CROSS-SERVICING IMPLEMENTATION GUIDE

Financial Management Service Debt Management Services (DMS) Revised August 2008

Purpose

The purpose of this document is to provide guidance to agencies on the Financial Management Service, Debt Management Services (DMS) cross-servicing requirements. It will assist agencies in implementing the cross-servicing requirement that all debts over 180 days delinquent be transferred to the Department of the Treasury, in accordance with the requirements of the Debt Collection Improvement Act of 1996 (DCIA). It contains general information on the DCIA itself, how DMS collects agency debts, as well as what an agency needs to do to submit its debts for cross-servicing. Copies of both the DCIA and the forms included in this document are available at our website at http://www.fms.treas.gov/debt/crosserv.html#CrossServicingForms. Reports providing information about referred debts are available via FedDebt.

Distribution of Functions

Customer Relations Branch

Provides the following agency services:

- Agency Liaison
- General Information/Collection Guidance
- Financial Analysis/Case Reconciliation Reports
- Negotiating Letters of Agreement
- Responding to questions regarding debt referral file format
- Point of contact regarding the rejection of debt referral files

Branch Manager: J. Scott Spell

Contact Information: 1-800-858-0725 or FedDebt.Questions@FMS.Treas.Gov

Debt Services Support Branch

The FedDebt Financial Team is responsible for:

- Fielding agency questions regarding the receipt and posting of payments
- Assisting agencies in manually posting payments
- Placing accounts on and removing them from the suspense list
- Processing manual payment reversals

Branch Manager: Millie Stanley

Contact Information: FedDebt.Financial.Team@FMS.Treas.Gov

Debt Resolution Branch

Responsible for a multitude of functions, including:

- Assisting agencies with on-line debt referral
- Processing disputes

Debt Resolution Branch cont.

- Working directly with debtors to establish payment agreements
- Providing debtors with account information
- Processing bankruptcies and concurrences for debts located at DMS

Branch Manager: Sally Tidwell Contact Information: 1-888-826-3127

Data Processing Branch

The agency's point of contact for the following issues related to debt referral files:

- Electronic file transmission
- Creditor agency processed file status

Branch Manager: Scott Smith Contact Information: BDMOCOperator@FMS.Treas.Gov

Private Collection Branch

Point of contact for the following Private Collection Agency (PCA)-related functions

- Managing the PCA Contract
- Financial transactions occurring while an account is located at the PCA
- Administrative resolutions that are initiated while an account is located at the PCA
- Administrative Wage Garnishment (AWG)

Branch Manager: Richard Burnham PCA Contract Team: Anita Triantafilledes PCA Relations Team: Jennifer Plant PCA Monitoring Team: Phyllis Brown PCA Financials Team: Anita Triantafilledes Contact Information: 202-874-8700

PCA Liaison: Ann Pavelek **Contact Information**: 724-794-1337

Conferences and Agency Education Branch

Responsible for functions related to conferences and training including:

- Facilitating conferences involving DMS.
- Processing for agency requests for training both internal and external to Treasury

Branch Manager: Shirley Williams-Jefferson **Contact Information:** (202) 874-8580

Distribution of Functions cont.

Agency Liaison Branch

Provides assistance to the creditor agency's on various matters pertaining to debt collection policy

- Subject matter experts on the Treasury Report on Receivables
- Contact for creditor agency's Chief Financial Officer

Branch Manager: Terrence Prince **Contact Information**: 202-874-9051

FMS Help Desk

Assists the agencies on technical issues such as:

- Assigning temporary passwords
- Resetting passwords
- Unlocking user accounts (resulting from an excessive number of failed login attempts)

Contact Information: 202-874-HELP (4357)

Steps for Administering Cross-Servicing

- 1. Statutory requirements
- 2. The DMS collection process
- 3. Notices to debtor
- 4. Letter of Agreement
- 5. Agency Profile Form
- 6. Certification
- 7. Data formats and transmissions
- 8. Basis for Debt Rejection
- 9. Reporting Results

Step 1 Statutory Requirements

The Requirements for Cross-Servicing Under the Debt Collection Improvement Act of 1996

- The President signed the Debt Collection Improvement Act of 1996 into law on April 26, 1996. It became effective immediately.
- The DCIA requires agencies to transfer a debt or claim that has been delinquent 180 days or more to Treasury for collection, with the following exemptions:
 - The debt is in litigation, meaning that the debt has been referred to the Department of Justice, a complaint has been filed, or a notice of default has been issued.
 - The debt will be disposed of in an asset sales program within 1 year after becoming eligible for sale, or later than 1 year if consistent with an OMB/Treasury approved asset sales program. The debt is at a private collection agency for a period of time established by Treasury.
 - The debt has been referred to a Federal debt collection center designated by Treasury. (Policies, procedures, and standards for becoming a debt collection center are available on the FMS Internet home page).
 - The debt will be collected by internal offset within 3 years of delinquency.

A specific class of debt may be exempted upon application to the Secretary of the Treasury. No such exemptions have been approved to date. Once a debt comes out of an excluded status, the debt will be transferred to Treasury within 30 days.

