

## HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3328(a)(2)	31:134(less last 30 words before 1st proviso).	July 11, 1947, ch. 222, § 3, 61 Stat. 309; restated Aug. 28, 1957, Pub. L. 85-183, § 2, 71 Stat. 464.
3328(b) .....	31:132(b).	
3328(c) .....	31:132(c).	
3328(d) .....	31:134(last 30 words before 1st proviso).	
3328(e) .....	31:527	R.S. §3645.

In the section, the word "Treasury" is substituted for "Treasurer of the United States" 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 subsections (a)(1) and (b), the words "Comptroller General" are substituted for "General Accounting Office" for consistency.

In subsections (a)(1) and (c), the words "heretofore or hereafter" are omitted as surplus.

In subsection (a)(1), the words "Except as provided in sections 3330 and 3331 of this title" are added for clarity. The words "including those drawn by wholly owned and mixed-ownership Government corporations" are omitted as surplus. The words "Secretary of the Treasury" are substituted for "Treasurer of the United States" after "for payment the" because of the source provisions restated in section 321(c) of the revised title. The words "doubtful", "for payment", and "of such check" are omitted as surplus.

In subsection (a)(2), before clause (A), the words "When the Secretary decides it is appropriate" are substituted for "at appropriate intervals" for clarity. In clauses (A) and (B), the words "on the books" are omitted as surplus. In clause (A), the words "drawn on the Treasury" are added for clarity and consistency. In clause (B), the words "from the accounts . . . for the payment of unpaid checks . . . of the Treasury" are omitted as surplus. The words "and to transfer to such consolidated account or accounts the balance of the special deposit account established pursuant to section 132 of this title", and the words "any unpaid checks heretofore payable from the special deposit account", are omitted as executed because the account was established under 31:132 as originally enacted in 1947 and then abolished by the 1957 amendment to that section. The text of 31:134(1st proviso) is omitted as superseded by section 448 of the Act of December 24, 1973 (Pub. L. 93-198, 87 Stat. 801). The text of 31:134(last proviso) is omitted as executed.

In subsection (b)(1), before clause (A), the words "issued by a disbursing official" are substituted for "drawn by authorized officers of the United States" for consistency. In clause (B), the words "or accounts on the books" are omitted as surplus.

Subsection (c) is substituted for 31:132(c) for consistency and to eliminate unnecessary words.

In subsection (d), the words "rules and" and "or proper" are omitted as surplus.

In subsection (e)(1), before clause (A), the word "prescribe" is substituted for "issue and publish" for consistency in the revised title and with other titles of the United States Code. In clause (B), the words "and to prescribe the time, according to the different distances of the depositaries from the seat of Government, within which all drafts upon them, respectively, shall be presented for payment" are omitted as superseded by subsection (a) of the revised section. Clause (C) is substituted for 31:527(words between semicolons) to eliminate unnecessary words.

In subsection (e)(2), the words "and directions" are omitted as surplus.

## REFERENCES IN TEXT

The effective date of this section, referred to in subsec. (a)(1), probably means the effective date of subsec. (a) of this section as amended by section 1002 of Pub. L.

100-86, which is effective 6 months after Aug. 10, 1987, or on such later date as the Secretary of the Treasury may prescribe in regulations. See section 1006 of Pub. L. 100-86, set out as a note below.

## AMENDMENTS

1996—Subsec. (a)(2). Pub. L. 104-316, §115(d)(1), substituted "until the question is settled" for "until the Comptroller General settles the question".

Subsec. (b)(2). Pub. L. 104-316, §115(d)(2), struck out "on settlement by the Comptroller General" after "the Treasury".

Subsec. (d). Pub. L. 104-316, §115(d)(3), substituted "The" for "With the approval of the Comptroller General, the".

1987—Subsec. (a). Pub. L. 100-86, §1002(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows:

"(1) Except as provided in sections 3329 and 3330 of this title, a check drawn on the Treasury may be paid at any time. However, if the Secretary of the Treasury is on notice of a question of law or fact about the check when the check is presented, the Secretary shall defer payment until the Comptroller General settles the question.

"(2) When the Secretary decides it is appropriate, the Secretary may transfer—

"(A) the amount of an unpaid check drawn on the Treasury from the account on which it was drawn to a consolidated account of the Treasury available for paying checks; and

"(B) an amount available, but not required, for paying checks drawn on the Treasury to the appropriate receipt account."

Subsec. (f). Pub. L. 100-86, §1002(2), added subsec. (f).

## EFFECTIVE DATE OF 1987 AMENDMENT

Section 1006 of Pub. L. 100-86 provided that: "The amendments made by sections 1002, 1003, and 1004 [enacting section 3334 of this title and amending this section and sections 3702 and 3712 of this title] shall become effective 6 months after the date of enactment of this Act [Aug. 10, 1987] or on such later date as the Secretary of the Treasury may prescribe in regulations."

## REGULATIONS

Section 1005 of Pub. L. 100-86 provided that: "The Secretary of the Treasury may prescribe such rules, regulations, and procedures as the Secretary deems necessary to implement the amendments made by sections 1002, 1003, and 1004 [enacting section 3334 of this title and amending this section and sections 3702 and 3712 of this title], including the recertification of Treasury checks which have been canceled or for which a claim has been asserted or barred."

**§ 3329. Withholding checks to be sent to foreign countries**

(a) The Secretary of the Treasury shall prohibit a check or warrant drawn on public money from being sent to a foreign country from the United States or from a territory or possession of the United States when the Secretary decides that postal, transportation, or banking facilities generally, or local conditions in the foreign country, do not reasonably ensure that the payee—

- (1) will receive the check or warrant; and
- (2) will be able to negotiate it for full value.

