

Office of the Secretary of the Treasury

§ 4.1

§ 3.22 Legal review.

Claims filed under this subpart shall be forwarded to the legal division of the bureau or office out of whose activities the claim arose. The claim, together with the reports of the employee and the investigation, shall be reviewed in the legal division which shall thereupon make a recommendation that the claim be approved, disapproved or compromised.

§ 3.23 Approval of claims.

Claims shall be approved, disapproved, or compromised by the head of the bureau or office or his designee, taking into consideration the recommendation of the legal division.

§ 3.24 Statute of limitations.

No claim will be considered under this subpart unless filed within 1 year from the date of the accrual of said claim.

Subpart C—Indemnification of Department of Treasury Employees

SOURCE: 56 FR 42938, Aug. 30, 1991, unless otherwise noted.

§ 3.30 Policy.

(a) The Department of the Treasury may indemnify, in whole or in part, a Department employee (which for purposes of this regulation shall include a former employee) for any verdict, judgment or other monetary award rendered against such employee, provided the Secretary or his or her designee determines that (1) the conduct giving rise to such verdict, judgment or award was within the scope of his or her employment and (2) such indemnification is in the interest of the Department of the Treasury.

(b) The Department of the Treasury may pay for the settlement or compromise of a claim against a Department employee at any time, provided the Secretary or his or her designee determines that (1) the alleged conduct giving rise to the claim was within the scope of the employee's employment and (2) such settlement or compromise is in the interest of the Department of the Treasury.

(c) Absent exceptional circumstances, as determined by the Secretary or his or her designee, the Department will not entertain a request to indemnify or to pay for settlement of a claim before entry of an adverse judgment, verdict or other determination.

(d) When a Department employee becomes aware that he or she has been named as a party in a proceeding in his or her individual capacity as a result of conduct within the scope of his or her employment, the employee should immediately notify his or her supervisor that such an action is pending. The supervisor shall promptly thereafter notify the chief legal officer of the employee's employing component. The employee shall immediately apprise the chief legal officer of his or her employing component of any offer to settle the proceeding.

(e) A Department employee may request indemnification to satisfy a verdict, judgment or monetary award entered against the employee or to compromise a claim pending against the employee. The employee shall submit a written request, with appropriate documentation including a copy of the verdict, judgment, award or other order or settlement proposal, in a timely manner to the Secretary or his or her designee for decision.

(f) Any payment under this section either to indemnify a Department employee or to settle a claim shall be contingent upon the availability of appropriated funds for the payment of salaries and expenses of the employing component.

PART 4—EMPLOYEES' PERSONAL PROPERTY CLAIMS

AUTHORITY: 31 U.S.C. 3721(j).

SOURCE: 62 FR 18518, Apr. 16, 1997, unless otherwise noted.

§ 4.1 Procedures.

The procedures for filing a claim with the Treasury Department for personal property that is lost or damaged incident to service are contained in Treasury Directive 32-13, "Claims for Loss or Damage to Personal Property," and Treasury Department Publication

Pt. 5

31 CFR Subtitle A (7-1-02 Edition)

32-13, "Policies and Procedures For Employees' Claim for Loss or Damage to Personal Property Incident to Service."

Subpart A—Administrative Collection, Compromise, Termination and Referral of Claims

PART 5—CLAIMS COLLECTION

AUTHORITY: 31 U.S.C. 3711.

SOURCE: 32 FR 452, Jan. 17, 1967, unless otherwise noted.

Subpart A—Administrative Collection, Compromise, Termination and Referral of Claims

§ 5.1 Authority.

- Sec.
- 5.1 Authority.
- 5.2 Incorporation by reference; scope.
- 5.3 Designation.
- 5.4 Application to other statutes.

The regulations of this part are issued under section 3 of the Federal Claims Collection Act of 1966, Pub. L. 89-508, 80 Stat. 308, 309, and in conformity with the Joint Regulations issued under that Act by the General Accounting Office and the Department of Justice prescribing standards for administrative collection, compromise, termination of agency collection action, and referral to the General Accounting Office and to the Department of Justice for litigation, of civil claims by the Government for money or property, 4 CFR Chapter II.

Subpart B—Salary Offset

§ 5.2 Incorporation by reference; scope.

- 5.5 Purpose.
- 5.6 Scope.
- 5.7 Designation.
- 5.8 Definitions.
- 5.9 Applicability of regulations.
- 5.10 Waiver requests and claims to the General Accounting Office.
- 5.11 Notice requirements before offset.
- 5.12 Hearing.
- 5.13 Certification.
- 5.14 Voluntary repayment agreements as alternative to salary offset.
- 5.15 Special review.
- 5.16 Notice of salary offset.
- 5.17 Procedures for salary offset.
- 5.18 Coordinating salary offset with other agencies.
- 5.19 Interest, penalties and administrative costs.
- 5.20 Refunds.
- 5.21 Request for the services of a hearing official from the creditor agency.
- 5.22 Non-waiver of rights by payments.

The regulations of this part incorporate by this reference all provisions of the Joint Regulations of the General Accounting Office and the Department of Justice, and supplement those regulations by the prescription of procedures and directives necessary and appropriate for Treasury operations. The Joint Regulations and this part do not apply to tax claims nor to any claim as to which there is an indication of fraud or misrepresentation, as described in §101.3 of the Joint Regulations, unless returned by the Justice Department to the Treasury Department for handling.

Subpart C—Tax Refund Offset

§ 5.3 Designation.

- 5.23 Applicability and scope.
- 5.24 Designation.
- 5.25 Definitions.
- 5.26 Preconditions for Department participation.
- 5.27 Procedures.
- 5.28 Referral of debts for offset.
- 5.29 Notice requirements before offset.

The heads of bureaus and offices and their delegates are designated as designees of the Secretary of the Treasury authorized to perform all the duties for which the Secretary is responsible under the foregoing Act and Joint Regulations: *Provided, however,* That no compromise of a claim shall be effected or collection action terminated, except upon the recommendation of the General Counsel, the Chief Counsel of the bureau or office concerned, or the designee of either. Notwithstanding the

Subpart D—Administrative Offset

- 5.30 Scope of regulations.
- 5.31 Designation.
- 5.32 Definitions.
- 5.33 General.
- 5.34 Notification procedures.
- 5.35 Agency review.
- 5.36 Written agreement for repayment.
- 5.37 Administrative offset.
- 5.38 Jeopardy procedure.