

Points	Dollars
23	506
24	528
25	550
26	660
27	770
28	880
29	990
30	1,100
31	1,210
32	1,320
33	1,430
34	1,540
35	1,650
36	1,760
37	1,870
38	1,980
39	2,090
40	2,200
41	2,310
42	2,420
43	2,530
44	2,640
45	2,750
46	2,860
47	2,970
48	3,080
49	3,190
50	3,300
51	3,410
52	3,520
53	3,630
54	3,740
55	3,850
56	3,960
57	4,070
58	4,180
59	4,290
60	4,400
61	4,510
62	4,620
63	4,730
64	4,840
65	4,950
66	5,060
67	5,170
68	5,280
69	5,390
70	5,500

8. In Section 845.15, paragraph (b) is revised by changing the dollar amount "\$750" to "\$825."

PART 846—INDIVIDUAL CIVIL PENALTIES

9. The authority citation for Part 846 is revised to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*, Pub. L. 100-34, Pub. L. 101-410, and Pub. L. 104-134.

10. Section 846.14 is amended by revising the first sentence of paragraph (b) to read as follows:

§ 846.14 Amount of individual civil penalty.

* * * * *

(b) The penalty shall not exceed \$5,500 for each violation. * * *

[FR Doc. 97-31267 Filed 11-26-97; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 36

RIN 2900-AH73

Loan Guaranty: Electronic Payment of Funding Fee

AGENCY: Department of Veterans Affairs.
ACTION: Final rule.

SUMMARY: This document amends the VA loan guaranty regulations to require that all funding fees (including late fees and interest) for VA-guaranteed loans be paid electronically through the Automated Clearing House (ACH) program. The adoption of the ACH program will eliminate lost mail and eliminate data errors resulting from manual recording. Further accounting reconciliation will be reduced. In addition, banking costs will be reduced. This document also corrects a typographical error in the "Allowable fees and charges: manufactured home unit" section.

DATES: *Effective date:* January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Judith Caden, Assistant Director for Loan Policy (264), Loan Guaranty Service, Veterans Benefits Administration, Department of Veterans Affairs, Washington, DC 20420, (202) 273-7368.

SUPPLEMENTARY INFORMATION: On May 7, 1997, VA published in the **Federal Register** (62 FR 24872) proposed regulations that would require mortgage lenders to pay all funding fees (including late fees and interest) for VA-guaranteed loans electronically through the ACH program effective January 1, 1998. The regulations provide three methods for making payments through the ACH program and specify the standard information the lender must provide the collection agent when submitting loan guaranty funding fees. Please refer to the May 7, 1997, **Federal Register** for a complete discussion of the proposed amendments.

Public comments were requested on the proposal. The comment period ended July 7, 1997. VA received one comment. The comment supported the proposal. The commenter, the Financial Management Service of the Department of the Treasury, stated "that the proposed rule change will bring significant cost savings to VA's internal operations and provide cash management savings to the Department of the Treasury."

Based on the rationale set forth in the proposal and this document, the proposed rule is adopted as a final rule without change.

Paperwork Reduction Act

Information collection and recordkeeping requirements associated with the final rule (38 CFR 36.4232, 36.4254, and 36.4312) have been approved by OMB under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501-3520) and have been assigned OMB control number 2900-0474. The information collection subject to this rulemaking concerns the requirement that lenders provide VA information necessary to get set up on the ACH system to pay the funding fee electronically and the existing requirement that lenders provide VA certain standard information when submitting loan guaranty funding fees. Interested parties were invited to submit comments on the collection of information. However, no comments were received regarding the collection of information.

VA is not authorized to impose a penalty on persons for failure to comply with information collection requirements which do not display a current OMB control number, if required.

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. The rule implements a program that will enhance operations and be cost beneficial for all participating lenders. Lenders will be able to participate by having access to a personal computer, and personal computing is pervasive within the industry. Lenders will also have the option of paying funding fees by calling an operator who will enter the information into the ACH system for them. Funding fees represent actions that have insignificant impact on lenders. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance Program numbers are 64.114 and 64.119.

List of Subjects in 38 CFR Part 36

Condominiums, Housing, Individuals with disabilities, Loan programs—housing and community development, Manufactured homes, Reporting and recordkeeping requirements, Veterans.

Approved: September 3, 1997.

Hershel W. Gober,

Acting Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 36 is amended as set forth below.

PART 36—LOAN GUARANTY

1. The authority citation for part 36 continues to read as follows:

Authority: 38 U.S.C. 501, 3701–3704, 3707, 3710–3714, 3719, 3720, 3729, 3762, unless otherwise noted.

2. In § 36.4232, paragraph (e)(1) is amended by removing “(e)(4)” and adding, in its place, “(e)(5)”; paragraphs (e)(2) and (e)(3) are amended by removing “paragraphs (e)(4) and” and adding, in its place, “paragraph”; and by redesignating paragraph (e)(4) as paragraph (e)(5); by adding a new paragraph (e)(4); and by revising the parenthetical at the end of the section to read as follows:

§ 36.4232 Allowable fees and charges; manufactured home unit.

