

Department of Health and Human Services

§ 30.2

operating component of the Department and any person named therein requests a retraction or correction, the agency head shall issue a retraction or correction in the same manner to all of the media outlets that received the original information (or as many of them as is feasible).

AUTHORITY: Subchapter II of Chapter 37 of Title 31, United States Code, 5 U.S.C. 5514 and 5 U.S.C. 552a as amended by Pub. L. 97-365, 96 Stat. 1749.

SOURCE: 52 FR 264, Jan. 5, 1987, unless otherwise noted.

Subpart A—General

PART 30—CLAIMS COLLECTION

§ 30.1 Purpose and scope.

Subpart A—General

- Sec.
- 30.1 Purpose and scope.
- 30.2 Definitions.
- 30.3 Interagency claims.
- 30.4 Other administrative proceedings.
- 30.5 Other remedies.
- 30.6 Property claims.
- 30.7 Claims involving criminal activity or misconduct.
- 30.8 Claims arising from GAO exceptions.
- 30.9 Subdivision of claims.
- 30.10 Omissions not a defense.

(a) This regulation prescribes standards and procedures for the officers and employees of the Department, including officers and employees of the various Operating Divisions and regional offices of the Department, charged with collection and disposition of debts owed to the United States.

(b) These standards and procedures will be applied where a statute, regulation or contract does not prescribe different standards or procedures. The authority for the regulation lies in the Federal Claims Collection Act of 1966, as amended, 31 U.S.C. 3711 and 3716-3718; the Federal Claims Collection Standards, at 4 CFR Parts 101-105; related statutes (5 U.S.C. 5512 and 5514, 5 U.S.C. 552a) and regulations (5 CFR Part 550); and the common law. The covered activities include collecting claims in any amount; compromising claims, or suspending or terminating collection of claims that do not exceed \$20,000, exclusive of interest and charges; and referring debts that cannot be disposed of by the Department to the Department of Justice or to the General Accounting Office for further administrative action or litigation. Further guidance may be found in the Departmental General Administration Manual, Personnel Manual, Accounting Manual and Grants Administration Manual, and any other manuals which may be issued by each Operating Division, office, or program.

Subpart B—Collection of Claims

- 30.11 Collection rule.
- 30.12 Notices to debtor.
- 30.13 Interest, administrative costs and late payment penalties.
- 30.14 Interest and charges pending waiver or review.
- 30.15 Administrative offset.
- 30.16 Use of credit reporting agencies.
- 30.17 Contracting for collection services.
- 30.18 Liquidation of collateral.
- 30.19 Installment payments.
- 30.20 Taxpayer information.
- 30.21 Army hold-up list.

Subpart C—Compromise of Claims

- 30.22 Compromise rule.
- 30.23 Exceptions.
- 30.24 Inability to collect the full amount.
- 30.25 Litigative probabilities.
- 30.26 Cost of collecting claim.
- 30.27 Enforcement policy.
- 30.28 Joint and several liability.
- 30.29 Further review of compromise offers.
- 30.30 Restriction.

Subpart D—Termination or Suspension of Collection Action

- 30.31 Termination rule.
- 30.32 Exceptions.

Subpart E—Referrals to the Department of Justice or GAO

- 30.33 Litigation.
- 30.34 Claims over \$20,000.
- 30.35 GAO exceptions.

§ 30.2 Definitions.

In this part, unless the context otherwise requires—

Amounts payable under the Social Security Act means payments by the Department to beneficiaries, providers, intermediaries, physicians, suppliers, carriers, States, or other contractors or grantees under a Social Security Act program, including: Title I (Grants to

§ 30.3

States for Old-Age Assistance and Medical Assistance for the Aged); Title II (Federal Old-Age Survivors, and Disability Insurance Benefits); Title III (Grants to States for Unemployment Compensation Administration); Title IV (Grants to States for Aid and Services to Needy Families with Children and for Child-Welfare Services); Title V (Maternal and Child Health and Crippled Children's Services); Title IX (Unemployment Compensation Program); Title X (Grants to States for Aid to the Blind); Title XI, Part B (Peer Review of the Utilization and Quality of Health Care Services); Title XII (Advances to State Unemployment Funds); Title XIV (Grants to States for Aid to Permanently and Totally Disabled); Title XVI (Supplemental Security Income for the Aged, Blind, and Disabled); Title XVII (Grants to States to Fight Mental Retardation); Title XVIII (Medicare); Title XIX (Medicaid); and Title XX (Block Grants to States for Social Services). Federal employee salaries and other payments made by the Department in the course of administering the provisions of the Social Security Act are not deemed to be "payable under" the Social Security Act for purposes of this regulation.

Claim or *Debt* means an amount of money or other property owed to the United States. Debts include, but are not limited to amounts owed on account of loans made, insured or guaranteed by the United States; salary overpayments to employees; overpayments to program beneficiaries; overpayments to contractors and grantees, including overpayments arising from audit disallowances; excessive cash advances to employees, grantees and contractors; civil penalties and assessments; theft or loss of money or property; and damages.

Debtor means an individual, organization, association, partnership, corporation, or a State or local government or subdivision indebted to the Department; or the person or entity with legal responsibility for assuming the debtor's obligation.

Debts arising under the Social Security Act are overpayments to, or contributions, penalties or assessments owed by, beneficiaries, providers, intermediaries, physicians, suppliers, car-

45 CFR Subtitle A (10-1-06 Edition)

riers, States or other contractors or grantees under Titles I, II, III, IV, V, IX, X, XI (Part B), XII, XIV, XVI, XVII, XVIII, XIX and XX of the Social Security Act. Salary overpayments and other debts that result from the administration of the provisions of the Social Security Act are not deemed to "arise under" the Social Security Act for purposes of this regulation.

Department means the United States Department of Health and Human Services and each of its Operating Divisions and regional offices.

Liquidated or certain in amount refers to a debt of an amount already fixed and determined by the Secretary, or which may be readily fixed and determined from the information available in the debt file, irrespective of any dispute by the debtor.

Local government means a political subdivision, instrumentality, or authority of any State; the District of Columbia; the Commonwealth of Puerto Rico; a territory or possession of the United States; or an Indian tribe, band or nation.

Operating Division means each separate component within the Department of Health and Human Services, and includes the Office of the Secretary, the Office of Human Development Services, the Family Support Administration, the Centers for Medicare & Medicaid Services, the Public Health Service and the Social Security Administration.

Overdue refers to a debt not paid by the payment due date specified in the notice of the debt to the debtor (see §30.13(a)) and not the subject of a repayment agreement approved by the Secretary. Also, a debt subject to repayment agreement is considered overdue if the debtor fails to satisfy his or her obligations under that agreement. "Overdue" and "delinquent" have the same meaning. See 4 CFR 101.2(b).

Secretary means the Secretary of Health and Human Services or the Secretary's designee within any Operating Division or Regional Office.

§ 30.3 Interagency claims.

This regulation does not apply to debts owed by other Federal agencies. These debts will be resolved by negotiation or referral to the General Accounting Office.