

set out as a note under section 251 of Title 41, Public Contracts.

NONEXCLUSIVITY OF GAO REMEDIES

Section 12(f) of Pub. L. 104-320 provided that: “In the event that the bid protest jurisdiction of the district courts of the United States is terminated pursuant to subsection (d) [set out as a note under section 1491 of Title 28, Judiciary and Judicial Procedure], then section 3556 of title 31, United States Code, shall be amended by striking ‘a court of the United States or’ in the first sentence.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 22 section 3862.

CHAPTER 37—CLAIMS

SUBCHAPTER I—GENERAL

Sec.

3701. Definitions and application.
3702. Authority to settle claims.

SUBCHAPTER II—CLAIMS OF THE UNITED STATES GOVERNMENT

3711. Collection and compromise.
3712. Time limitations for presenting certain claims of the Government.
3713. Priority of Government claims.
3714. Keeping money due States in default.
3715. Buying real property of a debtor.
3716. Administrative offset.
3717. Interest and penalty on claims.
3718. Contracts for collection services.
3719. Reports on debt collection activities.
3720. Collection of payments.
3720A. Reduction of tax refund by amount of debt.
3720B. Barring delinquent Federal debtors from obtaining Federal loans or loan insurance guarantees.
3720C. Debt Collection Improvement Account.
3720D. Garnishment.
3720E. Dissemination of information regarding identity of delinquent debtors.

SUBCHAPTER III—CLAIMS AGAINST THE UNITED STATES GOVERNMENT

3721. Claims of personnel of agencies and the District of Columbia government for personal property damage or loss.
3722. Claims of officers and employees at Government penal and correctional institutions.
3723. Small claims for privately owned property damage or loss.
3724. Claims for damages caused by investigative or law enforcement officers of the Department of Justice.
3725. Claims of non-nationals for personal injury or death in a foreign country.
3726. Payment for transportation.
3727. Assignments of claims.
3728. Setoff against judgment.
3729. False claims.
3730. Civil actions for false claims.
3731. False claims procedure.
3732. False claims jurisdiction.
3733. Civil investigative demands.

AMENDMENTS

1996—Pub. L. 104-316, title II, §202(n)(2), Oct. 19, 1996, 110 Stat. 3844, substituted “Authority to settle claims” for “Authority of the Comptroller General to settle claims” in item 3702.

Pub. L. 104-134, title III, §31001(j)(2), (o)(2), (r)(2), (t)(2), Apr. 26, 1996, 110 Stat. 1321-365, 1321-371, 1321-373, 1321-375, added items 3720B to 3720E.

1989—Pub. L. 101-203, §1(b)(2), Dec. 7, 1989, 103 Stat. 1805, substituted “investigative or law enforcement officers of the Department of Justice” for “the Federal Bureau of Investigation” in item 3724.

1986—Pub. L. 99-562, §6(b), Oct. 27, 1986, 100 Stat. 3168, added items 3732 and 3733.

1984—Pub. L. 98-369, div. B, title VI, §§2652(a)(2), 2653(a)(2), July 18, 1984, 98 Stat. 1152, 1154, added items 3720 and 3720A.

1983—Pub. L. 97-452, §1(13)(B), (16)(B), Jan. 12, 1983, 96 Stat. 2470, 2474, inserted “and application” in item 3701 and added items 3716-3719.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 20 section 1234a; title 42 sections 1395ccc, 5155, 12651d.

SUBCHAPTER I—GENERAL

§ 3701. Definitions and application

(a) In this chapter—

(1) “administrative offset” means withholding funds payable by the United States (including funds payable by the United States on behalf of a State government) to, or held by the United States for, a person to satisfy a claim.

(2) “calendar quarter” means a 3-month period beginning on January 1, April 1, July 1, or October 1.

(3) “consumer reporting agency” means—

(A) a consumer reporting agency as that term is defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)); or

(B) a person that, for money or on a cooperative basis, regularly—

(i) gets information on consumers to give the information to a consumer reporting agency; or

(ii) serves as a marketing agent under an arrangement allowing a third party to get the information from a consumer reporting agency.

