The Claims Collection Act, as amended by the Debt Collection Improvement Act, gives the federal government an array of extra-judicial collection powers. The Act applies to any “claim” or “debt,” which is defined as “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.” The statute further defines the term “claim” to include a variety of specific types of debt, and “other amounts of money or property owed to the government.”

It is unclear whether fines imposed in federal criminal prosecutions would fall within this statute because a judge hearing a case may not be “an appropriate official of the Federal Government” though a fine might qualify as an “amount[] of money . . . owed to the government.” The statute is unlikely to apply to restitution awards, as they are owed to third parties, not the federal government. However, it does seem clear that the statute at least applies to financial obligations that might be imposed by the federal prison or probation system. To the extent that this statute applies to criminal justice debt, it authorizes administrative wage garnishment and administrative offset of federal benefits, tax refunds, and other payments. The limits on what can be seized through these collection mechanisms are discussed in § 10.2.

Footnotes

158 31 U.S.C. §§ 3701 to 3720E. See generally Ch. 10 [2], supra.


