

For: State and County Offices

**Quarterly Screening Process for FLP Treasury Offset Program (TOP)**

Approved By: Associate Administrator for Operations and Management



**1 Overview**

**A Background**

The Debt Collection Act, as amended by the Debt Collection Improvement Act (DCIA) of 1996, requires that delinquent debtors be referred to TOP for administrative offset of Federal and State Government payments. This notice covers the 2-step process required to certify FSA direct FLP delinquent borrower/co-borrower debts to Treasury for TOP offset on an ongoing, quarterly basis.

The Food, Conservation, and Energy Act 2008 (2008 Act) requires that **no** offsets be taken for borrowers that have a pending program discrimination complaint or have filed a program discrimination complaint that is accepted by Office of Adjustment and Compliance (OAC).

**B Purpose**

This notice provides:

- guidance:
  - on the TOP offset process
  - on determining eligibility for referring debts for borrowers/co-borrowers to Treasury for TOP offset, including new requirements of the 2008 Act
  - on new payments included in TOP offset
  - for refunding co-borrower TOP offsets
- instructions for deleting:
  - borrower/co-borrowers on the TOP offset update screens
  - co-borrowers in Management of Agricultural Credit (MAC)
  - bankruptcy cases.

<b>Disposal Date</b>	<b>Distribution</b>
July 1, 2009	State Offices; State Offices relay to County Offices

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### 1 Overview (Continued)

#### C Contacts

If there are questions about this notice:

- County Offices shall contact the State Office
- State Offices shall contact:
  - LSPMD at 202-720-1653 for FLP
  - Financial Services Center, Farm Loan Operating Office (FLOO), Program Reporting Group (PRG) at 314-539-2494.

### 2 TOP Screens and Process

#### A Completing FSA-1956-22

The 2008 Act requires that **no** offsets be taken for borrowers that have a pending program discrimination complaint or have filed a program discrimination complaint that is accepted by OAC. To accommodate this provision **immediately**, State Offices should complete FSA-1956-22, item 14A by entering code “**11**”.

**Note:** FAX FSA-1956-22 according to subparagraph 4 A.

#### B TOP Offset Online Screen Information

The Borrowers Eligible for TOP Offset Screen and Borrowers Eligible for TOP Offset Certified Screen display borrower and co-borrower information, as follows.

Field/Line	Information
ST CTY TIN	Primary borrower's case number.
TIN	Payer's tax ID number (TIN) for the primary borrower or co-borrower.
CO	Co-borrower's permanent alphabet letter (A-Z) or number (1-9) as a unique identifier.  <b>Note:</b> Co-borrower information is being picked up from MAC and Service Center Information Management System (SCIMS). It is <b>critical</b> that all co-borrowers names, addresses, and TIN's be updated in SCIMS on an ongoing basis. CO-APP-LIAB-STAT (co-borrower liability) field <b>must</b> be updated in MAC.

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2 TOP Screens and Process (Continued)

B TOP Offset Online Screen Information (Continued)

Field/Line	Information
Case Number (Located under Name column.)	The: <ul style="list-style-type: none"><li>• borrower's name will be displayed, if there are no co-borrowers selected or if both borrower and co-borrower are selected.</li><li>• co-borrower's name will be displayed, if <b>only</b> the co-borrower is selected.</li></ul> <p><b>Note:</b> For each co-borrower loan selected, the co-borrower's name will be displayed between TIN and the loan number.</p>
FLG (Located over Delete Date column.)	"F" will be displayed, if the account has a foreclosure action pending (FAP) flag.

C Debtors Displayed on Borrowers Eligible for TOP Offset Screens

The weekly RC 540 and its parts will be used on an ongoing basis to select and update delinquent loans eligible for offset. The selection process is usually run the last 2 weeks of the quarter. The screens will be made available to State and County Offices according to the schedule shown in Exhibit 1.

