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Editorial Notes

AMENDMENTS

2020—Pub. L. 116–117, §2(b), Mar. 2, 2020, 134 Stat. 133, added subchapter IV heading and items 3351 to 3358.

1994—Pub. L. 103–356, title IV, §402(b), Oct. 13, 1994, 108 Stat. 3413, substituted “Required direct deposit” for “Checks payable to financial organizations designated by Government officers and employees” in item 3332.

Pub. L. 103–272, §4(f)(1)(G), July 5, 1994, 108 Stat. 1362, added item 3334.

1991—Pub. L. 102–54, §13(l)(4)(B), June 13, 1991, 105 Stat. 277, substituted “Department of Veterans Affairs” for “Veterans’ Administration” in item 3330.

1990—Pub. L. 101–453, §4(b), Oct. 24, 1990, 104 Stat. 1059, added item 3335.

SUBCHAPTER I—DEPOSITS AND DEPOSITARIES

§ 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.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 948.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3301	31:44(1st sentence).	June 10, 1921, ch. 18, §304(1st par. 1st sentence), 42 Stat. 24.

¹Editorially supplied. Section 3336 added by Pub. L. 104–208 without corresponding amendment of chapter analysis.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
	31:147(less disbursement).	R.S. §305(less disbursement).

In subsection (a), the words “public money” are substituted for “the moneys of the United States” to eliminate unnecessary words and for consistency. The words “Secretary of the Treasury” are substituted for “Treasurer” because of the source provisions restated in section 321(c) of the revised title. In clauses (3) and (4), the words “deposited in the Treasury” are substituted for “received by him” for clarity and consistency in the revised title. In clause (4), the words “signed by the Secretary of the Treasury” are omitted as surplus. In clauses (5) and (6), the words “Comptroller General” are substituted for “General Accounting Office” for consistency. In clause (5), the word “submit” is substituted for “render” for consistency. The words “and shall transmit a copy thereof, when settled, to the Secretary of the Treasury” are omitted because of the restatement. In clause (6), the words “Secretary of the Treasury . . . or either of them” are omitted because of the restatement. The word “public” is added for consistency.

In subsection (b), the words “Except as provided in section 3326 of this title” are added for clarity. The words “endorse . . . as required by subsection (a)(4) of this section” are substituted for “so signed” for clarity and consistency.

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2020 AMENDMENT

Pub. L. 116–117, §1, Mar. 2, 2020, 134 Stat. 113, provided that: “This Act [enacting subchapter IV of this chapter, amending section 3562 of this title, section 612 of Title 6, Domestic Security, and section 1397ee of Title 42, The Public Health and Welfare, amending provisions set out as a note under 5701 of Title 5, Government Organization and Employees, and repealing provisions set out as notes under this section and section 3321 of this title] may be cited as the ‘Payment Integrity Information Act of 2019’.”

SHORT TITLE OF 2015 AMENDMENT

Pub. L. 114–109, §1, Dec. 18, 2015, 129 Stat. 2225, provided that: “This Act [amending provisions set out as a note under section 3321 of this title] may be cited as the ‘Federal Improper Payments Coordination Act of 2015’.”

SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111–204, §1, July 22, 2010, 124 Stat. 2224, which provided that Pub. L. 111–204 (amending sections 3501 and 3562 of this title and section 612 of Title 6, Domestic Security, repealing sections 3561 and 3563 to 3567 of this title, enacting provisions set out as notes under section 3321 of this title, and amending provisions set out as a note under section 3321 of this title) could be cited as the “Improper Payments Elimination and Recovery Act of 2010”, was repealed by Pub. L. 116–117, §3(a)(2), Mar. 2, 2020, 134 Stat. 133.

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106–433, §1, Nov. 6, 2000, 114 Stat. 1910, provided that: “This Act [amending section 3327 of this title and enacting provisions set out as a note under section 3327 of this title] may be cited as the ‘Social Security Number Confidentiality Act of 2000’.”

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103–356, §1(a), Oct. 13, 1994, 108 Stat. 3410, provided that: “This Act [see Tables for classification] may be cited as the ‘Government Management Reform Act of 1994’.”