(4) “executive, judicial, or legislative agency” means a department, agency, court, court administrative office, or instrumentality in the executive, judicial, or legislative branch of Government, including government corporations.

(5) “military department” means the Departments of the Army, Navy, and Air Force.

(6) “system of records” has the same meaning given that term in section 552a(a)(5) of title 5.

(7) “uniformed services” means the Army, Navy, Air Force, Marine Corps, Coast Guard, Commissioned Corps of the National Oceanic and Atmospheric Administration, and Commissioned Corps of the Public Health Service.

(8) “nontax” means, with respect to any debt or claim, any debt or claim other than a debt or claim under the Internal Revenue Code of 1986.

(b)(1) In subchapter II of this chapter and subsection (a)(8) of this section, the term “claim” or “debt” means any amount of funds or property that has been determined by an appropriate official of the Federal Government to be owed to the United States by a person, organization, or entity other than another Federal agency. A claim includes, without limitation—

(A) funds owed on account of loans made, insured, or guaranteed by the Government, including any deficiency or any difference between the price obtained by the Government

in the sale of a property and the amount owed to the Government on a mortgage on the property,

(B) expenditures of nonappropriated funds,

(C) over-payments, including payments disallowed by audits performed by the Inspector General of the agency administering the program,

(D) any amount the United States is authorized by statute to collect for the benefit of any person,

(E) the unpaid share of any non-Federal partner in a program involving a Federal payment and a matching, or cost-sharing, payment by the non-Federal partner,

(F) any fines or penalties assessed by an agency;¹ and

(G) other amounts of money or property owed to the Government.

(2) For purposes of section 3716 of this title, each of the terms “claim” and “debt” includes an amount of funds or property owed by a person to a State (including any past-due support being enforced by the State), the District of Columbia, American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, or the Commonwealth of Puerto Rico.

(c) In sections 3716 and 3717 of this title, the term “person” does not include an agency of the United States Government.

(d) Sections 3711(e) and 3716–3719 of this title do not apply to a claim or debt under, or to an amount payable under—

(1) the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.),

(2) the Social Security Act (42 U.S.C. 301 et seq.), except to the extent provided under sections 204(f) and 1631(b)(4) of such Act and section 3716(c) of this title, or

(3) the tariff laws of the United States.

(e) In section 3716 of this title—

(1) “creditor agency” means any agency owed a claim that seeks to collect that claim through administrative offset; and

(2) “payment certifying agency” means any agency that has transmitted a voucher to a disbursing official for disbursement.

(f) In section 3711 of this title, “private collection contractor” means private debt collectors under contract with an agency to collect a nontax debt or claim owed the United States. The term includes private debt collectors, collection agencies, and commercial attorneys.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 970; Pub. L. 97–452, §1(13)(A), Jan. 12, 1983, 96 Stat. 2469; Pub. L. 99–514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 103–387, §5(b), Oct. 22, 1994, 108 Stat. 4077; Pub. L. 104–134, title III, §31001(c)(2), (d)(1), (3), (z)(1), Apr. 26, 1996, 110 Stat. 1321–359, 1321–361, 1321–378; Pub. L. 104–316, title I, §115(g)(2)(A), Oct. 19, 1996, 110 Stat. 3835; Pub. L. 106–169, title II, §203(b), Dec. 14, 1999, 113 Stat. 1832.)

¹ So in original. The semicolon probably should be a comma.

HISTORICAL AND REVISION NOTES
1982 ACT

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3701(1)	31:951.	July 19, 1966, Pub. L. 89–508, §2, 80 Stat. 308.
3701(2)	31:240(1), (4).	Aug. 31, 1964, Pub. L. 88–558, §2(1), (2), (4), 78 Stat. 767; restated Sept. 15, 1965, Pub. L. 89–185, §3(a), 79 Stat. 789.
3701(3)	31:240(2).	

Clause (1) is substituted for 31:951(a) for consistency. The text of 31:951(b) is omitted as unnecessary because of laws vesting authority in the commission, board, or other group of individuals and for consistency in the revised title and with other titles of the United States Code.

