



MARC GONZALES
DIRECTOR

DEPARTMENT OF FINANCE

PUBLIC SERVICES BUILDING

2051 KAEN ROAD | OREGON CITY, OR 97045

July 19, 2018

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of a Five-Year Cooperative Service Agreement with United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) for
Predator Management

Purpose/Outcome	Cooperative Service Agreement for predator control.
Dollar Amount and fiscal Impact	A Work and Financial Plan is submitted each fiscal year and is included in the annual General Fund budget and approved by the County.
Funding Source	General Fund in conjunction with state, federal and private partners
Duration	July 1, 2018 through June 30, 2023
Previous Board Action/Review	May 2, 2013 the five year Cooperative Service Agreement with the USDA APHIS WS for Predator Management was approved and signed
Strategic Plan Alignment	Aligns with County strategic priority by helping to ensure safe, healthy and secure communities.
Contact Person	Marc Gonzales, 503-742-5405
Contract No.	Agreement 18-7341-5111-RA

BACKGROUND: Clackamas County's intergovernmental agreement with the federal agencies listed above for County Trapper Services was adopted and signed May 2, 2013. The agreement provides predator control where wild animals and birds may carry disease or threaten injury to County public and private resources.

Each year a separate Work Plan and Proposed Budget, representing the next fiscal year portion of this predator control program, is presented to the Board of County Commissioners for approval. The Cooperative Service Agreement under consideration was initiated by the federal agency in cooperation with its partners. An opportunity is provided each fiscal year for the Wildlife Services, in cooperation with the County, to adjust service delivery to accommodate County budgetary constraints.

This document has been reviewed and approved by County Counsel.

RECOMMENDATION: Staff respectfully recommends the Board approve the attached Five-Year Cooperative Service Agreement for County predator control and wildlife damage management in order to meet the federal deadline and maintain County services. Thank you.

Sincerely,

Marc Gonzales
Finance Director

COOPERATIVE SERVICE AGREEMENT
between
CLACKAMAS COUNTY
and
UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
WILDLIFE SERVICES (APHIS-WS)

ARTICLE 1 – PURPOSE

The purpose of this Agreement is to conduct wildlife damage management (WDM) activities to manage coyotes and other predatory and/or nuisance species in and around Clackamas County property to reduce damage and mitigate human health and safety threats.

ARTICLE 2 - AUTHORITY

APHIS-WS has statutory authority under the Act of March 2, 1931, as amended (7 USCA 8351), and the Act of December 22, 1987 (7 USCA 8353), the Secretary of Agriculture may conduct a program of wildlife services with respect to injurious animal species and take any action the Secretary considers necessary in conducting the program. Additionally, the Secretary of Agriculture, except for management of urban rodents, is authorized to conduct activities to manage nuisance mammals and birds and those mammal and bird species that are reservoirs for zoonotic diseases. In carrying out a program of wildlife services involving injurious and/or nuisance animal species or involving mammal and bird species that are reservoirs for zoonotic diseases, the Secretary is authorized to cooperate with States, local jurisdictions, individuals, public and private agencies, organizations, and institutions.

Under the Consolidated Appropriations Act, 2017, (Pub. L. No. 115-31, 131 Stat. 144, H.R. 244 — 115th Congress (2017-2018), APHIS is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity’s liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the Agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, good, or services.

Pursuant to ORS 190.110, Clackamas County (“County” or “Cooperator”), in exercising a power conferred upon it or in administering a policy or program delegated to it, has statutory authority to cooperate and enter into an agreement with a United States governmental agency.

ARTICLE 3 - MUTUAL RESPONSIBILITIES

The cooperating parties mutually understand and agree to/that:

- a. Confer and plan a WDM program that addresses the need for managing conflicts caused by nuisance coyotes in Clackamas County. Based on this consultation, WS will formulate, in writing, the program work plan and associated budget and present them to the Cooperator for approval.
- b. Develop a mutually agreed upon Work Plan and Financial Plan which are incorporated into this Agreement by reference. It is understood and agreed that any monies allocated for the purpose of this Agreement shall be expended only towards the activities and related expenses outlined therein.
- c. When either of the Cooperating parties address the media or incorporate information into reports and/or publications, both Cooperating parties must agree to have their identities disclosed when receiving due credit related to the activities covered by this agreement.

- d. APHIS-WS has advised the Cooperator that other private sector service providers may be available to provide wildlife management services and notwithstanding these other options, Cooperator requests that APHIS-WS provide wildlife management services as stated under the terms of this Agreement.
- e. All equipment with a purchase price of \$5,000 or more per unit, purchased directly with funds from the cooperator for use solely on this project shall be subject to disposal according to APHIS policy, and shall be specifically listed in the Work and Financial Plan. Property title/disposal shall be determined when the project (including all continuations and revisions of this agreement) terminates, or when the equipment is otherwise directed to other projects, whichever comes first. If the equipment is sold prior to the project end, the proceeds should be allocated according to APHIS Policy. Continuations and revisions to this agreement shall list any equipment with a purchase price of \$5,000 or more per unit, carried over from a purchase directly with funds from the cooperator for use solely for this project.
- f. APHIS-WS will provide overall direction and control of the program.

ARTICLE 4 - COOPERATOR RESPONSIBILITIES

The Cooperator agrees to/that:

- a. Designate _____, Clackamas County Phone: (____) ____ - _____ as the authorized representative who shall be responsible for collaboratively administering the activities conducted in this Agreement.
- b. Reimburse APHIS-WS for costs, not to exceed the annually approved amount specified in the Work and Financial Plan. If costs are projected to exceed the amount reflected in the Financial Plan, the Work and Financial Plan shall be formally revised and signed by both parties before services resulting in additional costs are performed. The Cooperator agrees to pay all costs of service submitted via an invoice within 30 days of the date of the submitted invoice or invoices as submitted by APHIS-WS. Late payments are subject to interest, penalties, and administrative charges and costs as set forth under the Debt Collection Improvement Act of 1996. If the Cooperator is delinquent in paying the full amount of the due service costs submitted by APHIS-WS, and/or is delinquent in paying the due late payments, and/or is delinquent in paying the interest, penalties, and/or administrative costs on any delinquent due service costs, APHIS-WS will immediately cease to provide the respective service associated with the submitted service costs. APHIS-WS will not reinstate or provide the respective service until all due service costs, and/or due late payments, and/or due interest, penalty, and/or administrative costs are first paid in full.
- c. To provide a Tax Identification Number or Social Security Number in compliance with the Debt Collection Improvement Act of 1996.
- d. As a condition of this Agreement, The Cooperator ensures and certifies that it is not currently debarred or suspended and is free of delinquent Federal debt.

ARTICLE 5 – WS RESPONSIBILITIES

WS agrees:

- a. To designate David Williams, State Director, 6135 NE 80th Avenue Suite A8 Portland, Oregon, (503) 326-2346, david.e.williams@aphis.usda.gov as the authorized representative who shall be responsible for collaboratively administering the activities conducted in this Agreement.

- b. The performance of wildlife damage management actions by WS under this agreement is contingent upon a determination by WS that such actions are in compliance with the National Environmental Policy Act, Endangered Species Act, and any other applicable federal statutes. WS will not make a final decision to conduct requested wildlife damage management actions until it has made the determination of such compliance.
- c. To provide qualified personnel and other resources necessary to implement the approved WDM activities delineated in the Work and Financial Plan referenced in 3.a of this Agreement.
- d. To bill the Cooperator for costs incurred in performing WDM activities as authorized in the approved annual Work and Financial Plan as may be amended.
- e. To notify the Cooperator if costs are projected to exceed the amounts estimated and agreed upon in the Financial Plan. WS will cease providing goods or services until a revision to the Work and Financial Plan, as appropriate, have been agreed to and signed by both parties to this Agreement.
- f. Authorized auditing representatives of the Cooperator shall be accorded reasonable opportunity to inspect the accounts and records of WS pertaining to such claims for reimbursement to the extent permitted by Federal law and regulations.

ARTICLE 6 – CONTINGENCY STATEMENT

For costs borne by WS, this agreement is contingent upon the passage of the Agriculture, Rural Development, and Related Agencies Appropriation Act for the current fiscal year from which expenditures may be legally met and shall not obligate APHIS upon failure of Congress to so appropriate. This Agreement also may be reduced or terminated if Congress provides APHIS funds only for a finite period under a Continuing Resolution.

ARTICLE 7 – NON-EXCLUSIVE SERVICE CLAUSE

Nothing in this agreement shall prevent any other country, State government or its political subdivisions, local government, university, or college, organization, association, or individual from entering into separate agreements with WS for same or similar activities provided under the terms of this Agreement.

ARTICLE 8 – CONGRESSIONAL RESTRICTIONS

All WDM activities will be conducted in accordance with applicable Federal, State, and local laws and regulations. This agreement is not a procurement contract (31 U.S.C. 6303), nor is it considered a grant (31 U.S.C. 6304). In this agreement, APHIS provides goods or services on a cost recovery basis to nonfederal recipients.

ARTICLE 9 – APPLICABLE REGULATIONS

All WDM activities will be conducted in accordance with applicable Federal, State, and local laws and regulations. This agreement is not a procurement contract (31 U.S.C. 6303), nor is it considered a grant (31 U.S.C. 6304). In this agreement, APHIS provides goods or services on a cost recovery basis to nonfederal recipients

ARTICLE 10 – LIABILITY

APHIS assumes no liability for any actions or activities conducted under this agreement except to the extent the recourse or remedies are provided by Congress under the Federal Tort Claims Act (28 USC 1346(b), 2401(b), 2671-2680).

County's liability under this agreement is expressly subject to the debt limitation of Oregon counties set forth in Article XI, Section 10, of the Oregon Constitution, and is contingent upon funds being appropriated therefore.

ARTICLE 11 – NON-DISCRIMINATION CLAUSE

The United States Department of Agriculture prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual’s income is derived from any public assistance program. Not all prohibited bases apply to all programs.

ARTICLE 12 – AGREEMENT EFFECTIVE DATE

This Agreement shall become effective July 1, 2018 and shall continue to June 30, 2023 Further, this Agreement may be amended or extended at any time by mutual agreement of the parties in writing. The Cooperator must submit a written request to extend at least 30 days prior to expiration of the agreement. It may be terminated by either party upon 60 days notice in writing to the other party.

