

FISCAL YEAR 2009 REPORT
TO THE CONGRESS

U.S. GOVERNMENT RECEIVABLES

AND

DEBT COLLECTION ACTIVITIES

OF FEDERAL AGENCIES



Department of the Treasury
March 2010

**FISCAL YEAR 2009 REPORT TO THE CONGRESS
U.S. GOVERNMENT RECEIVABLES AND
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OF
FEDERAL AGENCIES**

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I - EXECUTIVE SUMMARY

A - STATUTORY REQUIREMENT TO REPORT

The Debt Collection Act of 1982 as amended by the Debt Collection Improvement Act of 1996 (DCIA) directs the Secretary of the Treasury (Secretary) to report to Congress annually on the management of debt collection activities by the head of each Federal agency. This report includes information that the agency heads provide to the Secretary on the status of their accounts receivables, loans, and delinquent debts. See 31 U.S.C. § 3719.

B - SCOPE OF REPORT

This report summarizes the information provided by Federal agencies concerning their receivables as reported to the Department of the Treasury (Treasury) and as contained in the Treasury Report on Receivables and Debt Collection Activities (TROR). It includes information about receivables, collections on receivables, delinquencies, collections on delinquencies, and write-offs.

As a point of clarification, receivables and delinquencies as reported on the TROR do not include debts that have been written-off. Debts that are written-off are classified as either Currently-Not-Collectible (CNC) or as closed out on the TROR. Though written-off and not counted as receivables or delinquencies in the TROR, debts that are classified as CNC are included when determining eligibility for mandatory referral to Treasury for offset and Cross-Servicing. See *Referral to Treasury Under the DCIA*, Part II, Section B of this report.

This report also summarizes key governmentwide actions to collect delinquent debt, a specific concern that led to the passage of the DCIA. Additionally, this report highlights several special and/or unique collection activities and accomplishments by certain Federal agencies.

C - SUMMARY

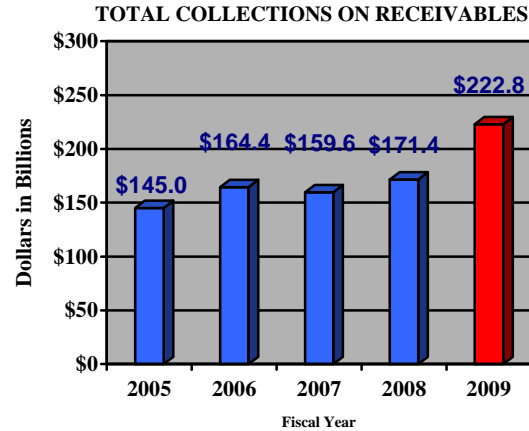
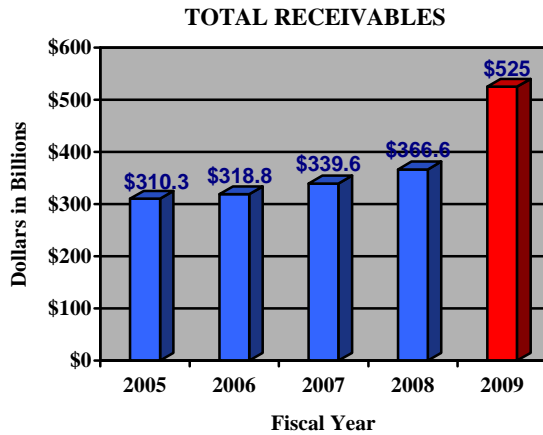
- Since the enactment of the DCIA in April 1996, through September 30, 2009, \$42.5 billion has been collected to pay delinquent debts through Treasury's Financial Management Service's (FMS) Treasury Offset Program (TOP) and Cross-Servicing Program (Cross-Servicing).
- Total collections by FMS on delinquent debts through TOP and Cross-Servicing, exclusive of offset of the 2009 stimulus and economic recovery payments, were \$4.86 billion in FY 2009. This is the highest amount collected by FMS in a single fiscal year since FMS began governmentwide delinquent debt collection programs in 1996. Annual collections through these programs have averaged over \$3.9 billion during the last five years. An additional \$279 million was collected through TOP from the 2009 stimulus and economic recovery payments for an FMS FY 2009 total of \$5.1 billion.
- In FY 2009, the Department of Justice (DOJ) collected \$2.9 billion in cash recoveries on delinquent debts owed to Federal agencies through its civil litigation program. DOJ has collected a total of \$15.9 billion through civil litigation in the last five fiscal years.
- In FY 2009, private collection agencies (PCAs) under contract with the Department of Education (Education), the Department of Health and Human Services (HHS) and FMS had referrals of \$30.9 billion in delinquent Federal debt. These PCAs collected \$786 million in FY 2009.
- The Federal Government collected \$222.8 billion in FY 2009 on all of its non-tax receivables. See *Appendix I, Federal Receivables and Delinquent Debt*.