In clause (2), the text of 31:240(1) is omitted as unnecessary because of the restatement.

1983 ACT

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3701(a)(1)	31 App.:954(e)(1).	July 19, 1966, Pub. L. 89–508, 80 Stat. 308, §5(e); added Oct. 25, 1982, Pub. L. 97–365, §10(2), 96 Stat. 1755.
3701(a)(2)	31 App.:952(e)(1) (last sentence).	July 19, 1966, Pub. L. 89–508, 80 Stat. 308, §3(e)(1)(last sentence), (8); added Oct. 25, 1982, Pub. L. 97–365, §11, 96 Stat. 1755, 1756.
3701(a)(3)	31 App.:952(d)(4) (A).	July 19, 1966, Pub. L. 89–508, 80 Stat. 308, §3(d)(4); added Oct. 25, 1982, Pub. L. 97–365, §3, 96 Stat. 1750.
3701(a)(4), (5).	31:3701(1), (2).	
3701(a)(6)	31 App.:952(d)(4) (B), (C).	
3701(a)(7)	31:3701(3).	
3701(b)	31 App.:952(g).	July 19, 1966, Pub. L. 89–508, 80 Stat. 308, §3(g); added Oct. 25, 1982, Pub. L. 97–365, §13(b), 96 Stat. 1758.
3701(c)	31 App.:952(e)(8), 31 App.:954(e)(2).	
3701(d)	31 App.:954(note) (related to 31 App.:952(d)–(f), 954, 955).	Oct. 25, 1982, Pub. L. 97–365, §8(e)(related to §§3, 10(2)–12, 13(b)), 96 Stat. 1754.

In subsections (a)(1), (b), and (c), the word “Government” is added for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(3)(B), before clause (i), the word “money” is substituted for “monetary fees, dues” to eliminate unnecessary words. The words “engages in whole or in part in the practice of” are omitted as surplus. In clause (i), the words “credit or other” and “(as defined in clause (i) of this subparagraph)” are omitted as surplus.

In subsection (a)(6), 31 App.:952(d)(4)(C) is omitted as unnecessary.

In subsection (b), the words “all . . . from fees, duties, leases, rents, royalties, services, sales of real or personal property, overpayments, fines, penalties, damages, interest, taxes, forfeitures, and other sources” are omitted as surplus.

In subsection (c), the words “unit of general” are added for consistency in the revised title.

In subsection (d), the word “arising” is omitted as surplus.

REFERENCES IN TEXT

The Internal Revenue Code of 1986, referred to in subsections (a)(8) and (d)(1), is classified to Title 26, Internal Revenue Code.

The Social Security Act, referred to in subsec. (d)(2), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified generally to chapter 7 (§301 et seq.) of Title 42, The Public Health and Welfare. Sections 204(f) and 1631(b)(4) of the Act are classified to sections 404(f) and 1383(b)(4), respectively, of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The tariff laws of the United States, referred to in subsec. (d)(3), are classified generally to Title 19, Customs Duties.

AMENDMENTS

1999—Subsec. (d)(2). Pub. L. 106-169 substituted “sections 204(f) and 1631(b)(4)” for “section 204(f)”.

1996—Subsec. (a)(1). Pub. L. 104-134, § 31001(z)(1)(A), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “‘administrative offset’ means withholding money payable by the United States Government to, or held by the Government for, a person to satisfy a debt the person owes the Government.”

Subsec. (a)(4). Pub. L. 104-134, § 31001(c)(2), amended par. (4) generally. Prior to amendment, par. (4) read as follows: “‘executive or legislative agency’ means a department, agency, or instrumentality in the executive or legislative branch of the Government.”

Subsec. (a)(8). Pub. L. 104-134, § 31001(d)(3), added par. (8).

Subsec. (b). Pub. L. 104-134, § 31001(z)(1)(B), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “In subchapter II of this chapter, ‘claim’ includes amounts owing on account of loans insured or guaranteed by the Government and other amounts due the Government.”

