mal pay and disbursement cycles in order to comply with this subsection.

(g) For the purpose of this section, the term “disposable pay” means that part of the compensation of any individual from an employer remaining after the deduction of any amounts required by any other law to be withheld.

(h) The Secretary of the Treasury shall issue regulations to implement this section.


§ 3720E. Dissemination of information regarding identity of delinquent debtors

(a) The head of any agency may, with the review of the Secretary of the Treasury, for the purpose of collecting any delinquent nontax debt owed by any person, publish or otherwise publicly disseminate information regarding the identity of the person and the existence of the nontax debt.

(b)(1) The Secretary of the Treasury, in consultation with the Director of the Office of Management and Budget and the heads of other appropriate Federal agencies, shall issue regulations establishing procedures and requirements the Secretary considers appropriate to carry out this section.

(2) Regulations under this subsection shall include—

(A) standards for disseminating information that maximize collections of delinquent nontax debts, by directing actions under this section toward delinquent debtors that have assets or income sufficient to pay their delinquent nontax debt;

(B) procedures and requirements that prevent dissemination of information under this section regarding persons who have not had an opportunity to verify, contest, and compromise their nontax debt in accordance with this subchapter; and

(C) procedures to ensure that persons are not incorrectly identified pursuant to this section.


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

(a) In this section—

(1) “agency” does not include a nonappropriated fund activity or a contractor with the United States Government.

(2) “head of an agency” means—

(A) for a military department, the Secretary of the military department;

(B) for the Department of Defense (except the military departments), the Secretary of Defense; and

(C) for another agency, the head of the agency.

(3) “settle” means consider, determine, adjust, and dispose of a claim by disallowance or by complete or partial allowance.

(b)(1) The head of an agency may settle and pay not more than $40,000 for a claim against the Government made by a member of the uniformed services under the jurisdiction of the agency or by an officer or employee of the agency for damage to, or loss of, personal property incident to service. If, however, the claim arose from an emergency evacuation or from extraordinary circumstances, the amount settled and paid under the authority of the preceding sentence may exceed $40,000, but may not exceed $100,000. A claim allowed under this subsection may be paid in money or the personal property replaced in kind.

(2) The Secretary of State may waive the settlement and payment limitation referred to in paragraph (1) for claims for damage or loss by United States Government personnel under the jurisdiction of a chief of mission in a foreign country if such claims arise in circumstances where there is in effect a departure from the country authorized or ordered under circumstances described in section 5522(a) of title 5, if the Secretary determines that there exists exceptional circumstances that warrant such a waiver.

(c) On paying a claim under this section, the Government is subrogated for the amount of the payment to a right or claim that the claimant may have against a foreign country for the damage or loss for which the Government made the payment.

(d) The Mayor of the District of Columbia may settle and pay a claim against the District of Columbia government made by an officer or employee of the District of Columbia government to the same extent the head of an agency may settle and pay a claim under this section.

(e) A claim may not be allowed under this section if the personal property damage or loss occurred at quarters occupied by the claimant in a State or the District of Columbia that were not assigned or provided in kind by the United States Government or the District of Columbia government.

(f) A claim may be allowed under this section only if—

(1) the claim is substantiated;

(2) the head of the agency decides that possession of the property was reasonable or useful under the circumstances; and

(3) no part of the loss was caused by any negligent or wrongful act of the claimant or an agent or employee of the claimant.

(g) A claim may be allowed under this section only if it is presented in writing within 2 years after the claim accrues. However, if a claim under subsection (b) of this section accrues during war or an armed conflict in which an armed force of the United States is involved, or has accrued within 2 years before war or an armed conflict begins, and for cause shown, the claim must be presented within 2 years after the cause no longer exists or after the war or armed conflict ends, whichever is earlier. An armed conflict begins and ends as stated in a concurrent resolution of Congress or a decision of the President.

(h) The head of the agency—

(1) may settle and pay a claim made by the surviving spouse, child, parent, or brother or sister of a dead member, officer, or employee if the claim is otherwise payable under this section; and
Title 31—Money and Finance

(2) may settle and pay the claims by the survivors only in the following order:

(A) the spouse’s claim.
(B) a child’s claim.
(C) a parent’s claim.
(D) a brother’s or sister’s claim.

