

GENERAL SERVICES ADMINISTRATION

41 CFR Part 105–55

[GSPMR Case 2003–105–1]

RIN 3090–AH84

General Services Administration Property Management Regulations; Collection of Claims Owed the United States

AGENCY: Office of Finance, General Services Administration (GSA).

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) is proposing to amend and reissue its regulations concerning the procedures used to collect debts owed to GSA by incorporating applicable provisions as required by the Debt Collection Improvement Act of 1996 (DCIA) and the Federal Claims Collection Standards.

DATES: Interested parties should submit comments in writing on or before September 9, 2003 to be considered in the formulation of a final rule.

ADDRESSES: Submit written comments to: General Services Administration, Office of Finance (BCD), Office of the Chief Financial Officer, 1800 F Street, NW, Room 3121, ATTN: Michael J. Kosar, Washington, DC 20405. Submit electronic comments via the Internet to: Michael.Kosar@gsa.gov. Please submit comments only and cite GSPMR case 2003–105–1 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: The Regulatory Secretariat, Room 4035, GS Building, Washington, DC, 20405, at (202) 501–4755 for information pertaining to status or publication schedules. For clarification of content, contact Michael J. Kosar, Office of the Chief Financial Officer (202) 501–2029. Please cite GSPMR case 2003–105–1.

SUPPLEMENTARY INFORMATION:

A. Background

The GSA proposes to amend and reissue its debt collection procedures to incorporate changes presented in the amended Federal Claims Collection Standards (FCCS) issued jointly on November 22, 2000, by the Department of the Treasury (Treasury) and the Department of Justice (DoJ), under the Debt Collection Improvement Act of 1996 (DCIA). GSA currently has rules for collecting unpaid debts through three offset methods: administrative, salary, and tax refund. These rules were adopted with then existing provisions of

the Debt Collection Act of 1982, the FCCS of 1966, and other authorities governing the collection of Federal debts.

B. Executive Order 12866

GSA has determined this regulation is not a significant regulatory action as defined in Executive Order 12866 and, accordingly, this regulation has not been reviewed by the Office of Management and Budget.

C. Regulatory Flexibility Act

It is hereby certified this regulation will not have a significant economic impact on a substantial number of small entities because the regulation either: (1) Results in greater flexibility for GSA to streamline debt collection regulations, or (2) reflects the statutory language contained in the DCIA. Accordingly, a Regulatory Flexibility Analysis is not required.

D. Executive Order 13132

This regulation will not have a substantial direct effect on the states, on the relationship between the national government and the states, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined this regulation does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

E. Unfunded Mandates Reform Act of 1995

This regulation will not result in the expenditure by state, local and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one (1) year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

F. Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Act, 5 U.S.C. 804. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic or export markets.

G. Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3507, *et seq.*

List of Subjects in 41 CFR Part 105–55

Claims owed the United States, antitrust, fraud, taxes, interagency claims, offset, payments, administrative practice and procedure, credit bureaus, compromise, suspension, termination and discharge of debts, hearing and appeals procedures, debts.

Dated: June 30, 2003.

Kathleen M. Turco,

Chief Financial Officer, Office of the Chief Financial Officer.

■ For the reasons set forth in the preamble, GSA proposes to revise 41 CFR part 105–55 as follows:

CHAPTER 105—GENERAL SERVICES ADMINISTRATION

PART 105–55—COLLECTION OF CLAIMS OWED THE UNITED STATES

Sec.	
105–55.001	Prescription of standards.
105–55.002	Definitions.
105–55.003	Antitrust, fraud, tax, interagency claims, and claims over \$100,000 excluded.
105–55.004	Compromise, waiver, or disposition under other statutes not precluded.
105–55.005	Form of payment.
105–55.006	Subdivision of claims not authorized.
105–55.007	Required administrative proceedings.
105–55.008	No private rights created.
105–55.009	Aggressive agency collection activity.
105–55.010	Demand for payment.
105–55.011	Collection by administrative offset.
105–55.012	Contracting with private collection contractors and with entities that locate and recover unclaimed assets.
105–55.013	Suspension or revocation of eligibility for loans and loan guaranties, licenses, permits, or privileges.
105–55.014	Liquidation of collateral.
105–55.015	Collection in installments.
105–55.016	Interest, penalties, and administrative costs.
105–55.017	Use and disclosure of mailing addresses.
105–55.018	Exemptions.
105–55.019	Compromise of claims.
105–55.020	Bases for compromise.
105–55.021	Enforcement policy.
105–55.022	Joint and several liability.
105–55.023	Further review of compromise offers.
105–55.024	Consideration of tax consequences to the Government.
105–55.025	Mutual releases of the debtor and the Government.