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DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revisions of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and general officers of the Department to delegate, through the Under Secretary for Natural Resources and Environment, to the Chief of the Forest Service the authority vested in the Secretary pursuant to Title V of the Department of the Interior and Related Agencies Appropriations Act of 1998 (Title V), Pub. L. 105-83, relating to the New World Mine acquisition and other priority land acquisitions, exchanges, and maintenance.

EFFECTIVE DATE: June 30, 1999.

FOR FURTHER INFORMATION CONTACT: Terry Harwood, Executive Director, Hazardous Materials Policy Council, United States Department of Agriculture, 324 25th Street, Ogden, Utah 84401, telephone (801) 625-5196.

SUPPLEMENTARY INFORMATION: Pursuant to Title V of the Department of the Interior and Related Agencies Appropriations Act of 1998 (Title V), Pub. L. 105-83, Congress made available to the Secretary of Agriculture \$167,000,000 for priority land acquisitions, land exchange agreements, and other activities consistent with the Land and Water Conservation Fund Act of 1965, as amended, and critical maintenance. Of those funds made available to the Secretary, not to exceed \$65,000,000 may be used by the Secretary to acquire identified lands and interests in lands from Crown Butte Mines, Inc. (Crown Butte), in the New World Mining District to protect and preserve Yellowstone National Park

pursuant to sections 502 and 504 of Title V, and \$12,000,000 may be used by the Secretary for the rehabilitation and maintenance of the Beartooth Highway in Montana and Wyoming pursuant to section 502 of Title V. Pursuant to section 502(d), immediately upon receipt of payment from the United States for the lands and interests in lands, Crown Butte shall deposit \$22,500,000 in an interest bearing account in a private, Federally-chartered financial institution that shall be acceptable to the Secretary and available to carry out certain response and restoration actions in the New World Mining District (New World Mine Response and Restoration Account). This document amends the formal delegations of authority by the Secretary of Agriculture and general officers of the Department to reflect the previous internal delegation by the Secretary, through the Under Secretary for Natural Resources and Environment, to the Chief of the Forest Service with the exception of the authority to approve disbursements from the New World Mine Response and Restoration Account under section 502(d) and the authority to prepare and approve the New World Mine Response and Restoration Plan, including the coordination of the response and restoration activities of the Forest Service and the other Federal and State agencies, and make quarterly reports to Congress under section 502(f), which are reserved to the Under Secretary for Natural Resources and Environment.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order Nos. 12866 and 12988. In addition, this action is not a rule as defined by the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., and thus, is exempt from the provisions of that Act. Accordingly, as authorized by section 808 of the Small Business Regulatory Enforcement Fairness Act of 1996, Pub. L. 104-121, this rule may be made effective upon publication in the **Federal Register**.

List of Subjects in 7 CFR Part 2

Authority delegations (Government agencies).

Accordingly, 7 CFR part 2 is amended as follows:

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

1. The authority citation for part 2 continues to read as follows:

Authority: 7 U.S.C. 6912(a)(1); 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 3 CFR, 1949-1953 Comp., p. 1024.

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretaries and Assistant Secretaries

2. In § 2.20 paragraph (a)(1)(viii) is added to read as follows:

§ 2.20 Under Secretary for Natural Resources and Environment

(a) * * *

(1) * * *

(viii) Exercise the functions of the Secretary of Agriculture authorized in Title V of the Department of the Interior and Related Agencies Appropriations Act of 1998, Pub. L. 105-83, relating to the acquisition of the New World Mine and other priority land acquisitions, land exchanges, and other activities.

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Subpart J—Delegations of Authority by the Under Secretary for Natural Resources and Environment

3. In § 2.60, paragraphs (a)(47) and (b)(7) are added to read as follows:

§ 2.60 Chief, Forest Service.

(a) * * *

(47) Exercise the functions of the Secretary of Agriculture authorized in Title V of the Department of the Interior and Related Agencies Appropriations Act of 1998, Pub. L. 105-83, relating to the acquisition so the New World Mines and other priority land acquisitions, land exchanges, and other activities.

(b) * * *

* * * * *

(7) The authority to approve disbursements from the New World Mine Response and Restoration Account and the authority to prepare and approve the New World Mine Response and Restoration Plan, including the coordination of the response and restoration activities of the Forest Service and the other Federal and State agencies, and make quarterly reports to

Congress under section 502(d) and (f) of Title V of the Department of the Interior and Related Agencies Appropriations Act of 1998, Pub. L. 105-83.

Dated: June 16, 1999.

Dan Glickman,

Secretary of Agriculture.

[FR Doc. 99-16523 Filed 6-29-99; 8:45 am]

BILLING CODE 3410-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Federal Housing Enterprise Oversight

12 CFR Part 1730

RIN 2550-AA07

Debt Collection

AGENCY: Office of Federal Housing Enterprise Oversight, HUD.

ACTION: Interim regulation with request for comments.

