

Office of the Secretary, DHS

§ 11.4

SOURCE: 72 FR 4190, Jan. 30, 2007, unless otherwise noted.

§ 11.1 General application.

(a) *Application of Debt Collection Standards.* The provisions of 31 CFR parts 285, 900-904, as amended by the Secretary of the Treasury and the Attorney General, are applicable to debts and debt procedures within the jurisdiction of the Department of Homeland Security.

(b) *Authority.* The Chief Financial Officer of the Department of Homeland Security is delegated authority to administer this subpart and to redelegate authority under this subpart.

(c) *Application to DHS.* This subpart provides procedures for the collection of DHS debts, and for collection of other debts owed to the United States when a request for offset of a DHS payment is received by the DHS from another federal agency. This subpart applies to all of DHS, including all of its components. It applies to the DHS when collecting a DHS debt, to persons who owe DHS debts, and to Federal agencies requesting offset of a payment issued by the DHS as a payment agency (including salary payments to DHS employees).

(d) *Exclusions.* This subpart does not apply to debt arising from taxation under the Internal Revenue Act of 1986, as amended, or to any debt excepted from the FCCS, 31 CFR parts 900 through 904.

(e) *Non-exclusive procedure or remedy.* Nothing in this subpart precludes collection or disposition of any debt under statutes and regulations other than those described in this subpart. To the extent that the provisions of laws or other regulations apply, including the remission or mitigation of fines, penalties, forfeitures and debts arising under the tariff laws of the United States, DHS components are authorized to collect debts under those laws and regulations. DHS components and other Federal agencies may simultaneously use multiple collection remedies to collect a debt, except as prohibited by law.

(f) *Additional policies and procedures.* DHS components may, but are not required to, promulgate additional policies and procedures consistent with

this subpart and other applicable Federal law, policies, and procedures.

(g) *Duplication not required.* Nothing in this subpart requires DHS to duplicate notices or administrative proceedings required by contract, this subpart, or other laws or regulations.

(h) *No private rights created.* This subpart does not create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, its officers, or any other person, nor shall the failure of any DHS component to comply with any of the provisions of this subpart or 31 CFR parts 285, 900-904 be a defense to the collection of any debt or enforcement of any other law.

§ 11.2 Definitions.

In addition to the definitions provided in 31 CFR parts 285, 900-904, as used in this subpart:

(a) *Department of Homeland Security or DHS* means the United States Department of Homeland Security and includes the Secretary and any DHS entity which reports directly or indirectly to the Secretary.

(b) *DHS debt* means a debt owed to DHS by a person.

(c) *Secretary* means the Secretary of Homeland Security.

§ 11.3 Demand for payment.

(a) *Notice requirements.* Generally, before DHS starts the collection actions described in this subpart, DHS sends a written notice to the debtor under 31 CFR 901.2. The notice provided under this section includes notice of any and all actions DHS may take to offset the debt, including any notices required under 31 CFR parts 285, 900-904.

(b) *Exceptions to notice requirements.* DHS may omit from any notice to a debtor any provision that is not legally required given the collection remedies to be applied to a particular debt.

§ 11.4 Collection by administrative offset.

(a) *General Provisions for Offset.* DHS will collect debts by administrative offset pursuant to 31 CFR parts 900-904.

(b) *Centralized Offset through the Treasury Offset Program.* DHS adopts the provisions of 31 CFR 901.3.