

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) gives 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, including actual and administrative costs related to shoplifting, theft detection, and theft prevention.

(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;<sup>1</sup> 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; Pub. L. 107–107, div. A, title III, §335, Dec. 28, 2001, 115 Stat. 1060.)

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; re-stated 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

<sup>1</sup> So in original. The semicolon probably should be a comma.

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).	
3701(d) .....	31 App.:954(e)(2). 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 subsection (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 subsection (d)(3), are classified generally to Title 19, Customs Duties.

## AMENDMENTS

2001—Subsec. (b)(1)(B). Pub. L. 107-107 inserted “, including actual and administrative costs related to shoplifting, theft detection, and theft prevention” before comma at end.

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

Pub. L. 103-387, §5(c), Oct. 22, 1994, 108 Stat. 4077, 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

Pub. L. 104-134, title III, §31001(a)(1), Apr. 26, 1996, 110 Stat. 1321-358, 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.’”

#### 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 relating 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 Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### PURPOSES OF 1996 AMENDMENT

Pub. L. 104-134, title III, § 31001(b), Apr. 26, 1996, 110 Stat. 1321-358, 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.”

#### § 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, payments for unused accrued leave, 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.