AUTHORIZATION:

Clackamas County
2051 Kaen Rd.
Oregon City, OR 97045
Tax ID # 93-6002286

Representative, Clackamas County

Date

UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION
SERVICE WILDLIFE SERVICES

Tax ID # 41-0696271

State Director, Oregon

Date

Director, Western Region

Date

Public Law 104-134
104th Congress

An Act

Making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 101. For programs, projects or activities in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes

* * *

CHAPTER 10

DEBT COLLECTION IMPROVEMENTS

SEC. 31001. DEBT COLLECTION IMPROVEMENT ACT OF 1996.

(a)(1) This section may be cited as the “Debt Collection Improvement Act of 1996”.

(2)(A) **IN GENERAL.**—The provisions of this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(B) **OFFSETS FROM SOCIAL SECURITY PAYMENTS, ETC.**—Subparagraph (A) of section 3716(c)(3) of title 31, United States Code (as added by subsection (d)(2) of this section), shall apply only to payments made after the date which is 4 months after the date of the enactment of this Act.

(b) The purposes of this section are the following:

(1) To maximize collections of delinquent debts owed to the Government by ensuring quick action to enforce recovery of debts and the use of all appropriate collection tools.

(2) To minimize the costs of debt collection by consolidating related functions and activities and utilizing interagency teams.

(3) To reduce losses arising from debt management activities by requiring proper screening of potential borrowers, aggressive monitoring of all accounts, and sharing of information within and among Federal agencies.

(4) To ensure that the public is fully informed of the Federal Government’s debt collection policies and that debtors are cog-

Debt Collection Improvement Act of 1996.

31 USC 3701 note.

Effective date. 31 USC 3322 note.

Applicability. 31 USC 3716 note.

31 USC 3701 note.

nizant of their financial obligations to repay amounts owed to the Federal Government.

(5) To ensure that debtors have all appropriate due process rights, including the ability to verify, challenge, and compromise claims, and access to administrative appeals procedures which are both reasonable and protect the interests of the United States.

(6) To encourage agencies, when appropriate, to sell delinquent debt, particularly debts with underlying collateral.

(7) To rely on the experience and expertise of private sector professionals to provide debt collection services to Federal agencies.

(c) Chapter 37 of title 31, United States Code, is amended—

(1) in each of sections 3711, 3716, 3717, and 3718, by striking “the head of an executive or legislative agency” each place it appears and inserting “the head of an executive, judicial, or legislative agency”; and

(2) by amending section 3701(a)(4) to read as follows:

“(4) ‘executive, judicial, or legislative agency’ means a department, agency, court, court administrative office, or instrumentality in the executive, judicial, or legislative branch of Government, including government corporations.”.

(d)(1) PERSONS SUBJECT TO ADMINISTRATIVE OFFSET.—Section 3701(c) of title 31, United States Code, is amended to read as follows:

“(c) In sections 3716 and 3717 of this title, the term ‘person’ does not include an agency of the United States Government.”.

(2) REQUIREMENTS AND PROCEDURES.—Section 3716 of title 31, United States Code, is amended—

(A) by amending subsection (b) to read as follows:

“(b) Before collecting a claim by administrative offset, the head of an executive, judicial, or legislative agency must either—

“(1) adopt, without change, regulations on collecting by administrative offset promulgated by the Department of Justice, the General Accounting Office, or the Department of the Treasury; or

“(2) prescribe regulations on collecting by administrative offset consistent with the regulations referred to in paragraph (1).”;

(B) by amending subsection (c)(2) to read as follows:

“(2) when a statute explicitly prohibits using administrative offset or setoff to collect the claim or type of claim involved.”;

(C) by redesignating subsection (c) as subsection (e); and

(D) by inserting after subsection (b) the following new subsections:

“(c)(1)(A) Except as otherwise provided in this subsection, a disbursing official of the Department of the Treasury, the Department of Defense, the United States Postal Service, or any other government corporation, or any disbursing official of the United States designated by the Secretary of the Treasury, shall offset at least annually the amount of a payment which a payment certifying agency has certified to the disbursing official for disbursement, by an amount equal to the amount of a claim which a creditor agency has certified to the Secretary of the Treasury pursuant to this subsection.

“(B) An agency that designates disbursing officials pursuant to section 3321(c) of this title is not required to certify claims

arising out of its operations to the Secretary of the Treasury before such agency's disbursing officials offset such claims.

“(C) Payments certified by the Department of Education under a program administered by the Secretary of Education under title IV of the Higher Education Act of 1965 shall not be subject to administrative offset under this subsection.

“(2) Neither the disbursing official nor the payment certifying agency shall be liable—

“(A) for the amount of the administrative offset on the basis that the underlying obligation, represented by the payment before the administrative offset was taken, was not satisfied; or

“(B) for failure to provide timely notice under paragraph (8).

“(3)(A)(i) Notwithstanding any other provision of law (including sections 207 and 1631(d)(1) of the Social Security Act (42 U.S.C. 407 and 1383(d)(1)), section 413(b) of Public Law 91-173 (30 U.S.C. 923(b)), and section 14 of the Act of August 29, 1935 (45 U.S.C. 231m)), except as provided in clause (ii), all payments due to an individual under—

“(I) the Social Security Act,

“(II) part B of the Black Lung Benefits Act, or

“(III) any law administered by the Railroad Retirement Board (other than payments that such Board determines to be tier 2 benefits),

shall be subject to offset under this section.

“(ii) An amount of \$9,000 which a debtor may receive under Federal benefit programs cited under clause (i) within a 12-month period shall be exempt from offset under this subsection. In applying the \$9,000 exemption, the disbursing official shall—

“(I) reduce the \$9,000 exemption amount for the 12-month period by the amount of all Federal benefit payments made during such 12-month period which are not subject to offset under this subsection; and

“(II) apply a prorated amount of the exemption to each periodic benefit payment to be made to the debtor during the applicable 12-month period.

For purposes of the preceding sentence, the amount of a periodic benefit payment shall be the amount after any reduction or deduction required under the laws authorizing the program under which such payment is authorized to be made (including any reduction or deduction to recover any overpayment under such program).

“(B) The Secretary of the Treasury shall exempt from administrative offset under this subsection payments under means-tested programs when requested by the head of the respective agency. The Secretary may exempt other payments from administrative offset under this subsection upon the written request of the head of a payment certifying agency. A written request for exemption of other payments must provide justification for the exemption under standards prescribed by the Secretary. Such standards shall give due consideration to whether administrative offset would tend to interfere substantially with or defeat the purposes of the payment certifying agency's program. The Secretary shall report to the Congress annually on exemptions granted under this section.

Reports.

“(C) The provisions of sections 205(b)(1) and 1631(c)(1) of the Social Security Act shall not apply to any administrative offset

executed pursuant to this section against benefits authorized by either title II or title XVI of the Social Security Act, respectively.

“(4) The Secretary of the Treasury may charge a fee sufficient to cover the full cost of implementing this subsection. The fee may be collected either by the retention of a portion of amounts collected pursuant to this subsection, or by billing the agency referring or transferring a claim for those amounts. Fees charged to the agencies shall be based on actual administrative offsets completed. Amounts received by the United States as fees under this subsection shall be deposited into the account of the Department of the Treasury under section 3711(g)(7) of this title, and shall be collected and accounted for in accordance with the provisions of that section.

Rules,
regulations, and
procedures.

“(5) The Secretary of the Treasury in consultation with the Commissioner of Social Security and the Director of the Office of Management and Budget, may prescribe such rules, regulations, and procedures as the Secretary of the Treasury considers necessary to carry out this subsection. The Secretary shall consult with the heads of affected agencies in the development of such rules, regulations, and procedures.

Notification.

“(6) Any Federal agency that is owed by a person a past due, legally enforceable nontax debt that is over 180 days delinquent, including nontax debt administered by a third party acting as an agent for the Federal Government, shall notify the Secretary of the Treasury of all such nontax debts for purposes of administrative offset under this subsection.

Notification.

“(7)(A) The disbursing official conducting an administrative offset with respect to a payment to a payee shall notify the payee in writing of—

“(i) the occurrence of the administrative offset to satisfy a past due legally enforceable debt, including a description of the type and amount of the payment otherwise payable to the payee against which the offset was executed;

“(ii) the identity of the creditor agency requesting the offset; and

“(iii) a contact point within the creditor agency that will handle concerns regarding the offset.

“(B) If the payment to be offset is a periodic benefit payment, the disbursing official shall take reasonable steps, as determined by the Secretary of the Treasury, to provide the notice to the payee not later than the date on which the payee is otherwise scheduled to receive the payment, or as soon as practical thereafter, but no later than the date of the administrative offset. Notwithstanding the preceding sentence, the failure of the debtor to receive such notice shall not impair the legality of such administrative offset.

“(8) A levy pursuant to the Internal Revenue Code of 1986 shall take precedence over requests for administrative offset pursuant to other laws.

“(d) Nothing in this section is intended to prohibit the use of any other administrative offset authority existing under statute or common law.”.

(3) NONTAX DEBT OR CLAIM DEFINED.—Section 3701 of title 31, United States Code, is amended in subsection (a) by adding at the end the following new paragraph:

“(8) ‘nontax’ means, with respect to any debt or claim, any debt or claim other than a debt or claim under the Internal Revenue Code of 1986.”

(4) TREASURY CHECK WITHHOLDING.—Section 3712 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(e) TREASURY CHECK OFFSET.—

“(1) IN GENERAL.—To facilitate collection of amounts owed by presenting banks pursuant to subsection (a) or (b), upon the direction of the Secretary, a Federal reserve bank shall withhold credit from banks presenting Treasury checks for ultimate charge to the account of the United States Treasury. By presenting Treasury checks for payment a presenting bank is deemed to authorize this offset.

“(2) ATTEMPT TO COLLECT REQUIRED.—Prior to directing offset under subsection (a)(1), the Secretary shall first attempt to collect amounts owed in the manner provided by sections 3711 and 3716.”

(e) Section 3716 of title 31, United States Code, as amended by subsection (d)(2) of this section, is further amended by adding at the end the following new subsections:

“(f) The Secretary may waive the requirements of sections 552a(o) and (p) of title 5 for administrative offset or claims collection upon written certification by the head of a State or an executive, judicial, or legislative agency seeking to collect the claim that the requirements of subsection (a) of this section have been met.

