



# United States Department of the Interior


OFFICE OF THE SECRETARY  
Washington, DC 20240

OCT 04 2007



## FINANCIAL ADMINISTRATION MEMORANDUM 2007-015 (II.J)

To: Bureau Assistant Directors, Administration  
Chief Executive Officer, National Business Center  
Bureau Finance Officers  
Finance Officer, Office of the Special Trustee

From: Michael Powers   
Associate Director  
Office of Financial Management

Subject: Cross Servicing Annual Debt Certification

Creditor agencies who currently refer debts either manually or electronically must have a current Annual Debt Certification form on file with the U.S. Treasury Financial Management Service (FMS). The certification is valid for one year, from January 1 through December 31, and must be completed annually. Signed certifications must be submitted to FMS by December 1 each year.

All bureaus and the National Business Center who refer debts to Treasury for cross servicing must complete the attached Annual Debt Certification form. The Annual Debt Certification form can also be downloaded from Treasury's website at <http://www.fms.treas.gov/debt/crosserv.html>. The completed original signed certification should be sent to Treasury with copy furnished to the Office of Financial Management, Attn: Lynnell Green by December 1. Treasury's mailing addresses is listed below:

U.S. Treasury  
Financial Management Service  
Birmingham Debt Management Operations Center  
P.O. Box 1686  
Birmingham, AL 35201-1686  
Attn: Scott Spell  
Customer Relations Branch

Attachment

Prior Financial Administration Memoranda on this subject:  
None

**AGREEMENT AS TO THE METHOD OF CERTIFYING  
DEBTS SUBMITTED TO THE FINANCIAL MANAGEMENT SERVICE'S  
CROSS-SERVICING PROGRAM  
(Electronic Debt Referral)**

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This Agreement (Agreement) is submitted by:

Creditor Agency:

Date of Agreement:

The Creditor Agency agrees that:

I. This Agreement covers all debts, including updates, changes, and modifications (Debts) submitted on or after the date of this Agreement, by Creditor 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. Creditor Agency will submit debts to Cross-Servicing via Electronic Transmission of "Add Records" or "Update Records," as described in the attached Attachment A. Each time the Creditor Agency submits a Debt via an Add Record or Update Record, the Creditor 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 Creditor Agency, and the Creditor 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 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.

## ATTACHMENT B

### 3. *Administrative Offset and Tax Refund Offset.*

If the Creditor 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 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.
- 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:
  - 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, and an explanation of the rights of the debtor;
  - an opportunity to inspect and copy the records of the Agency with respect to the debt;
  - 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
  - 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:

**ATTACHMENT B**

- A. The Creditor Agency has complied with all of the provisions of 5 U.S.C. § 5514 and 5 C.F.R. §§ 550.1101-1110, as may be amended, as well as other statutes, regulations and policies applicable to collection by salary offset.
- B. The Creditor 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:
- determined that the debts are valid and overdue;
  - notified the debtor, more than 60 days prior to the date of the certification: (a) that the debt is overdue, (b) that the Agency intends to disclose to a consumer reporting agency that the debtor is responsible for the debt, (c) of the specific information to be disclosed to the consumer reporting agency, and (d) 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
  - 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  
CERTIFICATION TERMINOLOGY

For purposes of the foregoing Certification Agreement, the following describes how creditor agencies submit debts via Electronic Transmission of computer records to the Cross-Servicing Program:

1. Electronic Transmission. 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. Add Records. Add Records are electronic records which creditor agencies use to add new debts to Cross-Servicing.
3. Update Records. 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.