

§ 1201.1

1201.8 What action might NARA take to collect debts?

1201.9 What rights do I have as a debtor?

Subpart B—General Provisions

1201.10 Will NARA use a cross-servicing agreement with the Department of the Treasury to collect its claims?

1201.11 Will NARA refer claims to the Department of Justice?

1201.12 Will NARA provide information to credit reporting agencies?

1201.13 How will NARA contract for collection services?

1201.14 What should I expect to receive from NARA if I owe a debt to NARA?

1201.15 What will the notice tell me regarding collection actions that might be taken if the debt is not paid within 60 days of the notice, or arrangements to pay the debt are not made within 60 days of the notice?

1201.16 What will the notice tell me about my opportunity for review of my debt?

1201.17 What must I do to obtain a review of my debt, and how will the review process work?

1201.18 What interest, penalty charges, and administrative costs will I have to pay on a debt owed to NARA?

1201.19 How can I resolve my debt through voluntary repayment?

1201.20 What is the extent of the Archivist's authority to compromise debts owed to NARA, or to suspend or terminate collection action on such debts?

1201.21 May NARA's failure to comply with these regulations be used as a defense to a debt?

Subpart C—Salary Offset

1201.30 What debts are included or excluded from coverage of these regulations on salary offset?

1201.31 May I ask NARA to waive an overpayment that otherwise would be collected by offsetting my salary as a Federal employee?

1201.32 What are NARA's procedures for salary offset?

1201.33 How will NARA coordinate salary offsets with other agencies?

1201.34 Under what conditions will NARA make a refund of amounts collected by salary offset?

1201.35 Will the collection of a claim by salary offset act as a waiver of my rights to dispute the claimed debt?

Subpart D—Tax Refund Offset

1201.40 Which debts can NARA refer to the Department of the Treasury for collection by offsetting tax refunds?

1201.41 What are NARA's procedures for collecting debts by tax refund offset?

36 CFR Ch. XII (7–1–10 Edition)

Subpart E—Administrative Offset

1201.50 Under what circumstances will NARA collect amounts that I owe to NARA (or some other Federal agency) by offsetting the debt against payments that NARA (or some other Federal agency) owes me?

1201.51 How will NARA request that my debt to NARA be collected by offset against some payment that another Federal agency owes me?

1201.52 What procedures will NARA use to collect amounts I owe to a Federal agency by offsetting a payment that NARA would otherwise make to me?

1201.53 When may NARA make an offset in an expedited manner?

1201.54 Can a judgment I have obtained against the United States be used to satisfy a debt that I owe to NARA?

Subpart F—Administrative Wage Garnishment

1201.55 How will NARA collect debts through Administrative Wage Garnishment?

AUTHORITY: 5 U.S.C. 5514; 31 U.S.C. 3701–3720A, 3720D; 44 U.S.C. 2104(a).

SOURCE: 67 FR 44757, July 5, 2002, unless otherwise noted.

Subpart A—Introduction

§ 1201.1 Why is NARA issuing these regulations?

(a) NARA is issuing these regulations to inform the public of procedures that may be used by NARA for the collection of debt.

(b) These regulations provide that NARA will attempt to collect debts owed to it or other Government agencies either directly, or by other means including salary, administrative, tax refund offsets, or administrative wage garnishment.

(c) These regulations also provide that NARA may enter a cross-servicing agreement with the U.S. Department of the Treasury (Treasury) under which the Treasury will take authorized action to collect amounts owed to NARA.

§ 1201.2 Under what authority does NARA issue these regulations?

(a) NARA is issuing the regulations in this part under the authority of 31 U.S.C. Chapter 37, 3701–3720A and 3720D. These sections implement the requirements of the Federal Claims Collection

Act of 1966, as amended by the Debt Collection Act of 1982 and the Debt Collection Improvement Act of 1996.

(b) NARA is also issuing the regulations in this part to conform to the Federal Claims Collection Standards (FCCS), which prescribe standards for handling the Federal Government's claims for money or property. The FCCS are issued by the Department of Justice (DOJ) and the Treasury at 31 CFR Chapter IX, Parts 900-904. NARA adopts those standards without change. The regulations in this part supplement the FCCS by prescribing procedures necessary and appropriate for NARA operations.

(c) NARA is also issuing the regulations in this part to conform to the standards for handling Administrative Wage Garnishment processing by the Federal Government. The standards are issued by the Treasury at 31 CFR 285.11. NARA adopts those standards without change. The regulations in this part supplement the standards by prescribing procedures necessary and appropriate for NARA operations.

(d) NARA is further issuing the regulations in this part under the authority of 5 U.S.C. 5514, and the salary offset regulations published by the Office of Personnel and Management at 5 CFR part 550, subpart K.

(e) All of these claims collection regulations are issued under NARA's authority under 44 U.S.C. 2104(a).

§ 1201.3 What definitions apply to the regulations in this part?

As used in this part:

Administrative 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 claim.

Administrative Wage Garnishment means a process whereby a Federal agency may, without first obtaining a court order, order an employer to withhold up to 15 percent of your wages for payment to the Federal agency to satisfy a delinquent non-tax debt.

Agency means a department, agency, court, court administrative office, or instrumentality in the executive, judicial, or legislative branch of govern-

ment, including a government corporation.

Archivist means the Archivist of the United States, or his or her designee.

Certification means a written statement received by a paying agency or disbursing official from a creditor agency 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.

Claim (see definition of debt in this section).

Compromise means the settlement or forgiveness of a debt.

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

Day means calendar day. To count days, include the last day of the period unless it is a Saturday, a Sunday, or a Federal legal holiday.

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

Debt and *claim* are deemed synonymous and interchangeable. These terms mean an amount of money, funds, or property that has been determined by an agency official to be due the United States from any person, organization, or entity except another Federal agency. For the purpose of administrative offset under 31 U.S.C. 3716 and subpart E of these regulations, the terms, "debt" and "claim" also include 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.

Debtor means a person, organization, or entity, except another Federal agency, who owes a debt. Use of the terms "I," "you," "me," and similar references to the reader of the regulations in this part are meant to apply to debtors as defined in this paragraph.

Delinquent debt means a debt that has not been paid by the date specified in NARA's initial written demand for