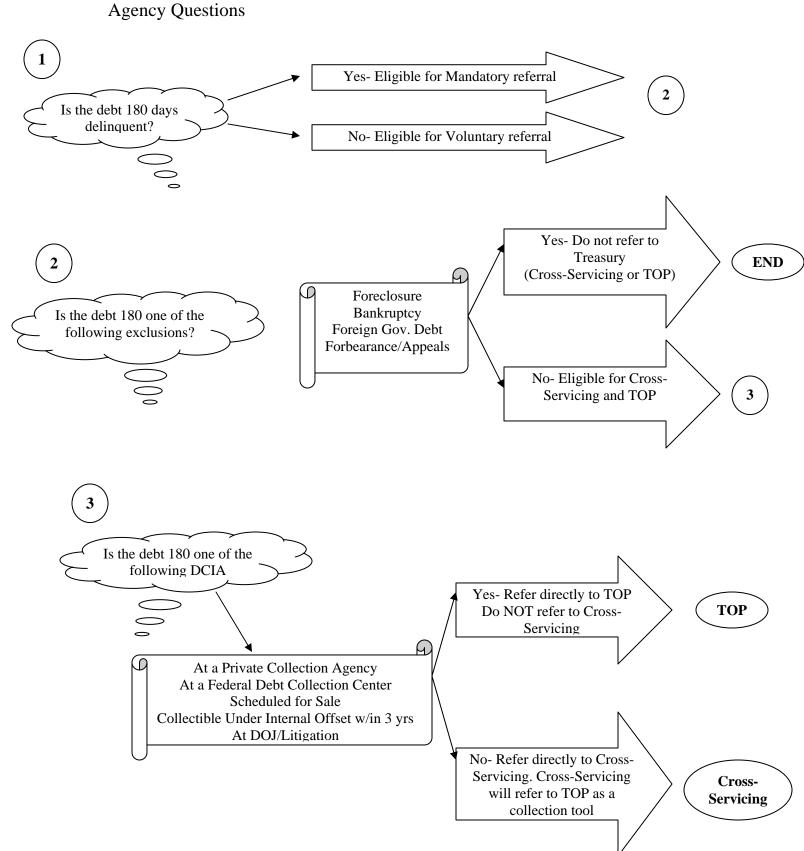
The Requirements for Cross-Servicing Under the Debt Collection Improvement Act of 1996

- Transfer has been defined to mean "mandatory" referral. It does not change the status of the debt as a receivable on the referring agency's books.
- > The following are debts excluded from referral to cross-servicing:
 - That are in bankruptcy, since collection of such debts must be pursued through the courts;
 - Which Federal agencies or foreign governments owe, since the DCIA does not apply to these types of debts.
 - Which are in an administrative appeals process until the process is completed and the amount set.
 - Which are in foreclosure until the process is completed and the amount set.
- > Further, DMS is not accepting the following debts:
 - Less than \$100 without a taxpayer identification number. (Please note that these debts are highly uncollectible and are only eligible for a Treasury letter. Agencies are encouraged to terminate collection of these debts given they have made reasonable attempts to collect. Agencies may justify termination as the cost to collect exceeds anticipated collections).
 - Of deceased debtors, since collection of these debts is doubtful at best. A proof of claim should be filed with the estate.

DMS is accepting debts owed by state and local governments.

Referral of debt for the Treasury Offset Program does not satisfy the cross-servicing requirement. As the following graphic shows, they are two distinct requirements. As the cross-servicing provider, DMS will put debts into offset as a collection tool; however, TOP does not refer debts for cross-servicing.

What do I do with my delinquent debt?



Step 2 The DMS Collection Process

The DMS Collection Process

Collection Process:

DMS has established standard processes for accepting and collecting debts. These processes are consistent with government-wide and Treasury requirements. The account referral process is detailed in steps 4 through 8 of this document.

The standard collection process is detailed below:

- Demand Letter. DMS will send out a standard demand letter, on Treasury letterhead within 5 days after acceptance of an account. The demand letter gives the debtor 10 days to respond.
- Phone Calls. DMS will begin making phone calls 10 days after the date of the demand letter, depending upon the amount of the debt.
- Credit Bureau Reporting. This begins 60 days after a consumer debt is referred and 30 days after a commercial account. The reason for the delay is to ensure that a consumer debtor has the full 60 days from when the demand letter was mailed to make payment.
- Offset. Twenty days after the date of the demand letter, the debt will be routed into the Treasury Offset Program. It may stay in the Treasury Offset Program until the time for collection by Offset expires (generally 10 years), or for a period of time specified by the creditor agency.
- Collection Agencies. Thirty days (or fifteen days if no phone number for the debtor has been provided) after the date of the demand letter, the debt will be referred to a private collection agency (PCA). A debt may be referred to two PCAs, each PCA will service the debt for a period of 270 days. Treasury has a government-wide contract in place and all referrals will be made to the Treasury contractors. The PCAs will be paid on their collections only. The PCAs are evaluated, and based on their performance may receive monetary bonus' or additional accounts.
- Department of Justice. DMS may recommend, and upon agency concurrence refer debts to the Department of Justice (DOJ). DMS will prepare the Claims Collection Litigation Report (CCLR) and monitor case progress while at DOJ.

Until a debt is referred to a private collection agency, DMS is actively pursuing collection, including purchasing credit reports, skip tracing, and negotiating compromise or repayment plans. Compromise and repayment plans will be negotiated within the parameters set by the agency in the Agency Profile Form (APF) (see Step 5).

The DMS Collection Process

Once a debt is returned from a PCA, and all collection efforts are completed, DMS may:

- Recommend referral to the Department of Justice,
- Recommend that the debt be written off;
- Prepare IRS Form 1099-C on behalf of the creditor agency if so instructed in the agency profile;
- > Leave the debt in TOP for passive collection.

An agency may recall a debt or adjust a debt amount at any time. However, the agency will owe the DMS fee on collections received on recalled debts after the Treasury demand letter has been sent. An agency should send recalls, with a reason for the recall, as well as adjustments, to the Debt Resolution Branch or process them on-line via FedDebt.

Further information on what DMS does to collect a debt is contained in the Letter of Agreement (Step 4)

Fees:

Fees are deducted from collections, with the agency receiving collections less fees. An agency may elect, in the Agency Profile Form (see Step 5), to have DMS not add its fee; however, this does not affect whether DMS receives its fee, only whether DMS adds its fee to the amount of the referred debt. At the time a debt is referred, DMS adds a fee to the debt based on its age. Any debt that is delinquent by 2 years or more will be assessed a fee equal 30% of the total payment received. Debts less than 2 years delinquent will continue to be assessed a 28% fee of the total payment received. The Treasury Offset Program assesses a fee of \$17 for each offset that is collected against payments issued by Federal government agencies. The Department of Justice will assess a fee equal to 3% of the collection amount on payments received after an account has been referred to DOJ for collection. FMS will assess an additional fee equal to 28% or 30% of the payment received, depending upon the age of the debt.

