

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expenses, as he may think reasonable, to be fixed and declared at the time of each appointment” are omitted as superseded by 5:3109 and ch. 57.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). 31:492-1. 5 App.	Exec. Order No. 6166, June 10, 1933, §4. 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. 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.

section 2 of the Improper Payments Information Act of 2002 [Pub. L. 107-300] ([former] 31 U.S.C. 3321 note [see 33 U.S.C. 3351]).

“(2) QUESTIONABLE TRANSACTION.—The term ‘questionable transaction’ means a charge card transaction that from initial card data appears to be high risk and may therefore be improper due to non-compliance with applicable law, regulation or policy.

“(3) STRATEGIC SOURCING.—The term ‘strategic sourcing’ means analyzing and modifying a Federal agency’s spending patterns to better leverage its purchasing power, reduce costs, and improve overall performance.

“SEC. 1803. EXPANDED USE OF DATA ANALYTICS.

“(a) STRATEGY.—Not later than 180 days after the date of the enactment of this Act [Dec. 12, 2017], the Director of the Office of Management and Budget, in consultation with the Administrator for General Services, shall develop a strategy to expand the use of data analytics in managing government purchase and travel charge card programs. These analytics may employ existing General Services Administration capabilities, and may be in conjunction with agencies’ capabilities, for the purpose of—

“(1) identifying examples or patterns of questionable transactions and developing enhanced tools and methods for agency use in—

“(A) identifying questionable purchase and travel card transactions; and

“(B) recovering improper payments made with purchase and travel cards;

“(2) identifying potential opportunities for agencies to further leverage administrative process streamlining and cost reduction from purchase and travel card use, including additional agency opportunities for card-based strategic sourcing;

“(3) developing a set of purchase and travel card metrics and benchmarks for high-risk activities, which shall assist agencies in identifying potential emphasis areas for their purchase and travel card management and oversight activities, including those required by the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112-194) [see Short Title of 2012 Amendment note set out under section 101 of Title 41, Public Contracts]; and

“(4) developing a plan, which may be based on existing capabilities, to create a library of analytics tools and data sources for use by Federal agencies (including inspectors general of those agencies).

“SEC. 1804. GUIDANCE ON IMPROVING INFORMATION SHARING TO CURB IMPROPER PAYMENTS.

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 12, 2017], the Director of the Office of Management and Budget, in consultation with the Administrator of General Services and the interagency charge card data management group established under section 1805, shall issue guidance on improving information sharing by government agencies for the purposes of section 1803(a)(1).

“(b) ELEMENTS.—The guidance issued under subsection (a) shall—

“(1) require relevant officials at Federal agencies to identify high-risk activities and communicate that information to the appropriate management levels within the agencies;

“(2) require that appropriate officials at Federal agencies review the reports issued by charge card-issuing banks on questionable transaction activity (such as purchase and travel card pre-suspension and suspension reports, delinquency reports, and exception reports), including transactions that occur with high-risk activities, and suspicious timing or amounts of cash withdrawals or advances;

“(3) provide for the appropriate sharing of information related to potential questionable transactions, fraud schemes, and high-risk activities with the General Services Administration and the appropriate officials in Federal agencies;

“(4) consider the recommendations made by Inspectors General or the best practices Inspectors General have identified; and

“(5) include other requirements determined appropriate by the Director for the purposes of carrying out this title.

“SEC. 1805. INTERAGENCY CHARGE CARD DATA MANAGEMENT GROUP.

“(a) ESTABLISHMENT.—The Administrator of General Services and the Director of the Office of Management and Budget shall establish a purchase and travel charge card data management group to develop and share best practices for the purposes described in section 1803(a).

“(b) ELEMENTS.—The best practices developed under subsection (a) shall—

“(1) cover rules, edits, and task order or contract modifications related to charge card-issuing banks;

“(2) include the review of accounts payable information and purchase and travel card transaction data of agencies for the purpose of identifying potential strategic sourcing and other additional opportunities (such as recurring payments, utility payments, and grant payments) for which the charge cards or related payment products could be used as a payment method; and

“(3) include other best practices as determined by the Administrator and Director.

“(c) MEMBERSHIP.—The purchase and travel charge card data management group shall meet regularly as determined by the co-chairs, for a duration of three years, and include those agencies as described in section 2 of the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112-194) [enacting section 1909 of Title 41, Public Contracts and provisions set out as a note under section 1909 of Title 41 and amending section 2784 of Title 10, Armed Forces] and others identified by the Administrator and Director.

“SEC. 1806. REPORTING REQUIREMENTS.

“(a) GENERAL SERVICES ADMINISTRATION REPORT.—Not later than one year after the date of the enactment of this Act [Dec. 12, 2017], the Administrator for General Services shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform [now Committee on Oversight and Accountability] of the House of Representatives a report on the implementation of this title, including the metrics used in determining whether the analytic and benchmarking efforts have reduced, or contributed to the reduction of, questionable transactions or improper payments as well as improved utilization of card-based payment products.

“(b) AGENCY REPORTS AND CONSOLIDATED REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the head of each Federal agency described in section 2 of the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112-194) shall submit a report to the Director of the Office of Management and Budget on that agency’s activities to implement this title.

“(c) OFFICE OF MANAGEMENT AND BUDGET REPORT TO CONGRESS.—The Director of the Office of Management and Budget shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform [now Committee on Oversight and Accountability] of the House of Representatives a consolidated report of agency activities to implement this title, which may be included as part of another report submitted by the Director to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform [now Committee on Oversight and Accountability] of the House of Representatives.

“(d) REPORT ON ADDITIONAL SAVINGS OPPORTUNITIES.—Not later than one year after the date of the enactment of this Act, the Administrator of General Services shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and

the Committee on Oversight and Government Reform [now Committee on Oversight and Accountability] of the House of Representatives a report identifying and exploring further potential savings opportunities for government agencies under the Federal charge card programs. This report may be combined with the report required under subsection (a).”

FRAUD REDUCTION AND DATA ANALYTICS

Pub. L. 114-186, June 30, 2016, 130 Stat. 546, known as the “Fraud Reduction and Data Analytics Act of 2015”, which established financial and administrative controls relating to fraud and improper payments, including the establishment of a working group, was repealed by Pub. L. 116-117, §3(a)(4), Mar. 2, 2020, 134 Stat. 133.

IMPROPER PAYMENTS ELIMINATION AND RECOVERY IMPROVEMENT

Pub. L. 112-248, Jan. 10, 2013, 126 Stat. 2390, as amended by Pub. L. 113-67, div. A, title II, §204(c), Dec. 26, 2013, 127 Stat. 1181; Pub. L. 114-109, §§2-4, Dec. 18, 2015, 129 Stat. 2225-2227; Pub. L. 117-286, §4(b)(53), Dec. 27, 2022, 136 Stat. 4349, known as the “Improper Payments Elimination and Recovery Improvement Act of 2012”, which set out to improve identification, prevention, and recovery of improper payments, including through the establishment of the Do Not Pay Initiative, was repealed by Pub. L. 116-117, §3(a)(3), Mar. 2, 2020, 134 Stat. 133.

DETERMINATIONS OF AGENCY READINESS FOR OPINION ON INTERNAL CONTROL

Pub. L. 111-204, §2(g), July 22, 2010, 124 Stat. 2228, which provided for determinations of agency readiness for opinions on internal control, was repealed by Pub. L. 116-117, §3(a)(2), Mar. 2, 2020, 134 Stat. 133.

RECOVERY AUDITS

Pub. L. 111-204, §2(h), July 22, 2010, 124 Stat. 2228, as amended by Pub. L. 112-248, §3(c)(1), Jan. 10, 2013, 126 Stat. 2392, which provided that certain agencies would conduct recovery audits and set out terms and procedures for the audits, was repealed by Pub. L. 116-117, §3(a)(2), Mar. 2, 2020, 134 Stat. 133.

COMPLIANCE

Pub. L. 111-204, §3, July 22, 2010, 124 Stat. 2232, as amended by Pub. L. 112-248, §3(c)(2), Jan. 10, 2013, 126 Stat. 2392, which provided for compliance procedures and standards related to the recovery of improper payments, was repealed by Pub. L. 116-117, §3(a)(2), Mar. 2, 2020, 134 Stat. 133.

IMPROPER PAYMENTS

Pub. L. 107-300, Nov. 26, 2002, 116 Stat. 2350, as amended by Pub. L. 111-204, §2(a)-(f), July 22, 2010, 124 Stat. 2224-2228; Pub. L. 112-248, §§3(a), (4), Jan. 10, 2013, 126 Stat. 2390, 2392, known as the “Improper Payments Information Act of 2002”, which established greater estimation and oversight of improper payment by Federal agencies, was repealed by Pub. L. 116-117, §3(a)(1), Mar. 2, 2020, 134 Stat. 133. See, generally, subchapter IV of this chapter.