The screens will display all delinquent loans for:

- borrowers/co-borrowers who are **not** at TOP and fall into 1 or more of the following categories:
  - 90 calendar days past due
  - at least \$25 delinquent
  - **not** flagged bankruptcy action pending (BAP)
  - **not** a boll weevil loan
  - **not** flagged subject to approved adjustment (SAA)

**Note:** Loans listed will include Apple loans, Bureau of Reclamation loans, and debts classified Currently Not Collectible (CNC).

2 TOP Screens and Process (Continued)

C Debtors Displayed on Borrowers Eligible for TOP Offset Screens (Continued)

- debtors/co-debtors who have:

- employee defalcations
- judgments **not** currently certified

**Note:** If the co-borrower is **not** originally part of the loanmaking application process, then any additional co-borrowers are added in MAC. There is a selection for this in MAC.

- delinquent equity receivables or loan suspensions
- delinquent leases
- third party judgments (TPJ's), both borrower and third parties, if they are in MAC as co-borrowers
- filed bankruptcy, but have **not** been flagged BAP; after notification that the borrower has filed bankruptcy, the authorized agency official shall complete FSA-2562 to flag the account as BAP and processing a 5G transaction through the Automated Discrepancy Processing System (ADPS).

**Note:** The BAP flag remains on the account until the:

- bankruptcy is dismissed
- borrower is discharged and no longer under court jurisdiction, and FSA has no remaining loan collateral from which collection can be made
- bankruptcy is closed.

2 TOP Screens and Process (Continued)

C Debtors Displayed on Borrowers Eligible for TOP Offset Screens (Continued)

To prevent selection for TOP **without** removing the legitimate co-borrower from MAC, when a co-borrower **is** no longer eligible for TOP, such as individual bankruptcy, released from liability, deceased, etc., users **must**:

- delete the loan on TOP screens with the appropriate code
- code co-borrowers in MAC.

**Note:** In MAC, CO-APP-LIAB-STAT field, the following codes are available:

- “1” - Released of Liability
- “2” - Deceased
- “3” - Bankruptcy Action Pending
- “4” - Bankruptcy Discharged.

If a co-borrower later becomes eligible for TOP, such as when a bankruptcy is dismissed, remove or change the code, as appropriate.

Loans will be selected each quarter, **even if manually deleted in a prior quarter**, if the loan continues to appear delinquent on ADPS and no circumstance would generate a programmatic delete. Specific examples are ineligible judgment loans, SAA loans, loans involved in bankruptcy with no BAP flag on the account, and loans related to a settlement agreement or a problem case being worked by FLOO where ADPS transactions have **not** been processed. See Exhibits 2 and 3 for descriptions of programmatic delete codes and the manual delete codes available for State Office use.

To accommodate TPJ loan selection, the third party’s name, address, and TIN **must** be entered as a co-borrower in MAC for TPJ loans. The TOP selection process will bring in all loans; the loans for the primary borrower and any original co-borrowers should be deleted, if appropriate. This will leave only the third party’s debt in TOP.

Debtors who have requested servicing under 5-FLP are eligible for offset until a settlement or repayment plan has been approved by FSA.

Salary offset collections for delinquent debtors are being handled by Treasury through TOP offset. These payments will be biweekly and have a “T” application code on ADPS Online History.

**2 TOP Screens and Process (Continued)**

**D State Tax Refunds and State Vendor Payments Included in TOP Offset**

DCIA contains a provision that allows the State to enter into reciprocal agreements with Treasury to collect unpaid State debt by offset of Federal non-tax payments and the Federal Government to collect delinquent non-tax debt by offset of State payments. Treasury and 2 States (**Maryland and New Jersey**) are participating in a pilot program, as part of TOP, to conduct these reciprocal offsets. The pilot began on June 11, 2007.

Agencies were given 30 calendar days to provide a post, due process notification to debtors, notifying them of State payment offset. Initially, FLP debtors in **Maryland and New Jersey** who had been certified to TOP would receive this notice.

The 60-Calendar-Day TOP Due Process Notification was modified to include State payments beginning with October 7, 2008, notifications (see Exhibit 4). A new bypass indicator has been established by Treasury to allow agencies to **not** allow State payment offsets, if a debt is **not** eligible.