Step 3 Notices to Debtors

Notices to Debtors

As explained in the previous section, DMS sends one demand letter to debtors, within 5 days of debt receipt. DMS relies on the referring agencies to provide at least one due process notice to debtors and to certify to this effect at the time debts are referred for collection (see Step 6). In addition, DMS relies on the agencies to ensure that they have covered the possibility that they will refer debts to Treasury, whether for offset or collection, in their system of records notices. Each agency should work with its Privacy Act or disclosure offices to ensure that the system of records notices are current.

Prior to referring debts to Treasury, an agency **must** inform the debtor of the amount and nature of the debt (such as overpayment, etc.), and actions which may be taken to enforce recovery of a delinquent debt. **These include**:

- > offset of any payments, which the debtor is due, including tax refunds, and salary.
- ➢ referral of the debt to a private collection agency.
- > referral of the debt to the Department of Justice or agency counsel for litigation.
- > reporting of the debt to a credit bureau.
- > reporting of the debt, if discharged, to IRS as potential taxable income.
- ➤ administrative wage garnishment.

In the future, the agency will also need to inform the debtor that his/her identity may be published or publicly disseminated, and/or the debt may be sold to a third party.

The notice must tell the debtor that he/she has the:

- > opportunity to inspect and copy records relating to the debt;
- > opportunity for a review within the agency; and
- > opportunity to enter into a written repayment agreement.

Notices to Debtors

An agency is not required to restate these rights, if already provided to the debtor, prior to sending an account for cross-servicing. However, the agency may find it effective to send a final notice to the debtor telling of the agency's intent to refer the debt to Treasury for collection unless repaid within a given period of time after the notice is sent. The agency will send such notice to the last known address. There is no requirement that the notice be sent certified mail, unless such requirement exists in the agency's own statutes or regulations. If the notice is returned due to a bad address, the agency needs to file the notice, envelope and letter, as proof that the agency attempted notice. The agency can still certify (see Step 6) that it has provided notice.

If DMS determines that additional notice is needed once a debt is referred, then it will provide such notice.

DMS Staff will work with you to ensure that you have provided your due process notices and will be happy to review any system of records notices for adequacy.

Step 4 Letter of Agreement (LOA)

The Letter of Agreement (LOA)

- Is a standard agreement for all agencies. Differences which FMS and the agency agree to will be detailed in an addendum to the main document. Each agency needs to review the standard agreement and contact the DMS agency liaison to discuss changes to be incorporated into the addendum and to provide agency names and points of contact for the LOA.
- Details the terms and conditions of the cross-servicing arrangement agreed to by your agency and DMS.
- Contains 3 attachments for your information:
 - 1. The Agency Profile Form
 - 2. The Agency Certification
 - 3. The Electronic Transmission Format

A detailed discussion of each of these attachments is contained in this guide (Steps 5, 6, and 7 respectively).

- Is sent to and signed by an official with the authority to bind the organization at the department, agency, or office level as determined by the creditor agency. Each department or agency must determine at what level the LOA will be signed.
- Is returned by the signatory agency to FMS' Office of the Assistant Commissioner or the designated DMS Cross- Servicing Liaison. The agency may include the initial Agency Profile Form (Attachment A) with the signed LOA, which will in turn, be forwarded to DMS Cross-Servicing Liaison for processing. Alternatively, the agency may wait and submit the required Profile Form and Debt Certification to their designated liaison when initiating file format testing and debt referral process.

October 24, 2007

John A. Jones Chief Financial Officer Federal Program Agency 123 Any Street Washington, DC 20227

Dear Mr. Jones:

This letter is in regard to the Financial Management Service (FMS) providing debt collection services on behalf of the **Federal Program Agency (FPA)**. These services will be provided in accordance with 31 U.S.C. § 3701 *et seq.*, as amended by the Debt Collection Improvement Act of 1996, to collect delinquent FPA debt.

The **FPA**:

- authorizes FMS to take all appropriate action to enforce collection of accounts referred to FMS, in accordance with applicable statutory and regulatory requirements, and agrees to advise FMS with respect to any statutory and regulatory provisions that uniquely affect **FPA** debt collection activities.
- will stop its own efforts to collect on accounts referred to FMS for debt collection services.
- will complete the Agency Profile form attached to this letter as **Enclosure** 1 for **FPA** and for each distinct **FPA** program with specific debt collection requirements.
- will provide FMS with accurate, appropriate data, in a mutually agreeable medium, to facilitate performance of the debt collection operations, including any updates and corrections to the data, as necessary.

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- will provide written certification to FMS (in the form attached to this letter as **Enclosure 2**) with respect to each debt or group of debts referred to FMS for debt collection services. FMS may suspend debt collection activity if FMS determines that **FPA** certification is incomplete, inaccurate or unreliable.
- will agree with FMS to a collection strategy for **FPA** (and as necessary for each referring program) detailing the limitations and parameters required for the compromise, settlement or termination of collection action related to **FPA** debt. **FPA** will reply within sixty (60) business days to any FMS requests for information, requests for approval of debtors' compromise offers or installment payment plans and, failing a reply, **FPA** authorizes FMS to respond, on **FPA** behalf, to debtors' compromise offers or requests for installment payment agreements in a manner deemed appropriate and fair by FMS.
- will comply with the requirements of the *Privacy Act of 1974* (5 U.S.C. § 552a), as amended (Privacy Act), as applicable to individual debtors, including the publication of any required Privacy Act notices.
- will publish administrative offset regulations (if not already published).
- will pay services fees and charges to FMS as follows:
 - Fees and charges must be based on the actual costs incurred by FMS and may need to be periodically adjusted. Fees and charges will be retained by FMS from amounts collected on behalf of **FPA**.
 - Except as set forth below, with respect to accounts referred to FMS for collection (including all post-judgment matters), FPA will pay to FMS a fee in an amount equal to 28% of funds collected.
 *The fee is based on the age of the debt when it is referred to FMS. A 28% fee will be charged for debts that are less than 2 years old at the time of referral. A 30% fee will be charged for debts that are more than 2 years old at the time of referral.

