

§ 80.19

(d) The DOT will require borrowers to pay servicing fees for each credit instrument approved for funding. Separate fees may apply for each type of credit instrument (e.g., a loan guarantee, a secured loan with a single disbursement, a secured loan with multiple disbursements, or a line of credit), depending on the costs of servicing the credit instrument as determined by the Secretary. Such fees will be set at a level to enable the DOT to recover all or a portion of the costs to the Federal Government of TIFIA credit instruments.

[65 FR 44940, July 19, 2000]

§ 80.19 Reporting requirements.

At a minimum, any recipient of Federal credit assistance under this part shall submit an annual project performance report and audited financial statements to the DOT within no more than 180 days following the recipient's fiscal year-end for each year during which the recipient's obligation to the Federal Government remains in effect. The DOT may conduct periodic financial and compliance audits of the recipient of credit assistance, as determined necessary by the DOT. The specific credit agreement between the recipient of credit assistance and the DOT may contain additional reporting requirements.

[65 FR 44940, July 19, 2000]

§ 80.21 Use of administrative offset.

The DOT will not apply an administrative offset to recover any losses to the Federal Government resulting from project risk the DOT has assumed under a TIFIA credit instrument. The DOT may, however, use an administrative offset in cases of fraud, misrepresentation, false claims, or similar criminal acts or acts of malfeasance or wrongdoing.

[65 FR 44940, July 19, 2000]

PART 89—IMPLEMENTATION OF THE FEDERAL CLAIMS COLLECTION ACT

Subpart A—General

Sec.

89.1 Purpose.

89.3 Applicability.

49 CFR Subtitle A (10–1–03 Edition)

- 89.5 Delegations of authority.
- 89.7 Exceptions to delegated authority.
- 89.9 Redelegation.
- 89.11 Standards for exercise of delegated authority.
- 89.13 Documentary evidence of compromise.
- 89.15 Regulations, reports, and supporting documentation.

Subpart B—Collection of Claims

- 89.21 Administrative collection.
- 89.23 Interest, late payment penalties, and collection charges.
- 89.25 Collection by administrative offset.
- 89.27 Referral for litigation.
- 89.29 Disclosure to commercial credit bureaus and consumer reporting agencies.
- 89.31 Use of professional debt collection agencies.
- 89.33 [Reserved]

Subpart C—Referral of Debts to IRS for Tax Refund Offset

- 89.37 Applicability and scope.
- 89.39 Administrative charges.
- 89.41 Notice requirement before offset.
- 89.43 Review within the Department.
- 89.45 Department determination.
- 89.47 Stay of offset.

AUTHORITY: Pub. L. 89-508; Pub. L. 89-365, secs. 3, 10, 11, 13(b), 31 U.S.C. 3701-3720A; Pub. L. 98-167; Pub. L. 98-369; Pub. L. 99-578; Pub. L. 101-552, 31 U.S.C. 3711(a)(2).

SOURCE: 53 FR 51238, Dec. 21, 1988, unless otherwise noted.

Subpart A—General

§ 89.1 Purpose.

This part implements the Federal Claims Collection Act of 1966, 31 U.S.C. 3701-3720 A, as amended primarily by the Debt Collection Act of 1982 (Pub. L. 97-365, 96 Stat. 1749) and the Debt Collection Amendments of 1986 (Pub. L. 99-578, 100 Stat. 3305). It supplements the Federal Claims Collection Standards (FCCS), 4 CFR parts 101-105, issued jointly by the Comptroller General of the United States and the Attorney General of the United States under 31 U.S.C. 3711(e)(2). Pursuant to the Federal Claims Collection Act, as amended, and the FCCS, this part sets forth procedures by which the Department of Transportation (DOT) and its operating elements (see 49 CFR 1.3) through designated officials:

- (a) Collect claims owed to the United States arising from activities under its jurisdiction;