Pub. L. 103–356, title IV, §401, Oct. 13, 1994, 108 Stat. 3412, provided that: “This title [amending sections 331,

3332, 3515, and 3521 of this title and enacting provisions set out as notes under section 501 of this title] may be cited as the ‘Federal Financial Management Act of 1994’.”

§ 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)¹ 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.

(c)(1) A person having custody or possession of public money, including a disbursing official having public money not for current expenditure, shall deposit the money without delay in the Treasury or with a depository 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 depository 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.

(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.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 948; Pub. L. 97–452, §1(10), Jan. 12, 1983, 96 Stat. 2468; Pub. L. 98–369, div. B, title VI, §2652(b)(1), July 18, 1984, 98 Stat. 1152; Pub. L. 103–272, §4(f)(1)(H), July 5, 1994, 108 Stat. 1362; Pub. L. 103–429, §7(a)(3)(A), Oct. 31, 1994, 108 Stat. 4388.)

¹ See References in Text note below.

HISTORICAL AND REVISION NOTES 1982 ACT

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3302(a)	31:521.	R.S. §3639; June 6, 1972, Pub. L. 92–310, §231(r), 86 Stat. 210.
3302(b)	31:484.	R.S. §3617.
3302(c)	31:495.	R.S. §3621; restated May 28, 1896, ch. 252, §5, 29 Stat. 179.
3302(d)	31:490.	R.S. §3619.
3302(e)	31:525.	R.S. §3643.
3302(f)	31:545.	R.S. §3653; Aug. 7, 1882, ch. 433, §1(2d complete par. on p. 312), 22 Stat. 312; Jan. 22, 1925, ch. 87(2d par. under heading “Division of Book-keeping and Warrants”), 43 Stat. 767.
	31:1023(b).	June 1, 1955, ch. 119, §1(b), 69 Stat. 82.

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 depositories 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 surveyors of the customs, acting also as collectors, 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 superseded 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 487 of this title” are omitted because 31:487 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 31:495(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 “official or agent having custody or possession of public money” are substituted for “persons charged by law with the safekeeping, transfer, and disbursements 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3302(b)	31 App.:484.	Oct. 25, 1982, Pub. L. 97-365, §13(a), 96 Stat. 1757.

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 supersedes 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 re-stated.

Editorial Notes

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

1994—Subsec. (c)(1). Pub. L. 103-272, as amended by Pub. L. 103-429, substituted a period for a comma at end of second sentence.

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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-429, §7(a), Oct. 31, 1994, 108 Stat. 4388, provided that the amendment made by that section is effective July 5, 1994.

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-369, div. B, title VI, §2652(b)(2), July 18, 1984, 98 Stat. 1153, 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 Sec-

retary decides are safe and able to give the service required.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 949.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3303(a)	(no source).	
3303(b)	31:473.	June 19, 1922, ch. 228, 42 Stat. 662.

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.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 949.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3304	31:522.	R.S. §3640.

In the section, before clause (1), the words “except as provided in section 523 of this title” are omitted as superseded by title 39. 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 moneys 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.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 949.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3305	31:548.	R.S. §3649.

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 depository 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 depositories” 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.

(3) The Department of Homeland Security,¹ (with respect to public money available for expenditure by the Coast Guard when it is not operating as a service in the Navy).

(d) On request of the Secretary and with the approval of the head of an executive agency referred to in subsection (c) of this section, facilities of the agency may be used to assist in disbursing public money available for expenditure by another executive agency.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 949; Pub. L. 103-355, title III, §3067, Oct. 13, 1994, 108 Stat. 3337; Pub. L. 104-106, div. A, title IX, §913(a)(1), Feb. 10, 1996, 110 Stat. 410; Pub. L. 104-201, div. A, title X, §1009(a)(1), Sept. 23, 1996, 110 Stat. 2633; Pub. L. 109-241, title IX, §902(b)(1), July 11, 2006, 120 Stat. 566.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3321(a), (b), 3321(c), (d).	5:901(note).	Exec. Order No. 6166, June 10, 1933, §4.
	31:492-1.	R.S. §176; Sept. 6, 1966, Pub. L. 89-554, §8(a), 80 Stat. 632; June 6, 1972, Pub. L. 92-310, §231(a), 86 Stat. 209.
	5 App.	Reorg. Plan No. 4 of 1940, eff. June 30, 1940, §§3, 4, 54 Stat. 1234.
		Exec. Order No. 6728, May 29, 1934.

