§ 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.

### Historical and Revision Notes

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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”.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see http://www.law.cornell.edu/uscode/uscprint.html).