

Trade Commission, 500 E Street SW., Washington, DC 20436.

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■ 18. Amend the authority citation for subpart H of part 201 to read as follows:

Authority: 19 U.S.C. 1335; 5 U.S.C. 5514(b)(1); 31 U.S.C. 3716(b); 31 U.S.C. 3720A(b)(4); 31 CFR chapter IX; 26 CFR 301.6402-6(b).

■ 19. Amend § 201.201 to revise paragraphs (f), (i), and (m) to read as follows:

§ 201.201 Definitions.

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(f) *Director* means the Director, Office of Finance of the Commission or an official designated to act on the Director's behalf.

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(i) *Federal Claims Collection Standards (FCCS)* means standards published at 31 CFR chapter IX.

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(m) *Office of Finance* means the Office of Finance of the Commission.

■ 20. Amend § 201.202 to revise paragraphs (a) and (b)(4) to read as follows:

§ 201.202 Purpose and scope of salary and administrative offset rules.

(a) *Purpose.* The purpose of sections 201.201 through 201.207 is to implement 5 U.S.C. 5514, 31 U.S.C. 3716, and 31 U.S.C. 3720A which authorize the collection by salary offset, administrative offset, or tax refund offset of debts owed by persons, organizations, or entities to the Federal government. Generally, however, a debt may not be collected by such means if it has been outstanding for more than ten years after the agency's right to collect the debt first accrued. These proposed regulations are consistent with the Office of Personnel Management regulations on salary offset, codified at 5 CFR Part 550, subpart K, and with regulations on administrative offset codified at 31 CFR part 901.

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(b) * * *

(4) Nothing in Sections 201.201 through 201.207 precludes the compromise, suspension, or termination of collection actions where appropriate under the standards implementing the Federal Claims Collection Act (31 U.S.C. 3711 *et seq.*), namely, 31 CFR chapter IX.

■ 21. Amend § 201.204 to revise paragraphs (a)(16)(ii), (g)(1), (g)(2), (h)(1)(iii), (h)(2)(iii), (h)(3), (h)(4)(ii), (j), and (n) to read as follows:

§ 201.204 Salary offset.

(a) * * *

(16) * * *

(ii) Penalties under the False Claims Act, 31 U.S.C. 3729-3733, or under any other applicable statutory authority; or

(g) Notice of salary offset where the Commission is the paying agency.

(1) Upon issuance of a proper certification by the Director (for debts owed to the Commission) or upon receipt of a proper certification from another creditor agency, the Office of Finance shall send the employee a written notice of salary offset. Such notice shall advise the employee:

(i) Of the certification that has been issued by the Director or received from another creditor agency;

(ii) Of the amount of the debt and of the deductions to be made; and

(iii) Of the initiation of salary offset at the next officially established pay interval or as otherwise provided for in the certification.

(2) The Office of Finance shall provide a copy of the notice to the creditor agency and advise such agency of the dollar amount to be offset and the pay period when the offset will begin.

* * * * *

(h) * * *

(1) * * *

(iii) Deductions shall begin the pay period following the issuance of the certification by the Director or the receipt by the Office of Finance of the certification from another agency or as soon thereafter as possible.

* * * * *

(2) * * *

(iii) Lump-sum deductions from final check. In order to liquidate a debt, a lump-sum deduction exceeding 15 percent of disposable pay may be made pursuant to 31 U.S.C. 3716 and 5 U.S.C. 5514(a)(1) from any final salary payment due a former employee, whether the former employee was separated voluntarily or involuntarily.

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(3) Multiple debts. Where two or more creditor agencies are seeking salary offset, or where two or more debts are owed to a single creditor agency, the Office of Finance may, at its discretion, determine whether one or more debts should be offset simultaneously within the 15 percent limitation.

(4) * * *

(ii) In the event that a debt to the Commission is certified while an employee is subject to salary offset to repay another agency, the Office of Finance may, at its discretion, determine whether the debt to the Commission should be repaid before the debt to the other agency, repaid

simultaneously, or repaid after the debt to the other agency.

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(j) Interest, Penalties, and Administrative Costs. Where the Commission is the creditor agency, it shall assess interest, penalties, and administrative costs pursuant to 31 U.S.C. 3717 and 31 CFR 901.9.

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(n) Exception to due process procedures. The procedures set forth in this section shall not apply to adjustments described in 5 U.S.C. 5514(a)(3) and 5 CFR 550.1104(c).

■ 22. Amend § 201.206 to revise paragraphs (d), (f)(3), and (g)(1)(iv) to read as follows:

§ 201.206 Administrative offset.

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(d) Interest. Pursuant to 31 U.S.C. 3717 and 31 CFR 901.9, the Commission shall assess interest, penalties and administrative costs on debts owed to the United States. The Commission is authorized to assess interest and related charges on debts that are not subject to 31 U.S.C. 3717 to the extent authorized under the common law or other applicable statutory authority.

(f) * * *

(3) That the Commission has complied with the requirements of its own administrative offset regulations and the applicable provisions of 31 CFR part 901 with respect to providing the debtor with due process.

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(g) * * *

(1) * * *

(iv) That the agency has complied with its own administrative offset regulations and with the applicable provisions of 31 CFR part 901, including providing any required hearing or review.

■ 23. Amend § 201.207 to revise paragraph (b)(3) to read as follows:

§ 201.207 Administrative offset against amounts payable from Civil Service Retirement and Disability Fund.

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(b) * * *

(3) The Commission has complied with the requirements of 31 CFR 901.3, including any required hearing or review.

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PART 204—INVESTIGATIONS OF EFFECTS OF IMPORTS ON AGRICULTURAL PROGRAMS

■ 1. Revise the authority citation for part 204 to read as follows:

Authority: 19 U.S.C. 1335.