

1984—Subsec. (c). Pub. L. 98-369 designated existing provisions as par. (1), struck out “, but not later than the 30th day after the custodian receives the money,” after “without delay” in first sentence, inserted after first sentence “Except as provided in paragraph (2), money required to be deposited pursuant to this subsection shall be deposited not later than the third day after the custodian receives the money,” and added par. (2).

1983—Subsec. (b). Pub. L. 97-452 inserted exception relating to section 3718(b) of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

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

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-369, div. B, title VI, §2652(b)(2), July 18, 1984, 98 Stat. 1153, provided that: “The amendments made by this subsection [amending this section] shall become effective January 1, 1985.”

§ 3303. Designation of depositaries

(a) The Secretary of the Treasury designates depositaries of money as provided in this section and under other law.

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

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

HISTORICAL AND REVISION NOTES

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

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

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

§ 3304. Transfers of public money from depositaries

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

(1) to the Treasury; and

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

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

HISTORICAL AND REVISION NOTES

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

In the section, before clause (1), the words “except as provided in section 523 of this title” are omitted as superseded by title 39. The words “of the United States, to the credit of the Treasurer” are omitted as unnecessary. In clause (2), the words “if the Secretary believes the safety of the public money and convenience require it” are substituted for “as the safety of the public moneys and the convenience of the public service shall seem to him to require” for clarity and to eliminate unnecessary words.

§ 3305. Audits of depositaries

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

(1) books;

(2) accounts;

(3) returns; and

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

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

HISTORICAL AND REVISION NOTES

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

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

SUBCHAPTER II—PAYMENTS

§ 3321. Disbursing authority in the executive branch

(a) Except as provided in this section or another law, only officers and employees of the Department of the Treasury designated by the Secretary of the Treasury as disbursing officials may disburse public money available for expenditure by an executive agency.

(b) For economy and efficiency, the Secretary may delegate the authority to disburse public money to officers and employees of other executive agencies.

(c) The head of each of the following executive agencies shall designate personnel of the agency as disbursing officials to disburse public money available for expenditure by the agency:

(1) United States Marshal’s Office.

(2) The Department of Defense.

(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 re-

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

ferred 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 references 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 Sav-

ings 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] 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 Home-

land Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform 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 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 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 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 Government 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