**E New Payment Types Added to TOP**

The source of payment offsets are **only** made known to the borrowers in the offset letter. Agencies are **not** notified of the source of offset received. New sources of offset come online and are added on an ongoing basis, for example:

- U.S. Army Corps of Engineers contractor payments were added to the TOP database for offset in July 2007
- Corporate Trade Exchange payments were added to the TOP database for offset in December 2007
- USPS contractor payments are scheduled to be added by the end of 2008.

**F TOP Certification**

At the end of each quarter, the TOP Offset Online screens will be taken out-of-service and all debts **not** deleted on the Borrowers Eligible for TOP Offset Screen will be certified to Treasury for TOP offset. The Borrowers Certified for Treasury Offset report will be mailed to the State and County Offices within the first 2 weeks after certification.

Borrowers/co-borrowers displayed on this report will be moved to the Borrowers Eligible for TOP Offset Certification Screen for weekly update capability. See Exhibit 1 for a tentative timeframe for the quarterly referral process. If changes to the timeframe are needed, a message will be:

- displayed on ADPS Message Screen
- e-mailed to TOP Coordinators in each State Office.

2 TOP Screens and Process (Continued)

G TOP Weekly Update

All loans on the Borrowers Eligible for TOP Offset Certified Screen will be available for review and manual deletion on an ongoing weekly basis. FLOO, PRG and State Offices have delete capability; local County Offices and FLOO, Loan Servicing Group have view capability. State Offices are responsible for processing **all** deletes, **except** delete code “11”. The weekly RC 540 and its parts will be used to programmatically update or delete certified borrowers/co-borrowers loan information at TOP each weekend. The screens will be taken down by 2:30 p.m. c.t. on Fridays and made available on Mondays as soon as the weekly update has been approved.

H TOP Refunds

FAX FSA-1956-22's to FLOO, PRG at 314-539-6266 **only** if a refund is needed, delete code “11” **must** be processed or the loan needs to be recalled from cross-servicing.

To accommodate co-borrower referrals to TOP and subsequent offsets affecting borrowers, co-borrowers, and related parties, the requirements for completing FSA-1956-22 will be modified.

Refunds **must** be made to the specific persons who were offset. FLOO, PRG will determine whether the refund will be manual or programmatic. The refund will be programmatic if the person receiving the refund is on ADPS and no other name will be on the check.

The following information **must** be provided on FSA-1956-22, item 16B, if a check **must** be sent to other than the County Offices:

- name of the person or persons to whom the check should be made payable
- address where the check should be mailed

**Note:** Manual refunds can be sent directly to the borrower/co-borrower's address; however, this is discouraged because the County Office then has no confirmation the refund was received. **It is critical to specify where the check must be sent.**

- effective date the borrower/co-borrower was no longer eligible for offset (the date of bankruptcy filing, date paid current, repayment agreement date, etc.) and which person was involved.

**Note:** To ensure timely and accurate processing of refund requests, all FSA-1956-22 refund requests must be FAXed to FLOO, PRG only at 314-539-6266, not to FLOO, Loan Servicing Groups. FLOO, PRG monitors and tracks all refunds.

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### 2 TOP Screens and Process (Continued)

#### H TOP Refunds (Continued)

When completing FSA-1956-22 for a borrower/co-borrower that has a monthly offset occurring or the amount of the offset is unknown and the offset needs to be refunded, enter the following:

- in item **16B**, the date specified should be the date the loan was no longer eligible for offset, such as the bankruptcy filing date, date SED signed the settlement agreement, etc.
- in item **13**, the amount of the offset on ADPS Online History, this is the amount of the offset taken by Treasury minus any TOP and/or Salary Offset fees.

**Note:** It is **not** necessary to wait to FAX FSA-1956-22 until the offset appears on ADPS. However, FSA-1956-22's will be held by FLOO, PRG until the payment arrives and is applied to the loan. This usually takes 2-3 weeks from the date of offset.

