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. (Added Pub. L. 104–134, title III, §31001(o)(1), Apr. 26, 1996, 110 Stat. 1321–369.) §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. (Added Pub. L. 104–134, title III, §31001(r)(1), Apr. 26, 1996, 110 Stat. 1321–372.) 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
(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 recover 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.

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

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’’.

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 only to claims arising on or after the date of the enactment of this Act.’’

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 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 522 of Title 6.

Representations of Previously Presented 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 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 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 enactment of this Act.’’