

Surface Transportation Board, DOT

§ 1018.1

on any portion of a debt that is delinquent as defined in 4 CFR 101.2(b) for more than 90 days. This charge need not be calculated until the 91st day of delinquency, but shall accrue from the date that the debt became delinquent.

(c) The Board shall assess against a debtor charges to cover administrative costs incurred as a result of a delinquent debt—that is, the additional costs incurred in processing and handling the debt because it became delinquent as defined in 4 CFR 101.2(b).

(d) When a debt is paid in partial or installment payments, amounts received by the agency shall be applied first to outstanding penalty and administrative cost charges, second to accrued interest, and third to outstanding principal.

PART 1018—DEBT COLLECTION

Subpart A—Application and Coverage

Sec.

- 1018.1 Application.
- 1018.2 Definitions.
- 1018.3 Communications.
- 1018.4 Claims that are covered.
- 1018.5 Monetary limitation on Board authority.
- 1018.6 Omissions not a defense.
- 1018.7 Conversion claims.
- 1018.8 Subdivision of claims.

Subpart B—Administrative Collection of Claims

- 1018.20 Written demand for payment.
- 1018.21 Telephone inquiries and investigations.
- 1018.22 Personal interviews.
- 1018.23 Use of consumer reporting agencies.
- 1018.24 Contact with the debtor's employing agency.
- 1018.25 Sanctions.
- 1018.26 Disputed debts.
- 1018.27 Contracting for collection services.
- 1018.28 Collection by administrative offset.
- 1018.29 Payments.
- 1018.30 Interest, penalties, and administrative costs.
- 1018.31 Use of credit reports.
- 1018.32 Bankruptcy claims.
- 1018.33 Use and disclosure of mailing addresses.
- 1018.34 Additional administrative collection action.

Subpart C—Compromise of a Claim

- 1018.50 When a claim may be compromised.

- 1018.51 Reasons for compromising of a claim.
- 1018.52 Restrictions on the compromise of a claim.
- 1018.53 Finality of a compromise.

Subpart D—Suspension or Termination of Collection Action

- 1018.60 When collection action may be suspended or terminated.
- 1018.61 Reasons for suspending collection action.
- 1018.62 Reasons for terminating collection action.
- 1018.63 Termination of collection action.
- 1018.64 Transfer of a claim.

Subpart E—Referral of a Claim

- 1018.70 Prompt referral.
- 1018.71 Referral of a compromise offer.
- 1018.72 Referral to the Department of Justice.

Subpart F—Internal Revenue Service Procedure

- 1018.80 Reporting discharged debts to the Internal Revenue Service.

Subpart G—Tax Refund Offset

- 1018.90 Purpose.
- 1018.91 Applicability and scope.
- 1018.92 Administrative charges.
- 1018.93 Notice requirement before offset.
- 1018.94 Review within the Board.
- 1018.95 Board determination.
- 1018.96 Stay of offset.

AUTHORITY: 31 U.S.C. 3701, 31 U.S.C. 3711 *et seq.*, 49 U.S.C. 721, 4 CFR parts 101–105.

SOURCE: 58 FR 7749, Feb. 9, 1993, unless otherwise noted.

Subpart A—Application and Coverage

§ 1018.1 Application.

(a) This part applies to claims for the payment of debts owed to the United States Government in the form of money or property and unless a different procedure is specified in a statute, regulation, or a contractual agreement with the Board, prescribes procedures by which the Board:

- (1) Collects, compromises, suspends, and terminates collection actions for claims;
- (2) Determines and collects interest and other charges on these claims; and
- (3) Refers unpaid claims to the General Accounting Office (GAO) and the

§ 1018.2

Department of Justice (DOJ) for litigation.

(b) The following are examples of the kinds of debts to which special statutory and administrative procedures apply:

(1) A claim against an employee for erroneous payment of pay and allowances subject to waiver under 5 U.S.C. 5584 and other claims against employees which are handled under 49 CFR part 1017.

(2) A claim involving the payment of civil penalties or forfeitures which may arise under provisions of the Interstate Commerce Act or legislation supplemental thereto. Those claims are handled under procedures set forth in 49 CFR part 1021.

(3) A claim involved in a case pending before any Federal Contract Appeals Board or Grant Appeals Board. However, nothing in this part prevents negotiation and settlement of a claim pending before a Board.

§ 1018.2 Definitions.

(a) *Administrative offset* means withholding money payable by the United States to, or held by the Government for, a person to satisfy a debt the person owes the Government.

(b) *Claim* and *debt* are used synonymously and interchangeably for purposes of this part. These terms refer to an amount of money or property which has been determined by an appropriate agency official to be owed to the United States by any person, organization, or entity except another Federal agency.

(c) *Delinquent*. A debt is considered delinquent if it has not been paid by the date specified in the initial written demand for payment or applicable contractual agreement with the Board, unless other satisfactory payment arrangements have been made by that date. If the debtor fails to satisfy an obligation under a payment agreement with the Board after other payment arrangements have been made, the debt becomes a delinquent debt.

(d) *Payment in full* means payment of the total debt due the United States, including any interest, penalty, and administrative costs of collection assessed against the debtor.

49 CFR Ch. X (10–1–07 Edition)

§ 1018.3 Communications.

Unless otherwise specified, all communications concerning the regulations in this part should be addressed to Chief, Section of Financial Services, Surface Transportation Board, room 1330, Washington, DC 20423.

[58 FR 7749, Feb. 9, 1993, as amended at 64 FR 53267, Oct. 1, 1999]

§ 1018.4 Claims that are covered.

(a) These procedures generally apply to any claim for payment of a debt which:

(1) Results from activities of the Board including fees imposed under 49 CFR part 1002; or

(2) Is referred to the Board for collection.

(b) These procedures do not apply to:

(1) A claim based on a civil monetary penalty for violation of a requirement of the Interstate Commerce Act or an order or regulation of the Board unless 49 CFR part 1021 provides otherwise;

(2) A claim as to which there is an indication of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor, or any other party having an interest in the claim;

(3) A claim between Federal agencies; and

(4) A claim once it becomes subject to salary offset which is governed by 5 U.S.C. 5514.

§ 1018.5 Monetary limitation on Board authority.

The Board's authority to compromise a claim or to terminate or suspend collection action on a claim covered by these procedures is limited by 31 U.S.C. 3711(a) to claims that:

(a) Have not been referred to another Federal agency, including the GAO, for further collection action; and

(b) Do not exceed \$100,000, exclusive of interest, penalties, and administrative costs (the monetary limitation).

§ 1018.6 Omissions not a defense.

(a) The failure of the Board to include in this part any provision of the Federal Claims Collection Standards, 4 CFR parts 101 through 105, does not prevent the Board from applying these provisions.