

9499, set out as a note under section 301 of Title 3, The President.

**§ 17303. Fund for the payment of Government losses in shipment**

(a) ESTABLISHMENT.—There is a revolving fund in the Treasury known as “the fund for the payment of Government losses in shipment”.

(b) USE.—The fund shall be used for the replacement of valuables, or the value of valuables, lost, destroyed, or damaged while being shipped in accordance with regulations prescribed under section 17302 of this title.

(c) UNAVAILABILITY.—The fund is not available with respect to any loss, destruction, or damage affecting valuables—

(1) that relates to property of the United States Postal Service that is chargeable to its officers or employees; or

(2) of which shipment shall have been made at the risk of persons other than the Federal Government and the executive departments, independent establishments, agencies, wholly owned Government corporations, officers and employees of the Government.

(d) CREDITING OF RECOVERIES AND REPAYMENTS.—All recoveries and repayments on account of loss, destruction, or damage to valuables for which replacement is made out of the fund shall be credited to it and are available for the purposes of the fund.

(e) APPROPRIATIONS.—Necessary amounts are appropriated for the fund.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1281.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
17303(a) .....	40:722 (3d sentence words before 2d comma).	July 8, 1937, ch. 444, §2, 50 Stat. 479.
17303(b) .....	40:722 (1st sentence words after 5th comma). 40:723 (2d sentence 2d proviso).	July 8, 1937, ch. 444, §3 (2d sentence 2d, last provisos, last sentence), 50 Stat. 480; Aug. 10, 1939, ch. 665, §1, 53 Stat. 1358; Pub. L. 91–375, §6(m)(4), Aug. 12, 1970, 84 Stat. 782.
17303(c) .....	40:723 (2d sentence last proviso).	
17303(d) .....	40:723 (last sentence).	
17303(e) .....	40:722 (1st sentence words before 5th comma, 2d sentence, 3d sentence words after 2d comma, last sentence). 40:722a.	Pub. L. 103–329, title I (par. under heading “Payment of Government Losses in Shipment”), Sept. 30, 1994, 108 Stat. 2387.

In subsection (a), the words “(hereinafter referred to as ‘the fund’)” are omitted as unnecessary.

In subsection (b), the text of 40:723 (2d sentence 2d proviso) is omitted as obsolete.

In subsection (e), the text of 40:722 (1st sentence words before 5th comma, 2d sentence, 3d sentence words after 2d comma, and last sentence) and the words “Beginning in fiscal year 1995 and thereafter” in 40:722a are omitted as obsolete. The words “for the fund” are substituted for “to make payments for the replacement of valuables, or the value thereof, lost, destroyed, or damaged in the course of shipments effected pursuant to section 721 of this title” for clarity and to eliminate unnecessary words.

**§ 17304. Claim for replacement**

(a) PRESENTATION OF CLAIM.—When valuables that have been shipped in accordance with regulations prescribed under section 17302 of this title are lost, destroyed, or damaged, a claim in writing for replacement shall be made on the Secretary of the Treasury.

(b) DECISION OF THE SECRETARY OF THE TREASURY.—

(1) REPLACEMENT MADE FROM FUND.—If the Secretary is satisfied that the loss, destruction, or damage has occurred and that shipment was made substantially in accordance with the regulations, the Secretary shall have replacement be made out of the fund described in section 17303 of this title through an officer the Secretary designates.

(2) REPLACEMENT MADE BY CREDIT.—When the Secretary decides that any part of the replacement can be made, without actual or ultimate injury to the Federal Government, by a credit in the accounts of the executive department, independent establishment, agency, officer, employee, or other accountable person making the claim, the Secretary shall—

(A) certify the decision to the Comptroller General who, on receiving the certification, shall make the credit in the settlement of accounts in the Government Accountability Office; and

(B) use the fund only to the extent that the replacement cannot be made by the credit.

(c) DECISION OF SECRETARY NOT REVIEWABLE.—The decision of the Secretary that a loss, destruction, or damage has occurred or that a shipment was made substantially in accordance with regulations is final and conclusive and is not subject to review by any other officer of the Government.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1281; Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
17304(a), (b)(1).	40:723 (1st sentence).	July 8, 1937, ch. 444, §3 (1st sentence, 2d sentence words before 2d proviso), 50 Stat. 479.
17304(b)(2) ..	40:723 (2d sentence 1st proviso).	
17304(c) .....	40:723 (2d sentence words before 1st proviso).	

In subsection (c), the words “Notwithstanding any provision of law to the contrary” are omitted as unnecessary.

AMENDMENTS

2004—Subsec. (b)(2)(A). Pub. L. 108–271 substituted “Government Accountability Office” for “General Accounting Office”.

