



Friday
August 28, 1998

Part VIII

**Department of the
Treasury**

Fiscal Service

**31 CFR Part 285
Administrative Offset—Collection of Past-
Due Support; Final Rule**

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

RIN 1510-AA58

Administrative Offset—Collection of Past-Due Support

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Final rule; adoption of interim rule with changes.

SUMMARY: The Debt Collection Improvement Act of 1996 (DCIA), enacted on April 26, 1996, authorized the Secretary of the Treasury (Secretary) to collect past-due support by the administrative offset of Federal payments. Executive Order 13019 of September 28, 1996 directed the Secretary to promptly develop and implement procedures necessary for the collection of past-due support debts by administrative offset. The Financial Management Service (FMS), a bureau of the Department of the Treasury, published an interim rule on July 7, 1997. This final rule adopts the interim rule with changes incorporating suggestions provided in comments on the interim rule.

EFFECTIVE DATE: September 28, 1998.

ADDRESSES: Inquiries may be mailed to Gerry Isenberg, Financial Program Specialist, Debt Management Services, Financial Management Service, Department of the Treasury, 401 14th Street S.W., Room 151, Washington, D.C. 20227. A copy of this final rule is being made available for downloading from the Financial Management Service web site at the following address: <http://www.fms.treas.gov>.

FOR FURTHER INFORMATION CONTACT:

Gerry Isenberg, Financial Program Specialist, at (202) 874-6660; J. Martin Mills, Director, Treasury Offset Program, at (202) 874-8700; Randall S. Lewis, Attorney-Advisor, at (202) 874-6680.

SUPPLEMENTARY INFORMATION:**Background**

The Debt Collection Improvement Act of 1996 (DCIA), Pub. L. 104-134, 110 Stat. 1321-358 *et seq.* (April 26, 1996), requires that disbursing officials of the Department of the Treasury and other Federal disbursing officials offset Federal payments to collect nontax delinquent debts owed to the Federal government. In addition, subsection (h) of 31 U.S.C. 3716, as added by section 31001(f) of the DCIA, authorizes the Secretary of the Treasury (Secretary) to collect debts owed to States, including

past-due support, by the administrative offset of Federal payments. See also section 31001(z)(1)(B) of the DCIA, codified at 31 U.S.C. 3701(b)(2). To accomplish these goals, Treasury has established a centralized offset program, known as the Treasury Offset Program (TOP). Under TOP, Federal payments are matched against a database of delinquent debtors maintained by FMS. When a match occurs and all of the prerequisites for offset have been met, the payment is offset to satisfy the debt. The TOP will include offsets of all eligible Federal payments, including, as of January 1, 1999, Federal tax refund payments.

On September 28, 1996, the President issued Executive Order 13019 entitled "Supporting Families: Collecting Delinquent Child Support Obligations" (Executive Order) which requires that the Secretary promptly develop and implement procedures necessary to collect past-due support debts by administrative offset. The Executive Order recognizes that the failure of some parents to meet their child support obligations threatens the health, education, and well-being of their children and requires the collection of delinquent child support obligations from persons who may be entitled or eligible to receive certain Federal payments. FMS published an interim regulation on July 7, 1997 (62 FR 36205) describing the procedures applicable to the collection of past-due support debts by administrative offset of non-tax Federal payments in accordance with 31 U.S.C. 3716(h) and the Executive Order.

Currently, regulations promulgated by the Internal Revenue Service and the Department of Health and Human Services (HHS) govern the offsetting of federal tax refund payments to collect past due child support as authorized under 26 U.S.C. 6402 and 42 U.S.C. 664. See 26 CFR 301.6402-5 and 45 CFR 303.72. Effective January 1, 1999, FMS will operate the tax refund offset program as part of TOP. FMS will publish a regulation governing the offsetting of tax refund payments to collect past-due support beginning January 1, 1999. In addition, FMS has promulgated or will promulgate other rules governing the offset of Federal payments to collect debts other than child support owed to Federal agencies and States. FMS anticipates that Part 285 of this title ultimately will contain all of the provisions relating to centralized offset for the collection of debts owed to the Federal Government and to State governments, including past-due child support being enforced by States.

