

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

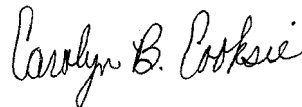
Notice FLP-384

1951-C, 1955-A, 1956-B,
1962-A

For: State and County Offices

**Referral of FLP Debt to Treasury Offset Program (TOP)
and Cross-Servicing for Accounts Involved in Lawsuits**

Approved by: Deputy Administrator, Farm Loan Programs



1 Overview

A Background

The Debt Collection Improvement Act of 1996 (DCIA) and the Debt Collection Act (DCA) require FSA to refer eligible delinquent farm loan debt to the U.S. Department of the Treasury (Treasury) for possible collection through the Treasury Offset Program (TOP) and Cross-Servicing Program.

31 U.S.C. 3711(g)(2)(A)(i) states that debts that are in litigation are not to be referred for the Cross-Servicing Program. These debts, however, will be considered for administrative and treasury offset, unless directed otherwise by OGC on a case by case basis.

B Purpose

This notice:

- provides guidance concerning referral of debt to Treasury for cross-servicing and TOP for cases involved in lawsuits
- provides clarification on handling accounts in which borrowers may be named in more than 1 lawsuit
- obsoletes Notice FLP-373.

C Contact

If there are any questions about this notice, contact Bruce Mair, LSPMD, at 202-720-1645.

Disposal Date	Distribution
October 1, 2006	State Offices; State Offices relay to County Offices

Notice FLP-384

2 Referral of Eligible Debt to TOP

A Referral

Referral of eligible debt to TOP will continue in all cases, except where OGC has advised that the debt should not be referred.

3 Cross-Servicing

A *Pigford* Class Action Lawsuit

The *Pigford* lawsuit was certified as a class action. Therefore, delinquent FLP debt of African American borrowers will not be referred to Treasury for the cross-servicing program until final decisions are received through the court ordered Consent Decree process.

Eligible delinquent FLP debt will be referred to the cross-servicing program once the State Office has been notified of 1 of the following:

- final decision is issued under the Consent Decree process
- the borrower opted out of the lawsuit
- the borrower never became a member of the lawsuit by filing a claim or a late claim affidavit.

B *Keepseagle* Class Action Lawsuit

The *Keepseagle* lawsuit is certified as a class action lawsuit. Delinquent FLP debt of *Keepseagle* plaintiffs named in the latest amended complaint will not be referred to Treasury for the cross-servicing program until further notice. The names of these plaintiffs will be issued to each applicable Farm Loan Chief. Delinquent FLP debt of other Native American borrowers will only be referred to Treasury for the cross-servicing program on a case-by-case basis after approval by the National Office and OGC. If a borrower has already been referred for cross-servicing and the National Office and OGC advise that the debt should not have been referred, immediately process FSA-1956-22.

Notice FLP-384

3 Cross-Servicing (Continued)

C Discrimination Lawsuits Not Certified as Class Actions

The following have not been certified as lawsuits:

- *Garcia*
- *Love*.

Delinquent FLP debt of plaintiffs in these lawsuits named in the latest amended complaints will not be referred to Treasury for the cross-servicing program until further notice. If a borrower has already been referred for cross-servicing and the National Office and OGC advise that the debt should not have been referred, immediately process FSA-1956-22. The names of these plaintiffs will be issued to each applicable State Office.

If the borrower is not listed as a plaintiff in *Garcia or Love*, or as a claimant in the other class action lawsuits, eligible debt may immediately be referred for cross-servicing.

D Borrowers Listed as Plaintiffs in Multiple Lawsuits

For borrowers who are listed in more than 1 lawsuit, State Offices shall follow the more restrictive policy.