Subsec. (c). Pub. L. 104-134, § 31001(d)(1), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “In sections 3716 and 3717 of this title, ‘person’ does not include an agency of the United States Government, of a State government, or of a unit of general local government.”

Subsec. (d). Pub. L. 104-316 substituted “Sections 3711(e)” for “Sections 3711(f)” in introductory provisions.

Pub. L. 104-134, § 31001(z)(1)(D), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “Sections 3711(f) and 3716-3719 of this title do not apply to a claim or debt under, or to an amount payable under, the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.), the Social Security Act (42 U.S.C. 301 et seq.), except to the extent provided under section 204(f) of such Act (42 U.S.C. 404(f)), or the tariff laws of the United States.”

Subsecs. (e), (f). Pub. L. 104-134, § 31001(z)(1)(C), added subsecs. (e) and (f).

1994—Subsec. (d). Pub. L. 103-387 inserted “, except to the extent provided under section 204(f) of such Act (42 U.S.C. 404(f)),” after “the Social Security Act (42 U.S.C. 301 et seq.)”.

1986—Subsec. (d). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

1983—Pub. L. 97-452 designated existing provisions as subsec. (a), added pars. (1), (2), and (3), redesignated former par. (1) as (4) and substituted “Government” for “United States Government”, redesignated former par. (2) as (5), added par. (6), redesignated former par. (3) as (7) and struck out “the” before “Commissioned Corps” in two places, and added subsecs. (b) to (d).

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-169, title II, § 203(d), Dec. 14, 1999, 113 Stat. 1832, provided that: “The amendments made by this section [amending this section and sections 404 and 1383 of Title 42, The Public Health and Welfare] shall apply to debt outstanding on or after the date of the enactment of this Act [Dec. 14, 1999].”

EFFECTIVE DATE OF 1994 AMENDMENT

Section 5(c) of Pub. L. 103-387, as amended by Pub. L. 104-134, title III, § 31001(z)(2)(B), Apr. 26, 1996, 110 Stat. 1321-379, provided that: “The amendments made by this section [amending this section and section 404 of Title 42, The Public Health and Welfare] shall apply to collection activities begun on or after the date of the enactment of this Act [Oct. 22, 1994].”

SHORT TITLE OF 1996 AMENDMENT

Section 31001(a)(1) of Pub. L. 104-134 provided that: “This section [enacting sections 3720B to 3720E of this

title, amending this section, sections 3322, 3325, 3331, 3332, 3343, 3711, 3712, 3716 to 3719, 3720A, and 7701 of this title, section 5514 of Title 5, Government Organization and Employees, sections 6050P, 6103, and 6402 of Title 26, Internal Revenue Code, and sections 404 and 664 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section, sections 3322, 3711, 3716, and 3719 of this title, and section 2461 of Title 28, Judiciary and Judicial Procedure, amending provisions set out as notes under this section and section 2461 of Title 28, and repealing provisions set out as notes under section 3718 of this title] may be cited as the ‘Debt Collection Improvement Act of 1996’.”

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99-562, § 1, Oct. 27, 1986, 100 Stat. 3153, provided that: “This Act [enacting sections 3732 and 3733 of this title and amending sections 3729 to 3731 of this title and section 287 of Title 18, Crimes and Criminal Procedure] may be cited as the ‘False Claims Amendments Act of 1986’.”

PURPOSES OF 1996 AMENDMENT

Section 31001(b) of Pub. L. 104-134 provided that: “The purposes of this section [see Short Title of 1996 Amendment note above] are the following:

“(1) To maximize collections of delinquent debts owed to the Government by ensuring quick action to enforce recovery of debts and the use of all appropriate collection tools.

“(2) To minimize the costs of debt collection by consolidating related functions and activities and utilizing interagency teams.

“(3) To reduce losses arising from debt management activities by requiring proper screening of potential borrowers, aggressive monitoring of all accounts, and sharing of information within and among Federal agencies.

“(4) To ensure that the public is fully informed of the Federal Government’s debt collection policies and that debtors are cognizant of their financial obligations to repay amounts owed to the Federal Government.

