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**Editorial Notes****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.

**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, Space Force, 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 pay-

ment 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; Pub. L. 116–283, div. A, title IX, §927(d)(1), Jan. 1, 2021, 134 Stat. 3831.)

#### 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 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.

#### Editorial Notes

##### 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, 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

2021—Subsec. (a)(7). Pub. L. 116–283 inserted “Space Force,” after “Marine Corps.”

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.

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

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).

#### Statutory Notes and Related Subsidiaries

##### 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.

(e)(1) The Secretary of Defense may waive the time limitations set forth in subsection (b) or (c) in the case of a claim referred to in subsection (a)(1)(A). In the case of a claim by or with respect to a member of the uniformed services who is not under the jurisdiction of the Secretary of a military department, such a waiver may be made only upon the request of the Secretary concerned (as defined in section 101 of title 37).

(2) Payment of a claim settled under subsection (a)(1)(A) 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, except that in the case of a claim for retired pay or survivor benefits, if the obligation claimed would have been paid from a trust fund if timely paid, the payment of the claim shall be made from that trust fund.

(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; Pub. L. 106-398, §1 [[div. A], title VI, §664], Oct. 30, 2000, 114 Stat. 1654, 1654A-168; Pub. L. 107-314, div. A, title VI, §635(a), (b), Dec. 2, 2002, 116 Stat. 2574; Pub. L. 109-163, div. A, title X, §1056(e)(2), Jan. 6, 2006, 119 Stat. 3440.)

#### HISTORICAL AND REVISION NOTES 1982 ACT

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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, 1926, 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 communication 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.

#### Editorial Notes

##### 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

2006—Subsec. (e)(1). Pub. L. 109-163 amended directory language of Pub. L. 107-314, § 635(a). See 2002 Amendment note below.

2002—Subsec. (e)(1). Pub. L. 107-314, § 635(b)(1), substituted “The Secretary of Defense” for “Upon the request of the Secretary concerned (as defined in section 101 of title 37, United States Code), the Secretary of Defense”, struck out “and, subject to paragraph (2), settle the claim” before period at end of first sentence, and inserted at end “In the case of a claim by or with respect to a member of the uniformed services who is not under the jurisdiction of the Secretary of a military department, such a waiver may be made only upon the request of the Secretary concerned (as defined in section 101 of title 37).”

Pub. L. 107-314, § 635(a), as amended by Pub. L. 109-163, substituted “a claim referred to in subsection (a)(1)(A)” for “a claim for pay, allowances, or payment for unused accrued leave under title 37 or a claim for retired pay under title 10”.

Subsec. (e)(2). Pub. L. 107-314, § 635(b)(2), substituted “under subsection (a)(1)(A)” for “under paragraph (1)”

and inserted before period at end “, except that in the case of a claim for retired pay or survivor benefits, if the obligation claimed would have been paid from a trust fund if timely paid, the payment of the claim shall be made from that trust fund”.

2000—Subsec. (a)(1)(A). Pub. L. 106-398, § 1 [[div. A], title VI, § 664(a)], inserted “payments for unused accrued leave,” after “transportation.”.

Subsec. (e)(1). Pub. L. 106-398, § 1 [[div. A], title VI, § 664(b)], substituted “claim for pay, allowances, or payment for unused accrued leave under title 37 or a claim for retired pay under title 10” for “claim for pay or allowances provided under title 37”.

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 follows: “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”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-163, div. A, title X, § 1056(e)(2), Jan. 6, 2006, 119 Stat. 3440, as amended by Pub. L. 111-383, div. A, title X, § 1075(h)(3), Jan. 7, 2011, 124 Stat. 4377, provided that the amendment by section 1056(e)(2) is effective as of Dec. 2, 2002, and as if included in Pub. L. 107-314 as enacted.

##### EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-314, div. A, title VI, § 635(c), Dec. 2, 2002, 116 Stat. 2574, provided that: “The amendment made by

subsection (a) [amending this section] shall apply with respect to claims against the United States presented to the Secretary of Defense under section 3702 of title 31, United States Code, on or after the date of the enactment of this Act [Dec. 2, 2002].”

#### 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.

### SUBCHAPTER II—CLAIMS OF THE UNITED STATES GOVERNMENT

## § 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 section 21302 of title 49 for a violation of chapter 203, 205, or 207 of title 49 or a regulation or requirement prescribed or order issued under any of those chapters.

(c) A compromise under this section is final and conclusive unless gotten by fraud, misrepresentation, presenting a false claim, or mutual mistake of fact. An accountable official is not liable for an amount paid or for the value of property lost or damaged if the amount or value

is not recovered because of a compromise under this section.

(d) The head of an executive, judicial, or legislative agency acts under—

(1) regulations prescribed by the head of the agency; and

(2) standards that the Attorney General, the Secretary of the Treasury, may prescribe.<sup>1</sup>

(e)(1) When trying to collect a claim of the Government under a law except the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.), the head of an executive, judicial, or legislative agency shall disclose to a consumer reporting agency information from a system of records that a person is responsible for a claim if—

(A) notice required by section 552a(e)(4) of title 5 indicates that information in the system may be disclosed to a consumer reporting agency;

(B) the head of the agency has reviewed the claim and decided that the claim is valid and overdue;

(C) the head of the agency has notified the person in writing—

(i) that payment of the claim is overdue;

(ii) that, within not less than 60 days after sending the notice, the head of the agency intends to disclose to a consumer reporting agency that the person is responsible for the claim;

(iii) of the specific information to be disclosed to the consumer reporting agency; and

(iv) of the rights the person has to a complete explanation of the claim, to dispute information in the records of the agency about the claim, and to administrative repeal or review of the claim;

(D) the person has not—

(i) repaid or agreed to repay the claim under a written repayment plan that the person has signed and the head of the agency has agreed to; or

(ii) filed for review of the claim under paragraph (2) of this subsection;

(E) the head of the agency has established procedures to—

(i) disclose promptly, to each consumer reporting agency to which the original disclosure was made, a substantial change in the condition or amount of the claim;

(ii) verify or correct promptly information about the claim on request of a consumer reporting agency for verification of information disclosed; and

(iii) get satisfactory assurances from each consumer reporting agency that the agency is complying with all laws of the United States related to providing consumer credit information; and

(F) the information disclosed to the consumer reporting agency is limited to—

(i) information necessary to establish the identity of the person, including name, address, and taxpayer identification number;

(ii) the amount, status, and history of the claim; and

<sup>1</sup> So in original. Probably should be “Attorney General and the Secretary of the Treasury may prescribe jointly.”