Executive Documents

EX. ORD. NO. 13681. IMPROVING THE SECURITY OF CONSUMER FINANCIAL TRANSACTIONS

Ex. Ord. No. 13681, Oct. 17, 2014, 79 F.R. 63491, provided:

Given that identity crimes, including credit, debit, and other payment card fraud, continue to be a risk to U.S. economic activity, and given the economic consequences of data breaches, the United States must take further action to enhance the security of data in the financial marketplace. While the U.S. Government's credit, debit, and other payment card programs already include protections against fraud, the Govern-

ment must further strengthen the security of consumer data and encourage the adoption of enhanced safeguards nationwide in a manner that protects privacy and confidentiality while maintaining an efficient and innovative financial system.

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to improve the security of consumer financial transactions in both the private and public sectors, it is hereby ordered as follows:

SECTION 1. *Secure Government Payments.* In order to strengthen data security and thereby better protect citizens doing business with the Government, executive departments and agencies (agencies) shall, as soon as possible, transition payment processing terminals and credit, debit, and other payment cards to employ enhanced security features, including chip-and-PIN technology. In determining enhanced security features to employ, agencies shall consider relevant voluntary consensus standards and specifications, as appropriate, consistent with the National Technology Transfer and Advancement Act of 1995 and Office of Management and Budget Circular A-119.

(a) The Secretary of the Treasury shall take necessary steps to ensure that payment processing terminals acquired by agencies through the Department of the Treasury or through alternative means authorized by the Department of the Treasury have enhanced security features. No later than January 1, 2015, all new payment processing terminals acquired in these ways shall include hardware necessary to support such enhanced security features. By January 1, 2015, the Department of the Treasury shall develop a plan for agencies to install enabling software that supports enhanced security features.

(b) The Administrator of General Services shall take necessary steps to ensure that credit, debit, and other payment cards provided through General Services Administration (GSA) contracts have enhanced security features, and shall begin replacing credit, debit, and other payment cards without enhanced security features no later than January 1, 2015.

(c) The Secretary of the Treasury shall take necessary steps to ensure that Direct Express prepaid debit cards for administering Government benefits have enhanced security features, and by January 1, 2015, the Department of the Treasury shall develop a plan for the replacement of Direct Express prepaid debit cards without enhanced security features.

(d) By January 1, 2015, other agencies with credit, debit, and other payment card programs shall provide to the Office of Management and Budget (OMB) plans for ensuring that their credit, debit, and other payment cards have enhanced security features.

(e) Nothing in this order shall be construed to preclude agencies from adopting additional standards or upgrading to more effective technology and standards to improve the security of consumer financial transactions as technologies and threats evolve.

SEC. 2. *Improved Identity Theft Remediation.* To reduce the burden on consumers who have been victims of identity theft, including by substantially reducing the amount of time necessary for a consumer to remediate typical incidents:

(a) by February 15, 2015, the Attorney General, in coordination with the Secretary of Homeland Security, shall issue guidance to promote regular submissions, as appropriate and permitted by law, by Federal law enforcement agencies of compromised credentials to the National Cyber-Forensics and Training Alliance's Internet Fraud Alert System;

(b) the Department of Justice, the Department of Commerce, and the Social Security Administration shall identify all publicly available agency resources for victims of identity theft, and shall provide to the Federal Trade Commission (FTC) information about such resources no later than March 15, 2015, with updates thereafter as necessary. These agencies shall work in consultation with the FTC to streamline these resources and consolidate them wherever possible at the FTC's public Web site, IdentityTheft.gov; and

(c) OMB and GSA shall assist the FTC in enhancing the functionality of IdentityTheft.gov, including by coordinating with the credit bureaus to streamline the reporting and remediation process with credit bureaus' systems to the extent feasible, and in making the enhanced site available to the public by May 15, 2015.

SEC. 3. *Securing Federal Transactions Online.* To help ensure that sensitive data are shared only with the appropriate person or people, within 90 days of the date of this order, the National Security Council staff, the Office of Science and Technology Policy, and OMB shall present to the President a plan, consistent with the guidance set forth in the 2011 National Strategy for Trusted Identities in Cyberspace, to ensure that all agencies making personal data accessible to citizens through digital applications require the use of multiple factors of authentication and an effective identity proofing process, as appropriate. Within 18 months of the date of this order, relevant agencies shall complete any required implementation steps set forth in the plan prepared pursuant to this section.

SEC. 4. *General Provisions.* (a) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(b) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department, agency, or the head thereof; or
 - (ii) the functions of the Director of OMB relating to budgetary, administrative, or legislative proposals.
- (c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA.

§ 3322. Disbursing officials

(a) The Secretary of the Treasury shall transfer public money to a disbursing official only by draft or warrant written on the Treasury. Except as provided in section 3716 and section 3720A of this title and subsection (b) of this section, a disbursing official shall—

- (1) deposit public money as required by section 3302 of this title; and
- (2) draw public money from the Treasury or a depository only—
 - (A) as necessary to make payments; and
 - (B) payable to persons to whom payment is to be made.

(b) In a place without a depository, the Secretary, on deciding it is essential to the public interest, may authorize specially in writing that public money be—

- (1) deposited in any other public depository; or
- (2) kept in another manner under regulations the Secretary decides are the safest and most effective in making a payment to a public creditor easier.

(c) A disbursing official is not liable for an overpayment provided under a United States Government bill of lading or transportation request when the overpayment is caused by the—

- (1) use of improper transportation rates or classifications if the Administrator of General Services has determined that verification by a prepayment audit conducted pursuant to section 3726(a) of this title for a particular mode or modes of transportation, or for an agency or subagency, will not adequately protect the interests of the Government; or
- (2) failure to deduct the proper amount under—

- (A) a land grant law; or
- (B) an equalization or other agreement.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 950; Pub. L. 98-216, §1(3), Feb. 14, 1984, 98 Stat. 3; Pub. L. 104-134, title III, §31001(g)(1)(A), Apr. 26, 1996, 110 Stat. 1321-363; Pub. L. 105-264, §3(a)(1), Oct. 19, 1998, 112 Stat. 2352.)

HISTORICAL AND REVISION NOTES 1982 ACT

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3322(a)	31:492(a).	R.S. §3620(a); Feb. 27, 1877, ch. 69(7th complete par. on p. 249), 19 Stat. 249; Aug. 28, 1965, Pub. L. 89-145, §1(1), 79 Stat. 582.
3322(b)	31:82g(related to disbursing officers).	June 1, 1942, ch. 320(related to disbursing officers), 56 Stat. 306.

In the section, the words “disbursing official” are substituted for “disbursing officer” for consistency in the revised title.

In subsection (a), before clause (1), the words “Secretary of the Treasury” are substituted for “Treasurer of the United States” because of the source provisions restated in section 321(c) of the revised title. The words “or an assistant treasurer of the United States” in section 3620(a) of the Revised Statutes are omitted as obsolete because of the 1st-4th pars. under the heading “Independent Treasury” in the Act of May 29, 1920 (ch. 214, 41 Stat. 654). In clause (1), the words “as required by section 3302 of this title” are substituted for “with the Treasurer or some one of the assistant treasurers of the United States (subsequently changed to ‘or with one of the depositories of the United States mentioned in section 476 of this title’)” because of 31:476. In clause (2), the words “in pursuance of law” are omitted as surplus. The text of 31:492(a)(last sentence) is omitted because of section 3323(a) of the revised title.

In subsection (b), before clause (1), the words “On and after June 1, 1942” are omitted as executed. The words “of the United States” are omitted as unnecessary. The words “for transportation” are omitted as surplus.

1984 ACT

This is necessary because section 3620(a) (last sentence) of the Revised Statutes inadvertently was omitted from the codification of title 31 by section 1 of the Act of September 13, 1982 (Pub. L. 97-258, 96 Stat. 877).

In subsection (a), before clause (1), the words “Except as provided in subsection (b) of this section” are added because of the restatement.

In subsection (b), before clause (1), the word “however” is omitted as surplus. The words “treasurer or” are omitted as obsolete because of the 1st-4th pars. under the heading “Independent Treasury” in the Act of May 29, 1920 (ch. 214, 41 Stat. 654). In clause (2), the words “rules and” are omitted as surplus.

Editorial Notes

AMENDMENTS

1998—Subsec. (c)(1). Pub. L. 105-264 inserted “if the Administrator of General Services has determined that verification by a prepayment audit conducted pursuant to section 3726(a) of this title for a particular mode or modes of transportation, or for an agency or subagency, will not adequately protect the interests of the Government” after “classifications”.

1996—Subsec. (a). Pub. L. 104-134 inserted “section 3716 and section 3720A of this title and” after “Except as provided in” in introductory provisions.

1984—Subsec. (a). Pub. L. 98-216 amended subsec. (a) generally, substituting “Except as provided in subsection (b) of this section, a” for “A” in second sentence.

