

§ 1010.15

project and shall provide the project applicant with any policies or information deemed appropriate in order to permit effective and timely review by the Trust of a proposal once it is submitted to the decision-maker for approval.

§ 1010.15 Actions where lead agency designation is necessary.

(a) Consistent with 40 CFR 1501.5, where a proposed action by the Trust involves one or more other Federal agencies, or where actions by the Trust and one or more Federal agencies are directly related to each other because of their functional interdependence or geographical proximity, the Trust will seek designation as lead agency for those actions that relate solely to the Presidio Trust Area.

(b) For an action that qualifies as one for which the Trust will seek designation as lead agency, the Trust will promptly consult with the appropriate Federal agencies to establish lead agency, joint lead agency, and/or cooperating agency designations.

(c) For an action as to which the Trust undertakes lead, joint lead, or cooperating agency status, the Trust is authorized to enter into a memorandum of understanding or agreement to define the rights and responsibilities of the relevant agencies.

§ 1010.16 Actions to encourage agency cooperation early in the NEPA process.

Consistent with 40 CFR 1501.6, the Trust may request the NPS to be a cooperating agency for actions or projects significantly affecting the quality of the Presidio. In addition, upon request of the Trust, any other Federal, State, local, or tribal agency that has jurisdiction by law or special expertise with respect to any environmental issue that should be addressed in the analysis may be a cooperating agency. The Trust shall use the environmental analysis and proposals of cooperating agencies with jurisdiction by law or special expertise to the maximum extent possible consistent with its responsibility as lead or joint lead agency.

36 CFR Ch. X (7–1–11 Edition)

§ 1010.17 Actions to eliminate duplication with State and local procedures.

Consistent with 40 CFR 1506.2, the Trust shall cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and State and local requirements. Such cooperation shall to the fullest extent possible include:

- (a) Joint planning processes;
- (b) Joint environmental research and studies;
- (c) Joint public hearings (except where otherwise provided by statute); and
- (d) Joint environmental assessments and/or Environmental Impact Statements/Environmental Impact Reports.

PART 1011—DEBT COLLECTION

Subpart A—General Provisions

Sec.

- 1011.1 What definitions apply to the regulations in this part?
- 1011.2 Why is the Presidio Trust issuing these regulations and what do they cover?
- 1011.3 Do these regulations adopt the Federal Claims Collection Standards?

Subpart B—Procedures To Collect Presidio Trust Debts

- 1011.4 What notice will the Presidio Trust send to a debtor when collecting a debt?
- 1011.5 What interest, penalty charges and administrative costs will the Presidio Trust add to a debt?
- 1011.6 When will the Presidio Trust allow a debtor to enter into a repayment agreement?
- 1011.7 When will the Presidio Trust compromise a debt?
- 1011.8 When will the Presidio Trust suspend or terminate debt collection on a debt?
- 1011.9 When will the Presidio Trust transfer a debt to the Financial Management Service for collection?
- 1011.10 How will the Presidio Trust use administrative offset (offset of non-tax federal payments) to collect a debt?
- 1011.11 How will the Presidio Trust use tax refund offset to collect a debt?
- 1011.12 How will the Presidio Trust offset a Federal employee's salary to collect a debt?
- 1011.13 How will the Presidio Trust use administrative wage garnishment to collect a debt from a debtor's wages?
- 1011.14 How will the Presidio Trust report debts to credit bureaus?

Presidio Trust

§ 1011.1

- 1011.15 How will the Presidio Trust refer debts to private collection contractors?
- 1011.16 When will the Presidio Trust refer debts to the Department of Justice?
- 1011.17 Will a debtor who owes a debt be ineligible for Presidio Trust licenses, permits, leases, privileges or services?
- 1011.18 How does a debtor request a special review based on a change in circumstances such as catastrophic illness, divorce, death or disability?
- 1011.19 Will the Presidio Trust issue a refund if money is erroneously collected on a debt?
- 1011.20 Will the Presidio Trust's failure to comply with these regulations be a defense to a debt?

Subpart C—Procedures for Offset of Presidio Trust Payments To Collect Debts Owed To Other Federal Agencies

- 1011.21 How do other Federal agencies use the offset process to collect debts from payments issued by the Presidio Trust?
- 1011.22 What does the Presidio Trust do upon receipt of a request to offset the salary of a Presidio Trust employee to collect a debt owed by the employee to another Federal agency?

AUTHORITY: 16 U.S.C. 460bb appendix, as amended.

SOURCE: 70 FR 73588, Dec. 13, 2005, unless otherwise noted.

Subpart A—General Provisions

§ 1011.1 What definitions apply to the regulations in this part?

As used in this part:

Administrative offset or *offset* means withholding funds payable by the United States (including funds payable by the United States on behalf of a State Government) to, or held by the United States for, a person to satisfy a debt owed by the person. The term “administrative offset” includes, without limitation, the offset of federal salary, vendor, retirement, and Social Security benefit payments. The terms “centralized administrative offset” and “centralized offset” refer to the process by which the Treasury Department's Financial Management Service offsets federal payments through the Treasury Offset Program.

Administrative wage garnishment means the process by which a Federal agency may, without first obtaining a court order, order a non-Federal employer to withhold amounts from a

debtor's wages to satisfy a delinquent debt.

Agency or *Federal agency* means a department, agency, court, court administrative office, or instrumentality in the executive, judicial or legislative branch of the federal government, including government corporations.

Certification means a written statement received by a paying agency or disbursing official that requests the paying agency or disbursing official to offset the salary of an employee and specifies that required procedural protections have been afforded the employee.

Compromise means the settlement or forgiveness of all or a portion of a debt.

Creditor agency means any Federal agency that is owed a debt and includes a debt collection center when it is acting on behalf of the Presidio Trust.

Debt means any amount of money, funds or property that has been determined by an appropriate agency official to be owed to the United States by a person. As used in this part, the term “debt” does not include debts arising under the Internal Revenue Code.

Debt collection center means the Treasury Department or any agency or division designated by the Secretary of the Treasury with authority to collect debts on behalf of creditor agencies.

Debtor means a person who owes a debt to the United States.

Delinquent debt means a debt that has not been paid by the date specified in the Presidio Trust's initial written demand for payment or applicable agreement or instrument (including a post-delinquency payment agreement) unless other satisfactory payment arrangements have been made.

Disposable pay means that part of an employee's pay that remains after deductions that are required by law to be withheld have been made.

Employee or *Federal employee* means a current employee of the Presidio Trust or other Federal agency, including a current member of the Armed Forces, Reserve of the Armed Forces of the United States or of the National Guard.

FCCS means the Federal Claims Collection Standards, which were jointly published by the Departments of the