

Subsecs. (b) to (d). Pub. L. 103-355, §1404(a), (b), added subsecs. (b) and (c) and redesignated former subsec. (b) as (d).

EFFECTIVE DATE OF 1994 AMENDMENT

For effective date and applicability of amendment by Pub. L. 103-355, see section 10001 of Pub. L. 103-355, set out as a note under section 2302 of Title 10, Armed Forces.

EFFECTIVE DATE

Section applicable with respect to any protest filed after Jan. 14, 1985, see section 2751(b) of Pub. L. 98-369, set out as a note under section 2302 of Title 10, Armed Forces.

**§ 3556. Nonexclusivity of remedies; matters included in agency record**

This subchapter does not give the Comptroller General exclusive jurisdiction over protests, and nothing contained in this subchapter shall affect the right of any interested party to file a protest with the contracting agency or to file an action in the United States Court of Federal Claims. In any such action based on a procurement or proposed procurement with respect to which a protest has been filed under this subchapter, the reports required by sections 3553(b)(2) and 3554(e)(1) of this title with respect to such procurement or proposed procurement and any decision or recommendation of the Comptroller General under this subchapter with respect to such procurement or proposed procurement shall be considered to be part of the agency record subject to review.

(Added Pub. L. 98-369, div. B, title VII, §2741(a), July 18, 1984, 98 Stat. 1202; amended Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516; Pub. L. 104-320, §12(f), Oct. 19, 1996, 110 Stat. 3876.)

AMENDMENTS

1996—Pub. L. 104-320, which directed the amendment of this section by striking “a court of the United States or” in first sentence, was executed by striking “a district court of the United States or” after “to file an action in” in first sentence to reflect the probable intent of Congress.

1992—Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-320 effective Jan. 1, 2001, see section 12(f) of Pub. L. 104-320, set out as a Non-exclusivity of GAO Remedies note below.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE

Section applicable with respect to any protest filed after Jan. 14, 1985, see section 2751(b) of Pub. L. 98-369, set out as a note under section 2302 of Title 10, Armed Forces.

NONEXCLUSIVITY OF GAO REMEDIES

Section 12(f) of Pub. L. 104-320 provided that: “In the event that the bid protest jurisdiction of the district courts of the United States is terminated pursuant to subsection (d) [set out as a Sunset Provision note under

section 1491 of Title 28, Judiciary and Judicial Procedure], then section 3556 of title 31, United States Code, shall be amended by striking ‘a court of the United States or’ in the first sentence.” [Bid protest jurisdiction of the district courts of the United States terminated on Jan. 1, 2001, pursuant to section 12(d) of Pub. L. 104-320.]

**§ 3557. Expedited action in protests of public-private competitions**

For any protest of a public-private competition conducted under Office of Management and Budget Circular A-76 with respect to the performance of an activity or function of a Federal agency, the Comptroller General shall administer the provisions of this subchapter in the manner best suited for expediting the final resolution of the protest and the final action in the public-private competition.

(Added Pub. L. 110-181, div. A, title III, §326(b)(1), Jan. 28, 2008, 122 Stat. 63; amended Pub. L. 110-417, [div. A], title X, §1061(c)(2), Oct. 14, 2008, 122 Stat. 4613.)

CODIFICATION

Another section 3557, added Pub. L. 110-161, div. D, title VII, §739(c)(1)(B)(i), Dec. 26, 2007, 121 Stat. 2030, related to an expedited action in protests for public-private competitions, prior to repeal by Pub. L. 110-417, [div. A], title X, §1061(c)(1), Oct. 14, 2008, 122 Stat. 4613.

AMENDMENTS

2008—Pub. L. 110-417 substituted “public-private” for “Public-Private” in section catchline.

SUBCHAPTER VI—RECOVERY AUDITS<sup>1</sup>

AMENDMENTS

2010—Pub. L. 111-204, §2(h)(6)(A)(i), July 22, 2010, 124 Stat. 2231, struck out heading “SUBCHAPTER VI—RECOVERY AUDITS”.

**[§ 3561. Repealed. Pub. L. 111-204, §2(h)(6)(A)(i), July 22, 2010, 124 Stat. 2231]**

Section, added Pub. L. 107-107, div. A, title VIII, §831(a)(1), Dec. 28, 2001, 115 Stat. 1186, related to identification of errors made by executive agencies in payments to contractors and recovery of amounts erroneously paid.

**§ 3562. Disposition of recovered funds**

(a) AVAILABILITY OF FUNDS FOR RECOVERY AUDITS AND ACTIVITIES PROGRAM.—Funds collected under a program carried out by an executive agency under section 3561<sup>1</sup> of this title shall be available to the executive agency for the following purposes:

(1) To reimburse the actual expenses incurred by the executive agency in the administration of the program.

(2) To pay contractors for services under the program in accordance with the guidance issued under section 3561(c)(5)<sup>1</sup> of this title.

[(b), (c). Repealed. Pub. L. 111-204, §2(h)(6)(A)(i), July 22, 2010, 124 Stat. 2231.]

(Added Pub. L. 107-107, div. A, title VIII, §831(a)(1), Dec. 28, 2001, 115 Stat. 1187; Pub. L. 111-204, §2(h)(6)(A), July 22, 2010, 124 Stat. 2231.)

<sup>1</sup> Editorially supplied.

<sup>1</sup> See References in Text and Codification notes below.

## REFERENCES IN TEXT

Section 3561 of this title, referred to in subsec. (a), was repealed by Pub. L. 111-204, §2(h)(6)(A)(i), July 22, 2010, 124 Stat. 2231.

## CODIFICATION

Pub. L. 111-204, §2(h)(6)(A), July 22, 2010, 124 Stat. 2231, provided that this section is repealed except that subsec. (a) shall continue in effect, but references in such subsec. to programs carried out under section 3561 of this title shall be interpreted to mean programs carried out under section 2(h) of Pub. L. 111-204, which is set out as a note under section 3321 of this title.

## AMENDMENTS

2010—Pub. L. 111-204 repealed section but provided that subsec. (a) was to continue in effect, with certain exceptions. See Codification note above. Prior to amendment, in addition to subsec. (a), section contained subssecs. (b) and (c) which related to treatment of funds not used for program under section 3561 of this title and priority of other authorized dispositions, respectively.

**[[§ 3563 to 3567. Repealed. Pub. L. 111-204, §2(h)(6)(A)(i), July 22, 2010, 124 Stat. 2231]]**

Section 3563, added Pub. L. 107-107, div. A, title VIII, §831(a)(1), Dec. 28, 2001, 115 Stat. 1187, related to sources of recovery services.

Section 3564, added Pub. L. 107-107, div. A, title VIII, §831(a)(1), Dec. 28, 2001, 115 Stat. 1188, related to management improvement programs.

Section 3565, added Pub. L. 107-107, div. A, title VIII, §831(a)(1), Dec. 28, 2001, 115 Stat. 1188, related to relationship of subchapter VI to authority of Inspectors General.

Section 3566, added Pub. L. 107-107, div. A, title VIII, §831(a)(1), Dec. 28, 2001, 115 Stat. 1188, related to privacy protections.

Section 3567, added Pub. L. 107-107, div. A, title VIII, §831(a)(1), Dec. 28, 2001, 115 Stat. 1188; amended Pub. L. 111-350, §5(h)(5), Jan. 4, 2011, 124 Stat. 3849, defined “executive agency”.

## CHAPTER 37—CLAIMS

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## 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.