(ii) policy to support continuous improvement in program and project management; and

(iii) major challenges across agencies in managing programs;

(D) advise on the development and applicability of standards governmentwide for program management transparency; and

(E) review the information published on a website described in section 1122.

(3) MEMBERSHIP.—

(A) COMPOSITION.—The Council shall be composed of the following members:

(i) Five members from the Office of Management and Budget as follows:

(I) The Deputy Director for Management.

(II) The Administrator of the Office of Electronic Government.

(III) The Administrator of Federal Procurement Policy.

(IV) The Controller of the Office of Federal Financial Management.

(V) The Director of the Office of Performance and Personnel Management.

(ii) The Program Management Improvement Officer from each agency described in section 901(b).

(iii) Any other full-time or permanent part-time officer or employee of the Federal Government or member of the Armed Forces designated by the Chairperson.

(B) CHAIRPERSON AND VICE CHAIRPERSON.—

(i) IN GENERAL.—The Deputy Director for Management of the Office of Management and Budget shall be the Chairperson of the Council. A Vice Chairperson shall be elected by the members and shall serve a term of not more than 1 year.

(ii) DUTIES.—The Chairperson shall preside at the meetings of the Council, determine the agenda of the Council, direct the work of the Council, and establish and direct subgroups of the Council as appropriate.

(4) MEETINGS.—The Council shall meet not less than four times per fiscal year and may meet at the call of the Chairperson or a majority of the members of the Council.

(5) SUPPORT.—The head of each agency with a Project Management Improvement Officer serving on the Council shall provide administrative support to the Council, as appropriate, at the request of the Chairperson.

(Added Pub. L. 114–264, §2(b)(1), Dec. 14, 2016, 130 Stat. 1372; amended Pub. L. 116–92, div. A, title IX, §902(86), Dec. 20, 2019, 133 Stat. 1554; Pub. L. 116–283, div. A, title VIII, §884, div. H, title XCVI, §9601(c)(2)(D), Jan. 1, 2021, 134 Stat. 3790, 4828.)

Editorial Notes

SIMILAR PROVISIONS

Another section 1126, added Pub. L. 114–328, div. A, title VIII, §861(b)(1), Dec. 23, 2016, 130 Stat. 2299, which was substantially identical to section 1126 as added by Pub. L. 114–264, was repealed by Pub. L. 115–91, div. A, title VIII, §810(b), Dec. 12, 2017, 131 Stat. 1458.

AMENDMENTS

2021—Subsec. (a)(1). Pub. L. 116–283, §884(1), inserted '', who has significant program and project management oversight responsibilities,'' after ''senior executive of the agency''.

Subsec. (b)(2)(E). Pub. L. 116–283, §9601(c)(2)(D), substituted ''a website described in'' for ''the website of the Office of Management and Budget pursuant to''.

Subsec. (b)(4). Pub. L. 116–283, §884(2), substituted ''four times'' for ''twice''.

2019—Subsec. (a)(3). Pub. L. 116–92 substituted ''Under Secretary of Defense for Acquisition and Sustainment'' for ''Under Secretary of Defense for Acquisition, Technology, and Logistics''.

Statutory Notes and Related Subsidiaries

PROGRAM AND PROJECT MANAGEMENT PERSONNEL STANDARDS

Pub. L. 114–264, §2(c), Dec. 14, 2016, 130 Stat. 1374, provided that:

''(1) DEFINITION.—In this subsection, the term 'agency' means each agency described in section 901(b) of title 31, United States Code, other than the Department of Defense.

''(2) REGULATIONS REQUIRED.—Not later than 180 days after the date on which the standards, policies, and guidelines are issued under section 503(c) of title 31, United States Code, as added by subsection (a)(1), the Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, shall issue regulations that—

''(A) identify key skills and competencies needed for a program and project manager in an agency;

''(B) establish a new job series, or update and improve an existing job series, for program and project management within an agency; and

''(C) establish a new career path for program and project managers within an agency.''

Similar provisions were contained in Pub. L. 114–328, div. A, title VIII, §861(c), Dec. 23, 2016, 130 Stat. 2301, prior to repeal by Pub. L. 115–91, div. A, title VIII, §810(c), Dec. 12, 2017, 131 Stat. 1458.

CHAPTER 13—APPROPRIATIONS

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Editorial Notes

AMENDMENTS

2018—Pub. L. 115–158, §2(b), Mar. 27, 2018, 132 Stat. 1242, added item 1355. Item was added to the analysis for this chapter to reflect the probable intent of Congress, notwithstanding directory language amending the analysis for subchapter III of this chapter.

1998—Pub. L. 105–339, §7(b)(2), Oct. 31, 1998, 112 Stat. 3189, added item 1354.

1990—Pub. L. 101–280, §4(b)(2), May 4, 1990, 104 Stat. 157, redesignated item 1352 ''Acceptance of travel and related expenses from non-Federal sources'' as 1353.

1989—Pub. L. 101–194, title III, §302(b), Nov. 30, 1989, 103 Stat. 1746, added item 1352 ''Acceptance of travel and related expenses from non-Federal sources''.

Pub. L. 101–121, title III, §319(a)(2), Oct. 23, 1989, 103 Stat. 756, added item 1352 ''Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions''.

1986—Pub. L. 99–550, §1(b), Oct. 27, 1986, 100 Stat. 3070, substituted ''Passenger carrier use'' for ''Passenger motor vehicle and aircraft use'' in item 1344.

SUBCHAPTER I—GENERAL

§ 1301. Application

(a) Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

(b) The reappropriation and diversion of the unexpended balance of an appropriation for a purpose other than that for which the appropriation originally was made shall be construed and accounted for as a new appropriation. The unexpended balance shall be reduced by the amount to be diverted.

(c) An appropriation in a regular, annual appropriation law may be construed to be permanent or available continuously only if the appropriation—

(1) is for rivers and harbors, lighthouses, public buildings, or the pay of the Navy and Marine Corps; or

(2) expressly provides that it is available after the fiscal year covered by the law in which it appears.

(d) A law may be construed to make an appropriation out of the Treasury or to authorize making a contract for the payment of money in excess of an appropriation only if the law specifically states that an appropriation is made or that such a contract may be made.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 917.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1301(a)	31:628.	R.S. §3678.
1301(b)	31:717.	Mar. 4, 1915, ch. 147, §4, 38 Stat. 1161.
1301(c)	31:718.	Aug. 24, 1912, ch. 355, §7, 37 Stat. 487; Mar. 3, 1919, ch. 99, §6(last sentence), 40 Stat. 1309.
1301(d)	31:627.	June 30, 1906, ch. 3914, §9, 34 Stat. 764.

In subsection (a), the word ''Appropriations'' is substituted for ''sums appropriated for the various branches of expenditure in the public service'' to eliminate unnecessary words. The words ''they are respectively'' and ''and for no others'' are omitted as surplus. The words ''except as otherwise provided by law'' are substituted for ''All'' in section 3678 of the Revised Statutes to inform the reader that there are exceptions to the source provisions restated in the subsection.

In subsection (c), before clause (1), the words ''specific or indefinite'' are omitted as surplus. The words ''made subsequent to August 24, 1912'' are omitted as executed. The words ''without reference to a fiscal year'' are omitted as surplus. In clause (1), the words ''is for'' are substituted for ''belongs to one of the following four classes'' to eliminate unnecessary words. The words ''last specifically named in and excepted from the operation of the provisions of section 713 of this title'' and the words related to section 5 of the Act of June 20, 1874 (31:713), in section 6(last sentence) of the Act of March 3, 1919 (ch. 99, 40 Stat. 1309), are omitted because section 5 was repealed by section 3 of the Act of July 6, 1949 (ch. 299, 63 Stat. 407).

In subsection (d), the words ''passed after June 30, 1906'' are omitted as executed.

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2019 AMENDMENT

Pub. L. 116–1, §1, Jan. 16, 2019, 133 Stat. 3, provided that: ''This Act [amending section 1341 of this title] may be cited as the 'Government Employee Fair Treatment Act of 2019'.''

SHORT TITLE OF 2018 AMENDMENT

Pub. L. 115–158, §1, Mar. 27, 2018, 132 Stat. 1242, provided that: ''This Act [enacting section 1355 of this title] may be cited as the 'Eliminating Government-funded Oil-painting Act' or the 'EGO Act'.''

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98–359, §1, July 13, 1984, 98 Stat. 402, provided: ''That this Act [amending section 1322 of this title] may be cited as the 'Postal Savings System Statute of Limitations Act'.''

TRANSFERS FROM APPROPRIATION ACCOUNTS; SALARIES OF TEMPORARILY REASSIGNED EMPLOYEES

Pub. L. 105–277, div. A, §101(f) [title V, §510], Oct. 21, 1998, 112 Stat. 2681–337, 2681–385, as amended by Pub. L. 106–31, title V, §5005(*l*), May 21, 1999, 113 Stat. 111, provided that: ''Notwithstanding any other provision of law, hereafter—

''(1) no amount may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation Act, or in the Act establishing the program or activity for which funds are contained in this Act [see Tables for classification];

''(2) no department, agency, or other entity, other than the one responsible for administering the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purpose for which it is obligated and expended, except to the extent and in the manner other-

wise provided in sections 1512 and 1513 of title 31, United States Code; and

''(3) no funds provided under this Act or subsequent Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Acts shall be available for the salary (or any part thereof) of an employee who is reassigned on a temporary detail basis to another position in the employing agency or department or in any other agency or department, unless the detail is independently approved by the head of the employing department or agency.''

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 105–78, title V, §511, Nov. 13, 1997, 111 Stat. 1516.

Pub. L. 104–208, div. A, title I, §101(e) [title V, §509], Sept. 30, 1996, 110 Stat. 3009–233, 3009–269.

Pub. L. 104–134, title I, §101(d) [title V, §509], Apr. 26, 1996, 110 Stat. 1321–211, 1321–244; renumbered title I, Pub. L. 104–140, §1(a), May 2, 1996, 110 Stat. 1327.

Pub. L. 103–333, title V, §515, Sept. 30, 1994, 108 Stat. 2574.

Executive Documents

EX. ORD. NO. 13457. PROTECTING AMERICAN TAXPAYERS FROM GOVERNMENT SPENDING ON WASTEFUL EARMARKS

Ex. Ord. No. 13457, Jan. 29, 2008, 73 F.R. 6417, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. *Policy*. It is the policy of the Federal Government to be judicious in the expenditure of taxpayer dollars. To ensure the proper use of taxpayer funds that are appropriated for Government programs and purposes, it is necessary that the number and cost of earmarks be reduced, that their origin and purposes be transparent, and that they be included in the text of the bills voted upon by the Congress and presented to the President. For appropriations laws and other legislation enacted after the date of this order, executive agencies should not commit, obligate, or expend funds on the basis of earmarks included in any non-statutory source, including requests in reports of committees of the Congress or other congressional documents, or communications from or on behalf of Members of Congress, or any other non-statutory source, except when required by law or when an agency has itself determined a project, program, activity, grant, or other transaction to have merit under statutory criteria or other merit-based decisionmaking.