“(g) The Data Integrity Board of the Department of the Treasury established under 552a(u) of title 5 shall review and include in reports under paragraph (3)(D) of that section a description of any matching activities conducted under this section. If the Secretary has granted a waiver under subsection (f) of this section, no other Data Integrity Board is required to take any action under section 552a(u) of title 5.”

(f) Section 3716 of title 31, United States Code, as amended by subsections (d) and (e) of this section, is further amended by adding at the end the following new subsection:

“(h)(1) The Secretary may, in the discretion of the Secretary, apply subsection (a) with respect to any past-due, legally-enforceable debt owed to a State if—

“(A) the appropriate State disbursing official requests that an offset be performed; and

“(B) a reciprocal agreement with the State is in effect which contains, at a minimum—

“(i) requirements substantially equivalent to subsection (b) of this section; and

“(ii) any other requirements which the Secretary considers appropriate to facilitate the offset and prevent duplicative efforts.

“(2) This subsection does not apply to—

“(A) the collection of a debt or claim on which the administrative costs associated with the collection of the debt or claim exceed the amount of the debt or claim;

“(B) any collection of any other type, class, or amount of claim, as the Secretary considers necessary to protect the interest of the United States; or

“(C) the disbursement of any class or type of payment exempted by the Secretary of the Treasury at the request of a Federal agency.

“(3) In applying this section with respect to any debt owed to a State, subsection (c)(3)(A) shall not apply.”.

(g)(1) TITLE 31.—Title 31, United States Code, is amended—

(A) in section 3322(a), by inserting “section 3716 and section 3720A of this title and” after “Except as provided in”;

(B) in section 3325(a)(3), by inserting “or pursuant to payment intercepts or offsets pursuant to section 3716 or 3720A of this title,” after “voucher”; and

(C) in each of sections 3711(e)(2) and 3717(h) by inserting “, the Secretary of the Treasury,” after “Attorney General”.

(2) INTERNAL REVENUE CODE OF 1986.—Subparagraph (A) of section 6103(l)(10) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(l)(10)) is amended by inserting “and to officers and employees of the Department of the Treasury in connection with such reduction” after “6402”.

(h) Section 5514 of title 5, United States Code, is amended—

(A) in subsection (a)—

(i) by adding at the end of paragraph (1) the following: “All Federal agencies to which debts are owed and which have outstanding delinquent debts shall participate in a computer match at least annually of their delinquent debt records with records of Federal employees to identify those employees who are delinquent in repayment of those debts. The preceding sentence shall not apply to any debt under the Internal Revenue Code of 1986. Matched Federal employee records shall include, but shall not be limited to, records of active Civil Service employees government-wide, military active duty personnel, military reservists, United States Postal Service employees, employees of other government corporations, and seasonal and temporary employees. The Secretary of the Treasury shall establish and maintain an interagency consortium to implement centralized salary offset computer matching, and promulgate regulations for this program. Agencies that perform centralized salary offset computer matching services under this subsection are authorized to charge a fee sufficient to cover the full cost for such services.”;

(ii) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(iii) by inserting after paragraph (2) the following new paragraph:

“(3) Paragraph (2) shall not apply to routine intra-agency adjustments of pay that are attributable to clerical or administrative errors or delays in processing pay documents that have occurred within the four pay periods preceding the adjustment and to any adjustment that amounts to \$50 or less, if at the time of such adjustment, or as soon thereafter as practical, the individual is provided written notice of the nature and the amount of the adjustment and a point of contact for contesting such adjustment.”; and

(iv) by amending paragraph (5)(B) (as redesignated by clause (ii) of this subparagraph) to read as follows:

“(B) ‘agency’ includes executive departments and agencies, the United States Postal Service, the Postal Rate Commission, the United States Senate, the United States

Records.

House of Representatives, and any court, court administrative office, or instrumentality in the judicial or legislative branches of the Government, and government corporations.”;

(B) by adding after subsection (c) the following new subsection:

“(d) A levy pursuant to the Internal Revenue Code of 1986 shall take precedence over other deductions under this section.”.

(i)(1) IN GENERAL.—Section 7701 of title 31, United States Code, is amended by adding at the end the following new subsections:

“(c)(1) The head of each Federal agency shall require each person doing business with that agency to furnish to that agency such person’s taxpayer identifying number.

“(2) For purposes of this subsection, a person shall be considered to be doing business with a Federal agency if the person is—

“(A) a lender or servicer in a Federal guaranteed or insured loan program administered by the agency;

“(B) an applicant for, or recipient of, a Federal license, permit, right-of-way, grant, or benefit payment administered by the agency or insurance administered by the agency;

“(C) a contractor of the agency;

“(D) assessed a fine, fee, royalty or penalty by the agency;

and
“(E) in a relationship with the agency that may give rise to a receivable due to that agency, such as a partner of a borrower in or a guarantor of a Federal direct or insured loan administered by the agency.

“(3) Each agency shall disclose to a person required to furnish a taxpayer identifying number under this subsection its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such person’s relationship with the Government.

“(4) For purposes of this subsection, a person shall not be treated as doing business with a Federal agency solely by reason of being a debtor under third party claims of the United States. The preceding sentence shall not apply to a debtor owing claims resulting from petroleum pricing violations or owing claims resulting from Federal loan or loan guarantee/insurance programs.

“(d) Notwithstanding section 552a(b) of title 5, United States Code, creditor agencies to which a delinquent claim is owed, and their agents, may match their debtor records with Department of Health and Human Services, and Department of Labor records to obtain names (including names of employees), name controls, names of employers, taxpayer identifying numbers, addresses (including addresses of employers), and dates of birth. The preceding sentence shall apply to the disclosure of taxpayer identifying numbers only if such disclosure is not otherwise prohibited by section 6103 of the Internal Revenue Code of 1986. The Department of Health and Human Services, and the Department of Labor shall release that information to creditor agencies and may charge reasonable fees sufficient to pay the costs associated with that release.”.

(2) INCLUDED FEDERAL LOAN PROGRAM DEFINED.—Subparagraph (C) of section 6103(1)(3) of the Internal Revenue Code of 1986 (relating to disclosure that applicant for Federal loan has tax delinquent account) is amended to read as follows:

“(C) INCLUDED FEDERAL LOAN PROGRAM DEFINED.— For purposes of this paragraph, the term ‘included Federal loan program’ means any program under which the United States or a Federal agency makes, guarantees, or insures loans.”.

(3) CLERICAL AMENDMENTS.—

(A) The chapter title to chapter 77 of subtitle VI of title 31, United States Code, is amended to read as follows:

“CHAPTER 77—ACCESS TO INFORMATION FOR DEBT COLLECTION”.

(B) The table of chapters for subtitle VI of title 31, United States Code, is amended by inserting before the item relating to chapter 91 the following new item:

“77. Access to information for debt collection 7701”.

(j)(1) IN GENERAL.—Title 31, United States Code, is amended by inserting after section 3720A the following new section:

“§ 3720B. Barring delinquent Federal debtors from obtaining Federal loans or loan insurance guarantees

Standards.

“(a) Unless this subsection is waived by the head of a Federal agency, a person may not obtain any Federal financial assistance in the form of a loan (other than a disaster loan) or loan insurance or guarantee administered by the agency if the person has an outstanding debt (other than a debt under the Internal Revenue Code of 1986) with any Federal agency which is in a delinquent status, as determined under standards prescribed by the Secretary of the Treasury. Such a person may obtain additional loans or loan guarantees only after such delinquency is resolved in accordance with those standards. The Secretary of the Treasury may exempt, at the request of an agency, any class of claims.

“(b) The head of a Federal agency may delegate the waiver authority under subsection (a) to the Chief Financial Officer of the agency. The waiver authority may be redelegated only to the Deputy Chief Financial Officer of the agency.”

(2) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 37 of title 31, United States Code, is amended by inserting after the item relating to section 3720A the following new item:

“3720B. Barring delinquent Federal debtors from obtaining Federal loans or loan insurance guarantees.”.

(k) Section 3711(f) of title 31, United States Code, is amended—

(1) by striking “may” the first place it appears and inserting “shall”;

(2) by striking “an individual” each place it appears and inserting “a person”;

(3) by striking “the individual” each place it appears and inserting “the person”; and

(4) by adding at the end the following new paragraphs:

“(4) The head of each executive agency shall require, as a condition for insuring or guaranteeing any loan, financing, or other extension of credit under any law to a person, that the lender provide information relating to the extension of credit to consumer reporting agencies or commercial reporting agencies, as appropriate.

“(5) The head of each executive agency may provide to a consumer reporting agency or commercial reporting agency information from a system of records that a person is responsible for a claim which is current, if notice required by section 552a(e)(4)

of title 5 indicates that information in the system may be disclosed to a consumer reporting agency or commercial reporting agency, respectively.”

(l) Section 3718 of title 31, United States Code, is amended—

(1) in subsection (a), by striking the first sentence and inserting the following: “Under conditions the head of an executive, judicial, or legislative agency considers appropriate, the head of the agency may enter into a contract with a person for collection service to recover indebtedness owed, or to locate or recover assets of, the United States Government. The head of an agency may not enter into a contract under the preceding sentence to locate or recover assets of the United States held by a State government or financial institution unless that agency has established procedures approved by the Secretary of the Treasury to identify and recover such assets.”; and

(2) in subsection (d), by inserting “, or to locate or recover assets of,” after “owed”.

(m)(1) IN GENERAL.—Section 3711 of title 31, United States Code, is amended by adding at the end the following new subsections:

“(g)(1) If a nontax debt or claim owed to the United States has been delinquent for a period of 180 days—

“(A) the head of the executive, judicial, or legislative agency that administers the program that gave rise to the debt or claim shall transfer the debt or claim to the Secretary of the Treasury; and

“(B) upon such transfer the Secretary of the Treasury shall take appropriate action to collect or terminate collection actions on the debt or claim.

