

## § 309.40

jeopardize the Peace Corps' ability to collect the debt, and the time available before the payment is to be made does not reasonably permit the completion of those procedures. Such prior offset shall be promptly followed by the completion of those procedures. Amounts recovered by offset but later found not to be owed to the Peace Corps shall be promptly refunded.

### **Subpart E—Use of Consumer Reporting Agencies and Referrals to Collection Agencies**

#### **§ 309.40 Use of consumer reporting agencies.**

(a) The Peace Corps may report delinquent debts to consumer reporting agencies (see 31 U.S.C. 3701(a)(3)). Sixty days prior to release of information to a consumer reporting agency, the debtor shall be notified, in writing, of the intent to disclose the existence of the debt to a consumer reporting agency. Such notice of intent may be separate correspondence or included in correspondence demanding direct payment. The notice shall be in conformance with 31 U.S.C. 3711(f) and the Federal Claims Collection Standards.

(b) The information that may be disclosed to the consumer reporting agency is limited to:

(1) The debtor's name, address, social security number or taxpayer identification number, and any other information necessary to establish the identity of the individual;

(2) The amount, status, and history of the claim; and

(3) The Peace Corps program or activity under which the claim arose.

#### **§ 309.41 Referrals to collection agencies.**

(a) Peace Corps has authority to contract for collection services to recover delinquent debts in accordance with 31 U.S.C. 3718(c) and the FCCS (4 CFR 102.6).

(b) Peace Corps will use private collection agencies where it determines that their use is in the best interest of the Government. Where Peace Corps determines that there is a need to contract for collection services, the contract will provide that:

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(1) The authority to resolve disputes, compromise claims, suspend or terminate collection action, and refer the matter to the Department of Justice for litigation or to take any other action under this Part will be retained by the Peace Corps;

(2) Contractors are subject to the Privacy Act of 1974, as amended, to the extent specified in 5 U.S.C. 552a(m) and to applicable Federal and State laws and regulations pertaining to debt collection practices, such as the Fair Debt Collection Practices Act, 15 U.S.C. 1692;

(3) The contractor is required to strictly account for all amounts collected;

(4) The contractor must agree that uncollectible accounts shall be returned with appropriate documentation to enable Peace Corps to determine whether to pursue collection through litigation or to terminate collection;

(5) The contractor must agree to provide any data in its files relating to paragraphs (a) (1), (2) and (3) of section 105.2 of the Federal Claims Collection Standards upon returning the account to Peace Corps for subsequent referral to the Department of Justice for litigation.

(c) Peace Corps will not use a collection agency to collect a debt owed by a current employed or retired Federal employee, if collection by salary or annuity offset is available.

### **Subpart F—Compromise, Suspension or Termination and Referral of Claims**

#### **§ 309.42 Compromise.**

Peace Corps may attempt to effect compromise in accordance with the standards set forth in part 103 of the FCCS (4 CFR part 103).

#### **§ 309.43 Suspending or terminating collection.**

Suspension or termination of collection action shall be made in accordance with the standards set forth in Part 104 of the FCCS (4 CFR 104)

#### **§ 309.44 Referral of claims.**

Claims on which an aggressive collection action has been taken and which cannot be collected, compromised or on

which collection action cannot be suspended or terminated under parts 103 and 104 of the FCCS (4 CFR parts 103 and 104), shall be referred to the General Accounting Office or the Department of Justice, as appropriate, in accordance with the procedures set forth in part 105 of the FCCS (4 CFR part 105).

## **PART 310—GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT).**

Sec.

- 310.25 How is this part organized?  
 310.50 How is this part written?  
 310.75 Do terms in this part have special meanings?

### **Subpart A—General**

- 310.100 What does this part do?  
 310.105 Does this part apply to me?  
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 310.115 How does an exclusion restrict a person's involvement in covered transactions?  
 310.120 May we grant an exception to let an excluded person participate in a covered transaction?  
 310.125 Does an exclusion under the nonprocurement system affect a person's eligibility for Federal procurement contracts?  
 310.130 Does exclusion under the federal procurement system affect a person's eligibility to participate in nonprocurement transactions?  
 310.135 May the Peace Corps exclude a person who is not currently participating in a nonprocurement transaction?  
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### **Subpart B—Covered Transactions**

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 310.205 Why is it important to know if a particular transaction is a covered transaction?  
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 310.220 Are any procurement contracts included as covered transactions?

- 310.225 How do I know if a transaction in which I may participate is a covered transaction?

### **Subpart C—Responsibilities of Participants Regarding Transactions**

#### DOING BUSINESS WITH OTHER PERSONS

- 310.300 What must I do before I enter into a covered transaction with another person at the next lower tier?  
 310.305 May I enter into a covered transaction with an excluded or disqualified person?  
 310.310 What must I do if a federal agency excludes a person with whom I am already doing business in a covered transaction?  
 310.315 May I use the services of an excluded person as a principal under a covered transaction?  
 310.320 Must I verify that principals of my covered transactions are eligible to participate?  
 310.325 What happens if I do business with an excluded person in a covered transaction?  
 310.330 What requirements must I pass down to persons at lower tiers with whom I intend to do business?

#### DISCLOSING INFORMATION—PRIMARY TIER PARTICIPANTS

- 310.335 What information must I provide before entering into a covered transaction with the Peace Corps?  
 310.340 If I disclose unfavorable information required under §310.335, will I be prevented from participating in the transaction?  
 310.345 What happens if I fail to disclose the information required under §310.335?  
 310.350 What must I do if I learn of the information required under §310.335 after entering into a covered transaction with the Peace Corps?

#### DISCLOSING INFORMATION—LOWER TIER PARTICIPANTS

- 310.355 What information must I provide to a higher tier participant before entering into a covered transaction with that participant?  
 310.360 What happens if I fail to disclose the information required under §310.355?  
 310.365 What must I do if I learn of information required under §310.355 after entering into a covered transaction with a higher tier participant?

### **Subpart D—Responsibilities of Peace Corps Officials Regarding Transactions**

- 310.400 May I enter into a transaction with an excluded or disqualified person?