SEC. 2. *Duties of Agency Heads*. (a) With respect to all appropriations laws and other legislation enacted after the date of this order, the head of each agency shall take all necessary steps to ensure that:

(i) agency decisions to commit, obligate, or expend funds for any earmark are based on the text of laws, and in particular, are not based on language in any report of a committee of Congress, joint explanatory statement of a committee of conference of the Congress, statement of managers concerning a bill in the Congress, or any other non-statutory statement or indication of views of the Congress, or a House, committee, Member, officer, or staff thereof;

(ii) agency decisions to commit, obligate, or expend funds for any earmark are based on authorized, transparent, statutory criteria and merit-based decision making, in the manner set forth in section II of OMB Memorandum M–07–10, dated February 15, 2007, to the extent consistent with applicable law; and

(iii) no oral or written communications concerning earmarks shall supersede statutory criteria, competitive awards, or merit-based decisionmaking.

(b) An agency shall not consider the views of a House, committee, Member, officer, or staff of the Congress with respect to commitments, obligations, or expenditures to carry out any earmark unless such views are in writing, to facilitate consideration in accordance with section 2(a)(ii) above. All written communications from the Congress, or a House, committee, Member, officer, or staff thereof, recommending that funds be committed, obligated, or expended on any earmark shall be made publicly available on the Internet by the receiving agency, not later than 30 days after receipt of such communication, unless otherwise specifically directed by the head of the agency, without delegation, after consultation with the Director of the Office of Management and Budget, to preserve appropriate confidentiality between the executive and legislative branches.

(c) Heads of agencies shall otherwise implement within their respective agencies the policy set forth in section 1 of this order, consistent with such instructions as the Director of the Office of Management and Budget may prescribe.

(d) The head of each agency shall upon request provide to the Director of the Office of Management and Budget information about earmarks and compliance with this order.

SEC. 3. *Definitions*. For purposes of this order:

(a) The term ''agency'' means an executive agency as defined in section 105 of title 5, United States Code, and the United States Postal Service and the Postal Regulatory Commission, but shall exclude the Government Accountability Office; and

(b) the term ''earmark'' means funds provided by the Congress for projects, programs, or grants where the purported congressional direction (whether in statutory text, report language, or other communication) circumvents otherwise applicable merit-based or competitive allocation processes, or specifies the location or recipient, or otherwise curtails the ability of the executive branch to manage its statutory and constitutional responsibilities pertaining to the funds allocation process.

SEC. 4. *General Provisions*. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to an agency or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(b) This order shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

GEORGE W. BUSH.

§ 1302. Determining amounts appropriated

Except as specifically provided by law, the total amount appropriated in an appropriation law is determined by adding up the specific amounts or rates appropriated in each paragraph of the law.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 917.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1302	31:670.	May 28, 1896, ch. 252, §1(par. immediately before heading ''Treasury Department''), 29 Stat. 148.

The words ''by adding up'' are substituted for ''by the correct footing up'' for clarity.

§ 1303. Effect of changes in titles of appropriations

Expenditures for a particular object or purpose authorized by a law (and referred to in that

law by the specific title previously used for the appropriation item in the appropriation law concerned) may be made from a corresponding appropriation item when the specific title is changed or eliminated from a later appropriation law.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 917.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1303	31:581(note).	Sept. 12, 1950, ch. 946, §302(b), 64 Stat. 844.

§ 1304. Judgments, awards, and compromise settlements

(a) Necessary amounts are appropriated to pay final judgments, awards, compromise settlements, and interest and costs specified in the judgments or otherwise authorized by law when—

(1) payment is not otherwise provided for;

(2) payment is certified by the Secretary of the Treasury; and

(3) the judgment, award, or settlement is payable—

(A) under section 2414, 2517, 2672, or 2677 of title 28;

(B) under section 3723 of this title;

(C) under a decision of a board of contract appeals; or

(D) in excess of an amount payable from the appropriations of an agency for a meritorious claim under section 2733, 2733a, or 2734 of title 10, section 715 of title 32, or section 20113 of title 51.

(b)(1) Interest may be paid from the appropriation made by this section—

(A) on a judgment of a district court, only when the judgment becomes final after review on appeal or petition by the United States Government, and then only from the date of filing of the transcript of the judgment with the Secretary of the Treasury through the day before the date of the mandate of affirmance; or

(B) on a judgment of the Court of Appeals for the Federal Circuit or the United States Court of Federal Claims under section 2516(b) of title 28, only from the date of filing of the transcript of the judgment with the Secretary of the Treasury through the day before the date of the mandate of affirmance.

(2) Interest payable under this subsection in a proceeding reviewed by the Supreme Court is not allowed after the end of the term in which the judgment is affirmed.

(c)(1) A judgment or compromise settlement against the Government shall be paid under this section and sections 2414, 2517, and 2518[1] of title 28 when the judgment or settlement arises out of an express or implied contract made by—

(A) the Army and Air Force Exchange Service;

(B) the Navy Exchanges;

(C) the Marine Corps Exchanges;

(D) the Coast Guard Exchanges; or

(E) the Exchange Councils of the National Aeronautics and Space Administration.

(2) The Exchange making the contract shall reimburse the Government for the amount paid by the Government.

(d) Beginning not later than the date that is 60 days after the date of enactment of the John D. Dingell, Jr. Conservation, Management, and Recreation Act, and unless the disclosure of such information is otherwise prohibited by law or a court order, the Secretary of the Treasury shall make available to the public on a website, as soon as practicable, but not later than 30 days after the date on which a payment under this section is tendered, the following information with regard to that payment:

(1) The name of the specific agency or entity whose actions gave rise to the claim or judgment.

(2) The name of the plaintiff or claimant.

(3) The name of counsel for the plaintiff or claimant.

(4) The amount paid representing principal liability, and any amounts paid representing any ancillary liability, including attorney fees, costs, and interest.

(5) A brief description of the facts that gave rise to the claim.

(6) The name of the agency that submitted the claim.

(Pub. L. 97–258, §§1, 2(m)(2), Sept. 13, 1982, 96 Stat. 917, 1062; Pub. L. 102–572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516; Pub. L. 104–316, title II, §202(m), Oct. 19, 1996, 110 Stat. 3843; Pub. L. 111–314, §4(b), Dec. 18, 2010, 124 Stat. 3440; Pub. L. 116–9, title IV, §4201(b), Mar. 12, 2019, 133 Stat. 764; Pub. L. 116–92, div. A, title VII, §731(c)(2), Dec. 20, 2019, 133 Stat. 1460.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1304(a)	31:724a(1st sentence words before 1st proviso).	July 27, 1956, ch. 748, §1302(1st sentence), 70 Stat. 694; Aug. 30, 1961, Pub. L. 87–187, §3, 75 Stat. 416; July 18, 1966, Pub. L. 89–506, §6, 80 Stat. 307; July 23, 1970, Pub. L. 91–350, §1(c), 84 Stat. 449; restated May 4, 1977, Pub. L. 95–26, §101(2d par. under heading ''Claims and Judgments''), 91 Stat. 96; Mar. 7, 1978, Pub. L. 95–240, §201, 92 Stat. 116; Nov. 1, 1978, Pub. L. 95–563, §14(c), 92 Stat. 2390; Apr. 2, 1982, Pub. L. 97–164, title I, §155, title III, §302(c), 96 Stat. 47, 56.
1304(b)	28:2516(b)(less 1st sentence words after last comma). 31:724a(1st sentence 1st, 2d provisos).	
1304(c)	31:724a(1st sentence last proviso)	

In subsection (a), before clause (1), the words ''out of any money in the Treasury not otherwise appropriated'' are omitted as surplus. The words ''awards rendered by the Indian Claims Commission'' are omitted as executed because under 25:70v the Commission was dissolved and all of its outstanding cases were transferred to the Court of Claims. Under 25:70v–3, judgments on cases transferred to the Court of Claims are judgments under 28:2517 and 2518 and are therefore included under clause (3)(A) of the subsection.

In subsection (b), the text of 28:2516(b)(less 1st sentence words after last comma) is omitted as superseded by 31:724a.

[1] See References in Text note below.

In subsection (b)(1)(A), the words ''through the day before the date'' are substituted for ''to the date'' as being more precise.

Editorial Notes

REFERENCES IN TEXT

Section 2518 of title 28, referred to in subsec. (c)(1), was repealed by Pub. L. 97–164, title I, §139(*l*), Apr. 2, 1982, 96 Stat. 43.

The date of enactment of the John D. Dingell, Jr. Conservation, Management, and Recreation Act, referred to in subsec. (d), is the date of enactment of Pub. L. 116–9, which was approved Mar. 12, 2019.

AMENDMENTS

2019—Subsec. (a)(3)(D). Pub. L. 116–92, which directed substitution of ''2733, 2733a,'' for ''2733,'', was executed by making the substitution for ''2733'' to reflect the probable intent of Congress.

Subsec. (d). Pub. L. 116–9 added subsec. (d).

2010—Subsec. (a)(3)(D). Pub. L. 111–314 substituted ''section 20113 of title 51'' for ''section 203 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473)''.

1996—Subsecs. (a)(2), (b)(1)(A), (B). Pub. L. 104–316 substituted ''Secretary of the Treasury'' for ''Comptroller General''.

1992—Subsec. (b)(1)(B). Pub. L. 102–572 substituted ''United States Court of Federal Claims'' for ''United States Claims Court''.

1982—Subsec. (b)(1)(A). Pub. L. 97–258, §2(m)(2)(A), struck out ''under section 2411(b) of title 28'' after ''district court''.

Subsec. (b)(1)(B). Pub. L. 97–258, §2(m)(2)(B), substituted ''Court of Appeals for the Federal Circuit or the United States Claims Court'' for ''Court of Claims''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2019 AMENDMENT

Amendment by Pub. L. 116–92 applicable to any claim filed under section 2733a of Title 10, Armed Forces, on or after Jan. 1, 2020, and any claim filed in calendar year 2020 deemed to be filed within the time period specified in section 2733a(b)(4) of Title 10 if filed within three years after it accrues, see section 731(d) of Pub. L. 116–92, set out as an Effective Date note under section 2733a of Title 10.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–572 effective Oct. 29, 1992, see section 911 of Pub. L. 102–572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1982 AMENDMENT

Pub. L. 97–258, §2(m), Sept. 13, 1982, 96 Stat. 1062, provided that the amendment made by that section is effective Oct. 1, 1982.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1305. Miscellaneous permanent appropriations

Necessary amounts are appropriated for the following:

(1) to pay the proceeds of the personal estate of a United States citizen dying abroad to the legal representative of the deceased on proper demand and proof.

(2) to pay interest on the public debt under laws authorizing payment.

