

§ 33.12

Affairs any data or information pertinent to a claim.

§ 33.12 Penalties.

Persons who willfully make any false or misleading statement or representation to obtain compensation from the Fund are subject to criminal prosecution under 22 U.S.C. 1980(g). This provides penalties up to \$25,000 or imprisonment for up to one year, or both. Any evidence of criminal conduct will be promptly forwarded to the United States Department of Justice for action. Additionally, misrepresentation, concealment, or fraud, or acts intentionally designed to result in seizure, may void the guaranty agreement.

PART 34—COLLECTION OF DEBTS

Subpart A—General Provisions

Sec.

- 34.1 Purpose.
- 34.2 Scope.
- 34.3 Definitions.
- 34.4 Interest, penalty, and administrative charges.
- 34.5 Exceptions.
- 34.6 Use of procedures.
- 34.7 Other procedures or actions.

Subpart B—Administrative Offset and Referral to Collection Agencies

- 34.8 Demand for payment.
- 34.9 Collection by administrative offset.
- 34.10 Administrative offset against amounts payable for Civil Service Retirement and Disability Fund.
- 34.11 Collection in installments.
- 34.12 Exploration of compromise.
- 34.13 Suspending or terminating collection action.
- 34.14 Referrals to the Department of Justice or the General Accounting Office.
- 34.15 Collection services.

Subpart C—Salary Offset

- 34.16 Scope.
- 34.17 Coordinating offset with another federal agency.
- 34.18 Notice requirements before offset.
- 34.19 Request for a hearing.
- 34.20 Hearings.
- 34.21 Review of STATE records related to the debt.
- 34.22 Written agreement to repay as alternative to salary offset.
- 34.23 Procedures for salary offset.
- 34.24 Non-waiver of rights by payments.
- 34.25 Refunds.

22 CFR Ch. I (4–1–03 Edition)

AUTHORITY: 31 U.S.C. 3701–3719; 5 U.S.C. 5514; 22 U.S.C. 2658; 22 U.S.C. 3926; 4 CFR parts 101–105; 5 CFR part 550

SOURCE: 54 FR 13365, Apr. 3, 1989, unless otherwise noted.

Subpart A—General Provisions

§ 34.1 Purpose.

These regulations prescribe the procedures to be used by the United States Department of State (STATE) in the collection of claims owed to STATE and to the United States.

§ 34.2 Scope.

(a) Applicability of Federal Claims Collection Standards (FCCS). Except as set forth in this part or otherwise provided by law, STATE will conduct administrative actions to collect claims (including offset, compromise, suspension, termination, disclosure and referral) in accordance with the FCCS of the General Accounting Office and Department of Justice, 4 CFR parts 101–105.

(b) This part is not applicable to:

(1) Claims against any foreign country or any political subdivision thereof, or any public international organization.

(2) Claims where the STATE Comptroller or his designee determines that the achievement of the purposes of any provision of law administered by STATE require a different course of action.

§ 34.3 Definitions.

(a) A *debt* or *claim* refers to an amount of money which has been determined to be owed to the United States from any person, organization or entity, except another Federal Agency. A debtor's liability arising from a particular contract or transaction shall be considered a single claim for purposes of the monetary ceilings of the FCCS.

(b) *Delinquent* means a debt that has not been paid by the date specified in STATE's written notification or applicable contractual agreement, unless other satisfactory arrangements have been made by that date, or that has not been in accordance with a payment agreement with STATE.