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- The Department of Justice (DOJ) will assess a fee equal to 3% of the collection amount on payments received after an account has been referred to DOJ for collection. FMS will assess a fee equal to 28% or 30% of the collection amount on payments received after an account has been referred to DOJ for collection.
 *The fee is based on the age of the debt when it is referred to FMS. A 28% fee will be charged for debts that are less than 2 years old at the time of referral. A 30% fee will be charged for debts that are more than 2 years old at the time of referral.
- When an offset from the Treasury Offset Program (TOP) occurs, FPA will pay to FMS a fee of \$17.
- ◆ In addition to debt collection service fees due to FMS (and regardless of the amount of the service charge), if applicable, the FPA will pay all contingency fees and other charges due to private sector collection agencies, DOJ, Internal Revenue Service for tax refund offset, FMS for Treasury Offset Program (TOP) fees, or any other Federal agency for services rendered relating to debt collection.
- FMS is entitled to its service fee for all collections received, either by FMS or the **FPA**, after FMS initiates collection action, including the issuance of demand letters or other attempts to contact the debtor.

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The Financial Management Service/Debt Management Services (FMS):

- will share in the responsibility of the maintenance of the delinquent debtor records in its possession and aid in ensuring that accounts are updated as necessary during the time period that FMS holds the account information.
- may take any of the following collection actions on the **FPA's** behalf:
 - ✓ send demand letters on U.S. Treasury letterhead and telephone debtors;
 - \checkmark refer accounts to credit bureaus;
 - ✓ skiptracing;
 - ✓ purchase credit reports to assist in the collection effort;
 - ✓ refer accounts for offset, including tax refund, Federal employee salary, and general administrative (TOP);
 - \checkmark refer accounts to private collection agencies;
 - \checkmark refer accounts to DOJ for litigation;
 - ✓ report written off/discharged debts to IRS on the appropriate Form 1099;
 - \checkmark any additional steps necessary to enforce recovery; and
 - \checkmark terminate collection action, as appropriate.
- will handle debtor inquiries on amounts due during the time period that FMS holds the account information. In the event that a referred debtor disputes the validity of the debt or any terms and conditions related to any debt not reduced to judgment, FMS may submit the dispute request to the **FPA** for its determination of debt validity.
- will make monthly status reports on all collection activities available to the FPA. These reports will be sufficiently detailed for the **FPA** to update its files and reconcile its accounts.
- will provide the **FPA** with a complete accounting of all service charges and fees, as requested by the **FPA** and refund to the **FPA** any fees erroneously paid to FMS. However, FMS may elect not to refund amounts less than \$10.
- understands that the **FPA** Inspector General continues to serve as the oversight authority over **FPA** activities and agrees to promptly respond to all requests for information from the **FPA** Inspector General.
- will provide the **FPA** with any information necessary (and in its possession) for the **FPA** to respond to Congressional inquiries resulting from FMS's collection efforts.

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- will return account information for delinquent debts whose return is requested by the **FPA** or which are closed out by FMS.
- will credit payments (less service fees and charges) to the appropriate ALC via IPAC.

Any disputes resulting from the debt collection services provided by FMS to the **FPA** will be referred to **Rita Bratcher**, **Assistant Commissioner**, **Debt Management Services/FMS**, and **Mr. John A. Jones**, **Chief Financial Officer**, **FPA** or their respective designees, for resolution. To the extent statutory or regulatory provisions conflict with the terms of this letter, the requirements of the statutes and regulations will prevail.

Please acknowledge **FPA** agreement to the terms of this letter, by signing below.

Sincerely,

Rita Bratcher Assistant Commissioner Debt Management Services

Enclosures

I have read and understand the terms and conditions contained herein and agree, on behalf of **FPA**, to be bound by them.

FMS requests that this Letter of Agreement be signed and returned in the enclosed selfaddressed envelope within two (2) weeks of receipt.

Mr. John A. Jones, Chief Financial Officer Federal Program Agency Date

Step 5 Agency Profile Form (APF)

The Agency Profile Form (APF):

- > Is required for each program referring debts to DMS for cross-serving.
- Must be completed prior to the referral of any debt so that the system will recognize an agency's/program's debts as acceptable for referral.

The Form: Section-by-Section Instructions

Agency Information

In this section, provide the name and address of the agency, which is doing the referral or whose bureau is doing the referral. This would be the name/address of a cabinet level department, such as the Department of Agriculture, or of the independent agency, if not associated with a cabinet department. The Taxpayer Identification Number (TIN)/ Employer Identification Number (EIN) is required for 1099-C issuance.

Bureau/Bureau Office Information

Bureau Name	This would be the name of the sub-agency or bureau, which is doing the referral. If there is no sub-agency, repeat the name provided above. <i>Please note: this is the name that will be used on the demand letters to the debtors</i> .
Bureau Office Name	This is the name of the specific office, within the sub-agency or bureau, doing the referral.
Address	Provide the address of the referring organization, office, bureau or sub-agency.
Primary Contact	Provide the name, email address, phone, and fax number of the key point of contact within the referring organization. This will be the primary person with whom the appropriate DMS staff will make contact to resolve disputes and obtain information.
Alternate Contact	Provide the name, email address, phone and fax number of an alternate contact person within the referring organization. This individual should be authorized to act on behalf of the primary contact, in his/her absence.

IPACProvide the name, email address, phone, and fax number of the
individual who will be receiving the IPAC transmission and
supporting reports. Please note: DMS will discontinue providing
backup documentation for IPACs by September 30, 2007. All
agencies with FedDebt access will be required to produce their
own IPAC backup documentation via FedDebt Management
Reports.

Program Information

Program Name	Provide the official name of the program under which the debts arose. For example, "Salaries and Expenses, General Administration" or "Construction". Please be sure that the name used here is the same as that used on the data entry forms.
ALC	ALC stands for <i>agency location code</i> . Provide the 8-digit number that represents the area within the agency to which collections should be credited.
Authorizing Statute	Provide the statutory cite for the program under which the debts arose. This information will be used for the completion of the Claims Collection Litigation Report, should the agency and DMS determine that litigation is necessary.
Program Classification	Indicate the type of debt being referred under the above listed program. For example, a single family housing loan would be classified as "Housing"; a small business investment loan would be classified as "Business", etc.

