

conclusion of entitlement was insufficient, invalid, erroneous or invalidated by subsequent events.

(b) Notwithstanding the provisions of § 91.9(e) the Secretary may suspend for a reasonable time the issuance of a certificate of entitlement upon a showing by a payor of compensatory charges that there is a substantial likelihood that the payor will make a showing of good cause under § 91.13(a).

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, the issuance of a certificate of entitlement under § 91.9(e) or the distribution to U.S. flag air carriers of funds collected under this part shall be with prejudice to any claim for refund under this section.

## PART 92—RECOVERING DEBTS TO THE UNITED STATES BY SALARY OFFSET

Sec.

- 92.1 Purpose.
- 92.3 Scope.
- 92.5 Definitions.
- 92.7 Notice, hearing, written response and decision.
- 92.9 Exceptions to notice, hearing, written response, and final decision.
- 92.11 Demand for payment.
- 92.13 Request for hearing.
- 92.15 Request for hearing after time expires.
- 92.17 Form of hearings and written decisions.
- 92.19 Obtaining the services of a hearing official.
- 92.21 Deduction from pay.
- 92.23 Collection.
- 92.25 Source of deductions.
- 92.27 Duration of deductions.
- 92.29 Limitation on amount of deductions.
- 92.31 Liquidation from final payment.
- 92.33 Recovery from other payments due a separated employee.
- 92.35 Interest, penalties and administrative costs.
- 92.37 Non-waiver of rights by payment.
- 92.39 Refunds.
- 92.41 Requesting recovery when the Department is not the paying agency.
- 92.43 Requests for recovery when the Department is the paying agency.
- 92.45 Other debt collections.

AUTHORITY: 5 U.S.C. 5514, as amended; 5 CFR part 550, subpart K; 4 CFR parts 101–105.

SOURCE: 53 FR 4171, Feb. 12, 1988, unless otherwise noted.

### § 92.1 Purpose.

This part implements 5 U.S.C. 5514 (Installment Deduction for Indebtedness to the United States), as amended by the Debt Collection Act of 1982 (Pub. L. 97–365, 96 Stat. 1749, 1751). It supplements 5 CFR part 550, subpart K, and the Federal Claims Collections Standards (4 CFR parts 101–105) issued jointly by the Comptroller General of the United States and the Attorney General of the United States under 31 U.S.C. 3711(e)(2). It sets forth the procedures by which the Department of Transportation (DOT), including its operating elements (see 49 CFR 1.3):

(a) Collects debts owed to the United States by current and former DOT employees;

(b) Determines and collects interest and other charges on that indebtedness.

(c) Offsets the salary of DOT employees to collect debts owed to the United States by those employees; and,

(d) Obtains salary offset to collect debts owed to the United States by employees of other agencies under programs administered by DOT.

### § 92.3 Scope.

The provisions of this part are applicable to the indebtedness of a current or former employee of DOT incurred under any program administered by DOT. The provisions of this part do not apply to the collection of indebtedness by authority other than 5 U.S.C. 5514.

### § 92.5 Definitions.

As used in this part:

(a) *Agency* means an Executive Agency as defined by section 105 of title 5, United States Code, the U.S. Postal Service, the U.S. Postal Rate Commission, a Military Department as defined by section 102 of title 5, United States Code, an agency or court in the judicial branch, an agency of the legislative branch, and any other independent establishments which are entities of the Federal Government. In DOT each operating element will act for the agency in collecting debts under this rule.

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

(c) *Debt* means an amount owed to the United States from sources which include, but are not necessarily limited