#### I Effects of Moratorium

Under the 2008 Act provisions, there is a moratorium on acceleration, foreclosure, and offset for borrowers who have a pending program discrimination complaint or have filed a program discrimination complaint that is accepted by OAC (see Notice FLP-508). A new delete code "11" has been established to remove these borrowers from TOP offset. This code can **only** be input systematically or manually by FLOO, PRG.

### 3 County Office Responsibilities

#### A Screening

On an ongoing basis, County Offices will be provided view-only access to the TOP Offset Online screens. Since County Offices do **not** have the authority to delete loans on the TOP Offset Online screens, County Offices **must**:

- review the Borrowers Eligible for TOP Offset Screen and determine whether each debtor shown is eligible to receive a 60-Calendar-Day TOP Due Process Notification, or is being referred to TOP for offset

**Note:** It is critical that borrowers/co-borrowers on this screen are reviewed for TOP due process notification eligibility. See timeline in Exhibit 1.

- review the Borrowers Eligible For TOP Offset Certified Screen on an ongoing basis to determine whether any loans need to be removed from TOP
- review Exhibit 2 for delete codes that will be programmatically generated based on the ADPS status of the debtor's account

**Note:** No County Office action is needed for debtors who meet the delete code criteria in Exhibit 2.

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### 3 County Office Responsibilities (Continued)

#### A Screening (Continued)

- FAX all FSA-1956-22's and supporting documentation to the State Office, if a loan needs to be deleted, recalled from cross servicing, or an offset payment needs to be refunded based on criteria in Exhibits 2 or 3
- verify the accuracy of any flags on the debtor's account and correct, if necessary
- remove ineligible co-borrowers from TOP eligibility by accessing MAC, CO-APP-LIAB-STAT field and entering the appropriate code.

**Note:** This action will keep co-borrowers from being selected in subsequent quarters, but will **not** programmatically delete the loan from TOP Offset Online screens. They **must** still be deleted by the State Office in the current quarter.

#### B Accessing Borrower/Co-Borrower Accounts

County Offices can view borrower/co-borrower loans on the TOP Offset Online screens according to Exhibit 5.

For debtors whose files are being handled in another office, contact that office for determination of eligibility.

If County Office is unable to access any borrowers/co-borrowers and the servicing official is aware that there should be debtors on the screens, contact the State Office.

On an ongoing basis, State Offices will be provided access to both of the TOP Offset Online screens. The **responsibility** for deleting loans rests with the **State Office**; however, the screening process is the responsibility of **both** the State and County Office.

### 4 State Office Responsibilities

#### A Screening

All deletes related to the 2008 Act requirements **must** be provided to FLOO, PRG on FSA-1956-22 **immediately** upon notification by OAC. FAX to 314-539-6266. Delete code "11" can **only** be input by FLOO, PRG.

Delete codes can **no** longer be changed or removed at any time. Loans deleted in error will be picked up for screening in the next selection process. See Exhibit 1 for deadlines for entering delete codes.

**Note:** Delete codes should be entered during the precertification screening process.

## 4 State Office Responsibilities (Continued)

### A Screening (Continued)

State Offices will enter a delete code for each loan that is ineligible, based on criteria in Exhibit 3. **Do not use codes that are not included in Exhibits 2 or 3.** Delete code information is tracked and used for quarterly Congressional reporting.

**Note:** No State Office action is needed for debtors who meet the delete code criteria in Exhibit 2, unless there is a suspend code on an account (“ZSPC” on the ADPS AI Screen). A suspend code will prevent a TOP borrower/co-borrower from being deleted programmatically, even if there is a fully paid code on the loan.

State Offices that transfer loans to a spouse **must** correct the borrower/co-borrower in MAC.

Judgment loans must be carefully reviewed before determining TOP eligibility. The Department of Justice (DOJ) is responsible for referring debts to TOP when DOJ has jurisdiction. In some cases, DOJ may request that FSA refer debts on DOJ’s behalf. Do **not** refer a judgment under DOJ jurisdiction **without** contacting LSPMD at 202-720-1658. If the loan needs to be deleted, use delete code “05.”