(3) to pay proceeds from derelict and salvage cases adjudged by the courts of the United States to salvors.

(4) to make payments required under contracts made under section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308) for the payment of interest on obligations guaranteed by the Secretary of Housing and Urban Development under section 108.

(5) to make payments required under contracts made under section 103(b) of the Housing Act of 1949 (42 U.S.C. 1453(b)) for projects or programs for which amounts had been committed before January 1, 1975, and for which amounts have not been appropriated.

(6) to pay the interest on the fund derived from the bequest of James Smithson, for the construction of buildings and expenses of the Smithsonian Institution, at the rates determined under section 5590 of the Revised Statutes (20 U.S.C. 54).

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(7) to make payments required under contracts made under section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c).

COLLEGE HOUSING GRANTS

(8) to make payments required under contracts made under title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749 et seq.).

RENT SUPPLEMENT PROGRAM

(9) to make payments required under contracts under section 101 of the Housing and Urban Development Act of 1965, as amended (12 U.S.C. 1701s).

HOMEOWNERSHIP AND RENTAL HOUSING ASSISTANCE

(10) to make payments required under contracts under sections 235 and 236, respectively, of the National Housing Act, as amended (12 U.S.C. 1715z, 1715z–1).

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 918; Pub. L. 97–452, §1(4), Jan. 12, 1983, 96 Stat. 2467; Pub. L. 98–371, title I, §101, July 18, 1984, 98 Stat. 1220.)

HISTORICAL AND REVISION NOTES
1982 ACT

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1305	31:711(1)–(3), (11a)–(23).	R.S. §3689(less last 3 pars. on p. 725 related to redemption of stamps, debentures and other charges, and debentures and drawbacks, 2d par. on p. 726 related to repayment of excess of deposits, 3d–7th pars. on p. 726 related to refunding duties on goods destroyed, marine hospital establishment, refunding duties, refunding proceeds of goods seized and sold, and refunding proceeds of unclaimed merchandise); June 20, 1874, ch. 328, §4(less words between 1st and 2d semicolons), 18 Stat. 109; Mar. 3, 1875, ch. 129, §1(6th par. 3d sentence under heading ''War Department''), 18 Stat. 359; June 19, 1878, ch. 329, §1(par. immediately before heading ''Office of the Attorney General''), 20 Stat. 205; May 26, 1908, ch. 198, §1(last par. on p. 295), 35 Stat. 295; June 25, 1910, ch. 384, §8(words before semicolon), 36 Stat. 773; Oct. 18, 1972, Pub. L. 92–500, §12(p), 86 Stat. 902; Aug. 22, 1974, Pub. L. 93–383, §§108(i), 117(a), 88 Stat. 649, 653; Oct. 12, 1977, Pub. L. 95–128, §108(2), 91 Stat. 1123.

In the section, the words ''out of any moneys in the Treasury not otherwise appropriated'' and ''and such appropriations shall be deemed permanent annual appropriations'' are omitted as surplus.

In clause (2), the text of section 4(words after 2d semicolon) of the Act of June 20, 1874 (ch. 328, 18 Stat. 109), is omitted as expired.

The text of 31:711(3) is omitted as superseded by the source provisions restated in section 1322 of the revised title.

The text of 31:711(11a) is omitted because the Environmental Financing Authority expired on June 30, 1975.

The text of 31:711(12) is omitted as superseded by 31:725s(a)(1st proviso) and 31:725s(a)(59).

The text of 31:711(13) is omitted as obsolete because provisions relating to horses and property lost in military service were repealed by section 1 of the Act of December 16, 1930 (ch. 14, 46 Stat. 1028), and section 3 of the Act of May 29, 1945 (ch. 135, 59 Stat. 225).

The text of 31:711(14) is omitted as superseded by 31:240–243.

The text of 31:711(16) is omitted as obsolete because of the repeal of the permanent appropriation for surveying within land grants (reimbursable) by 31:725(a) and (b)(13).

The text of 31:711(17) is omitted as superseded by the repeal of the appropriation account ''Five Percent Funds to States'' by 31:725c(a) and (b)(34).

The text of 31:711(18) is omitted as superseded by 31:725b(a) and (b)(8).

The text of 31:711(19) is omitted as superseded by 31:725q(a) and (b)(14).

The text of 31:711(20) is omitted as superseded by section 1(1st par. on p. 447) of the Act of March 3, 1875 (ch. 132, 18 Stat. 447), and section 1(last par. on p. 197) of the Act of August 15, 1876 (ch. 289, 19 Stat. 197).

1983 ACT

This amends 31:1305(6) to conform to the Smithsonian Institution charter as amended by section 1 of the Act of June 22, 1982 (Pub. L. 97–199, 96 Stat. 121).

REFERENCES IN TEXT

Section 103(b) of the Housing Act of 1949 (42 U.S.C. 1453(b)), referred to in par. (5), was omitted from the Code pursuant to section 5316 of Title 42, The Public Health and Welfare, which terminated the authority to make grants or loans under title I of that Act (42 U.S.C. 1450 et seq.) after Jan. 1, 1975.

The Housing Act of 1950, referred to in par. (8), is act Apr. 20, 1950, ch. 94, 64 Stat. 48. Title IV of the Housing Act of 1950, which was classified generally to subchapter IX (§1749 et seq.) of chapter 13 of Title 12, Banks and Banking, was repealed by Pub. L. 99–498, title VII, §702, Oct. 17, 1986, 100 Stat. 1545. For complete classification of this Act to the Code, see Short Title of 1950 Amendment note set out under section 1701 of Title 12 and Tables.

Section 101 of the Housing and Urban Development Act of 1965, referred to in par. (9), is section 101 of Pub. L. 89–117, title I, Aug. 10, 1965, 79 Stat. 451, which enacted section 1701s of Title 12, and amended sections 1451 and 1465 of this title.

Editorial Notes

AMENDMENTS

1984—Pars. (7) to (10). Pub. L. 98–371 added pars. (7) to (10).

1983—Par. (6). Pub. L. 97–452 substituted provisions relating to payment of the interest on the fund derived from the bequest of James Smithson, for the construction of buildings and the expenses of the Smithsonian Institution, at rates determined under section 5590 of the Revised Statutes, for provisions relating to payment for construction of buildings and expenses of the Smithsonian Institution, at 6 percent on the fund derived from the bequest of James Smithson.

§ 1306. Use of foreign credits

(a) IN GENERAL.—Foreign credits (including currencies) owed to or owned by the United States may be used by any agency for any purpose for which appropriations are made for the agency for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), but only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency.

(b) EXCEPTION TO REIMBURSEMENT REQUIREMENT.—Credits described in subsection (a) that are received as exchanged allowances, or as the proceeds of the sale of personal property, may be used in whole or partial payment for the acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 918; Pub. L. 104–208, div. A, title I, §101(f) [title VI, §612(a)], Sept. 30, 1996, 110 Stat. 3009–314, 3009–355.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1306	31:724.	July 15, 1952, ch. 758, §1415, 66 Stat. 662.

The words ''are not available for expenditure by agencies except as provided annually in general appropriation laws'' are substituted for ''will not be available for expenditure by agencies of the United States after June 30, 1953, except as may be provided for annually in appropriation Acts'' because of section 101 of the revised title.

Editorial Notes

AMENDMENTS

1996—Pub. L. 104–208 reenacted section catchline without change and amended text generally. Prior to

amendment, text read as follows: ''Foreign credits owed to or owned by the Treasury are not available for expenditure by agencies except as provided annually in general appropriation laws.''

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104–208, div. A, title I, §101(f) [title VI, §612(b)], Sept. 30, 1996, 110 Stat. 3009–314, 3009–356, provided that: ''The amendment made by this section [amending this section] shall take effect on the date of the enactment of this Act [Sept. 30, 1996] and shall apply thereafter.''

APPROPRIATIONS OF EXCESS CURRENCIES

Pub. L. 102–391, title V, §566, Oct. 6, 1992, 106 Stat. 1680, provided that: ''The provisions of section 1306 of title 31, United States Code, shall not be waived to carry out the provisions of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] by any provision of law enacted after the date of enactment of this Act [Oct. 6, 1992] unless such provision makes specific reference to this section.''

Similar provisions were contained in the following prior appropriations acts:

Pub. L. 101–513, title V, §570, Nov. 5, 1990, 104 Stat. 2041.

Pub. L. 101–167, title V, §583, Nov. 21, 1989, 103 Stat. 1251.

§ 1307. Public building construction

Amounts appropriated to construct public buildings remain available until completion of the work. When a building is completed and outstanding liabilities for the construction are paid, balances remaining shall revert immediately to the Treasury.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 918.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1307	31:682.	June 23, 1874, ch. 476, §1, 18 Stat. 275.

The words before the proviso in the Act of June 23, 1874 (ch. 476, 18 Stat. 275), are omitted as obsolete.

§ 1308. Telephone and metered services

Charges for telephone and metered services (such as gas, electricity, water, and steam) for a time period beginning in one fiscal year or allotment period and ending in another fiscal year or allotment period may be charged against the appropriation or allotment current at the end of the time period covered by the service.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 919.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1308	31:668a.	Apr. 27, 1937, ch. 143, 50 Stat. 119; restated Apr. 26, 1939, ch. 103, 53 Stat. 624.

The words ''On and after April 27, 1937'' are omitted as executed. The words ''Charges for telephone and metered services'' are substituted for ''in making payments for commodities or services the quantity of which is determined by metered readings . . . and for telephone services'' to eliminate unnecessary words. The words ''another fiscal year or allotment period'' are substituted for ''another'', and the words ''time period covered by the service'' are substituted for ''such period'', for clarity.

§ 1309. Social security tax

Amounts made available for the compensation of officers and employees of the United States Government may be used to pay taxes imposed on an agency as an employer under chapter 21 of the Internal Revenue Code of 1986 (26 U.S.C. 3101 et seq.).

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 919; Pub. L. 99–514, §2, Oct. 22, 1986, 100 Stat. 2095.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1309	31:699a.	July 15, 1952, ch. 758, §1410, 66 Stat. 661.

The word ''Amounts'' is substituted for ''Appropriations and funds'' to eliminate unnecessary words. The words ''salaries, wages, or'' are omitted as being included in ''compensation''.

Editorial Notes

AMENDMENTS

1986—Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954''.

§ 1310. Appropriations for private organizations

(a) The Secretary of the Treasury shall credit an appropriation for a private organization to the appropriate fiscal official of the organization. The credit shall be carried on the accounts of—

(1) the Treasury; or

(2) a designated depositary of the United States Government (except a national bank).

(b) The fiscal official may pay an amount out of the appropriation only on a check of the fiscal official—

(1) payable to the order of the person to whom payment is to be made; and

(2) that states the specific purpose for which the amount is to be applied.

(c)(1) The fiscal official may pay an amount of less than $20 out of the appropriation on a check—

(A) payable to the order of the fiscal official; and

(B) that states the amount is to be applied to small claims.