The next four items allow the agency to specify the limits on the authority it is delegating to DMS for compromises and repayments.

Compromises For Max. \$ Amt, provide the maximum amount that the agency is willing to let DMS "forgive." For example, if, regardless of the amount of the debt, the agency decides it never wants DMS to "forgive" more than \$500,000, then this would be the amount provided on this line.

Compromises cont.	For Max. Percent, provide the maximum percent that the agency is willing to let DMS "forgive." Note: FMS will not forgive more than the "Maximum \$ Amt," even if the "Maximum Percent" formula results in a compromise (forgiveness) amount greater than the Maximum \$ Amount. The "Maximum \$ Amt" field takes priority over the "Maximum Percent" field in the system. Please contact your liaison for clarification.
Installment Agreement	For Min. \$ Amt., provide the minimum amount the agency will accept in an installment payment.
	<u>For Max. No. of Months</u> , provide the maximum number of months that the agency will accept for a installment repayment agreement. Generally, this should be 36 months or less.
Eligibility for Various Collection Actions	Ensures compliance with the agency's collection plan. By indicating "No" for a given collection action our system will not allow this action to be taken. By indicating "Yes" for a given collection action, the system assumes all debts referred are eligible for that collection action.
	If yes is selected for the filing of 1099c, the referring agency will still be able to decide if this collection action is appropriate on a case by case basis. If no is selected for the filing of 1099c, the system will block this function, and the referring agency will not have the option of deciding on a case by case basis. NOTE: Agency designations will apply to all debts referred under the agency profile.
Fees	Allows the agency to indicate whether the DMS and PCA fee should be added to the debt. The selection of "No" for the DMS fee does not affect whether DMS will charge its fee on collections; it does affect, however, whether or not that fee is passed along to the debtor.
Accruals	Allows the agency to direct DMS on whether it wants to continue to accrue late fees on the referred debts. For each of these items, e.g., Financing Interest, Late Interest (e.g., under the Debt Collection Act of 1982), Administrative Costs (this represents the agency's own administrative costs), Penalty (presumed to be 6% annually as set by the Debt Collection Act of 1982), the agency should select "Yes" or "No". As the form notes, an agency cannot charge both financing and late interest, so one or the other of these interest lines should be marked "No".

Agency Information

Name: Address Line 1 Address Line 2 City, State: Zip Code (5 digit + 4, if J	::				
<u>CFO Agency</u>		Yes	No		
	Primary Conta	uct Informa	ution_	Alternate Contact	Information
Name Address Address City State Zip Phone Fax Email					
TROR Contact Address Address City State Zip Phone Fax E-mail	Name				

For FMS Use Only:

Agency Code: ______ Expiration date of Agency Certification: ______

Bureau Infor	mation		
Agency Name Address Address City State Zip			
Treasury Fund	l Symbol		
	Primary Contact Info	ormation_	Alternate Contact Information
Name Address Address City State Zip Phone Fax Email			
DMS Agency	Liaison Contact Info	ormation	
Name Phone Fax Email	Primary Contact Info	<u>ormation</u>	Alternate Contact Information

For FMS Use Only:

Bureau Code: _____

Referring Office Information

Referring Office Name	
Address	
Address	
City	
City State	
Zip	

Primary Contact Information

Alternate Contact Information

Name	 <u> </u>	
Address	 . .	
Address	 	
City	 	
City State	 	
Zip		
Zip Phone		
Fax		
Email	 	

For FMS Use Only:

Referring Office Code:	

Program General Information

Program Name:	
EIN:	
Authorizing Statute:	
Agency Location	
Code (ALC):	

For FMS Use Only:

Program Code:

Program Contact Information- Concurrence Requests

	Primary Contact Information	Alternate Contact Information
Name		
Address		
Address		
City		
State		
Zip		
Phone		
Fax		
Email		

<u>OPAC/IPAC Contact Information</u> <u>Primary Contact Information</u>

Alternate Contact Information

.....

Name	 -
Address	 _
Address	
City	
State	
Zip	
Phone	
Fax	
Email	

<u>Electronic File Contact Information</u> <u>Primary Contact Information</u>

Alternate Contact Information

Name		
Address	 _	
Address		
City State		
State		
Zip Phone		
Phone		
Fax		
Email		

Program Financial Information: Accruals

Interest Accrual Options : Choose only one

___Do not accrue interest.

___FedDebt will accrue *financing* interest.

___FedDebt will accrue *additional* interest.

- __FedDebt will not accrue interest. Agency will provide adjustments for financing interest.*
- FedDebt will not accrue interest. Agency will provide adjustments for additional interest.*

*If the Agency will provide updates for either financing or additional interest, choose one of the following options for payment agreement processing.

____Reject interest updates and calculate agreement with no interest.

__Calculate interest based on Agency information on last update.

Penalty Accrual Options : Choose only one

__FedDebt will accrue penalty.

__FedDebt will not accrue penalty. (Provide the Penalty Exemption Statue) Penalty Exemption Statue_____

__FedDebt will not accrue penalties. Agency will provide adjustments for penalties.*

*If the Agency will provide updates for penalty, choose one of the following options for payment agreement processing.

__Reject penalty updates and calculate agreement with no penalty.
__Calculate penalty based on Agency information on last update.