Subsecs. (b), (c). Pub. L. 98-216 added subsec. (b) and redesignated former subsec. (b) as (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-264, §3(b), Oct. 19, 1998, 112 Stat. 2354, provided that: “The amendments made by this section [amending this section and sections 3528 and 3726 of this title] shall become effective 18 months after the date of the enactment of this Act [Oct. 19, 1998].”

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-134, title III, §31001(a)(2)(A), Apr. 26, 1996, 110 Stat. 1321-358, provided that: “The provisions of this section [enacting sections 3720B to 3720E of this title, amending this section, sections 3325, 3331, 3332, 3343, 3701, 3711, 3712, 3716 to 3719, 3720A, and 7701 of this title, section 5514 of Title 5, Government Organization and Employees, sections 6050P, 6103, and 6402 of Title 26, Internal Revenue Code, and sections 404 and 664 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under sections 3701, 3711, 3716, and 3719 of this title and section 2461 of Title 28, Judiciary and Judicial Procedure, amending provisions set out as notes under section 7701 of this title and section 2461 of Title 28, and repealing provisions set out as notes under section 3718 of this title] and the amendments made by this section shall take effect on the date of the enactment of this Act [Apr. 26, 1996].”

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-216 effective Sept. 13, 1982, see section 4(c) of Pub. L. 98-216, set out as a note under section 490 of Title 18, Crimes and Criminal Procedure.

§ 3323. Warrants

(a) Except as provided in section 3326 of this title, the Secretary of the Treasury may pay out money only against a warrant. A warrant shall be—

- (1) authorized by law;
- (2) signed by the Secretary; and
- (3) countersigned by the Comptroller General.

(b)(1) A disbursing official shall send to the Secretary with a warrant a certificate under section 3526 of this title, or a requisition for an advance. The certificate or requisition shall state the appropriation to which the payment is to be charged.

(2) The Secretary shall return the certificate or requisition to the Comptroller General with the date and amount endorsed on the certificate or requisition.

(c) A requisition for the payment of money on an audited account or for depositing money in the Treasury is not required.

(d) The Secretary and the Comptroller General shall charge to the appropriate appropriation in their books any money paid by a warrant.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 950.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3323(a)	31:44(1st sentence).	June 10, 1921, ch. 18, §304(1st par. 1st sentence), 42 Stat. 24.
	31:76(2d sentence words before 3d comma).	July 31, 1894, ch. 174, §11(2d, 3d sentences), 28 Stat. 209.
	31:147(related to disbursement).	R.S. §305(related to disbursement); July 31, 1894, ch. 174, §11(last sentence related to §305), 28 Stat. 209.
3323(b)	31:76(2d sentence words after 3d comma).	

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3323(c)	31:76(3d sentence).	
3323(d)	31:44(1st sentence).	
	31:77.	R.S. §3675.

In the section, the words “Comptroller General” are substituted for “General Accounting Office” for consistency.

Subsection (a) is substituted for 31:76(2d sentence words before 3d comma) and 147(related to disbursement) to eliminate unnecessary words and for clarity and consistency.

In subsection (b), the word “Secretary” is substituted for “Treasurer” because of the source provisions restated in section 321 of the revised title.

In subsection (b)(1), the words “instead of being specified on the warrant” are omitted as surplus. The reference to “section 3526 of this title” is used because section 72, referred to in 31:76, has been omitted from the restatement superseded by 31:82i and 31:82i is restated in section 3526.

In subsection (c), the word “depositing” is substituted for “covering” for clarity and consistency.

§ 3324. Advances

(a) Except as provided in this section, a payment under a contract to provide a service or deliver an article for the United States Government may not be more than the value of the service already provided or the article already delivered.

(b) An advance of public money may be made only if it is authorized by—

- (1) a specific appropriation or other law; or
- (2) the President to be made to—

(A) a disbursing official if the President decides the advance is necessary to carry out—

- (i) the duties of the official promptly and faithfully; and
- (ii) an obligation of the Government; or

(B) an individual serving in the armed forces at a distant station if the President decides the advance is necessary to disburse regularly pay and allowances.

(c) Before the Secretary of the Treasury acts on a requisition for an advance, the Comptroller General shall act on the requisition under section 3522 of this title. The Comptroller General does not countersign a requisition for an advance.

(d) The head of an agency may pay in advance from appropriations available for the purpose—

- (1) to the Secretary of the Army, charges for messages sent by the Secretary of the Army for the head of the agency, including charges for—

(A) payment of tolls of commercial carriers;

(B) leasing facilities for sending messages; and

(C) installing and maintaining facilities for sending messages; and

- (2) charges for a publication printed or recorded in any way for the auditory or visual use of the agency.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 950.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3324(a)	31:529(2d sentence).	R.S. §3648; Aug. 2, 1946, ch. 744, §11, 60 Stat. 809.
3324(b)	31:529(1st, 3d, last sentences).	
3324(c)	31:44(1st sentence).	June 10, 1921, ch. 18, §304(1st par. 1st sentence), 42 Stat. 24.
3324(d)	31:76(1st, last sentences).	July 31, 1894, ch. 174, §11(1st, 4th sentences), 28 Stat. 209.
	31:530a.	June 12, 1930, ch. 470, §1, 46 Stat. 580; July 20, 1961, Pub. L. 87-91, §1, 75 Stat. 211.
	31:530b.	June 12, 1930, ch. 470, 46 Stat. 580, §2; added Dec. 22, 1974, Pub. L. 93-534, 88 Stat. 1731.
	31:686-2.	Apr. 15, 1926, ch. 146, §101(proviso on p. 267), 44 Stat. 267.

In subsection (a), the words “Except as provided in this section” are added for clarity. The words “already provided” and “already delivered” are substituted for “rendered . . . delivered previously to such payment” for clarity and consistency.

In subsection (b), before clause (1), the words “in any case” and “It shall, however, be lawful under the special direction of” are omitted as surplus. In clause (2)(A)(i), the word “official” is substituted for “officer” for consistency in the revised title. The words “of the Government” are omitted as surplus. Clause (2)(A)(ii) is substituted for “the public engagements” for clarity. In clause (2)(B), the word “individual” is substituted for “persons” for consistency. The words “armed forces” are substituted for “military and naval service” for consistency with title 10. The words “and proper” are omitted as unnecessary. The words “disburse regularly pay and allowances” are substituted for “discharge of the pay and emoluments to which they may be entitled cannot be regularly effected” to eliminate unnecessary words, for clarity, and for consistency with title 37.

In subsection (c), the words “Comptroller General” are substituted for “General Accounting Office” for consistency.

In subsection (d), before clause (1), the words “On and after April 15, 1926” in 31:686-2 are omitted as executed. The word “agency” is substituted for “department or establishment” because of section 101 of the revised title and for consistency. The words “may pay in advance from appropriations available for the purpose” are substituted for “may transfer in advance . . . such amounts as may be necessary to defray the expense of” for clarity and consistency. In clause (1), the words “Secretary of the Army” are substituted for “Signal Corps of the Army” because of 10:3012. The title of Secretary of War was changed to Secretary of the Army, and the Department of War was designated the Department of the Army by section 205(a) of the Act of July 26, 1947 (ch. 343, 61 Stat. 501), and by sections 1 and 53 of the Act of August 10, 1956 (ch. 1041, 70A Stat. 157, 676). Clause (2) is substituted for 31:530a and 530b to eliminate unnecessary words. The words “or the municipal government of the District of Columbia” are omitted because of sections 441-445 and 736 of the Act of December 24, 1973 (Pub. L. 93-198, 87 Stat. 798, 823).

Statutory Notes and Related Subsidiaries

INTERNATIONAL REFUGEE ORGANIZATION

Funds available for expenditure without regard to this section, see section 289c of Title 22, Foreign Relations and Intercourse.

Executive Documents

EXEMPTION OF FUNCTIONS

Functions authorized by Foreign Assistance Act of 1961, as amended, as exempt, see Ex. Ord. No. 11223, May 12, 1965, 30 F.R. 6635, set out as a note under section 2393 of Title 22, Foreign Relations and Intercourse.

§ 3325. Vouchers

(a) A disbursing official in the executive branch of the United States Government shall—
(1) disburse money only as provided by a voucher certified by—

(A) the head of the executive agency concerned; or

(B) an officer or employee of the executive agency having written authorization from the head of the agency to certify vouchers;

(2) examine a voucher if necessary to decide if it is—

(A) in proper form;

(B) certified and approved; and

(C) computed correctly on the facts certified; and

(3) except for the correctness of computations on a voucher or pursuant to payment intercepts or offsets pursuant to section 3716 or 3720A of this title,¹ be held accountable for carrying out clauses (1) and (2) of this subsection.

(b) In addition to officers and employees referred to in subsection (a)(1)(B) of this section as having authorization to certify vouchers, members of the armed forces may certify vouchers when authorized, in writing, by the Secretary of Defense or, in the case of the Coast Guard when it is not operating as a service in the Navy, by the Secretary of Homeland Security.

