

**Forest Service Handbook
National Headquarters - Washington Office
Washington, DC**

**Forest Service Handbook 6509.11h – Service-Wide Claims Management Handbook
Chapter 20 - Administrative Claims for the Government**

Amendment: 6509.11h-1992-1

Effective date: September 04, 1992

Duration: This amendment is effective until superseded or removed.

Approved by:

Date approved:

Responsible Staff:

Last Change:

Superseded Document(s):

Digest:

Contents

20.1	Authority
20.2	Objectives
20.3	Policy
21	Tort Claims and Trespass Claims for the Government
21.04	Responsibility
21.04a	Forest Supervisors
21.1	Determining Claim Amount
21.11	Tort Claims for the Government
21.11a	Damages to Forest Service Vehicles
21.11b	Damages to Other Forest Service Property
21.11c	Fire Suppression Costs
21.12	Trespass Claims for the Government
21.12a	Criminal Trespass
21.12b	Timber Trespass
21.12c	Fire Trespass
21.12d	Occupancy Trespass Claims
21.2	Initiating Collections
21.21	Initial and Follow-up Billings
21.21a	Initial Demand Letter and Bill for Collection
21.21b	Claims for Minimal Amounts
21.21c	Interest, Administrative Costs, and Penalty Charge
21.21d	Follow-up Demand Letters and Bills for Collection
21.21e	Stand-Alone Follow-up Bills for Collection
21.21f	Legal Basis of the Indebtedness
21.21g	Demand Upon a Debtor Charged With a Crime
21.21h	Demand Upon a Railroad Company that Starts a Fire
21.21i	Demand Upon a State Agency
21.21j	Demand Upon Debtors Who Are Jointly and Severally Liable
21.21k	Demand Upon Another Federal Agency
21.21l	Demand for Office of Workman's Compensation Program Costs
21.21m	Demand for Federal Tort Claims Act Payments
21.21n	Return of an Unclaimed Demand Letter
21.3	Installment Payments
21.31	Determination of Debtor's Inability to Pay in One Lump Sum
21.32	Size and Frequency of Installment Payments
21.33	Repayment Agreement
21.34	Interest Charge on Repayment Agreements
21.35	Unsecured Claims
21.36	Application of Installment Payment to Debt
21.37	Application of Installment Payment to Multiple Debts

- 21.4 Late Payment Charges on Tort and Trespass Claims**
- 21.5 Releases From Liability**
- 22 Claims Arising Under Contracts**
 - 22.04 Collection Responsibilities**
 - 22.2 Applicability of the Debt Collection Act of 1982 to Contract Debts**
 - 22.3 Settlement of Timber Sale Contracts**
- 23 Other Claims for the Government**
 - 23.1 Claims Against Employees**
 - 23.11 General Debts Owed to the Government by Employees**
 - 23.12 Claims Against Accountable Officers for Account Irregularities**
 - 23.13 Claims Against Employees for Fiscal Irregularities**
 - 23.14 Claims Against Employees for Loss, Damage, or Destruction of Government Property**
 - 23.2 Claims Related to the Assessment of Civil Penalties Under the Archaeological Resources Protection Act**
 - 23.21 Procedure for Assessment of Civil Penalties**
 - 23.21a Notice of Violation**
 - 23.21b Petition for Relief**
 - 23.21c Assessment of Civil Penalty**
 - 23.22 Requests for Hearing**
 - 23.23 Final Administrative Decision**
 - 23.24 Payment of Penalty**
 - 23.25 Court Ordered Restitution for Archeological Resources Protection Act Violations**
 - 23.3 Claims for Debts Resulting From Permit Non-Compliance**
 - 23.31 Suspension or Revocation of License**
 - 23.4 Late Payment Charges on Other Claims**
- 24 Interest, Penalty, and Administrative Costs**
 - 24.1 Interest**
 - 24.11 Interest Rate**
 - 24.12 Computation**
 - 24.13 Waiver for First 30 Days**
 - 24.14 Interest on State and Local Governments**
 - 24.15 Assessing Interest on Interest, Penalties, and Administrative Costs**
 - 24.2 Penalties**
 - 24.3 Administrative Costs**
 - 24.31 Follow-up Billings**
 - 24.32 Extraordinary Costs**
 - 24.4 Waiver of Interest, Penalty and Administrative Costs**
 - 24.5 Interest, Penalty, and Administrative Costs Clause**

