

Editorial Notes

REFERENCES IN TEXT

The effective date of this section, referred to in subsec. (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 “Secretary 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(l)(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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.