

PUBLIC - NO. 378 - 76th CONGRESS

CHAPTER 665 - 1st SESSION

(H. R. 6614)

AN ACT
TO AMEND THE GOVERNMENT LOSSES IN SHIPMENT ACT

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second proviso of section 3 of the Government Losses in Shipment Act, approved July 8, 1937 (50 Stat. 480; U. S. C., 1934 edition, Supp. IV, title 5, sec. 134b), is hereby amended to read as follows: "Provided further, That the fund shall be available for the replacement of any loss or destruction of, or damage to, valuables shipped by or on behalf of the Public Debt Service 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 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); 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."

"Sec. 2. The Government Losses in Shipment Act (50 Stat. 479; U. S. C., 1934 edition, Supp. IV, title 5, secs. 134-134h; title 31, secs. 528, 738a), is hereby amended by adding the following sections to the end of section 3 thereof:

"Sec. 3a. 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 Post Office Department or 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: Provided, however, That no postmaster, Navy mail clerk, or assistant Navy mail clerk having the custody or possession of such stamps, securities, obligations, or funds at the time of the loss, destruction, or damage shall be relieved of any liability to the United States or receive credit in his accounts for such loss, destruction, or damage under the provisions of the Act of March 17, 1882, as amended (U. S. C., 1934 edition, title 39, sec. 49), until the

Postmaster General and the Secretary of the Treasury have jointly determined that such loss, destruction, or damage resulted from no fault or negligence on the part of such postmaster, Navy mail clerk, or assistant Navy mail clerk.

"Sec. 3b. 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 United States in his official capacity which, after having been so received, became lost, destroyed, or so mutilated as to impair its value: Provided, however, That no such agreement of indemnity shall operate to obligate the United States in any case in which the obligee named therein makes any payment or delivery not required by law on the original of the instrument or document covered thereby. The fund shall be available for the payment of any obligation arising out of any agreement executed by the Secretary of the Treasury under this section."

Sec. 3. Section 7 (a) of the Government Losses in Shipment Act (50 Stat. 480; U. S. C., 1934 edition, Supp. IV, title 5, sec. 134f (a)), is hereby amended to read as follows:

"(a) The term 'valuables' means any articles or things or representatives of value in which the United States has any interest, or in connection with which it has any obligation or responsibility, direct or indirect, and which are declared to be valuables within the meaning of this Act by the Secretary of the Treasury. No articles or things shall be declared to be valuables by the Secretary of the Treasury unless he determines that replacement thereof in accordance with the procedure established herein, in the event of loss, destruction, or damage in the course of shipment, would be in the public interest. The term 'United States' as used in this subsection and in section 3b means the United States, its executive departments, independent establishments, and agencies, including wholly owned corporations, and officers and employees of any of the foregoing while acting in their official capacity."

Sec. 4. So much of section 8 (b) (4) of the Government Losses in Shipment Act (50 Stat. 482; U. S. C., 1934 edition, Supp. IV, title 31, sec. 738a (b) (4)), as precedes the proviso is hereby amended to read as follows:

"(4) if the owner or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of Columbia, a Territory or possession of the United States, including the Commonwealth of the Philippine Islands, a municipal corporation or political subdivision of any of the foregoing, a corporation the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve bank:"

Sec. 5. Section 9 (b) (1) of the Government Losses in Shipment Act (50 Stat. 483; U. S. C., 1934 edition, Supp. IV, title 31, sec. 528 (b) (1)), is hereby amended by changing the phrase included within the parentheses to read as follows: "including the Postal Service when carrying mail for any officer, employee, agent, or agency of the United States when performing services in connection with the operation of the postal service."

States, but not including the Postal Service when otherwise acting solely in its capacity as a public carrier of the mail."

Sec. 6. So much of section 9 (b) (5) of the Government Losses in Shipment Act (50 Stat. 483; U. S. C., 1934 edition, Supp. IV, title 31, sec. 528 (b) (5)), as precedes the proviso is hereby amended to read as follows:

"(5) if the owner or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of Columbia, a Territory or possession of the United States, including the Commonwealth of the Philippine Islands, a municipal corporation or political subdivision of any of the foregoing, a corporation the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve bank:"

Sec. 7. Section 9 (f) of the Government Losses in Shipment Act (50 Stat. 484; U. S. C., 1934 edition, Supp. IV, title 31, sec. 528 (f)), is hereby amended to read as follows:

"(f) The term 'original check' whenever used in this section means any check, warrant, or other order for the payment of money, payable upon demand and not bearing interest, drawn by a duly authorized officer or agent of the United States, the District of Columbia, or the District Unemployment Compensation Board, on their behalf against an account or funds of the United States, the District of Columbia, or the District Unemployment Compensation Board, including instruments issued by any corporation or other entity owned or controlled by the United States, the funds of which are deposited and covered into the Treasury of the United States or deposited with the Treasurer of the United States, but does not include money, coins, or currency of the United States; as used in subsection (d) of this section it means such as instrument drawn by a duly authorized officer or employee of the Post Office Department."

Approved, August 10, 1939.