

(2) A debtor requesting a review under this section shall submit the basis for claiming that the current amount of garnishment results in a financial hardship to the debtor, along with supporting documentation.

(3) If a financial hardship is found, the Commission will downwardly adjust, by an amount and for a period of time agreeable to the Commission, the amount garnished to reflect the debtor's financial condition. The Commission will notify the employer of any adjustments to the amounts to be withheld.

(h) *Ending garnishment.* (2) Once the Commission has fully recovered the amounts owed by the debtor, including interest, penalties, and administrative costs consistent with the Federal Claims Collection Standards (31 CFR 901.9), the Commission will send the debtor's employer notification to discontinue wage withholding.

(2) At least annually, the Commission will review its debtors' accounts to ensure that garnishment has been terminated for accounts that have been paid in full.

(i) *Actions prohibited by the employer.* The Debt Collection Act prohibits an employer from discharging, refusing to employ, or taking disciplinary action against the debtor due to the issuance of a withholding order under this section (31 U.S.C. 3720D(e)).

(j) *Refunds.* (1) If a hearing official determines that a debt is not legally due and owing to the United States, the Commission shall promptly refund any amount collected by means of administrative wage garnishment.

(2) Unless required by Federal law or contract, refunds under this section shall not bear interest.

(k) *Right of action.* The Commission may sue any employer for any amount that the employer fails to withhold from wages owed and payable to an employee in accordance with this section. However, a suit will not be filed before the termination of the collection action involving a particular debtor, unless earlier filing is necessary to avoid expiration of any applicable statute of limitations. For purposes of this section, "termination of the collection action" occurs when the agency has terminated collection action in accordance with the Federal Claims Collection Standards (31 CFR 903.1-903.5) or other applicable standards. In any event, termination of the collection action will have been deemed to occur if the Commission has not received any payments to satisfy the debt from the particular debtor whose wages were subject to garnishment, in

whole or in part, for a period of one (1) year.

#### **Subpart E—Miscellaneous: Credit Bureau Reporting, Collection Services**

32. The authority citation for newly redesignated Subpart E continues to read as follows:

**Authority:** 31 U.S.C. 3701, 3711, 3718.

#### **§ 204.76 [Amended]**

33. Section 204.76, paragraph (a), fourth sentence, is amended by revising the reference "31 U.S.C. 3711(f)" to read "31 U.S.C. 3711(e)".

34. Section 204.77 is amended by removing paragraph (c) and by revising paragraphs (a) and (b)(5) to read as follows:

#### **§ 204.77 Referrals to collection agencies.**

(a) The Commission has authority to contract for collection services to recover delinquent debts in accordance with 31 U.S.C. 3718(a) and the Federal Claims Collection Standards (31 CFR 901.5).

(b) \* \* \*

(5) The contractor must agree to provide any data in its files requested by the Commission upon returning the account to the Commission for subsequent referral to the Department of Justice for litigation.

By the Commission.

Dated: October 22, 2001.

**Margaret H. McFarland,**  
*Deputy Secretary.*

[FR Doc. 01-26960 Filed 10-25-01; 8:45 am]

**BILLING CODE 8010-01-M**

## **DEPARTMENT OF STATE**

### **22 CFR Part 42**

#### **[Public Notice 3814]**

#### **Visas: Documentation of Immigrants Under the Immigration and Nationality Act—Diversity Visas**

**AGENCY:** Bureau of Consular Affairs, State.

**ACTION:** Final rule.

**SUMMARY:** This rule makes final (with minor modification) the Department of State's interim regulations published in the **Federal Register** on July 31, 2001 (66 FR 39435). The July 31st rule amended the Department's regulations regarding registration for the Diversity Visa (DV) Program. The regulations were amended to clarify the Department's interpretation of the statute with respect to the DV Program and to further enhance the Department's

ability to combat fraudulent practices in the DV Program. The rule also amended the regulations as they pertain to the use of the "Dictionary of Occupational Titles" formerly used to determine the required work experience since the document is no longer current. Consular officers must now make determinations regarding work experience based upon the U.S. Department of Labor's O\*Net OnLine. [Further information may be found on the Consular Affairs website at <http://travel.state.gov>.] This rule makes final the Department's interim regulations with slight modification to the photograph requirements.

**DATES:** Effective date: This rule takes effect on October 26, 2001.

**FOR FURTHER INFORMATION CONTACT:** Pam Chavez, Office of Legislation and Regulations, Visa Office, by phone (202) 663-1206, or by e-mail at [chavezpr@state.gov](mailto:chavezpr@state.gov).

#### **SUPPLEMENTARY INFORMATION:**

#### **What Is the Background for This Final Rule?**

In an effort to eliminate fraudulent applications in the Diversity Visa (DV) Program, the Department published an interim rule [66 FR 39435], with a request for comments, which amended the regulations at 22 CFR 42.33 regarding registration for the DV Program. The interim rule amended the Department's regulations by requiring that the applicant sign the DV entry in his or her native alphabet as this more naturally fulfills the requirement for a usual and customary signature on the DV entry. The interim regulations also required that, beginning with the DV 2003 registration, the entry must include photographs of the applicant, the applicant's spouse, and all of his or her unmarried children under age 21 years (including natural children as well as legally-adopted children and stepchildren). Photographs for all dependents must be submitted regardless of their nationality. Photographs are required even though the spouse or child no longer resides with the applicant and regardless of whether or not the dependent will accompany or follow to join the applicant in the United States. The name and date of birth of the family member must be printed on the back of his or her photograph. The Department is publishing this final rule to make final the interim regulations.