**§ 17305. Replacing lost, destroyed, or damaged stamps, securities, obligations, or money**

Stamps, securities, or other obligations of the Federal Government, or money lost, destroyed, or damaged while in the custody or possession of, or charged to, the United States Postal Service while it is acting as agent for, or on behalf of, the Secretary of the Treasury for the sale of

the stamps, securities, or obligations and for the collection of the money, shall be replaced out of the fund described in section 17303 of this title under regulations the Secretary may prescribe, regardless of how the loss, destruction, or damage occurs.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1282.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
17305 .....	40:724.	July 8, 1937, ch. 444, §3a, as added Aug. 10, 1939, ch. 665, §2, 53 Stat. 1358; Pub. L. 91-375, §6(m)(5), Aug. 12, 1970, 84 Stat. 783.

The words “occurring heretofore or hereafter, but not prior to February 4, 1935” are omitted as obsolete. The words “United States Postal Service” are substituted for “Post Office Department or Postal Service” in section 3a of the Government Losses in Shipment Act (ch. 444), as added by section 2 of the Act of August 10, 1939 (ch. 665, 53 Stat. 1358), because of sections 4(a) and 6(o) of the Postal Reorganization Act (Public Law 91-375, 84 Stat. 773, 783). The words “Secretary of the Treasury” are substituted for “Treasury Department” because of 31:301(b).

§ 17306. Agreements of indemnity

(a) DEFINITION.—In this section, the term “Federal Government” includes wholly owned Government corporations, and officers and employees of the Government or its executive departments, independent establishments, and agencies while acting in their official capacity.

(b) AUTHORITY TO MAKE AGREEMENT.—The Secretary of the Treasury may make and deliver, on behalf of the Federal Government, a binding agreement of indemnity the Secretary considers necessary and proper to enable the Government to obtain the replacement of any instrument or document—

(1) received by the Government or an agent of the Government in the agent’s official capacity; and

(2) which, after having been received, is lost, destroyed, or so mutilated as to impair its value.

(c) WHEN FEDERAL GOVERNMENT NOT OBLIGATED.—The Government is not obligated under an agreement of indemnity if the obligee named in the agreement makes a payment or delivery not required by law on the original of the instrument or document covered by the agreement.

(d) USE OF FUND FOR THE PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT.—The fund described in section 17303 of this title is available to pay any obligation arising out of an agreement the Secretary makes under this section.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1282.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
17306(a) .....	40:729(a) (last sentence).	July 8, 1937, ch. 444, §7(a) (last sentence), 50 Stat. 480; Aug. 10, 1939, ch. 665, §3, 53 Stat. 1359.
17306(b) .....	40:725 (1st sentence words before proviso).	July 8, 1937, ch. 444, §3b, as added Aug. 10, 1939, ch. 665, §2, 53 Stat. 1359.
17306(c) .....	40:725 (1st sentence proviso).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
17306(d) .....	40:725 (last sentence).	

§ 17307. Purchase of insurance

An executive department, independent establishment, agency, wholly owned Government corporation, officer, or employee may expend money, or incur an obligation, for insurance, or for the payment of premiums on insurance, against loss, destruction, or damage in the shipment of valuables only as specifically authorized by the Secretary of the Treasury. The Secretary may give the authorization if the Secretary finds that the risk of loss, destruction, or damage in the shipment cannot be guarded against adequately by the facilities of the Federal Government or that adequate replacement cannot be provided under this chapter.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1282.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
17307 .....	40:726.	July 8, 1937, ch. 444, §4, 50 Stat. 480.

The words “On and after the effective date of the regulations prescribed under section 721 of this title” are omitted as obsolete. The words “the circumstances are such that” are omitted as unnecessary.

§ 17308. Presumption of lawful conduct

For purposes of the propriety of an act or omission related to a shipment to which the regulations prescribed under section 17302 of this title apply, every officer and employee of the Federal Government and every individual acting on behalf of a wholly owned Government corporation who makes a shipment of valuables in good faith under, and substantially in accordance with, the regulations is deemed to be acting in the faithful execution of the officer’s, employee’s, or individual’s duties of office and in full performance of any conditions of the officer’s, employee’s, or individual’s bond and oath of office.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1283.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
17308 .....	40:727.	July 8, 1937, ch. 444, §5, 50 Stat. 480.

§ 17309. Rules and regulations

(a) GENERAL AUTHORITY.—With the approval of the President, the Secretary of the Treasury may prescribe regulations necessary to carry out the duties and powers vested in the Secretary under this chapter.

(b) PROVIDING INFORMATION.—To carry out subsection (a), the Secretary may require a person making a shipment of valuables or a claim for replacement to make a declaration or to provide other information the Secretary considers necessary.