D – LEGISLATIVE AGENDA : FMS

Three proposals to enhance FMS's debt collection program were contained in the President's 2010 budget:

1. Expansion of the exception to the requirement for pre-levy collection due process to include levies issued to collect federal tax liabilities from federal vendor payments.
2. Technical Correction to authorize the Internal Revenue Service to levy 100 percent of all vendor payments, including payments for the purchase and lease of real estate, to collect delinquent taxes.
3. Expansion of the tax refund offset program to authorize FMS to collect all State unemployment insurance debts, not only the debts resulting from fraud.

II - GOVERNMENT DEBT PORTFOLIO, COLLECTIONS AND WRITE-OFFS

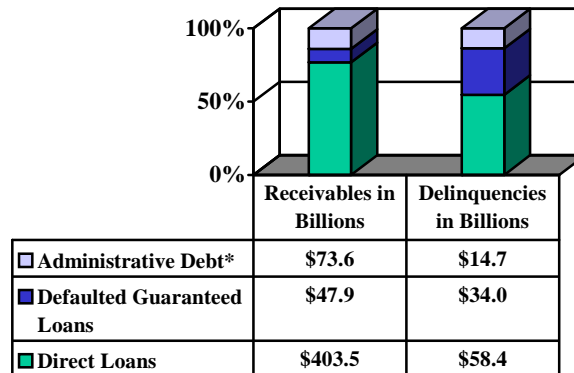


A - FISCAL YEAR-END DATA

1. Receivables and Delinquencies

- The FY 2009 total receivables of \$525 billion represented an increase of \$158.5 billion from the previous year, and total delinquencies of \$107.2 billion represented an increase of \$32.7 billion.
- At the end of FY 2009, Federal loan programs (direct and guaranteed) comprised 86 percent of total receivables, up from 82.4 percent at the end of FY 2008. Federal loan programs comprised 87 percent of total delinquencies, also up from 78 percent at the end of FY 2008.

Distribution of Receivables and Delinquencies
as of 9/30/09



*Examples: Fines, penalties and overpayments.

Federal loan programs are authorized when private sector credit is unavailable or inadequate, and a Federal objective is to be achieved. Accordingly, Federal loan receivables occur in programs that serve the public interest and are of relatively high risk of default. As these receivables increase, normally delinquencies will correspondingly increase.

- The two agencies with the largest total receivables at the end of FY 2009 are Education (\$242.6 billion) and the Department of Agriculture (USDA) (\$109.5 billion). Receivables from these two agencies comprise 67 percent of the Government's total receivables (Education-47 percent and USDA 21 percent).
- Two types of Education receivables accounted for almost all of its receivables: Federal Direct Student Loans (\$209.2 billion), and Defaulted Guaranteed Student Loans (\$32.5 billion).
- Five program areas of the USDA accounted for over \$104 billion of its receivables: Rural Electric & Telephone Revolving Fund (\$43.4 billion), Rural Housing Insurance Fund (\$26.1 billion), Commodity Credit Corporation (\$13.8 billion), Rural Development Insurance Fund (\$13.9 billion), and Farm Service Agency (\$7.4 billion).

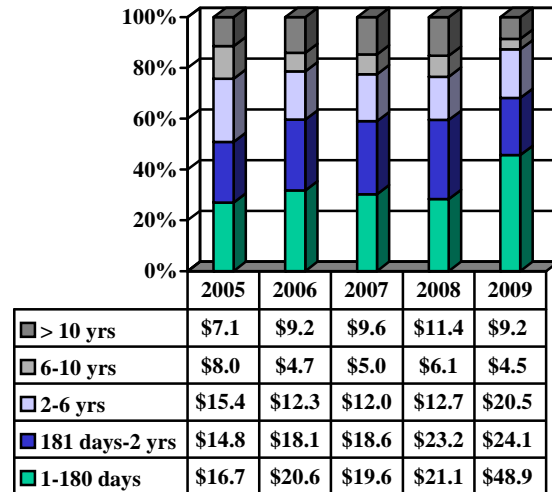
Comments on Receivables Data

- Contributing to the FY 2009 increase in total receivables were a \$145.2 billion increase in direct and guaranteed loans at Education, a \$56.6 billion increase at Treasury resulting primarily from the Troubled Asset Relief Program (TARP), and a \$10.5 billion increase at the National Credit Union Administration due to the agency's financial assistance to the corporate credit union system under its Corporate Stabilization Program. Education's direct student loan portfolio has grown significantly over the last several years and this trend is continuing. That portfolio has increased from \$71.8 billion at the end of FY 2001 to \$209.2 billion at the end of FY 2009, and by \$85.6 billion in FY 2009 alone.
- Collections Note: Education breaks out its loan consolidations from the amount it reports as Collections on Receivables in the Treasury Report on Receivables (TROR). At one time, it had reported those consolidations with collections because it considers them to be collections. Therefore, Education's consolidations have been added to its collections in this report to arrive at the total agency and governmentwide collections amount.