Court Action Pending (CAP) and FAP flagged loans are included on the TOP Offset Online screens. The presence of 1 of these flags on the account is **not** a determining factor to whether a debtor should be deleted. Review the debtor file to determine eligibility as follows:

- CAP flagged accounts should be deleted with code “03” **only** if the debt is being handled by OGC
- FAP flagged accounts should be deleted with code “01” **only** if administrative offset could jeopardize litigation under the State law.

CNC loans **must** be carefully reviewed **before** determining TOP eligibility. If any non-judgment CNC loan is past the 10-year statute of limitations for IRS offset, as defined by OGC, or becomes ineligible for other reasons, input the proper delete code and notify FLOO, PRG immediately by FAXing FSA-1956-22 to 314-539-6266.

### B Accessing Debtor/Co-Debtor Accounts

State Offices:

- will have online capability to delete loans serviced by their County Offices, **except** for loans that need delete code “11”
- can access the TOP Offset Online screens as described in Exhibit 5.

4 State Office Responsibilities (Continued)

C Deleting Debtors/Co-Debtors

After accessing debtors through Borrowers Selection Menu, options “1”, “2”, “3”, or “4”, delete a loan and any cost item related to the loan according to the following table, if ineligible for offset.

Step	Action
1	<p>On Borrowers Selection Menu, for options:</p> <ul style="list-style-type: none"> <li>• “1” and “2”, input all delete codes, <b>except “11”</b>, needed for all borrower/co-borrower loans displayed on the page <b>before</b> pressing “<b>Enter</b>”</li> </ul> <p><b>Note:</b> Borrowers and co-borrowers are not necessarily eligible for deletion for the same reason or at the same time. <b>Discretion is advised.</b></p> <ul style="list-style-type: none"> <li>• “3” and “4”, input the applicable delete code from Exhibit 3 in the DLT CDE field on the line for the loan number to be deleted.</li> </ul> <p><b>Note:</b> If <b>all</b> of a borrower’s/co-borrower’s loans are to be deleted, input a delete code for <b>each</b> loan.</p>
2	<p>PRESS “<b>Enter</b>”.</p> <p><b>Note:</b> Users <b>must</b> PRESS “<b>Enter</b>” for <b>each</b> page, if a delete code has been entered. If users PRESS “<b>PF8</b>” or “<b>PF7</b>” without pressing “<b>Enter</b>” first, the delete code will <b>not</b> be processed.</p> <p>Once users PRESS “<b>Enter</b>”, “Borrower(s) Processed” will be displayed on the bottom-left of the screen. The current date will be displayed in the Delete Date column in the center of the screen. To verify the delete codes have processed, ENTER “<b>5</b>”, and PRESS “<b>Enter</b>” to return to Subsystem Selection Menu, and PRESS “<b>Enter</b>” again. The delete codes will be displayed in the loan line under the Delete Code column that is left of the center on the screen.</p>
3	<p>Continue this process for <b>all</b> pages displayed for the requested State or County Office or for the requested debtor.</p>