#### **What Comments Were Received in Response to the Interim Rule?**

The Department's interim rule solicited comments regarding the regulatory changes. During the comment

period, the Department received only two comments. Both commenters felt that the Department should clarify further the photograph requirement for dependent children. The Department's interim regulation requires that the entry must include photographs of ALL children who are unmarried and under age of 21 years. The word "all" implies any child of the alien, regardless of nationality, and regardless of whether the child resides with the applicant and whether or not the child intends to immigrate to the United States.

In past years, the Diversity Visa Program has been plagued by a high incidence of fraudulent derivatives applying with the principal DV applicant. This causes delays in DV issuances at many posts as much time is spent by consular staff investigating alleged family relationships. For this reason, it was determined that for DV-2003, photos of all unmarried children under age 21 would be required on the DV entry. With this rule, the Department hopes to avoid a complicated range of exceptions to the photo requirement, and the regulations regarding photographs for dependents shall remain as published in the interim rule.

One of the commenters also expressed concern about the size of the photograph, indicating that it may be difficult in some countries to obtain a photograph of the required size. While the Department does not have any reason to believe that applicants will have difficulty obtaining photographs of the required size, for DV 2003, photographs ranging in size from 37 mm x 37 mm to 50 mm x 50 mm will be accepted on the DV entries. Any DV 2003 entry submitted with photos that do not conform to the sizes in this range will be disqualified at the Kentucky Consular Center. The commenter also feels that some of the specifications are redundant. The Department believes that the specifications for acceptable photographs are sufficiently detailed, and although perhaps redundant, are specific as to what meets the Department's needs, and are probably, as the commenter points out, the most common requirements for producing a photograph for any type of official documents. The Department has, therefore, determined that the photograph specifications indicated in the interim rule shall remain as published.

#### How Will This Final Rule Affect the Regulations in the Interim Rule?

The Department has reviewed the comments submitted during the comment period and has made some

modification to the interim rule regarding the photograph size requirements.

#### List of Subjects in 22 CFR Part 42

Aliens, Documentation, Immigrants, Passports and visas.

In light of the foregoing the Department is amending the interim regulations at 22 CFR 42.33 as follows:

#### PART 42—[AMENDED]

1. The authority citation for Part 42 continues to read as follows:

**Authority:** 8 U.S.C. 1104.

2. Amend § 42.33 by revising paragraph (b)(3) introductory text and paragraph (b)(3)(i) to read as follows:

#### § 42.33 Diversity immigrants.

\* \* \* \* \*

(b) \* \* \*

(3) *Photographs.* The alien shall also affix to the entry a photograph of himself or herself and photographs of his or her spouse and all unmarried children under the age of 21 years. The photographs shall meet the following specifications:

(i) The photograph shall range in size from 37 mm x 37 mm to 50mm x 50mm.

\* \* \* \* \*

Dated: October 9, 2001.

**Mary A. Ryan,**

*Assistant Secretary for Consular Affairs, U.S. Department of State.*

[FR Doc. 01-27013 Filed 10-25-01; 8:45 am]

BILLING CODE 4710-06-P

#### DEPARTMENT OF DEFENSE

##### Office of the Secretary

#### 32 CFR Part 231

RIN 0790-AG74

#### Procedures Governing Banks, Credit Unions and Other Financial Institutions on DoD Installations; Correction

**AGENCY:** Department of Defense.

**ACTION:** Final rule; correction.

**SUMMARY:** On September 7, 2001 (66 FR 46707), the Department of Defense published a final rule on Procedures Governing Banks, Credit Unions and Other Financial Institutions on DoD Installations. This rule makes administrative corrections to the rule. **DATES:** This rule is effective June 1, 2001.

**FOR FURTHER INFORMATION CONTACT:** T. Summers, 703-602-0299.

Accordingly, 32 CFR part 231 is corrected as follows:

In rule FR Doc 01-22173 published on September 7, 2001 (66 FR 46709), make the following corrections:

1. Page 46715, §§ 231.5(g)(5) (i) through (ix), add a period at the end of each paragraph.

2. Page 46720, § 231.8, correct the heading "Overseas credit unions" to read "Procedures—overseas credit unions"

3. On page 46722, first column, § 231.8(f) is corrected to read § 231.9—Definitions.

4. Newly corrected § 231.9 (1) through (16)(i) and (ii) are redesignated as § 231.9 (a) through (p)(1) and (2) and § 231.9 (17) through (29) are redesignated as § 231.9 (q) through (cc)

Dated: October 16, 2001.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 01-26527 Filed 10-25-01; 8:45 am]

BILLING CODE 5001-08-M

#### DEPARTMENT OF TRANSPORTATION

##### Coast Guard

#### 33 CFR Part 100

[CGD07-01-119]

RIN 2115-AE46

#### Special Local Regulations; Charleston Christmas Boat Parade and Fireworks Display, Charleston Harbor, Charleston, SC

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** Temporary special local regulations are being established for the Charleston Christmas Boat Parade and Fireworks Display in Charleston Harbor, Charleston SC. These regulations restrict the movement of non-participating vessels in the regulated areas established around the parade route and fireworks barge in Charleston Harbor. These regulations are needed to provide for the safety of life on navigable waters during the event and to reduce the impact on commercial traffic in Charleston Harbor.

**DATES:** This rule is effective from 5 p.m. to 8 p.m. on December 1, 2001.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket, are part of [CGD07-01-119] and are available for inspection or copying at Coast Guard Group Charleston, 196 Tradd St, Charleston SC 29401 between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.