

**PART 16—SALARY OFFSET PROCEDURES FOR COLLECTING DEBTS OWED BY FEDERAL EMPLOYEES TO THE FEDERAL GOVERNMENT**

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**AUTHORITY:** Secs. 161, 186, 68 Stat. 948, 955, as amended (42 U.S.C. 2201, 2236); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 1, Pub. L. 97-258, 96 Stat. 972 (31 U.S.C. 3713); sec. 5, Pub. L. 89-508, 80 Stat. 308, as amended (31 U.S.C. 3711, 3717, 3718); Pub. L. 97-365, 96 Stat. 1749; Federal Claims Collection Standards, 31 CFR Chapter IX, Parts 900-904; 31 U.S.C. Secs. 3701, 3716; 31 CFR Sec 285; 26 U.S.C. Sec 6402(d); 31 U.S.C. Sec. 3720A; 26 U.S.C. Sec. 6402(c); 42 U.S.C. Sec. 664; Pub. L. 104-134, as amended (31 U.S.C. 3713); 5 U.S.C. 5514; Executive Order 12988 (3 CFR, 1996 Comp., pp. 157-163); 5 CFR 550.

**SOURCE:** 56 FR 51830, Oct. 16, 1991, unless otherwise noted.

**§ 16.1 Purpose and scope.**

(a) This part provides procedures for the collection by administrative offset of a Federal employee's salary without his/her consent to satisfy certain debts owed to the Federal Government. This part applies to all Federal employees who owe debts to the Nuclear Regulatory Commission (NRC) and to current employees of the NRC who owe debts to other Federal agencies. This part does not apply when the employee consents to recovery from his/her current pay account.

(b) These procedures do not apply to debts or claims arising under:

- (1) The Internal Revenue Code of 1954, as amended, 26 U.S.C. 1 *et seq.*;
- (2) The tariff laws of the United States; or
- (3) Any case where a collection of a debt by salary offset is explicitly pro-

vided for or prohibited by another statute.

(c) These procedures do not apply to any adjustment to pay arising out of an employee's selection of coverage or a change in coverage under a Federal benefits program requiring periodic deductions from pay if the amount to be recovered was accumulated over four pay periods or less.

(d) These procedures do not preclude the compromise, suspension, or termination of collection action where appropriate under the standards implementing the revised Federal Claims Collection Standards (FCCS), 31 U.S.C. 3711 *et seq.*, 31 CFR chapter IX, parts 900 through 904.

(e) This part does not preclude an employee from requesting waiver of an overpayment under 5 U.S.C. 5584, 10 U.S.C. 2774, or 32 U.S.C. 716 or in any way questioning the amount or validity of the debt by submitting a subsequent claim to the NRC. This part does not preclude an employee from requesting a waiver pursuant to other statutory provisions applicable to the particular debt being collected.

(f) The NRC is not limited to collection remedies contained in the revised FCCS. The FCCS is not intended to impair common law remedies.

[56 FR 51830, Oct. 16, 1991, as amended at 63 FR 15743, Apr. 1, 1998; 67 FR 57507, Sept. 11, 2002]

**§ 16.3 Definitions.**

For the purposes of this part, the following definitions apply:

*Administrative charges* are those amounts assessed by NRC to cover the costs of processing and handling delinquent debts due the Government.

*Administrative offset* means withholding money payable by the United States Government to, or held by the Government for, a person to satisfy a debt the person owes the United States Government.

*Agency* means any agency of the executive, legislative, and judicial branches of the Federal Government, including Government corporations.

*Centralized salary offset computer matching* describes the computerized process used to match delinquent debt records with Federal salary payment records when the purpose of the match

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is to identify Federal employees who owe debt to the Federal Government.

*Creditor agency* means the agency to which the debt is owed, including a debt collection center when acting in behalf of a creditor agency in matters pertaining to the collection of a debt.

*Debt* and *claim* are used synonymously to refer to an amount of money, funds, or property that has been determined by an agency official to be owed to the United States from any person, organization, or entity, except another Federal agency. For the purposes of administrative offset under 31 U.S.C. 3716, the terms *debt* and *claim* include an amount of money, funds, or property owed by a person to a State (including past-due support being enforced by a State), the District of Columbia, American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, or the Commonwealth of Puerto Rico.

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

*Delinquent debt record* refers to the information about a debt that an agency submits to Treasury when the agency refers the debt for collection by offset in accordance with the provision of 31 U.S.C. 3716.

*Disbursing official* means an official who has authority to disburse Federal salary payments pursuant to 31 U.S.C. 3321 or another law.

*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:

- (1) Any amount required by law to be withheld;
- (2) Amounts properly withheld for Federal, state or local income tax purposes;
- (3) Amounts deducted as health insurance premiums;
- (4) Amounts deducted as normal retirement contributions, not including amounts deducted for supplementary coverage; and

(5) Amounts deducted as normal life insurance premiums not including amounts deducted for supplementary coverage.

*Employee* is any individual employed by any agency of the executive, legislative, and judicial branches of the Federal Government, including Government corporations.

*FCCS* means the Federal Claims Collection Standards jointly published by the Department of the Treasury and the Department of Justice at 31 CFR Chapter IX, Parts 900 through 904.

*Hearing official* means an individual responsible for conducting any hearing with respect to the existence or amount of a debt claimed or the repayment schedule if not established by written agreement between the employee and the NRC, and who renders a decision on the basis of this hearing.

*Paying agency* means the agency that employs the individual who owes the debt and authorizes the payment of his/her current pay.

*Salary offset* means an administrative offset to collect a debt under 5 U.S.C. 5514 by deduction(s) at one or more officially established pay intervals from the current pay account of an employee without his or her consent.

*Treasury* as used in 10 CFR part 16 means the Department of the Treasury.

*Waiver* means the cancellation, remission, forgiveness, or non-recovery of a debt allegedly owed by an employee to an agency as permitted or required by 5 U.S.C. 5584, 10 U.S.C. 2774, 32 U.S.C. 716, 5 U.S.C. 8346(b), or any other law.

[56 FR 51830, Oct. 16, 1991, as amended at 67 FR 57507, Sept. 11, 2002]

### § 16.5 Application.

The regulations in this part are to be followed when:

- (a) The NRC is owed a debt by an individual currently employed by another Federal agency;
- (b) The NRC is owed a debt by an individual who is a current employee of the NRC; or
- (c) The NRC employs an individual who owes a debt to another Federal agency.