

CODIFICATION

Section was formerly classified to section 134 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

EFFECTIVE DATE

Section 11 of act of July 8, 1937, previously set out as section 134h of former Title 5, Executive Departments and Government Officers and Employees, provided that: "This Act [see Short Title note below] shall become effective on July 1, 1937."

SHORT TITLE

Section 10 of act of July 8, 1937, previously set out as section 134g of former Title 5, Executive Departments and Government Officers and Employees, provided that: "This Act [enacting this chapter and section 738a of former Title 31, Money and Finance, amending section 528 of former Title 31, and repealing sections 735-738 of former Title 31, and enacting provisions set out as a note under this section] may be cited as the 'Government Losses in Shipment Act'."

TRANSFER OF FUNCTIONS

"United States Postal Service" substituted in text for "Postmaster General" pursuant to Pub. L. 91-375, §4(a), Aug. 12, 1970, 84 Stat. 773, set out as a note under section 201 of Title 39, Postal Service, which abolished office of Postmaster General of Post Office Department and transferred its functions to United States Postal Service.

DELEGATION OF FUNCTIONS

Power of Secretary of the Treasury and Postmaster General [now United States Postal Service] to prescribe, without approval of President, regulations under this section, see section 3(a) of Ex. Ord. No. 10289, Sept. 17, 1951, 16 F.R. 9499, set out as a note under section 301 of Title 3, The President.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 722, 722a, 723, 726, 727 of this title; title 46 App. section 1285; title 49 section 44305.

§ 722. Fund for losses; appropriations

There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$500,000 to be used, under the direction of the Secretary of the Treasury, for the replacement of valuables, or the value thereof, lost, destroyed, or damaged in the course of shipment effected pursuant to the regulations prescribed under section 721 of this title. There is hereby further authorized to be appropriated annually, beginning with the fiscal year 1939 and ending with the fiscal year 1948, inclusive, the sum of \$200,000 for the said purposes, and from time to time such additional sums as may be necessary for the said purposes. There shall be in the Treasury of the United States a revolving fund, to be known as "the fund for the payment of Government losses in shipment" (hereinafter referred to as "the fund"), to be constituted of the said sum of \$500,000 and the sums appropriated on and after July 8, 1937 for the said purposes, together with all recoveries and repayments credited to the fund as provided in section 723 of this title. There is hereby further authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000, for expenditures under the direction of the Secretary of the

Treasury, to be used for the payment of administrative expenses, including personal services, necessary to carry out the provisions of this chapter for the fiscal year 1938.

(July 8, 1937, ch. 444, §2, 50 Stat. 479.)

CODIFICATION

"Appropriated on and after July 8, 1937" substituted in text for "hereafter appropriated".

Section was formerly classified to section 134a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 31 section 3126; title 46 App. section 1285; title 49 section 44305.

§ 722a. Payment of Government losses in shipment

Beginning in fiscal year 1995 and thereafter, there are appropriated such sums as may be necessary 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.

(Pub. L. 103-329, title I, Sept. 30, 1994, 108 Stat. 2387.)

CODIFICATION

Section enacted as part of the Treasury, Postal Service and General Government Appropriations Act, 1995, and not as part of the Government Losses in Shipment Act which comprises this chapter.

§ 723. Claim for replacement

In the event of loss or destruction of, or damage to, valuables of which shipment shall have been made pursuant to the regulations prescribed under section 721 of this title a claim in writing for replacement shall be made upon the Secretary of the Treasury who, if he shall be satisfied that such loss, destruction, or damage has occurred and that shipment was made substantially in accordance with such regulations, shall cause replacement to be made out of the fund through such officers as he may designate. Notwithstanding any provision of law to the contrary, the decision of the Secretary of the Treasury that such loss, destruction, or damage has occurred or that such shipment was made substantially in accordance with such regulations shall be final and conclusive and shall not be subject to review by any other officer of the United States: *Provided, however,* That where the Secretary of the Treasury determines that such replacement can be effected, in whole or in part, without actual or ultimate injury to the United States, by a credit in the accounts of the executive department, independent establishment, agency, officer, employee, or other accountable person making the claim, he shall not resort to the fund, except to the extent that such replacement cannot be so effected by such credit, but shall certify such determination to the Comptroller General and, upon receipt of such certification, the Comptroller General is authorized and directed to make such credit in the settlement of accounts in the General Accounting Office: *Provided further,* That the fund shall be available for the replacement of any loss or de-