(i) Notwithstanding a contract, the representative of a claimant may not receive more than 10 percent of a payment of a claim made under this section for services related to the claim. A person violating this subsection shall be fined not more than $1,000.

(j) The President may prescribe policies to carry out this section (except subsection (b) to the extent that subsection (b) applies to the military departments, the Department of Defense, and the Coast Guard). Subject to those policies, the head of each agency shall prescribe regulations to carry out this section.

(k) Settlement of a claim under this section is final and conclusive.

(Historical and Revision Notes—Continued)

1982 Act

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In the section, the words “or his designee” are omitted as unnecessary.

In subsections (b) and (c), the word “civilian” is omitted as surplus.

In subsection (b), the words “arising after August 31, 1964” and “arising after October 18, 1974” and 31:241(a)(1)last sentence) and (b)(1)last sentence) are omitted as executed.

In subsection (c)(1)(B), the words “mob violence, terrorist attacks, or other” are omitted as surplus. The word “members” is added for consistency.

In subsection (c)(2), the words “in which damage or loss occurred” are omitted as surplus.

In subsection (c)(3), the text of section (2) of the Act of December 12, 1980 (Pub. L. 96-519, 94 Stat. 519) is omitted as obsolete.

Subsection (d) is substituted for 31:241(f) because of the restatement.

In subsection (e), the words “assigned to him or otherwise” in 31:241(c)(2) are omitted as surplus. The words “the or the District of Columbia government” are added because of the restatement.

In subsection (f), the words “the head of the agency decides” are substituted for “determined to be” in 31:241(b)(1) for clarity.

In subsection (g), the text of 31:243a(c)(words after 1st comma) are omitted as executed. The words “in writing” and “of the United States” in 31:241(c)(1) are omitted as unnecessary.

In subsection (h)(1), the words “the surviving... of a dead member, officer, or employee” are substituted for “If a person named in this subsection is dead” and “the decedent’s surviving” in 31:241(a)(3) and (b)(2) and “If such person is deceased” and “the decedent’s surviving” in 31:243a(b) to omit surplus words. The words “that arose before, concurrently with, or after the decedent’s death” in 31:241(a)(3) and (b)(2) and 31:243a(b) are omitted as surplus. The words “child, parent, or brother or sister” are substituted for “(2) children, (3) father or mother, or both, or (4) brothers or sisters, or both” to eliminate surplus words and because of 1:1.

The words “otherwise payable” are substituted for “otherwise covered” for clarity.

Subsection (h)(2) is substituted for “Claims of survivors shall be settled and paid in the order named in” 31:241(a)(3) and (b)(2) and “Claims of survivors shall be settled and paid in the order set forth in the preceding sentence” in 31:243a(b) for clarity.

In subsection (i), the words “to the contrary” are omitted as surplus. The words “representative of a claimant” are substituted for “agent or attorney” for clarity and consistency. The words “be paid or delivered to or” are omitted as surplus. The word “payment” is substituted for “amount paid in settlement” to eliminate unnecessary words. The words “individual... submitted and settled... of the authority of” are omitted as surplus. The words “and the same shall be unlawful” are omitted because of the restatement. The words “shall be deemed guilty of a misdemeanor and upon conviction thereof... in any sum” are omitted as surplus.

In subsection (j), the words “the purposes of” in 31:241(b)(1)last sentence words before 5th comma) are omitted as surplus. The words “except subsection (b)
to the extent that subsection (b) applies to the military
departments, the Department of Defense, and the Coast
Guard) are substituted for the source provisions be-
cause of the restatement. The words “to carry out this
section” after “regulations” are added for clarity.

In subsection (k), the words “Notwithstanding any
other provision of law” are omitted as unnecessary.

1983 ACT

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§3722

AMENDMENTS

1996—Subsec. (b)(1). Pub. L. 104-106 inserted after first sentence “If, however, the claim arose from an emerg-
ency evacuation or from extraordinary circumstances, the amount settled and paid under the authority of the
preceding sentence may exceed $40,000, but may not ex-
ceed $100,000.”

1994—Subsec. (b). Pub. L. 103-236 designated existing provisions as par. (1) and added par. (2).