Additional Delinquent Debt Data

- With the increase in total receivables, there was also an increase in total delinquencies, which rose by 43.9 percent or \$32.7 billion. The chart to the right provides the breakdown, in billions, of those delinquencies by age.

Aging of Government-wide Delinquencies



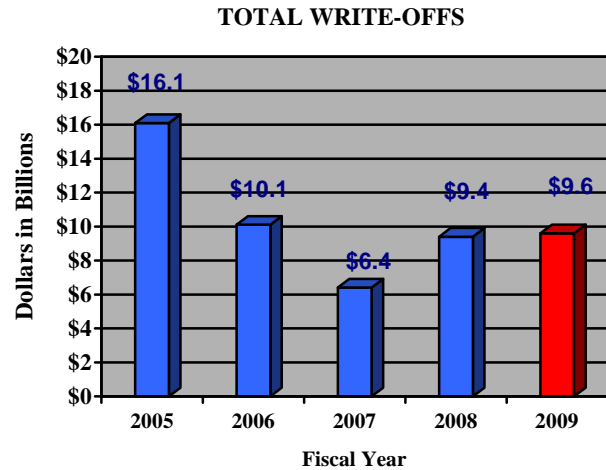
- At the end of FY 2009, \$96.8 billion (91 percent) of the Government’s delinquent debts were distributed among six agencies: Education, Treasury, the Department of Defense (DOD), the Small Business Administration (SBA), the Social Security Administration (SSA), and USDA.

Agency	Delinquencies (in billions)	
	FY 2009	% Change from FY 2008
Education	\$55.6	+16%
Treasury	\$24.8	+119,805% *
DOD	\$4.7	+2%
SBA	\$4.2	+79%
SSA	\$3.9	+6%
USDA	\$3.5	+6%
TOTAL OF ABOVE	\$96.8	+32%
TOTAL GOV'T	\$107.2	+44%

* The large percentage increase in Treasury’s FY 2009 delinquencies was due to the sharp rise in new receivables in the Automotive Industry Financing Program component of the Department’s Troubled Asset Relief Program (TARP). TARP was established under the Emergency Economic Stabilization Act of 2008 (EESA) to ensure the overall stability and liquidity of the financial system.

2. Write-offs

- Total write-offs in FY 2009 remained steady, increasing only slightly from FY 2008 by \$169 million.
- The amount of write-offs in FY 2005 was high because of a greater adherence by agencies to established write-off policy (See OMB Circular No. A-129). Beginning in the third quarter of FY 2004, OMB began to specifically monitor the Federal program agencies' write-off policies and practices. Also, FMS published additional guidance on write-off that year and continues to provide ongoing training to the agencies on the topic. Specifically, there were substantial one-time write-offs in FY 2005 by the Federal Communications Commission (FCC) and the Department of Energy.



- OMB continues to monitor agency adherence to write-off policy. However, it should be noted that, while OMB guidance *generally* requires write-off when debts are two years delinquent, agencies do not write off debts when material collections can be documented to occur after two years.
- The largest increases in write-offs were at USDA (\$472 million, up 48 percent) and the Environmental Protection Agency (EPA) (\$285 million, up 6,251 percent). The largest decrease was at Education (\$862 million, down 32 percent).

