

(b) The Director of the Office of Management and Budget or the Secretary concerned, as the case may be, may not exercise his authority under this section to waive any claim—

(1) if, in his opinion, there exists, in connection with the claim, an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the member or any other person having an interest in obtaining a waiver of the claim; or

(2) if application for waiver is received in his office after the expiration of five years immediately following the date on which the erroneous payment was discovered.

(c) A person who has repaid to the United States all or part of the amount of a claim, with respect to which a waiver is granted under this section, is entitled, to the extent of the waiver, to refund, by the department concerned at the time of the erroneous payment, of the amount repaid to the United States, if he applies to that department for that refund within two years following the effective date of the waiver. The Secretary concerned shall pay from current applicable appropriations that refund in accordance with this section.

(d) In the audit and settlement of accounts of any accountable officer or official, full credit shall be given for any amounts with respect to which collection by the United States is waived under this section.

(e) An erroneous payment, the collection of which is waived under this section, is considered a valid payment for all purposes.

(f) This section does not affect any authority under any other law to litigate, settle, compromise, or waive any claim of the United States.

(Added Pub. L. 92-453, §2(1), Oct. 2, 1972, 86 Stat. 759; amended Pub. L. 96-513, title V, §515(9), Dec. 12, 1980, 94 Stat. 2937; Pub. L. 99-224, §3(a), Dec. 28, 1985, 99 Stat. 1742; Pub. L. 102-190, div. A, title VI, §657(c), Dec. 5, 1991, 105 Stat. 1393; Pub. L. 104-316, title I, §116, Oct. 19, 1996, 110 Stat. 3835; Pub. L. 109-364, div. A, title VI, §671(b), Oct. 17, 2006, 120 Stat. 2270.)

Editorial Notes

AMENDMENTS

2006—Subsec. (a)(2)(A). Pub. L. 109-364, §671(b)(1), substituted “\$10,000” for “\$1,500”.

Subsec. (b)(2). Pub. L. 109-364, §671(b)(2), substituted “five” for “three”.

1996—Subsec. (a)(1). Pub. L. 104-316, §116(1)(A), substituted “Director of the Office of Management and Budget” for “Comptroller General”.

Subsec. (a)(2). Pub. L. 104-316, §116(1)(B), inserted “and” at end of subpar. (A), redesignated subpar. (C) as (B) and substituted “Director of the Office of Management and Budget” for “Comptroller General”, and struck out former subpar. (B) which read as follows: “the claim is not the subject of an exception made by the Comptroller General in the account of any accountable officer or official; and”.

Subsec. (b). Pub. L. 104-316, §116(2), substituted “The Director of the Office of Management and Budget” for “Comptroller General” in introductory provisions.

1991—Subsec. (a)(2)(A). Pub. L. 102-190 substituted “\$1,500” for “\$500”.

1985—Pub. L. 99-224, §3(a)(1), substituted “and travel” for “other than travel” in section catchline.

Subsec. (a). Pub. L. 99-224, §3(a)(2), substituted “made before, on, or after October 2, 1972, or arising out of an

erroneous payment of travel and transportation allowances” for “, other than travel and transportation allowances, made before or after October 2, 1972”.

Subsec. (b)(2). Pub. L. 99-224, §3(a)(3), struck out “of pay or allowances, other than travel and transportation allowances,” before “was discovered”.

1980—Subsec. (a). Pub. L. 96-513 substituted “October 2, 1972” for “the effective date of this section”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-364 effective Mar. 1, 2007, see section 671(c) of Pub. L. 109-364, set out as a note under section 2774 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-316 effective 60 days after Oct. 19, 1996, see section 101(e) of Pub. L. 104-316, set out as a note under section 4593 of Title 2, The Congress.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-224 applicable to any claim arising out of an erroneous payment of travel and transportation allowances made on or after Dec. 28, 1985, see section 4 of Pub. L. 99-224, set out as a note under section 5584 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of Title 10, Armed Forces.

[§ 717. Repealed. Pub. L. 109-163, div. A, title V, § 589(b)(2), Jan. 6, 2006, 119 Stat. 3279]

Section, added Pub. L. 108-375, div. A, title V, § 520(b)(1), Oct. 28, 2004, 118 Stat. 1886, related to presentation of recognition items for retention purposes.

CHAPTER 9—HOMELAND DEFENSE ACTIVITIES

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§ 901. Definitions

In this chapter:

(1) The term “homeland defense activity” means an activity undertaken for the military protection of the territory or domestic population of the United States, or of infrastructure or other assets of the United States determined by the Secretary of Defense as being critical to national security, from a threat or aggression against the United States.

(2) The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(Added Pub. L. 108-375, div. A, title V, § 512(a)(1), Oct. 28, 2004, 118 Stat. 1878.)

Statutory Notes and Related Subsidiaries

IMPLEMENTATION OF CERTAIN RECOMMENDATIONS REGARDING USE OF UNMANNED AIRCRAFT SYSTEMS BY THE NATIONAL GUARD

Pub. L. 117-81, div. A, title V, § 514, Dec. 27, 2021, 135 Stat. 1683, provided that: “Not later than September 30,