

§ 308.18

such appeal to the attention of the Director, Peace Corps, or designee identified in such denial. Such appeal should be addressed to Director, Peace Corps, c/o Office of Administrative Services, Room P-314, 806 Connecticut Avenue, NW., Washington, DC 20526.

(b) The Director, or designee, shall review a request from a denial of access and shall make a determination with respect to such appeal within 30 days after receipt thereof. Notice of such determination shall be provided to the individual making the request in writing. If such appeal is denied in whole or in part, such notice shall include notification of the right of the person making such request to have judicial review of the denial as provided in the Act.

§ 308.18 Fees.

No fees shall be charged for search time or for any other time expended by the agency to produce a record. Copies of records may be charged for at the rate of 10 cents per page provided that one copy of any record shall be provided free of charge.

PART 309—CLAIMS COLLECTION

Subpart A—General Provisions

- Sec.
- 309.1 General purpose.
 - 309.2 Scope.
 - 309.3 Definitions.
 - 309.4 Interest, penalties, and administrative costs.
 - 309.5 Designation.

Subpart B—Salary Offset

- 309.6 Purpose.
- 309.7 Scope.
- 309.8 Applicability of regulations.
- 309.9 Waiver requests and claims to the General Accounting Office.
- 309.10 Notice requirements before offset.
- 309.11 Review.
- 309.12 Certification.
- 309.13 Voluntary repayment agreements as an alternative to salary offset.
- 309.14 Special review.
- 309.15 Notice of salary offset.
- 309.16 Procedures for salary offset.
- 309.17 Coordinating salary offset with other agencies.
- 309.18 Interest, penalties and administrative costs.
- 309.19 Refunds.
- 309.20 Request for the services of a hearing official from the creditor agency.

22 CFR Ch. III (4–1–04 Edition)

- 309.21 Non-waiver of rights by payments.

Subpart C—Tax Refund Offset

- 309.22 Applicability and scope.
- 309.23 Past-due legally enforceable debt.
- 309.24 Definitions.
- 309.25 Peace Corps' participation in the IRS tax refund offset program.
- 309.26 Procedures.
- 309.27 Referral of debts for offset.
- 309.28 Notice requirements before offset.

Subpart D—Administrative Offset

- 309.29 Applicability and scope.
- 309.30 Definitions.
- 309.31 General.
- 309.32 Demand for payment—notice.
- 309.33 Debtor's failure to respond.
- 309.34 Agency review.
- 309.35 Hearing.
- 309.36 Written agreement for repayment.
- 309.37 Administrative offset procedures.
- 309.38 Civil and Foreign Service Retirement Fund.
- 309.39 Jeopardy procedure.

Subpart E—Use of Consumer Reporting Agencies and Referrals to Collection Agencies

- 309.40 Use of consumer reporting agencies.
- 309.41 Referrals to collection agencies.

Subpart F—Compromise, Suspension or Termination and Referral of Claims

- 309.42 Compromise.
- 309.43 Suspending or terminating collection.
- 309.44 Referral of claims.

AUTHORITY: 31 U.S.C. 3701-3719; 5 U.S.C. 5514; 22 U.S.C. 2503(b); 31 U.S.C. 3720A; 4 CFR parts 101-105; 5 CFR part 550; 26 CFR 301.6402-6T.

SOURCE: 58 FR 2978, Jan. 7, 1993, unless otherwise noted.

Subpart A—General Provisions

§ 309.1 General purpose.

This part prescribes the procedures to be used by the Peace Corps of the United States (Peace Corps) in the collection of claims owed to Peace Corps and to the United States.

§ 309.2 Scope.

(a) Applicability of Federal Claims Collection Standards (FCCS). Except as set forth in this part or otherwise provided by law, Peace Corps will conduct administrative actions to collect claims (including offset, compromise,

Peace Corps

§ 309.3

suspension, termination, disclosure and referral) in accordance with the Federal Claims Collection Standards of the General Accounting Office and the Department of Justice, 4 CFR parts 101 through 105.

(b) This part is not applicable to:

(1) Claims against any foreign country or any political subdivision thereof, or any public international organization.

(2) Claims where the Peace Corps Director (or designee) determines that the achievement of the purposes of the Peace Corps Act, as amended, 22 U.S.C. 2501 *et seq.*, or any other provision of law administered by the Peace Corps require a different course of action.

§ 309.3 Definitions.

As used in this part (except where the context clearly indicates, or where the term is otherwise defined elsewhere in this part) the following definitions shall apply:

(a) *Agency* means:

(1) An Executive Agency as defined by section 105 of title 5, United States Code, including the U.S. Postal Service and the U.S. Postal Rate Commission;

(2) A military department as defined by section 102 of title 5, United States Code.

(3) An agency or court of the judicial branch including a court as defined in section 610 of title 28, United States Code, the District Court for the Northern Mariana Islands and the Judicial Panel on Multidistrict Litigation;

(4) An agency of the legislative branch, including the U.S. Senate and the U.S. House of Representatives; and

(5) Other independent establishments that are entities of the Federal Government.

(b) *Certification* means a written debt claim form received from a creditor agency which requests the paying agency to offset the salary of an employee.

(c) *Consumer reporting agency* means a reporting agency as defined in 31 U.S.C. 3701(a)(3).

(d) *Creditor agency* means the agency to which the debt is owed.

(e) The term *debt and claim* refers to an amount of money or property which has been determined by an appropriate agency official to be owed to the

United States from any person, organization or entity, except another Federal agency. A debtor's liability arising from a particular contract or transaction shall be considered a single claim for purposes of monetary ceilings of the FCCS.

(f) *Delinquent debt* means any debt which has not been paid by the date specified by the Government in writing or in an applicable contractual agreement for payment or which has not been satisfied in accordance with a repayment agreement.

(g) *Disposable pay* means that part of current basic pay, special pay, incentive pay, retired pay, retainer pay, or, in the case of an employee not entitled to basic pay, other authorized pay remaining after the deduction of any amount required by law to be withheld. These deductions are described in 5 CFR 581.105(b) through (f). These deductions include, but are not limited to: Social Security withholdings; Federal, State and local tax withholdings; retirement contributions; and life insurance premiums.

(h) *Employee* means a current or former employee of the Peace Corps or other agency, including a member of the Armed Forces or Reserve of the Armed Forces of the United States.

(i) *FCCS* means the Federal Claims Collection Standards jointly published by the Department of Justice and the General Accounting Office at 4 CFR parts 101 through 105.

(j) *Hearing official* means an individual responsible for conducting any hearing with respect to the existence or amount of a debt claimed, and rendering a decision on the basis of such hearing. Except in the case of an administrative law judge, a hearing official may not be under the supervision or control of the Peace Corps when the Peace Corps is the creditor agency.

(k) *Paying agency* means the agency which employs the individual and authorizes the payment of his or her current pay. In some cases, the Peace Corps may be both the creditor and the paying agency.

(l) *Notice of intent to offset or notice of intent* means a written notice from a creditor agency to an employee which alleges that the employee owes a debt to the creditor agency and apprising