(c) On request, the Secretary of the Treasury may provide to the appropriate officer or employee of the United States Government a list of persons receiving periodic payments from the Government. When certified and in proper form, the list may be used as a voucher on which the Secretary may disburse money.

(d) The head of an executive agency or an officer or employee of an executive agency referred to in subsection (a)(1)(B), as applicable, shall include with each certified voucher submitted to a disbursing official pursuant to this section the taxpayer identifying number of each person to whom payment may be made under the voucher.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 951; Pub. L. 104-106, div. A, title IX, §913(b), Feb. 10, 1996, 110 Stat. 411; Pub. L. 104-134, title III, §31001(g)(1)(B), (y), Apr. 26, 1996, 110 Stat. 1321-363, 1321-378; Pub. L. 104-201, div. A, title X, §1009(b), Sept. 23, 1996, 110 Stat. 2634; Pub. L. 109-241, title IX, §902(b)(2), July 11, 2006, 120 Stat. 566.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3325(a)	31:82b.	Dec. 29, 1941, ch. 641, §§1, 4(related to §1), 55 Stat. 875, 876.
	31:82f(related to disbursing officers).	Apr. 28, 1942, ch. 247, §301(1st par. proviso under heading “Bureau of Accounts” related to disbursing officers), 56 Stat. 244.
3325(b)	31:82e(related to 31:82b).	
3325(c)	31:82a.	May 14, 1937, ch. 180, §1(2d par. last proviso on p. 140), 50 Stat. 140.

In subsection (a), before clause (1), the words “Notwithstanding the provisions of section 82 of this title,

¹ So in original.

and section 4 of Executive Order Numbered 6166, dated June 10, 1933" in 31:82b are omitted as unnecessary. In clause (1), the word "duly" is omitted as surplus. In clause (1)(A) and (B), the words "executive agency" are substituted for "department, establishment or agency concerned" because of section 102 of the revised title and for consistency. In clause (2)(C), the words "basis of the" are omitted as surplus. In clause (3), the words "for carrying out clauses (1) and (2) of this subsection" are substituted for "accordingly" for clarity.

In subsection (b), the words "under the jurisdiction" are omitted as surplus. The words "a military department of the Department of Defense" are substituted for "the Department of the Army, the Navy Department (including the Marine Corps)" for consistency with title 10. The words "and the Panama Canal" (subsequently changed to "the Canal Zone Government" by section 2(a)(1) of the Act of September 26, 1950 (ch. 1049, 64 Stat. 1038)) are omitted because of 22:ch. 51. The word "pay" is substituted for "salaries" for consistency in the revised title and with other titles of the United States Code.

In subsection (c), the words "On and after May 14, 1937" are omitted as executed. The words "Secretary of the Treasury" are substituted for "Division of Disbursement, Treasury Department" in section 1(last proviso of 2d par. on p. 140) of the Act of May 14, 1937, because of section 1(a) of Reorganization Plan No. III of 1940 (eff. June 30, 1940, 54 Stat. 1231) and section 321(c) of the revised title. The word "appropriate" is added for clarity. The words "officer or employee of the United States Government" are substituted for "administrative officers" for consistency in the revised title and with other titles of the United States Code. The words "addressographed or stenciled" and "administratively revised and" are omitted as surplus. The words "disburse public money" are substituted for "make payment" for consistency.

Editorial Notes

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-241 substituted "Secretary of Homeland Security" for "Secretary of Transportation".

1996—Subsec. (a)(3). Pub. L. 104-134, § 31001(g)(1)(B), inserted "or pursuant to payment intercepts or offsets pursuant to section 3716 or 3720A of this title," after "voucher".

Subsec. (b). Pub. L. 104-201 substituted "members of the armed forces may certify vouchers when authorized, in writing, by the Secretary of Defense or, in the case of the Coast Guard when it is not operating as a service in the Navy, by the Secretary of Transportation" for "members of the armed forces under the jurisdiction of the Secretary of Defense may certify vouchers when authorized, in writing, by the Secretary to do so".

Pub. L. 104-106 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "Subsection (a) of this section does not apply to disbursements of a military department of the Department of Defense, except for disbursements for departmental pay and expenses in the District of Columbia."

Subsec. (d). Pub. L. 104-134, § 31001(y), added subsec. (d).

§ 3326. Waiver of requirements for warrants and advances

(a) When the Secretary of the Treasury and the Comptroller General decide that, with sufficient safeguards, existing procedures may be changed to simplify, improve, and economize the control and accounting of public money, they may prescribe joint regulations for waiving any part of the requirements in effect on September 12, 1950, that—

(1) warrants be issued and countersigned for the receipt, retention, and disbursement of public money and trust funds; and

(2) amounts be requisitioned and advanced to accountable officials.

(b) Regulations of the Secretary and the Comptroller General may provide for the payment of vouchers by authorized disbursing officials by checks drawn on the general fund of the Treasury. However, the regulations shall provide for appropriate action (including suspension or withdrawal of authority to make payments) against a delinquent disbursing official for any reason related to the official's accounts.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 951.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3326(a)	31:66c(a).	Sept. 12, 1950, ch. 946, § 115, 64 Stat. 837.
3326(b)	31:66c(b).	

In subsection (a), before clause (1), the words "in effect on September 12, 1950" are substituted for "existing" for clarity. In clause (2), the words "under each separate appropriation head or otherwise" are omitted as surplus.

In subsection (b), the word "official" is substituted for "officers" for consistency. The word "Treasury" is substituted for "Treasurer of the United States" 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). The words "in the rendition of their accounts or for other" and "under necessary circumstances" are omitted as surplus.

§ 3327. General authority to issue checks and other drafts

(a) The Secretary of the Treasury may issue a check or other draft on public money in the Treasury to pay an obligation of the United States Government. When the Secretary decides it is convenient to a public creditor and in the public interest, the Secretary may designate a depository to issue a check or other draft on public money held by the depository to pay an obligation of the Government. As directed by the Secretary, each depository shall report to the Secretary on public money paid and received by the depository.

(b) The Secretary of the Treasury shall take such actions as are necessary to ensure that Social Security account numbers (including derivatives of such numbers) are not visible on or through unopened mailings of checks or other drafts described in subsection (a) of this section.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 952; Pub. L. 106-433, § 2, Nov. 6, 2000, 114 Stat. 1910.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3327	31:526.	R.S. § 3644.

The words "Secretary of the Treasury" are substituted for "Treasurer" because of the source provisions restated in section 321(c) of the revised title. The words "may issue a check or other draft" are substituted for "shall be subject to the draft of" for consistency in the revised title. The words "public money" are substituted for "moneys" because section 10 of the

Act of August 6, 1846 (ch. 90, 9 Stat. 61), from which section 3644 of the Revised Statutes is derived, used the term “public money”. The words “obligation of the United States Government” are substituted for “on the public account”, and the words “may designate a depository to issue a check or draft on public money held by the depository to pay an obligation of the Government” are substituted for “is authorized to draw upon any of the depositories” for clarity and consistency. The words “at such times and in such forms . . . shall be” are omitted as surplus. The words “United States Postal Service” and “Postmaster General” are omitted because of 39:410. The words “report to the Secretary on public money paid and received by the depository” are substituted for “so drawn upon shall make returns to the Treasury Department” for clarity and consistency.

Editorial Notes

AMENDMENTS

2000—Pub. L. 106-433 designated existing provisions as subsec. (a) and added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT AND TRANSITIONAL RULE

Pub. L. 106-433, §3, Nov. 6, 2000, 114 Stat. 1910, provided that:

“(a) IN GENERAL.—The amendments made by this Act [amending this section] shall apply with respect to all mailings of checks or other drafts issued on or after the date which is 3 years after the date of the enactment of this Act [Nov. 6, 2000].

“(b) PHASE-IN OF AMENDMENTS.—Effective on the date of the enactment of this Act, the Secretary of the Treasury shall commence procedures to gradually implement the amendments made by this Act in advance of the effective date described in subsection (a). Not later than 1 year after the date of the enactment of this Act, and annually thereafter for each of the next 2 years, the Secretary shall transmit to each House of the Congress a report describing the manner and extent to which the requirements of the preceding sentence have been carried out.”

§ 3328. Paying checks and drafts

(a) TIME LIMIT ON TREASURY CHECKS.—

(1) IN GENERAL.—Except as provided in sections 3329 and 3330 of this title—

(A) the Secretary shall not be required to pay a Treasury check issued on or after the effective date of this section unless it is negotiated to a financial institution within 12 months after the date on which the check was issued; and

(B) the Secretary shall not be required to pay a Treasury check issued before the effective date of this section unless it is negotiated to a financial institution within 12 months after such effective date.

(2) DEFERRAL PENDING SETTLEMENT.—Notwithstanding the time limitations imposed by paragraph (1), if the Secretary is on notice of a question of law or fact about whether a Treasury check is properly payable when the check is presented for payment, the Secretary may defer payment on such check until the question is settled.