* * * * *

(e) * * *

(4) The lender is required to pay to the Secretary electronically through the Automated Clearing House (ACH) system the fees described in paragraphs (e)(1) and (e)(2) of this section and any late fees and interest due on them. This shall be paid to a collection agent by operator-assisted telephone, terminal entry, or central processing unit-to-central processing unit (CPU-to-CPU) transmission. The collection agent will be identified by the Secretary. The lender shall provide the collection agent with the following: authorization for payment of the funding fee (including late fees and interest) along with the following information: VA lender ID number; four-digit personal identification number; dollar amount of debit; VA loan number; OJ (office of jurisdiction) code; closing date; loan amount; information about whether the payment includes a shortage, late charge, or interest; veteran name; loan type; sale amount; downpayment; whether the veteran is a reservist; and whether this is a subsequent use of entitlement. For all transactions received prior to 8:15 p.m. on a workday, VA will be credited with the amount paid to the collection agent at the opening of business the next banking day.

(Authority: 38 U.S.C. 3729(a))

* * * * *

(The information collection requirements in this section have been approved by the Office of Management and Budget under control numbers 2900–0474 and 2900–0516.)

3. Section 36.4254 is amended by redesignating paragraphs (d)(4) and (d)(5) as paragraphs (d)(5) and (d)(6), respectively; by adding a new paragraph (d)(4); and by adding a parenthetical at the end of the section to read as follows:

§ 36.4254 Fees and charges.

* * * * *

(d) * * *

(4) The lender is required to pay to the Secretary electronically through the Automated Clearing House (ACH) system the fees described in paragraphs (d)(1) and (d)(2) of this section and any late fees and interest due on them. This shall be paid to a collection agent by operator-assisted telephone, terminal entry, or CPU-to-CPU transmission. The collection agent will be identified by the Secretary. The lender shall provide the collection agent with the following: authorization for payment of the funding fee (including late fees and interest) along with the following information: VA lender ID number; four-digit personal identification number; dollar amount of debit; VA loan number; OJ (office of jurisdiction) code; closing date; loan amount; information about whether the payment includes a shortage, late charge, or interest; veteran name; loan type; sale amount; downpayment; whether the veteran is a reservist; and whether this is a subsequent use of entitlement. For all transactions received prior to 8:15 p.m. on a workday, VA will be credited with the amount paid to the collection agent at the opening of business the next banking day.

(Authority: 38 U.S.C. 3729(a))

* * * * *

(The information collection requirements in this section have been approved by the Office of Management and Budget under control number 2900–0474.)

4. Section 36.4312 is amended by redesignating paragraph (e)(4) as paragraph (e)(5); by adding a new paragraph (e)(4); and by revising the parenthetical at the end of the section to read as follows:

§ 36.4312 Charges and fees.

* * * * *

(e) * * *

(4) The lender is required to pay to the Secretary electronically through the Automated Clearing House (ACH) system the fees described in paragraphs (e)(1) and (e)(2) of this section and any late fees and interest due on them. This shall be paid to a collection agent by operator-assisted telephone, terminal entry, or CPU-to-CPU transmission. The collection agent will be identified by the Secretary. The lender shall provide the collection agent with the following:

authorization for payment of the funding fee (including late fees and interest) along with the following information: VA lender ID number; four-digit personal identification number; dollar amount of debit; VA loan number; OJ (office of jurisdiction) code; closing date; loan amount; information about whether the payment includes a shortage, late charge, or interest; veteran name; loan type; sale amount; downpayment; whether the veteran is a reservist; and whether this is a subsequent use of entitlement. For all transactions received prior to 8:15 p.m. on a workday, VA will be credited with the amount paid to the collection agent at the opening of business the next banking day.

(Authority: 38 U.S.C. 3729(a))

* * * * *

(The information collection requirements in this section have been approved by the Office of Management and Budget under control numbers 2900–0474 and 2900–0516.)

[FR Doc. 97–30709 Filed 11–26–97; 8:45 am]

BILLING CODE 8320–01–P

POSTAL SERVICE

39 CFR Part 966

Rules of Practice in Proceedings Relative to Administrative Offsets Initiated Against Former Employees of the Postal Service

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Judicial Officer of the Postal Service hereby revises the rules of procedure governing the conduct of hearings relative to administrative offsets initiated by the Postal Service. This revision transfers the authority to pursue a claim from the Postal Inspection Service to other Postal Service officials, and expands the types of debt that can be considered in these proceedings. Part 966 is renamed to reflect these changes.

EFFECTIVE DATE: November 28, 1997.

FOR FURTHER INFORMATION CONTACT: Administrative Judge Norman D. Menegat, (202) 268–2138.

SUPPLEMENTARY INFORMATION: Acting in accordance with authority delegated under 39 CFR 226.2(e)(1)(iv), the Judicial Officer revises as set forth below 39 CFR Part 966, the rules of practice governing proceedings relative to administrative offsets initiated by the Postal Service. The rules in this part apply to any hearing on the Postal Service's determination of the existence or amount of a debt owed the Postal