

## FLU CHEAT SHEET

Priority of Government claims	31 U.S.C. § 3713
Clerk's office receipts and disburses	18 U.S.C. § 3611
Responsibility for collection of fines, assessments, and restitution	18 U.S.C. § 3612©)
Civil remedies for enforcement of fine	18 U.S.C. § 3613 (a)
Enforcement of restitution like a fine	18 U.S.C. § 3664(m)(1)(A)(I)
Interest on fines and restitution	18 U.S.C. §3612 (f)(1)
Waiver of interest or penalty	18 U.S.C. 3612 (h)
Delinquency - definition	18 U.S.C. 3572 (h)
Delinquency - notification	18 U.S.C. § 3612(d)
Default - definition	18 U.S.C. § 3572(I)
Default- notification	18 U.S.C. § 18 U.S.C. 3612(e)
Payment application	18 U.S.C. § 3612 (I)
Petition for remission	18 U.S.C. § 3573
Stayed fine (restitution) security	18 U.S.C. § 3572(g)
Fine (restitution) not dischargable in bankruptcy	18 U.S.C. § 3613 (e)
Termination of liability to pay assessment	18 U.S.C. § 3013 ©)
Re-sentencing for failure to pay fine or restitution	18 U.S.C. § 3614(a)
Payment of fine with bond money	28 U.S.C. § 2044
Suspense of a criminal debt	USAM 3-12.340
The Privacy Act	5 U.S.C. § 552(a)
Soldiers' and Sailors' Civil Relief Act	50 U.S.C. § 501 et seq.

Retirement and Pension Plans are established by law to be secure from debt collection action by creditors: 29 U.S.C. § 1056 (d)(1) AND 26 U.S.C. § 401 (a)(13)(A).

FLU may collect fines and restitution debts from the corpus of retirement and pension funds. Under 18 U.S.C. § 3613 criminal fines and restitution are to be treated as if they were debts for delinquent income taxes under the Internal Revenue Code. U.S. v. Rice, 196 Supp. 2d 1196 (N.D. Okl. 2002) and U.S. v Tyson, 242 F. Supp 469 (E.D. Mich. 2003)

ERISA pension plans maybe garnished pursuant to the MVRA U.S. v. Novack (2006)  
See AUSA Scott Campbell

Garnishment:

15 U.S.C. § 1673 restricts garnishment, generally, to 25% of disposable earnings for any given week. § 1672(b) defines disposable earnings as earnings remaining after legally required withholding (taxes and child support).

1672 (a) defines earnings as compensation for services and periodic payments pursuant to a pension or retirement program.