(3) Nothing in this subsection shall be construed to affect the underlying obligation of the United States, or any agency thereof, for which a Treasury check was issued.

(b)(1) If a check issued by a disbursing official and drawn on a designated depository is not paid

by the last day of the fiscal year after the fiscal year in which the check was issued, the amount of the check is—

(A) withdrawn from the account with the depository; and

(B) deposited in the Treasury for credit to a consolidated account of the Treasury.

(2) A claim for the proceeds of an unpaid check under this subsection may be paid from a consolidated account by a check drawn on the Treasury.

(c) A limitation imposed on a claim against the United States Government under section 3702 of this title does not apply to an unpaid check drawn on the Treasury or a designated depository.

(d) The Secretary may prescribe regulations the Secretary decides are necessary to carry out subsections (a)–(c) of this section.

(e)(1) The Secretary shall prescribe regulations on—

(A) enforcing the speedy presentation of Government drafts;

(B) paying drafts, including the place of payment; and

(C) paying drafts if presentment is not made as required.

(2) Regulations prescribed under paragraph (1) of this subsection shall prevent, as far as may be practicable, Government drafts from being used or placed in circulation as paper currency or a medium of exchange.

(f) AUTHORITY TO DECLINE PAYMENT.—Nothing in this section limits the authority of the Secretary to decline payment of a Treasury check after first examination thereof at the Treasury.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 952; Pub. L. 100-86, title X, §1002, Aug. 10, 1987, 101 Stat. 658; Pub. L. 104-316, title I, §115(d), Oct. 19, 1996, 110 Stat. 3834.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3328(a)(1)	31:132(a).	July 11, 1947, ch. 222, §1, 61 Stat. 308; restated Aug. 28, 1957, Pub. L. 85-183, §1, 71 Stat. 464.
3328(a)(2)	31:134(less last 30 words before 1st proviso).	July 11, 1947, ch. 222, §3, 61 Stat. 309; restated Aug. 28, 1957, Pub. L. 85-183, §2, 71 Stat. 464.
3328(b)	31:132(b).	
3328(c)	31:132(c).	
3328(d)	31:134(last 30 words before 1st proviso).	
3328(e)	31:527	R.S. §3645.

In the section, the word “Treasury” is substituted for “Treasurer of the United States” 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 subsections (a)(1) and (b), the words “Comptroller General” are substituted for “General Accounting Office” for consistency.

In subsections (a)(1) and (c), the words “heretofore or hereafter” are omitted as surplus.

In subsection (a)(1), the words “Except as provided in sections 3330 and 3331 of this title” are added for clarity. The words “including those drawn by wholly owned and mixed-ownership Government corporations” are omitted as surplus. The words “Secretary of the Treasury” are substituted for “Treasurer of the United States” after “for payment the” because of the source

provisions restated in section 321(c) of the revised title. The words “doubtful”, “for payment”, and “of such check” are omitted as surplus.

In subsection (a)(2), before clause (A), the words “When the Secretary decides it is appropriate” are substituted for “at appropriate intervals” for clarity. In clauses (A) and (B), the words “on the books” are omitted as surplus. In clause (A), the words “drawn on the Treasury” are added for clarity and consistency. In clause (B), the words “from the accounts . . . for the payment of unpaid checks . . . of the Treasury” are omitted as surplus. The words “and to transfer to such consolidated account or accounts the balance of the special deposit account established pursuant to section 132 of this title”, and the words “any unpaid checks heretofore payable from the special deposit account”, are omitted as executed because the account was established under 31:132 as originally enacted in 1947 and then abolished by the 1957 amendment to that section. The text of 31:134(1st proviso) is omitted as superseded by section 448 of the Act of December 24, 1973 (Pub. L. 93-198, 87 Stat. 801). The text of 31:134(last proviso) is omitted as executed.

In subsection (b)(1), before clause (A), the words “issued by a disbursing official” are substituted for “drawn by authorized officers of the United States” for consistency. In clause (B), the words “or accounts on the books” are omitted as surplus.

Subsection (c) is substituted for 31:132(c) for consistency and to eliminate unnecessary words.

In subsection (d), the words “rules and” and “or proper” are omitted as surplus.

In subsection (e)(1), before clause (A), the word “prescribe” is substituted for “issue and publish” for consistency in the revised title and with other titles of the United States Code. In clause (B), the words “and to prescribe the time, according to the different distances of the depositaries from the seat of Government, within which all drafts upon them, respectively, shall be presented for payment” are omitted as superseded by subsection (a) of the revised section. Clause (C) is substituted for 31:527(words between semicolons) to eliminate unnecessary words.

In subsection (e)(2), the words “and directions” are omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

The effective date of this section, referred to in subsection (a)(1), probably means the effective date of subsec. (a) of this section as amended by section 1002 of Pub. L. 100-86, which is 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 a note below.

AMENDMENTS

1996—Subsec. (a)(2). Pub. L. 104-316, §115(d)(1), substituted “until the question is settled” for “until the Comptroller General settles the question”.

Subsec. (b)(2). Pub. L. 104-316, §115(d)(2), struck out “on settlement by the Comptroller General” after “the Treasury”.

Subsec. (d). Pub. L. 104-316, §115(d)(3), substituted “The” for “With the approval of the Comptroller General, the”.

1987—Subsec. (a). Pub. L. 100-86, §1002(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows:

“(1) Except as provided in sections 3329 and 3330 of this title, a check drawn on the Treasury may be paid at any time. However, if the Secretary of the Treasury is on notice of a question of law or fact about the check when the check is presented, the Secretary shall defer payment until the Comptroller General settles the question.

“(2) When the Secretary decides it is appropriate, the Secretary may transfer—

“(A) the amount of an unpaid check drawn on the Treasury from the account on which it was drawn to a consolidated account of the Treasury available for paying checks; and

“(B) an amount available, but not required, for paying checks drawn on the Treasury to the appropriate receipt account.”

Subsec. (f). Pub. L. 100-86, §1002(2), added subsec. (f).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1987 AMENDMENT

Pub. L. 100-86, title X, §1006, Aug. 10, 1987, 101 Stat. 659, provided that: “The amendments made by sections 1002, 1003, and 1004 [enacting section 3334 of this title and amending this section and sections 3702 and 3712 of this title] shall become effective 6 months after the date of enactment of this Act [Aug. 10, 1987] or on such later date as the Secretary of the Treasury may prescribe in regulations.”

REGULATIONS

Pub. L. 100-86, title X, §1005, Aug. 10, 1987, 101 Stat. 659, provided that: “The Secretary of the Treasury may prescribe such rules, regulations, and procedures as the Secretary deems necessary to implement the amendments made by sections 1002, 1003, and 1004 [enacting section 3334 of this title and amending this section and sections 3702 and 3712 of this title], including the recertification of Treasury checks which have been canceled or for which a claim has been asserted or barred.”

§ 3329. Withholding checks to be sent to foreign countries

(a) The Secretary of the Treasury shall prohibit a check or warrant drawn on public money from being sent to a foreign country from the United States or from a territory or possession of the United States when the Secretary decides that postal, transportation, or banking facilities generally, or local conditions in the foreign country, do not reasonably ensure that the payee—

- (1) will receive the check or warrant; and
- (2) will be able to negotiate it for full value.

(b)(1) If a check or warrant is prohibited from being sent to a foreign country under subsection (a) of this section, the drawer shall hold the check or warrant until the end of the calendar quarter after the date of the check or warrant.

(2) The Secretary may release the check or warrant for delivery during the calendar quarter after the date of the check or warrant if the Secretary decides that conditions have changed to ensure reasonably that the payee—

- (A) will receive the check or warrant; and
- (B) will be able to negotiate it for full value.

(3) Unless the Secretary otherwise directs, the drawer shall send at the end of the calendar quarter after the date of the check or warrant the—

- (A) withheld check or warrant to the drawee; and

(B) report to the Secretary on—

- (i) the name and address of the payee;
- (ii) the date, number, and amount of the check or warrant; and
- (iii) the account on which the check or warrant was drawn.

(4) The drawee shall transfer the amount of a withheld check or warrant from the account of the drawer to the special deposit account “Sec-

retary of the Treasury, Proceeds of Withheld Foreign Checks”. The check or warrant shall be marked “Paid into Withheld Foreign Check Account”. The Secretary shall credit the accounts of the drawer and drawee.

(c) The Secretary may pay an amount deposited in the special account under subsection (b)(4) of this section with a check drawn on the account when—

(1) a person claiming payment satisfies the Secretary of the right to the amount of the check or warrant (or satisfies the Secretary of Veterans Affairs if the claim represents a payment under laws administered by the Secretary of Veterans Affairs); and

(2) the Secretary is reasonably ensured that the person—

(A) will receive the check or warrant; and

(B) will be able to negotiate it for full value.

