

program in accordance with federal law, however. The Agency does agree it should not impose unnecessary rigidity into the requirement and adhered to this principle in drafting the interim regulations. Accordingly, the Agency does not amend the regulatory provisions set forth at 22 CFR 514.31(k). Moreover, for clarification purposes, it is not necessary that the course work be taken for credit so that audit of such courses is permissible.

Selection, Training and Screening

The au pair program has been governed for over eight years by voluntary guidelines issued in 1986. Because of Congressional enactments in 1988 and 1990, the Agency had been essentially barred from modifying or enforcing the guidelines or otherwise regulating and monitoring the au pair organizations. Unfortunately, these guidelines, promulgated for two au pair organizations under a pilot program overseeing 300 au pairs annually, was deficient for a program that had grown to eight au pair organizations and 10,000 au pairs annually. By the summer of 1994, a number of high profile incidents, buttressed by a series of investigative reports, strongly suggested that the lack of oversight may in some instances be jeopardizing the safety of host family children. Evidence also was presented that some au pairs had been mistreated by host family members. The Agency was equally disturbed by reports suggesting the program had been portrayed to host families as a child care program but to young potential au pairs as a chance to see America. Such a disparity in expectations laid a poor foundation for either a good exchange experience or for quality child care. Faced with this history, and under Congressional mandate, the Agency developed regulations which attempted to provide reasonable confidence that au pairs assigned to host families had the skills, experiences and character to meet host families' reasonable expectations.

One of the two components of the interim regulations drawing the most comments involved the age requirement for au pairs caring for infant children. The Agency had specified at 22 CFR 514.31(e)(3) that an au pair providing such care for a child under the age of two must be at least twenty-one years of age. The reason for this requirement was to attempt to ensure that au pairs entrusted with infant children had some degree of maturity and experience. In imposing this requirement the Agency recognized that any age limitation was subjective and inexact; nevertheless, the Agency had considered the requirement

reasonable given all surrounding circumstances.

Many who commented provided persuasive accounts, examples, and illustrations supporting their beliefs that a 21 year old rule was unnecessary, especially in light of the Agency's six months of prior child care experience requirement. These stories helped convince the Agency that the correlation between age and maturity was marginal at best and, as a result, the Agency is dropping the twenty-one age requirement.

Another modification is set forth at 22 CFR 514.31(e) (1)–(3). Many comments were received which questioned the utility of requiring a parent to remain in the home for the first week following the au pair's arrival. Many suggested modifications but agreed that some form of transition was desirable; others suggested the transition period should be left entirely to the discretion of the host family.

The Agency's reason for imposing such a requirement was the need to ensure that the au pair received the benefit of an adequate transition period and was comfortable with his or her new duties, new home, new community, and new country. The Agency recognized that a vast majority of host families would never leave their infants and other children with an au pair without an adequate adjustment period, but concluded that requiring a reasonable transition period was essential to the welfare of both the au pair and the children, especially infants.

In response to the comments received, the Agency is amending 22 CFR 514.31(e)(1) to allow either a parent or other responsible adult to assist in this transition period and also is reducing the length of such transition from one week to three days duration. The Agency has been informed that in many instances this three day period will encompass the weekend. This increased flexibility addresses the concerns raised by most of these comments but still provides adequate assurances of a smooth transition for the au pair. The Agency rejects those comments suggesting the transition period should be left entirely to the discretion of the host family based upon the Agency's experience in these matters which indicates that a prescribed transition period is necessary, even if it is a short one.

The Agency also is amending the requirement set forth at 22 CFR 514.31(e)(3) to provide for greater flexibility. Originally, the Agency had required that au pairs placed with families having children under the age of two must have at least six months

documented infant child care experience. In response to comments suggesting that "documented" was too rigid, confusing or otherwise counterproductive, the Agency is amending this provision by substituting the word "prior" for "documented."

In response to documented failures over past eight years to adequately screen potential au pair participants, the Agency set forth at 22 CFR 514.31(d) specific criteria governing au pair selection. Based upon comments received, the Agency is amending 22 CFR 514.31(d)(6) by requiring a personality profile rather than a psychological profile for potential au pair participants. This amendment is adopted based upon representations made to the Agency that psychological testing would be unduly burdensome, costly and would be ineffective. Au pair sponsors suggested the substitution of a "personality" profile which they assert would in fact provide a screening mechanisms sufficient to ensure the au pair applicant's suitability for child care services. Also set forth in this paragraph is the requirement that au pair applicants undergo a criminal record check. Au pair sponsors and the Agency's posts overseas confirm that a criminal record check as such term is commonly understood in the United States is not necessarily available in all countries. For those countries where such records are not readily available, the Agency will accept the recognized equivalent of a criminal record check for that country.

Directly related to the screening of au pair participants is experience and training. A need for some level of uniform training for au pair participants was recognized and supported by the public comments received by the Agency. However, the length of this training was subject to debate. At 22 CFR 514.31(g)(1) the Agency set forth a requirement that au pair participants receive not less than 16 hours of child safety instruction. Based upon comments received from au pair sponsors and the American Red Cross, the Agency is amending this requirement by reducing the number of hours of such instruction from 16 to 8. The regulation is also amended to permit such training to be given prior to placement with the host family. This amendment will permit au pair sponsors to provide child safety training in the au pair's home country if they choose to do so.

Finally, for the purpose of clarity, the Agency has determined that amendments to 22 CFR 514.31(h) are needed. This regulation sets forth requirements governing host family