FMS continues to work closely with HHS to implement procedures necessary to report to the Secretary information on past-due support debts referred to HHS by States under 31 U.S.C. 3716(h) and this rule. HHS issued guidance to all States on August 8, 1997. In addition, FMS is working closely with HHS to implement procedures necessary to report to the Secretary information on past-due support debts referred to HHS by States for tax refund offset purposes under 42 U.S.C. 664 and 26 U.S.C. 6402(c). It is anticipated that States will continue to refer debts to HHS and that HHS will report those debts to the Secretary for offset from both Federal tax refunds and other Federal payments.

Public Comments

FMS received comments from 11 states and one Federal agency on the interim rule published on July 7, 1997. Many of the comments related to technical questions such as specifications for the electronic submission of past-due support information. Such questions are not addressed in this final rule, but will be addressed by FMS or HHS in separate procedural instructions. Following is a discussion of the substantive issues raised in the comments.

Relationship among Treasury, HHS, and the States

States will continue to refer debts to HHS for the collection of past-due support through the offset of both Federal tax payments under the tax refund offset program (TROP) and other Federal payments under administrative offset (AO). HHS will report these debts to Treasury for offset purposes. Though this rule provides States with the flexibility to refer past-due support debts directly to FMS, current HHS rules governing programs under Chapter 7, Subchapter IV, Part D (IV-D) of the Social Security Act require States to report past-due support debts to HHS. This rule is not intended to supersede existing HHS rules; it merely provides flexibility should HHS decide to amend its rules in the future to allow States to refer past-due support debts directly to FMS.

Relationship between AO and TROP

The referral of past-due support to Treasury for collection by AO is voluntary. Therefore, cases submitted for TROP will not automatically be processed through AO. The TOP, which encompasses both TROP and AO, when fully developed, will allow States to control which debts may be collected by offset of tax refunds, other Federal

payments, or both. States also will be able to control whether a particular type of payment, such as Federal salary payments, should be offset with respect to an individual debtor.

Comments outside the scope of this rule

Several comments were outside the scope of this rule and have not been addressed. For example, one commenter was concerned about the reporting of past-due support balances exceeding \$5,000 to the Secretary of State for purposes of denying passports to the obligors under 42 U.S.C. 652(k) and 654(31). Another commenter was concerned that past-due support debts would be reported to consumer reporting agencies by Treasury. Federal agencies are not authorized to report such amounts to consumer reporting agencies. FMS also received several comments regarding choice of law in situations involving more than one State. Paragraph (d) of this final rule requires States to certify that they have complied with all of the requirements of this rule, as well as State law and procedure. Determination of applicable State law is outside the scope of this rule, and must be determined under applicable Federal and State law by the States involved in a particular situation.

§ 285.1(a)—Definition of past-due support

In response to several comments, the definition of "past-due support" has been amended by adding the following at the end of the definition included in the interim rule: "The term *child* as used in this definition is not limited to minor children." This amendment clarifies that, unless prohibited by court order, or by State law or procedure, past-due support may be collected by offsetting the obligor's nontax Federal payments even after the child has reached the age of majority. Compare Federal law governing tax refund offset which, unlike administrative offset, prohibits collection of past-due support (which has not been assigned to a State) for a child who has reached the age of majority. See 42 U.S.C. 664(c)(2).

§ 285.1(a)—Definition of past-due support being enforced by the State

The definition of "past-due support being enforced by the State" has been amended to clarify that AO may be used to collect past-due support debts enforced by States pursuant to cooperative agreements with or by Indian tribal governments. See Section 1(b) of the Executive Order.

§ 285.1(a)—Definition of State

The public was specifically invited to comment on the impact of including or excluding legal subdivisions of States in the definition of State. Three States commented that FMS was correct in not including subdivisions within the definition of State. A fourth State indicated that it would prefer to certify cases on a statewide basis, but believed that States which operate on a county basis should have the discretion to certify cases at the county level. Based on the comments received and discussions with HHS regarding current procedures for county reporting, FMS determined that the existing definition does not create an impediment to the collection of past-due support. Counties seeking to participate may do so by reporting through the State's IV—D program director. Therefore, the definition of "State" was not changed to include legal subdivisions.

§ 285.1(c)—Agreements

One commenter expressed concern over the amount of time the States will have to review and approve reciprocal agreements for the referral of past-due child support. As stated previously, FMS anticipates that States will continue to refer past-due support debts to HHS until such time as HHS changes its rules and reciprocal agreements are in place. Currently, there is no need for reciprocal agreements between FMS and States for the purpose of referring past-due support debts. However, should HHS change its rules to allow States the option of referring past-due support debts directly to FMS, States will be provided the time necessary to review and approve any reciprocal agreement that would be the basis for such referrals.