struction of, or damage to, valuables shipped by or on behalf of the Bureau of the Public Debt of the Treasury Department prior to the effective date of this amendment, the replacement of which was chargeable against the securities trust fund established under authority of section 3129 of title 31; and the Secretary of the Treasury is hereby authorized and directed to transfer on the books of the Treasury Department the amount standing to the credit of the securities trust fund and credit the same to the fund. *And provided further*, That the fund shall not be available with respect to any loss, destruction, or damage affecting valuables, insofar as such loss, destruction, or damage relates to property of the United States Postal Service chargeable to its officers or employees; nor shall it be available with respect to any loss, destruction, or damage affecting valuables of which shipment shall have been made at the risk of persons other than the United States, its executive departments, independent establishments, agencies, wholly owned corporations, officers, and employees. All recoveries and repayments on account of loss, destruction, or damage to valuables of which replacement shall have been made out of the fund shall be credited to it and shall be available for the purposes thereof.

(July 8, 1937, ch. 444, § 3, 50 Stat. 479; Aug. 10, 1939, ch. 665, § 1, 53 Stat. 1358; 1940 Reorg. Plan No. III, § 1, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231; Pub. L. 91-375, § 6(m)(4), Aug. 12, 1970, 84 Stat. 782.)

REFERENCES IN TEXT

The effective date of this amendment, referred to in text, probably means the date of enactment of act Aug. 10, 1939, which was approved Aug. 10, 1939.

CODIFICATION

"Section 3129 of title 31" substituted in text for "the indefinite appropriation 'Expenses of loans, Act of September 24, 1917, as amended and extended' (U.S.C., 1934 edition, title 31, secs. 760, 761)" on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Section was formerly classified to section 134b of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1970—Pub. L. 91-375 substituted "insofar as such loss, destruction, or damage relates to property of the United States Postal Service chargeable to its officers or employees" for "insofar as such loss destruction, or damage may be adjusted by the Postmaster General under the provisions of the Act of March 17, 1882, as amended" in third proviso.

1939—Act Aug. 10, 1939, amended generally proviso dealing with securities trust fund established under authority of sections 760 and 761 of title 31.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

TRANSFER OF FUNCTIONS

Section 1(a) of Reorg. Plan No. III of 1940 established Bureau of Public Debt in Fiscal Service of Treasury De-

partment, and consolidated into such agency the Public Debt Service. See section 306 of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 722 of this title; title 31 section 3126.

§ 724. Government evidences of indebtedness held by United States Postal Service while agent for Treasury Department

All losses or destruction of, or damage to, internal revenue or other stamps, United States securities, or other obligations of the United States, and funds, occurring heretofore or hereafter, but not prior to February 4, 1935, while such stamps, securities, obligations, or funds were in the custody or possession of, or charged to, the United States Postal Service while it was acting as agent for, or on behalf of, the Treasury Department for the sale of such stamps, securities, or obligations and for the collection of such funds, irrespective of the manner in which such loss, destruction, or damage occurred, shall be replaced out of the fund under such regulations as the Secretary of the Treasury may prescribe.

(July 8, 1937, ch. 444, § 3a, as added Aug. 10, 1939, ch. 665, § 2, 53 Stat. 1358; amended Pub. L. 91-375, §§ 4(a), 6(m)(5), (o), Aug. 12, 1970, 84 Stat. 773, 783.)

CODIFICATION

Section was formerly classified to section 134b-1 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1970—Pub. L. 91-375 struck out proviso requiring joint determination by Postmaster General and Secretary of the Treasury that loss or destruction of or damages to government evidences of indebtedness in custody or possession of any postmaster, Navy mail clerk, or assistant Navy mail clerk resulted from no fault or negligence on part of such employee to relieve him of liability to the United States or to authorize receipt of credit in his accounts.

CHANGE OF NAME

"United States Postal Service" substituted in text for "Post Office Department or Postal Service" pursuant to Pub. L. 91-375 which abolished Post Office Department, transferred its functions to United States Postal Service, and provided that references in other laws to Post Office Department or Postal Service shall be considered a reference to United States Postal Service.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

§ 725. Agreements of indemnity

The Secretary of the Treasury is hereby authorized to execute and deliver, on behalf of the United States, such binding agreements of indemnity as he may deem necessary and proper to enable the United States to obtain the replacement of any instrument or document received by the United States or any agent of the