“(5) To ensure that debtors have all appropriate due process rights, including the ability to verify, challenge, and compromise claims, and access to administrative appeals procedures which are both reasonable and protect the interests of the United States.

“(6) To encourage agencies, when appropriate, to sell delinquent debt, particularly debts with underlying collateral.

“(7) To rely on the experience and expertise of private sector professionals to provide debt collection services to Federal agencies.”

UNITED STATES SENATE AS LEGISLATIVE AGENCY; REGULATIONS PROMULGATED BY SECRETARY OF SENATE

Pub. L. 101-163, title I, § 11, Nov. 21, 1989, 103 Stat. 1046, provided that:

“(a) For purposes of subchapters I and II of chapter 37 of title 31, United States Code (relating to claims of or against the United States Government), the United States Senate shall be considered to be a legislative agency (as defined in section 3701(a)(4) of such title), and the Secretary of the Senate shall be deemed to be the head of such legislative agency.

“(b) Regulations prescribed by the Secretary of the Senate pursuant to section 3716 of title 31, United States Code, shall not become effective until they are approved by the Senate Committee on Rules and Administration.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 26 section 6050P.

§ 3702. Authority to settle claims

(a) Except as provided in this chapter or another law, all claims of or against the United States Government shall be settled as follows:

(1) The Secretary of Defense shall settle—

(A) claims involving uniformed service members' pay, allowances, travel, transportation, retired pay, and survivor benefits; and

(B) claims by transportation carriers involving amounts collected from them for loss or damage incurred to property incident to shipment at Government expense.

(2) The Director of the Office of Personnel Management shall settle claims involving Federal civilian employees' compensation and leave.

(3) The Administrator of General Services shall settle claims involving expenses incurred by Federal civilian employees for official travel and transportation, and for relocation expenses incident to transfers of official duty station.

(4) The Director of the Office of Management and Budget shall settle claims not otherwise provided for by this subsection or another provision of law.

(b)(1) A claim against the Government presented under this section must contain the signature and address of the claimant or an authorized representative. The claim must be received by the official responsible under subsection (a) for settling the claim or by the agency that conducts the activity from which the claim arises within 6 years after the claim accrues except—

(A) as provided in this chapter or another law; or

(B) a claim of a State, the District of Columbia, or a territory or possession of the United States.

(2) When the claim of a member of the armed forces accrues during war or within 5 years before war begins, the claim must be received within 5 years after peace is established or within the period provided in paragraph (1) of this subsection, whichever is later.

(3) A claim that is not received in the time required under this subsection shall be returned with a copy of this subsection, and no further communication is required.

(c) ONE-YEAR LIMIT FOR CHECK CLAIMS.—(1) Any claim on account of a Treasury check shall be barred unless it is presented to the agency that authorized the issuance of such check within 1 year after the date of issuance of the check or the effective date of this subsection, whichever is later.

(2) Nothing in this subsection affects the underlying obligation of the United States, or any agency thereof, for which a Treasury check was issued.

(d) The official responsible under subsection (a) for settling the claim shall report to Congress on a claim against the Government that is timely presented under this section that may not be adjusted by using an existing appropriation, and that the official believes Congress should consider for legal or equitable reasons. The report shall include recommendations of the official.

(e)(1) Upon the request of the Secretary concerned (as defined in section 101 of title 37, United States Code), the Secretary of Defense may waive the time limitations set forth in sub-

section (b) or (c) in the case of a claim for pay or allowances provided under title 37 and, subject to paragraph (2), settle the claim.

(2) Payment of a claim settled under paragraph (1) shall be made from an appropriation that is available, for the fiscal year in which the payment is made, for the same purpose as the appropriation to which the obligation claimed would have been charged if the obligation had been timely paid.

(3) This subsection does not apply to a claim in excess of \$25,000.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 970; Pub. L. 97-452, §1(14), Jan. 12, 1983, 96 Stat. 2470; Pub. L. 100-86, title X, §1004(b), Aug. 10, 1987, 101 Stat. 659; Pub. L. 104-201, div. A, title VI, §608, Sept. 23, 1996, 110 Stat. 2542; Pub. L. 104-316, title II, §202(n)(1), Oct. 19, 1996, 110 Stat. 3843; Pub. L. 105-85, div. A, title X, §1012, Nov. 18, 1997, 111 Stat. 1874.)