“(2) Paragraph (1) shall not apply—

“(A) to any debt or claim that—

“(i) is in litigation or foreclosure;

“(ii) will be disposed of under an asset sales program within 1 year after becoming eligible for sale, or later than 1 year if consistent with an asset sales program and a schedule established by the agency and approved by the Director of the Office of Management and Budget;

“(iii) has been referred to a private collection contractor for collection for a period of time determined by the Secretary of the Treasury;

“(iv) has been referred by, or with the consent of, the Secretary of the Treasury to a debt collection center for a period of time determined by the Secretary of the Treasury; or

“(v) will be collected under internal offset, if such offset is sufficient to collect the claim within 3 years after the date the debt or claim is first delinquent; and

“(B) to any other specific class of debt or claim, as determined by the Secretary of the Treasury at the request of the head of an executive, judicial, or legislative agency or otherwise.

“(3) For purposes of this section, the Secretary of the Treasury may designate, and withdraw such designation of debt collection centers operated by other Federal agencies. The Secretary of the Treasury shall designate such centers on the basis of their performance in collecting delinquent claims owed to the Government.

“(4) At the discretion of the Secretary of the Treasury, referral of a nontax claim may be made to—

“(A) any executive department or agency operating a debt collection center for servicing, collection, compromise, or suspension or termination of collection action;

“(B) a private collection contractor operating under a contract for servicing or collection action; or

“(C) the Department of Justice for litigation.

“(5) Nontax claims referred or transferred under this section shall be serviced, collected, or compromised, or collection action thereon suspended or terminated, in accordance with otherwise applicable statutory requirements and authorities. Executive departments and agencies operating debt collection centers may enter into agreements with the Secretary of the Treasury to carry out the purposes of this subsection. The Secretary of the Treasury shall—

“(A) maintain competition in carrying out this subsection;

“(B) maximize collections of delinquent debts by placing delinquent debts quickly;

“(C) maintain a schedule of private collection contractors and debt collection centers eligible for referral of claims; and

“(D) refer delinquent debts to the person most appropriate to collect the type or amount of claim involved.

“(6) Any agency operating a debt collection center to which nontax claims are referred or transferred under this subsection may charge a fee sufficient to cover the full cost of implementing this subsection. The agency transferring or referring the nontax claim shall be charged the fee, and the agency charging the fee shall collect such fee by retaining the amount of the fee from amounts collected pursuant to this subsection. Agencies may agree to pay through a different method, or to fund an activity from another account or from revenue received from the procedure described under section 3720C of this title. Amounts charged under this subsection concerning delinquent claims may be considered as costs pursuant to section 3717(e) of this title.

“(7) Notwithstanding any other law concerning the depositing and collection of Federal payments, including section 3302(b) of this title, agencies collecting fees may retain the fees from amounts collected. Any fee charged pursuant to this subsection shall be deposited into an account to be determined by the executive department or agency operating the debt collection center charging the fee (in this subsection referred to in this section as the ‘Account’). Amounts deposited in the Account shall be available until expended to cover costs associated with the implementation and operation of Governmentwide debt collection activities. Costs properly chargeable to the Account include—

“(A) the costs of computer hardware and software, word processing and telecommunications equipment, and other equipment, supplies, and furniture;

“(B) personnel training and travel costs;

“(C) other personnel and administrative costs;

“(D) the costs of any contract for identification, billing, or collection services; and

“(E) reasonable costs incurred by the Secretary of the Treasury, including services and utilities provided by the Secretary, and administration of the Account.

“(8) Not later than January 1 of each year, there shall be deposited into the Treasury as miscellaneous receipts an amount equal to the amount of unobligated balances remaining in the Account at the close of business on September 30 of the preceding year, minus any part of such balance that the executive department or agency operating the debt collection center determines is necessary to cover or defray the costs under this subsection for the fiscal year in which the deposit is made.

“(9) Before discharging any delinquent debt owed to any executive, judicial, or legislative agency, the head of such agency shall take all appropriate steps to collect such debt, including (as applicable)—

“(A) administrative offset,

“(B) tax refund offset,

“(C) Federal salary offset,

“(D) referral to private collection contractors,

“(E) referral to agencies operating a debt collection center,

“(F) reporting delinquencies to credit reporting bureaus,

“(G) garnishing the wages of delinquent debtors, and

“(H) litigation or foreclosure.

“(10) To carry out the purposes of this subsection, the Secretary of the Treasury may prescribe such rules, regulations, and procedures as the Secretary considers necessary and transfer such funds from funds appropriated to the Department of the Treasury as may be necessary to meet existing liabilities and obligations incurred prior to the receipt of revenues that result from debt collections.

“(h)(1) The head of an executive, judicial, or legislative agency acting under subsection (a)(1), (2), or (3) of this section to collect a claim, compromise a claim, or terminate collection action on a claim may obtain a consumer report (as that term is defined in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a)) or comparable credit information on any person who is liable for the claim.

“(2) The obtaining of a consumer report under this subsection is deemed to be a circumstance or purpose authorized or listed under section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b).”.

(2) RETURNS RELATING TO CANCELLATION OF INDEBTEDNESS BY CERTAIN ENTITIES.—

(A) IN GENERAL.—Subsection (a) of section 6050P of the Internal Revenue Code of 1986 (relating to returns relating to the cancellation of indebtedness by certain financial entities) is amended by striking “applicable financial entity” and inserting “applicable entity”.

26 USC 6050P.

(B) ENTITIES TO WHICH REQUIREMENT APPLIES.—Subsection (c) of section 6050P of such Code is amended—

(i) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively, and inserting before paragraph (2) (as so redesignated) the following new paragraph:

“(1) APPLICABLE ENTITY.—The term ‘applicable entity’ means—

“(A) an executive, judicial, or legislative agency (as defined in section 3701(a)(4) of title 31, United States Code), and

“(B) an applicable financial entity.”, and

(ii) in paragraph (3), as so redesignated, by striking “(1)(B)” and inserting “(1)(A) or (2)(B)”.

26 USC 6050P.

(C) ALTERNATIVE PROCEDURE.—Section 6050P of such Code is amended by adding at the end the following new subsection:

“(e) ALTERNATIVE PROCEDURE.—In lieu of making a return required under subsection (a), an agency described in subsection (c)(1)(A) may submit to the Secretary (at such time and in such form as the Secretary may by regulations prescribe) information sufficient for the Secretary to complete such a return on behalf of such agency. Upon receipt of such information, the Secretary shall complete such return and provide a copy of such return to such agency.”

(D) CONFORMING AMENDMENTS.—

(i) Subsection (d) of section 6050P of such Code is amended by striking “applicable financial entity” and inserting “applicable entity”.

(ii) The heading of section 6050P of such Code is amended to read as follows:

“**SEC. 6050P. RETURNS RELATING TO THE CANCELLATION OF INDEBTEDNESS BY CERTAIN ENTITIES.**”

(iii) The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by striking the item relating to section 6050P and inserting the following new item:

“Sec. 6050P. Returns relating to the cancellation of indebtedness by certain entities.”

Effective date.
31 USC 3711
note.

(n) Effective October 1, 1995, section 11 of the Administrative Dispute Resolution Act (Public Law 101-552, 5 U.S.C. 571 note) shall not apply to the amendment made by section 8(b) of such Act.

(o)(1) IN GENERAL.—Chapter 37 of title 31, United States Code, is amended in subchapter II by adding after section 3720C, as added by subsection (t) of this section, the following new section:

“**§ 3720D. Garnishment**

“(a) Notwithstanding any provision of State law, the head of an executive, judicial, or legislative agency that administers a program that gives rise to a delinquent nontax debt owed to the United States by an individual may in accordance with this section garnish the disposable pay of the individual to collect the amount owed, if the individual is not currently making required repayment in accordance with any agreement between the agency head and the individual.

“(b) In carrying out any garnishment of disposable pay of an individual under subsection (a), the head of an executive, judicial, or legislative agency shall comply with the following requirements:

“(1) The amount deducted under this section for any pay period may not exceed 15 percent of disposable pay, except that a greater percentage may be deducted with the written consent of the individual.

Notification.

“(2) The individual shall be provided written notice, sent by mail to the individual’s last known address, a minimum of 30 days prior to the initiation of proceedings, from the head of the executive, judicial, or legislative agency, informing the individual of—

“(A) the nature and amount of the debt to be collected;

“(B) the intention of the agency to initiate proceedings to collect the debt through deductions from pay; and

“(C) an explanation of the rights of the individual under this section.

“(3) The individual shall be provided an opportunity to inspect and copy records relating to the debt. Records.

“(4) The individual shall be provided an opportunity to enter into a written agreement with the executive, judicial, or legislative agency, under terms agreeable to the head of the agency, to establish a schedule for repayment of the debt. Contracts.

“(5) The individual shall be provided an opportunity for a hearing in accordance with subsection (c) on the determination of the head of the executive, judicial, or legislative agency concerning—

“(A) the existence or the amount of the debt, and

“(B) in the case of an individual whose repayment schedule is established other than by a written agreement pursuant to paragraph (4), the terms of the repayment schedule.

“(6) If the individual has been reemployed within 12 months after having been involuntarily separated from employment, no amount may be deducted from the disposable pay of the individual until the individual has been reemployed continuously for at least 12 months.

“(c)(1) A hearing under subsection (b)(5) shall be provided prior to issuance of a garnishment order if the individual, on or before the 15th day following the mailing of the notice described in subsection (b)(2), and in accordance with such procedures as the head of the executive, judicial, or legislative agency may prescribe, files a petition requesting such a hearing.

“(2) If the individual does not file a petition requesting a hearing prior to such date, the head of the agency shall provide the individual a hearing under subsection (a)(5) upon request, but such hearing need not be provided prior to issuance of a garnishment order.

“(3) The hearing official shall issue a final decision at the earliest practicable date, but not later than 60 days after the filing of the petition requesting the hearing.

“(d) The notice to the employer of the withholding order shall contain only such information as may be necessary for the employer to comply with the withholding order.

“(e)(1) An employer may not discharge from employment, refuse to employ, or take disciplinary action against an individual subject to wage withholding in accordance with this section by reason of the fact that the individual’s wages have been subject to garnishment under this section, and such individual may sue in a State or Federal court of competent jurisdiction any employer who takes such action.

“(2) The court shall award attorneys’ fees to a prevailing employee and, in its discretion, may order reinstatement of the individual, award punitive damages and back pay to the employee, or order such other remedy as may be reasonably necessary. Courts.

