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.