

§ 3.8

the claimant, his agent or legal representative and any other person on whose behalf or for whose benefit the claim has been presented, and shall constitute a complete release of any claim against the United States and against any employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

[35 FR 6429, Apr. 22, 1970, as amended at 39 FR 19470, June 3, 1974]

§ 3.8 Statute of limitations.

Claims under this subpart must be presented in writing to the Department within 2 years after the claim accrued.

Subpart B—Claims Under the Small Claims Act

§ 3.20 General.

The Act of December 28, 1922, 42 Stat. 1066, the Small Claims Act, authorized the head of each department and establishment to consider, ascertain, adjust, and determine claims of \$1,000 or less for damage to, or loss of, privately owned property caused by the negligence of any officer or employee of the Government acting within the scope of his employment. The Federal Tort Claims Act superseded the Small Claims Act with respect to claims that are allowable under the former act. Therefore, claims that are not allowable under the Federal Tort Claims Act, for example, claims arising abroad, may be allowable under the Small Claims Act.

§ 3.21 Action by claimant.

Procedures and requirements for filing claims under this section shall be the same as required for filing claims under the Federal Tort Claims Act as set forth in Subpart A of this part.

§ 3.22 Legal review.

Claims filed under this subpart shall be forwarded to the legal division of the bureau or office out of whose activities the claim arose. The claim, together with the reports of the employee and the investigation, shall be reviewed in the legal division which shall thereupon make a recommenda-

31 CFR Subtitle A (7-1-08 Edition)

tion that the claim be approved, disapproved or compromised.

§ 3.23 Approval of claims.

Claims shall be approved, disapproved, or compromised by the head of the bureau or office or his designee, taking into consideration the recommendation of the legal division.

§ 3.24 Statute of limitations.

No claim will be considered under this subpart unless filed within 1 year from the date of the accrual of said claim.

Subpart C—Indemnification of Department of Treasury Employees

SOURCE: 56 FR 42938, Aug. 30, 1991, unless otherwise noted.

§ 3.30 Policy.

(a) The Department of the Treasury may indemnify, in whole or in part, a Department employee (which for purposes of this regulation shall include a former employee) for any verdict, judgment or other monetary award rendered against such employee, provided the Secretary or his or her designee determines that (1) the conduct giving rise to such verdict, judgment or award was within the scope of his or her employment and (2) such indemnification is in the interest of the Department of the Treasury.

(b) The Department of the Treasury may pay for the settlement or compromise of a claim against a Department employee at any time, provided the Secretary or his or her designee determines that (1) the alleged conduct giving rise to the claim was within the scope of the employee's employment and (2) such settlement or compromise is in the interest of the Department of the Treasury.

(c) Absent exceptional circumstances, as determined by the Secretary or his or her designee, the Department will not entertain a request to indemnify or to pay for settlement of a claim before entry of an adverse judgment, verdict or other determination.

(d) When a Department employee becomes aware that he or she has been named as a party in a proceeding in his or her individual capacity as a result of conduct within the scope of his or her employment, the employee should immediately notify his or her supervisor that such an action is pending. The supervisor shall promptly thereafter notify the chief legal officer of the employee's employing component. The employee shall immediately apprise the chief legal officer of his or her employing component of any offer to settle the proceeding.

(e) A Department employee may request indemnification to satisfy a verdict, judgment or monetary award entered against the employee or to compromise a claim pending against the employee. The employee shall submit a written request, with appropriate documentation including a copy of the verdict, judgment, award or other order or settlement proposal, in a timely manner to the Secretary or his or her designee for decision.

(f) Any payment under this section either to indemnify a Department employee or to settle a claim shall be contingent upon the availability of appropriated funds for the payment of salaries and expenses of the employing component.

PART 4—EMPLOYEES' PERSONAL PROPERTY CLAIMS

AUTHORITY: 31 U.S.C. 3721(j).

SOURCE: 62 FR 18518, Apr. 16, 1997, unless otherwise noted.

§ 4.1 Procedures.

The procedures for filing a claim with the Treasury Department for personal property that is lost or damaged incident to service are contained in Treasury Directive 32-13, "Claims for Loss or Damage to Personal Property," and Treasury Department Publication 32-13, "Policies and Procedures For Employees' Claim for Loss or Damage to Personal Property Incident to Service."

PART 5—TREASURY DEBT COLLECTION

Subpart A—General Provisions

Sec.

- 5.1 What definitions apply to the regulations in this part?
- 5.2 Why is the Treasury Department issuing these regulations and what do they cover?
- 5.3 Do these regulations adopt the Federal Claims Collection Standards (FCCS)?

Subpart B—Procedures To Collect Treasury Debts

- 5.4 What notice will Treasury entities send to a debtor when collecting a Treasury debt?
- 5.5 How will Treasury entities add interest, penalty charges, and administrative costs to a Treasury debt?
- 5.6 When will Treasury entities allow a debtor to pay a Treasury debt in installments instead of one lump sum?
- 5.7 When will Treasury entities compromise a Treasury debt?
- 5.8 When will Treasury entities suspend or terminate debt collection on a Treasury debt?
- 5.9 When will Treasury entities transfer a Treasury debt to the Treasury Department's Financial Management Service for collection?
- 5.10 How will Treasury entities use administrative offset (offset of non-tax Federal payments) to collect a Treasury debt?
- 5.11 How will Treasury entities use tax refund offset to collect a Treasury debt?
- 5.12 How will Treasury entities offset a Federal employee's salary to collect a Treasury debt?
- 5.13 How will Treasury entities use administrative wage garnishment to collect a Treasury debt from a debtor's wages?
- 5.14 How will Treasury entities report Treasury debts to credit bureaus?
- 5.15 How will Treasury entities refer Treasury debts to private collection agencies?
- 5.16 When will Treasury entities refer Treasury debts to the Department of Justice?
- 5.17 Will a debtor who owes a Treasury debt be ineligible for Federal loan assistance or Federal licenses, permits or privileges?
- 5.18 How does a debtor request a special review based on a change in circumstances such as catastrophic illness, divorce, death, or disability?