Program Financial Information: Fees

Fees should be paid by the Debtor____ Creditor Agency____

Upon return to CA Cross Servicing Fees should be: (choose one)

Converted to Administrative Cost _____ Removed from the Debt Balance _____

Upon return to CA PCA Fees should be: (choose one)

Converted to Administrative Cost _____ Removed from the Debt Balance

Program Financial Information: Bankruptcy
Debts in this program are dischargeable. Yes No If No, please indicate the citation
Program Detail Information Program Classification (Choose One) Fines/Penalties Education loan Admin debt Medical Business loan State/local government Other (specify name)
Treasury has full compromise authority: Yes No If no, please answer the following Maximum Percent to be forgiven without obtaining CA concurrence:
Minimum Monthly Payment Amount: <i>OR</i> Maximum Number of Months for Repayment:
Agency/Program is required to obtain DOJ approval for compromises or terminations of \$100,000.00 or more. Yes No
Referred principal TAS: Referred interest TAS: Referred penalty TAS: Referred admin cost TAS: Payment Agreement Concurrent Contact: <i>select only one</i> CA Main ContactCA TROR ContactBureau Main Contact Office Main ContactProgram Main ContactProgram OPAC Contact Program EFC Contact
Program Collection Action Eligibility
Refer Debts to Private Collection Agency (PCA) Yes No If no, please indicate citation:
Perform Administrative Wage Garnishment Yes No If yes, provide date and citation of hearing procedure regulation that your agency published.
Perform Credit Bureau Reporting Yes No No If yes, provide the "Original Creditor Name" that should be used for Credit Bureau reporting (limit of 30 characters)
If was Designed and intervaliately on analy Transmury Standard?

If yes, Begin reporting immediately or apply Treasury Standard? Immediate Reporting_____ Treasury Standard_____

Program Collection Action Eligibility Info cont.

Refer to Department of Justice	Yes	No
Refer to Treasury Offset Program (TOP) If yes, Use FedDebt TOP Profile		No No
If no to "Use FedDebt TOP Profile, please an Agency to reduce debt balances to zero		•
Indicate the payment types (Debt Match should never be offset SAL SSA, TAX, OTH (includes V	• •	ators) against which debts
When the debt has completed "active" c should remain at TOP Yes If yes, please answer the follow Leave in TOP until remo	s No _ ing	
If no, please indicate the number offsets	of months to	es No leave in TOP with no
File 1099-C for compromised and terminated de	ebts Yes	No
If yes, please provide contact information:		
1099-C Contact Information		

	Primary Contact Information	Alternate Contact Information
Name		
Address		
Address		
City		
State		
Zip		
Phone		
Fax		
Email		

Select the format in which you	would like to receive the 1099-C report
(choose only one option)	
On-line	Electronic File

For FMS Use Only:

Creditor Agency Active:	Yes	No
Date Created:		

Program Designation Code: ____ /___ **/___ /____

Agency Liaison Notes:

Step 6 Certification

Certification

DMS is requiring agencies to certify the following for each batch of debts referred:

- > that the debts are delinquent, valid, and legally enforceable;
- that the debts are not subject to any bars against collection, such as a debtor in bankruptcy or the debt is in foreclosure;
- that the agency has complied with all due process notice requirements for administrative offset, salary offset, and credit reporting; and
- that the agency has provided notice regarding assessment of interest, penalties, and administrative costs.

DMS is requiring this certification for three primary reasons:

- 1. to ensure that the agency is referring debts that are subject to enforced recovery mechanisms;
- 2. to ensure that the agency has provided all due process rights, so that DMS can proceed with collection in an aggressive and time-conscious manner. As detailed in Step 2, DMS moves accounts through the collection process very quickly, based on Treasury action standards.
- 3. to allow Treasury to waive certain provisions of the Computer Matching Act to facilitate operation of the offset program.

DMS has developed a standard certification form that follows in this section. The certification is also available at http://www.fms.treas.gov/debt/crosserv.html#CrossServicingForms. Debts that are not accompanied by an acceptable certification form will be rejected.

When a creditor agency refers debts manually, the agency must use the certification for manual referrals. When an agency refers debts electronically they may submit an annual certification using the attached certification for electronic referral. The certification is valid for a year and must be completed annually.

AGREEMENT AS TO THE METHOD OF CERTIFYING DEBTS SUBMITTED TO THE FINANCIAL MANAGEMENT SERVICE'S <u>CROSS-SERVICING PROGRAM</u>

This Agreement is submitted by:

Creditor Agency:

Date of Agreement:

The Creditor Agency agrees that:

- I. This Agreement (henceforth referenced as 'Agreement') covers all debts, including updates, changes, and modifications (Debts) submitted by Electronic Transmission on or after the date of this Agreement, by the Creditor Agency (henceforth referenced as 'Agency') to the Financial Management Service (FMS), a bureau of the U.S. Department of the Treasury, for collection through the FMS's Cross-Servicing Program (Cross-Servicing).;
- II. The Agency will submit debts to Cross-Servicing via Electronic Transmission of "Add Records" or "Update Records," as described in the attached Exhibit A. Each time the Agency submits a Debt via an Add Record or Update Record, the Agency is certifying the Debt;
- III. Any person who submits Debts via an Add Record or Update Record has or will have delegated authority to certify the Debts on behalf of the head of the Agency, and the Agency will provide a copy of this Agreement to any such person; and,
- IV. By submitting Debts via an Add Record or Update Record, the person submitting such Debts is certifying to the U.S. Department of the Treasury, under penalty of perjury pursuant to 5 U.S.C. § 5514, 31 U.S.C. § 3716, 31 U.S.C. § 3720A, and 28 U.S.C. § 1746, that to the best of his or her knowledge and belief, the following is true and correct:
 - 1. *Valid Debts*. The debts are delinquent, valid and legally enforceable in the amounts stated.
 - 2. *No Bar to Collection*. The debts are not subject to any circumstances that legally preclude or bar collection, including collection by offset. There are no foreclosures pending with respect to any collateral securing a debt. The Agency's records do not show that any debtor owing a debt has filed for bankruptcy protection. Alternatively, the Agency can clearly establish that any automatic stay has been lifted or is no longer in effect.

