

and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as a note preceding section 3001 of this title.

§ 3862. Requests for equitable adjustment or other relief: certification

(a) **CERTIFICATION REQUIREMENT.**—A request for equitable adjustment to contract terms or request for relief under Public Law 85-804 (50 U.S.C. 1431 et seq.) that exceeds the simplified acquisition threshold may not be paid unless a person authorized to certify the request on behalf of the contractor certifies, at the time the request is submitted, that—

- (1) the request is made in good faith, and
- (2) the supporting data are accurate and complete to the best of that person's knowledge and belief.

(b) **RESTRICTION ON LEGISLATIVE PAYMENT OF CLAIMS.**—In the case of a contract of an agency named in section 3063 of this title, no provision of a law enacted after September 30, 1994, that directs the payment of a particular claim under such contract, a particular request for equitable adjustment to any term of such contract, or a particular request for relief under Public Law 85-804 (50 U.S.C. 1431 et seq.) regarding such contract may be implemented unless such provision of law—

- (1) specifically refers to this subsection; and
- (2) specifically states that this subsection does not apply with respect to the payment directed by that provision of law.

(c) **DEFINITION.**—In this section, the term “simplified acquisition threshold” has the meaning given that term in section 134 of title 41.

(Added Pub. L. 103-355, title II, §2301(a), Oct. 13, 1994, 108 Stat. 3320, §2410; amended Pub. L. 111-350, §5(b)(27), Jan. 4, 2011, 124 Stat. 3845; renumbered §3862 and amended Pub. L. 116-283, div. A, title XVIII, §§1836(b), 1883(b)(2), Jan. 1, 2021, 134 Stat. 4241, 4294; Pub. L. 117-81, div. A, title XVII, §1701(d)(6), Dec. 27, 2021, 135 Stat. 2136.)

Editorial Notes

REFERENCES IN TEXT

Public Law 85-804, referred to in subsecs. (a) and (b), is Pub. L. 85-804, Aug. 28, 1958, 72 Stat. 972, which is classified generally to chapter 29 (§1431 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2021—Pub. L. 116-283, §1836(b), renumbered section 2410 of this title as this section.

Subsec. (b). Pub. L. 117-81 substituted “section 3063” for “section 2303(a)” in introductory provisions.

Pub. L. 116-283, §1883(b)(2), which directed that each reference in the text of title 10 to a section that was redesignated by title XVIII of Pub. L. 116-283, as such section was in effect before the redesignation, be amended by striking such reference and inserting a reference to the appropriate redesignated section, was not executed with respect to “section 2303(a)”, which was redesignated as multiple sections.

2011—Subsec. (c). Pub. L. 111-350 substituted “section 134 of title 41” for “section 4(11) of the Office of Federal Procurement Policy Act”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117-81 to take effect immediately after the amendments made by title XVIII of Pub. L. 116-283 have taken effect, see section 1701(a)(3) of Pub. L. 117-81, set out in a note preceding section 3001 of this title and note below.

Amendment by Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as a note preceding section 3001 of this title.

EFFECTIVE DATE

For effective date and applicability of section, see section 10001 of Pub. L. 103-355, set out as an Effective Date of 1994 Amendment note under section 8752 of this title.

§ 3863. Retention of amounts collected from contractor during the pendency of contract dispute

(a) **RETENTION OF FUNDS.**—Notwithstanding sections 1552(a) and 3302(b) of title 31, any amount, including interest, collected from a contractor as a result of a claim made by a military department or Defense Agency under chapter 71 of title 41, shall remain available in accordance with this section to pay—

- (1) any settlement of the claim by the parties;
- (2) any judgment rendered in the contractor's favor on an appeal of the decision on that claim to the Armed Services Board of Contract Appeals under section 7104(a) of title 41; or
- (3) any judgment rendered in the contractor's favor in an action on that claim in a court of the United States.

(b) **PERIOD OF AVAILABILITY.**—(1) The period of availability of an amount under subsection (a), in connection with a claim—

(A) expires 180 days after the expiration of the period for bringing an action on that claim in the United States Court of Federal Claims under section 7104(b) of title 41 if, within that 180-day period—

- (i) no appeal on the claim is commenced at the Armed Services Board of Contract Appeals under section 7104(a) of such title; and
- (ii) no action on the claim is commenced in a court of the United States; or

(B) if not expiring under subparagraph (A), expires—

- (i) in the case of a settlement of the claim, 180 days after the date of the settlement; or
- (ii) in the case of a judgment rendered on the claim in an appeal to the Armed Services Board of Contract Appeals under section 7104(a) of title 41 or an action in a court of the United States, 180 days after the date on which the judgment becomes final and not appealable.

(2) While available under this section, an amount may be obligated or expended only for a purpose described in subsection (a).

(3) Upon the expiration of the period of availability of an amount under paragraph (1), the amount shall be covered into the Treasury as miscellaneous receipts.