



Reimbursement of Judgment Fund Payments

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Reimbursable Claims

Only two types of payments must be reimbursed to the Judgment Fund:

- Notification and Federal Employees Antidiscrimination and Retaliation Act (No FEAR)
 - 5 U.S.C. 2301 note
- Contract Disputes Act (CDA)
 - 41 U.S.C. 612



Key Players in the Reimbursement Process

- Submitting Agency (i.e., the Department of Justice) is not responsible for reimbursements
- Responsible Agency – the agency liable for the claim award
- Reimbursement Point-of-Contact – the representative of the Responsible Agency
 - Must be identified on the FMS Form 197 or in JFICS



JFB Reimbursement Process for No FEAR Act Claims

- Within 15 days of payment, the JFB drafts a letter to the Responsible Agency CFO requesting reimbursement
 - FMS Letter is signed by the Financial Accounting and Services Division (FASD) Director
 - The Cc: list typically includes:
 - The Deputy CFO
 - The Chief Counsel
 - The Reimbursement Point-of-Contact



Federal Agency Obligations for No FEAR Act Reimbursements

- Described in OPM regulations: 5 CFR Part 724
- Within 45 days of receipt of notice for reimbursement, agencies must:
 - Repay FMS, or
 - Contact FMS to make payment arrangements
- Agency failure to meet this requirement will be recorded and posted annually on FMS' public website until the obligation is paid or arrangements for payment have been made.



JFB Reimbursement Process for CDA Claims

- Within 15 days after paid claim confirmation, the supervisor for payment and collection, sends a letter to the Reimbursement Point-of-Contact requesting reimbursement
 - A follow-up letter is sent 30 days after non-response by the reimbursement point of contact
 - A letter is sent quarterly to the Responsible Agency CFO, along with a statement summarizing the outstanding CDA's amounts due Treasury.



CDA Reimbursement Obligations

- Described in 41 U.S.C. 612
- Within 30 days of receipt of notice for reimbursement, the responsible agency must
 - Repay FMS, or
 - Contact FMS to make payment arrangements
- If the agency fails to respond within 60 days of the first and second demand letter, FMS will send a letter to the responsible agency's Chief Financial Officer (CFO).
- The agency's CFO has 30 days to contact FMS regarding reimbursement.



How do I reimburse to the Judgment Fund?

- All payments from Federal agencies to the Judgment Fund should be made via the Interagency Payment and Collection (IPAC) System. Our ALC is 20-18-0002.
- Instructions on how to utilize the IPAC System are enclosed in the reimbursement letters to the CFO and Reimbursement Point-of-Contact.
- *Check payments are highly discouraged!*



What if funds are not available to reimburse the Judgment Fund?

- You may arrange to reimburse the Judgment Fund in the future.
 - Laws or regulations do not address terms and conditions of repayment plans
 - Repayment plans are subject to approval of FMS management



Recent GAO Review of No FEAR and CDA Programs

- Review began in 2006
- Review focused on agency repayment histories based on FMS payment/reimbursement data
- Findings:
 - For No FEAR Act reimbursements, no agencies have been posted for non-compliance
 - For CDA reimbursements, several agencies continue to have outstanding CDA balances.



Agencies Outstanding Balances

Outstanding balances are available online

- No FEAR page:

<http://fms.treas.gov/tma/fear-act.html>

- CDA page:

<http://fms.treas.gov/tma/contract.html>



If You Have Additional Questions

For CDA reimbursements:

Bernice Mays, Supervisor
Claims Payment and Collections
202-874-8652 (direct)
866-277-1046 (toll-free)
202-874-9522 (Fax)
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For NoFEAR Act reimbursements

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