HISTORICAL AND REVISION NOTES
1982 ACT

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3702(a)	31:44(1st sentence).	June 10, 1921, ch. 18, §304(1st par. 1st sentence), 42 Stat. 24.
	31:71(related to claims).	R.S. §236(related to claims); June 10, 1921, ch. 18, §305, 42 Stat. 24.
	31:86.	July 31, 1894, ch. 174, §14, 28 Stat. 210.
3702(b)(1)	31:71a(1)(less proviso).	Oct. 9, 1940, ch. 788, 54 Stat. 1061; Jan. 2, 1975, Pub. L. 93-604, §801, 88 Stat. 1965.
	31:237(1)(less proviso).	
3702(b)(2)	31:71a(1)(proviso).	
	31:237(1)(proviso).	
3702(b)(3)	31:71a(2).	
	31:237(2).	
3702(c)	31:122.	June 22, 1926, ch. 650, §2, 44 Stat. 761; Aug. 28, 1957, Pub. L. 85-183, §3(a), 71 Stat. 465.
3702(d)	31:236.	Apr. 10, 1928, ch. 334, 45 Stat. 413.

In the section, the words "Comptroller General" are substituted for "General Accounting Office" for consistency.

In subsection (a), the words "Except as provided in this chapter or another law" are added for clarity. The words "and demands whatever" and "and adjusted" are omitted as surplus. The words "officers or employees of the General Accounting Office" are substituted for "of his subordinates" for clarity and consistency in the revised title and with other titles of the United States Code.

In subsection (b)(1), before clause (A), the words "or demand" are omitted as surplus. The word "Government" is substituted for "United States" for consistency in the revised title and with other titles of the Code. The word "representative" is substituted for "agent or attorney" to eliminate unnecessary words. The words "received by the Comptroller General" are substituted for "received in said office" for clarity and consistency. The words "the date" are omitted as surplus. Clause (A) is added for clarity. In clause (B), the words "cognizable by the General Accounting Office under sections 71 and 236 of this title" are omitted as unnecessary because of the restatement.

In subsection (b)(2), the words "member of the armed forces" are substituted for "person serving in the military or naval forces of the United States" for consistency with title 10. The words "to the Comptroller General" are added for clarity.

In subsection (b)(3), the words "to the claimant" are omitted as surplus. The words "not received in the time required" are substituted for "barred by" because of the restatement. The words "no further communica-

tion is required” are substituted for “such action shall be a complete response without further communication” to eliminate unnecessary words.

In subsection (c), the text of 31:122(1st sentence words before 2d comma and last sentence) is omitted as executed. The words “Secretary of the Treasury” are substituted for “Treasury Department” for consistency. The word “Secretary” is substituted for “Treasurer of the United States” because of Department of the Treasury Order 229 of January 14, 1974 (39 F.R. 2280).

In subsection (d), the words “report . . . on” are substituted for “submit the same . . . by a special report . . . the material facts” to eliminate unnecessary words. The words “or demand” are omitted as surplus. The word “Government” is substituted for “United States”, and the words “presented under this section” are substituted for “filed in the General Accounting Office” for consistency. The words “lawfully”, “the use of”, and “thereon” are omitted as surplus.

1983 ACT

This amends 31:3702(b)(2) by inserting a word inadvertently omitted in the codification of title 31.

REFERENCES IN TEXT

The effective date of this subsection, referred to in subsec. (c)(1), probably means the effective date of subsec. (c) of this section as amended by section 1004(b) of Pub. L. 100-86, which is effective 6 months after Aug. 10, 1987, or on such later date as the Secretary of the Treasury may prescribe in regulations. See Effective Date of 1987 Amendment note below.

AMENDMENTS

1997—Subsec. (e)(1). Pub. L. 105-85, §1012(1), substituted “Secretary of Defense” for “Comptroller General”.