§ 285.1(d)—Notification to FMS of past-due support

Several States commented that the interim rule should be revised to define better which State should submit a debt for offset when a particular past-due support debt involves more than one State. One State commented that HHS guidance requires that, in non-assignment cases, the case must be submitted by the State in which the child resides. Another State suggested that, in assignment cases, the case should be submitted by the State in which the custodial parent applied for public assistance. Other States questioned whether the interim rule is consistent with provisions of 28 U.S.C. 1738B, Full Faith and Credit for Child Support Orders Act (FFCCSOA).

In response to these comments, FMS, after consulting with HHS, determined that this provision of section 285.1(d) of the final rule will be unchanged from the interim rule. Paragraph 285.1(d) covers all situations that may arise as the residence and status of the parties change, and is not inconsistent with the FFCCSOA.

Several States also were concerned as to whether the notification requirements that apply when more than one State is involved create an administrative burden. One State was particularly concerned that the notice requirement would result in the creation of a separate, unique notification system for these types of cases, and suggested that an easier and less burdensome way to provide such notices be developed. After consulting with HHS, FMS determined that the final rule should remain unchanged. The provision requiring a State to notify other States involved in enforcing the past-due support when it refers the debt for offset is necessary to ensure that debts are not referred by more than one State. Further, this requirement is consistent with existing HHS regulations governing the offset of tax refund payments, and, therefore, should not result in the creation of a new, separate reporting system by the States. See 45 CFR 303.72(d).

One State requested that the rule include a specific listing of the types of past-due support that may be submitted for offset against Federal non-tax payments, including statutory citations for each type of past-due support. Such a list is unnecessary. Unlike the statutory authority for offsets against Federal tax refund payments, which includes specific references to 42 U.S.C. 608(a)(3), 671(a)(17) and 654(4), the statutory authority for offset against other Federal payments does not include specific references to the type of past-due support debts that may be collected under AO. The only requirement is that the debt be past-due support being enforced by the State. Although FMS currently intends to accept only those types of past-due support debts that are eligible for offset against Federal tax payments, FMS will not apply the age and minimum debt amount restrictions applicable to TROP to AO. FMS and/or HHS will provide additional guidance relating to the referral of past-due support collection by AO under this rule.

§ 285.1(e)—Minimum amount of past-due support

Several States commented that the \$25 threshold for reporting cases for AO is too low. FMS has determined that the

administrative costs associated with the collection of past-due support debts less than \$25 exceed the amount of such debts. Therefore, it is not cost-effective for FMS to process debts less than \$25. States, however, may determine that their costs to collect justify a higher threshold amount for referring debts to FMS for offset purposes. Since the referral of past-due support for collection by AO is voluntary, States are not required to refer all debts over \$25, but may establish their own higher threshold based on their own cost-effectiveness determination.

§ 285.1(g)—Notification of changes in status of debt

Eight States commented on the provisions concerning notification of changes in the status of debt. Several comments related specifically to the amount and/or timing of changes that must be reported. In the past, it has not been necessary for States to report insignificant decreases in the amounts of debt balances because States were not allowed to report increases in debt balances. Insignificant decreases generally were less than unreported increases, and, as a result, there generally were no problems with offsets that were greater than the actual amount of the debt balance. However, because States now may refer increases in the amount of debts as well as decreases, to avoid situations where offsets exceed the actual amount of the debt balance, it is imperative that all decreases in debt balances be reported. There will, however, be flexibility in the time and manner in which decreases may be reported. To make the rule as flexible as possible with regard to the timing and manner of reporting changes in the amounts of debts, the word "any" was deleted from paragraph (g) in the final rule. FMS or HHS will provide additional guidance relating to the timing and manner in which the amounts of increases and decreases in debt balances must be reported.

States also expressed concern that the regulation does not specifically allow States to report changes in the status of debt by providing updated balances. FMS and/or HHS will provide additional guidance on how States will report changes in the amount of a debt referred for administrative offset.

