

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 . . . 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)(1st 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 because 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3721(b) .....	31 App.:241(a)(1), (b)(1).	July 28, 1982, Pub. L. 97-226, §1(a), 96 Stat. 245.

#### Editorial Notes

##### AMENDMENTS

1996—Subsec. (b)(1). Pub. L. 104-106 inserted after first sentence “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.”

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

1988—Subsec. (b). Pub. L. 100-565, §1(1), substituted “\$40,000” for “\$25,000”.

Subsec. (c). Pub. L. 100-565, §1(2), in amending subsec. (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 member 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, incident to service, after evacuation from foreign country, and struck out par. (3) which limited amounts to be obligated 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”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-106, div. A, title X, §1088(b), Feb. 10, 1996, 110 Stat. 459, 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

Pub. L. 103-236, title I, §172(b), Apr. 30, 1994, 108 Stat. 412, 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

Pub. L. 100-565, §2, Oct. 31, 1988, 102 Stat. 2833, 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

Pub. L. 97-452, §2(g), Jan. 12, 1983, 96 Stat. 2479, 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 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.

##### REPRESENTMENTS OF PREVIOUSLY PRESENTED CLAIMS

Pub. L. 104-106, div. A, title X, §1088(c), Feb. 10, 1996, 110 Stat. 459, 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 section, 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 determination 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 representment 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 enactment of this Act.”

#### § 3722. Claims of officers and employees at Government 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 institution for damage to, or loss of, personal property incident to employment.

(b) A claim may not be allowed under this section 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 negligent or wrongful act of the claimant or an agent or employee of the claimant;

(2) the Attorney General decides that possession 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 appropriated to carry out this section.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 974.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3722(a) .....	31:238(1st sentence).	June 10, 1949, ch. 187, 63 Stat. 167.
3722(b) .....	31:238(2d sentence last 25 words before last semicolon).	
3722(c) .....	31:238(2d sentence less last 25 words before last semicolon).	
3722(d) .....	31:238(last sentence).	
3722(e) .....	31:238(note).	

In subsection (a), the words “and such other officer or officers as he may designate for such purpose” are omitted as unnecessary because of 28:509. The word “settle” is substituted for “consider, determine, adjust” for consistency. The words “the sum of” are omitted as surplus. The words “officer or employee” are substituted for “persons employed” for consistency in the revised title and with other titles of the United States Code. The words “or destruction” are omitted as surplus.

In subsection (b), the words “assigned to him . . . otherwise” are omitted as surplus.

In subsection (c)(1), the words “no part” are substituted for “not . . . in whole or in part” because of the restatement.

In subsection (c)(2), the words “the Attorney General decides that possession of” are substituted for “is determined” for clarity. The words “claimed to be damaged, lost, or destroyed” and “necessary, or proper . . . attendant” are omitted as surplus.

In subsection (c)(3), the word “accrues” is substituted for “the occurrence of the accident or incident out of which such claim arises” to eliminate unnecessary words.

In subsection (d), the words “A claim may be paid under this section” are added for clarity. The words “the amount of the settlement” are substituted for “an award hereunder” for consistency. The words “in complete satisfaction of the claim” are substituted for “shall release the United States, its agents or employees, from any further claim by such claimant arising out of the same incident” to eliminate unnecessary words.

#### § 3723. Small claims for privately owned property damage or loss

(a) The head of an agency (except a military department of the Department of Defense or the Coast Guard) may settle a claim for not more than \$1,000 for damage to, or loss of, privately owned property that—

(1) is caused by the negligence of an officer or employee of the United States Government acting within the scope of employment; and

(2) may not be settled under chapter 171 of title 28.

(b) A claim under this section may be allowed only if it is presented to the head of the agency within one year after it accrues.

(c) A claim under this section may be paid as provided in section 1304 of this title only if the claimant accepts the amount of the settlement in complete satisfaction of the claim against the Government.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 975.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3723(a) .....	31:215(1st sentence), 216. 31:216(note). 31:216(note).  31:216(note).	Dec. 28, 1922, ch. 17, §§1–3, 42 Stat. 1066. July 3, 1943, ch. 189, §4, 57 Stat. 373. Dec. 28, 1945, ch. 597, §4(words before 3d comma), 59 Stat. 662. Dec. 28, 1945, ch. 597, 59 Stat. 662, §5(last sentence); added Mar. 20, 1946, ch. 104, 60 Stat. 56. Aug. 2, 1946, ch. 753, §424(a)(last par. on p. 846), 60 Stat. 846.
3723(b) .....	31:215(last sentence proviso).	
3723(c) .....	31:215(last sentence less proviso), 217.	

In subsection (a), before clause (1), the text of 31:216(words before semicolon) is omitted as unnecessary because of section 102 of the revised title. The words “acting on behalf of the Government of the United States” in 31:215 are omitted as unnecessary. The word “settle” is substituted for “consider, ascertain, adjust, and determine” for consistency. The words “after April 6, 1917” are omitted as executed.

In subsection (c), the words “A claim under this section may be paid” are added for clarity. The words “as provided in section 1304 of this title” are substituted for 31:215(last sentence less proviso) because 31:215(last sentence less proviso) is superseded by section 201 of the Supplemental Appropriations Act, 1978 (Pub. L. 95–240, 92 Stat. 116). The words “of the settlement” are substituted for “determined under the provisions of sections 215 and 216 of this title” in 31:217 for consistency and to eliminate unnecessary words. The word “complete” is substituted for “full” for consistency. The word “satisfaction” is substituted for “settlement” for clarity.

#### Statutory Notes and Related Subsidiaries

##### 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.