(d) This section and section 3330 of this title—

(1) apply to a check or warrant whose delivery may be withheld under Executive Order 8389;

(2) do not affect a requirement for a license for delivering and paying a check in payment of a claim under subsection (c) of this section when a license is required by law to authorize delivery and payment; and

(3) do not affect a check or warrant issued for the payment of pay or goods bought by the United States Government in a foreign country.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 953; Pub. L. 102–54, §13(7)(2), June 13, 1991, 105 Stat. 277; Pub. L. 104–316, title I, §115(e), Oct. 19, 1996, 110 Stat. 3834.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3329(a)	31:123(words before 1st proviso).	Oct. 9, 1940, ch. 796, §1(words before 1st proviso), 54 Stat. 1086; Dec. 2, 1942, ch. 659, 56 Stat. 1028.
3329(b)	31:124(1st par.).	Oct. 9, 1940, ch. 796, §2(1st par.), 3(1st par.), 4, 6, 54 Stat. 1086, 1087.
3329(c)	31:125(1st par.).	
3329(d)	31:126. 31:128.	

In the section, the words “drawn on” are substituted for “drawn against” for consistency in the revised chapter. The word “actually” is omitted as surplus.

In subsection (a), before clause (1), the words “On and after October 9, 1940” are omitted as executed. The words “drawn on public money” are substituted for “drawn against funds of the United States, or any agency or instrumentality thereof” to eliminate unnecessary words and for consistency in the chapter. The words “and the Commonwealth of the Philippine Islands” in section 1 of the Act of October 9, 1940, are omitted because of Proclamation No. 2695 of July 4, 1946 (60 Stat. 1352). The words “to which such check or warrant is to be delivered” are omitted as surplus.

In subsection (b)(3)(A), the words “in accordance with the provisions of sections 123 to 128 of this title” and “thereof” are omitted as surplus.

In subsection (b)(3)(B), before subclause (i), the word “Secretary” is substituted for “Bureau of Accounts of the Treasury Department” because of the source provisions restated in section 321 of the revised title. The word “fully” is omitted as surplus.

In subsection (b)(4), the word “withheld” is substituted for “undelivered” for clarity. The words “with

the Treasurer of the United States” and the words “of the United States” after “Comptroller General” are omitted as unnecessary.

In subsection (d)(1), the words “is now being, or . . . hereafter” and “as well as to all checks or warrants the delivery of which is now being withheld pursuant to administrative action, which administrative action is ratified and confirmed” in 31:126 are omitted as executed.

In subsection (d)(2), the words “do not affect a requirement for” are substituted for “nothing in sections 123 to 128 of this title shall be construed to dispense with the necessity of” in 31:126 to eliminate unnecessary words and because of the restatement. The words “obtaining . . . authorize” and “is now or hereafter” are omitted as surplus.

In subsection (d)(3), the words “does not affect” are substituted for “Nothing contained in sections 123 to 128 of this title shall be construed as affecting or applying to” in 31:128 to eliminate unnecessary words and because of the restatement. The word “pay” is substituted for “salaries or wages” for consistency in the revised title and with other titles of the United States Code.

Editorial Notes

AMENDMENTS

1996—Subsec. (b)(4). Pub. L. 104–316 substituted “The Secretary shall credit the accounts of the drawer and drawee.” for “After that time, the drawee shall send all withheld checks and warrants to the Comptroller General. The Comptroller General shall credit the accounts of the drawer and drawee.”

1991—Subsec. (c)(1). Pub. L. 102–54 substituted “Secretary of Veterans Affairs” for “Administrator of Veterans Affairs” and “laws administered by the Secretary of Veterans Affairs” for “laws carried out by the Administrator”.

§ 3330. Payment of Department of Veterans Affairs checks for the benefit of individuals in foreign countries

(a)(1) A check is deemed to be issued for sending to a foreign country and subject to this section and section 3329 of this title if the check is—

(A) drawn on public money;

(B) for benefits under laws carried out by the Secretary of Veterans Affairs; and

(C) to be sent to a person in the United States or a territory or possession of the United States, and the person is legally responsible for the care of an individual in a foreign country.

(2) The Secretary of Veterans Affairs shall notify the Secretary of the Treasury of each check described under paragraph (1) of this subsection.

(3) The Secretary of Veterans Affairs may exempt a check from paragraph (1) of this subsection if the application of paragraph (1) would reduce, discontinue, or deny benefits for the care of a dependent of an individual in a foreign country.

(b) When the amount of checks (representing payments to an individual under laws administered by the Secretary of Veterans Affairs) transferred under section 3329(b)(4) of this title equals \$1,000, the amounts of additional checks (except checks under contracts of insurance) payable to the individual under those laws shall be deposited in the Treasury as miscellaneous receipts. An amount transferred under section 3329(b)(4) or deposited as miscellaneous receipts

is deemed to be payment for all purposes to the individual entitled to payment.

(c) If the payee of a check for pension, compensation, or emergency officers' retirement pay under laws administered by the Secretary of Veterans Affairs dies while the amount of the check is in the special deposit account, the amount is payable (subject to section 3329 of this title and this section) as follows:

(1) after the death of the veteran, to the surviving spouse, or, if there is no surviving spouse, to children of the veteran under 18 years of age at the time of the veteran's death.

(2) after the death of the surviving spouse, to children of the spouse under 18 years of age at the time of the spouse's death.

(3) after the death of an apportionee of a part of the veteran's pension, compensation, or emergency officers' retirement pay but before all of the apportioned amount is paid to the veteran, the apportioned amount not paid.

(4) in any other case, only to the extent necessary to reimburse a person for burial expenses.

(d)(1) A payment may be made under subsection (c) of this section only if a claim for payment is—

(A) filed with the Secretary of Veterans Affairs by the end of the first year after the date of the death of the individual entitled to payment; and

(B) completed by submitting the necessary evidence by the 6th month after the date the Secretary of Veterans Affairs requests the evidence.

(2) Payment shall include only amounts due at the time of death under ratings or decisions existing at the time of the death.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 954; Pub. L. 102–54, § 13(l)(3), (4)(A), June 13, 1991, 105 Stat. 277; Pub. L. 103–272, § 4(f)(1)(I), July 5, 1994, 108 Stat. 1362.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3330(a)	31:123(provisos).	Oct. 9, 1940, ch. 796, 54 Stat. 1086, § 1(provisos); added Dec. 2, 1942, ch. 659, 56 Stat. 1028.
3330(b)	31:124(last par.).	Oct. 9, 1940, ch. 796, §§ 2(last par.), 3(last par.), 54 Stat. 1086, 1087.
3330(c), (d).	31:125(last par.).	

In the section, the words “laws carried out” are substituted for “laws administered”, and the words “Administrator of Veterans Affairs” and “Administrator” are substituted for “Veterans Administration”, for consistency.

In subsection (a)(1), before clause (A), the word “issued” is substituted for “drawn” for clarity and consistency. Clause (A) is substituted for “drawn against funds of the United States” for consistency in the chapter. In clause (C), the words “guardian, curator, conservator, or other” are omitted as surplus. The words “legally responsible for” are substituted for “vested with” for clarity.

In subsection (b), the words “under section 3329(b)(4) of this title” are substituted for “to the special deposit account” for clarity and because of the restatement. The words “deposited in” are substituted for “covered into” for clarity and consistency in the revised title.

In subsection (c), before clause (1), the word “accruing” is omitted as surplus. In clauses (1) and (2), the words “surviving spouse” and “spouse” are substituted for “widow”, and the word “spouse's” is substituted for “widow's”, to conform to amendments made generally to title 38 by the Veterans Disability Compensation and Survivor Benefits Act of 1976 (Pub. L. 94–433, 90 Stat. 1374). In clause (1), the words “first to” are omitted as surplus. In clause (4), the word “only” is substituted for “no disbursement whatsoever of such pension, compensation, or emergency officers' retirement pay shall be made or allowed except so much” to eliminate unnecessary words.

In subsection (d)(1)(B), the word “completed” is substituted for “perfected” for clarity.

In subsection (d)(2), the words “and unpaid” are omitted as surplus.

Editorial Notes

AMENDMENTS

1994—Subsec. (d)(1)(B). Pub. L. 103–272 substituted “Secretary of Veterans Affairs” for “Administrator”.

1991—Pub. L. 102–54, § 13(l)(4)(A), substituted “Department of Veterans Affairs” for “Veterans Administration” in section catchline.

Subsec. (a)(1)(B). Pub. L. 102–54, § 13(l)(3)(A), substituted “Secretary of Veterans Affairs” for “Administrator of Veterans Affairs”.

Subsec. (a)(2), (3). Pub. L. 102–54, § 13(l)(3)(B), substituted “Secretary of Veterans Affairs” for “Administrator”.

Subsecs. (b), (c). Pub. L. 102–54, § 13(l)(3)(C), substituted “laws administered by the Secretary of Veterans Affairs” for “laws carried out by the Administrator”.

Subsec. (d)(1)(A). Pub. L. 102–54, § 13(l)(3)(B), substituted “Secretary of Veterans Affairs” for “Administrator”.