(b)(1) If a check or warrant is prohibited from being sent to a foreign country under subsection (a) of this section, the drawer shall hold the check or warrant until the end of the calendar quarter after the date of the check or warrant.

(2) The Secretary may release the check or warrant for delivery during the calendar quarter

after the date of the check or warrant if the Secretary decides that conditions have changed to ensure reasonably that the payee—

- (A) will receive the check or warrant; and
- (B) will be able to negotiate it for full value.

(3) Unless the Secretary otherwise directs, the drawer shall send at the end of the calendar quarter after the date of the check or warrant the—

- (A) withheld check or warrant to the drawee; and
- (B) report to the Secretary on—
  - (i) the name and address of the payee;
  - (ii) the date, number, and amount of the check or warrant; and
  - (iii) the account on which the check or warrant was drawn.

(4) The drawee shall transfer the amount of a withheld check or warrant from the account of the drawer to the special deposit account “Secretary of the Treasury, Proceeds of Withheld Foreign Checks”. The check or warrant shall be marked “Paid into Withheld Foreign Check Account”. The Secretary shall credit the accounts of the drawer and drawee.

(c) The Secretary may pay an amount deposited in the special account under subsection (b)(4) of this section with a check drawn on the account when—

- (1) a person claiming payment satisfies the Secretary of the right to the amount of the check or warrant (or satisfies the Secretary of Veterans Affairs if the claim represents a payment under laws administered by the Secretary of Veterans Affairs); and
- (2) the Secretary is reasonably ensured that the person—
  - (A) will receive the check or warrant; and
  - (B) will be able to negotiate it for full value.

(d) This section and section 3330 of this title—

- (1) apply to a check or warrant whose delivery may be withheld under Executive Order 8389;
- (2) do not affect a requirement for a license for delivering and paying a check in payment of a claim under subsection (c) of this section when a license is required by law to authorize delivery and payment; and
- (3) do not affect a check or warrant issued for the payment of pay or goods bought by the United States Government in a foreign country.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 953; Pub. L. 102-54, §13(l)(2), June 13, 1991, 105 Stat. 277; Pub. L. 104-316, title I, §115(e), Oct. 19, 1996, 110 Stat. 3834.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3329(a) .....	31:123(words before 1st proviso).	Oct. 9, 1940, ch. 796, §1(words before 1st proviso), 54 Stat. 1086; Dec. 2, 1942, ch. 659, 56 Stat. 1028.
3329(b) .....	31:124(1st par.).	Oct. 9, 1940, ch. 796, §§2(1st par.), 3(1st par.), 4, 6, 54 Stat. 1086, 1087.
3329(c) .....	31:125(1st par.).	
3329(d) .....	31:126. 31:128.	

In the section, the words “drawn on” are substituted for “drawn against” for consistency in the revised chapter. The word “actually” is omitted as surplus.

In subsection (a), before clause (1), the words “On and after October 9, 1940” are omitted as executed. The words “drawn on public money” are substituted for “drawn against funds of the United States, or any agency or instrumentality thereof” to eliminate unnecessary words and for consistency in the chapter. The words “and the Commonwealth of the Philippine Islands” in section 1 of the Act of October 9, 1940, are omitted because of Proclamation No. 2695 of July 4, 1946 (60 Stat. 1352). The words “to which such check or warrant is to be delivered” are omitted as surplus.

In subsection (b)(3)(A), the words “in accordance with the provisions of sections 123 to 128 of this title” and “thereof” are omitted as surplus.

In subsection (b)(3)(B), before subclause (i), the word “Secretary” is substituted for “Bureau of Accounts of the Treasury Department” because of the source provisions restated in section 321 of the revised title. The word “fully” is omitted as surplus.

In subsection (b)(4), the word “withheld” is substituted for “undelivered” for clarity. The words “with the Treasurer of the United States” and the words “of the United States” after “Comptroller General” are omitted as unnecessary.

In subsection (d)(1), the words “is now being, or . . . hereafter” and “as well as to all checks or warrants the delivery of which is now being withheld pursuant to administrative action, which administrative action is ratified and confirmed” in 31:126 are omitted as executed.

In subsection (d)(2), the words “do not affect a requirement for” are substituted for “nothing in sections 123 to 128 of this title shall be construed to dispense with the necessity of” in 31:126 to eliminate unnecessary words and because of the restatement. The words “obtaining . . . authorize” and “is now or hereafter” are omitted as surplus.

In subsection (d)(3), the words “does not affect” are substituted for “Nothing contained in sections 123 to 128 of this title shall be construed as affecting or applying to” in 31:128 to eliminate unnecessary words and because of the restatement. The word “pay” is substituted for “salaries or wages” for consistency in the revised title and with other titles of the United States Code.

AMENDMENTS

1996—Subsec. (b)(4). Pub. L. 104-316 substituted “The Secretary shall credit the accounts of the drawer and drawee.” for “After that time, the drawee shall send all withheld checks and warrants to the Comptroller General. The Comptroller General shall credit the accounts of the drawer and drawee.”

1991—Subsec. (c)(1). Pub. L. 102-54 substituted “Secretary of Veterans Affairs” for “Administrator of Veterans Affairs” and “laws administered by the Secretary of Veterans Affairs” for “laws carried out by the Administrator”.

**§ 3330. Payment of Department of Veterans Affairs checks for the benefit of individuals in foreign countries**

(a)(1) A check is deemed to be issued for sending to a foreign country and subject to this section and section 3329 of this title if the check is—

- (A) drawn on public money;
- (B) for benefits under laws carried out by the Secretary of Veterans Affairs; and
- (C) to be sent to a person in the United States or a territory or possession of the United States, and the person is legally responsible for the care of an individual in a foreign country.