§ 285.1(h)—Advance notice of intent to collect by administrative offset

Several States commented on the provisions governing advance notices to debtors providing notice of the States' intent to submit past-due support for administrative offset. Two States requested that the language of the rule

be revised to make clear that a one-time notice to a debtor is sufficient. A third State expressed a concern that the regulation could result in debtors being notified that payments were to be offset to pay debts that had not yet accrued.

As stated in the preamble to the interim rule, before a State may report increases to the amount of a past-due support debt referred for AO, the State must meet the requirements of paragraph (h) as well as State law and procedure; only then has a State met the due process requirements of Federal law with respect to the offset of Federal payments set forth in 31 U.S.C. 3716(a). A notice to an obligor that includes a statement to the effect that future amounts, in addition to the amount included in the notice, will be collected by means of AO (i.e., a "one-time" notice), is sufficient for purposes of paragraph (h) only if such a statement meets the notice requirements of applicable State law as determined by the State. Thus, no changes to the rule have been made.

One State requested that the provision regarding case reviews by the States be revised to reflect provisions of the FFCCSOA relating to exclusive jurisdiction. After consulting with HHS, FMS determined that provisions in the rule regarding reviews are not inconsistent with the provisions of the FFCCSOA. The rule provides the flexibility necessary for a review to be held in any State as may be authorized in any given situation under the FFCCSOA.

§ 285.1(i)—Payments subject to offset

One State requested that the final rule include a listing of the payments subject to AO; another State asked whether a particular type of payment would be subject to offset. Such a list is impractical. Federal agencies make payments under hundreds of Federal programs. Payments under all such programs are subject to offset unless the payment type is exempted either by statute or by the Secretary of the Treasury upon request by the head of an agency. A list of payment types that are exempt from AO may be obtained from the FMS website.

§ 285.1(j)—Special provisions applicable to Federal salary payments

FMS received several comments concerning the special provisions applicable to Federal salary payments. One State questioned whether FMS would deduct up to 65% in a situation where a lower percentage had been agreed to or had been determined by court order. In such situations, States will be able to indicate the lower

percentage to be applied, or will be able to indicate that a particular debt is not to be collected by administrative offset of a Federal salary payment. Paragraph (j) of the final rule has been revised to state that, when a lower percentage is to be applied, the State must inform FMS or HHS of the lower percentage at the time the debt is referred for collection by AO. FMS and/or HHS will provide additional guidance to States regarding this process.

Another commenter questioned the allowable deductions from a Federal salary payment when calculating the applicable withholding percentage. FMS adopted the standards of the Consumer Credit Protection Act, 15 U.S.C. 1671 *et seq.*, as well as the standards of 42 U.S.C. 659 which apply to the enforcement of individual's legal obligations to provide child support or make alimony payments by means of income withholding, garnishment, and similar proceedings against amounts payable to Federal employees. The exclusions included in this paragraph are consistent with Office of Personnel Management regulations governing Salary Offset (5 CFR 550.1101 *et seq.*) and Processing Garnishment Orders for Child Support and/or Alimony (5 CFR Part 581).

§ 285.1(k)—Payments exempt from administrative offset

One State asked FMS to include in the regulation a list of payments that are exempt from administrative offset. Because the list of exempt payments changes as the Secretary of the Treasury approves requests from Federal agencies and/or as Federal laws are promulgated or amended, it is inappropriate for the regulation to include such a listing. However, a listing of exemptions may be obtained from the FMS website.

§ 285.1(l)—Fees

The preamble of the interim rule applicable to the fees provision included the follow up statement, "[s]tates may add [the] fee to the amount of the debt if permitted by law." One commenter was concerned that paragraph (l) of the interim rule may be inconsistent with HHS rules which provide that "past-due support may not include fees or court costs or any other non-child support debts owed to the State or to the family."

There is no inconsistency. The guidance cited by the commenter specifically applies to collections of past-due support through the tax refund offset process and reflects statutory restrictions, codified at 42 U.S.C. 664, that require the full amounts offset from tax refund payments to be paid to the

states for distribution. There are no similar restrictions applicable to amounts collected by means of AO. The statement in the preamble explains that States may add the fees charged under this rule to the amount of the debt owed only if permitted by law. Statutes or regulations prohibiting States from adding fees to the amount of the debt are not superseded by this regulation.

