

USDA/FS-26

System Name: Trespass and Claims, USDA/FS.

System Location: At the Forest Service headquarters offices of the Chief and the Regional Foresters. The addresses of these offices are listed in 36 CFR Part 200, Subpart A.

Categories of individuals covered by the system: Individuals who file claims against the Forest Service pursuant to the Federal Tort Claims Act, the Military Personnel and Civilian Employees' Act of 1964 and the various Forest Service Claims Acts; Also individuals against whom the Forest Service has filed claims pursuant to the Federal Claims Collection Act; and individuals who claim title to National Forest System lands pursuant to the Adjustment of Land Titles Act, Quiet Claim Act, Color of Title Act, Wisconsin Land Title Act or the Real Property-Quiet Title Act.

Categories of records in the system: The system consists of complete files on individual claims, including claim forms, police reports, investigation and accident reports, statement of witnesses, agency reports, and financial data of individuals subject to a claim of the Forest Service.

Authority for maintenance of the system: 7 U.S.C. 2253; 16 U.S.C. 502, 556c and 574; 28 U.S.C. 2409a and 2671-2680; 31 U.S.C. 3701, 3711, 3721, 3723, and 43 U.S.C. 872, 1068 and 1221.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to Office of the General Counsel for advice or settlement; referral to Department of Justice for defense of a lawsuit brought against the United States or its officers, or the filing of suit for the recovery of claims by USDA. Disclosure may be made to a congressional office from the congressional office made at the request of that individual.

Disclosure may be made to commercial collection contractors for the purpose of collecting delinquent debts as authorized by 31 U.S.C. 3718. Disclosure of the individual's name; address; taxpayer identification (SSN), and other information necessary to establish the identity of the individual; the amount, status, and history of the claim; and the agency or program under which the claim arose may be made to a consumer reporting agency as authorized by 31 U.S.C. 3711f if a debt which arose from the trespass or claim remains delinquent for more than 60 days. Such disclosures may include taxpayer mailing addresses obtained from IRS as authorized by 26 U.S.C. 6203(m).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name of individual claimant or trespasser.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are retained until the statutory limitations for the filing of such claim or suit arising there from has expired; then they are destroyed.

System manager(s) and address: Director, Fiscal and Accounting Management, Forest Service, U.S. Department of Agriculture, P.O. Box 2417, Washington, DC 20013, or the appropriate Regional Director

of Fiscal and Accounting Management at the addresses specified under System Location above.

Notification Procedures: Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him/her from the Director, Fiscal and Accounting Management, Forest Service, U.S. Department of Agriculture, Washington D.C., or the appropriate Regional Director of Fiscal and Accounting Management at the address referenced under

System Location. If the specific location of the records is not known, the individual should address his request to the Director of Fiscal and Accounting Management, who if necessary, will refer it to the appropriate Regional office. A request for information pertaining to an individual should contain name, address, and particulars involved (i.e., the date of the action giving rise to the claim or trespass, date claim or trespass was filed, correspondence, etc.)

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes primarily from claimant's witnesses, agency employees, and investigative personnel.