§ 3301. General duties of the Secretary of the Treasury

(a) The Secretary of the Treasury shall—

1. receive and keep public money;
2. take receipts for money paid out by the Secretary;
3. give receipts for money deposited in the Treasury;
4. endorse warrants for receipts for money deposited in the Treasury;
5. submit the accounts of the Secretary to the Comptroller General every 3 months, or more often if required by the Comptroller General; and
6. submit to inspection at any time by the Comptroller General of money in the possession of the Secretary.

(b) Except as provided in section 3326 of this title, an acknowledgment for money deposited in the Treasury is not valid if the Secretary does not endorse a warrant as required by subsection (a)(4) of this section.


§ 3302. Custodians of money

(a) Except as provided by another law, an official or agent of the United States Government having custody or possession of public money shall keep the money safe without—

1. lending the money;
2. using the money;
3. depositing the money in a bank; and
4. exchanging the money for other amounts.

(b) Except as provided in section 3718(b) of this title, an official or agent of the Government receiving money for the Government from any source shall deposit the money in the Treasury as soon as practicable without deduction for any charge or claim.

1 See References in Text note below.
ture, shall deposit the money without delay in the Treasury or with a depositary designated by the Secretary of the Treasury under law. Except as provided in paragraph (2), money required to be deposited pursuant to this subsection shall be deposited not later than the third day after the custodian receives the money. The Secretary or a depositary receiving a deposit shall issue duplicate receipts for the money deposited. The original receipt is for the Secretary and the duplicate is for the custodian.

(2) The Secretary of the Treasury may by regulation prescribe that a person having custody or possession of money required by this subsection to be deposited shall deposit such money during a period of time that is greater or lesser than the period of time specified by the second sentence of paragraph (1).

(d) An official or agent not complying with subsection (b) of this section may be removed from office. The official or agent may be required to forfeit to the Government any part of the money held by the official or agent and to which the official or agent may be entitled.

(e) An official or agent of the Government having custody or possession of public money shall keep an accurate entry of each amount of public money received, transferred, and paid. Subsection (a) of this section may be removed.

(f) When authorized by the Secretary, an official or agent of the Government having custody or possession of public money, or performing other fiscal agent services, may be allowed necessary expenses to collect, keep, transfer, and pay out public money and to perform those services. However, money appropriated for those expenses may not be used to employ or pay officers and employees of the Government.


HISTORICAL AND REVISION NOTES

1982 ACT

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<td>3302(a) ....</td>
<td>R.S. §3639; June 6, 1972, Pub. L. 92–310, §23(r), 86 Stat. 210</td>
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<td>3302(f) ....</td>
<td>R.S. §9632; Aug. 7, 1882, ch. 433, §1(2d) complete par. on p. 1127; 22 Stat. 322, Jan. 22, 1925, ch. 87(2d par. under heading &quot;Division of Bookkeeping and Warrants&quot;), 43 Stat. 767; June 1, 1955, ch. 119, §1(b), 69 Stat. 82</td>
<td>31:1023(b).</td>
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</table>

(1) In subsection (a), before clause (1), the words “Except as provided by another law” are substituted for “than as specially allowed by law” in 31:521 for clarity and consistency. The words “an official or agent of the United States Government having custody or possession of public money” are substituted for “The Treasurer of the United States, all assistant treasurers (subsequently changed to “all depositaries designated in accordance with section 476 of this title” because of 31:476), and those performing the duties of assistant treasurer, all collectors of the customs, all receivers of public moneys at the several land offices, all postmasters, and all public officers of whatsoever character all the public money collected by them, or otherwise at any time placed in their possession and custody” to eliminate unnecessary words and for consistency in the revised title. The words “till the same is ordered, by the proper department or officer of the Government, to be transferred or paid out” are omitted as superseeded by source provisions restated in the chapter. The text of 31:521(words after semicolon) is omitted as unnecessary because of the restatement.

In subsection (b), the words “any abatement or” are omitted as surplus. The words “for any charge or claim” are substituted for “on account of salary, fees, costs, charges, expenses, or claim of any description whatever”, and the words “shall deposit the money in the Treasury” are substituted for “The gross amount of all moneys received from whatever source for the use of the United States, . . . shall be paid . . . into the Treasury”, to eliminate unnecessary words. The words “except as otherwise provided in section 467 of this title” are omitted because 31:467 is obsolete. The text of 31:484(last sentence) is omitted as superseded by title 39.

In subsection (c), the word “Secretary” is substituted for “Treasurer” because of the source provisions restated in section 321(c) of the revised title. The balance of subsection (c) is substituted for 31:365(words before proviso) for clarity and consistency. The text of 31:495(proviso) is omitted as superseded by title 39.

Subsection (d) is substituted for 31:490 for clarity and consistency.

In subsection (e), the words “officer or agent having custody or possession of public money” are substituted for “persons charged by law with the safekeeping, transfer, and disbursement of the public moneys” for consistency and to eliminate unnecessary words. The words “other than those connected with the United States Postal Service” are omitted as superseded by title 39.

In subsection (f), the word “expressly” is omitted as surplus. The words “official or agent having custody or possession” are substituted for 31:545(words before 21st comma) for consistency and to eliminate unnecessary words. The words “additional . . . fireproof of chests or vaults or other necessary expenses of” are omitted as surplus. The words “employ or pay officers and employees of the Government” are substituted for “clerical services or payment of employees of any nature or grade” for consistency in the revised title and with other titles of the United States Code.