(2) The fiscal official shall provide the Secretary or the designated depositary on which the check is drawn with a certified list of the claims. The list shall state the kind and amount of each claim and the name of each claimant.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 919.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1310(a)	31:721(words before 14th comma).	June 23, 1874, ch. 455, §1(par. immediately before heading ''Smithsonian Institution''), 18 Stat. 216.
1310(b)	31:721(words between 14th comma and proviso).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1310(c)	31:721(proviso).	

In subsection (a), before clause (1), the words ''by warrant'' are omitted as unnecessary because of chapter 33 of the revised title. The word ''appropriation'' is substituted for ''moneys appropriated'' for consistency in the revised title. The words ''for a private organization'' are substituted for ''for the aid, use, support, or benefit of any charitable, industrial, or other association, institution, or corporation'' to eliminate unnecessary words. The word ''official'' is substituted for ''officer'' for consistency in the revised title. In clause (1), 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). The words ''or of an assistant treasurer'' in section 1 of the Act of June 23, 1874, are omitted as superseded by section 1(1st par. under heading ''Independent Treasury'') of the Act of May 29, 1920 (ch. 214, 41 Stat. 254).

In subsection (b), before clause (1), the words ''The fiscal official may pay an amount out of the appropriation'' are substituted for ''shall be paid out'' for clarity. In clause (1), the words ''for services, materials, or any other purpose'' are omitted as unnecessary. In clause (2), the words ''in writing'' are omitted as surplus. The word ''purpose'' is substituted for ''object or purpose'' to eliminate unnecessary words.

In subsections (b)(2) and (c), the word ''amount'' is substituted for ''the avails thereof'' for clarity.

In subsection (c)(1), before clause (A), the words ''an amount of less than $20 out of the appropriation'' are substituted for ''payments are to be made under $20'' for clarity. In clause (B), the words ''in writing on the check'' are omitted as unnecessary.

In subsection (c)(2), the word ''Secretary'' is substituted for ''Treasurer'' because of the source provisions restated in section 321(c) of the revised title.

SUBCHAPTER II—TRUST FUNDS AND REFUNDS

§ 1321. Trust funds

(a) The following are classified as trust funds:

(1) Philippine special fund (customs duties).

(2) Philippine special fund (internal revenue).

(3) Unclaimed condemnation awards, Department of the Treasury.

(4) Naval reservation, Olangapo civil fund.

(5) Armed Forces Retirement Home Trust Fund.

(6) Return to deported aliens of passage money collected from steamship companies.

(7) Vocational rehabilitation, special fund.

(8) Library of Congress gift fund.

(9) Library of Congress trust fund, investment account.

(10) Library of Congress trust fund, income from investment account.

(11) Library of Congress trust fund, permanent loan.

(12) Relief and rehabilitation, Longshore and Harbor Workers' Compensation Act.

(13) Cooperative work, Forest Service.

(14) Wages and effects of American seamen, Department of Commerce.

(15) Pension money, Saint Elizabeths Hospital.

(16) Personal funds of patients, Saint Elizabeths Hospital.

(17) National Park Service, donations.

(18) Purchase of lands, national parks, donations.

(19) Extension of winter-feed facilities of game animals of Yellowstone National Park, donations.

(20) Indian moneys, proceeds of labor, agencies, schools, and so forth.

(21) Funds of Federal prisoners.

(22) Commissary funds, Federal prisons.

(23) Pay of the Navy, deposit funds.

(24) Pay of Marine Corps, deposit funds.

(25) Pay of the Army, deposit fund.

(26) Preservation birthplace of Abraham Lincoln.

(27) Funds contributed for flood control, Mississippi River, its outlets and tributaries.

(28) Funds contributed for flood control, Sacramento River, California.

(29) Effects of deceased employees, Department of the Treasury.

(30) Money and effects of deceased patients, Public Health Service.

(31) Effects of deceased employees, Department of Commerce.

(32) Topographic survey of the United States, contributions.

(33) National Institutes of Health, gift fund.

(34) National Institutes of Health, conditional gift fund.

(35) Patients' deposits, United States Marine Hospital, Carville, Louisiana.

(36) Estates of deceased personnel, Department of the Army.

(37) Effects of deceased employees, Department of the Interior.

(38) Fredericksburg and Spotsylvania County Battlefields memorial fund.

(39) Petersburg National Military Park fund.

(40) Gorgas memorial laboratory quotas.

(41) Contributions to International Boundary Commission, United States and Mexico.

(42) Salvage proceeds, American vessels.

(43) Wages due American seamen.

(44) Federal Industrial Institution for Women, contributions for chapel.

(45) General post fund, National Homes, Department of Veterans Affairs.

(46) Repatriation of American seamen.

(47) Expenses, public survey work, general.

(48) Expenses, public survey work, Alaska.

(49) Funds contributed for improvement of roads, bridges, and trails, Alaska.

(50) Protective works and measures, Lake of the Woods and Rainy River, Minnesota.

(51) Washington redemption fund.

(52) Permit fund, District of Columbia.

(53) Unclaimed condemnation awards, National Capital Park and Planning Commission, District of Columbia.

(54) Unclaimed condemnation awards, Rock Creek and Potomac Parkway Commission, District of Columbia.

(55) Miscellaneous trust fund deposits, District of Columbia.

(56) Surplus fund, District of Columbia.

(57) Relief and rehabilitation, District of Columbia Workmen's Compensation Act.

(58) Inmates' fund, workhouse and reformatory, District of Columbia.

(59) International Center for Middle Eastern-Western Dialogue Trust Fund.

(60) Chamber Music Auditorium, Library of Congress.
(61) Bequest of Gertrude Hubbard.
(62) Puerto Rico special fund (Internal Revenue).
(63) Miscellaneous trust funds, Department of State.
(64) Funds contributed for improvement of (name of river or harbor).
(65) Funds advanced for improvement of (name of river or harbor).
(66) Funds contributed for Indian projects.
(67) Miscellaneous trust funds of Indian tribes.
(68) Ship's stores profits, Navy.
(69) Completing Surveys within Railroad Land Grants.
(70) Memorial to Women of World War, contributions.
(71) Funds contributed for Memorial to John Ericsson.
(72) American National Red Cross Building, contributions.
(73) Estate of decedents, Department of State, Trust Fund.
(74) Funds due Incompetent Beneficiaries, Department of Veterans Affairs.
(75) To promote the Education of the Blind (principal).
(76) Paving Government Road across Fort Sill Military Reservation, Okla.
(77) Bequest of William F. Edgar, Museum and Library, office of Surgeon General of the Army.
(78) Funds Contributed for Flood Control (name of river, harbor, or project).
(79) Matured obligations of the District of Columbia.
(80) To promote the education of the blind (interest).
[(81) Repealed. Pub. L. 101–510, div. A, title XV, §1533(c)(1)(A)(ii), Nov. 5, 1990, 104 Stat. 1735.]
(82) Post-Vietnam Era Veterans Education Account, Department of Veterans Affairs.
(83) United States Government life insurance fund, Department of Veterans Affairs.
(84) Estates of deceased soldiers, United States Army.
(85) Teachers Retirement Fund Deductions, District of Columbia.
(86) Teachers Retirement Fund, Government Reserves, District of Columbia.
(87) Expenses of Smithsonian Institution Trust Fund (principal).
(88) Civil Service Retirement and Disability Fund.
(89) Canal Zone Retirement and Disability Fund.
(90) Foreign Service Retirement and Disability Fund.
(91) Violent Crime Reduction Trust Fund.

(b)(1) Amounts (except amounts received by the Comptroller of the Currency and the Federal Deposit Insurance Corporation) that are analogous to the funds named in subsection (a) of this section and are received by the United States Government as trustee shall be deposited in an appropriate trust fund account in the Treasury. Except as provided in paragraph (2), amounts accruing to these funds are appropriated to be disbursed in compliance with the terms of the trust.

(2) Expenditures from the following trust funds may be made only under annual appropriations and only if the appropriations are specifically authorized by law:

(A) Armed Forces Retirement Home Trust Fund.

(B) Fisher House Trust Fund, Department of the Army.

(C) Fisher House Trust Fund, Department of the Air Force.

(D) Fisher House Trust Fund, Department of the Navy.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 919; Pub. L. 98–426, §27(d)(2), Sept. 28, 1984, 98 Stat. 1654; Pub. L. 101–189, div. A, title III, §341(a), Nov. 29, 1989, 103 Stat. 1419; Pub. L. 101–510, div. A, title XV, §1533(c)(1), Nov. 5, 1990, 104 Stat. 1735; Pub. L. 102–54, §13(*l*)(1), June 13, 1991, 105 Stat. 277; Pub. L. 103–322, title XXXI, §310001(d), Sept. 13, 1994, 108 Stat. 2103; Pub. L. 104–106, div. A, title IX, §914(c), Feb. 10, 1996, 110 Stat. 413; Pub. L. 104–201, div. A, title X, §1008(c), Sept. 23, 1996, 110 Stat. 2633; Pub. L. 105–261, div. A, title IX, §906(f)(2), Oct. 17, 1998, 112 Stat. 2096; Pub. L. 108–199, div. B, title VI, §633(f), Jan. 23, 2004, 118 Stat. 101.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1321(a)	31:725s(a)(1st sentence, cls. (1)–(84)), (c).	June 26, 1934, ch. 756, §20(less (a)(last sentence last proviso)), 48 Stat. 1233; June 15, 1943, ch. 125, §§1(a), 2(a), 57 Stat. 152, 153; Oct. 15, 1976, Pub. L. 94–502, §407, 90 Stat. 2397.
1321(b)	31:725s(a)(2d sentence, last sentence 1st, 2d provisos).	

In the section, the cross-references to subsection (b) in the source provisions being restated are assumed to be references to clauses (1)–(84) of subsection (a) because the source provisions contain no subsection (b).

In subsection (a), the words ''appearing on the books of the Government'' and ''on the books of the Treasury'' are omitted as surplus.

In subsection (b), the words ''effective July 1, 1935'' and the 2d proviso are omitted as executed.

Editorial Notes

REFERENCES IN TEXT

The Longshore and Harbor Workers' Compensation Act, referred to in subsec. (a)(12), is act Mar. 4, 1927, ch. 509, 44 Stat. 1424, which is classified generally to chapter 18 (§901 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see section 901 of Title 33 and Tables.

The International Boundary Commission, United States and Mexico, referred to in subsec. (a)(41), was redesignated the International Boundary and Water Commission, United States and Mexico, by the Water Treaty of 1944.

The National Capital Park and Planning Commission, referred to in subsec. (a)(53), was abolished and its functions transferred to the National Capital Planning Commission by section 9 of act June 6, 1924, ch. 270, as added by act July 19, 1952, ch. 949, §1, 66 Stat. 790, which was classified to section 71h of former Title 40, Public Buildings, Property, and Works, and was repealed and reenacted as section 8711(f) of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304.

