

## § 2506.52

(c) That the Corporation has complied with the requirements of 31 U.S.C. 3716, its own administrative offset regulations in this subpart, the applicable administrative offset regulations of the agency holding the funds, and the applicable provisions of the FCCS with respect to providing you with due process.

### **§ 2506.52 What procedures will the Corporation use to collect amounts I owe to a Federal agency by offsetting a payment that the Corporation would otherwise make to me?**

(a) Any Federal agency may request that the Corporation administratively offset funds due and payable to you in order to collect a debt you owe to that agency. The Corporation will initiate the requested offset only upon:

(1) Receipt of written certification from the creditor agency stating:

- (i) That you owe the debt;
- (ii) The amount and basis of the debt;
- (iii) That the agency has prescribed regulations for the exercise of administrative offset; and

(iv) That the agency has complied with its own administrative offset regulations and with the applicable provisions of the FCCS, including providing you with any required hearing or review; and

(2) A determination by the Chief Executive Officer that offsetting funds payable to you by the Corporation in order to collect a debt owed by you would be in the best interest of the United States as determined by the facts and circumstances of the particular case, and that such an offset would not otherwise be contrary to law.

(b) *Multiple debts.* In instances where two or more creditor agencies are seeking administrative offsets, or where two or more debts are owed to a single creditor agency, the Corporation may, in its discretion, allocate the amount it owes to you to the creditor agencies in accordance with the best interest of the United States as determined by the facts and circumstances of the particular case, paying special attention to applicable statutes of limitations.

## 45 CFR Ch. XXV (10–1–24 Edition)

### **§ 2506.53 When may the Corporation make an offset in an expedited manner?**

The Corporation may effect an administrative offset against a payment to be made to you before completion of the procedures required by §§ 2506.51 and 2506.52 if failure to take the offset would substantially jeopardize the Corporation's ability to collect the debt and the time before the payment is to be made does not reasonably permit the completion of those procedures. An expedited offset will be followed promptly by the completion of those procedures. Amounts recovered by offset, but later found not to be owed to the United States, will be promptly refunded.

### **§ 2506.54 Can a judgment I have obtained against the United States be used to satisfy a debt that I owe to the Corporation?**

Yes. Collection by offset against a judgment obtained by a debtor against the United States will be accomplished in accordance with 31 U.S.C. 3728 and 31 U.S.C. 3716.

## **Subpart F—Administrative Wage Garnishment**

### **§ 2506.55 How will the Corporation collect debts through Administrative Wage Garnishment?**

The Corporation will collect debts through Administrative Wage Garnishment in accordance with the Administrative Wage Garnishment regulations issued by the Treasury. The Corporation adopts, for purposes of this subpart, the Treasury's Administrative Wage Garnishment regulations in 31 CFR 285.11. This procedure allows the Corporation to garnish the disposable pay of a debtor without first obtaining a court order.

## **PART 2507—PROCEDURES FOR DISCLOSURE OF RECORDS UNDER THE FREEDOM OF INFORMATION ACT**

### **Subpart A—General Provisions**

Sec.  
2507.1 Scope.  
2507.2 Policy.

## Corporation for National and Community Service

## § 2507.3

- 2507.3 Definitions.
- 2507.4 Agency FOIA Officials.

### Subpart B—Proactive Disclosures of Agency Records

- 2507.5 Records available on agency website.

### Subpart C—Filing a FOIA Request

- 2507.6 Requirements for FOIA requests.
- 2507.7 Requests for archived records.

### Subpart D—Agency Processing and Responses to FOIA Requests

- 2507.8 Processing of requests.
- 2507.9 Reasons for withholding some records.
- 2507.10 Timing of responses to requests.
- 2507.11 Responses to requests.

### Subpart E—Confidential Commercial Information

- 2507.12 Definitions for this subpart.
- 2507.13 Procedures for release of commercial information.

### Subpart F—Appeals and Alternative Dispute Resolution

- 2507.14 Administrative appeals.
- 2507.15 Mediation and dispute resolution services.

### Subpart G—Fees

- 2507.16 Definitions for this subpart.
- 2507.17 Fees overview.
- 2507.18 Requester categories and fees charged.
- 2507.19 Circumstances in which fees may not be charged.
- 2507.20 Notice of anticipated fees in excess of \$25.00.
- 2507.21 Other charges.
- 2507.22 Aggregating requests to ensure payment of fees.
- 2507.23 Collection and payment of fees.
- 2507.24 Fee waivers or fee reductions.

### Subpart H—Miscellaneous

- 2507.25 Preservation of records.
- 2507.26 Reporting requirements.
- 2507.27 Rights and services qualified by the FOIA statute.

AUTHORITY: 5 U.S.C. 552, 42 U.S.C. 12501 *et seq.*

SOURCE: 87 FR 55309, Sept. 9, 2022, unless otherwise noted.

## Subpart A—General Provisions

### § 2507.1 Scope.

This part contains the rules that the Corporation for National and Community Service, operating as AmeriCorps (“the Agency” or “AmeriCorps”), follows in processing requests for records under the Freedom of Information Act (“FOIA”), 5 U.S.C. 552. These rules should be read in conjunction with the text of the FOIA and the Uniform Freedom of Information Fee Schedule and Guidelines published by the Office of Management and Budget (“OMB Guidelines”). Requests made by individuals for records about themselves under the Privacy Act of 1974, 5 U.S.C. 552a, are processed in accordance with AmeriCorps’ Privacy Act regulations, 45 CFR part 2508, as well as under this part.

### § 2507.2 Policy.

(a) AmeriCorps follows a balanced approach in administering the FOIA. The Agency recognizes the right of the public to seek access to information in its possession. It also recognizes the legitimate interests of organizations or persons who have submitted records to AmeriCorps or who would otherwise be affected by release of records. AmeriCorps has no discretion to release certain records, such as trade secrets and confidential commercial information, prohibited from release by law. The Agency provides the fullest responsible disclosure that is consistent with the requirements of the FOIA.

(b) When a FOIA exemption gives Federal agencies the discretion to either withhold or release records, AmeriCorps releases the records or information unless it reasonably foresees that disclosure would harm an interest that the exemption protects.

### § 2507.3 Definitions.

As used in this part:

*Agency* is any executive agency, military agency, government corporation, government-controlled corporation, or other establishment in the Executive Branch of the Federal Government, or any independent regulatory agency. AmeriCorps is an agency.