

§ 1650.201

(3) Where the collection must be made in installments, FRMS shall advise the involved agency of the number of installments to be collected, the amount of each installment, and the commencing date of the first installment.

(4) Where the involved employee does not agree or consent to the offset, FRMS shall advise the other agency of this in writing and also indicate the action(s) taken by the Commission under its offset regulations and the date(s) the action(s) was/were taken.

(5) Where the employee agrees or consents to the offset, FRMS shall attach to the debt claim the employee's written agreement or consent.

(d) *Submitting the Request for Offset—*
(1) *Current employees of other agencies.* FRMS shall submit a certified debt claim, agreement, or other instruction on the payment schedule to the employee's current employing agency.

(2) *Separating employees of other agencies.* If the employee is in the process of separating, FRMS shall submit a certified debt claim to the employee's employing agency for collection as provided in 5 CFR 550.1104(1).

Subpart B—Procedures for the Collection of Debts by Federal Tax Refund Offset

§ 1650.201 Purpose.

This subpart establishes procedures for EEOC to refer past-due legally enforceable debts to the Internal Revenue Service (IRS) for offset against the income tax refunds of persons owing debts to EEOC. It specifies the agency procedures and the rights of the debtor applicable to claims referred under the Federal Tax Refund Offset Program for the collection of debts owned to EEOC. The general standards and procedures governing the collection, compromise, termination, and referral to the Department of Justice of claims for money and property that are prescribed in the regulations issued jointly by the General Accounting Office and the Department of Justice pursuant to the Federal Claims Collection Act of 1966 (4 CFR Parts 101–105) apply to the administrative collection activities of the EEOC. The Director of the Financial Management Division shall

29 CFR Ch. XIV (7–1–02 Edition)

act on all claims arising out of the activities of the EEOC.

[59 FR 24, Jan. 3, 1994, as amended at 64 FR 28917, May 28, 1999]

§ 1650.202 Past-due legally enforceable debt.

A past-due legally enforceable debt for referral to the IRS is a debt that resulted from any statute administered by EEOC and:

(a) Is an obligation of a debtor who is a natural person;

(b) Except in the case of a judgment debt, has been delinquent at least 3 months but not more than 10 years at the time the offset is made;

(c) Is at least \$25.00;

(d) Cannot be currently collected pursuant to the salary offset provisions of 5 U.S.C. 5514(a)(1);

(e) Is ineligible for administrative offset under 31 U.S.C. 3716(a) by reason of 31 U.S.C. 3716(c)(2) or cannot be collected by administrative offset under 31 U.S.C. 3716(a) by the EEOC against amounts payable to or on behalf of the debtor by or on behalf of the EEOC;

(f) With respect to which EEOC has given the debtor at least 60 days from the date of notification to present evidence that all or part of the debt is not past-due or legally enforceable, has considered evidence presented by such debtor, and has determined that an amount of such debt is past-due and legally enforceable;

(g) Has been disclosed by EEOC to a consumer reporting agency as authorized by 31 U.S.C. 3711(f), unless the consumer reporting agency would be prohibited from reporting such information by 15 U.S.C. 1681c, or unless the amount of the debt does not exceed \$100.00;

(h) EEOC's records do not contain evidence that the person owing that debt (or his or her spouse) has filed for bankruptcy under title 11 of the United States Code; and

(i) EEOC can clearly establish at the time of the referral that the automatic stay under 11 U.S.C. 362 has been lifted or is no longer in effect with respect to the person owing the debt or his or her spouse, and the debt was not discharged in the bankruptcy proceeding.