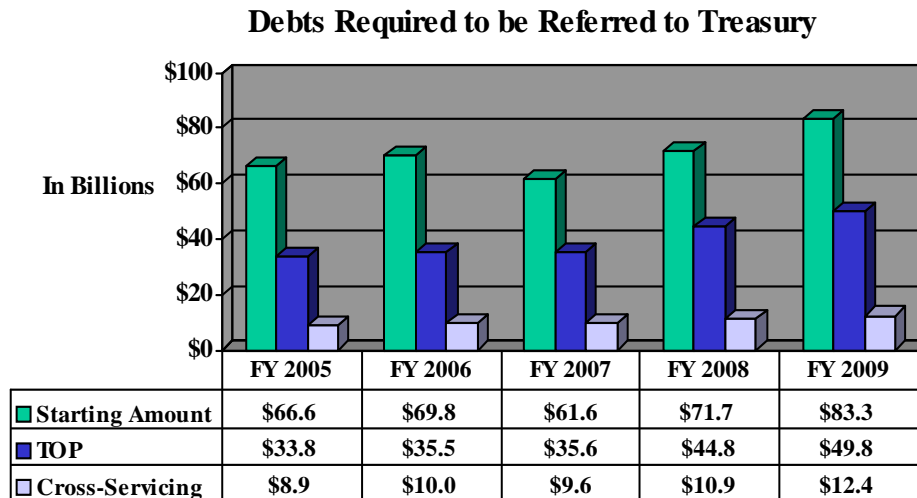
3. Interest, Penalties and Costs

Agencies charge interest, penalties and administrative costs on receivables in accordance with applicable loan documents and statutory requirements. See, e.g., 31 U.S.C. 3717. Of the \$525 billion in receivables at the end of FY 2009, \$14.6 billion represents unpaid interest, penalties and administrative costs.

B - REFERRAL TO TREASURY UNDER THE DCIA

- The DCIA specifically mandates that Federal agencies refer non-tax debts more than 180 days delinquent to Treasury for collection through its Treasury Offset (TOP) and/or Cross-Servicing programs.

Certain debts are not eligible for referral to Treasury for either TOP or Cross-Servicing. Debts that are ineligible for both TOP and Cross-Servicing include those under appeal or in forbearance, litigation, foreclosure, or bankruptcy. Debts owed by foreign sovereigns are exempt from both TOP and Cross-Servicing. Additional exemptions from Cross-Servicing include debts at PCAs, debts being collected by internal offset, and debts exempted from Cross-Servicing by Treasury. In the chart below, these ineligible and exempt debts are subtracted from the “Starting Amount,” which is comprised of debts more than 180 days delinquent including those classified as Currently-Not-Collectible, to determine the debts required to be referred for TOP offset and Cross-Servicing.



- At the end of FY 2009, debts eligible for referral to TOP increased by \$5 billion, and debts eligible for Cross-Servicing increased by \$1.6 billion from amounts reported in FY 2008. During FY 2009, FMS and the reporting agencies continued to work cooperatively to improve the accuracy of these eligibility numbers.

III - GOVERNMENTWIDE DELINQUENT DEBT COLLECTION ACTIVITIES

A - TREASURY OFFSET PROGRAM (TOP)

1. Description

Offset

Offset is a program whereby Federal payments are reduced or "offset" to satisfy a person's overdue Federal non-tax debt, child support obligation, and/or state debt. Offset referrals and collections are indicated in the charts on the next two pages. For FY 2008 and FY 2009, the collections are broken out between total amounts collected, which include amounts collected by offset of the stimulus and economic recovery (ERP) payments, and amounts collected from offset of other payments.

Reciprocal Offset Agreements with States

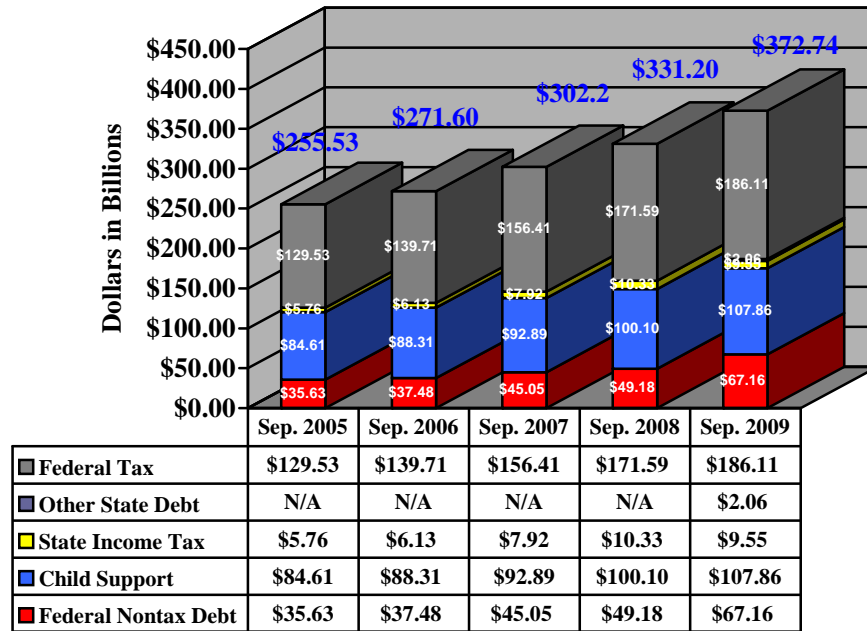
Under a provision in the DCIA, Treasury and the states are authorized to enter into reciprocal agreements to collect each other's debts. Under these agreements, Treasury can collect unpaid state debt by offsetting Federal non-tax payments, and states can collect delinquent Federal non-tax debt by offsetting state payments. Two states, Maryland and New Jersey, have signed such agreements with Treasury and are participating in the program. New York has signed an agreement and began participation in January 2010. Kentucky is preparing for participation by January 2011. Several other states have expressed interest in the program.

