

essary word. The words “made by him” are omitted as surplus.

In subsection (b), before clause (1), the words “in his discretion” and “for any payment otherwise proper” are omitted as surplus. Clause (2)(B) is substituted for “the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved” to eliminate unnecessary words.

In subsection (c), before clause (1), the word “services” in 31:82c(last proviso) is omitted as surplus. The words “On and after June 1, 1942” in 31:82g(related to certifying officers) are omitted as executed. The word “audit” is substituted for “examination” for consistency in the revised title and with other titles of the Code. The words “of the transportation bill” are omitted as surplus. In clause (2), the words “equalization and other” in 31:82g are omitted as surplus.

In subsection (d), 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 the Panama Canal Act of 1979 (Pub. L. 96-70, 93 Stat. 452). The word “pay” is substituted for “salaries” for consistency in the revised title and with other titles of the Code.

1984 ACT

This clarifies section 3528(b) by restoring the authority of the Comptroller General to deny relief to certifying officials in the same way relief may be denied to disbursing officials.

Editorial Notes

AMENDMENTS

1998—Subsec. (a)(5). Pub. L. 105-264, §3(a)(2)(A), added par. (5).

Subsec. (c)(1). Pub. L. 105-264, §3(a)(2)(B), inserted “and 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 “deductions”.

Subsec. (c)(2). Pub. L. 105-264, §3(a)(2)(C), inserted “and 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 “agreement”.

1996—Subsec. (d). Pub. L. 104-106 struck out subsec. (d) which read as follows: “This section does not apply to disbursements of a military department of the Department of Defense, except disbursements for departmental pay and expenses in the District of Columbia.”

1984—Subsec. (b). Pub. L. 98-216 designated existing provisions as par. (1), substituted designations of subpars. (A) and (B) and cls. (i), (ii), and (iii) for former designations of pars. (1) and (2) and subpars. (A), (B), and (C), respectively, and added par. (2).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-264 effective 18 months after Oct. 19, 1998, see section 3(b) of Pub. L. 105-264, set out as a note under section 3322 of this title.

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.

§ 3529. Requests for decisions of the Comptroller General

(a) A disbursing or certifying official or the head of an agency may request a decision from the Comptroller General on a question involving—

(1) a payment the disbursing official or head of the agency will make; or

(2) a voucher presented to a certifying official for certification.

(b)(1) Except as provided in paragraph (2), the Comptroller General shall issue a decision requested under this section.

(2) A decision requested under this section concerning a function transferred to or vested in the Director of the Office of Management and Budget under section 211(a) of the Legislative Branch Appropriations Act, 1996 (109 Stat. 535), as in effect immediately before the effective date of title II of the General Accounting Office Act of 1996, or under this Act, shall be issued—

(A) by the Director of the Office of Management and Budget, except as provided in subparagraph (B); or

(B) in the case of a function delegated by the Director to another agency, by the head of the agency to which the function was delegated.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 967; Pub. L. 104-316, title II, §204, Oct. 19, 1996, 110 Stat. 3845.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3529	31:44(1st sentence).	June 10, 1921, ch. 18, §304(1st par. 1st sentence), 42 Stat. 24.
	31:74(last par. words before 4th comma).	July 31, 1894, ch. 174, §8(6th par. words before 4th comma), 28 Stat. 208.
	31:82d(words after semicolon).	Dec. 29, 1941, ch. 641, §§3(words after semicolon), 4(related to §3), 55 Stat. 876.
	31:82e(related to 31:82d).	

In subsection (a), before clause (1), the text of 31:82e(related to 82d) is omitted as unnecessary because it does not apply to 31:82d. The words “of law” in 31:82d(words after semicolon) are omitted as surplus. In clause (1), the words “or under them” in 31:74(last par. words before 4th comma) are omitted as unnecessary. In clause (2), the words “a payment on” in 31:82d(words after semicolon) are omitted as surplus.

In subsection (b), the word “issue” is substituted for “render” in 31:74(last par. words before 4th comma) and “obtain” in 31:82d(words after semicolon) because of the restatement.

Editorial Notes

REFERENCES IN TEXT

Section 211(a) of the Legislative Branch Appropriations Act, 1996, as in effect immediately before the effective date of title II of the General Accounting Office Act of 1996, referred to in subsec. (b)(2), is section 211(a) of Pub. L. 104-53, which is set out as a note under section 501 of this title, as in effect before Oct. 19, 1996, the date of enactment of the General Accounting Office Act of 1996, Pub. L. 104-316, section 203 of which amended section 211 of Pub. L. 104-53 generally.

This Act, referred to in subsec. (b)(2), probably means Pub. L. 104-316, Oct. 19, 1996, 110 Stat. 3286, known as the General Accounting Office Act of 1996, which enacted subsec. (b)(2) of this section. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-316 designated existing provisions as par. (1) and substituted “Except as provided in paragraph (2), the Comptroller General” for “The Comptroller General”, and added par. (2).

