

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.

(2) The Secretary of Veterans Affairs shall notify the Secretary of the Treasury of each check described under paragraph (1) of this subsection.

(3) The Secretary of Veterans Affairs may exempt a check from paragraph (1) of this subsection if the application of paragraph (1) would reduce, discontinue, or deny benefits for the care of a dependent of an individual in a foreign country.

(b) When the amount of checks (representing payments to an individual under laws administered by the Secretary of Veterans Affairs) transferred under section 3329(b)(4) of this title equals \$1,000, the amounts of additional checks (except checks under contracts of insurance) payable to the individual under those laws shall be deposited in the Treasury as miscellaneous receipts. An amount transferred under section 3329(b)(4) or deposited as miscellaneous receipts is deemed to be payment for all purposes to the individual entitled to payment.

(c) If the payee of a check for pension, compensation, or emergency officers’ retirement pay under laws administered by the Secretary of Veterans Affairs dies while the amount of the check is in the special deposit account, the amount is payable (subject to section 3329 of this title and this section) as follows:

(1) after the death of the veteran, to the surviving spouse, or, if there is no surviving spouse, to children of the veteran under 18 years of age at the time of the veteran’s death.

(2) after the death of the surviving spouse, to children of the spouse under 18 years of age at the time of the spouse’s death.

(3) after the death of an apportionee of a part of the veteran’s pension, compensation, or emergency officers’ retirement pay but before all of the apportioned amount is paid to the veteran, the apportioned amount not paid.

(4) in any other case, only to the extent necessary to reimburse a person for burial expenses.

(d)(1) A payment may be made under subsection (c) of this section only if a claim for payment is—

(A) filed with the Secretary of Veterans Affairs by the end of the first year after the date of the death of the individual entitled to payment; and

(B) completed by submitting the necessary evidence by the 6th month after the date the Secretary of Veterans Affairs requests the evidence.

(2) Payment shall include only amounts due at the time of death under ratings or decisions existing at the time of the death.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 954; Pub. L. 102-54, §13(l)(3), (4)(A), June 13, 1991, 105 Stat. 277; Pub. L. 103-272, §4(f)(1)(I), July 5, 1994, 108 Stat. 1362.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3330(a)	31:123(provisos).	Oct. 9, 1940, ch. 796, 54 Stat. 1086. §1(provisos); added Dec. 2, 1942, ch. 659, 56 Stat. 1028.
3330(b)	31:124(last par.).	Oct. 9, 1940, ch. 796, §§2(last par.), 3(last par.), 54 Stat. 1086, 1087.

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3330(c), (d).	31:125(last par.).	

In the section, the words “laws carried out” are substituted for “laws administered”, and the words “Administrator of Veterans’ Affairs” and “Administrator” are substituted for “Veterans’ Administration”, for consistency.

In subsection (a)(1), before clause (A), the word “issued” is substituted for “drawn” for clarity and consistency. Clause (A) is substituted for “drawn against funds of the United States” for consistency in the chapter. In clause (C), the words “guardian, curator, conservator, or other” are omitted as surplus. The words “legally responsible for” are substituted for “vested with” for clarity.

In subsection (b), the words “under section 3329(b)(4) of this title” are substituted for “to the special deposit account” for clarity and because of the restatement. The words “deposited in” are substituted for “covered into” for clarity and consistency in the revised title.

In subsection (c), before clause (1), the word “accruing” is omitted as surplus. In clauses (1) and (2), the words “surviving spouse” and “spouse” are substituted for “widow”, and the word “spouse’s” is substituted for “widow’s”, to conform to amendments made generally to title 38 by the Veterans Disability Compensation and Survivor Benefits Act of 1976 (Pub. L. 94-433, 90 Stat. 1374). In clause (1), the words “first to” are omitted as surplus. In clause (4), the word “only” is substituted for “no disbursement whatsoever of such pension, compensation, or emergency officers’ retirement pay shall be made or allowed except so much” to eliminate unnecessary words.

In subsection (d)(1)(B), the word “completed” is substituted for “perfected” for clarity.

In subsection (d)(2), the words “and unpaid” are omitted as surplus.

AMENDMENTS

1994—Subsec. (d)(1)(B). Pub. L. 103-272 substituted “Secretary of Veterans Affairs” for “Administrator”.

1991—Pub. L. 102-54, §13(l)(4)(A), substituted “Department of Veterans Affairs” for “Veterans’ Administration” in section catchline.

Subsec. (a)(1)(B). Pub. L. 102-54, §13(l)(3)(A), substituted “Secretary of Veterans Affairs” for “Administrator of Veterans’ Affairs”.

Subsec. (a)(2), (3). Pub. L. 102-54, §13(l)(3)(B), substituted “Secretary of Veterans Affairs” for “Administrator”.

Subsecs. (b), (c). Pub. L. 102-54, §13(l)(3)(C), substituted “laws administered by the Secretary of Veterans Affairs” for “laws carried out by the Administrator”.

Subsec. (d)(1)(A). Pub. L. 102-54, §13(l)(3)(B), substituted “Secretary of Veterans Affairs” for “Administrator”.

§ 3331. Substitute checks

(a) In this section, “original check”—

(1) means an order for the payment of money—

(A) payable on demand;

(B) that does not bear interest;

(C) drawn by an authorized disbursing official or agent of the United States Government; and

(D) the amount of which is deposited with the Treasury or another account available for payment; and

(2) does not include coins and currency of the Government.

(b) When the Secretary of the Treasury is satisfied that an original check is lost, stolen, destroyed in any part, or is so defaced that the value to the owner or holder is impaired, the Secretary may issue a substitute check to the owner or holder of the original check. Except as provided in subsection (c) or (f) of this section, the substitute check is payable from the amount available to pay the original check.

(c) When the Secretary is satisfied that an original check drawn on a depository in a foreign country or a territory or possession of the United States is lost, stolen, destroyed in part, or is so defaced that its value to the owner or holder is impaired, the drawer of the original check (or another official designated by the Secretary with the approval of the head of the agency on whose behalf the original check was issued) may issue to the owner or holder of the check a substitute check. The drawer or official shall issue the substitute check by the last day of the fiscal year after the fiscal year in which the original check was issued—

(1) using the current date; and

(2) drawn on the account of the drawer of the original check or another account available for payment of the substitute.

(d) A substitute check issued under this section—

(1) may be paid only if the original check has not been paid;

(2) shall include information necessary to identify the original check;

(3) that is drawn on the Treasury—

(A) is deemed to be an original check; and

(B) is paid under the same conditions as the original check; and

(4) does not relieve a disbursing or certifying official from liability to the Government for payment resulting from erroneously issuing the original check.

(e) Before issuing a substitute check under this section, the Secretary may require the owner or holder of the original check to agree to indemnify the Government with security in the form and amount the Secretary decides is necessary.

(f) The Secretary may waive any provision of this section as may be necessary to ensure that claimants receive timely payments.

(g) Under conditions the Secretary may prescribe, the Secretary may delegate duties and powers of the Secretary under this section to the head of an agency. Consistent with a delegation from the Secretary under this subsection, the head of an agency may delegate those duties and powers to an officer or employee of the agency.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 955; Pub. L. 97-452, §1(11), Jan. 12, 1983, 96 Stat. 2468; Pub. L. 104-134, title III, §31001(x)(2), Apr. 26, 1996, 110 Stat. 1321-377.)