§ 3331. Substitute checks

(a) In this section, “original check”—

(1) means an order for the payment of money—

(A) payable on demand;

(B) that does not bear interest;

(C) drawn by an authorized disbursing official or agent of the United States Government; and

(D) the amount of which is deposited with the Treasury or another account available for payment; and

(2) does not include coins and currency of the Government.

(b) When the Secretary of the Treasury is satisfied that an original check is lost, stolen, destroyed in any part, or is so defaced that the value to the owner or holder is impaired, the Secretary may issue a substitute check to the owner or holder of the original check. Except as provided in subsection (c) or (f) of this section, the substitute check is payable from the amount available to pay the original check.

(c) When the Secretary is satisfied that an original check drawn on a depository in a foreign country or a territory or possession of the United States is lost, stolen, destroyed in part, or is so defaced that its value to the owner or holder is impaired, the drawer of the original check (or another official designated by the Secretary with the approval of the head of the agency on whose behalf the original check was issued) may issue to the owner or holder of the check a substitute check. The drawer or official

shall issue the substitute check by the last day of the fiscal year after the fiscal year in which the original check was issued—

(1) using the current date; and

(2) drawn on the account of the drawer of the original check or another account available for payment of the substitute.

(d) A substitute check issued under this section—

(1) may be paid only if the original check has not been paid;

(2) shall include information necessary to identify the original check;

(3) that is drawn on the Treasury—

(A) is deemed to be an original check; and

(B) is paid under the same conditions as the original check; and

(4) does not relieve a disbursing or certifying official from liability to the Government for payment resulting from erroneously issuing the original check.

(e) Before issuing a substitute check under this section, the Secretary may require the owner or holder of the original check to agree to indemnify the Government with security in the form and amount the Secretary decides is necessary.

(f) The Secretary may waive any provision of this section as may be necessary to ensure that claimants receive timely payments.

(g) Under conditions the Secretary may prescribe, the Secretary may delegate duties and powers of the Secretary under this section to the head of an agency. Consistent with a delegation from the Secretary under this subsection, the head of an agency may delegate those duties and powers to an officer or employee of the agency.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 955; Pub. L. 97-452, §1(11), Jan. 12, 1983, 96 Stat. 2468; Pub. L. 104-134, title III, §31001(x)(2), Apr. 26, 1996, 110 Stat. 1321-377.)

HISTORICAL AND REVISION NOTES 1982 ACT

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3331(a)	31:528(g).	R.S. §3646(a)-(c), (f), (g); Feb. 16, 1885, ch. 123, 23 Stat. 306; Mar. 23, 1906, ch. 1129, 34 Stat. 84; June 19, 1906, ch. 3434, 34 Stat. 301; May 27, 1908, ch. 206(par. beginning on p. 415 amending §§3646, 3647), 35 Stat. 415; Feb. 23, 1909, ch. 174, 35 Stat. 643; Mar. 21, 1916, ch. 52, 39 Stat. 37; July 8, 1937, ch. 444, §9, 50 Stat. 482; Aug. 10, 1939, ch. 665, §§5-7, 53 Stat. 1359; re-stated Dec. 3, 1945, ch. 515, §1, 59 Stat. 592; July 11, 1947, ch. 222, §4(c), (d)(related to §3646(c)), (e), (f), 61 Stat. 309; Aug. 28, 1957, Pub. L. 85-183, §§4, 5(a), (c), 71 Stat. 465; June 6, 1972, Pub. L. 92-310, §231(s), 86 Stat. 211; Sept. 22, 1978, Pub. L. 95-380, 92 Stat. 725.
3331(b)	31:528(a)(less last 28 words before proviso, proviso).	
3331(c)	31:528(c)(1st sentence 1st-158th words, 171st-195th words).	

HISTORICAL AND REVISION NOTES—CONTINUED 1982 ACT

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3331(d)	31:528(a)(last 28 words before proviso, proviso), (c)(1st sentence 159th-170th words, 237th-last words, last sentence), (f).	
3331(e)	31:528(b), (c)(1st sentence 196th-236th words).	

In subsection (a), before clause (1), the words “The term . . . wherever used” are omitted as unnecessary. In clause (1), before subclause (A), the words “check, warrant, or other” are omitted as surplus. In subclause (C), the word “duly” is omitted as surplus. The words “disbursing official or agent” are substituted for “officer or agent” for consistency in the revised title. The words “any wholly owned or mixed-ownership Government corporation” are omitted as already being included in the restated source provisions and because of section 101 of the revised title. Therefore, the text is not meant to exclude employees of wholly owned Government corporations and mixed-ownership Government corporations. The words “the District of Columbia, or the District Unemployment Compensation Board” are omitted because of section 448 of the Act of December 24, 1973 (Pub. L. 93-198, 87 Stat. 801). The words “or by any entity owned or controlled by the United States” are omitted as unnecessary. In subclause (D), the words “and covered . . . or deposited with the Treasurer of the United States” are omitted as surplus. The words “or another account available for payment” are added for clarity and consistency in the revised section. In clause (2), the word “money” is omitted as being covered by “coins and currency”.

In subsections (b) and (c), the words “When the Secretary is satisfied” are substituted for “whenever it is clearly proved to the satisfaction of the Secretary” to eliminate unnecessary words. The words “mutilated or” are omitted as being covered by “defaced”.

In subsection (c), before clause (1), the words “Notwithstanding the provisions of subsections (a) and (b) of this section” are omitted as unnecessary. The words “including the Panama Canal Zone” are omitted because of the Panama Canal Treaty of 1977. The words “official designated” are substituted for “officer or employee of the United States as may be authorized” for consistency in the revised title and with other titles of the United States Code. The word “agency” is substituted for “department or agency” because of section 101 of the revised title and for consistency. In clause (2), the words “drawn on” are substituted for “drawn against” for consistency in the revised chapter.

In subsection (d)(3), before subclause (A), the word “Treasury” is substituted for “Treasurer of the United States” 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 subsection (d)(4), the word “official” is substituted for “officer” for consistency in the revised title and with other titles of the United States Code.

In subsection (e), the words “surety or” are omitted as surplus. The words “the receipt and approval by the Secretary of the Treasury of” are omitted because of the restatement.

1983 ACT

This restates, as 31:3331(f), section 3646(h) of the Revised Statutes that was inadvertently omitted from the codification of title 31 by the Act of Sept. 13, 1982 (Pub. L. 97-258, 96 Stat. 1084). It provides authority for the Secretary of the Treasury to delegate duties and powers related to issuing substitute checks to heads of other agencies.

The words “terms and” are omitted as surplus. The words “duties and powers” are substituted for “power,

authority, or discretion” for consistency in the revised title and with other titles of the United States Code. The words “in whole or in part” are omitted as surplus. The words “to such individuals as he may designate within the Treasury Department” are omitted because of 31:321(b)(2). The word “agency” is coextensive with and substituted for “other department or agency of the Government or of any Federal Reserve bank” because of 31:101. The words “terms and conditions” are omitted as surplus.

Editorial Notes

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-134, §31001(x)(2)(A), substituted “subsection (c) or (f)” for “subsection (c)”.

Subsecs. (f), (g). Pub. L. 104-134, §31001(x)(2)(B), (C), added subsec. (f) and redesignated former subsec. (f) as (g).

1983—Subsec. (f). Pub. L. 97-452 added subsec. (f).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1983 AMENDMENT

Pub. L. 97-452, §2(i), Jan. 12, 1983, 96 Stat. 2479, provided that: “The amendments made by section 1(11), (14), (19), (22), (24), (26), and (27) [amending this section and sections 3702, 5103, 5154, 6501, 9101, 9107, and 9108 of this title] are effective as of September 13, 1982.”

§ 3332. Required direct deposit

(a)(1) Notwithstanding any other provision of law, all Federal wage, salary, and retirement payments shall be paid to recipients of such payments by electronic funds transfer, unless another method has been determined by the Secretary of the Treasury to be appropriate.

(2) Each recipient of Federal wage, salary, or retirement payments shall designate one or more financial institutions or other authorized payment agents and provide the payment certifying or authorizing agency information necessary for the recipient to receive electronic funds transfer payments through each institution so designated.

(b)(1) The head of each agency shall waive the requirements of subsection (a) of this section for a recipient of Federal wage, salary, or retirement payments authorized or certified by the agency upon written request by such recipient.

(2) Federal wage, salary, or retirement payments shall be paid to any recipient granted a waiver under paragraph (1) of this subsection by any method determined appropriate by the Secretary of the Treasury.

(c)(1) The Secretary of the Treasury may waive the requirements of subsection (a) of this section for any group of recipients upon request by the head of an agency under standards prescribed by the Secretary of the Treasury.

(2) Federal wage, salary, or retirement payments shall be paid to any member of a group granted a waiver under paragraph (1) of this subsection by any method determined appropriate by the Secretary of the Treasury.

