

Public Law 102-589
102d Congress

An Act

To amend the Cash Management Improvement Act of 1990 to provide adequate time for implementation of that Act, and for other purposes.

Nov. 10, 1992
[H.R. 5377]

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

Cash
Management
Improvement
Act
Amendments of
1992.
31 USC 6501
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cash Management Improvement Act Amendments of 1992".

SEC. 2. AMENDMENTS TO THE CASH MANAGEMENT IMPROVEMENT ACT OF 1990.

The Cash Management Improvement Act of 1990 (Public Law 101-453, 104 Stat. 1058) is amended—

(1) in section 4(c) (31 U.S.C. 3335 note), by striking "by the date which is 2 years after the date of the enactment of this Act";

(2) in section 5 (31 U.S.C. 6503 note)—

(A) in subsection (d)(1), by striking "not later than 2 years after the date of enactment of this Act" and inserting "July 1, 1993 or the first day of a State's fiscal year beginning in 1993, whichever is later";

(B) in subsection (d)(2), by striking "2 years after the date of enactment of this Act" and inserting "on July 1, 1993 or the first day of a State's fiscal year beginning in 1993, whichever is later"; and

(C) in subsection (e), by striking "2 years after the date of enactment of this Act" and inserting "on July 1, 1993 or the first day of a State's fiscal year beginning in 1993, whichever is later"; and

(3) in section 6 (31 U.S.C. 6503 note), by striking "Four" and inserting "Five".

SEC. 3. INTERNAL REVENUE SERVICE TAX REFUND OFFSET.

Section 3720A of title 31, United States Code, is amended—

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

"(a) Any Federal agency that is owed a past-due legally enforceable debt (other than any past-due support), including debt administered by a third party acting as an agent for the Federal Government, by a named person shall, in accordance with regulations issued pursuant to subsections (b) and (d), notify the Secretary of the Treasury at least once a year of the amount of all such debt.";

(2) in subsection (b)—

(A) in paragraph (3) by striking out "and" at the end thereof;

(B) in paragraph (4) by striking out "to obtain payment of such debt." and inserting in lieu thereof "(determined on a government-wide basis) to obtain payment of such debt; and"; and

(C) by adding at the end thereof the following new paragraph:

“(5) certifies that reasonable efforts have been made by the agency (pursuant to regulations) to obtain payment of such debt.”;

(3) by redesignating subsection (g) as subsection (h);

(4) in subsection (h) (as redesignated under paragraph (3) of this section)—

(A) in paragraph (2) by striking out “and” at the end thereof;

(B) in paragraph (3) by adding “; and” at the end thereof; and

(C) by adding after paragraph (3) the following new paragraph:

“(4) the term ‘person’ means an individual; or a sole proprietorship, partnership, corporation, nonprofit organization, or any other form of business association.”; and

(5) by inserting after subsection (f) the following:

“(g) In the case of refunds of business associations, this section shall apply only to refunds payable on or after January 1, 1995. In the case of refunds of individuals who owe debts to Federal agencies that have not participated in the Federal tax refund offset program prior to the date of enactment of this subsection, this section shall apply only to refunds payable on or after January 1, 1994.”.

SEC. 4. EXTENSION OF THE PRIVATE COUNSEL PILOT.

31 USC 3718
note.

(a) **EXTENSION OF PROGRAM.**—The pilot debt collection program carried out by the Attorney General under section 3718 (b) and (c) of title 31, United States Code, as authorized and directed under section 3 of the Act entitled “An Act to amend section 3718 of title 31, United States Code, to authorize contracts retaining private counsel to furnish legal services in the case of indebtedness owed the United States.” approved October 29, 1986 (37 U.S.C. 3718 note; Public Law 99-578) is extended through September 30, 1996.

31 USC 3718
note.

(b) **EXTENSION OF JUDICIAL DISTRICTS.**—Section 3 of such Act is amended by striking out “not more than 10” and inserting in lieu thereof “not more than 15”.

31 USC 3718
note.

(c) **EXTENSION OF AUTHORIZATION.**—Section 5 of such Act is amended by striking out all after “effect” and inserting in lieu thereof “until September 30, 1996.”.

31 USC 3718
note.

(d) **CONTRACT EXTENSION.**—The Attorney General may extend or modify any or all of the contracts entered into with private counsel prior to October 1, 1992, for such time as is necessary to conduct a full and open competition in accordance with section 3718(b) of title 31, United States Code.

31 USC 3718
note.

SEC. 5. AUDIT BY INSPECTOR GENERAL.

(a) **CONTENTS OF AUDIT.**—The Inspector General of the Department of Justice shall conduct an audit, for the period beginning on October 1, 1991, and ending on September 30, 1994, of the actions of the Attorney General under subsection (b) of section 3718 of title 31, United States Code, under the pilot program referred to in section 3 of the Act entitled “An Act to amend section 3718 of title 31, United States Code, to authorize contracts retaining private counsel to furnish legal services in the case of indebtedness owed the United States.”, approved October 29, 1986

(37 U.S.C. 3718 note; Public Law 99-578). The Inspector General shall determine the extent of the competition among private counsel to obtain contracts awarded under such subsection, the reasonableness of the fees provided in such contracts, the diligence and efforts of the Attorney General to retain private counsel in accordance with the provisions of such subsection, the results of the debt collection efforts of private counsel retained under such contracts, and the cost-effectiveness of the pilot project compared with the use of United States Attorneys' Offices for debt collection.

(b) REPORT TO CONGRESS.—After completing the audit under subsection (a), the Inspector General shall transmit to the Congress, not later than June 30, 1995, a report on the findings, conclusions, and recommendations resulting from the audit.

SEC. 6. ADDITIONAL REPORTING REQUIREMENTS ON CONTRACTS FOR LEGAL SERVICES.

Section 3718 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

“(g) In order to assist Congress in determining whether use of private counsel is a cost-effective method of collecting Government debts, the Attorney General shall, following consultation with the General Accounting Office, maintain and make available to the Inspector General of the Department of Justice, statistical data relating to the comparative costs of debt collection by participating United States Attorneys' Offices and by private counsel.”

SEC. 7. EFFECTIVE DATE.

The provisions of this Act and amendments made by this Act shall take effect on the date of enactment of this Act, except if such date of enactment is on or after October 1, 1992, such provisions and amendments shall be effective as if enacted on September 30, 1992.

31 USC 3718
note.

Approved November 10, 1992.

LEGISLATIVE HISTORY—H.R. 5377 (S. 2970):

SENATE REPORTS: No. 102-420 accompanying S. 2970 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 138 (1992):

July 21, considered and passed House.

Oct. 2, considered and passed Senate, amended, in lieu of S. 2970.

Oct. 3, House concurred in Senate amendment.