The section uses the defined term “executive agency” in section 102 of the revised title because the source provisions of this section are from a reorganization plan and executive orders that apply only to departments, agencies, and instrumentalities of the executive branch of the United States Government.

In subsections (a) and (b), the words “Secretary of the Treasury” and “Secretary” are substituted for ref-

erences to the Division of Disbursement and a Chief Disbursing Officer because of the source provisions restated in section 321(c) of the revised title. The words “public money” are substituted for “moneys of the United States” for consistency with the other source provisions restated in the section and for consistency in the chapter.

Subsection (a) is substituted for section 4(1st paragraph) of Executive Order No. 6166 to omit executed words.

In subsection (b), the words “may require” and “as the interests of” are omitted as unnecessary. The words “to establish local offices” are omitted because of the authority of the Secretary of the Treasury as the head of the Department of the Treasury and the authority of the Secretary under section 321 of the revised title. The text of section 4(last paragraph) is omitted as superseded by section 3325 of the revised title.

In subsection (c), the text of 31:492-1(1st sentence) is applied only to the listed agencies because of subsection (a) and Executive Order 6728. The text of 31:492-1(last sentence) is omitted as superseded by section 2 of Reorganization Plan No. 18 of 1950 (eff. July 1, 1950, 64 Stat. 1270) and by 40:490. In clause (1), the words after “disbursement by United States marshals” and before the last proviso in section 3 of Reorganization Plan No. 4 of 1940 (eff. June 30, 1940, 54 Stat. 1234) are omitted as unnecessary because of 28:571 and sections 3512(a)-(c) and 3513(a) of the revised title. In clause (2), the word “pay” is substituted for “salaries” in Executive Order No. 6728 for consistency in the revised title and with other titles of the United States Code. The words “including the Marine Corps” are omitted as being included in “military departments”. The words “Panama Canal” are omitted because of the Panama Canal Treaty of 1977. The first proviso is omitted as unnecessary because of sections 3512 and 3513 of the revised title. Section 4 of Reorganization Plan No. 4 of 1940 is omitted because (1) the Post Office Department was abolished by the 1970 restatement of title 39, with all authority of the former Postmaster General being placed in the new United States Postal Service, (2) under 39:410 and 3604, the Postal Service and the Postal Rate Commission were exempt from all provisions of law related to budget and funds, and (3) the Postal Savings System and its Board of Trustees were abolished under section 5 of the Act of March 28, 1942 (ch. 205, 56 Stat. 189).

Editorial Notes

AMENDMENTS

2006—Subsec. (c)(3). Pub. L. 109-241 substituted “Department of Homeland Security.” for “Department of Transportation”.

1996—Subsec. (c)(2). Pub. L. 104-106 added par. (2) and struck out former par. (2) which read as follows: “The Department of Defense (except for disbursements for departmental pay and expenses in the District of Columbia).”

Subsec. (c)(3). Pub. L. 104-201 added par. (3).

1994—Subsec. (c)(2). Pub. L. 103-355 substituted “The Department of Defense” for “military departments of the Department of Defense”.

Statutory Notes and Related Subsidiaries

SAVING FEDERAL DOLLARS THROUGH BETTER USE OF GOVERNMENT PURCHASE AND TRAVEL CARDS

Pub. L. 115-91, div. A, title XVIII, Dec. 12, 2017, 131 Stat. 1814, provided that:

“SEC. 1801. SHORT TITLE.

“This title may be cited as the ‘Saving Federal Dollars Through Better Use of Government Purchase and Travel Cards Act of 2017’.

“SEC. 1802. DEFINITIONS.

“In this title:

“(1) IMPROPER PAYMENT.—The term ‘improper payment’ has the meaning given the term in [former]

¹ So in original. The period probably should not appear.