(c) generally, redesignated former subsec. (c)(2) as (c) and substituted “section” for “subsection”, struck out
par. (1) which authorized agency head to pay claim
against Government for not more than $40,000 to mem-
er of uniformed services, or officer or employee of
agency, for damage to, or loss of, personal property in
foreign country, incurred after December 30, 1978, inci-
dent to service, after evacuation from foreign country,
and struck out par. (3) which limited amounts to be ob-
ligated or expended for claims to extent provided in
advance in appropriation laws.

1983—Subsec. (b). Pub. L. 97-452 substituted “$25,000” for “$15,000”.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 1088(b) of Pub. L. 104-106 provided that: “The amendment made by subsection (a) [amending this
section] shall apply to claims arising before, on, or after the date of the enactment of this Act [Feb. 10, 1996].”

EFFECTIVE DATE OF 1994 AMENDMENT

Section 172(b) of Pub. L. 103-236 provided that: “The amendments made by subsection (a) [amending this
section] shall apply with respect to claims arising on or after October 31, 1988.”

EFFECTIVE DATE OF 1988 AMENDMENT

Section 2 of Pub. L. 100-565 provided that: “The amendments made by this Act [amending this section]
shall apply only to claims arising on or after the date of the enactment of this Act [Oct. 31, 1988].”

EFFECTIVE DATE OF 1983 AMENDMENT

Section 2(g) of Pub. L. 97-452 provided that: “The amendment made by section 1(17) of this Act [amending
this section] applies only to claims arising after July 27, 1982.”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and
assets of the Coast Guard, including the authorities
and functions of the Secretary of Transportation relat-
ing thereto, to the Department of Homeland Security,
and for treatment of related references, see sections
468(b), 551(d), 552(d), and 557 of Title 6, Domestic Secu-

Revisions of Previously Present Claims

Section 1088(c) of Pub. L. 104-106 provided that:

“(1) A claim under subsection (b) of section 3721 of
title 31, United States Code, that was settled under
such section before the date of the enactment of this
Act [Feb. 10, 1996] may be represented under such sec-
tion, as amended by subsection (a), to the head of the
agency concerned to recover the amount equal to the
difference between the actual amount of the damage or
loss and the amount settled and paid under the authority
of such section before the date of the enactment of this
Act, except that—

(A) the claim shall be represented in writing within
two years after the date of the enactment of this
Act;

(B) a determination of the actual amount of the
damage or loss shall have been made by the head of
the agency concerned pursuant to settlement of the
claim under the authority of such section before the
date of the enactment of this Act;

(C) the claimant shall have proof of the deter-
mination referred to in subparagraph (B); and

(D) the total of all amounts paid in settlement of
the claim under the authority of such section may
not exceed $100,000.

“(2) Subsection (k) of such section shall not apply to
bar representation of a claim described in paragraph
(1), but shall apply to such a claim that is represented
and settled under that section after the date of the en-
actment of this Act.”

§3722. Claims of officers and employees at Gov-
ernment penal and correctional institutions

(a) The Attorney General may settle and pay
not more than $1,000 in any one case for a claim
made by an officer or employee at a United
States Government penal or correctional insti-
tution for damage to, or loss of, personal prop-
erty incident to employment.

(b) A claim may not be allowed under this sec-
tion if the loss occurred at quarters occupied by
the claimant that were not assigned or provided
in kind by the Government.

(c) A claim may be allowed only if—

(1) no part of the loss was caused by any neg-
ligent or wrongful act of the claimant or an
agent or employee of the claimant;

(2) the Attorney General decides that posses-
sion of the property was reasonable or useful
under the circumstances; and

(3) it is presented in writing within one year
after it accrues.

(d) A claim may be paid under this section
only if the claimant accepts the amount of the
settlement in complete satisfaction of the claim.

(e) Necessary amounts are authorized to be ap-
propriated to carry out this section.


HISTORICAL AND REVISION NOTES

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| 3722(a) ....    | 31:238(last sen-
| 3722(b) ....    | 31:238(last sen-
| 3722(c) ....    | 31:238(last sen-
| 3722(d) ....    | 31:238(last sen-

In subsection (a), the words “and such other officer or
officers as he may designate for such purpose” are