

Paperwork Reduction Act, 44 U.S.C. 3507 *et seq.*

List of Subjects in 41 CFR Part 105–55

Claims owed the United States, Antitrust, Fraud, Taxes, Interagency claims, Offset, Payments, Administrative practice and procedure, Credit bureaus, Compromise, Suspension, Termination and discharge of debts, Hearing and appeals procedures, Debts.

Dated: December 2, 2003.

Stephen A. Perry,

Administrator of General Services.

■ For the reasons set forth in the preamble, GSA amends 41 CFR chapter 105 as follows:

CHAPTER 105—[AMENDED]

■ 1. Revise part 105–55 to read as follows:

PART 105–55—COLLECTION OF CLAIMS OWED THE UNITED STATES

Sec.

- 105–55.001 Prescription of standards.
- 105–55.002 Definitions.
- 105–55.003 Antitrust, fraud, tax, interagency claims, and claims over \$100,000 excluded.
- 105–55.004 Compromise, waiver, or disposition under other statutes not precluded.
- 105–55.005 Form of payment.
- 105–55.006 Subdivision of claims not authorized.
- 105–55.007 Required administrative proceedings.
- 105–55.008 No private rights created.
- 105–55.009 Aggressive agency collection activity.
- 105–55.010 Demand for payment.
- 105–55.011 Collection by administrative offset.
- 105–55.012 Contracting with private collection contractors and with entities that locate and recover unclaimed assets.
- 105–55.013 Suspension or revocation of eligibility for loans and loan guaranties, licenses, permits, or privileges.
- 105–55.014 Liquidation of collateral.
- 105–55.015 Collection in installments.
- 105–55.016 Interest, penalties, and administrative costs.
- 105–55.017 Use and disclosure of mailing addresses.
- 105–55.018 Exemptions.
- 105–55.019 Compromise of claims.
- 105–55.020 Bases for compromise.
- 105–55.021 Enforcement policy.
- 105–55.022 Joint and several liability.
- 105–55.023 Further review of compromise offers.
- 105–55.024 Consideration of tax consequences to the Government.
- 105–55.025 Mutual releases of the debtor and the Government.
- 105–55.026 Suspending or terminating collection activity.
- 105–55.027 Suspension of collection activity.

- 105–55.028 Termination of collection activity.
- 105–55.029 Exception to termination.
- 105–55.030 Discharge of indebtedness; reporting requirements.
- 105–55.031 Prompt referral to the Department of Justice.
- 105–55.032 Claims Collection Litigation Report.
- 105–55.033 Preservation of evidence.
- 105–55.034 Minimum amount of referrals to the Department of Justice.

Authority: 5 U.S.C. 552–553; 31 U.S.C. 321, 3701, 3711, 3716, 3717, 3718, 3719, 3720B, 3720D; 31 CFR parts 900–904.

§ 105–55.001 Prescription of standards.

(a) The Secretary of the Treasury and the Attorney General of the United States issued regulations for collecting debts owed the United States under the authority contained in 31 U.S.C. 3711(d)(2). The regulations in this part prescribe standards for the General Services Administration (GSA) use in the administrative collection, offset, compromise, and the suspension or termination of collection activity for civil claims for money, funds, or property, as defined by 31 U.S.C. 3701(b), unless specific GSA statutes or regulations apply to such activities or, as provided for by Title 11 of the United States Code, when the claims involve bankruptcy. The regulations in this part also prescribe standards for referring debts to the Department of Justice for litigation. Additional guidance is contained in the Office of Management and Budget's Circular A–129 (Revised), "Policies for Federal Credit Programs and Non-Tax Receivables," the Department of the Treasury's "Managing Federal Receivables," and other publications concerning debt collection and debt management.

(b) GSA is not limited to the remedies contained in this part and will use all authorized remedies, including alternative dispute resolution and arbitration, to collect civil claims, to the extent such remedies are not inconsistent with the Federal Claims Collection Act, as amended, Chapter 37 of Title 31, United States Code; the Debt Collection Act of 1982, 5 U.S.C. 5514; the Debt Collection Improvement Act of 1996, 31 U.S.C. 3701 *et seq.*, or other relevant statutes. The regulations in this part are not intended to impair GSA's common law rights to collect debts.

(c) Standards and policies regarding the classification of debt for accounting purposes (for example, write off of uncollectible debt) are contained in the Office of Management and Budget's Circular A–129 (Revised), "Policies for Federal Credit Programs and Non-Tax Receivables."

§ 105–55.002 Definitions.

(a) *Administrative offset*, as defined in 31 U.S.C. 3701(a)(1), 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.

(b) *Compromise* means the reduction of a debt as provided in §§ 105–55.019 and 105–55.020.

(c) *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 in accordance with 31 U.S.C. 3711(g).

(d) *Debtor* means an individual, organization, association, corporation, partnership, or a State or local government indebted to the United States or a person or entity with legal responsibility for assuming the debtor's obligation.

(e) *Delinquent or past-due non-tax debt* means any non-tax debt that has not been paid by the date specified in GSA's initial written demand for payment or applicable agreement or instrument (including a post-delinquency payment agreement), unless other satisfactory payment arrangements have been made.

(f) For the purposes of the standards in this part, unless otherwise stated, the term *Administrator* refers to the Administrator of General Services or the Administrator's delegate.

(g) For the purposes of the standards in this part, the terms *claim* and *debt* are synonymous and interchangeable. They refer to an amount of money, funds, or property that has been determined by GSA to be due the United States from any person, organization, or entity, except another Federal agency, from sources which include loans insured or guaranteed by the United States and all other amounts due the United States from fees, leases, rents, royalties, services, sales of real or personal property, overpayments, penalties, damages, interest, fines and forfeitures and all other similar sources, including debt administered by a third party as an agent for the Federal Government. For the purposes of administrative offset under 31 U.S.C. 3716, the terms *claim* and *debt* 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.