

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 300

[Docket ID: OPM-2023-0014]

RIN 3206-AO37

Bar to Appointment of Persons Who Fail To Register Under Selective Service Law

AGENCY: Office of Personnel Management.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Office of Personnel Management (OPM) withdraws a proposed rule published on February 7, 2024. The notice of proposed rulemaking proposed to revise the procedures for determining whether an individual's failure to register with the Selective Service System (SSS) was knowing and willful.

DATES: OPM withdraws the proposed rule published on February 7, 2024, at 89 FR 8352, as of July 15, 2025.

ADDRESSES: The docket for this withdrawn rule is available at <https://www.regulations.gov/docket/OPM-2023-0014>.

FOR FURTHER INFORMATION CONTACT:

Michael Mahoney by email at employ@opm.gov or by telephone at 202-936-3265.

SUPPLEMENTARY INFORMATION: On February 7, 2024, the Office of Personnel Management (OPM) published a notice of proposed rulemaking (NPRM or proposed rule) titled "Bar to Appointment of Persons Who Fail to Register Under Selective Service Law" in the **Federal Register**. See 89 FR 8352. The NPRM proposed to change the procedures for determining whether an individual's failure to register with the SSS was knowing and willful. Specifically, OPM proposed to clarify the applicable standard used to determine what constitutes "knowing and willful," to establish new procedures for individuals to submit evidence in support of their non-

registration, and to allow Executive agencies to make the initial determination as to whether an individual's failure to register with the SSS was knowing and willful.

In response to the NPRM, OPM received approximately 13 comments during the 60-day comment period which ended on April 8, 2024.

All agencies participate in the semi-annual Unified Agenda of Regulatory and Deregulatory Actions ("Unified Agenda"), which provides a summary description of the regulatory actions that each agency is considering or reviewing. Withdrawal of this proposed rule will allow OPM to better align its entries on the Unified Agenda with OPM's needs, priorities, and objectives.

Accordingly, for each of these independently sufficient reasons, OPM is withdrawing the NPRM associated with Regulation Identifier Numbers ("RIN") 3206-AO37. Should OPM decide at a future date to initiate the same or similar rulemakings, OPM will issue a new NPRM under a new RIN.

Office of Personnel Management.

Jerson Matias,

Federal Register Liaison.

[FR Doc. 2025-13204 Filed 7-14-25; 8:45 am]

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 550

RIN 3206-AN83

Attorney Fees and Personnel Action Coverage Under the Back Pay Act

AGENCY: Office of Personnel Management.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Office of Personnel Management is withdrawing a proposed rule published on October 7, 2020. The notice of proposed rulemaking, *inter alia*, proposed revising OPM's regulations governing the coverage of, and attorney fee awards under, the Back Pay Act. OPM withdrew the proposed rule on March 12, 2021, but issues this clarification reiterating that the proposed rule is withdrawn.

DATES: As of July 15, 2025, OPM withdraws the proposed rule published October 7, 2020 (85 FR 63218), which

was withdrawn from the regulatory agenda on March 12, 2021.

ADDRESSES: The docket for this withdrawn rule is available at <https://www.regulations.gov/docket/OPM-2025-0041>.

FOR FURTHER INFORMATION CONTACT:

Carey Jones by email at paypolicy@opm.gov or by telephone at 202-606-2858.

SUPPLEMENTARY INFORMATION: On October 7, 2020, the Office of Personnel Management (OPM) published a notice of proposed rulemaking (NPRM or proposed rule) titled "Attorney Fees and Personnel Action Coverage Under the Back Pay Act" in the **Federal Register** ("2020 NPRM"). See 85 FR 63218. The 2020 NPRM proposed to revise OPM's regulations governing the coverage of, and attorney fee awards under, the Back Pay Act. The proposed regulations would have added a definition of "employee's personal representative" for purposes of the payment of attorney fees. The rule also would have clarified the actions qualifying for back pay, added a definition of "personnel action," and revised the definition of "unjustified or unwarranted personnel action."

In response to the 2020 NPRM, OPM received approximately 38 comments during the 30-day comment period which ended on November 6, 2020. Some commenters raised significant legal and policy concerns with the proposal. The comments received raised a number of issues that warrant further attention and suggest that OPM should further assess the best regulatory approach.

On March 12, 2021, OPM withdrew its 2020 NPRM from its regulatory agenda (see <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202104&RIN=3206-AN83>) to pursue other agency priorities. Nevertheless, in an abundance of caution, OPM hereby clarifies that the 2020 NPRM is withdrawn. OPM continues to consider the best means of addressing some or all of the issues addressed in the 2020 NPRM. OPM believes that it would benefit from seeking comments on any new proposal that might account for the specific issues raised in the comments received;