concerns the garnishment of sums such as interest that are not expressly included in the order, and absent clearer statutory language, OPM declines at this time to promulgate a regulation that would require agencies to compute and pay interest that is not included in the amount specified in the garnishment

A process serving company in the District of Columbia advised OPM that while some agencies facilitate service of process on their employees, other agencies did not. In response to this information, OPM requested guidance from the Justice Department and was advised that when it comes to gaining access to restricted Governmental worksites, process servers have no more rights than anyone else and that a regulatory provision concerning this matter would be inappropriate.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

Regulatory Flexibility Act

I certify that these regulations will not have significant economic impact on a substantial number of small entities because their effects are limited to Federal employees and their creditors.

List of Subjects in 5 CFR Part 582

Claims.

Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

Accordingly, OPM is revising part 582 of title 5, Code of Federal Regulations as follows:

PART 582—COMMERCIAL **GARNISHMENT OF FEDERAL EMPLOYEES' PAY**

Subpart A-Purpose, Definitions, and **Exclusions**

Sec

582.101 Purpose.

582.102 Definitions.

582.103 Exclusions.

Subpart B—Service of Legal Process

582.201 Agent to receive process.

582.202 Service of legal process.

582.203 Information minimally required to

accompany legal process. 582.204 Electronic disbursement.

Subpart C—Compliance With Legal Process

Suspension of payment.

582.302 Notification of employee-obligor.

582.303 Response to legal process or interrogatories.

582.304 Nonliability for disclosure.

582.305 Honoring legal process.

582.306 Lack of entitlement by the employee-obligor to pay from the agency served with legal process.

Subpart D—Consumer Credit Protection Act Restrictions

582.401 Aggregate disposable earnings. 582.402 Maximum garnishment limitations.

Subpart E—Implementation by Agencies

582.501 Rules, regulations, and directives by agencies.

Appendix A to part 582—List of Agents Designated to Accept Legal Process

Authority: 5 U.S.C. 5520a; 15 U.S.C. 1673; E.O. 12897

Subpart A—Purpose, Definitions, and **Exclusions**

§ 582.101 Purpose.

Section 5520a of title 5 of the United States Code provides that with certain exceptions set forth in this part, pay from an agency to an employee is subject to legal process in the same manner and to the same extent as if the agency were a private person. The purpose of this part is to implement the objectives of section 5520a as they pertain to each executive agency of the United States Government, except with regard to employees of the United States Postal Service, the Postal Rate Commission, and the General Accounting Office.

§ 582.102 Definitions.

In this part—(1) Agency means each agency of the executive branch of the Federal Government, excluding the United States Postal Service, the Postal Rate Commission, and the General Accounting Office; agency does not include the government of the District of Columbia or the territories and possessions of the United States. (Section 5520a(j)(1) of title 5 of the United States Code provides that separate implementing regulations shall be promulgated by the legislative branch and the judicial branch; section 5520a(k) provides that separate implementing regulations shall be promulgated with regard to members of the uniformed services; and Executive Order 12897 provides that separate implementing regulations shall be promulgated with regard to employees of the United States Postal Service. The regulations promulgated for employees of the United States Postal Service also apply to employees of the Postal Rate Commission.)

(2) Employee or employee-obligor means an individual who is employed by an *agency* as defined in this section, including reemployed annuitants and retired members of the uniformed services who are employed by an agency. Employee does not include a

retired employee, member of the uniformed services, a retired member of the uniformed services, or an individual whose service is based on a contract, including individuals who provide personal services based on a contract with an agency.

(3) Legal process means any writ, order, summons, or other similar process in the nature of garnishment, which may include an attachment, writ of execution, court ordered wage assignment, or tax levy from a State or local government, which-

(i) Is issued by:

(A) A court of competent jurisdiction, including Indian tribal courts, within any State, territory, or possession of the United States, or the District of Columbia. As stated in § 582.101, pay is subject to legal process in the same manner and to the same extent as if the agency were a private person. There is, therefore, no requirement in this part that, for example, legal process be signed by a Judge; or.

(B) An authorized official pursuant to an order of a court of competent jurisdiction or pursuant to State or local

law; or

(C) A State agency authorized to issue income withholding notices pursuant to State or local law; and

- (ii) Orders an agency to withhold an amount from the pay of an employeeobligor and to make a payment of such withholding to a person, for a specifically described satisfaction of a legal debt of the employee-obligor, or recovery of attorney fees, interest, or court costs:
- (4) Person may include an individual, partnership, corporation, association, joint venture, private organization or other legal entity, and includes the plural of that term; person may include any of the entities that may issue legal process as set forth in § 582.102(3)(i) (A), (B), and (C), and a State or local government as well as a foreign entity or a foreign governmental unit, but does not include the United States or an agency of the United States.

(5) In conformance with 5 U.S.C. 5520a, pay means basic pay; premium pay paid under chapter 55, subchapter V, of title 5 of the United States Code; any payment received under chapter 55. subchapters VI, VII, or VIII, of title 5 of the United States Code; severance pay and back pay under chapter 55, subchapter IX, of title 5 of the United States Code; sick pay, and any other paid leave; incentive pay; locality pay (including interim geographic adjustments, special pay adjustments for law enforcement officers, and locality based comparability payments); back

pay awards; and any other