that no other term would be as generally understood as the term *commercial* for the purpose of distinguishing garnishment actions under this part from garnishment actions based on child support and alimony obligations.

Several commenters requested that the regulations clarify the effect of a garnishment order for child support and/or alimony on the processing of a commercial garnishment order. In response to these requests, we have amended §\$ 582.305(f) and 582.402(a) to better explain the interrelationship between the two types of legal process.

One commenter requested that OPM delete § 582.305(k) because by permitting Federal agencies to charge fees in commercial garnishment actions while not having a similar provision relating to support garnishment actions, OPM's regulations were possibly discriminatory against women. OPM would emphasize that while the child support and alimony garnishment provisions in the Social Security Act do not provide for administrative costs or processing fees, Congress has expressly provided for such fees in the processing of commercial garnishment actions. See 5 U.S.C. 5520a(j)(2).

In response to an employee organization's suggestion, we have amended § 582.305(k) concerning the administrative fees. Three commenters suggested that OPM establish uniform administrative fees. Instead, OPM has deferred to individual agencies to determine whether administrative fees should be assessed and in what amounts based on their own cost figures. OPM has been advised that several agencies have established and have begun to assess administrative fees based on their costs in processing commercial garnishment orders.

While 5 U.S.C. 5520a(h)(1) provides that legal process shall be processed on a first come, first served basis, the laws in several jurisdictions, including California and the District of Columbia, provide that legal process may only be satisfied on a "one at a time" basis. Based on this information, we have amended § 582.402(a) in an effort to eliminate any confusion that may exist in these jurisdictions. In accordance with guidance received from the Department of Labor, we have also amended § 582.402(a) to provide that administrative costs or fees provided under § 582.305(k) must be included in the amounts subject to the garnishment restrictions of the Consumer Credit Protection Act. In other words, an agency may not withhold more than 25% of an employee-obligor's aggregate disposable earnings in order to offset administrative costs. Rather, the amount to be withheld in compliance with the legal process would have to be reduced in order that the administrative costs could be recovered without exceeding the maximum garnishment limitations.

OPM received comments from two Federal agencies concerning the processing of garnishment orders where the employee-obligor has filed a bankruptcy petition. We have amended § 582.305(l) in accordance with these recommendations. One individual commented that the regulations failed to recognize exemptions which employees may be entitled to under various provisions of State law. We would direct the commenter to § 582.402(a) which encompasses these exemption provisions.

However, we would also emphasize that it is primarily the employee-obligor's responsibility and not the employee-obligor's employer's responsibility to ensure that the debtor is allowed all of the exemptions to which the employee-obligor is entitled under State law.

Four commenters recommended that § 582.402(b) be amended to apply only where the bankruptcy action is under Chapter 13, and one agency commented that § 582.402(b) should also include Federal tax levies. In response to these comments and after conferring with the Department of Labor which administers the Consumer Credit Protection Act, we have amended § 582.402(b) to incorporate these recommendations.

While OPM is sympathetic to agencies and individuals who complained that the time limitations, particularly with regard to notifying employees stationed overseas, are too short, these time limitations are statutory and OPM's implementing time limit provisions only repeat these statutory limits. See 5 U.S.C. 5520a(d). OPM does not believe that it has the authority to extend these time limits even where the garnishment order being processed will affect the pay of an employee stationed overseas. See Federal Election Commission v. Democratic Senatorial Campaign Committee, 454 U.S. 27, 32 (1981).

Two commenters expressed concern regarding whether any time limit existed concerning the age of the underlying judgment that the garnishment order was attempting to enforce. Because Public Law 103–94 does not address this issue, we believe that the answer would depend on the law of the jurisdiction from which the garnishment order was issued and that, in any event, as long as the order was "regular on its face," it would not be the employing agency's burden to determine whether the garnishment order had been issued in accordance

with the limitation provisions of the jurisdiction from which the order was issued. See United States v. Morton, supra, at 828–830 (the Federal Government need only ascertain that legal process is "regular on its face"). In other words, this is an issue that the employee-obligor would be responsible for contesting rather than the employing agency. Similarly, we do not believe that the agency bears the burden of determining when garnishment orders themselves expire, except, of course, where the order, on its face, indicates when it will expire.

While most of the comments focused on the interim regulations, several commenters stressed the need for a garnishment application form. In response to these requests, OPM sought and obtained approval from the Office of Management and Budget to issue a voluntary garnishment application form. In addition, OPM has elicited suggestions from several other Federal agencies concerning a voluntary application form and is currently reviewing those suggestions.

One agency requested additional guidance concerning what action should be taken where an agency is advised that the garnishment action should either be terminated or that the amount being garnished should be reduced as a result of a payment having been made or an agreement having been reached between the parties. While OPM has not attempted at this time to promulgate regulations that would dictate the actions that must be taken in such situations, OPM urges agencies to exercise their discretion in determining when a garnishment action should be terminated or modified as a result of such payments or agreements between the parties.

An issue that provoked numerous comments concerned the payment of interest. For the most part, it is our understanding that agencies have had no particular difficulty in garnishing amounts for interest that were included in the judgment total or judgment amount provided in the garnishment order, but several States, including Maryland and Hawaii, issue orders that do not expressly state a dollar figure for all of the interest that may be subject to garnishment. While 5 U.S.C. 5520a(b) provides that Federal agencies will be 'subject to legal process in the same manner and to the same extent as if the agency were a private person," section 5520a(a)(3)(B) defines legal process, in pertinent part, as a writ, order, or summons that orders the employing agency to withhold "an amount" from the employee-obligor's pay. There is, therefore, an ambiguity in the statute as