**Timeframe for Quarterly Referrals to TOP**

<b>Process</b>	<b>Dates</b>
<b>FY 2008 4<sup>th</sup> Quarter TOP Referral</b>	
New Selection *	June 21, 2008
<b>Critical</b> pre-letter screening	<b>June 24 to July 11, 2008</b>
FSC, FLOO mails 60-calendar-day due process letters	July 15, 2008
Pre-certification screening	July 15 to September 19, 2008
Certification **	September 20, 2008 ***
<b>FY 2009 1<sup>st</sup> Quarter TOP Referral</b>	
New Selection *	September 20, 2008 ***
<b>Critical</b> pre-letter screening	<b>September 23 to October 3, 2008</b>
FSC, FLOO mails 60-calendar-day due process letters	October 7, 2008
Pre-certification screening	October 7 to December 12, 2008
Certification **	December 13, 2008 ****
<b>FY 2009 2<sup>nd</sup> Quarter TOP Referral</b>	
New Selection *	December 13, 2008 ****
<b>Critical</b> pre-letter screening	<b>December 16, 2008, to January 9, 2009</b>
FSC, FLOO mails 60-calendar-day due process letters	January 13, 2009
Pre-certification screening	January 13 to March 20, 2009
Certification **	March 21, 2009
<b>FY 2009 3rd Quarter TOP Referral</b>	
New Selection *	March 28, 2009
<b>Critical</b> pre-letter screening	<b>March 31 to April 10, 2009</b>
FSC, FLOO mails 60-calendar-day due process letters	April 14, 2009
Pre-certification screening	April 14 to June 19, 2009
Certification **	June 20, 2009
<b>FY 2009 4<sup>th</sup> Quarter TOP Referral</b>	
New Selection *	June 27, 2009
<b>Critical</b> pre-letter screening	<b>June 30 to July 10, 2009</b>
FSC, FLOO mails 60-calendar-day due process letters	July 14, 2009
Pre-certification screening	July 14 to September 18, 2009
Certification **	September 19, 2009

\* Includes all debts that appear eligible on ADPS, even if deleted in prior quarterly process.

\*\* Loans with no delete code are moved from the Borrower Eligible (N) screens to the Certified (Y) screens.

\*\*\* FY 2008 4th Quarter Certification is run on the same day as the FY 2009 1st Quarter Selection.

\*\*\*\*FY 2009 1<sup>st</sup> Quarter Certification is run on the same day as the FY 2009 2<sup>nd</sup> Quarter Selection.

**TOP Offset Programmatic Delete Codes**

The following are delete codes that will be programmatically generated based on ADPS status of the debtor's account.

<b>Code</b>	<b>Description</b>
02	Account has a BAP flag.
08	Subject to approved adjustment (SAA).
13	<ul style="list-style-type: none"> <li>• A cost item reversal put a "Z99" paid code on the account.</li> <li>• Transaction code "4A" or "4D" put a "Z97" paid code on the account.</li> <li>• Equity Receivable record suspended or amortized.</li> </ul>
17	Loan is current or paid in full by cash payment.
19	<ul style="list-style-type: none"> <li>• Loan is satisfied by other than those reasons in codes "13", "17", and "38".</li> <li>• No address or invalid address.</li> <li>• Suspension loan amortized.</li> </ul>
38	Account has been written off with a class of writeoff code other than "5".

**Note:** If the account status on ADPS generates a delete code, both the borrower and co-borrower loans will be programmatically deleted using the same delete code.

**TOP Offset Manual Online Screen Delete Codes**

The following are descriptions of programmatic delete codes and the manual delete codes available for State Office use.

Code	Description
01	Account has been referred to OGC or DOJ for foreclosure and collection by offset would jeopardize the litigation under State law.  <b>Note:</b> Existence of a foreclosure action pending flag is <b>not</b> a determining factor. Remove any erroneous flag.
02	Loan is either of the following: <ul style="list-style-type: none"> <li>• discharged in bankruptcy and debtor no longer liable</li> <li>• under the jurisdiction of a Bankruptcy court and the debt has not been reaffirmed.</li> </ul> <b>Note:</b> Existence of a bankruptcy action pending flag is used as a determining factor in the programmatic screening. Remove any erroneous flag.
03	Being handled by agency attorney.
04	Type of Judgment ineligible for offset.
05	Being serviced by DOJ.
06	Forbearance because of disaster designation.
07	Soldiers and Sailors exemption.
08	Subject to approved adjustment (SAA).
09	Loan is past the IRS 10-year statute of limitation to collect by offset.
10	Loan is being corrected. Hold for next selection.
11	Moratorium per 2008 Act at point of ACL/FAP.
13 and 38	<b>For deceased borrower use either of the following:</b> <ul style="list-style-type: none"> <li>• “13”, if the debt will be moved to a co-borrower</li> <li>• “38”, if the debt will be debt settled, because there are no other liable parties to the debt.</li> </ul>
16	Repayment plan has been approved by FSA.
17	May be used, <b>if</b> either of the following apply: <ul style="list-style-type: none"> <li>• timing of cash applications on ADPS would <b>not</b> generate a delete code in time and the debtor is eligible for deletion</li> <li>• loan is paid in full, but there is a suspend code on the account (“ZSPC” on the ADPS AI Screen is greater than zero).</li> </ul> <b>Note:</b> A suspend code prevents a programmatic delete.

