### E. Small Business Regulatory Enforcement Fairness Act

This final rule is also exempt from congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

##### List of Subjects in 41 CFR Chapter 301 and 302

Government employees, Travel, Travel allowances, and Travel and transportation expenses.

Dated: January 15, 2003.

**Stephen A. Perry,**  
*Administrator of General Services.*

■ For the reasons set forth in the preamble, 41 CFR chapter 301 is amended as follows:

##### Chapter 301—Temporary Duty (TDY) Travel Allowances

■ 1. The authority citation for 41 CFR part 301–11 continues to read as follows:

**Authority:** 5 U.S.C. 5707.

■ 2. Revise § 301–11.6 to read as follows:

##### § 301–11.6 Where do I find maximum per diem and actual expense rates?

Consult this table to find out where to access *per diem* rates for various types of Government travel:

For travel in	Rates set by	For <i>per diem</i> and actual expense see
(a) Continental United States (CONUS).	General Services Administration ...	For <i>per diem</i> , see applicable FTR Per Diem Bulletins issued periodically by the Office of Governmentwide Policy, Office of Transportation and Personal Property, Travel Management Policy, and available on the Internet at <a href="http://www.gsa.gov/perdiem">http://www.gsa.gov/perdiem</a> for actual expense, see 41 CFR 301–11.303 and 301–11.305.
(b) Non-foreign areas .....	Department of Defense ( <i>Per Diem</i> , Travel and Transportation Allowance Committee (PDTATAC)).	<i>Per Diem</i> Bulletins issued by PDTATAC and published periodically in the Federal Register or Internet at <a href="http://www.dtic.mil/perdiem/">http://www.dtic.mil/perdiem/</a> . (Rates also appear in section 925, a <i>per diem</i> supplement to the Department of State Standardized Regulations (Government Civilians—Foreign Areas).)
(c) Foreign areas .....	Department of State .....	A <i>per diem</i> supplement to section 925, Department of State Standardized Regulations (Government Civilians—Foreign Areas).

\* \* \* \* \*

■ 3. Revise Appendix A to chapter 301 to read as follows:

##### Appendix A to Chapter 301—Prescribed Maximum Per Diem Rates for CONUS

For the Continental United States (CONUS) *per diem* rates, see applicable FTR *Per Diem* Bulletins, issued periodically and available on the Internet at <http://www.gsa.gov/perdiem>.

## CHAPTER 302—RELOCATION ALLOWANCES

■ 4. The authority citation for 41 CFR part 302–4 continues to read as follows:

**Authority:** 5 U.S.C. 5738, 20 U.S.C. 905(a); E.O. 11609; 36 FR 13747, 3 CFR, 1971–1973, Comp., p. 586.

■ 5. Revise § 302–4.200 to read as follows:

##### § 302–4.200 What per diem rate will I receive for en route relocation travel within CONUS?

Your *per diem* for en route relocation travel between your old and new official stations will be at the standard CONUS rate (see applicable FTR *Per Diem* Bulletins available on the Internet at <http://www.gsa.gov/perdiem>). You will be reimbursed in accordance with

§§ 301–11.100 through 301–11.102 of this title.

[FR Doc. 03–10313 filed 4–25–03; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[FCC 03–48]

#### Amendment of the Commission's Rules Concerning Non-Discrimination on the Basis of Disability in the Commission's Programs and Activities

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document amends our rules, entitled “Enforcement of Non-discrimination on the Basis of Handicap in Programs or Activities Conducted by the Federal Communications Commission,” 47 CFR 1.1801 *et seq.*, to update the Commission's section 504 regulations. The rules modified by this document pertain to agency organization, procedure and practice. Consequently, the notice and comment provisions of the Administrative Procedure Act are inapplicable.

**DATES:** Effective April 28, 2003.

**FOR FURTHER INFORMATION CONTACT:** Susan Magnotti, 202/418–0871, Fax 202/418–4562, TTY 202/418–0538, [smagnott@fcc.gov](mailto:smagnott@fcc.gov), Disability Rights Office, Consumer & Governmental Affairs Bureau.

**SUPPLEMENTARY INFORMATION:** This is the full text of the Commission's Order (Order) in the Amendment of Part 1, Subpart N of the Commission's Rules Concerning Non-Discrimination on the Basis of Disability in the Commission's Programs and Activities, FCC 03–48, adopted March 4, 2003 and released March 12, 2003, with the exception of Chairman's and Commissioners' separate statements, and Appendix B of the Order, which is the FCC Section 504 Programs and Activities Accessibility Handbook (Handbook). The full text of the Order, including the separate statements and the Handbook, is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the FCC Reference Center, Room CY–A257, 445 12th Street, SW., Washington, DC 20554, or copies may be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554 (202/863–2893), [QUALEXINT@AOL.COM](mailto:QUALEXINT@AOL.COM).

