

“(a) IN GENERAL.—The Office of Personnel Management shall take such measures as may be appropriate to ensure that all employees who receive their pay by electronic funds transfer shall be given the option of receiving their pay stubs electronically.

“(b) DEFINITIONS.—For purposes of this section—

“(1) the term ‘electronic funds transfer’ has the meaning given such term by section 3332 of title 31, United States Code;

“(2) the term ‘employee’ means an individual employed in or under an Executive agency; and

“(3) the term ‘Executive agency’ has the meaning given such term by section 105 of title 5, United States Code.”

### § 3333. Relief for payments made without negligence

(a)(1) The Secretary of the Treasury is not liable for a payment made by the Secretary or depository in due course and without negligence, of—

(A) a check, draft, or warrant drawn on the Treasury or the depository;

(B) an electronic payment issued by the Treasury or the depository; and

(C) a debt obligation guaranteed or assumed by the United States Government.

(2) The Comptroller General shall credit the accounts of the Treasury or the depository for the payment.

(3) The amount of the relief and the amount of any relief granted to an official or agent of the Department of the Treasury under 31 U.S.C. 3527, shall be charged to the Check Forgery Insurance Fund (31 U.S.C. 3343). A recovery or repayment of a loss for which replacement is made out of the fund shall be credited to the fund and is available for the purposes for which the fund was established.

(b) This section does not relieve another individual from civil or criminal liability for a check, draft, warrant, or debt obligation of the Government.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 956; Pub. L. 108–447, div. H, title II, § 220(a), Dec. 8, 2004, 118 Stat. 3242; Pub. L. 110–161, div. D, title I, § 119, Dec. 26, 2007, 121 Stat. 1979.)

#### HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i>         |
|------------------------|---------------------------|---|
| 3333(a) .....          | 31:156(less proviso).     | Aug. 4, 1947, ch. 455, § 3, 61 Stat. 730. |
| 3333(b) .....          | 31:156(proviso).          |   |

In subsection (a)(1), before clause (A), the words “Secretary of the Treasury” are substituted for “Treasurer” before “is not liable” because of the source provisions restated in section 321(c) of the revised title. The word “depository” is substituted for “upon the Treasurer of the United States through any Federal Reserve Bank” for consistency in the revised title. The words “Whenever . . . heretofore has been or hereafter” and “or on behalf of” are omitted as surplus. In clause (A), the word “Treasury” is substituted for “Treasurer of the United States” after “drawn upon the” because of the source provisions restated in section 321 of the revised title and Department of the Treasury Order 229 of January 14, 1974 (39 F.R. 2280). In clause (B), the words “public . . . of the United States, including any obligation of any type whatever, the payment of which is” are omitted as surplus.

In subsection (a)(2), the words “of the United States” are omitted as unnecessary. The words “of the Treas-

ury or the depository” are substituted for “Treasurer’s” because of the restatement.

In subsection (b), the words “another individual” are substituted for “any person, other than the Treasurer of the United States” to eliminate unnecessary words. The words “now existing or which may hereafter exist” are omitted as unnecessary.

#### Editorial Notes

##### AMENDMENTS

2007—Subsec. (a)(3). Pub. L. 110–161 added par. (3) and struck out former par. (3) which read as follows: “The amount of the relief shall be charged to the Check Forgery Insurance Fund (31 U.S.C. 3343). A recovery or repayment of a loss for which replacement is made out of the fund shall be credited to the fund and is available for the purposes for which the fund was established.”

2004—Subsec. (a)(1). Pub. L. 108–447, § 220(a)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “The Secretary of the Treasury is not liable for a payment made by the Secretary or depository in due course and without negligence, of a—

“(A) check, draft, or warrant drawn on the Treasury or the depository; and

“(B) debt obligation guaranteed or assumed by the United States Government.”

Subsec. (a)(3). Pub. L. 108–447, § 220(a)(2), added par. (3).

### § 3334. Cancellation and proceeds distribution of Treasury checks

(a) IN GENERAL.—(1) The Secretary shall provide monthly to each agency that authorizes the issuance of Treasury checks a list of those checks issued for such agency on or after such effective date that have not been paid and have become more than 12 months old during the preceding month, beginning with the fourteenth month following the effective date of this section.

(2) Such checks shall be canceled by the Secretary and the proceeds thereof shall be returned to the agency concerned and credited to the appropriation or fund account initially charged for the payment.

(b) CHECKS ISSUED BEFORE EFFECTIVE DATE.—(1) Not later than 18 months after the effective date of this section, the Secretary shall identify and cancel all Treasury checks issued before such effective date that have not been paid in accordance with section 3328 of this title.

(2) The proceeds from checks canceled pursuant to paragraph (1) shall be applied to eliminate the balances in accounts that represent uncollectible accounts receivable and other costs associated with the payment of checks and check claims by the Department of the Treasury on behalf of all payment certifying agencies. Any remaining proceeds shall be deposited to the miscellaneous receipts of the Treasury.

(c) NO EFFECT ON UNDERLYING OBLIGATION.—Nothing in this section shall be construed to affect the underlying obligation of the United States, or any agency thereof, for which a Treasury check was issued.

(Added Pub. L. 100–86, title X, § 1003, Aug. 10, 1987, 101 Stat. 658.)

