

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.
	31:492(note).	July 19, 1975, Pub. L. 94–57, §1(b)(1st sentence), (c)(1st sentence), 89 Stat. 265.
3332(b)	31:492(b)(1)(1st sentence words before 1st comma, words between 2d comma and proviso).	
3332(c)	31:492(b)(1)(proviso, last sentence). 31:492(note).	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(d)	31:492(b)(2)(less 32d–43d words).	
3332(e)	31:492(c).	
3332(f)	31:492(d)(1st–50th words).	R.S. §3620(d); added Aug. 7, 1972, Pub. L. 92–366, 86 Stat. 506.
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

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

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

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

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

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

Editorial Notes

AMENDMENTS

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

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

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

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

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

§ 3334. Cancellation and proceeds distribution of Treasury checks

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

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

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

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

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

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

Editorial Notes

REFERENCES IN TEXT

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