**TOP 60-Calendar-Day Due Process Notification Letter**

The 60-calendar-day TOP due process notification includes State payments and began being mailed with October 10th notifications, as follows.



**United States  
Department of  
Agriculture**

October 7, 2008

**Farm and Foreign  
Agricultural  
Services**

**Farm Service  
Agency**

**Financial  
Services Center**

**Farm Loan  
Operations Office  
P.O. Box 200003  
St. Louis, Missouri  
63120-0003**

**Dear Debtor/Co-debtor:**

Our records indicate that you are more than 90 days past due on a loan(s), or are subject to an outstanding judgment, or have a delinquent lease, or an equity receivable owed to the United States Department of Agriculture, Farm Service Agency (FSA). Under Federal law, Federal Agencies are required to offset any eligible Government payments due you to resolve the delinquent debt.

Enclosed is a list of the delinquent debt (s) and the amount (s) due as of . . . . . You have 60 days to resolve this delinquent debt before an offset of payments will be made.

The following options are available, if applicable, for settling this debt:

- Fully pay the delinquent debt outstanding at your local servicing office on or before . . . . . The amount could change because of protective advances, servicing actions, interest accrual, previous offsets, or other collections. Contact your local office for the correct amount.
- Make delinquent settlement arrangements with your local servicing office. If immediate payment is not possible or would create a serious financial hardship, you may request consideration of a written repayment/settlement agreement with FSA. Any such settlement proposal must be submitted in writing before and accepted by the Agency by . . . . . Your request must state your repayment proposal, including the specific terms. A current and signed financial statement must be provided with any settlement proposal or installment repayment request. The financial statement must list all income and expenses, and contain a balance sheet listing all assets and liabilities. An Agency approved repayment/settlement agreement must be in place to prevent offset.
- Inform your local servicing office of any bankruptcy proceedings. Debtors who have filed for bankruptcy and have an automatic stay in effect are not subject to collection through offset while the stay remains in place. If this provision applies, please submit a copy of the bankruptcy petition to your local servicing office immediately.
- Inform your local servicing office if you, as a borrower or co-borrower, are on active military duty. FSA borrowers called to active duty may be eligible for additional servicing options, including exclusion from referral to Treasury Offset Program (TOP). If this provision applies, please submit a copy of your military activation papers to your local servicing office by . . . . .

If your delinquent debt is a judgment debt, a delinquent lease, or has been classified as currently not collectible (CNC), administrative farm loan servicing authorities are no longer applicable.

If the delinquent debt is not involved in a bankruptcy proceeding, or is not paid in full or settled by . . . . . the United States Treasury Department will be notified to collect by offset from the following Federal/State government payments due you, if applicable:

- Income tax refunds
- State tax refunds
- Federal salary, including military pay
- Federal retirement pay, including military retirement pay
- Contract or vendor payments
- State vendor payments
- Certain Federal benefit payments, such as Social Security (other than Supplemental Security Income), Railroad Retirement (other than tier 2), and Black Lung (part B) benefits
- Other Federal/State payments, including certain loans to you, that are not exempt from offset

## Modified TOP 60-Calendar-Day Due Process Notification Letter (Continued)

All delinquent debt is referred to commercial credit bureaus on a quarterly basis.

Any debt remaining after all loan security has been liquidated may also be referred to Treasury for potential referral to private collection agencies and possible administrative wage garnishment. The amount referred for collection will include the delinquent principal, any accrued interest, protective advances, and collection costs. The debt may also be referred to the United States Department of Justice for collection.

You have the right to obtain a copy of the records for the listed delinquent debt. To do so, send a written request to your local servicing office. Please provide your Social Security Number or Employer Identification Number and your complete mailing address with the request.

