

Federal Claims Collection Standards

§ 101.8

the claim cannot be resolved by the agencies involved, it should be referred to the General Accounting Office.

§101.4 Compromise, waiver, or disposition under other statutes not precluded.

Nothing contained in this chapter is intended to preclude agency disposition of any claim under statutes and implementing regulations other than Subchapter II of Chapter 37 of Title 31 of the United States Code and these Standards, providing for the collection, compromise, termination of collection action, or waiver in whole or in part of such a claim. See, for example, the Federal Medical Care Recovery Act, 76 Stat. 593, 42 U.S.C. 2651 et seq., and applicable regulations, 28 CFR 43.1 et seq. In such cases, the laws and regulations which are specifically applicable to claims collection activities of a particular agency take precedence over this chapter. Except as provided in §102.19 of this chapter (Exemptions), the standards set forth in this chapter should be followed in the disposition of civil claims by the Federal Government by collection, compromise, or termination of collection action (other than by waiver pursuant to other statutory authority) where neither the specific statute nor its implementing regulations establish standards governing such matters.

§101.5 Conversion claims.

The instructions contained in this chapter are directed primarily at the recovery of money on behalf of the United States and the circumstances in which Government claims may be disposed of for less than the full amount claimed. Nothing contained in this chapter is intended, however, to deter an agency from demanding the return of specific property or from demanding, in the alternative, either the return of the property or the payment of its value.

§101.6 Subdivision of claims not authorized.

Claims may not be subdivided to avoid the monetary ceiling established by 31 U.S.C. 3711(a)(2). A debtor's liability arising from a particular transaction or contract shall be considered a

single claim in determining whether the claim is one of less than \$20,000, exclusive of interest, penalties, and administrative costs, for purposes of compromise (§103.1 of this chapter) or suspension or termination of collection action (§104.1 of this chapter).

§101.7 Required administrative proceedings.

Nothing contained in this chapter is intended to require an agency to omit, foreclose, or duplicate administrative proceedings required by contract or other laws or regulations.

§101.8 Omissions not a defense.

The standards set forth in this chapter shall apply to the administrative handling of civil claims of the Federal Government for money or property but the failure of an agency to comply with any provision of this chapter shall not be available as a defense to any debtor.

PART 102—STANDARDS FOR THE ADMINISTRATIVE COLLECTION OF CLAIMS

Sec.

- 102.1 Aggressive agency collection action.
- 102.2 Demand for payment.
- 102.3 Collection by administrative offset.
- 102.4 Administrative offset against amounts payable from Civil Service Retirement and Disability Fund.
- 102.5 Use of consumer reporting agencies.
- 102.6 Contracting for collection services.
- 102.7 Personal interview with debtor.
- 102.8 Contact with debtor's employing agency.
- 102.9 Suspension or revocation of license or eligibility.
- 102.10 Liquidation of collateral.
- 102.11 Collection in installments.
- 102.12 Exploration of compromise.
- 102.13 Interest, penalties, and administrative costs.
- 102.14 Analysis of costs.
- 102.15 Documentation of administrative collection action.
- 102.16 Automation.
- 102.17 Prevention of overpayments, delinquencies, and defaults.
- 102.18 Use and disclosure of mailing addresses.
- 102.19 Exemptions.
- 102.20 Additional administrative collection action.

AUTHORITY: Subchapter II of Chapter 37 of Title 31, U. S. C. .