

§ 1650.101

29 CFR Ch. XIV (7-1-07 Edition)

1650.308 Accelerated procedures.

1650.309 Additional administrative procedures.

Subpart D—Procedures for the Collection of Debts by Administrative Wage Garnishment

1650.401 Purpose and regulatory procedures for the collection of debts by administrative wage garnishment.

AUTHORITY: 5 U.S.C. 5514; 31 U.S.C. 321, 3701, 3711, 3716, 3720A, 3720D; EO 13019, 61 FR 51763, 3 CFR 1996 Comp., p. 216; 5 CFR 550.1101.

SOURCE: 59 FR 24, Jan. 3, 1994, unless otherwise noted.

Subpart A—Procedures for the Collection of Debts by Salary Offset

SOURCE: 56 FR 28817, June 25, 1991, unless otherwise noted. Redesignated at 61 FR 7067, Feb. 26, 1996.

§ 1650.101 Purpose.

This subpart sets forth the procedures to be followed in the collection of debts owed to the United States by present or former Commission employees by salary offset under 5 U.S.C. 5514. 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 act on all claims arising out of the activities of the EEOC.

[56 FR 28817, June 25, 1991. Redesignated at 61 FR 7067, Feb. 26, 1996, as amended at 64 FR 28917, May 28, 1999]

§ 1650.102 Scope.

(a) *Applicability.* (1) The procedures in this subpart apply to the collection of debts owed to the Commission or another Federal agency by present or former Commission employees by offset against their basic pay, special pay, incentive pay, retired pay, retainer pay, or, in the case of an individual not

entitled to basic pay, other authorized pay from the Commission or other agency pursuant to the offset authority in 5 U.S.C. 5514.

(2) The procedures in this subpart apply to the collection by salary offset of the following types of debts owed to the United States: Interest, penalties, fees, direct loans, loans insured and guaranteed by the United States, leases, rents, royalties, services, sales of real or personal property, fines and forfeitures (except those arising under the Uniform Code of Military Justice), erroneous payments of pay and all other similar sources.

(b) *Non-applicability.* The procedures in this subpart do not apply where collection of a debt by salary offset is explicitly provided for or prohibited by another statute (e.g., travel advances in 5 U.S.C. 5705 and employee training expenses in 5 U.S.C. 4108). The procedures in this subpart also do not apply to debts or claims arising under the Internal Revenue Code of 1954 as amended, 25 U.S.C. 1 *et seq.*, the Social Security Act, 42 U.S.C. 301 *et seq.*, or the tariff laws of the United States.

(c) *Waiver requests and claims to the GAO.* The procedures in this subpart do not preclude an employee from requesting waiver of a salary overpayment under 5 U.S.C. 5584, or any other similar provision of law, or in any way questioning the amount or validity of a debt by submitting a subsequent claim to the General Accounting Office.

(d) *Compromise, suspension, or termination under the Federal Claims Collection Standards.* Nothing in this subpart precludes the compromise, suspension, or termination of 5 U.S.C. 5514 salary offset collection actions, where appropriate, in accordance with the Federal Claims Collection Standards in 4 CFR chapter II.

§ 1650.103 Definitions.

For the purpose of this subpart, terms are defined as follows:

(a) *Agency* means:

(1) An Executive agency as defined in 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 in section 102 of title 5, United States Code;