Subsec. (e)(2). Pub. L. 105-85, §1012(2), added par. (2) and struck out former par. (2) which read as follows: “Payment of a claim settled under paragraph (1) shall be subject to the availability of appropriations for payment of that particular claim.”

1996—Pub. L. 104-316, §202(n)(1)(A), struck out “of the Comptroller General” after “Authority” in section catchline.

Subsec. (a). Pub. L. 104-316, §202(n)(1)(B), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “Except as provided in this chapter or another law, the Comptroller General shall settle all claims of or against the United States Government. A claim that was not administratively examined before submission to the Comptroller General shall be examined by 2 officers or employees of the General Accounting Office independently of each other.”

Subsec. (b)(1). Pub. L. 104-316, §202(n)(1)(C), in introductory provisions substituted “The claim must be received by the official responsible under subsection (a) for settling the claim or by the agency that conducts the activity from which the claim arises within 6 years after the claim accrues except—” for “The claim must be received by the Comptroller General within 6 years after the claim accrues except—”.

Subsec. (b)(2). Pub. L. 104-316, §202(n)(1)(D), substituted “received” for “presented to the Comptroller General” and “in paragraph” for “in clause”.

Subsec. (b)(3). Pub. L. 104-316, §202(n)(1)(E), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “The Comptroller General shall return a claim not received in the time required under this subsection with a copy of this subsection and no further communication is required.”

Subsec. (d). Pub. L. 104-316, §202(n)(1)(F), substituted “official responsible under subsection (a) for settling the claim” for “Comptroller General” before “shall report to Congress” and “official” for “Comptroller General” before “believes” and before period at end.

Subsec. (e). Pub. L. 104-201 added subsec. (e).

1987—Subsec. (c). Pub. L. 100-86 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as fol-

lows: “A claim on a check or warrant that the records of the Comptroller General or the Secretary of the Treasury show as being paid must be presented to the Comptroller General or the Secretary within 6 years after the check or warrant was issued.”

1983—Subsec. (b)(2). Pub. L. 97-452 inserted “this” before “subsection”.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-86 effective 6 months after Aug. 10, 1987, or on such later date as the Secretary of the Treasury may prescribe in regulations, see section 1006 of Pub. L. 100-86, set out as a note under section 3328 of this title.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment effective Sept. 13, 1982, see section 2(i) of Pub. L. 97-452, set out as a note under section 3331 of this title.

REGULATIONS

For provision permitting Secretary of the Treasury to prescribe rules, regulations, and procedures as necessary to implement amendment by section 1004(b) of Pub. L. 100-86, including recertification of Treasury checks which have been canceled or for which a claim has been asserted or barred, see section 1005 of Pub. L. 100-86, set out as a note under section 3328 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3328, 3712 of this title; title 16 section 831h.

SUBCHAPTER II—CLAIMS OF THE UNITED STATES GOVERNMENT

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 3701, 3712 of this title; title 8 section 1183a; title 21 section 379h.

§ 3711. Collection and compromise

(a) The head of an executive, judicial, or legislative agency—

(1) shall try to collect a claim of the United States Government for money or property arising out of the activities of, or referred to, the agency;

(2) may compromise a claim of the Government of not more than \$100,000 (excluding interest) or such higher amount as the Attorney General may from time to time prescribe that has not been referred to another executive or legislative agency for further collection action, except that only the Comptroller General may compromise a claim arising out of an exception the Comptroller General makes in the account of an accountable official; and

(3) may suspend or end collection action on a claim referred to in clause (2) of this subsection when it appears that no person liable on the claim has the present or prospective ability to pay a significant amount of the claim or the cost of collecting the claim is likely to be more than the amount recovered.

(b)(1) The head of an executive, judicial, or legislative agency may not act under subsection (a)(2) or (3) of this section on a claim that appears to be fraudulent, false, or misrepresented by a party with an interest in the claim, or that is based on conduct in violation of the antitrust laws.

(2) The Secretary of Transportation may not compromise for less than \$500 a penalty under