- 3. *Administrative Offset and Tax Refund Offset*. If the Agency has established a profile instructing FMS to refer debts to the Treasury Offset Program (TOP) on its behalf for the purposes of tax refund and administrative offset, the person submitting such debts will be certifying to the following:
 - a. The Agency has complied with all of the provisions of 31 U.S.C. § 3716, 31 U.S.C. § 3720A, 31 C.F.R. §§ 285.2 and 285.5, and the Federal Claims Collection Standards (31 C.F.R. Parts 900-904), as may be amended, as well as other statutes, regulations and policies applicable to collection by administrative offset and tax refund offset. No Debt is more than 10 years delinquent, except for those Debts that may be legally offset if more than 10 years delinquent.
 - b. At least 60 days prior to the date of the certification (i.e., date of Electronic Transmission), the Agency has provided, or made a reasonable attempt to provide in accordance with applicable offset regulations, each debtor with:
 - i. written notification, at the debtor's most current known address, of the nature and the amount of the debt, the intention of the Agency to collect the debt through administrative offset and tax refund offset, including offset of State payments, and an explanation of the rights of the debtor;
 - ii. an opportunity to inspect and copy the records of the Agency with respect to the debt;
 - iii. an opportunity for review within the Agency of the determination of the Agency with respect to the debt, including the opportunity to present evidence that all or part of the debt is not past-due or legally enforceable; and
 - iv. an opportunity to enter into a written repayment agreement with the Agency
 - c. The Agency has considered any evidence presented by the debtor and determined that the amount of the debt is past-due and legally enforceable and there are no pending appeals of such determination.
 - d. The Agency has, at minimum, made the following reasonable efforts to obtain payment of the debt: demanded payment and provided the debtor with the notice and opportunities described in paragraph 3.b.

- 4. *Due Process Compliance for Salary Offset*. With respect to the offset of Federal salaries, if the Agency has authorized FMS to set up an agency profile so that all debts are referred to TOP for offset of federal salary payments:
 - a. The Agency has complied with all of the provisions of 5 U.S.C. § 5514, 5 C.F.R. §§ 550.1101-1110, and 31 CFR 285.7, as may be amended, as well as other statutes, regulations and policies applicable to collection by salary offset.
 - b. The Agency has provided, or made a reasonable attempt to provide, each debtor with the notice, opportunities, and considerations described in paragraphs 3.B. and 3.C. and the additional notices and opportunities, including the opportunity for waiver consideration and for a hearing, required for salary offset.
- 5. *Consumer Reporting Agencies.* The Agency has complied with all of the provisions of 31 U.S.C. § 3711(e) and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to the Agency's reporting of delinquent debts to consumer reporting agencies. The Agency has:
 - a. determined that the debts are valid and overdue;
 - b. notified the debtor, more than 60 days prior to the date of the certification:
 - i. that the debt is overdue,
 - ii. that the Agency intends to disclose to a consumer reporting agency that the debtor is responsible for the debt,
 - iii. of the specific information to be disclosed to the consumer reporting agency, and
 - iv. of the debtor's rights to an explanation of the claim, to dispute the information in the Agency's records about the claim, and to administrative repeal or review of the claim; and
 - c. upon the request of a debtor, provided for a review of any debtor's claim, including an opportunity for reconsideration of the initial decision on the claim.

In addition, no debtor has repaid or agreed to repay the claim under a signed repayment agreement or filed for review of the claim.

6. *Interest and Penalties.* The Agency has complied with all of the provisions of 31 U.S.C. § 3717 and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to Agency's assessment of interest, penalties and administrative costs. The Agency has mailed or hand-delivered a written notice to all debtors explaining the Agency's requirements concerning the charges.

CERTIFICATION: Pursuant to 28 U.S.C. § 1746, I certify that I have been delegated authority to execute this Agreement on behalf of the head of my agency.

[Signature of Certifying Official]

Print Name:

Title:

ATTACHMENT A TREASURY CROSS-SERVICING PROGRAM <u>CERTIFICATION TERMINOLOGY</u>

For the purpose of clarifying the subsequent Certification Agreement, the following describes how creditor agencies submit debts via *Electronic Transmission* of computer records to the Cross-Servicing Program. (Please note, this form is for use by creditor agencies that submit their debts via Electronic *or* Manual Transmission):

1. <u>Electronic Transmission</u>. Any transmission from creditor agencies to the Cross-Servicing Program via CONNECT:Direct or CONNECT:Mailbox, as more particularly described in *Step 7; Data Formats and Transmissions* in the "Cross-servicing Implementation Guide", dated December 2004, as may be amended or updated ("Cross Servicing Guide"), is an Electronic Transmission.

2. <u>Add Records</u>. Add Records are electronic records which creditor agencies use to add new debts to Cross-Servicing.

3. <u>Update Records</u>. Update Records are electronic records that creditor agencies use to update, change or modify information about debts previously transmitted to Cross-Servicing by creditor agencies.

Step 7 Data Formats and Transmissions

Data Formats and Transmissions

Data submission can be sent to FMS in the below formats. Putting agency data in an accepted format is the responsibility of the referring agency. DMS will work with you to assist you in putting your agency's data into an accepted format.

- Electronic Submission The preferred method of referral is electronically via batch file (CONNECT:Direct or CONNECT:Mailbox) or on-line entry into FedDebt. When referring a debt via batch file, the agency will have to fax the file transmittal form to the data processing branch at 205-912-6522. This form is not required for debts that are submitted via on-line entry into FedDebt. Please contact Stephanie Christophe of the Customer Relations Branch at 1-800-858-0725 to obtain file formats and instructions for electronic submission. For specific questions regarding creditor agency data formats contact Stephanie Christophe of the Customer Relations Branch at 1-800-858-0725, and for Private Collection Agency data formats contact Ann Pavelek at 724-794-1337.
- Manual Submission Effective September 30, 2007, DMS will discontinue manual debt referrals. All agencies will be required to submit their own debt referrals via FedDebt online or batch. If manual submission of a debt to Treasury is required after the date mentioned above, the agency should contact the Debt Resolution Branch on 1-888-826-3127 for the appropriate manual referral forms and procedures pertaining to manual debt referral.
- Integrated Agency Interface (IAI) File Format Currently, agencies must manually edit the information that has been provided on an account. The IAI file format allows agencies to submit account updates via batch file. If an agency elects to use IAI, all files (referral/update, collection, and unprocessable) must be sent and received using the IAI format. The utilization of IAI format will require 2-way communication so that agencies can both send the referral file and receive the collection file. For specific questions regarding IAI or to obtain a copy of this file format, contact Stephanie Christophe of the Customer Relations Branch at 1-800-858-0725.

