

## § 1073.311

prohibited by statute or regulation), or when an administrative or judicial order directs the Bureau to refund amounts deducted from the employee's current pay.

(b) Unless required by law or contract, such refunds shall not bear interest.

### § 1073.311 Non-waiver of rights by payment.

An employee's involuntary payment of all or any portion of a debt being collected under 5 U.S.C. 5514 shall not be construed as a waiver of any rights which the employee may have under 5 U.S.C. 5514 or any other provision of contract or law, unless there are statutory or contractual provisions to the contrary.

### § 1073.312 Exception to procedures.

(a) The procedures set forth in this subpart shall not apply to the following:

(1) Any adjustment to pay arising out of an employee's election 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;

(2) A routine intra-agency adjustment of pay that is made to correct an overpayment attributable to clerical or administrative errors or delays in processing pay documents, if the overpayment occurred within the four pay periods preceding the adjustment and, at the time of such adjustment, or as soon thereafter as practical, the individual is provided written notice of the nature and amount of the adjustment and a point of contact for contesting such adjustment; or

(3) Any adjustment to collect a debt amounting to \$50 or less, if, at the time of such adjustment, or as soon thereafter as practical, the individual is provided written notice of the nature and amount of the adjustment and a point of contact for contesting such adjustment.

(b) In the event of a negative adjustment to pay, as described in subsection (a)(1), the Bureau will provide a clear and concise statement in the employee's earnings statement advising the

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employee of the previous overpayment at the time the adjustment is made.

### Subpart D—Administrative Wage Garnishment

#### § 1073.401 Administrative wage garnishment.

The Director may collect debts from a debtor's wages by means of administrative wage garnishment in accordance with the requirements of 31 U.S.C. 3720D under the procedures established in 31 CFR 285.11.

### Subpart E—Tax Refund Offset

#### § 1073.501 Tax refund offset.

The provisions of 26 U.S.C. 6402(d) and 31 U.S.C. 3720A authorize the Secretary of the Treasury to offset a debt owed to the United States Government from the tax refund due a taxpayer. The Director may administer tax refund offsets in accordance with the requirements of 31 U.S.C. 3720A under the procedures established in 31 CFR 285.2.

## PART 1074—PROCEDURE RELATING TO RULEMAKING

AUTHORITY: 12 U.S.C. 5492(a)(1), 5512(b).

SOURCE: 77 FR 76354, Dec. 28, 2012, unless otherwise noted.

### § 1074.1 Date of issuance of Bureau rules.

A final Bureau of Consumer Financial Protection (Bureau) rule is deemed issued upon the earlier of the following:

(a) When the final rule is posted on the Bureau's Web site; or

(b) When the final rule is published in the FEDERAL REGISTER.

## PART 1075—CONSUMER FINANCIAL CIVIL PENALTY FUND RULE

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1075.100 Scope and purpose.

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1075.103 Eligible victims.

1075.104 Payments to victims.

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