

§ 213.37

**Subpart G—Referrals to the Department of Justice**

**§ 213.37 Referrals to the Department of Justice.**

(a) The CFO, through the FMS cross-servicing agreement and by direct action, refers to DOJ for litigation all claims on which aggressive collection actions have been taken but which could not be collected, compromised, suspended or terminated. Referrals are made as early as possible, consistent with aggressive agency collection action, and within the period for bringing a timely suit against the debtor. Unless otherwise provided by DOJ regulations or procedures, USAID refers for litigation debts of more than \$2,500 but less than \$1,000,000 to the Department of Justice's Nationwide Central Intake Facility as required by the Claims Collection Litigation Report (CCLR) instructions. Debts of over \$1,000,000 shall be referred to the Civil Division at the Department of Justice.

(b) The CFO will clearly indicate on the CCLR the actions the DOJ should take on the referred claim.

**Subpart H—Mandatory Transfer of Delinquent Debt to Financial Management Service (FMS) of the Department of Treasury**

**§ 213.38 Mandatory transfer of debts to FMS—general.**

(a) USAID's procedures call for transfer of legally enforceable debt to FMS 90 days after the Bill for Collection or demand letter is issued. A debt is legally enforceable if there has been a final agency determination that the debt, in the amount stated, is due and there are no legal bars to collection action. A debt is not considered legally enforceable for purposes of mandatory transfer to FMS if a debt is the subject of a pending administrative review process required by statute or regulation and collection action during the review process is prohibited.

(b) Except as set forth in paragraph (a) of this section, USAID will transfer any debt covered by this part that is more than 180 days delinquent to FMS for debt collection services. A debt is considered 180 days delinquent for pur-

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poses of this section if it is 180 days past due and is legally enforceable.

**§ 213.39 Exceptions to mandatory transfer.**

USAID is not required to transfer a debt to FMS pursuant to § 213.37(b) during such period of time that the debt:

- (a) Is in litigation or foreclosure;
- (b) Is scheduled for sale;
- (c) Is at a private collection contractor;
- (d) Is at a debt collection center if the debt has been referred to a Treasury-designated debt collection center;
- (e) Is being collected by internal offset; or
- (f) Is covered by an exemption granted by Treasury

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