Federal Payment Levy Program

The Federal Payment Levy Program (FPLP) is the program whereby delinquent Federal income tax debts are collected by levying non-tax payments, as authorized by the Taxpayer Relief Act of 1997. Continuous tax levy collections are indicated in the chart on the next page.

2. Referrals

TOTAL DEBT REFERRALS TO THE TREASURY OFFSET PROGRAM



3. Collections FY 2004 – FY 2008

FY 2004 – FY 2008 Collections Through TOP In Millions of Dollars						
Type of Collection	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008 With Stimulus	FY 2008 Without Stimulus
Administrative Offset*	\$109	\$123	\$144	\$187	\$244	\$244
Tax Refund Offset – Child Support	\$1,487	\$1,580	\$1,582	\$1,696	\$2,830	\$1,989
Tax Refund Offset – Federal Non-tax Debt	\$974	\$990	\$989	\$1,195	\$1,948	\$1,373
Tax Refund Offset – State Income Tax Debt	\$218	\$232	\$216	\$219	\$378	\$289
Continuous Tax Levy	\$114	\$197	\$303	\$343	\$400	\$400
Total Collected	\$2,902	\$3,123	\$3,234	\$3,640	\$5,800	\$4,295

*Offset of nontax payments (i.e., payments other than tax refunds) to collect delinquent State and Federal debts.

NOTE: This chart does not include collections made in the State Reciprocal Offset Program (Other State Debt), which was implemented at the end of FY 2008. This data is presented in a separate FY 2009 chart on the next page.

4. Collections - FY 2009

FY 2009 Collections Through TOP in Millions of Dollars				
Type of Collection	FY 2009 With Stimulus	FY 2009 Without Stimulus	FY 2009 With ERP	FY 2009 Without ERP
Administrative Offset – Child Support	N/A	N/A	\$5	\$5
Administrative Offset – Federal Non-tax Debt	N/A	N/A	\$524	\$299
Administrative Offset – State Income Tax Debt	N/A	N/A	\$13	\$7
Administrative Offset – Other State Debt	N/A	N/A	\$12	\$8
Administrative Offset – Continuous Tax Levy	N/A	N/A	\$497	\$497
Tax Refund Offset – Child Support	\$2,066	\$2,042	N/A	N/A
Tax Refund Offset – Federal Nontax Debt	\$1,400	\$1,385	N/A	N/A
Tax Refund Offset – State Income Tax Debt	\$368	\$363	N/A	N/A
Total Collected	\$3,834	\$3,790	\$1,051	\$816

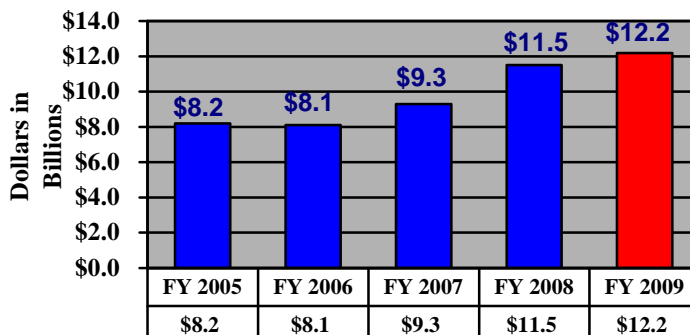
B - CROSS-SERVICING

1. Description

Cross-Servicing is the process whereby agencies refer delinquent Federal non-tax debts to FMS’s Debt Management Services (DMS) for collection. Treasury utilizes a variety of collection tools once agencies refer their debts. Collection tools include Treasury demand letters, telephone calls to debtors, referral of debts to TOP, credit bureau reporting, use of PCAs, referral of debts to DOJ for litigation, and administrative wage garnishment (AWG).