In addition, several States commented on the amount of the fees charged by FMS for collection of past-due support by AO. One State was concerned that States could end up owing FMS where the amount of an offset was less than the fee charged; other States believed that the fee amount was too high and should either be limited to a maximum amount per month or be less for subsequent offsets when the collection is from an on-going stream of payments. One State requested that the regulation include the fee schedule. Under 31 U.S.C. 3716(c)(4), the Secretary may charge a fee sufficient to cover the full cost of conducting AO. FMS will review the amount of the fee periodically to ensure that the fees charged and collected meet, but do not exceed, the costs of the program. With regard to concerns that States may owe FMS in instances where the amount collected is less than the offset fee, since AO is voluntary, States may withdraw debts from the program at any time pursuant to the provisions of paragraph (g) when collection by offset is no longer cost effective. States will be advised of any changes in the fee schedule.

§ 285.1(m)—Conducting the offset

One State asked about FMS' authority to reverse an offset made in error. In response, a provision concerning reversals was added to paragraph (m) which provides that FMS will notify HHS or the appropriate State when an erroneous offset payment has been made. FMS will collect the amount of the erroneous payment from HHS or the State either by deducting the amount from future payments by FMS or by requesting a return of the erroneous offset payment by HHS or the State. FMS will provide States with additional procedural guidance concerning how and when reversals will be conducted.

One State asked what restrictions will apply to payment amounts eligible for offset, and how they will be applied; another asked whether each Federal payment agency will set the terms and conditions for enforcing AO. With regard to the restrictions that apply to payment amounts under AO, as noted previously, payments subject to AO are made under hundreds of Federal programs and are governed by the laws

applicable to those programs. FMS will work with payment agencies in determining the appropriate amount that should be offset against their payments. Thus, there may be specific limitations on the amount which can be offset from a particular payment type. The provisions of this regulation apply to all disbursing officials who conduct offsets under the AO program.

§ 285.1(n)—Priorities

Several States commented that the priorities included in the interim rule are inconsistent with the distribution rules outlined in 42 U.S.C. 657 and HHS guidance. Other States commented that the regulation should address other situations such as when more than one State is attempting to offset the same payment; still others suggested that amounts collected be prorated among States without regard to case type.

The final rule retains the priorities specified in the interim rule. Unlike the statute governing TROP, 26 U.S.C. 6402(c), 31 U.S.C. 3716 does not include provisions governing priority when debts are being collected by administrative offset. Furthermore, the priorities in this rule do not conflict with the distribution rules in 42 U.S.C. 657 and HHS guidance. The priorities applied by the States to amounts collected for distribution under 42 U.S.C. 657 are distinct from the priorities applied by FMS when collecting debts under 31 U.S.C. 3716. In order to clarify this distinction, paragraph (n) has been revised. As suggested, paragraph (n) of the final rule is labeled *Administrative Offset Priorities*, and specifically refers to offsets by FMS and other disbursing officials. FMS will include information relating to priorities within debt categories in procedural guidance.

§ 285.1(o)—Notification of offset

Several States commented that they need information regarding the source of collection, as well as information relating to cases for which there is no offset. Executive Order No. 13109 requires FMS, to the extent permitted by law, to provide to the Secretary of HHS certain information from payment records of persons who are delinquent in child support obligations. Under 42 U.S.C. 653, the Secretary of HHS may request such information. The rule has been revised to state that FMS and other disbursing agencies, upon the request of the Secretary of HHS, will provide such information to HHS to the extent such information is available from TOP activities. HHS will provide information to the States to the extent authorized by law.

Regulatory Analyses

This rule is not a significant regulatory action as defined in Executive Order 12866. It is hereby certified that this rule will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not required. This regulation only impacts individuals and States and will not impose significant costs on small businesses.

The collections of information contained in this final regulation have been reviewed and approved by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3507) under control number 1510-0069.

Authority and Issuance

Accordingly, the interim rule amending 31 CFR part 285 which was published at 62 FR 36205 on July 7, 1997, is adopted as a final rule with the following changes:

1. The authority citation for part 285 continues to read as follows:

Authority: 26 U.S.C. 6402; 31 U.S.C. 321, 3701, 3711, 3716, 3720A, 3720D; E.O. 13019; 3 CFR, 1996 Comp., p. 216.

2. In § 285.1, amend paragraph (a) by revising the definitions for "past-due support" and "past-due support being enforced by the State"; revise paragraphs (g), (m), (n) and (o); and add paragraph (j)(5) to read as follows:

§ 285.1 Collection of Past-Due Support By Administrative Offset.