“(f)(1) The employer of an individual—

“(A) shall pay to the head of an executive, judicial, or legislative agency as directed in a withholding order issued in an action under this section with respect to the individual, and

“(B) shall be liable for any amount that the employer fails to withhold from wages due an employee following receipt by such employer of notice of the withholding order, plus attorneys’ fees, costs, and, in the court’s discretion, punitive damages.

“(2)(A) The head of an executive, judicial, or legislative agency may sue an employer in a State or Federal court of competent jurisdiction to recover amounts for which the employer is liable under paragraph (1)(B).

“(B) A suit under this paragraph may not be filed before the termination of the collection action, unless earlier filing is necessary to avoid expiration of any applicable statute of limitations period.

“(3) Notwithstanding paragraphs (1) and (2), an employer shall not be required to vary its normal pay and disbursement cycles in order to comply with this subsection.

“(g) For the purpose of this section, the term ‘disposable pay’ means that part of the compensation of any individual from an employer remaining after the deduction of any amounts required by any other law to be withheld.

Regulations.

“(h) The Secretary of the Treasury shall issue regulations to implement this section.”

(2) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 37 of title 31, United States Code, is amended by inserting after the item relating to section 3720C (as added by subsection (t) of this section) the following new item:

“3720D. Garnishment.”

(p) Section 3711 of title 31, United States Code, as amended by subsection (m) of this section, is further amended by adding at the end the following new subsection:

“(i)(1) The head of an executive, judicial, or legislative agency may sell, subject to section 504(b) of the Federal Credit Reform Act of 1990 and using competitive procedures, any nontax debt owed to the United States that is delinquent for more than 90 days. Appropriate fees charged by a contractor to assist in the conduct of a sale under this subsection may be payable from the proceeds of the sale.

“(2) After terminating collection action, the head of an executive, judicial, or legislative agency shall sell, using competitive procedures, any nontax debt or class of nontax debts owed to the United States, if the Secretary of the Treasury determines the sale is in the best interests of the United States.

“(3) Sales of nontax debt under this subsection—

“(A) shall be for—

“(i) cash, or

“(ii) cash and a residuary equity or profit participation, if the head of the agency reasonably determines that the proceeds will be greater than sale solely for cash,

“(B) shall be without recourse, but may include the use of guarantees if otherwise authorized, and

“(C) shall transfer to the purchaser all rights of the Government to demand payment of the nontax debt, other than with respect to a residuary equity or profit participation under subparagraph (A)(ii).

Reports.

“(4)(A) Within one year after the date of enactment of the Debt Collection Improvement Act of 1996, each executive agency with current and delinquent collateralized nontax debts shall report to the Congress on the valuation of its existing portfolio of loans,

notes and guarantees, and other collateralized debts based on standards developed by the Director of the Office of Management and Budget, in consultation with the Secretary of the Treasury.

“(B) The Director of the Office of Management and Budget shall determine what information is required to be reported to comply with subparagraph (A). At a minimum, for each financing account and for each liquidating account (as those terms are defined in sections 502(7) and 502(8), respectively, of the Federal Credit Reform Act of 1990) the following information shall be reported:

“(i) The cumulative balance of current debts outstanding, the estimated net present value of such debts, the annual administrative expenses of those debts (including the portion of salaries and expenses that are directly related thereto), and the estimated net proceeds that would be received by the Government if such debts were sold.

“(ii) The cumulative balance of delinquent debts, debts outstanding, the estimated net present value of such debts, the annual administrative expenses of those debts (including the portion of salaries and expenses that are directly related thereto), and the estimated net proceeds that would be received by the Government if such debts were sold.

“(iii) The cumulative balance of guaranteed loans outstanding, the estimated net present value of such guarantees, the annual administrative expenses of such guarantees (including the portion of salaries and expenses that are directly related to such guaranteed loans), and the estimated net proceeds that would be received by the Government if such loan guarantees were sold.

“(iv) The cumulative balance of defaulted loans that were previously guaranteed and have resulted in loans receivables, the estimated net present value of such loan assets, the annual administrative expenses of such loan assets (including the portion of salaries and expenses that are directly related to such loan assets), and the estimated net proceeds that would be received by the Government if such loan assets were sold.

“(v) The marketability of all debts.

“(5) This subsection is not intended to limit existing statutory authority of agencies to sell loans, debts, or other assets.”.

(q) Section 3717 of title 31, United States Code, is amended by adding at the end of subsection (h) the following new subsection:

“(i)(1) The head of an executive, judicial, or legislative agency may increase an administrative claim by the cost of living adjustment in lieu of charging interest and penalties under this section. Adjustments under this subsection will be computed annually.

“(2) For the purpose of this subsection—

“(A) the term ‘cost of living adjustment’ means the percentage by which the Consumer Price Index for the month of June of the calendar year preceding the adjustment exceeds the Consumer Price Index for the month of June of the calendar year in which the claim was determined or last adjusted; and

“(B) the term ‘administrative claim’ includes all debt that is not based on an extension of Government credit through direct loans, loan guarantees, or insurance, including fines, penalties, and overpayments.”.

(r)(1) IN GENERAL.—Chapter 37 of title 31, United States Code, is amended in subchapter II by adding after section 3720D, as added by subsection (o) of this section, the following new section:

“§ 3720E. Dissemination of information regarding identity of delinquent debtors

“(a) The head of any agency may, with the review of the Secretary of the Treasury, for the purpose of collecting any delinquent nontax debt owed by any person, publish or otherwise publicly disseminate information regarding the identity of the person and the existence of the nontax debt.

Regulations.

“(b)(1) The Secretary of the Treasury, in consultation with the Director of the Office of Management and Budget and the heads of other appropriate Federal agencies, shall issue regulations establishing procedures and requirements the Secretary considers appropriate to carry out this section.

“(2) Regulations under this subsection shall include—

“(A) standards for disseminating information that maximize collections of delinquent nontax debts, by directing actions under this section toward delinquent debtors that have assets or income sufficient to pay their delinquent nontax debt;

“(B) procedures and requirements that prevent dissemination of information under this section regarding persons who have not had an opportunity to verify, contest, and compromise their nontax debt in accordance with this subchapter; and

“(C) procedures to ensure that persons are not incorrectly identified pursuant to this section.”.

(2) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 37 of title 31, United States Code, is amended by adding after the item relating to section 3720D (as added by subsection (o) of this section) the following new item:

“3720E. Dissemination of information regarding identity of delinquent debtors.”.

(s)(1) IN GENERAL.—The Federal Civil Penalties Inflation Adjustment Act of 1990 (Public Law 101–410, 104 Stat. 890; 28 U.S.C. 2461 note) is amended—

(A) by amending section 4 to read as follows:

“SEC. 4. The head of each agency shall, not later than 180 days after the date of enactment of the Debt Collection Improvement Act of 1996, and at least once every 4 years thereafter—

Regulations.

“(1) by regulation adjust each civil monetary penalty provided by law within the jurisdiction of the Federal agency, except for any penalty (including any addition to tax and additional amount) under the Internal Revenue Code of 1986, the Tariff Act of 1930, the Occupational Safety and Health Act of 1970, or the Social Security Act, by the inflation adjustment described under section 5 of this Act; and

Federal Register, Publication.

“(2) publish each such regulation in the Federal Register.”;

(B) in section 5(a), by striking “The adjustment described under paragraphs (4) and (5)(A) of section 4” and inserting “The inflation adjustment under section 4”; and

(C) by adding at the end the following new section:

“SEC. 7. Any increase under this Act in a civil monetary penalty shall apply only to violations which occur after the date the increase takes effect.”.

28 USC 2461 note.

(2) LIMITATION ON INITIAL ADJUSTMENT.—The first adjustment of a civil monetary penalty made pursuant to the amendment made by paragraph (1) may not exceed 10 percent of such penalty.

(t)(1) IN GENERAL.—Title 31, United States Code, is amended by inserting after section 3720B (as added by subsection (j) of this section) the following new section:

“§ 3720C. Debt Collection Improvement Account

“(a)(1) There is hereby established in the Treasury a special fund to be known as the ‘Debt Collection Improvement Account’ (hereinafter in this section referred to as the ‘Account’). Nomenclature.

“(2) The Account shall be maintained and managed by the Secretary of the Treasury, who shall ensure that agency programs are credited with amounts transferred under subsection (b)(1).

“(b)(1) Not later than 30 days after the end of a fiscal year, an agency may transfer to the Account the amount described in paragraph (3), as adjusted under paragraph (4).

“(2) Agency transfers to the Account may include collections from—

“(A) salary, administrative, and tax refund offsets;

“(B) the Department of Justice;

“(C) private collection agencies;

“(D) sales of delinquent loans; and

“(E) contracts to locate or recover assets.

“(3) The amount referred to in paragraph (1) shall be 5 percent of the amount of delinquent debt collected by an agency in a fiscal year, minus the greater of—

“(A) 5 percent of the amount of delinquent nontax debt collected by the agency in the previous fiscal year, or

“(B) 5 percent of the average annual amount of delinquent nontax debt collected by the agency in the previous 4 fiscal years.

“(4) In consultation with the Secretary of the Treasury, the Office of Management and Budget may adjust the amount described in paragraph (3) for an agency to reflect the level of effort in credit management programs by the agency. As an indicator of the level of effort in credit management, the Office of Management and Budget shall consider the following:

“(A) The number of days between the date a claim or debt became delinquent and the date which an agency referred the debt or claim to the Secretary of the Treasury or obtained an exemption from this referral under section 3711(g)(2) of this title.

“(B) The ratio of delinquent debts or claims to total receivables for a given program, and the change in this ratio over a period of time.

“(c)(1) The Secretary of the Treasury may make payments from the Account solely to reimburse agencies for qualified expenses. For agencies with franchise funds, such payments may be credited to subaccounts designated for debt collection.

“(2) For purposes of this section, the term ‘qualified expenses’ means expenditures for the improvement of credit management, debt collection, and debt recovery activities, including—

“(A) account servicing (including cross-servicing under section 3711(g) of this title),

“(B) automatic data processing equipment acquisitions,

“(C) delinquent debt collection,

“(D) measures to minimize delinquent debt,

“(E) sales of delinquent debt,

“(F) asset disposition, and

“(G) training of personnel involved in credit and debt management.

