

for clarity. The words “disbursing or other” are omitted as surplus. The words “public money, vouchers, checks, securities, or records” are substituted for “Government funds, vouchers, records, checks, securities, or papers” for consistency in the revised title and with other titles of the Code. The words “subsequent to August 1, 1947” are omitted as executed. In clause (1)(A), the words “carrying out” are substituted for “acting in the discharge of” for consistency. The words “failure to act” are substituted for “omission” for clarity. Clause (2) is substituted for 31:82a-1(a)(2d sentence), and clause (3) is substituted for 31:82a-1(1st sentence words between 1st and 2d commas), to eliminate unnecessary words.

In subsection (b)(1), before clause (A), the words “armed forces” are substituted for “Army, Navy, Air Force, or Marine Corps” for consistency with title 10. The words “responsible for” are substituted for “Whenever . . . incurs or has incurred” for consistency. The words “public money, vouchers, or records” are substituted for “Government funds, vouchers, records, or papers” for consistency in the revised title and with other titles of the Code. The word “reimbursement” is substituted for “that purpose” for clarity. In clause (A), the words “the Secretary of Defense, or” are added for clarity because of Comptroller General decision B-201579 (Apr. 1, 1981). The words “appropriate Secretary of the military department of the Department of Defense” are substituted for “the Secretary of the department concerned”, for clarity. The words “carrying out official” are substituted for “in line of his” for consistency. In clause (B), the words “the loss or deficiency was not the result of an illegal or incorrect payment” are substituted for 31:95a(3d sentence) to eliminate unnecessary words.

In subsection (b)(2), the word “involved” is added for clarity because of Comptroller General decision B-201579, April 1, 1981.

In subsection (c), the words “or any officer of the General Accounting Office designated by the Comptroller General” are omitted as unnecessary because of section 731 of the revised title. The word “initiative” is substituted for “motion” for consistency. The words “findings and” and “concerned” are omitted as surplus. The words “or his designee” are omitted as unnecessary because of section 731 of the revised title. The words “in his discretion”, “of accountability and”, “official disbursing”, and “the making of” are omitted as surplus. The word “reasonable” is substituted for “due”, the words “the head of” are added, and the words “carry out” are substituted for “pursued”, for consistency.

In subsection (d)(1), before clause (A), the words “restore or otherwise”, and the words “in . . . any amount” in 31:82a-2(c), are omitted as surplus. In clause (A), the words “to be charged” are substituted for “therefor” for clarity. In clause (B), the words “carried out” are substituted for “effected” for consistency.

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 trans-

portation, 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).	
3528(c) .....	31:82c(last proviso). 31:82g(related to certifying officers).	June 1, 1942, ch. 320(related to certifying officers), 56 Stat. 306.
3528(d) .....	31:82e(related to 31:82c).	Dec. 29, 1941, ch. 641, §4(related to §2), 55 Stat. 876.

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 restatement. 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 unnecessary 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