#### Editorial Notes

##### REFERENCES IN TEXT

Such effective date, and the effective date of this section, referred to in subsecs. (a)(1) and (b)(1), is 6 months

after Aug. 10, 1987, or on such later date as the Secretary of the Treasury may prescribe in regulations. See Effective Date note below.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section effective 6 months after Aug. 10, 1987, or on such later date as the Secretary of the Treasury may prescribe in regulations, see section 1006 of Pub. L. 100-86, set out as an Effective Date of 1987 Amendment note under section 3328 of this title.

##### REGULATIONS

For provision permitting Secretary of the Treasury to prescribe rules, regulations, and procedures as necessary to implement this section, including recertification of Treasury checks which have been canceled or for which a claim has been asserted or barred, see section 1005 of Pub. L. 100-86, set out as a note under section 3328 of this title.

#### § 3335. Timely disbursement of Federal funds

(a) Each head of an executive agency (other than the Tennessee Valley Authority) shall, under such regulations as the Secretary of the Treasury shall prescribe, provide for the timely disbursement of Federal funds through cash, checks, electronic funds transfer, or any other means identified by the Secretary.

(b) The Secretary may collect from any executive agency which does not comply with subsection (a) a charge in an amount the Secretary determines to be the cost to the general fund of the Treasury caused by such noncompliance.

(c) The amounts of charges collected from an executive agency under this section shall be deposited in the Treasury and credited as miscellaneous receipts.

(d) Any charge assessed by the Secretary under this section, to the maximum extent practicable—

(1) shall be paid out of appropriations available for executive agency operations; and

(2) shall not be paid from amounts available for funding programs of an executive agency.

(Added Pub. L. 101-453, §4(a), Oct. 24, 1990, 104 Stat. 1058.)

#### Statutory Notes and Related Subsidiaries

##### REGULATIONS

Pub. L. 101-453, §4(c), Oct. 24, 1990, 104 Stat. 1059, as amended by Pub. L. 102-589, §2(1), Nov. 10, 1992, 106 Stat. 5133, provided that: "The Secretary of the Treasury shall prescribe regulations under section 3335 of title 31, United States Code, as added by subsection (a), to ensure the full implementation of that section."

#### § 3336. Electronic benefit transfer pilot

(a) The Congress finds that:

(1) Electronic benefit transfer (EBT) is a safe, reliable, and economical way to provide benefit payments to individuals who do not have an account at a financial institution.

(2) The designation of financial institutions as financial agents of the Federal Government for EBT is an appropriate and reasonable use of the Secretary's authority to designate financial agents.

(3) A joint federal-state<sup>1</sup> EBT system offers convenience and economies of scale for those

states<sup>1</sup> (and their citizens) that wish to deliver<sup>1</sup> state-administered benefits on a single card by entering into a partnership with the federal<sup>1</sup> government.<sup>1</sup>

(4) The Secretary's designation of a financial agent to deliver EBT is a specialized service not available through ordinary business channels and may be offered to the states<sup>1</sup> pursuant to section 6501 *et seq.* of this title.

(b) The Secretary shall continue to carry out the existing EBT pilot to disburse benefit payments electronically to recipients who do not have an account at a financial institution, which shall include the designation of one or more financial institution<sup>2</sup> as a financial agent of the Government, and the offering to the participating states<sup>1</sup> of the opportunity to contract with the financial agent selected by the Secretary, as described in the Invitation for Expressions of Interest to Acquire EBT Services for the Southern Alliance of States dated March 9, 1995, as amended as of June 30, 1995, July 7, 1995, and August 1, 1995.

(c) The selection and designation of financial agents, the design of the pilot program, and any other matter associated with or related to the EBT pilot described in subsection (b) shall not be subject to judicial review.

(Added Pub. L. 104-208, div. A, title I, §101(f) [title VI, §664], Sept. 30, 1996, 110 Stat. 3009-314, 3009-385.)

#### SUBCHAPTER III—MISCELLANEOUS

#### § 3341. Sale of Government warrants, checks, drafts, and obligations

(a) A disbursing official of the United States Government may sell a Government warrant, check, draft, or obligation not the property of the official at a premium, or dispose of the proceeds of the warrant, check, draft, or obligation, only if the official deposits the premium and the proceeds in the Treasury or with a depository for the credit of the Government.

(b) A disbursing official violating subsection (a) of this section shall be dismissed immediately.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 956.)

##### HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code)                   | Source (Statutes at Large) |
|-----------------|--------------------------------------|----------------------------|
| 3341(a) .....   | 31:544(words before last semicolon). | R.S. §3652.                |
| 3341(b) .....   | 31:544(words after last semicolon).  |                            |

In subsection (a), the words "disbursing official" are substituted for "officer" for clarity and consistency in the revised title. The words "either directly or indirectly" and "or dispose of to any person" are omitted as surplus. The words "Government warrant, check, draft, or obligation" are substituted for "Treasury note, draft, warrant, or other public security" for consistency in the revised title. The words "or sell . . . avails or . . . in his hands for disbursement" are omitted as surplus. The words "only if the official deposits the premium and the proceeds in the Treasury or with a depository" are substituted for "without making return of such premium, and accounting therefor by

<sup>1</sup> So in original. Probably should be capitalized.

<sup>2</sup> So in original. Probably should be "institutions".