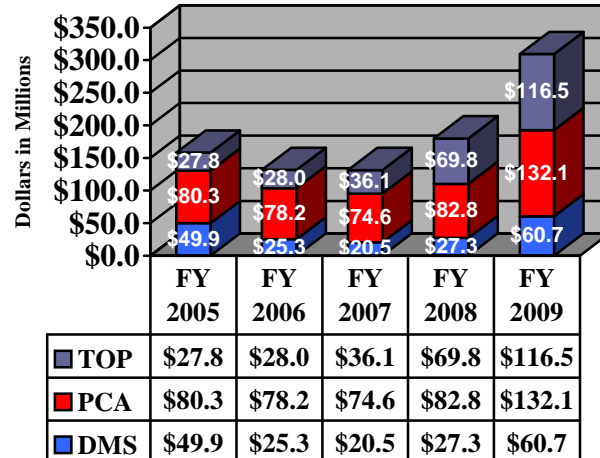
2. Referrals

CROSS-SERVICING REFERRALS



3. Collections

**CROSS-SERVICING & PRIVATE COLLECTION
AGENCY (PCA) COLLECTIONS**

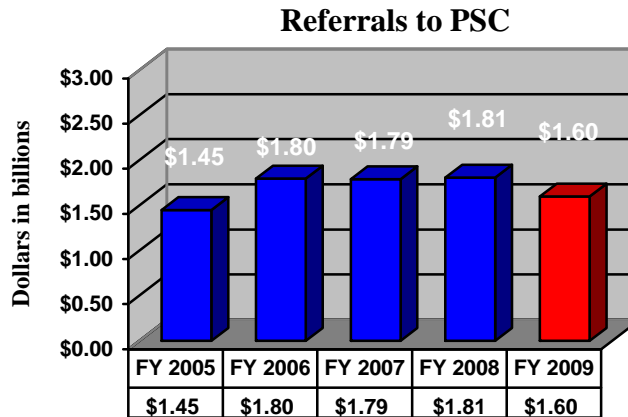


C – HHS’S DEBT COLLECTION CENTER

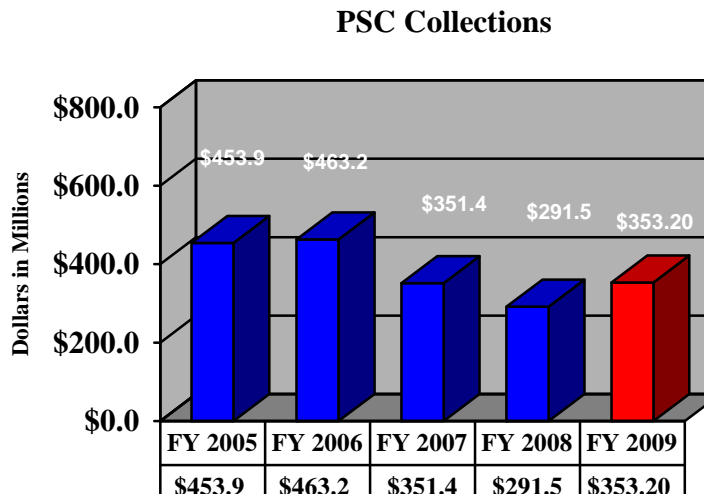
1. Description

The Program Support Center (PSC), established in 1995, is an operating division within HHS that collects debts on a fee-for-service basis for 11 different agencies within HHS and several agencies outside of HHS. PSC receivables do not include amounts totaling in excess of \$6.2 billion referred to Treasury for Cross-Servicing. The PSC serves as the HHS conduit for referrals to Treasury for both TOP and Cross-Servicing. Collections since inception of the PSC debt collection program have totaled in excess of \$4.6 billion.

2. Referrals to PSC



3. Collections by PSC



D - LITIGATION AT THE DEPARTMENT OF JUSTICE (DOJ)

1. Description

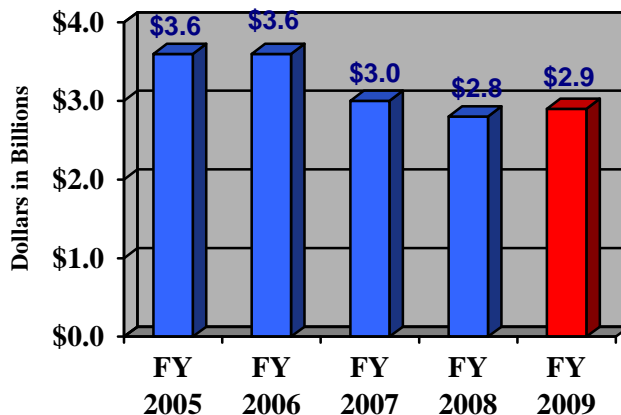
When a Federal agency cannot collect a debt administratively using debt collection tools such as those available under the DCIA, the agency may refer the debt to DOJ to pursue enforced collection through the courts. FMS's Cross-Servicing Program also has the option to refer agency debts to DOJ.