Data Formats and Transmissions						
FEDDEBT						
BIRMINGHAM DEBT MANAGEMENT OPERATIONS CENTER						
	File Transmittal Sheet		Date:			
	To: Department of the Treasury Financial Management Service Post Office Box 2451 Birmingham, AL 35201	Agency C Agency N Agency C Phone Nu Fax Numb	ode: ame: ontact: mber:			
	Submitting Update Record Submit Referral Record	Attn: Cont	essing Branch rol Clerk			
	The following is information pertaining to	files for Fe	edDebt processing			
Referral File Name	ed to be completed to ensure proper file loading	Fax:	(205) 912-6522 (205) 912-6560 (Alternate)			
Update File Name:	FDMP.IPDMSCUP.C200AG	Voice:	(205) 912-6523			
Debt Count Record Count			(205) 912-6524			
Total Debt Amount		E-mail:	bdmocoperator@fms.treas.gov			
Please circle one	choice from each line:		Note: Transmittal Sheets are required			
Submission Media	Connect:Direct / Connect	ct:Mailbox	all files submitted. Connect:Direct and Connect:Mailbox agencies should fax a			
Process Mode	Production / Test	_	copy to the appropriate number above.			

Transmitter Signature

Date

Step 8 Basis for Debt Rejection

Basis for Debt Rejection

DMS cannot begin collection action on debts from a specific referring agency's program area in which it does not have an Agency Profile Form (step 5). The DMS point of contact for the agency will call the agency to get resolution.

DMS may reject a batch of referred debts for the following reasons:

- Missing certification. In this case, the agency will be contacted and asked to provide the certification.
- Missing data entry forms. In this case, the batch of referred debts will be returned to the agency until such time as the agency sends in proper data entry forms.
- Incorrect debt balance. In this instance, total debt referred does not equal the components (i.e., principal + interest + administrative costs + penalty) or the amount on the header file does not equal the actual referred amount.

DMS may reject individual debts for the following reasons:

- Missing required data elements
- > The debtor is a Federal agency
- > The account is in foreclosure

DMS may return individual debts to the agency for the following reasons:

- > The debtor is deceased
- > The debtor is in bankruptcy
- > The debtor has submitted a valid dispute against the case

Step 9 Reporting Results

Reporting Results

- Information regarding an agency's debt portfolio can be obtained by accessing the 'Management Reports' section of FedDebt. The reports in this section provide details related to financial functions, debt entry, debt resolution, and agency profile processing.
- DMS will discontinue providing the 'AdHoc Financial Activity Detail Report' (also known as the 'IPAC' report) by September 30, 2007. All agencies with FedDebt access will be required to produce their own IPAC backup documentation via FedDebt Management Reports. If an agency is seeking to obtain FedDebt access or requires help with running this report, the Creditor Agency liaisons can be contacted on 1-800-858-0725 for assistance.

				View	
Number	Name	Description	СА	CA Financial Supervisor	
Financials	Ivanic	Description	CA	Supervisor	
Financiais		Identifies online			
		transactions which			
	CA	have been edited or			
	Unprocessable	deleted by a financial			
C40701	Report	supervisor	Х	X	
C40701	AdHoc	Indicates how	Λ		
	Financial				
		payments to the agencies are distributed			
CAL00101	Activity Detail	among the debts owed		X	
CAL00101	Report	Itemizes the financial		<u>Λ</u>	
		activity which has			
	AdHoc	occurred during a			
	Financial	specified time period;			
	Activity	provides the net dollar			
G + 1 00100	Summary	amounts for each			
CAL00102	Report	category of activity		X	
		Shows payments and			
		reversals for a specific			
		agency; runs at the			
	Agency	program level and			
	Payment	shows the origin of all			
K00901	Report	agency payments		Х	
		Allows users to see			
		how payments to the			
		lockbox are distributed			
	Apportionment	among the debts on a			
K00902	Report	case	Х	X	
		Specifies which debts			
	System	have been returned to			
	Compromise	the agency due to a			
K05001	Report	system compromise		Х	
Debt, Debto	r, Case Processin	ig			
		Provides a listing of the			
		cases entered into			
	New Case	FedDebt during a			
B00301	Entry	specified time period	Х	Х	

			View	
Number	Name	Description	CA	CA Financial Supervisor
PA & Debt H	Resolution			
N00701	PA Resolution Report	Enables users to obtain statistical information regarding debtors in payment agreements	Х	X
	CA Concurrences	Displays all concurrences that are required to activate payment agreements in FedDebt; addresses overdue and current		
N00802	Report	concurrences	Х	X
P00101	Creditor Agency RTA Report	Specifies which debts have been returned to the agency during a specified timeframe	х	X
P01003	Recall Status for CA Report	Lists the recalls requested in a specified date range	Х	X
P01801	Granted Admin Resolutions	Allows creditor agencies to obtain a list of granted administrated resolutions for debts residing with their agency	X	X
Agency Prof	ile & Processing	· · ·		
A 00101	CA Profile	Allows the creditor agency to view all data elements for an		V
A00101	Report Agency	individual profile Supplies contact information for those involved in debt	X	X
A00102	Contact Report Creditor Agency Profile History Report	collection with FMS Indicates which changes have been made to an agency's profile over a specified period of time	X X	X

				View
Number	Name	Description	СА	CA Financial Supervisor
Agency Profi	le & Processing			
	Agency Reconciliation	Provides an inventory of the debts located in an agency's portfolio; supplies a variety of information on the case including the debtor's name and TIN and the debt's balance, location		
ER1532	Report	and status in TOP	Х	
Reports- Non	e provided at the	is time		·
History & Lo	gs			
	Ad Hoc DoJ Referral Candidate	Identifies all debts that are potential leads for DoJ referral based on user-defined		
C73701	Debts Report	parameters	Х	X
	Ad hoc Debts in DoJ Processing	Lists all debts that have been designated as 'pending DoJ', marked for 'at DoJ', or		
C73702	State Report	unmarked for 'at DoJ'	Х	X