(a) * * *

Past-due support means the amount of support determined under a court order, or an order of an administrative procedure established under State law, for support and maintenance of a child, or of a child and the parent with whom the child is living, which has not been paid. The term child as used in this definition is not limited to minor children.

Past-due support being enforced by the State means there has been an assignment of the support rights to the State, or the State making the request for offset is providing services to individuals pursuant to 42 U.S.C. 654(5) (section 454(5) of the Social Security Act), or the State is enforcing support pursuant to a cooperative agreement with or by an Indian tribal government.

* * * * *

(g) *Notification of changes in status of debt.* The State notifying FMS or HHS of past-due support shall, in the manner and in the time frames provided by FMS or HHS, notify FMS or HHS of deletions or decreases in the amount of a debt

referred for collection by administrative offset. The State may notify FMS or HHS of any increases in the amount of a debt referred for collection by administrative offset provided the State has complied with the requirements of paragraph (h) of this section with regard to those amounts.

* * * * *

(j) *Special provisions applicable to Federal salary payments.* * * *

(5) At the time the past-due support debt is submitted for offset, the State shall advise FMS or HHS if the maximum amount of a Federal salary payment that may be offset is less than the amount described under this paragraph.

* * * * *

(m) *Offsetting payments.* (1) *Conducting the offset.* Disbursing officials of the Department of the Treasury, the Department of Defense, the United States Postal Service, or any other Government corporation, any disbursing official of the United States designated by the Secretary, or any disbursing official of an executive department or agency that disburses Federal payments shall offset payments subject to offset under this section to satisfy, in whole or part, a debt owed by the payee. Disbursing officials shall compare payment certification records with records of debts submitted to FMS for collection by administrative offset. A match will occur when the taxpayer identifying number and name control of a payment record are the same as the taxpayer identifying number and name control of a debt record. The taxpayer identifying number for an individual is the individual's social security number.

When a match occurs and all other requirements for offset have been met, the disbursing official shall offset the payment to satisfy, in whole or part, the debt. Any amounts not offset shall be paid to the payee. The amount that can be offset from a single payment is the lesser of the amount of the debt (including interest, penalties, and administrative costs); the amount of the payment; or the amount of the payment available for offset if a statute or regulation prohibits offset of the entire amount. Debts remain subject to collection by offset until paid in full.

(2) *Disposition of amounts collected.* FMS will transmit amounts collected for debts, less fees charged under paragraph (l) of this section, to HHS or to the appropriate State. If FMS learns that an erroneous offset payment has been made to HHS or any State, FMS will notify HHS or the appropriate State that an erroneous offset payment has been made. FMS may deduct the amount of the erroneous offset payment from amounts payable to HHS or the State, as the case may be. Alternatively, upon FMS' request, the State shall return promptly to the affected payee or FMS an amount equal to the amount of the erroneous payment (unless the State previously has paid such amounts, or any portion of such amounts, to the affected payee). HHS and States shall notify FMS any time HHS or a State returns an erroneous offset payment to an affected payee. FMS and HHS, or the appropriate State, will adjust their debtor records accordingly.

(n) *Administrative offset priorities.* When a payee/debtor owes more than one debt which has been referred to

FMS for collection by administrative offset, any offset by a disbursing official will be applied first to past-due support assigned to a State and will be applied to any other past-due support after any other reductions allowed by law.

(o) *Notification of offset.* (1) Disbursing officials of FMS or any other disbursing official which conducts an offset will notify the payee in writing of the occurrence of the offset to satisfy past-due support. The notice shall inform the payee of the type and amount of the payment that was offset; the identity of the State which requested the offset; and a contact point within the State that will handle concerns regarding the offset. Disbursing officials shall not be liable for failure to provide this notice.

(2) Disbursing officials of FMS or any other disbursing official which conducts an offset under this section will share with HHS, upon request by the Secretary of HHS, information contained in payment certification records of persons who are delinquent in child support obligations that would assist in the collection of such debts. When no offset is conducted, disbursing officials of FMS or any other disbursing official, will provide such information to HHS to the extent such information is available from offset activities conducted by FMS and other disbursing officials.

* * * * *

Dated: August 24, 1998.

Richard L. Gregg,
Commissioner.

[FR Doc. 98-23093 Filed 8-27-98; 8:45 am]

BILLING CODE 4810-35-P