The Rock Creek and Potomac Parkway Commission, referred to in subsec. (a)(54), was abolished and its functions transferred to the Office of National Parks, Buildings, and Reservations, Department of the Interior, by Ex. Ord. No. 6166, §2, June 10, 1933, set out as a note under section 901 of Title 5, Government Organization and Employees. The name of the Office of National Parks, Buildings, and Reservations was changed to the ''National Park Service'' by act March 2, 1934, ch. 38, 48 Stat. 389.

The District of Columbia Workmen's Compensation Act, referred to in subsec. (a)(57), probably means the District of Columbia Unemployment Compensation Act, act Aug. 28, 1935, ch. 794, 49 Stat. 946, which is not classified to the Code.

AMENDMENTS

2004—Subsec. (a)(59). Pub. L. 108–199 added par. (59).

1998—Subsec. (a)(92) to (94). Pub. L. 105–261 struck out pars. (92) to (94) which read as follows:

''(92) Fisher House Trust Fund, Department of the Army.

''(93) Fisher House Trust Fund, Department of the Air Force.

''(94) Fisher House Trust Fund, Department of the Navy.''

1996—Subsec. (a)(92), (93). Pub. L. 104–106, §914(c)(1), added pars. (92) and (93).

Subsec. (a)(94). Pub. L. 104–201, §1008(c)(1), added par. (94).

Subsec. (b). Pub. L. 104–106, §914(c)(2), designated existing provisions as par. (1), substituted ''Except as provided in paragraph (2), amounts accruing to these funds'' for ''Amounts accruing to these funds (except to the trust fund 'Armed Forces Retirement Home Trust Fund')'', struck out ''Expenditures from the trust fund 'Armed Forces Retirement Home Trust Fund' shall be made only under annual appropriations and only if the appropriations are specifically authorized by law.'' after second sentence, and added par. (2).

Subsec. (b)(2)(D). Pub. L. 104–201, §1008(c)(2), added subpar. (D).

1994—Subsec. (a)(91). Pub. L. 103–322 added par. (91).

1991—Subsec. (a)(45), (74), (82), (83). Pub. L. 102–54 substituted ''Department of Veterans Affairs'' for ''Veterans' Administration'', wherever appearing.

1990—Subsec. (a)(5). Pub. L. 101–510, §1533(c)(1)(A)(i), substituted ''Armed Forces Retirement Home Trust Fund'' for ''Personal funds of deceased inmates, Naval Home''.

Subsec. (a)(59), (81). Pub. L. 101–510, §1533(c)(1)(A)(ii), struck out pars. (59) ''Soldiers' Home, permanent fund.'' and (81) ''Soldiers' Home, interest account.''

Subsec. (b). Pub. L. 101–510, §1533(c)(1)(B), substituted ''Armed Forces Retirement Home Trust Fund'' for ''Soldiers' Home, Permanent Fund'' in two places.

1989—Subsec. (b). Pub. L. 101–189 substituted ''annual appropriations and only if the appropriations are specifically authorized by law.'' for ''annual appropriations. Those appropriations are authorized to be made.''

1984—Subsec. (a)(12). Pub. L. 98–426 substituted ''Longshore'' for ''Longshoremen's''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105–261, div. A, title IX, §906(f)(3), Oct. 17, 1998, 112 Stat. 2096, provided that: ''The amendments made by this subsection [amending this section and repealing section 2221 of Title 10, Armed Forces] shall take effect 90 days after the date of the enactment of this Act [Oct. 17, 1998].''

EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101–189, div. A, title III, §341(b), Nov. 29, 1989, 103 Stat. 1419, provided that: ''The amendments made by subsection (a) [amending this section] shall apply with respect to appropriations for the operation of the United States Soldiers' and Airmen's Home [now Armed Forces Retirement Home—Washington] made for fiscal years after fiscal year 1990.''

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–426 effective Sept. 28, 1984, see section 28(e)(1) of Pub. L. 98–426, set out as a note under section 901 of Title 33, Navigation and Navigable Waters.

INVESTMENT OF NATIONAL PARK SERVICE TRUST FUNDS

Pub. L. 114–113, div. G, title I, Dec. 18, 2015, 129 Stat. 2533, provided in part that: ''In fiscal year 2016 and each fiscal year thereafter, any amounts deposited into the National Park Service trust fund accounts (31 U.S.C. 1321(a)(17)–(18)) shall be invested by the Secretary of the Treasury in interest bearing obligations of the United States to the extent such amounts are not, in his judgment, required to meet current withdrawals: *Provided*, That interest earned by such investments shall be available for obligation without further appropriation, to the benefit of the project.''

TRUST FUNDS FOR INDIVIDUAL INDIANS

Section 725s of former Title 31 (now this section) was modified by act June 25, 1936, ch. 814, 49 Stat. 1928, providing that it shall not be applicable to funds held in trust for individual Indians, associations of individual Indians, or for Indian corporations chartered under sections 5101 to 5103, 5107 to 5113, 5115, 5116, 5118, 5120, 5121, 5123 to 5125, and 5129 of Title 25, Indians.

§ 1322. Payments of unclaimed trust fund amounts and refund of amounts erroneously deposited

(a) On September 30 of each year, the Secretary of the Treasury shall transfer to the Treasury trust fund receipt account ''Unclaimed Moneys of Individuals Whose Whereabouts are Unknown'' that part of the balance of a trust fund account named in section 1321(a)(1)–(82) of this title or an analogous trust fund established under section 1321(b) of this title that has been in the fund for more than one year and represents money belonging to individuals whose whereabouts are unknown. Subsequent claims to the transferred funds shall be paid from the account ''Unclaimed Moneys of Individuals Whose Whereabouts are Unknown''.

(b) Except as provided in subsection (c) of this section, necessary amounts are appropriated to the Secretary of the Treasury to make payments from—

(1) the Treasury trust fund receipt account ''Unclaimed Moneys of Individuals Whose Whereabouts are Unknown''; and

(2) the United States Government account ''Refund of Moneys Erroneously Received and Covered'' and other collections erroneously deposited that are not properly chargeable to another appropriation.

(c)(1) The Secretary of the Treasury shall hold in the Treasury trust fund receipt account ''Unclaimed Moneys of Individuals Whose Whereabouts Are Unknown'' the balance remaining after the final distribution of unclaimed Postal Savings System deposits under subsection (a) of the first section of the Act of August 13, 1971 (Public Law 92–117; 85 Stat. 337). The Secretary shall use the balance to pay claims for Postal Savings System deposits without regard to the State law or the law of other jurisdictions of deposit concerning the disposition of unclaimed or abandoned property.

(2) Necessary amounts may be appropriated without fiscal year limitation to the trust fund receipt account to pay claims for deposits when the balance in the account is not sufficient to pay the claims made within the time limitation set forth in paragraph (3) of this subsection.

(3) No claim for any Postal Savings System deposit may be brought more than one year from the date of the enactment of the Postal Savings System Statute of Limitations Act.

(4) The United States Postal Service shall assist the Secretary of the Treasury in providing public notice of the time limitation set forth in paragraph (3) of this subsection by posting notices thereof in all post offices as soon as practicable after the date of the enactment of the Postal Savings System Statute of Limitations Act.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 922; Pub. L. 98–359, § 2, July 13, 1984, 98 Stat. 402.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1322(a)	31:725s(a)(last sentence last proviso).	June 26, 1934, ch. 756, § 20(a)(last sentence last proviso), 48 Stat. 1233; Apr. 21, 1976, Pub. L. 94–273, § 2(16), 90 Stat. 375.
1322(b)	31:725p–1.	June 30, 1949, ch. 286, § 101(par. under heading ''Payments of Unclaimed Moneys''), 63 Stat. 359.
	31:725q–1.	June 30, 1949, ch. 286, § 101(par. under heading ''Refund of Moneys Erroneously Received and Covered''), 63 Stat. 358.
1322(c)	31:725p(note).	Aug. 13, 1971, Pub. L. 92–117, 85 Stat. 337.

In subsection (a), the words ''directed to be established in section 725p of this title'' are omitted as surplus.

In subsection (b), before clause (1), the words ''Secretary of the Treasury'' are substituted for ''Treasury Department'' for consistency. The words ''out of any money in the Treasury not otherwise appropriated'' in 31:725q–1 are omitted as surplus. In clause (1), the words ''of the character formerly chargeable to the appropriation accounts abolished under section 725p of this title'' in 31:725p–1 are omitted as unnecessary because of the restatement. In clause (2), the words ''United States Government account 'Refund of Moneys Erroneously Received and Covered''' are substituted for ''of the character formerly chargeable to the appropriation accounts abolished under section 725q of this title'' in 31:725q–1 for clarity and to eliminate unnecessary words.

In subsection (c)(1), the words ''claims for . . . deposits'' are substituted for ''claims by or on behalf of depositors'' to eliminate unnecessary words. The text of section 1(a) of the Act of August 13, 1971 (Pub. L. 92–117, 85 Stat. 337), is omitted as executed.

Editorial Notes

REFERENCES IN TEXT

Subsection (a) of the first section of the Act of August 13, 1971 (Public Law 92–117; 85 Stat. 337), referred to in subsec. (c)(1), was repealed by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1081.

The date of the enactment of the Postal Savings System Statute of Limitations Act, referred to in subsec. (c)(3) and (4), is the date of enactment of Pub. L. 98–359, which was approved July 13, 1984.

AMENDMENTS

1984—Subsec. (c)(1). Pub. L. 98–359 substituted provision authorizing the balance to be held by the Secretary for provision authorizing the balance to be held by the Secretary in perpetuity.

Subsec. (c)(2). Pub. L. 98–359 substituted reference to par. (3) of this subsection for reference to par. (1) of this subsection.

Subsec. (c)(3), (4). Pub. L. 98–359 added pars. (3) and (4).

§ 1323. Trust funds for certain fees, donations, quasi-public amounts, and unearned amounts

(a) Amounts from the following sources held in checking accounts of disbursing officials shall be deposited in the Treasury to the appropriate trust fund receipt accounts:

(1) unearned money, lands (Department of the Interior).

(2) reentry permit fees (Department of Justice).

(3) naturalization fees (Department of Justice).

(4) registry fees (Department of Justice).

(b) Amounts deposited under subsection (a) of this section are appropriated for refunds. Earned parts of those amounts shall be transferred and credited to the appropriate receipt fund accounts.

(c) Donations, quasi-public amounts, and unearned amounts shall be deposited in the Treasury as trust funds and are appropriated for disbursement under the terms of the trusts when the donation or amount is—

(1) administered by officers and employees of the United States Government; and

(2) carried in checking accounts of disbursing officials or others required to account to the Comptroller General (except clerks and marshals of the United States district courts).

