

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### 7 CFR Part 3

#### Debt Collection

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Final rule.

**SUMMARY:** This document amends 7 CFR Part 3 to include specifically as subject to the provisions of the Part specific debts arising out of programs administered by the Food and Nutrition Service (FNS).

The FNS food stamp debts must be subjected to 7 CFR Part 3 to fully participate in the Treasury Administrative Offset Program as required by the Debt Collection Improvement Act of 1996. Amending the 7 CFR Part 3 will ensure that food stamp debts are subjected to 7 CFR Part 3.

**EFFECTIVE DATE:** This rule is effective March 10, 1999.

**FOR FURTHER INFORMATION CONTACT:** Richard M. Guyer, 202-690-0291.

#### SUPPLEMENTARY INFORMATION:

#### I. Background

The Debt Collection Act of 1982 (DCA) is implemented on a government-wide basis pursuant to the Federal Claims Collection Standards (Standards), set forth at 4 CFR Part 101, *et seq.* The Standards are implemented at USDA pursuant to 7 CFR Part 3.

#### II. Section 3.10

Under the Debt Collection Improvement Act of 1996, Federal agencies participate in the Treasury Administrative Offset Program (TAOP) operated by the Treasury Department and administered pursuant to its regulations. In order for the Department of Agriculture to participate in the TAOP, its debts must be subject to 7

CFR Part 3. Section 3.10 sets forth USDA programs and authorities subject to the provisions of 7 CFR Part 3.

FNS seeks to ensure that Food Stamp debts are included in the TAOP. FNS Food Stamp debts include recipient debts and retailer/wholesaler debts. Previously, USDA amended section 3.10 to include recipient indebtedness. This amendment was necessary since such debts are collected under the Food Stamp program regulations, rather than under 7 CFR Part 3.

FNS now seeks to ensure that Retailer/Wholesaler debts are included in the TAOP. Unlike Recipient debts, Retailer/Wholesaler debts always have been governed by the guidelines set forth in the Federal Claims Collection Standards and have been managed in accordance with the provisions of 7 CFR Part 3. This amendment is intended to clarify that all FNS Food Stamp debts are subject to 7 CFR Part 3 and are included in the TAOP, not merely Recipient debts.

#### III. Final Rule

We have determined, under 5 U.S.C. 553(b) (3)(b), that prior notice and public comments are unnecessary and contrary to the public interest. The departmental interim rule specifically denotes the fact that FNS collection of food stamp debts meets the procedural requirements for participating in the TAOP authorized under the provisions of the Debt Collection Improvement Act of 1996. The rule does not affect the substantive authority under which FNS currently pursues such debts. Therefore, good cause is found that notice and public comment are unnecessary and contrary to the public interest and good cause for making this regulation effective upon publication in the **Federal Register**.

#### IV. Matters of Regulatory Procedure

##### *E.O. 12291, Federal Regulation*

As Secretary of Agriculture, I have determined that this is not a major rule as defined under section 12(b) of Executive Order 12291.

##### *Paperwork Reduction Act*

As Secretary of Agriculture, I have determined that the Paperwork Reduction Act (44 U.S.C. Chapter 35) does not apply because this regulation does not contain any information collection requirements that require the

approval of the Office of Management and Budget thereunder.

#### List of Subjects in 7 CFR Part 3

Agriculture, Claims, Government employees, Income taxes, Loan programs-agriculture, Wages.

Accordingly, for the reasons set forth in the preamble, the Department of Agriculture is revising Title 7, part 3 of the Code of Federal Regulations as follows:

#### PART 3—DEBT MANAGEMENT

##### Subpart A—Settlement of Small or Old Debts

1. The authority citation for part 3, subpart A continues to read as follows:

**Authority:** Section 1, 58 Stat. 836, 12 U.S.C. 1150.

2. Section 3.10 is amended by revising the last sentence of the section to read as follows:

##### § 3.10 Scope of the act.

\* \* \* \* \*

51. Any indebtedness of food stamp recipients and retailers/wholesalers. Food Stamp Act.

**Dan Glickman,**

*Secretary of Agriculture.*

[FR Doc. 99-5849 Filed 3-9-99; 8:45 am]

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#### NORTHEAST DAIRY COMPACT COMMISSION

##### 7 CFR Part 1381

#### Handler Petition Procedure

**AGENCY:** Northeast Dairy Compact Commission.

**ACTION:** Interim procedural rule with request for comments.

**SUMMARY:** This interim procedural rule amends the rules of practice governing proceedings on petitions to modify or be exempted from the compact over-order price regulations. The Commission amends the rule to provide the option, in appropriate circumstances, to appoint an independent hearing officer to serve as a single person hearing panel, to hear and issue recommended decisions in Handler Petition proceedings. The Commission retains its current provision for the appointment of a hearing panel of Commission members