(d) This section shall apply only to recipients of Federal wage or salary payments who begin to receive such payments on or after January 1, 1995, and recipients of Federal retirement payments who begin to receive such payments on or after January 1, 1995.

(e)(1) Notwithstanding subsections (a) through (d) of this section, sections 5120(a) and (d) of

title 38, and any other provision of law, all Federal payments to a recipient who becomes eligible for that type of payment after 90 days after the date of the enactment of the Debt Collection Improvement Act of 1996 shall be made by electronic funds transfer.

(2) The head of a Federal agency shall, with respect to Federal payments made or authorized by the agency, waive the application of paragraph (1) to a recipient of those payments upon receipt of written certification from the recipient that the recipient does not have an account with a financial institution or an authorized payment agent.

(f)(1) Notwithstanding any other provision of law (including subsections (a) through (e) of this section and sections 5120(a) and (d) of title 38), except as provided in paragraph (2) all Federal payments made after January 1, 1999, shall be made by electronic funds transfer.

(2)(A) The Secretary of the Treasury may waive application of this subsection to payments—

- (i) for individuals or classes of individuals for whom compliance imposes a hardship;
- (ii) for classifications or types of checks; or
- (iii) in other circumstances as may be necessary.

(B) The Secretary of the Treasury shall make determinations under subparagraph (A) based on standards developed by the Secretary.

(g) Each recipient of Federal payments required to be made by electronic funds transfer shall—

- (1) designate 1 or more financial institutions or other authorized agents to which such payments shall be made; and
- (2) provide to the Federal agency that makes or authorizes the payments information necessary for the recipient to receive electronic funds transfer payments through each institution or agent designated under paragraph (1).

(h) The crediting of the amount of a payment to the appropriate account on the books of a financial institution or other authorized payment agent designated by a payment recipient under this section shall constitute a full acquittance to the United States for the amount of the payment.

(i)(1) The Secretary of the Treasury may prescribe regulations that the Secretary considers necessary to carry out this section.

(2) Regulations under this subsection shall ensure that individuals required under subsection (g) to have an account at a financial institution because of the application of subsection (f)(1)—

- (A) will have access to such an account at a reasonable cost; and
- (B) are given the same consumer protections with respect to the account as other account holders at the same financial institution.

(j) For purposes of this section—

(1) The term “electronic funds transfer” means any transfer of funds, other than a transaction originated by cash, check, or similar paper instrument, that is initiated through an electronic terminal, telephone, computer, or magnetic tape, for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account. The term

includes Automated Clearing House transfers, Fed Wire transfers, transfers made at automatic teller machines, and point-of-sale terminals.

(2) The term “Federal agency” means—

(A) an agency (as defined in section 101 of this title); and

(B) a Government corporation (as defined in section 103 of title 5).

(3) The term “Federal payments” includes—

(A) Federal wage, salary, and retirement payments;

(B) vendor and expense reimbursement payments; and

(C) benefit payments.

Such term shall not include any payment under the Internal Revenue Code of 1986.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 955; Pub. L. 98–369, div. B, title VIII, § 2814, July 18, 1984, 98 Stat. 1207; Pub. L. 103–356, title IV, § 402(a), Oct. 13, 1994, 108 Stat. 3412; Pub. L. 104–134, title III, § 31001(x)(1), Apr. 26, 1996, 110 Stat. 1321–376.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3332(a)	31:492(b)(3).	R.S. § 3620(b), (c); added Aug. 28, 1965, Pub. L. 89–145, § 1(2), 79 Stat. 582; restated June 29, 1968, Pub. L. 90–365, 82 Stat. 274; July 19, 1975, Pub. L. 94–57, § 1(a), 89 Stat. 265, July 19, 1975, Pub. L. 94–57, § 1(b)(1st sentence), (c)(1st sentence), 89 Stat. 265.
	31:492(note).	
3332(b)	31:492(b)(1)(1st sentence words before 1st comma, words between 2d comma and proviso).	July 19, 1975, Pub. L. 94–57, 89 Stat. 265, § 1(b)(2d, last sentences), (c)(2d, last sentences); added Dec. 18, 1975, Pub. L. 94–157, § 109, 89 Stat. 831.
3332(c)	31:492(b)(1)(proviso, last sentence). 31:492(note).	
3332(d)	31:492(b)(2)(less 32d–43d words).	R.S. § 3620(d); added Aug. 7, 1972, Pub. L. 92–366, 86 Stat. 506.
3332(e)	31:492(c).	
3332(f)	31:492(d)(1st–50th words).	
3332(g)	31:492(b)(1)(1st sentence words between 1st and 2d commas), (2)(32d–43d words), (d)(51st–last words), 31:492(note).	

In subsection (a), the definition of “agency” is omitted because of section 101 of the revised title. The words “and the municipal government of the District of Columbia” are omitted because of section 448 of the Act of December 24, 1973 (Pub. L. 93–198, 87 Stat. 801). The text of section 1(b)(1st sentence) and (c)(1st sentence) of the Act of July 19, 1975, is omitted as executed. In clause (2), the words “savings bank” are omitted as surplus.

In subsections (b)–(f), the words “officer or employee” are substituted for “employee” for consistency in the revised title and with other titles of the United States Code.

In subsections (b) and (d), the word “official” is substituted for “officer” for consistency in the revised title and with other titles of the Code. The words “issue a check payable to” are substituted for “make the payment . . . by sending to . . . a check that is drawn in favor of the organization” for clarity and consistency and to eliminate unnecessary words.

In subsection (b), before clause (1), the words “Notwithstanding subsection (a) of this section or any other provision of law” are omitted as unnecessary. The words “may designate in writing not more than 3 financial organizations to which a payment of pay of the officer or employee shall be sent and the amount to be sent to each organization” are substituted for “upon the written request of an employee of the agency to whom a payment for wages or salary is to be made . . . in the form of one, two, or three checks (the number of checks . . . if more than one . . . designated by such employee” for clarity, consistency in the revised title and with other titles of the Code, and to eliminate unnecessary words.

In subsection (c), the words “(except for a financial organization designated by an officer or employee of either House of Congress)” are substituted for section 1(b)(last sentence) and (c)(last sentence) of the Act of July 19, 1975 (Pub. L. 94–57, 89 Stat. 265), because of the restatement. The words “to which such check is sent” are omitted because of the restatement.

In subsection (d), the words “to whom a payment is to be made” are omitted as surplus. The words “upon the written request of such employee” are omitted as unnecessary. The words “accompanied by a schedule” are added for clarity.

In subsection (e), the word “payment” is substituted for “acquittance” for clarity and consistency.

Subsection (f) is substituted for 31:492(d)(1st–50th words) to eliminate unnecessary words.

In subsection (g), the words “rules and” in section 1(b) and (c) of the Act of July 19, 1975 (Pub. L. 94–57, 89 Stat. 265), are omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Debt Collection Improvement Act of 1996, referred to in subsec. (e)(1), is the date of enactment of section 31001 of Pub. L. 104–134, which was approved Apr. 26, 1996.

The Internal Revenue Code of 1986, referred to in subsec. (j)(3), is classified generally to Title 26, Internal Revenue Code.

AMENDMENTS

1996—Subsecs. (e) to (j). Pub. L. 104–134 added subsecs. (e) to (g), redesignated former subsec. (e) as (h), and added subsecs. (i) and (j).

1994—Pub. L. 103–356 substituted “Required direct deposit” for “Checks payable to financial organizations designated by Government officers and employees” as section catchline and amended text generally. Prior to amendment, section authorized agency officers and employees to designate not more than 3 financial organizations to which a payment of pay or other recurring payments was to be sent without charge and required the agency head to authorize issuance of checks payable to those financial organizations in the designated amounts.

1984—Subsec. (b). Pub. L. 98–369, § 2814(a), inserted “without charge” after “shall be sent”.

Subsecs. (c) to (g). Pub. L. 98–369, § 2814(b), struck out subsec. (c) which related to reimbursement of an agency for issuing additional checks, and redesignated subsecs. (d) to (g) as (c) to (f), respectively.

Statutory Notes and Related Subsidiaries

SAVINGS PROVISION

Any waiver in effect on Oct. 5, 1999, under subsec. (f)(2)(A)(i) of this section to remain in effect until otherwise provided by the Secretary of Defense under section 2786 of Title 10, Armed Forces, see section 1008(a)(3) of Pub. L. 106–65, set out as a note under section 2786 of Title 10.

ELECTRONIC PAY STUBS

Pub. L. 110–423, § 1, Oct. 15, 2008, 122 Stat. 4818, provided that:

“(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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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-state¹ EBT system offers convenience and economies of scale for those

states¹ (and their citizens) that wish to deliver¹ state-administered benefits on a single card by entering into a partnership with the federal¹ government.¹

(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 states¹ 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 institution² as a financial agent of the Government, and the offering to the participating states¹ 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

¹ So in original. Probably should be capitalized.

² So in original. Probably should be "institutions".