“(3)(A) Amounts transferred to the Account shall be available to the Secretary of the Treasury for purposes of this section to

the extent and in amounts provided in advance in appropriations Acts.

“(B) As soon as practicable after the end of the third fiscal year after which amounts transferred are first available pursuant to this section, and every 3 years thereafter, any uncommitted balance in the Account shall be transferred to the general fund of the Treasury as miscellaneous receipts.

“(d) For direct loans and loan guarantee programs subject to title V of the Congressional Budget Act of 1974, amounts credited in accordance with subsection (c) shall be considered administrative costs.

Rules,
regulations, and
procedures.

“(e) The Secretary of the Treasury shall prescribe such rules, regulations, and procedures as the Secretary considers necessary or appropriate to carry out the purposes of this section.”

(2) CLERICAL AMENDMENT.—The table of sections for chapter 37 of title 31, United States Code, is amended by inserting after the item relating to section 3720B (as added by subsection (j) of this section) the following new item:

“3720C. Debt Collection Improvement Account.”

(u)(1) DISCRETIONARY AUTHORITY.—Section 3720A of title 31, United States Code, is amended by adding after subsection (h) the following new subsection:

“(i) An agency subject to section 9 of the Act of May 18, 1933 (16 U.S.C. 831h), may implement this section at its discretion.”

(2) FEDERAL AGENCY DEFINED.—Section 6402(f) of the Internal Revenue Code of 1986 (26 U.S.C. 6402(f)) is amended to read as follows:

“(f) FEDERAL AGENCY.—For purposes of this section, the term ‘Federal agency’ means a department, agency, or instrumentality of the United States, and includes a Government corporation (as such term is defined in section 103 of title 5, United States Code).”

(v)(1) NOTIFICATION OF SECRETARY OF THE TREASURY.—Section 3720A(a) of title 31, United States Code, is amended to read as follows:

Notification.

“(a) Any Federal agency that is owed by a person a past-due, legally enforceable debt (including debt administered by a third party acting as an agent for the Federal Government) shall, and any agency subject to section 9 of the Act of May 18, 1933 (16 U.S.C. 831h), owed such a debt may, in accordance with regulations issued pursuant to subsections (b) and (d), notify the Secretary of the Treasury at least once each year of the amount of such debt.”

(2) IMPLEMENTATION OF SUPPORT COLLECTION BY SECRETARY OF THE TREASURY.—Section 464(a) of the Social Security Act (42 U.S.C. 664(a)) is amended—

(1) in paragraph (1), by adding at the end the following: “This subsection may be executed by the disbursing official of the Department of the Treasury.”; and

(2) in paragraph (2)(A), by adding at the end the following: “This subsection may be executed by the Secretary of the Department of the Treasury or his designee.”

(w) Section 3720A(h) of title 31, United States Code, is amended to read as follows:

“(h)(1) The disbursing official of the Department of the Treasury—

Notification.

“(1) shall notify a taxpayer in writing of—

“(A) the occurrence of an offset to satisfy a past-due legally enforceable nontax debt;

“(B) the identity of the creditor agency requesting the offset; and

“(C) a contact point within the creditor agency that will handle concerns regarding the offset;

“(2) shall notify the Internal Revenue Service on a weekly basis of— Notification.

“(A) the occurrence of an offset to satisfy a past-due legally enforceable non-tax debt;

“(B) the amount of such offset; and

“(C) any other information required by regulations; and

“(3) shall match payment records with requests for offset by using a name control, taxpayer identifying number (as that term is used in section 6109 of the Internal Revenue Code of 1986), and any other necessary identifiers.”. Records.

“(h)(2) The term ‘disbursing official’ of the Department of the Treasury means the Secretary or his designee.”

(x)(1) AMENDMENTS RELATING TO ELECTRONIC FUNDS TRANSFER.—Section 3332 of title 31, United States Code, popularly known as the Federal Financial Management Act of 1994, is amended—

(A) by redesignating subsection (e) as subsection (h), and inserting after subsection (d) the following new subsections:

“(e)(1) Notwithstanding subsections (a) through (d) of this section, sections 5120 (a) and (d) of title 38, and any other provision of law, all Federal payments to a recipient who becomes eligible for that type of payment after 90 days after the date of the enactment of the Debt Collection Improvement Act of 1996 shall be made by electronic funds transfer.

“(2) The head of a Federal agency shall, with respect to Federal payments made or authorized by the agency, waive the application of paragraph (1) to a recipient of those payments upon receipt of written certification from the recipient that the recipient does not have an account with a financial institution or an authorized payment agent.

“(f)(1) Notwithstanding any other provision of law (including subsections (a) through (e) of this section and sections 5120 (a) and (d) of title 38), except as provided in paragraph (2) all Federal payments made after January 1, 1999, shall be made by electronic funds transfer.

“(2)(A) The Secretary of the Treasury may waive application of this subsection to payments—

“(i) for individuals or classes of individuals for whom compliance imposes a hardship;

“(ii) for classifications or types of checks; or

“(iii) in other circumstances as may be necessary.

“(B) The Secretary of the Treasury shall make determinations under subparagraph (A) based on standards developed by the Secretary.

“(g) Each recipient of Federal payments required to be made by electronic funds transfer shall—

“(1) designate 1 or more financial institutions or other authorized agents to which such payments shall be made; and

“(2) provide to the Federal agency that makes or authorizes the payments information necessary for the recipient to receive

electronic funds transfer payments through each institution or agent designated under paragraph (1).”; and

(B) by adding after subsection (h) (as so redesignated) the following new subsections:

“(i)(1) The Secretary of the Treasury may prescribe regulations that the Secretary considers necessary to carry out this section.

“(2) Regulations under this subsection shall ensure that individuals required under subsection (g) to have an account at a financial institution because of the application of subsection (f)(1)—

“(A) will have access to such an account at a reasonable cost; and

“(B) are given the same consumer protections with respect to the account as other account holders at the same financial institution.

“(j) For purposes of this section—

“(1) The term ‘electronic funds transfer’ means any transfer of funds, other than a transaction originated by cash, check, or similar paper instrument, that is initiated through an electronic terminal, telephone, computer, or magnetic tape, for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account. The term includes Automated Clearing House transfers, Fed Wire transfers, transfers made at automatic teller machines, and point-of-sale terminals.

“(2) The term ‘Federal agency’ means—

“(A) an agency (as defined in section 101 of this title); and

“(B) a Government corporation (as defined in section 103 of title 5).

“(3) The term ‘Federal payments’ includes—

“(A) Federal wage, salary, and retirement payments;

“(B) vendor and expense reimbursement payments; and

“(C) benefit payments.

Such term shall not include any payment under the Internal Revenue Code of 1986.”

(2) AMENDMENTS RELATING TO SUBSTITUTE CHECKS.—Section 3331 of title 31, United States Code, is amended—

(A) in subsection (b), by striking “subsection (c)” and inserting “subsection (c) or (f)”;

(B) by redesignating subsection (f) as subsection (g); and

(C) by inserting after subsection (e) the following new subsection:

“(f) The Secretary may waive any provision of this section as may be necessary to ensure that claimants receive timely payments.”

(3) PERMANENT FUNDING OF THE CHECK FORGERY INSURANCE FUND.—Section 3343 of title 31, United States Code, is amended—

(A) in subsection (a), by amending the second sentence to read as follows: “Necessary amounts are hereafter appropriated to the Fund out of any moneys in the Treasury not otherwise appropriated, and shall remain available until expended to make the payments required or authorized under this section.”;

(B) in subsection (b)—

(i) by inserting “in the determination of the Secretary the payee or special endorse establishes that” after “without interest if”;

(ii) in paragraph (2), by inserting “and” after the semicolon;

(iii) in paragraph (3), by striking “; and” and inserting a period; and

(iv) by striking paragraph (4);

(C) in subsection (d), by inserting after the first sentence the following new sentence: “The Secretary may use amounts in the Fund to reimburse payment certifying or authorizing agencies for any payment that the Secretary determines would otherwise have been payable from the Fund, and may reimburse certifying or authorizing agencies with amounts recovered because of payee nonentitlement.”;

(D) by redesignating subsection (e) as subsection (g); and

(E) by inserting after subsection (d) the following new subsections:

“(e) The Secretary may waive any provision of this section as may be necessary to ensure that claimants receive timely payments.

“(f) Under such conditions as the Secretary may prescribe, the Secretary may delegate duties and powers of the Secretary under this section to the head of an agency. Consistent with a delegation from the Secretary under this subsection, the head of an agency may redelegate those duties and powers to officers or employees of the agency.”.

(y) Section 3325 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(d) The head of an executive agency or an officer or employee of an executive agency referred to in subsection (a)(1)(B), as applicable, shall include with each certified voucher submitted to a disbursing official pursuant to this section the taxpayer identifying number of each person to whom payment may be made under the voucher.”.

(z)(1) IN GENERAL.—Section 3701 of title 31, United States Code, is amended—

(A) by amending subsection (a)(1) to read as follows:

“(1) ‘administrative offset’ means withholding funds payable by the United States (including funds payable by the United States on behalf of a State government) to, or held by the United States for, a person to satisfy a claim.”;

(B) by amending subsection (b) to read as follows:

“(b)(1) In subchapter II of this chapter and subsection (a)(8) of this section, the term ‘claim’ or ‘debt’ means any amount of funds or property that has been determined by an appropriate official of the Federal Government to be owed to the United States by a person, organization, or entity other than another Federal agency. A claim includes, without limitation—

“(A) funds owed on account of loans made, insured, or guaranteed by the Government, including any deficiency or any difference between the price obtained by the Government in the sale of a property and the amount owed to the Government on a mortgage on the property,

“(B) expenditures of nonappropriated funds,

“(C) over-payments, including payments disallowed by audits performed by the Inspector General of the agency administering the program,

“(D) any amount the United States is authorized by statute to collect for the benefit of any person,

“(E) the unpaid share of any non-Federal partner in a program involving a Federal payment and a matching, or cost-sharing, payment by the non-Federal partner,

“(F) any fines or penalties assessed by an agency; and

“(G) other amounts of money or property owed to the Government.

