

§ 11.1

Subpart C—IRS Tax Refund Offset Provisions for Collection of Debts

- 11.10 Scope.
- 11.11 Definitions.
- 11.12 Procedures.

AUTHORITY: 5 U.S.C. 301, 28 U.S.C. 509, 510, 31 U.S.C. 3718, 3720A.

SOURCE: Order No. 1201-87, 52 FR 24449, July 1, 1987, unless otherwise noted.

Subpart A—Retention of Private Counsel for Debt Collection

§ 11.1 Delegation of authority.

The Assistant Attorney General for Administration shall exercise the full authority of the Attorney General to develop and administer the Department of Justice pilot program for debt collection by private counsel. This authority shall include, but is not limited to, the authority to set policies and procedures for the program, and to enter into contracts for the retention of private counsel. The Assistant Attorney General for Administration can in turn delegate authority regarding debt collection to subordinate officials as appropriate. Existing delegations of authority with respect to settlement determinations on disputed claims shall remain in force. See generally, 28 CFR 0.160 *et seq.*

§ 11.2 Pilot program.

The Assistant Attorney General for Administration, in consultation with the Executive Office for United States Attorneys, shall designate the districts that will participate in the pilot program. U.S. Attorneys in the districts chosen for the pilot program, shall direct the full cooperation and assistance of their respective offices in implementing the program. Among other things, the U.S. Attorneys shall designate an Assistant U.S. Attorney to serve as the Contracting Officer's Technical Representative (COTR) on the contracts with private debt collection lawyers in their respective districts. The COTRs will be responsible for assisting the contracting officer by supervising the work of the private counsel in their respective districts and providing necessary approvals with respect to the initiation or settlement of lawsuits or similar matters.

28 CFR Ch. I (7-1-06 Edition)

§ 11.3 Compliance with existing laws.

The procurement of the services of private attorneys for debt collection shall be accomplished in accordance with the competitive procurement procedures mandated by Federal law, and set forth in the Federal Property and Administrative Services Act of 1949, 41 U.S.C. 251 *et seq.* Best efforts shall be made to encourage extensive participation by law firms owned and controlled by socially and economically disadvantaged individuals in the competition for award of these contracts in the pilot districts. Such efforts shall include, at minimum, publication of the requirement for these services in the Commerce Business Daily and in a selection of pertinent legal publications likely to reach socially and economically disadvantaged firms, as well as sending written notice of the requirements to bar associations that have a significant socially and economically disadvantaged membership in the pilot districts. These special recruitment efforts will not authorize or permit preferential consideration to any bidders in selection for award of these contracts. The Department's Office of Small and Disadvantaged Business Utilization shall also make its resources available to assist in encouraging broad participation in this competition.

Subpart B—Administration of Debt Collection

SOURCE: Order No. 1625-92, 57 FR 44107, Sept. 24, 1992, unless otherwise noted.

§ 11.4 Purpose and scope.

(a) *Purpose.* The purpose of this subpart is to implement 5 U.S.C. 5514 and 31 U.S.C. 3716, which authorize the collection by salary or administrative offset of debts owed by persons, organizations, or entities to the federal government. Generally, however, a debt may not be collected by such means if it has been outstanding for more than ten years after the agency's right to collect the debt first accrued. This subpart is consistent with the Office of Personnel Management (OPM) regulations on salary offset, codified at 5 CFR