SUMMARY: The Office of Federal Housing Enterprise Oversight (OFHEO) is issuing an interim regulation that sets forth procedures for use by OFHEO in collecting debts owed to the Federal Government. The Federal Claims Collection Act of 1966, as amended by the Debt Collection Act of 1982 and the Debt Collection Improvement Act of 1996, requires agencies to issue a regulation on their debt collection procedures. The interim regulation includes procedures for collection of debts through salary offset, administrative offset, and tax refund offset. OFHEO requests comments on the interim regulation.

DATES: The interim regulation is effective June 30, 1999. Written comments on the interim regulation must be received by August 30, 1999.

ADDRESSES: Send written comments concerning the interim regulation to Anne E. Dewey, General Counsel, Office of Federal Housing Enterprise Oversight, Fourth Floor, 1700 G Street, NW., Washington, DC 20552. Written comments may also be sent to Ms. Dewey by electronic mail at RegComments@OFHEO.gov.

FOR FURTHER INFORMATION CONTACT: Isabella W. Sammons, Associate General Counsel, telephone (202) 414-3751 (not a toll-free number); or Gail Palestine, Financial Management Officer, telephone (202) 414-3816 (not a toll-free number), Office of Federal Housing Enterprise Oversight, Fourth Floor, 1700 G Street, NW., Washington, DC 20552. The telephone number for the

Telecommunications Device for the Deaf is (800) 877-8339.

SUPPLEMENTARY INFORMATION:

Discussion of the Interim Regulation

The interim regulation implements the requirements of the Federal Claims Collection Act, Pub. L. 89-508, 80 Stat. 308 (1966), as amended by the Debt Collection Act of 1982, Pub. L. 97-365, 96 Stat. 1749 (1982), and the Debt Collection Improvement Act of 1966, Pub. L. 104-134, 110 Stat. 1321 (1996). The interim regulation provides that OFHEO will attempt to collect debts owed to the Federal Government either directly or by salary offset, administrative offset, or tax refund offset.

Subpart A of the interim regulation addresses the collection of debts in general and incorporates the debt collection procedures of the Federal Claims Collection Standards (FCCS) at 4 CFR chapter II. A revised FCCS has been proposed jointly by the Department of Justice and the Department of the Treasury. 62 FR 68476-01, Dec. 31, 1997. OFHEO will amend, as necessary, its Debt Collection regulation after the revised FCCS has been issued as a final regulation.

Subpart A also provides, in accordance with applicable law and regulations, that OFHEO will transfer debts that are delinquent for over 180 days to the Secretary of the Department of the Treasury for collection or other appropriate action. It further provides that debts that are delinquent for less than 180 days may be referred to debt collection centers for collection.

Subpart B of the interim regulation sets forth the procedures that will be used by OFHEO to collect debts owed to the Federal Government by OFHEO employees and former OFHEO employees who are employed by other agencies. When an employee of an agency is indebted to the Federal Government, the agency may collect the debt by salary offset, that is, by deductions from the current pay account of the employee. 5 U.S.C. 5514(a)(1).

The procedures for salary offset are governed by 5 U.S.C. 5514, and by Office of Personnel Management (OPM) regulations at 5 CFR part 550, subpart K (63 FR 72098, Dec. 31, 1998). Agencies are required to promulgate their own salary offset regulations, 5 U.S.C. 5514(b)(1), that must conform with the OPM regulations and be approved by OPM before they become effective. 5 CFR 550.1105(a)(1). The salary offset provisions of subpart B of the interim regulation have been reviewed and approved by OPM.

Subpart C of the interim regulation sets forth the procedures that OFHEO will use to collect debts by administrative offset, if salary offset is not applicable or appropriate. Under this method of collection, an agency collects a debt from a debtor by withholding money that is either payable to the debtor or held by the Federal Government for the debtor. 31 U.S.C. 3716. Subpart C is consistent with the procedures of administrative offset set forth in 31 U.S.C. 3716 and the FCCS.

Subpart D of the interim regulation sets forth the procedures used for collection by the tax refund offset. If collection by salary offset or administrative offset is not feasible, an agency must seek to recover monies owed it by requesting that the Internal Revenue Service reduce a tax refund to a debtor by the amount of the debt and pay such monies to the agency. 31 U.S.C. 3720A, 26 CFR 301.6402-6. In order to use the tax refund offset method of collection, the Internal Revenue Service requires that the agency promulgate temporary or permanent regulations covering all three collection methods: salary offset, administrative offset, and tax refund offset. 31 U.S.C. 3720A(b)(4), 26 CFR 301.6402-6(b). The publication of this interim regulation satisfies that requirement.

Effective Date and Request for Comments

OFHEO has determined that this interim regulation pertains to agency practice and procedure and is interpretative in nature. The procedures contained in the interim regulation for salary offset, administrative offset, and tax refund offset are mandated by law and by regulations promulgated by OPM, jointly by the Department of the Treasury and the Department of Justice, and by the IRS. Therefore, the interim regulation is not subject to the Administrative Procedure Act (APA) and the requirements of the APA for a notice and comment period and for a delayed effective date. 5 U.S.C. 553(b) and (c). Nevertheless, OFHEO requests comments from the public and will take all comments into consideration before promulgating the final regulation. Copies of all comments received will be available for examination by the public at the Office of Federal Housing Enterprise Oversight, Fourth Floor, 1700 G Street, NW., Washington, DC 20552.