

**DEPARTMENT OF THE TREASURY****Fiscal Service****31 CFR Part 285**

RIN 1510-AA64

**Offset of Federal Benefit Payments to Collect Past-due, Legally Enforceable Nontax Debt**

**AGENCY:** Financial Management Service, Fiscal Service, Treasury.

**ACTION:** Notice of proposed rulemaking by cross-reference to interim regulations.

**SUMMARY:** In the rules and regulations portion of this **Federal Register**, the Financial Management Service is issuing an interim rule setting forth the rules governing the administrative offset of Federal benefit payments issued under the Social Security Act (other than Supplemental Security Income), part B of the Black Lung Benefits Act, and any law administered by the Railroad Retirement Board (other than tier 2 benefit payments). The Debt Collection Improvement Act of 1996 requires the Federal Government to withhold or reduce certain Federal payments to satisfy delinquent nontax

debts owed to the United States by the payee. This process is known as "administrative offset." The interim rule also serves as the text of this notice of proposed rulemaking.

**DATES:** Comments will be accepted until September 21, 1998.

**ADDRESSES:** All comments should be addressed to Gerry Isenberg, Financial Program Specialist, Debt Management Services, Financial Management Service, Department of the Treasury, 401 14th Street SW, Room 151, Washington, DC 20227. A copy of this notice of proposed rulemaking is being made available for downloading from the Financial Management Service web site at the following address: <http://www.fms.treas.gov/debt/dms.html>.

**FOR FURTHER INFORMATION CONTACT:** Gerry Isenberg, Financial Program Specialist, at (202) 874-6660; Ellen Neubauer or Ronda Kent, Senior Attorneys, at (202) 874-6680.

**SUPPLEMENTARY INFORMATION:** The interim rule in this issue of the **Federal Register** establishes 31 CFR 285.4. For the text of the interim rule, see Offset of Federal benefit payments to collect past-due, legally enforceable nontax debt, Interim rule, published in the rules and

regulations section of this issue of the **Federal Register**.

**Regulatory Analyses**

This proposed rule is not a significant regulatory action as defined in Executive Order 12866. It is hereby certified that this proposed rule will not have a significant economic impact on a substantial number of small entities. The basis for this certification is that this proposed rule only impacts individuals who owe delinquent debt to the United States and receive the benefit payments discussed above. Therefore, a regulatory flexibility analysis is not required.

**List of Subjects in 31 CFR Part 285**

Administrative practice and procedures, Black lung benefits, Claims, Debts, Disability benefits, Railroad retirement, Railroad unemployment insurance, Social Security benefits, Supplemental Security Income (SSI), Veterans benefits.

Dated: August 13, 1998.

**Richard L. Gregg,**

*Commissioner.*

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