1983 ACT

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The reference to “952(g)(2)” in 31 App. 484 is incorrect and should be “952(f)(2)”.

1984 ACT (Pub. L. 98–216)

Section 3618 (1st sentence related to non-military deposits) of the Revised Statutes inadvertently was omitted as a source credit for 31:3302. Table 2A of H. Rep. 97–651 (p. 298) states that the sentence was omitted as superseded by various sections of title 10. Title 10 superseded the sentence only as it applies to military deposits. However, the language of section 3618 (1st sentence related to non-military deposits) is subsumed in the broader language of section 3617 of the Revised Statutes, the source credit for 31:3302(b). Therefore, while section 3618 (1st sentence related to non-military deposits) should be a source credit for 31:3302(b), it is not necessary that the language of the sentence be restated.
REFERENCES IN TEXT
Section 3718(b) of this title, referred to in subsec. (b), was redesignated section 3718(d) of this title by Pub. L. 99–578, §1(1), Oct. 28, 1986, 100 Stat. 3305.

AMENDMENTS
1984—Subsec. (c). Pub. L. 98–369 designated existing provisions as par. (1), struck out “. . . but not later than the 30th day after the custodian receives the money,” after “‘without delay’ in first sentence, inserted after first sentence “Except as provided in paragraph (2), money required to be deposited pursuant to this subsection shall be deposited not later than the third day after the custodian receives the money;’,” and added par. (2).
1983—Subsec. (b). Pub. L. 97–452 inserted exception relating to section 3718(b) of this title.

EFFECTIVE DATE OF 1994 AMENDMENT
Section 7(a) of Pub. L. 103–429 provided that the amendment made by that section is effective July 5, 1994.

EFFECTIVE DATE OF 1984 AMENDMENT
Section 2633(b)(2) of Pub. L. 98–369 provided that: “The amendments made by this subsection [amending this section] shall become effective January 1, 1985.”

§ 3303. Designation of depositaries

(a) The Secretary of the Treasury designates depositaries of money as provided in this section and under other law.
(b) When necessary to carry out the business of the United States Government and under conditions the Secretary decides are necessary, the Secretary may designate depositaries in foreign countries and in territories and possessions of the United States to receive deposits of public money. The Secretary shall give preference to United States financial institutions the Secretary decides are safe and able to give the service required.


HISTORICAL AND REVISION NOTES

Revised Section Source (U.S. Code) Source (Statutes at Large)

Subsection (a) is added to inform the reader that there are numerous other laws providing for the designation of depositaries. These other laws are scattered throughout the titles of the United States Code.

In subsection (b), the words “carry out” are substituted for “transaction” for consistency. The words “terms and . . . as to security and otherwise” and “of public moneys” are omitted as surplus. The words “territories and possessions of the United States” are substituted for “Territories and insular possessions of the United States” for consistency. The words “to receive deposits of public money” are added for clarity.

§ 3304. Transfers of public money from depositaries

The Secretary of the Treasury may transfer public money in the possession of a depositary—

(1) to the Treasury; and

(2) if the Secretary believes the safety of the public money and convenience require it, to another depositary.


HISTORICAL AND REVISION NOTES

Revised Section Source (U.S. Code) Source (Statutes at Large)

In the section, before clause (1), the words “except as provided in section 523 of this title” are omitted as superseded by 5:3109 and ch. 57. The words “of the United States, to the credit of the Treasurer” are omitted as unnecessary. In clause (2), the words “if the Secretary believes the safety of the public money and convenience require it” are substituted for “as the safety of the public monies and the convenience of the public service shall seem to him to require” for clarity and to eliminate unnecessary words.

§ 3305. Audits of depositaries

The Secretary of the Treasury, or an officer, employee, or agent designated by the Secretary, may audit a depositary of public money. For uniformity and accuracy in accounts and safety of public money, an individual conducting an audit shall audit a depositary’s—

(1) books;

(2) accounts;

(3) returns; and

(4) public money on hand and the way the money is kept.


HISTORICAL AND REVISION NOTES

Revised Section Source (U.S. Code) Source (Statutes at Large)

In the section, before clause (1), the words “or an officer, employee, or agent designated by the Secretary” are substituted for “and for that purpose to appoint special agents, as occasion may require” for clarity and consistency. The words “may audit a depositary of public money” are substituted for “is authorized to cause examinations to be made of the books, accounts and money on hand, of the several depositaries” to eliminate unnecessary words and for consistency. The words with such compensation, not exceeding $6 per day and traveling expenses, as he may think reasonable, to be fixed and declared at the time of each appointment” are omitted as superseded by 5:3109 and ch. 57. The words “be instructed to” and “as well” are omitted as surplus.

SUBCHAPTER II—PAYMENTS

§ 3321. Disbursing authority in the executive branch

(a) Except as provided in this section or another law, only officers and employees of the Department of the Treasury designated by the Secretary of the Treasury as disbursing officials may disburse public money available for expenditure by an executive agency.
(b) For economy and efficiency, the Secretary may delegate the authority to disburse public money to officers and employees of other executive agencies.
(c) The head of each of the following executive agencies shall designate personnel of the agency as disbursing officials to disburse public money available for expenditure by the agency:

(1) United States Marshal’s Office.

(2) The Department of Defense.