- 25 Debt Management**
 - 25.1 Determining the Effective Collection Tools**
 - 25.12 Evaluating the Cost of Collection Efforts**
 - 25.2 Debt Collection Tools**
 - 25.21 Administrative Offset**
 - 25.22 Personal Interview With Debtor**
 - 25.23 Contact with Debtor's Employing Agency**
 - 25.24 Liquidation of Collateral**
 - 25.25 Referral to Collection Agencies**
 - 25.25a Contracting for Collection Services**
 - 25.25b Debts Eligible for Referral to a Collection Agency**
 - 25.25c Procedure for Referral to Collection Agency**
 - 25.25d Claims Collection Litigation Report Preparation**
 - 25.25e Payment for Collection Agency Services**
 - 25.26 Reporting to Consumer Reporting Agencies**
 - 25.26a Commercial Debt**
 - 25.26b Consumer Debt**
 - 25.26c When to Report to Credit Bureaus**
 - 25.27 Reporting Delinquent Debts to the Internal Revenue Service for Tax Refund Offset**
 - 25.27a Referring Debts to the Internal Revenue Service**
 - 25.28 Reporting Written-off Debts to the Internal Revenue Service on Form 1099-G as Income to the Debtor**
 - 25.28a Debts Eligible for Reporting**
 - 25.28b When Debts Should be Reported**
 - 25.28c Amount to Report**
 - 25.29 Hold-up Lists of Defaulted Contractors**
 - 25.3 Use of State Small Claims Courts**
 - 25.31 Conditions for Use of Small Claims Court**
 - 25.4 Referral to Department of Justice for Suit**
 - 25.41 Cases Subject to Referral**
 - 25.41a Claims Exceeding \$200,000**
 - 25.41b Claims from \$100,000 to \$200,000**
 - 25.41c Claims Between \$1,000 and \$100,000**
 - 25.41d Claims Less Than \$1,000**
 - 25.41e Referring Claims Regardless of Amount**
 - 25.42 Documentation Requirements**
 - 25.42a Claims Collection Litigation Report**
 - 25.5 Referral to the Department of Treasury for Surety Revocation**
- 26 Disposition of Uncollected Claims**
 - 26.04 Responsibility**
 - 26.1 Settlement by Grant of Land**
 - 26.2 Compromise**

- 26.21 Inability to Pay**
- 26.22 Doubtful Litigative Probabilities**
- 26.23 Ineffective Cost Recovery**
- 26.24 Restrictions**
- 26.3 Suspending Collections**
- 26.4 Termination of Collections**
- 26.5 Debtors Discharged in Bankruptcy**
- 26.51 Types of Bankruptcies**
- 26.52 Termination of Debt**

- 27 Administrative Offset and Salary Offset Procedures**
- 27.1 Administrative Offset Procedures**
- 27.11 Administrative Offset Limitations Under Specific Forest Service Activities**
- 27.11a Timber Sale Contracts (Form FS-2400-6 and FS-2400-6T)**
- 27.11b Mineral Materials Contracts (Form FS-2800-9)**
- 27.11c Special-Use Authorizations and Grazing Permits**
- 27.11d Offset Against Bond Guarantees**
- 27.12 Administrative Offset and Credit Reporting Clause**
- 27.13 Coordinating Administrative Offset With Other Agencies and Within the Forest Service**
- 27.13a With Other Agencies**
- 27.13b Within the Forest Service**
- 27.2 Salary Offset Procedures**
- 27.21 Exclusions**
- 27.22 Notification to Employees**
- 27.23 Installment Deductions**
- 27.23a Adjustment in Rate of Repayment**
- 27.24 Interest, Penalties, and Administrative Costs**
- 27.25 Employee Review of Debt Records**
- 27.26 Employee Repayment Agreement**
- 27.27 Coordinating Salary Offset With Other Agencies**
- 27.27a When the Forest Service is Owed the Debt**
- 27.27b When the Debt is Owed by a Forest Service Employee to Another Agency**
- 27.28 Recovery of Debts from a Retired, Resigned, or Separated Employee**

- 28 Administrative Offset and Salary Offset Hearings**
- 28.03 Policy**
- 28.1 Information Common to Both Types of Hearings**
- 28.2 Salary Offset Hearings**

- 29 Exhibits**