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 922.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1323(a), (b).	31:725r(less proviso).	June 26, 1934, ch. 756, § 19, 48 Stat. 1232; Dec. 21, 1944, ch. 631, § 2, 58 Stat. 845.
1323(c)	31:725r(proviso).	

In subsection (a), before clause (1), the words ''Effective July 1, 1935'' are omitted as executed. In clauses (2)–(4), the words ''Department of Justice'' are substituted for ''Labor Department'' (subsequently changed to ''Justice Department'' because of Reorganization Plan No. 5 of 1940 (eff. June 14, 1940, 54 Stat. 1238)) for consistency with title 28.

The words related to Patent Office (subsequently changed to Patent and Trademark Office because of section 3 of the Act of January 2, 1975 (Pub. L. 93–596, 88 Stat. 1949)), are omitted as superseded by 35:42.

In subsection (c), the words ''officers and employees of the United States Government'' are substituted for ''officers of the United States by virtue of their official capacity'' for consistency and to eliminate unnecessary words.

§ 1324. Refund of internal revenue collections

(a) Necessary amounts are appropriated to the Secretary of the Treasury for refunding internal revenue collections as provided by law, including payment of—

(1) claims for prior fiscal years; and

(2) accounts arising under—

(A) ''Allowance or drawback (Internal Revenue)'';

(B) ''Redemption of stamps (Internal Revenue)'';

(C) ''Refunding legacy taxes, Act of March 30, 1928'';

(D) ''Repayment of taxes on distilled spirits destroyed by casualty''; and

(E) ''Refunds and payments of processing and related taxes''.

(b) Disbursements may be made from the appropriation made by this section only for—

(1) refunds to the limit of liability of an individual tax account; and

(2) refunds due from credit provisions of the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.) enacted before January 1, 1978, or enacted by the Taxpayer Relief Act of 1997, or from section 21, 24, 25A, 35, 36, 36A,[1] 36B, 168(k)(4)(F), 53(e),[1] 54B(h),[1] 3131, 3132, 3134, 6428, 6428A, 6428B, 6431,[1] or 7527A of such Code, or due under section 3081(b)(2) of the Housing Assistance Tax Act of 2008.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 923; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 105–34, title I, § 101(d)(1), Aug. 5, 1997, 111 Stat. 799; Pub. L. 107–210, div. A, title II, § 201(c)(1), Aug. 6, 2002, 116 Stat. 960; Pub. L. 109–432, div. A, title IV, § 402(b)(2), Dec. 20, 2006, 120 Stat. 2954; Pub. L. 110–185, title I, § 101(f)(1), Feb. 13, 2008, 122 Stat. 617; Pub. L. 110–234, title XV, § 15316(c)(6), May 22, 2008, 122 Stat. 1511; Pub. L. 110–246, § 4(a), title XV, § 15316(c)(6), June 18, 2008, 122 Stat. 1664, 2273; Pub. L. 110–289, div. C, title I, § 3011(b)(3), title III, § 3081(c), July 30, 2008, 122 Stat. 2891, 2906; Pub. L. 111–5, div. B, title I, §§ 1001(e)(2), 1004(b)(8), 1531(c)(1), Feb. 17, 2009, 123 Stat. 312, 314, 360; Pub. L. 111–148, title I, § 1401(d)(1), title X, § 10909(b)(2)(P), (c), Mar. 23, 2010, 124 Stat. 220, 1023; Pub. L. 111–312, title I, § 101(b)(1), Dec. 17, 2010, 124 Stat. 3298; Pub. L. 113–295, div. A, title II, § 221(a)(112)(D), Dec. 19, 2014, 128 Stat. 4054; Pub. L. 116–136, div. A, title II, § 2201(g)(1), Mar. 27, 2020, 134 Stat. 339; Pub. L. 116–260, div. N, title II, § 272(g)(1), Dec. 27, 2020, 134 Stat. 1976; Pub. L. 117–2, title IX, §§ 9601(c)(3)(A), 9611(b)(4)(C), 9631(c)(2), 9641(b), 9651(b), Mar. 11, 2021, 135 Stat. 143, 150, 160, 171, 182; Pub. L. 117–328, div. T, title I, § 103(d), Dec. 29, 2022, 136 Stat. 5285.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1324(a)	31:725q–1a(1st par.).	June 19, 1948, ch. 558, § 101(words before proviso in par. under heading ''Bureau of Internal Revenue''), 62 Stat. 561.
1324(b)	31:725q–1a(last par.).	June 19, 1948, ch. 558, 62 Stat. 560, § 302(last par); added Sept. 8, 1978, Pub. L. 95–355, § 303, 92 Stat. 563.

In subsection (a), the words ''Necessary amounts are appropriated to the Secretary of the Treasury'' are added to reflect the introductory language of the Act of June 19, 1948. The words ''on and after June 19, 1948'' are omitted as executed.

In subsection (b), the words ''appropriation made by this section'' are substituted for ''the appropriation to the Treasury Department entitled 'Bureau of Internal Revenue Refunding Internal-Revenue Collections' '' to eliminate unnecessary words.

[1] See References in Text note below.

AMENDMENT OF SUBSECTION (b)(2)

Pub. L. 117–328, div. T, title I, § 103(d), (f), Dec. 29, 2022, 136 Stat. 5285, 5286, provided that, applicable to taxable years beginning after Dec. 31, 2026, subsection (b)(2) of this section is amended by striking ''or 7527A'' and inserting ''7527A, or 6433''. See 2022 Amendment note below.

Editorial Notes

REFERENCES IN TEXT

Act of March 30, 1928, referred to in subsec. (a)(2)(C), is act Mar. 30, 1928, ch. 302, 45 Stat. 398, which is not classified to the Code.

The Taxpayer Relief Act of 1997, referred to in subsec. (b)(2), is Pub. L. 105–34, Aug. 5, 1997, 111 Stat. 788. For complete classification of this Act to the Code, see Short Title of 1997 Amendment note set out under section 1 of Title 26, Internal Revenue Code, and Tables.

Sections 21, 24, 25A, 35, 36, 36A, 36B, 168, 53, 54B, 3131, 3132, 3134, 6428, 6428A, 6428B, 6431, and 7527A of the Internal Revenue Code of 1986, referred to in subsec. (b)(2), are classified to sections 21, 24, 25A, 35, 36, 36A, 36B, 168, 53, 54B, 3131, 3132, 3134, 6428, 6428A, 6428B, 6431, and 7527A, respectively, of Title 26, Internal Revenue Code. Section 36A of Title 26 was repealed by Pub. L. 113–295, div. A, title II, § 221(a)(5)(A), Dec. 19, 2014, 128 Stat. 4037. Subsec. (e) of section 53 of Title 26, which related to a special rule for individuals with long-term unused credits, was repealed by Pub. L. 113–295, div. A, title II, § 221(a)(8)(A)(i), Dec. 19, 2014, 128 Stat. 4038. Sections 54B and 6431 of Title 26 were repealed by Pub. L. 115–97, title I, § 13404(a), Dec. 22, 2017, 131 Stat. 2138.

Section 3081(b)(2) of the Housing Assistance Tax Act of 2008, referred to in subsec. (b)(2), is section 3081(b)(2) of Pub. L. 110–289, div. C, title III, July 30, 2008, 122 Stat. 2906, which is not classified to the Code.

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

AMENDMENTS

2022—Subsec. (b)(2). Pub. L. 117–328 substituted ''7527A, or 6433'' for ''or 7527A''.

2021—Subsec. (b)(2). Pub. L. 117–2, § 9651(b), inserted ''3134,'' before ''6428''.

Pub. L. 117–2, § 9641(b), inserted ''3131, 3132,'' before ''6428''.

Pub. L. 117–2, § 9631(c)(2), inserted ''21,'' before ''24''.

Pub. L. 117–2, § 9611(b)(4)(C), inserted ''24,'' before ''25A'' and substituted ''6431, or 7527A'' for ''or 6431''.

Pub. L. 117–2, § 9601(c)(3)(A), inserted ''6428B,'' after ''6428A,''.

2020—Subsec. (b)(2). Pub. L. 116–260 inserted ''6428A,'' after ''6428,''.

Pub. L. 116–136 inserted ''6428,'' after ''54B(h),''.

2014—Subsec. (b)(2). Pub. L. 113–295 substituted ''or 6431'' for ''6428, or 6431,''.

2010—Subsec. (b)(2). Pub. L. 111–148, § 10909(b)(2)(P), (c), as amended by Pub. L. 111–312, temporarily inserted ''36C,'' after ''36B,''. See Effective and Termination Dates of 2010 Amendment note below.

Pub. L. 111–148, § 1401(d)(1), inserted ''36B,'' after ''36A,''.

2009—Subsec. (b)(2). Pub. L. 111–5, § 1531(c)(1), substituted ''6428, or 6431,'' for ''or 6428''.

Pub. L. 111–5, § 1004(b)(8), inserted ''25A,'' after ''section''.

Pub. L. 111–5, § 1001(e)(2), inserted ''36A,'' after ''36,''.

2008—Subsec. (b)(2). Pub. L. 110–289, § 3081(c), inserted ''168(k)(4)(F),'' after ''36,'' and '', or due under section 3081(b)(2) of the Housing Assistance Tax Act of 2008'' before period at end.

Pub. L. 110–289, §3011(b)(3), inserted ''36,'' after ''35,''.

Pub. L. 110–246, §15316(c)(6), substituted '', 53(e), 54B(h), or 6428'' for ''or 6428 or 53(e)''.

Pub. L. 110–185 inserted ''or 6428'' after ''section 35''.

2006—Subsec. (b)(2). Pub. L. 109–432 inserted ''or 53(e)'' after ''section 35''.

2002—Subsec. (b)(2). Pub. L. 107–210 inserted '', or from section 35 of such Code'' before period at end.

1997—Subsec. (b)(2). Pub. L. 105–34 inserted before period at end '', or enacted by the Taxpayer Relief Act of 1997''.

1986—Subsec. (b)(2). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117–328 applicable to taxable years beginning after Dec. 31, 2026, see section 103(f) of Pub. L. 117–328, set out as an Effective Date note under section 6433 of Title 26, Internal Revenue Code.

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 9611(b)(4)(C) of Pub. L. 117–2 applicable to taxable years beginning after Dec. 31, 2020, see section 9611(c)(1) of Pub. L. 117–2, set out as a note under section 24 of Title 26, Internal Revenue Code.

Amendment by section 9631(c)(2) of Pub. L. 117–2 applicable to taxable years beginning after Dec. 31, 2020, see section 9631(d) of Pub. L. 117–2, set out as a note under section 21 of Title 26, Internal Revenue Code.

Amendment by section 9641(b) of Pub. L. 117–2 applicable to amounts paid with respect to calendar quarters beginning after Mar. 31, 2021, see section 9641(d) of Pub. L. 117–2, set out as an Effective Date note under secton 3131 of Title 26, Internal Revenue Code.