§ 3530. Adjusting accounts

(a) An appropriation or fund currently available for the expense of an accountable function shall be charged with an amount necessary to adjust an account of an accountable official or agent when—

(1) necessary to adjust the account for a loss to the United States Government resulting from the fault or negligence of the official or agent; and

(2) the head of the agency decides the loss is uncollectable.

(b) An adjustment does not affect the personal financial liability of an official or agent for the loss.

(c) The Comptroller General shall prescribe regulations to carry out subsection (a) of this section.

(d) Under procedures prescribed by the Comptroller General, the head of an agency may charge the net amount of unpaid and overpaid balances in individual pay accounts against the appropriation for the fiscal year in which the balances occurred and from which the accounts were payable. The net amount shall be credited to and paid from the corresponding appropriation for the next fiscal year.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 967.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3530(a)	31:1202(a)(1st sentence).	June 6, 1972, Pub. L. 92-310, § 102, 86 Stat. 201.
3530(b)	31:1202(a)(last sentence).	
3530(c)	31:1202(b).	
3530(d)	31:581d.	July 15, 1954, ch. 509, § 3(a), 68 Stat. 483.

In subsection (a), before clause (1), the words “restore or otherwise” are omitted as surplus. The word “currently” is substituted for “at the time the restoration or adjustment is made” to eliminate unnecessary words. The word “official” is substituted for “officer” for consistency in the revised title and with other titles of the United States Code. In clause (2), the words “concerned” and “the amount of” are omitted as surplus.

In subsection (b), the words “restoration or” are omitted as surplus and because of the restatement.

In subsections (c) and (d), the words “of the United States” are omitted as surplus.

In subsection (c), the words “and issue” are omitted as surplus. The words “to carry out subsection (a) of this section” are substituted for “The restorations and adjustments provided for by subsection (a) of this section shall be made in accordance with” to eliminate unnecessary words.

In subsection (d), the word “settlement” is omitted as surplus. The words “the Secretary of the department concerned or . . . or independent establishment concerned” are omitted as unnecessary because of the restatement. The word “occurring” is omitted as surplus. The word “accounts” is substituted for “amount” before “was payable” for clarity. The word “succeeding” is omitted as surplus.

[§ 3531. Repealed. Pub. L. 104-316, title I, § 115(f)(1), Oct. 19, 1996, 110 Stat. 3834]

Section, Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 967, related to certification by heads of executive departments to Comptroller General regarding losses resulting from public property entrusted to officials or agents.

§ 3532. Notification of account deficiencies

An accounting official discovering a deficiency in an account of an official of the United States Government having custody of public money shall notify the head of the agency having jurisdiction of the official of the kind and amount of the deficiency.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 968.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3532	31:497a.	June 6, 1972, Pub. L. 92-310, § 260, 86 Stat. 215.

The word “official” is substituted for “officers”, and the word “Government” is added, for consistency in the revised title and with other titles of the United States Code. The words “having custody of public money” are substituted for “or in the accounts of any officer disbursing or chargeable with public money” for clarity and consistency. The words “immediately” and “the affairs of . . . or officer” are omitted as surplus.

SUBCHAPTER IV—COLLECTION

§ 3541. Distress warrants

(a) When an official receiving public money before it is paid to the Treasury or a disbursing or certifying official of the United States Government does not submit an account or pay the money as prescribed by law, the Comptroller General shall make the account for the official and certify to the Secretary of the Treasury the amount due the Government.

(b) The Secretary shall issue a distress warrant against the official stating the amount due from the official and any amount paid. The warrant shall be directed to the marshal of the district in which the official resides. If the Secretary intends to take and sell the property of an official that is located in a district other than where the official resides, the warrant shall be directed to the marshal of the district in which the official resides and the marshal of the district in which the property is located.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 968.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3541(a)	31:44(1st sentence).	June 10, 1921, ch. 18, § 304(1st par. 1st sentence), 42 Stat. 24.
	31:82d(words before semicolon).	Dec. 29, 1941, ch. 641, § 3(words before semicolon), 55 Stat. 876.
	31:506(1st sentence words before 8th comma).	R.S. § 3625; Feb. 27, 1877, ch. 69(9th complete par. on p. 249), 19 Stat. 249; July 31, 1894, ch. 174, § 4(5th par.), 28 Stat. 206; June 6, 1972, Pub. L. 92-310, § 231(k), 86 Stat. 210.
	31:514.	R.S. § 3633; July 31, 1894, ch. 174, § 4(last par.), 28 Stat. 206.
	31:516.	R.S. 3634; June 6, 1972, Pub. L. 92-310, § 231(q), 86 Stat. 210.