

contract, arrangement, or exemption from regulation.

(b) The term *ordinary debt* as used herein means any administratively determined transportation-related debt other than an overcharge. Ordinary debts include, but are not limited to, payments for transportation services ordered and not furnished duplicate payments, and those involving loss and/or damage to property transported by carriers.

(c) The term *claim* as used herein means any demand by the United States for the payment of overcharges, ordinary debts, fines, civil penalties, special charges, or interest.

[50 FR 49847, Dec. 5, 1985]

**§ 101-41.502 Examination of payments and initiation of collection action and assertion of claims.**

(a) *Examination of payments.* (1) Carrier bills and supporting documents that represent payments made by agency disbursing officers for freight and passenger transportation services shall be forwarded to the General Services Administration (BWAA/C), Washington, DC 20405, for audit. For the purpose of determining whether a claim exists, GSA will consider:

(i) The document ordering the services furnished to determine the contractual basis upon which the rights of the Government and the carrier are based;

(ii) The pertinent tariffs, special or reduced rate quotations, contracts, or agreements, to determine the proper charge for the services rendered;

(iii) Decisions of the courts, regulatory bodies, and the Comptroller General affecting the rates, fares, and charges; and

(iv) Information furnished by transportation officers, travelers, or agencies.

(2) The General Services Administration is obligated to honor a carrier bill for charges properly due. However, GSA has a concurrent responsibility to question or disapprove that part of a payment to a carrier which is found to be illegal or mathematically incorrect or which is not accompanied by documented support establishing an obligation of the United States.

(b) *Notice of overcharge.* (1) A GSA notice of overcharge is issued when it is determined that a carrier has been paid a sum in excess of that proper for the services rendered. This notice, which states a debt owned to the United States, sets forth: the amount paid; the basis for the proper charge for each Government bill of lading or Government transportation request; and cites applicable tariff references and other data relied upon to support the statement of difference. A separate notice of overcharge is stated for each Government bill of lading or Government transportation request and mailed to the billing carrier.

(2) If the GBL or the GTR contains a contract provision relating to the assessment of interest, then interest shall be charged under the contract terms thereof. If neither contains such a provision, then interest shall be assessed under the Debt Collection Act (31 U.S.C. 3717) and the Federal Claims Collection Standards, 4 CFR parts 101-105, and regulations published in 41 CFR parts 105-55.

(c) *Notice of indebtedness.* A GSA notice of indebtedness is issued when it is determined that an ordinary debt is due the United States. This notice sets forth the basis for the debt, the debtor's rights, interest, penalty and other consequences of nonpayment. The debt is due immediately. Interest accrues 30 calendar days after the mailing of the notice of indebtedness and is subject to interest charges, penalties and administrative costs as prescribed by 31 U.S.C. 3717.

[50 FR 49848, Dec. 5, 1985]

**§ 101-41.503 Refunds and/or protests to claims.**

(a) Carriers are requested to promptly refund amounts due the United States. Checks shall be made payable to the "General Services Administration" and mailed to the General Services Administration (BWCA), Washington, DC 20405.

(b) A carrier that disagrees with a claim may protest by letter to the General Services Administration (BWCA), Washington, DC 20405. Since each claim

is processed as a separate account receivable, the carrier shall use a separate letter for each claim being protested. The carrier shall present the basis for its protest and submit either the original or a legible copy of all documents substantiating its position. If the carrier believes that an amount less than that claimed is due, it should submit a check for the amount due, together with a full explanation of the reasons for believing the balance is not due. With reference to an ordinary debt, which is the subject of a notice of indebtedness, the carrier may: inspect and copy the Government's records related to the claim; seek review by GSA of the claim decision; and/or enter into a written agreement for the payment of the claim. GSA will acknowledge receipt of each letter containing a substantive protest and upon completion of consideration will notify the carrier whether the claim has been sustained, amended, or canceled. Repetitious letters of protest will not serve to preclude the collection of claims found due.

[50 FR 49848, Dec. 5, 1985]

**§ 101-41.504 Collection action by other means.**

When a carrier fails to pay or protest a claim and GSA determines that the amount is still due the United States, GSA will effect collection by other means, as set forth in paragraphs (a) through (d) of this section.

(a) When GSA has an indebted carrier's claim against the Government on hand for direct settlement, GSA will apply all or any portion of the amount determined to be due the carrier to the Government's outstanding claim, in accordance with the Federal Claims Collection Act.

(b) When the action outlined in paragraph (a) of this section cannot be taken, GSA will instruct one or more Government disbursing offices to deduct the amount due the United States from an unpaid carrier's bill. A 3-year limitation applies on the deduction of overcharges from amounts due a carrier or forwarder (31 U.S.C. 3726); and, a 10-year limitation applies on the deduction of ordinary debts (31 U.S.C. 3716).

(c) When collection cannot be effected through either of the above procedures, GSA normally sends two additional demand letters to the indebted carrier requesting payment of the amount due within a specified time. Lacking satisfactory response, GSA may place a complete stop order against amounts otherwise payable to the indebted carrier by placing the name of that carrier on the Department of the Army "List of Contractors Indebted to the United States."

(d) When actions to effect collection, as stated in the preceding paragraphs (a) through (c), are unsuccessful, GSA may report the debt to the Department of Justice for collection, litigation, and related proceedings, as prescribed in 4 CFR part 105.

[50 FR 49848, Dec. 5, 1985]

**§ 101-41.505 Deposition of collections.**

(a) Amounts collected by GSA to liquidate debts asserted in the audit of transportation accounts are generally deposited in the Treasury of the United States as a credit to the appropriation or fund accounts against which the original payments were charged. When the accounts are not readily identifiable on the basic procurement documents, the collected amounts are deposited to miscellaneous receipts. Collections identified with certain Department of Defense activities are deposited to the appropriate military management fund rather than to the account from which the original payment was made.

(b) GSA informs agencies of the amounts and account symbol numbers when collections are credited to the original payment appropriations or funds or to the military management fund but does not inform agencies of collections deposited to miscellaneous receipts. GSA records credits by account symbol numbers only to the basic appropriation level and requires no explanation by agencies regarding subsequent expenditure of the credited moneys.

[42 FR 36672, July 15, 1977, as amended at 50 FR 49848, Dec. 5, 1985]