Amendment by section 9651(b) of Pub. L. 117–2 applicable to calendar quarters beginning after June 30, 2021, see section 9651(d) of Pub. L. 117–2, set out as an Effective Date note under secton 3134 of Title 26, Internal Revenue Code.

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113–295 effective Dec. 19, 2014, subject to a savings provision, see section 221(b) of Pub. L. 113–295, set out as a note under section 1 of Title 26, Internal Revenue Code.

EFFECTIVE AND TERMINATION DATES OF 2010 AMENDMENT

Amendment by section 1401(d)(1) of Pub. L. 111–148 applicable to taxable years ending after Dec. 31, 2013, see section 1401(e) of Pub. L. 111–148, set out as an Effective Date note under section 36B of Title 26, Internal Revenue Code.

Amendment by section 10909(b)(2)(P) of Pub. L. 111–148 inapplicable to taxable years beginning after Dec. 31, 2011, and this section is amended to read as if such amendment had never been enacted, see section 10909(c) of Pub. L. 111–148, set out as a note under section 1 of Title 26, Internal Revenue Code.

Amendment by section 10909(b)(2)(P) of Pub. L. 111–148 applicable to taxable years beginning after Dec. 31, 2009, see section 10909(d) of Pub. L. 111–148, set out as a note under section 1 of Title 26, Internal Revenue Code.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by section 1001(e)(2) of Pub. L. 111–5 applicable to taxable years beginning after Dec. 31, 2008, see section 1001(f) of Pub. L. 111–5, set out as a note under section 6211 of Title 26, Internal Revenue Code.

Amendment by section 1004(b)(8) of Pub. L. 111–5 applicable to taxable years beginning after Dec. 31, 2008, see section 1004(d) of Pub. L. 111–5, set out as an Effective and Termination Dates of 2009 Amendment note under section 24 of Title 26, Internal Revenue Code.

Amendment by section 1531(c)(1) of Pub. L. 111–5 applicable to obligations issued after Feb. 17, 2009, see section 1531(e) of Pub. L. 111–5, set out as a note under section 6211 of Title 26, Internal Revenue Code.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by section 3011(b)(3) of Pub. L. 110–289 applicable to residences purchased on or after Apr. 9, 2008, in taxable years ending on or after such date, see section 3011(c) of Pub. L. 110–289, set out as a note under section 26 of Title 26, Internal Revenue Code.

Amendment by section 3081(c) of Pub. L. 110–289 applicable to taxable years ending after Mar. 31, 2008, see section 3081(d) of Pub. L. 110–289, set out as a note under section 168 of Title 26, Internal Revenue Code.

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, except as otherwise provided, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

Amendment by section 15316(c)(6) of Pub. L. 110–246 applicable to obligations issued after June 18, 2008, see section 15316(d) of Pub. L. 110–246, set out as a note under section 6049 of Title 26, Internal Revenue Code.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109–432 applicable to taxable years beginning after Dec. 20, 2006, see section 402(c) of Pub. L. 109–432, set out as a note under section 53 of Title 26, Internal Revenue Code.

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105–34 applicable to taxable years beginning after Dec. 31, 1997, see section 101(e) of Pub. L. 105–34, set out as a note under section 24 of Title 26, Internal Revenue Code.

CONSTRUCTION OF 2002 AMENDMENT

Nothing in amendment by Pub. L. 107–210, other than provisions relating to COBRA continuation coverage and reporting requirements, to be construed as creating new mandate on any party regarding health insurance coverage, see section 203(f) of Pub. L. 107–210, set out as a Construction note under section 35 of Title 26, Internal Revenue Code.

COORDINATION WITH REFUND PROVISION

Pub. L. 101–508, title XI, §11116, Nov. 5, 1990, 104 Stat. 1388–415, provided that: ''For purposes of section 1324(b)(2) of title 31 of the United States Code, section 32 of the Internal Revenue Code of 1986 [26 U.S.C. 32] (as amended by this Act) shall be considered to be a credit provision of the Internal Revenue Code of 1954 enacted before January 1, 1978.''

SUBCHAPTER III—LIMITATIONS, EXCEPTIONS, AND PENALTIES

Statutory Notes and Related Subsidiaries

SHORT TITLE

Certain provisions of this subchapter and subchapter II of chapter 15 of this title were originally enacted as section 3679 of the Revised Statutes, popularly known as the Anti-Deficiency Act. That section was repealed as part of the general revision of this title by Pub. L. 97–258, and its provisions restated in sections 1341, 1342, 1349 to 1351, and 1511 to 1519 of this title.

§ 1341. Limitations on expending and obligating amounts

(a)(1) Except as specified in this subchapter or any other provision of law, an officer or employee of the United States Government or of the District of Columbia government may not—

(A) make or authorize an expenditure or obligation exceeding an amount available in an

appropriation or fund for the expenditure or obligation;

(B) involve either government in a contract or obligation for the payment of money before an appropriation is made unless authorized by law;

(C) make or authorize an expenditure or obligation of funds required to be sequestered under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985; or

(D) involve either government in a contract or obligation for the payment of money required to be sequestered under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) This subsection does not apply to a corporation getting amounts to make loans (except paid in capital amounts) without legal liability of the United States Government.

(b) An article to be used by an executive department in the District of Columbia that could be bought out of an appropriation made to a regular contingent fund of the department may not be bought out of another amount available for obligation.

(c)(1) In this subsection—

(A) the term ''covered lapse in appropriations'' means any lapse in appropriations that begins on or after December 22, 2018;

(B) the term ''District of Columbia public employer'' means—

(i) the District of Columbia Courts;

(ii) the Public Defender Service for the District of Columbia; or

(iii) the District of Columbia government;

(C) the term ''employee'' includes an officer; and

(D) the term ''excepted employee'' means an excepted employee or an employee performing emergency work, as such terms are defined by the Office of Personnel Management or the appropriate District of Columbia public employer, as applicable.

(2) Each employee of the United States Government or of a District of Columbia public employer furloughed as a result of a covered lapse in appropriations shall be paid for the period of the lapse in appropriations, and each excepted employee who is required to perform work during a covered lapse in appropriations shall be paid for such work, at the employee's standard rate of pay, at the earliest date possible after the lapse in appropriations ends, regardless of scheduled pay dates, and subject to the enactment of appropriations Acts ending the lapse.

(3) During a covered lapse in appropriations, each excepted employee who is required to perform work shall be entitled to use leave under chapter 63 of title 5, or any other applicable law governing the use of leave by the excepted employee, for which compensation shall be paid at the earliest date possible after the lapse in appropriations ends, regardless of scheduled pay dates.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 923; Pub. L. 101–508, title XIII, §13213(a), Nov. 5, 1990, 104 Stat. 1388–621; Pub. L. 116–1, §2, Jan. 16, 2019, 133 Stat. 3; Pub. L. 116–5, §103, Jan. 25, 2019, 133 Stat. 11.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1341(a)	31:665(a), (d)(2)(last sentence related to spending and obligations).	R.S. §3679(a), (d)(2)(last sentence related to spending and obligations); Mar. 3, 1905, ch. 1484, §4(1st par.), 33 Stat. 1257; Feb. 27, 1906, ch. 510, §3, 34 Stat. 48; restated Sept. 6, 1950, ch. 896, §1211, 64 Stat. 765.
1341(b)	31:669(words after semicolon).	Aug. 23, 1912, ch. 350, §6(words after semicolon), 37 Stat. 414.

In subsection (b), the words ''another amount available for obligation'' are substituted for ''any other fund'' for consistency in the revised title.

Editorial Notes

REFERENCES IN TEXT

Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (a)(1)(C), (D), is classified to section 902 of Title 2, The Congress.

AMENDMENTS

2019—Subsec. (a)(1). Pub. L. 116–1, §2(1), in introductory provisions, substituted ''Except as specified in this subchapter or any other provision of law, an officer'' for ''An officer''.

Subsec. (c). Pub. L. 116–1, §2(2), added subsec. (c).

Subsec. (c)(2). Pub. L. 116–5 inserted '', and subject to the enactment of appropriations Acts ending the lapse'' before period at end.

1990—Subsec. (a)(1)(C), (D). Pub. L. 101–508 added subpars. (C) and (D).

§ 1342. Limitation on voluntary services

An officer or employee of the United States Government or of the District of Columbia government may not accept voluntary services for either government or employ personal services exceeding that authorized by law except for emergencies involving the safety of human life or the protection of property. This section does not apply to a corporation getting amounts to make loans (except paid in capital amounts) without legal liability of the United States Government. As used in this section, the term ''emergencies involving the safety of human life or the protection of property'' does not include ongoing, regular functions of government the suspension of which would not imminently threaten the safety of human life or the protection of property.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 923; Pub. L. 101–508, title XIII, §13213(b), Nov. 5, 1990, 104 Stat. 1388–621; Pub. L. 104–92, title III, §310(a), Jan. 6, 1996, 110 Stat. 20.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1342	31:665(b).	R.S. §3679(b), (d)(2)(last sentence related to voluntary services); Mar. 3, 1905, ch. 1484, §4(1st par.), 33 Stat. 1257; Feb. 27, 1906, ch. 510, §3, 34 Stat. 48; restated Sept. 6, 1950, ch. 896, §1211, 64 Stat. 765.
	31:665(d)(2)(last sentence related to voluntary services).	

The words ''District of Columbia government'' are added because of section 47–105 of the D.C. Code.

Editorial Notes

AMENDMENTS

1996—Pub. L. 104–92 temporarily amended section by inserting ''All officers and employees of the United States Government or the District of Columbia government shall be deemed to be performing services relating to emergencies involving the safety of human life or the protection of property.'' after first sentence and by striking out at end ''As used in this section, the term 'emergencies involving the safety of human life or the protection of property' does not include ongoing, regular functions of government the suspension of which would not imminently threaten the safety of human life or the protection of property''. See Effective and Termination Dates of 1996 Amendment note below.

1990—Pub. L. 101–508 inserted at end ''As used in this section, the term 'emergencies involving the safety of human life or the protection of property' does not include ongoing, regular functions of government the suspension of which would not imminently threaten the safety of human life or the protection of property.''

Statutory Notes and Related Subsidiaries

EFFECTIVE AND TERMINATION DATES OF 1996 AMENDMENT

Pub. L. 104–92, title III, §310(a), Jan. 6, 1996, 110 Stat. 20, provided that the amendment made by that section is for the period Dec. 15, 1995, through Jan. 26, 1996.

§ 1343. Buying and leasing passenger motor vehicles and aircraft

(a) In this section, buying a passenger motor vehicle or aircraft includes a transfer of the vehicle or aircraft between agencies.

(b) An appropriation may be expended to buy or lease passenger motor vehicles only—

(1) for the use of—

(A) the President;

(B) the secretaries to the President; or

(C) the heads of executive departments listed in section 101 of title 5; or

(2) as specifically provided by law.