You have the right to request a review of the validity of the delinquent debt amount. Any request for such a review must be made in writing to your local servicing office by 01/01/2007. If you disagree with the delinquent debt amount and wish to dispute the record, please explain the reason for your challenge and include any written documents or evidence to support your position. You will be notified in writing of a determination.

Additional interest is accruing daily on this debt. The amount due will continue to increase until the delinquency is paid or the account is settled. Any debt written off by the Agency will be reported to Internal Revenue Service (IRS) on Form 1099-C, Cancellation of Debt.

If a joint Federal Income tax return is filed, and your spouse is not responsible for this debt, please contact your local Internal Revenue Service office before filing your return to learn how to protect your spouse's share of the refund.

For further information, please call your local servicing office or our toll-free number, 800-428-9643.

**Accessing TOP Offset Online Screens**

County Offices can view and State Offices can modify borrower/co-borrower loans by selecting “TOPOFFST” on the Online Submenu Selection Menu. A borrower/co-borrower could have loans on both the Borrowers Certified for TOP Offset (Y) Screen and Borrowers Eligible for TOP Offset (N) Screen, depending on the status of each loan in ADPS. However, an individual loan for either a borrower or co-borrower can **only** be on 1 of the screens.

From the Borrower Select Menu, use the applicable option.

Option	Authorized Users	Step	Action
1	State Office	1	In Enter State field, enter the 2-digit non-FIPS State Code (former FmHA State Code).
		2	In View Certified Borrowers field, ENTER either of the following: <ul style="list-style-type: none"> <li>• “Y”, if Borrower Eligible for TOP Offset/Certified Screen is needed</li> <li>• “N”, if Borrowers Eligible for TOP Offset Screen is needed.</li> </ul>
		3	PRESS “Enter”; all borrower/co-borrower loans on that screen for the State will be displayed.
2	State and County Offices	1	In Enter State field, enter the 2-digit non-FIPS State Code (former FmHA State Code).
		2	In Enter State and County field, enter all 5 digits of FSA’s servicing office mail code.
		3	In View Certified Borrowers field, ENTER either of the following: <ul style="list-style-type: none"> <li>• “Y”, if Borrower Eligible for TOP Offset/Certified Screen is needed</li> <li>• “N”, if Borrowers Eligible for TOP Offset Screen is needed.</li> </ul>
		4	PRESS “Enter”; all borrower/co-borrower loans on that screen for the State will be displayed.

Accessing TOP Offset Online Screens (Continued)

Option	Authorized Users	Step	Action
3	State and County Offices	1	In Enter Case Number field, enter the <b>entire</b> 15-digit case number.
		2	In View Certified Borrowers field, ENTER either of the following: <ul style="list-style-type: none"> <li>• “Y”, if Borrower Eligible for TOP Offset/Certified Screen is needed</li> <li>• “N”, if Borrowers Eligible for TOP Offset Screen is needed.</li> </ul>
		3	PRESS “Enter”; all borrower/co-borrower loans on that screen for the State will be displayed.
4	State and County Offices	1	In Enter Tax ID field, enter the 9-digit TIN for the <b>primary</b> borrower.
		2	In View Certified Borrowers field, ENTER either of the following: <ul style="list-style-type: none"> <li>• “Y”, if Borrower Eligible for TOP Offset/Certified Screen is needed</li> <li>• “N”, if Borrowers Eligible for TOP Offset Screen is needed.</li> </ul>
		3	PRESS “ <b>Enter</b> ”; all borrower/co-borrower loans on that screen for the specified borrower TIN will be displayed. <p><b>Note:</b> Do <b>not</b> enter a co-borrower TIN because this will display a “Borrower Not Found” message. Entering borrower TIN will display any co-borrowers entered in MAC.</p>
5	State and County Offices		PRESS “ <b>Enter</b> ” to return to the Online Submenu Selection Menu.
6-12	FLOO		In Enter Option Code field, enter applicable code to enable/disable the TOP screens, as needed.