2. Referrals

Fiscal Year	Total Civil Referrals - new debts opened	Value of New Debts (in billions)
2005	6,723	\$5.0
2006	7,913	\$6.1
2007	9,718	\$5.0
2008	11,559	\$3.8
2009	11,088	\$5.2

3. Collections

CASH COLLECTIONS FROM CIVIL LITIGATION
AT DOJ



E - EDUCATION STUDENT LOANS

- Since November 1998, Treasury has exempted student loan debts collected by Education from mandatory transfer to Treasury for Cross-Servicing, based on Education’s demonstrated expertise in collecting student loan debts. Federal Student Aid debt collection activities at Education are centralized in Education’s Default Resolution Group (DRG). DRG services Education’s defaulted student loans (loans delinquent more than 270 days). Once a loan reaches default status, use of the full range of debt collection tools, outlined in Education’s own statutes and the DCIA, is authorized. Additionally, DRG collects on student grant overpayments, although they represent a relatively small amount of DRG’s total delinquent debt portfolio.
- Total defaulted student loan receivables (principal and interest) serviced by DRG have increased from \$17.4 billion at FY 2005 year-end to \$24.4 billion at FY 2009 year-end; and collections have increased from \$2.082 billion in FY 2005 to \$3.074 billion in FY 2009.

Education’s Use of Debt Collection Tools (in millions)					
Collection Tools	FY 2005 Collections	FY 2006 Collections	FY 2007 Collections	FY 2008 Collections	FY 2009 Collections
Private Collection Agency	\$378	\$410	\$368	\$376	\$318
Litigation (DOJ)	\$18	\$16	\$13	\$11	\$9
Internal Offset	\$1	\$3	\$1	\$1	\$1
AWG (at Education and PCAs)	\$237	\$251	\$281	\$304	\$324
Treasury Offset	\$415	\$402	\$465	\$758	\$501
Other Tools at Education	\$50	\$51	\$46	\$42	\$37
Total Loan Consolidations (at Education and at PCAs)	\$197	\$224	\$179	\$236	\$325
Total Loan Rehabilitations (at Education and at PCAs)	\$786	\$954	\$1,322	\$1,480	\$1,559

- Recoveries from TOP decreased by 34 percent, from FY 2008 to FY 2009. The decrease was due to the reduction in offset opportunities that were available from the stimulus payments in the previous year. Education still relies heavily on PCAs and refers every eligible debt as quickly as possible to one of its 17 PCAs. Education has been increasing the use of loan rehabilitation over loan consolidation over the past five years. The FY 2009 consolidation increase was due to a short stoppage of rehabilitations in the Federal Family Education Loan (FFEL) program because of an

inability to sell those loans. This problem was quickly addressed and resolved. As a last resort, Education uses AWG to collect its debts, primarily through its PCAs.

- Rehabilitation of a loan, which results when a debtor makes at least nine (9) full payments of an agreed amount, is the preferred collection method after payment of the debt in full. Of the total amount of defaulted loan rehabilitations indicated in the chart on the previous page, Education's PCAs rehabilitated \$1.485 billion in FY 2009, up 5.54 percent from the \$1.407 billion in FY 2008.
- Education suspended its matching program with HHS's National Directory of New Hires (NDNH) Database as of March 2009, which was the end of the period covered by the memorandum of understanding (MOU) between the two agencies. HHS changed the requirements for its NDNH agreements. As a result, Education postponed the matching for the remainder of FY 2009 while it worked to meet the revised requirements for FY 2010.
- DRG is in the process of working with Treasury on a new pilot with TOP to offset federal employees who have defaulted on student loans. The pilot is planned to begin in April 2010 and run through the end of the fiscal year. It is being used to test and evaluate processing flows and to estimate the percentage of those federal employee debtors receiving offset notices who will request a hearing.

NOTE: The Education PCA and Student Loans sections of this report account for collections on Education's defaulted portfolio. Loan types include loans that have been assigned to Education from Guaranty Agencies in the FFEL program, defaulted William D. Ford direct loans, assigned Perkins loans, and overpayments from grants.