#### Text of the Report and Order

By the Commission: Chairman Powell and Commissioners Copps and Adelstein issuing separate statements.

1. As originally enacted, section 504 of the Rehabilitation Act of 1973 prohibited discrimination against individuals with disabilities under any “program or activity” receiving Federal financial assistance.<sup>1</sup> In 1978, Congress amended section 504 to cover any program or activity conducted by any Executive Branch agency or the United States Postal Service. The 1978 amendment required covered agencies to promulgate regulations enforcing section 504's prohibitions. On April 15, 1987, the Commission released a *Report and Order* that adopted with minor modifications the Department of Justice's prototype regulations for implementing and enforcing section 504.<sup>2</sup> The *Report and Order* noted that the legislative history of the 1978 amendments indicated that Congress intended the amendments to apply to all federal agencies, including independent regulatory agencies such as this Commission.<sup>3</sup> Except for adding consumer complaint procedures, the Commission has not updated its section 504 regulations since 1987.

2. By this Order, we amend part 1, subpart N of our rules, entitled “Enforcement of Non-discrimination on the Basis of Handicap in Programs or Activities Conducted by the Federal Communications Commission,” 47 CFR 1.1801 *et seq.*, to update the Commission's section 504 regulations. Specifically, we amend subpart N throughout to replace the terms “handicap,” “individual with a handicap,” and “individuals with handicaps” with the terms “disability,” “individual with a disability,” and “individuals with disabilities,” respectively, in keeping with the most current statutory terms used in the Americans with Disabilities Act.<sup>4</sup> We amend §§ 1.1803 and 1.1810 of the Commission's rules to specify filing and

signature formats for persons with disabilities who wish to file using alternative media. We add a new § 1.1805 to our rules to provide for the Federal Communications Commission Section 504 Programs and Activities Accessibility Handbook (Section 504 Handbook). The Section 504 Handbook is intended as a guide to implement the Commission's responsibilities under section 504 of the Rehabilitation Act.<sup>5</sup> This handbook describes the methods and procedures for accommodation available at the Commission to achieve a consistent and complete accommodations policy. It is for internal staff use and public information only, and is not intended to create any rights, responsibilities, or independent causes of action against the Federal Government.

3. In addition, we amend § 1.1803 to define the term “programs or activities” as that term is used in subpart N. We amend § 1.1810 to require that the self-evaluation process be held every three years, during which time we will seek public comment on the accessibility of our programs and activities as required by section 504 of the Rehabilitation Act of 1973. Finally, we amend § 1.1849 to add a procedure for individuals who are requesting accessibility to the Commission's programs and facilities. We note that requests for accommodation requiring the assistance of other persons (e.g., an American Sign Language interpreter) can best be provided if the request is made five business days before a Commission event.<sup>6</sup>

4. The modifications to part 1, subpart N undertaken by this Order are rules that pertain to agency organization, procedure and practice. Consequently, the notice and comment provisions of the Administrative Procedure Act are inapplicable.<sup>7</sup> The procedural rule modifications will be effective immediately upon publication in the **Federal Register**.<sup>8</sup>

5. Accordingly, *it is ordered that*, pursuant to section 5 of the

<sup>1</sup> The Rehabilitation Act of 1973, Pub. L. 93–112, 87 Stat. 394, 29 U.S.C. 794, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93–516, 88 Stat. 1617, and the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, Pub. L. 95–602, 92 Stat. 2955, and the Rehabilitation Act Amendments of 1986, section 103(d), Pub. L. 99–506, 100 Stat. 1810, creates specific causes of action for persons who are aggrieved by discriminatory treatment as defined in the Act.

<sup>2</sup> *Amendment of Part 1 of the Commission's Rules to Implement Section 504 of the Rehabilitation Act of 1973, as amended*, 29 U.S.C. section 794, Gen. Docket No. 84–533, *Report and Order*, 2 FCC Rcd 2199 (1987) (*Report and Order*).

<sup>3</sup> See *Report and Order* at 2199, paragraph 2.

<sup>4</sup> 42 U.S.C. 12101 *et seq.*

<sup>5</sup> The Rehabilitation Act of 1973, Pub. L. 93–112, 87 Stat. 394, 29 U.S.C. 794, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93–516, 88 Stat. 1617, and the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, Pub. L. 95–602, 92 Stat. 2955, and the Rehabilitation Act Amendments of 1986, section 103(d), Pub. L. 99–506, 100 Stat. 1810, creates specific causes of action for persons who are aggrieved by discriminatory treatment as defined in the Act.

<sup>6</sup> Even if the request for accommodation is made less than five days before the relevant event, the Commission will make every effort to secure the services of a person to provide the requested assistance.

<sup>7</sup> 5 U.S.C. 553(b)(3)(A).

<sup>8</sup> See 5 U.S.C. 553(d).