

Subsection (e) is substituted for 31:82a-2(b)(last sentence) and 95a(last sentence) to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2006—Subsec. (b)(1)(A)(i), (B). Pub. L. 109-241 substituted “Secretary of Homeland Security” for “Secretary of Transportation”.

1996—Subsec. (b)(1). Pub. L. 104-106, § 913(c)(4)(C)–(F), inserted “(A) in the case of a physical loss or deficiency—”, redesignated former subpars. (A) to (C) as cls. (i) to (iii), respectively, and added subpar. (B).

Pub. L. 104-106, § 913(c)(4)(A), (B), in introductory provisions, substituted “an official of the armed forces referred to in subsection (a)” for “a disbursing official of the armed forces” and “records, or a payment described in section 3528(a)(4)(A) of this title,” for “records.”

Subsec. (b)(1)(A)(i). Pub. L. 104-201, § 1009(c)(2)(A), inserted “(or the Secretary of Transportation, in the case of a disbursing official of the Coast Guard when the Coast Guard is not operating as a service in the Navy)” after “Department of Defense”.

Subsec. (b)(1)(B). Pub. L. 104-201, § 1009(c)(2)(B), inserted “(or the Secretary of Transportation, in the case of a disbursing official of the Coast Guard when the Coast Guard is not operating as a service in the Navy)” after “or the Secretary of the appropriate military department”.

§ 3528. Responsibilities and relief from liability of certifying officials

(a) A certifying official certifying a voucher is responsible for—

(1) information stated in the certificate, voucher, and supporting records;

(2) the computation of a certified voucher under this section and section 3325 of this title;

(3) the legality of a proposed payment under the appropriation or fund involved;

(4) repaying a payment—

(A) illegal, improper, or incorrect because of an inaccurate or misleading certificate;

(B) prohibited by law; or

(C) that does not represent a legal obligation under the appropriation or fund involved; and

(5) verifying transportation rates, freight classifications, and other information provided on a Government bill of lading or transportation request, unless 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.

(b)(1) The Comptroller General may relieve a certifying official from liability when the Comptroller General decides that—

(A) the certification was based on official records and the official did not know, and by reasonable diligence and inquiry could not have discovered, the correct information; or

(B)(i) the obligation was incurred in good faith;

(ii) no law specifically prohibited the payment; and

(iii) the United States Government received value for payment.

(2) The Comptroller General may deny relief when the Comptroller General decides the head of the agency did not carry out diligently collection action under procedures prescribed by the Comptroller General.

(c) The Comptroller General shall relieve a certifying official from liability for an overpayment—

(1) to a common carrier under section 3726 of this title when the Comptroller General decides the overpayment occurred only because the administrative audit before payment did not verify transportation rates, freight classifications, or land-grant deductions 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; or

(2) provided under a Government bill of lading or transportation request when the overpayment was the result of using improper transportation rates or classifications or the failure to deduct the proper amount under a land-grant law or agreement 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.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 966; Pub. L. 98-216, § 1(4), Feb. 14, 1984, 98 Stat. 4; Pub. L. 104-106, div. A, title IX, § 913(c)(5), Feb. 10, 1996, 110 Stat. 412; Pub. L. 105-264, § 3(a)(2), Oct. 19, 1998, 112 Stat. 2352.)

HISTORICAL AND REVISION NOTES 1982 ACT

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3528(a)	31:82c(less provisos).	Dec. 29, 1941, ch. 641, § 2, 55 Stat. 875; June 6, 1972, Pub. L. 92-310, § 231(cc), 86 Stat. 213.
	31:82f(related to certifying officers).	Apr. 28, 1942, ch. 247, § 301(1st par. proviso under heading “Bureau of Accounts” related to certifying officers), 56 Stat. 244.
3528(b)	31:82c(1st proviso).	June 1, 1942, ch. 320(related to certifying officers), 56 Stat. 306.
3528(c)	31:82c(last proviso). 31:82g(related to certifying officers).	Dec. 29, 1941, ch. 641, § 4(related to § 2), 55 Stat. 876.
3528(d)	31:82e(related to 31:82c).	

In the section, the word “official” is substituted for “officer or employee” and “officer” for consistency in the revised title and with other titles of the United States Code.

In subsection (a), before clause (1), the words “the existence and correctness of” are omitted as surplus. In clause (1), the words “or otherwise stated on” are omitted as surplus. The word “records” is substituted for “papers” for consistency. Clause (2) is substituted for 31:82f(related to certifying officers) because of the re-statement. In clause (4), before subclause (A), the word “repaying” is substituted for “and required to make good to the United States” to eliminate unnecessary words. The words “the amount of” are omitted as surplus. In subclause (A), the word “inaccurate” is substituted for “false, inaccurate” to eliminate an unnec-

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.