F - USE OF PRIVATE COLLECTION AGENCIES (PCAs)

1. Description

- Education, FMS, and HHS have each established contracts with PCAs to collect non-tax debts owed to the Federal Government. PCAs assist Federal agencies in many ways, including establishing repayment agreements and resolving debts administratively by determining that a debtor is deceased, disabled, bankrupt, or out of business.
- Education uses PCAs to assist in collecting the defaulted student loan debts in its portfolio. It relies heavily on PCAs and refers every eligible debt to one of its seventeen PCAs. Education’s PCAs also initiate Education’s use of administrative wage garnishment as a debt collection tool.
- FMS’s PCA contracts are used as part of its Cross-Servicing Program. Debts that are not collected or resolved, generally within 30 days after referral to FMS for Cross-Servicing, are referred to one of its five PCAs for collection action. FMS’s PCAs also utilize administrative wage garnishment as an effective collection tool.
- HHS’s PCA contract is administered by its Program Support Center (PSC), which provides centralized debt collection services for HHS’s agencies, and several other Federal agencies. PSC refers debts to its PCA if payment in full is not made or a repayment agreement has not been established within 45 days after the PSC receives the debt for collection action. A new PCA contract was awarded during FY 2008, but the PSC assumed all existing repayment agreements. PCA collections were lower in FY 2008 and FY 2009 from previous years since the new contractor did not receive those existing debts with established agreements.

2. Referrals

Referrals to PCAs (in millions)			
Agency	FY 2007	FY2008	FY 2009
HHS	\$69	\$35	\$51
FMS	\$3,341	\$4,454	\$6,379
Education	\$18,982	\$23,863	\$24,470
Totals	\$22,392	\$28,352	\$30,900

3. Collections

Collections by PCAs (in millions)			
Agency	FY 2007	FY 2008	FY 2009
HHS	\$7.4	\$3.8	\$2.2
FMS*	\$74.6	\$82.8	\$149.2
Education*	\$639	\$672	\$635
Totals	\$721	\$758.6	\$786.40

*Includes collections by administrative wage garnishment

APPENDIX I: FEDERAL RECEIVABLES AND DELINQUENT DEBT

The table below presents the ending balances, collections, write-offs, delinquencies, delinquencies greater than 180 days, and debts that have been written off and classified as Currently-Not-Collectible (CNC) for the credit agencies with the highest ending balances at the end of FY 2009. The table groups all other agencies into a single category. At the end of FY 2009, 95 percent of the receivables belonged to the 11 agencies listed in the table below.

Federal Receivables and Delinquent Debt as of September 30, 2009 (in millions)						
Agency	Ending Balance	Collections	Write-offs	Delinquencies	Delinquencies > 180*	Currently Not Collectible
Education	\$242,551	\$24,828	\$1,211	\$55,612	\$35,626	\$335
USDA	\$109,523	\$23,977	\$1,456	\$3,541	\$3,070	\$1,320
Treasury	\$62,104	\$28,707	\$4	\$24,801	\$5	\$5
SBA	\$15,149	\$1,642	\$1,798	\$4,168	\$3,682	\$4,814
SSA	\$15,000	\$3,561	\$1,077	\$3,970	\$2,856	\$248
NCUA ¹	\$10,918	\$11,435	\$0	\$.4	\$0	\$0
HHS	\$9,736	\$35,209	\$1,164	\$2,076	\$1,676	\$10,258
DOD	\$9,208	\$17,855	\$359	\$4,736	\$4,424	\$238
HUD	\$9,082	\$4,882	\$58	\$507	\$376	\$349
EX/IM ²	\$7,715	\$1,174	\$.4	\$2,040	\$1,909	\$0
AID ³	\$5,456	\$552	\$13	\$457	\$447	\$0
All Other	\$28,603	\$68,945	\$2,416	\$5,245	\$5,256	\$6,409
Gov't Total	\$525,045	\$222,767	\$9,556	\$107,153	\$59,327	\$23,966

Amounts reported as write-offs represent the dollar amount of uncollectible receivables written off during FY 2009.

“Currently-Not-Collectible” (CNC) represents the dollar amount of all debts that have been written off by the agency but not yet closed out. Debts classified as CNC for any reporting period continue to be reported in that category in subsequent reporting periods until closed-out or collected.

* Does not include write-offs reported as CNC.

¹ National Credit Union Administration

² Export-Import Bank

³ Agency for International Development

APPENDIX II: SOURCES OF DATA

Data contained in this report were obtained from the following sources:

Part II – Government Debt Portfolio, Collection and Write-offs and Appendix I

Source – Treasury Report on Receivables and Debt Collection Activities – Fourth Quarter 2009, as reported by Federal agencies to the Department of the Treasury.

Part III – Governmentwide Collection Activities

A & B – Treasury Offset & Cross-Servicing Programs

Source – Department of the Treasury, Financial Management Service

C – HHS Debt Collection Center

Source – Department of Health and Human Services, Program Support Center

D – Litigation at the Department of Justice

Source – Department of Justice, Office of Debt Collection Management

E – Education Student Loans

Source - Department of Education, Default Resolution Group

F – Use of Private Collection Agencies

Sources – Department of Education, Default Resolution Group
Department of the Treasury, Financial Management Service
Department of Health and Human Services, Program Support Center