“(2) For purposes of section 3716 of this title, each of the terms ‘claim’ and ‘debt’ includes an amount of funds or property owed by a person to a State (including any past-due support being enforced by the State), the District of Columbia, American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, or the Commonwealth of Puerto Rico.”;

(C) by adding after subsection (d) the following new subsection:

“(e) In section 3716 of this title—

“(1) ‘creditor agency’ means any agency owed a claim that seeks to collect that claim through administrative offset; and

“(2) ‘payment certifying agency’ means any agency that has transmitted a voucher to a disbursing official for disbursement.

“(f) In section 3711 of this title, ‘private collection contractor’ means private debt collectors under contract with an agency to collect a nontax debt or claim owed the United States. The term includes private debt collectors, collection agencies, and commercial attorneys.”; and

(D) by amending subsection (d) to read as follows:

“(d) Sections 3711(f) and 3716-3719 of this title do not apply to a claim or debt under, or to an amount payable under—

“(1) the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.),

“(2) the Social Security Act (42 U.S.C. 301 et seq.), except to the extent provided under section 204(f) of such Act and section 3716(c) of this title, or

“(3) the tariff laws of the United States.”.

(2) SOCIAL SECURITY.—

(A) APPLICATION OF AMENDMENTS MADE BY THIS ACT.—Subsection (f) of section 204 of the Social Security Act (42 U.S.C. 404) is amended to read as follows:

“(f)(1) With respect to any delinquent amount, the Commissioner of Social Security may use the collection practices described in sections 3711(f), 3716, 3717, and 3718 of title 31, United States Code and in section 5514 of title 5, United States Code, as in effect immediately after the enactment of the Debt Collection Improvement Act of 1996.”

(B) PERMANENT APPLICATION.—Subsection (c) of section 5 of the Social Security Domestic Reform Act of 1994 (Public Law 103-387) is amended by striking “and before” and all that follows and inserting a period.

(aa)(1) GUIDELINES.—The Secretary of the Treasury, in consultation with concerned Federal agencies, may establish guidelines, including information on outstanding debt, to assist agencies in the performance and monitoring of debt collection activities.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Treasury shall report to the Congress on collection services provided by Federal agencies or entities collecting debt on behalf of other Federal agencies under the

31 USC 3701
note.

31 USC 3711
note.

31 USC 3711
note.

authorities contained in section 3711(g) of title 31, United States Code, as added by subsection (m) of this section.

(3) AGENCY REPORTS.—Section 3719 of title 31, United States Code, is amended—

(A) in subsection (a)—

(i) by amending the first sentence to read as follows: “In consultation with the Comptroller General of the United States, the Secretary of the Treasury shall prescribe regulations requiring the head of each agency with outstanding nontax claims to prepare and submit to the Secretary at least once each year a report summarizing the status of loans and accounts receivable that are managed by the head of the agency.”; and

Regulations.

(ii) in paragraph (3), by striking “Director” and inserting “Secretary”; and

(B) in subsection (b), by striking “Director” and inserting “Secretary”.

(4) CONSOLIDATION OF REPORTS.—Notwithstanding any other provision of law, the Secretary of the Treasury may consolidate reports concerning debt collection otherwise required to be submitted by the Secretary into one annual report.

31 USC 3719 note.

(bb) The Director of the Office of Management and Budget shall—

31 USC 3711 note.

(1) review the standards and policies of each Federal agency for compromising, writing-down, forgiving, or discharging indebtedness arising from programs of the agency;

(2) determine whether those standards and policies are consistent and protect the interests of the United States;

(3) in the case of any Federal agency standard or policy that the Director determines is not consistent or does not protect the interests of the United States, direct the head of the agency to make appropriate modifications to the standard or policy; and

(4) report annually to the Congress on—

(A) deficiencies in the standards and policies of Federal agencies for compromising, writing-down, forgiving, or discharging indebtedness; and

(B) progress made in improving those standards and policies.

(cc)(1) ELIMINATION OF MINIMUM NUMBER OF CONTRACTS.—Section 3718(b)(1)(A) of title 31, United States Code, is amended by striking the fourth sentence.

(2) REPEAL.—Sections 3 and 5 of the Act of October 28, 1986 (popularly known as the Federal Debt Recovery Act; Public Law 99-578, 100 Stat. 3305) are hereby repealed.

31 USC 3718 notes.

FEDERAL ADMINISTRATIVE AND PERSONAL SERVICES EXPENSES

(RECISSIONS)

SEC. 31002. (a) Of the funds available to the agencies of the Federal Government, \$500,000,000 are hereby rescinded: *Provided*, That rescissions pursuant to this paragraph shall be taken only from administrative and personal services and contractual services and supplies accounts: *Provided further*, That rescissions shall be taken on a pro rata basis from funds available to every Federal

Records. agency, department, and office in the Executive Branch, including the Office of the President.

(b) Within 30 days of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House and Senate a listing of the amounts by account of the reductions made pursuant to the provisions of subsections (a) and (b) of this section.

This Act may be cited as the “Omnibus Consolidated Rescissions and Appropriations Act of 1996”.

Approved April 26, 1996.

LEGISLATIVE HISTORY—H.R. 3019 (S. 1594):

HOUSE REPORTS: No. 104–537 (Comm. of Conference).

SENATE REPORTS: No. 104–236 accompanying S. 1594 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 142 (1996):

Mar. 7, considered and passed House.

Mar. 11–15, 18, 19, considered and passed Senate, amended.

Apr. 25, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Apr. 26, Presidential statement.





Notice of your billing rights and responsibilities

The United States Treasury sets the requirements that all Federal agencies must follow in managing debts. Treasury requires agencies to provide this information along with the invoices, so that our customers are aware of the steps that we and/or Treasury must take if debts are not paid 60 days or more after the date of the invoice.

Our Agency's Rights and Responsibilities

- **Mail invoices** directly to customers immediately following creation
- **Suspend all services** to you and/or your agency, as applicable
- **Refer the debt to US Treasury by 120 days delinquent** (31 USC 3716(c)(6)). US Treasury may pursue the following actions:
 - Add agency interest, penalties, and administrative fees to the principle debt amount (31 USC 3717)
 - Add Treasury interest, penalties, and administrative fees to the total debt amount (up to 32% in additional fees, plus interest and penalties)
 - Offset the debtor's Federal payments, including income tax refunds, salary, certain benefit payments (such as Social Security), retirement, vendor, and travel reimbursements and advances
 - Refer the debt to a private collection agency (additional fees will apply)
 - Report the debt to a credit bureau
 - Garnish the debtor's wages through administrative wage garnishment (no court order required)
 - Refer the debt to the Department of Justice for litigation (comply with Executive Order 12988 - additional fees will apply)

Your Rights and Responsibilities

To avoid US Treasury referral and incurring additional debts, you must do one of the following:

- **Pay your debt.** For payment options, see the enclosed document titled "Payments to USDA APHIS Instructions".
- **Agree to a payment plan.** If you are unable to pay your debt in full, you must contact USDA, APHIS, Accounts Receivable at the below listed contacts, agree to a payment plan acceptable to the USDA, and make payments required in the payment plan.
- **Dispute the debt.** If you believe that all or part of the outstanding debt is not owed, you must submit your dispute in writing to the email address listed below within 30 days.
- **Notify of bankruptcy status.** If you have filed bankruptcy and an automatic stay is in effect, you are not subject to Treasury referral. Please notify us and submit evidence of your bankruptcy status.

Additional rights and responsibilities (these do not stop referral to US Treasury):

- **Notify us** if your address or contact information has changed via the below listed contacts.
- **False or frivolous claims.** If you make or provide any knowingly false or frivolous statements, representations, or evidence, you may be liable for penalties under the False Claims Act 31 USC 3729-3731, and/or criminal penalties under 18 USC 286, 287, 1001, and 1002.
- **Excess collections** will be refunded to you, unless prohibited by law.





Payments to USDA APHIS Instructions

The procedures below are for payments to the USDA APHIS. Payments are accepted via Check, Money Order, ACH, Wire Transfer, PayPal, Debit Card, and Credit Card. Debit Card, Credit Card, PayPal, or ACH payments can be made at www.pay.gov

Check or Money Order: Make payable to “**USDA, APHIS.**” Checks drawn from a foreign bank must say “**Payable in US Dollars**”. Mail your payment to the lockbox address

Regular Mail:
USDA, APHIS, Miscellaneous
P.O. Box 979043
St. Louis, MO 63197-9000

Overnight mail only:
US Bank
Attn: Govt Lockbox
1005 Convention Plaza
St. Louis, MO 63197-9000
Phone 314-418-6635

Bank ACH: are processed through Remittance Express by the Federal Reserve Bank of Richmond.

You will need the following information to remit a payment via ACH, if not using pay.gov:

ABA: 051036706
Name on Account: USDA, MRP, APHIS Account
Number: 540021

Wire Transfers: are processed through the Federal Reserve Bank of New York.

You will need the following information to remit a payment via Wire Transfer:

ABA: 021030004
Name on Account: USDA, APHIS
Account Number: 12403400

DO NOT USE THE BANK SWIFT CODE for any Wire Transfers.

This may cause your payment to be rejected.

International Wire Transfers: Must be sent through a US correspondent bank (i.e. third party or intermediary bank) before going to the Federal Reserve Bank of New York. The US correspondent bank information should be in **bold**.

****NOTE:** Any fees associated with the financial transaction chosen (i.e., **Bank funds transfer, credit card, etc.**) are the responsibility of the remitter. Please check with your financial institution for fee considerations.

Questions: Contact the ABS Helpline for any assistance in making a payment to the USDA APHIS either by phone at 612-336-3400 or 877-777-2128 or by email at ABShelpline@usda.gov. You must leave a voicemail message when calling the phone number and the correct account manager will return the call.



MARC GONZALES
DIRECTOR

DEPARTMENT OF FINANCE

PUBLIC SERVICES BUILDING

2051 KAEN ROAD | OREGON CITY, OR 97045

July 19, 2018

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of a FY 18/19 Work and Financial Plan with United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) for Predator Management

Purpose/Outcome	FY 18/19 Work and Financial Plan for predator control.
Dollar Amount and fiscal Impact	The maximum contract value of \$73,418.49 for the County portion of these activities is included in the Clackamas County fiscal year 2018-2019 budget.
Funding Source	General Fund in conjunction with state, federal and private partners
Duration	July 1, 2018 through June 30, 2019
Previous Board Action/Review	May 2, 2013 the five year Cooperative Service Agreement with the USDA APHIS WS for Predator Management was approved and signed, new 5 year CSA submitted for Approval at July 19, 2018 meeting.
Strategic Plan Alignment	Aligns with County strategic priority by helping to ensure safe, healthy and secure communities.
Contact Person	Marc Gonzales, 503-742-5405
Contract No.	Agreement 18-7341-5111-RA

BACKGROUND: Clackamas County's intergovernmental agreement with the federal agencies listed above for County Trapper Services was adopted and signed May 2, 2013, and a new 5 year agreement is being submitted for approval at the July 19th, 2018 meeting. The agreement provides predator control where wild animals and birds may carry disease or threaten injury to County public and private resources.

Each year a separate Work Plan and Proposed Budget, representing the next fiscal year portion of this predator control program, is presented to the Board of County Commissioners for approval. The FY 18/19 Work and Financial Plan under consideration was initiated by the federal agency in cooperation with its partners. An opportunity was provided for the Wildlife Services, in cooperation with the County, to adjust service delivery to accommodate County budgetary constraints.

This document has been reviewed and approved by County Counsel.

RECOMMENDATION: Staff respectfully recommends the Board approve the attached FY 18/19 Work and Financial Plan for County predator control and wildlife damage management in order to meet the federal deadline. This contract is consistent with the County's anticipated budget for the FY 2018-2019. Thank you.

Sincerely,

Marc Gonzales
Finance Director



United States
Department of
Agriculture

Friday, June 22, 2018

Animal and
Plant Health
Inspection
Service

Clackamas County
2051 Kaen Rd.
Oregon City, OR, 97045

Dear Clackamas County,

Wildlife
Services

Enclosed are three copies of the documents needed for wildlife damage prevention and management services for Clackamas County from July 01, 2018 through June 30, 2019.

Oregon State Office

6135 NE 80th Ave.
Suite A-8
(503) 326-2346

If the documents are agreeable to Clackamas County please have an authorized representative sign all three copies and send all three copies back to our office. A fully executed copy will be sent to Clackamas County when completed. Please note: that a new CSA is included as it has been 5 years since it was last signed. Please ensure that it is signed and included with the WFP.

I welcome the opportunity to address your questions or concerns. Please contact me by email at Kizma.L.Button@aphis.usda.gov or by phone 503-326-2346

Thank you for the opportunity to serve you,

A handwritten signature in blue ink that reads "Kizma L. Button". The signature is written in a cursive style and is positioned above a long, thin blue horizontal line that extends across the width of the page.

Kizma L. Button
Supervisory Budget Analyst

Enclosure

CC: Brian Thomas in Salem, Oregon (503) 399-5814



Safeguarding American Agriculture
APHIS is an agency of USDA's Marketing and Regulatory Programs

An Equal Opportunity Provider and Employer

ACMS Agreement Activity Codes Distribution Worksheet

AGREEMENT NUMBER

18-7341-5111-RA

COOPERATOR

Clackamas County

Performance Period

July 1, 2018

June 30, 2019

Instructions: Use the following worksheet to distribute estimated funds among the appropriate ACMS Activity Codes by entering the percentage in the Funds Distribution Column. The worksheet will automatically calculate the dollar value.

ACMS Agreements Activity Description	Funds Distribution Percentage	Estimated Fund Allocation
Agriculture/Aquaculture	0%	\$ -
Agriculture/Crops	0%	\$ -
Agriculture/Livestock	40%	\$ 29,367.40
Airport Wildlife Hazards	0%	\$ -
Aviation Training and Ops	0%	\$ -
Beaver Management	0%	\$ -
Dble Crested Cormorant Dmg to Aquaculture and Natural Resources	0%	\$ -
Feral Swine	0%	\$ -
Feral Swine/Aerial Operation	0%	\$ -
Feral Swine/Special	0%	\$ -
Forest & Range	0%	\$ -
General	0%	\$ -
Human Health & Safety	30%	\$ 22,025.55
Invasive Species	0%	\$ -
Invasive Species/Brown Tree Snake	0%	\$ -
Invasive Species/Nutria	0%	\$ -
Methods Development	0%	\$ -
Migratory Bird Mgmt	0%	\$ -
Migratory Bird Mgmt/Gulls	0%	\$ -
Migratory Bird Mgmt/Vultures	0%	\$ -
Migratory Bird Mgmt/Waterfowl	0%	\$ -
Migratory Birds/Blackbirds	0%	\$ -
Natural Resources/Endangered Species	0%	\$ -
Predator Control	0%	\$ -
Protection of Property	30%	\$ 22,025.55
Rabies	0%	\$ -
Rabies/Oral Rabies Vaccine	0%	\$ -
Rabies/Trap-Vaccinate-Release, Field	0%	\$ -
Research	0%	\$ -
Surveillance Avian Health	0%	\$ -
Symposium	0%	\$ -
Threatened and Endangered Species	0%	\$ -
Wildlife Disease Monitoring	0%	\$ -
AGREEMENT AMOUNT	100%	\$ 73,418.49

**USDA APHIS WILDLIFE SERVICES
WORK AND FINANCIAL PLAN**

COOPERATOR:	CLACKAMAS COUNTY
COOPERATIVE AGREEMENT NO.:	18-7341-5111-RA
ACCOUNT NO.:	AP.RA.RX41.73.0550
AGREEMENT DATES:	July 1, 2018 – June 30, 2019
AGREEMENT AMOUNT:	\$73,418.49

Pursuant to Cooperative Service Agreement No. 18-7341-5111-RA between Clackamas County and the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services (APHIS-WS), this Work and Financial Plan defines the objectives, plan of action, resources and budget for cooperative wildlife services program.

OBJECTIVES/GOALS

APHIS-WS objective is to provide professional wildlife management assistance to reduce or manage damage caused by coyotes and other nuisance wildlife to protect property and human health and safety.

Specific goals are:

1. To provide direct assistance for Clackamas County from wildlife conflicts or damage.
2. To provide assistance in the form of educational information.

PLAN OF ACTION

The objectives of the wildlife damage management program will be accomplished in the following manner:

1. APHIS-WS will provide technical assistance and or direct management at times and locations for where it is determined there is a need to resolve problems caused by wildlife. Lethal management efforts will be directed towards specific offending individuals or local populations. Method selection will be based on an evaluation of selectivity, humaneness, human safety, effectiveness, legality, and practicality. Technical Assistance: APHIS-WS personnel may provide verbal or written advice, recommendations, information, demonstrations or training to use in managing wildlife damage problems. Generally, implementation of technical assistance recommendations is the responsibility of the resource/property owner.
Direct Management: Direct management is usually provided when the resource/property owner's efforts have proven ineffective and or technical assistance alone is inadequate. Direct management methods/ techniques may include trap equipment, shooting, and other methods as mutually agreed upon.
2. APHIS-WS District Supervisor Brian Thomas in Salem, Oregon (503) 399-5814 will supervise this project. This project will be monitored by David E. Williams, State Director, Portland, Oregon (503) 326-2346.
3. APHIS-WS will bill Clackamas County quarterly for actual costs incurred in providing service, not to exceed \$73,418.49 annually.
4. In accordance with the Debt Collection Improvement Act (DCIA) of 1996, bills issued by APHIS-WS are due and payable within 30 days of the invoice date. The DCIA requires that all debts older than 120 days be forwarded to debt collection centers or commercial collection agencies for more aggressive action Debtors have the option to verify, challenge and compromise claims, and have access to administrative appeals procedures which are both reasonable and protect the interests of the United States.

STIPULATIONS AND RESTRICTIONS:

1. All operations shall have the joint concurrence of APHIS-WS and Clackamas County and shall be under the direct supervision of APHIS-WS. APHIS-WS will conduct the program in accordance with its established operating policies and all applicable state and federal laws and regulations.
2. APHIS-WS will cooperate with the Oregon Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, Oregon Department of Transportation, Oregon Fire marshal's Office, county and local city governments, and other entities to ensure compliance with Federal, State, and local laws and regulations.
3. Control on Non-Private Lands: An agreement for Control of Animal Damage on Non-Private Property (WS Form 12A) will be executed between APHIS-WS and the landowner, lessee, or administrator before any APHIS-WS work is conducted and will need to be renewed.

COST ESTIMATE FOR SERVICES:

Salary including possible overtime, benefits, vehicle, supplies and material costs charged at actual cost. The distribution of the budget for this work plan may vary as necessary to accomplish the purpose of this Agreement.

AUTHORIZATION:

Clackamas County
Attn: Accounts Payable
2051 Kaen Rd.
Oregon City, OR 97045

Representative, Clackamas County

Date

UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION
SERVICE WILDLIFE SERVICES

State Director, Oregon

Date

Director, Western Region

Date

FINANCIAL PLAN
 For the disbursement of funds from
 Clackamas County

to
 USDA APHIS Wildlife Services
 for

wildlife management assistance to reduce or manage damage caused by coyotes and other nuisance
 wildlife to protect property and human health and safety

from
 July 1, 2018
 to
 June 30, 2019

Cost Element		Cost to Cooperator	Cost Share (Paid by Federal Appropriations)	100% ¹ of 1 FTE(s) for FY 18-19
Personnel Compensation		\$ 44,936.97	\$ 21,945.66	\$ 66,882.62
Vehicles		\$ 8,045.58	\$ 3,929.18	\$ 11,974.76
Hires & Reimbursements		\$ 2,070.68	\$ 1,011.25	\$ 3,081.92
Supplies and Materials		\$ 1,349.36	\$ 658.98	\$ 2,008.35
Equipment/Training		\$ 1,339.05	\$ 653.95	\$ 1,992.99
Subtotal (Direct Charges)		\$ 57,741.64	\$ 28,199.02	\$ 85,940.65
Pooled Job Costs	11.00%	\$ 6,351.58	N/A	N/A
Indirect Costs	16.15%	\$ 9,325.27	N/A	N/A
Agreement Total:		\$ 73,418.49	\$ 28,199.02	\$ 101,617.51
Percentage Cost Share		67.19%	32.81%	100.00%

The distribution of the budget from this Financial Plan may vary as necessary to accomplish the purpose of this agreement, but may not exceed: \$73,418.49.