(c)(1) Except as specifically provided by law, an agency may use an appropriation to buy a passenger motor vehicle (except a bus or ambulance) only at a total cost (except costs required only for transportation) that—

(A) includes the price of systems and equipment the Administrator of General Services decides is incorporated customarily in standard passenger motor vehicles completely equipped for ordinary operation;

(B) includes the value of a vehicle used in exchange;

(C) is not more than the maximum price established by the agency having authority under law to establish a maximum price; and

(D) is not more than the amount specified in a law.

(2) Additional systems and equipment may be bought for a passenger motor vehicle if the Administrator decides the purchase is appropriate. The price of additional systems or equipment is not included in deciding whether the cost of the vehicle is within a maximum price specified in a law.

(d) An appropriation (except an appropriation for the armed forces) is available to buy, maintain, or operate an aircraft only if the appropriation specifically authorizes the purchase, maintenance, or operation.

(e) This section does not apply to—

(1) buying, maintaining, and repairing passenger motor vehicles by the United States Capitol Police;

(2) buying, maintaining, and repairing vehicles necessary to carry out projects to improve, preserve, and protect rivers and harbors; or

(3) leasing, maintaining, repairing, or operating motor passenger vehicles necessary in the field work of the Department of Agriculture.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 924.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1343(a)	31:638a(e).	July 16, 1914, ch. 141, §5(a), (b), (e), 38 Stat. 508; restated Aug. 2, 1946, ch. 744, §16(a), 60 Stat. 810, 811.
1343(b)	31:638a(a).	
1343(c)	31:638a(c)(1).	July 16, 1914, ch. 141, §5(c)(1), 38 Stat. 508; Aug. 2, 1946, ch. 744, §16(a), 60 Stat. 810; restated Sept. 26, 1970, Pub. L. 91–423, 84 Stat. 879.
1343(d)	31:638a(b).	
1343(e)	31:638a–1.	July 25, 1975, Pub. L. 94–59, §1108, 89 Stat. 300.
	31:638d.	Mar. 4, 1915, ch. 142, §10, 38 Stat. 1054.
	31:638e.	Aug. 11, 1916, ch. 313(last proviso on p. 491), 39 Stat. 491.

In subsection (a), the word ''agency'' is substituted for ''department of the Government'' because of section 101 of the revised title and for consistency with the other source provisions restated in the section.

In subsection (b), before clause (1), the words ''buy or lease'' are substituted for ''purchase or hire'' for consistency. In clause (1)(C), the words ''section 101 of title 5'' are used because of section 7(b) of the Act of September 6, 1966 (Pub. L. 89–554, 80 Stat. 631).

In subsection (c)(1), before clause (A), the word ''agency'' is substituted for ''department'' for consistency. The words ''total cost'' are substituted for ''cost'' because of the restatement. The words ''(except costs required only for transportation)'' are substituted for ''which shall be in addition to the amount required for transportation'' for clarity. Clause (A) is substituted for ''completely equipped for operation'' and 31:638a(c)(1)(2d sentence) to eliminate unnecessary words.

In subsection (c)(2), the words ''Notwithstanding any other provisions of law'' are omitted as surplus.

In subsection (d), the words ''armed forces'' are substituted for ''Military and Naval Establishments'' for consistency.

In subsection (e)(2), the words ''motor boats, trucks'' in 31:638d are omitted as being included in ''vehicles''. The words ''adopted by Congress'' are omitted as surplus.

In subsection (e)(3), the words ''horse-drawn'' in 31:638e are omitted because the section applies only to motor vehicles and aircraft described in 31:638a and also is obsolete. The words ''motor boats'' are omitted as being included in ''vehicles''.

Statutory Notes and Related Subsidiaries

MOTOR VEHICLES PURCHASED FOR INTELLIGENCE ACTIVITIES; EXCEPTION FROM MONETARY LIMITATIONS

Pub. L. 103–139, title VIII, §8105, Nov. 11, 1993, 107 Stat. 1464, provided that: ''During the current fiscal year and thereafter, monetary limitations on the purchase price of a passenger motor vehicle shall not apply to vehicles purchased for intelligence activities con-

ducted pursuant to Executive Order 12333 [50 U.S.C. 3001 note] or successor orders.''

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 102–396, title IX, §9038, Oct. 6, 1992, 106 Stat. 1910.

Pub. L. 102–172, title VIII, §8038, Nov. 26, 1991, 105 Stat. 1180.

Pub. L. 101–511, title VIII, §8039, Nov. 5, 1990, 104 Stat. 1883.

Pub. L. 101–165, title IX, §9049, Nov. 21, 1989, 103 Stat. 1139.

Pub. L. 100–463, title VIII, §8086, Oct. 1, 1988, 102 Stat. 2270–32.

Pub. L. 100–202, §101(b) [title VIII, §8119], Dec. 22, 1987, 101 Stat. 1329–43, 1329–84.

MAXIMUM PURCHASE PRICE OF MOTOR VEHICLES; EXCEPTIONS

Pub. L. 118–47, div. B, title VII, §702, Mar. 23, 2024, 138 Stat. 573, provided that: ''Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 1343(c) of title 31, United States Code, for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, vans, law enforcement vehicles, protective vehicles, undercover surveillance vehicles, and police-type vehicles), is hereby fixed at $40,000 except station wagons for which the maximum shall be $41,140: *Provided*, That these limits may be exceeded by not to exceed $7,775 for police-type vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 [15 U.S.C. 2501 et seq.]: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 [see Tables for classification] over the cost of comparable conventionally fueled vehicles: *Provided further*, That the limits set forth in this section shall not apply to any vehicle that is a commercial item and which operates on alternative fuel, including but not limited to electric, plug-in hybrid electric, and hydrogen fuel cell vehicles.''

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 117–328, div. E, title VII, §702, Dec. 29, 2022, 136 Stat. 4704.

Pub. L. 117–103, div. E, title VII, §702, Mar. 15, 2022, 136 Stat. 293.

Pub. L. 116–260, div. E, title VII, §702, Dec. 27, 2020, 134 Stat. 1430.

Pub. L. 116–93, div. C, title VII, §702, Dec. 20, 2019, 133 Stat. 2484.

Pub. L. 116–6, div. D, title VII, §702, Feb. 15, 2019, 133 Stat. 187.

Pub. L. 115–141, div. E, title VII, §702, Mar. 23, 2018, 132 Stat. 588.

Pub. L. 115–31, div. E, title VII, §702, May 5, 2017, 131 Stat. 377.

Pub. L. 114–113, div. E, title VII, §702, Dec. 18, 2015, 129 Stat. 2473.

Pub. L. 113–235, div. E, title VII, §702, Dec. 16, 2014, 128 Stat. 2379.

Pub. L. 113–76, div. E, title VII, §702, Jan. 17, 2014, 128 Stat. 230.

Pub. L. 112–74, div. C, title VII, §702, Dec. 23, 2011, 125 Stat. 928.

Pub. L. 111–117, div. C, title VII, §702, Dec. 16, 2009, 123 Stat. 3205.

Pub. L. 111–8, div. D, title VII, §702, Mar. 11, 2009, 123 Stat. 680.

Pub. L. 110–161, div. D, title VII, §703, Dec. 26, 2007, 121 Stat. 2019.

Pub. L. 109–115, div. A, title VIII, §803, Nov. 30, 2005, 119 Stat. 2495.

Pub. L. 108–447, div. H, title VI, §603, Dec. 8, 2004, 118 Stat. 3272.

Pub. L. 108–199, div. F, title VI, §603, Jan. 23, 2004, 118 Stat. 350.

Pub. L. 108–7, div. J, title VI, §603, Feb. 20, 2003, 117 Stat. 463.

Pub. L. 107–67, title VI, §603, Nov. 12, 2001, 115 Stat. 545.

Pub. L. 106–554, §1(a)(3) [title VI, §603], Dec. 21, 2000, 114 Stat. 2763, 2763A–155.

Pub. L. 106–58, title VI, §603, Sept. 29, 1999, 113 Stat. 466.

Pub. L. 105–277, div. A, §101(h) [title VI, §604], Oct. 21, 1998, 112 Stat. 2681–480, 2681–513.

Pub. L. 105–61, title VI, §604, Oct. 10, 1997, 111 Stat. 1308.

Pub. L. 104–208, div. A, title I, §101(f) [title VI, §604], Sept. 30, 1996, 110 Stat. 3009–314, 3009–353.

Pub. L. 104–52, title VI, §604, Nov. 19, 1995, 109 Stat. 497.

Pub. L. 103–329, title VI, §604, Sept. 30, 1994, 108 Stat. 2416.

Pub. L. 103–123, title VI, §604, Oct. 28, 1993, 107 Stat. 1259.

Pub. L. 102–393, title VI, §605, Oct. 6, 1992, 106 Stat. 1766.

Pub. L. 102–141, title VI, §605, Oct. 28, 1991, 105 Stat. 868.

Pub. L. 101–509, title VI, §601, Nov. 5, 1990, 104 Stat. 1470.

Pub. L. 101–136, title VI, §601, Nov. 3, 1989, 103 Stat. 816.

Pub. L. 100–440, title VI, §601, Sept. 22, 1988, 102 Stat. 1751.

Pub. L. 100–202, §101(m) [title VI, §601], Dec. 22, 1987, 101 Stat. 1329–390, 1329–419.

Pub. L. 99–500, §101(m) [title VI, §601], Oct. 18, 1986, 100 Stat. 1783–308, 1783–328, and Pub. L. 99–591, §101(m) [title VI, §601], Oct. 30, 1986, 100 Stat. 3341–308, 3341–328.

Pub. L. 99–190, §101(h) [H.R. 3036, title VI, §601], Dec. 19, 1985, 99 Stat. 1291.

Pub. L. 98–473, title I, §101(j) [H.R. 5798, title VI, §602], Oct. 12, 1984, 98 Stat. 1963.

Pub. L. 98–151, §101(f) [H.R. 4139, title VI, §602], Nov. 14, 1983, 97 Stat. 973.

Pub. L. 97–377, title I, §101(a) [H.R. 7158, title VI, §602], Dec. 21, 1982, 96 Stat. 1830.

Pub. L. 97–92, §101(a) [H.R. 4121, title VI, §602], Dec. 15, 1981, 95 Stat. 1183.

Pub. L. 96–536, §113, Dec. 16, 1980, 94 Stat. 3171.

Pub. L. 96–74, title VI, §601, Sept. 29, 1979, 93 Stat. 573.

Pub. L. 95–429, title VI, §601, Oct. 10, 1978, 92 Stat. 1015.

Pub. L. 95–81, title VI, §601, July 31, 1977, 91 Stat. 354.

Pub. L. 94–363, title VI, §601, July 14, 1976, 90 Stat. 977.

Pub. L. 94–91, title VI, §601, Aug. 9, 1975, 89 Stat. 458.

Pub. L. 93–381, title VI, §601, Aug. 21, 1974, 88 Stat. 630.

Pub. L. 93–143, title VI, §601, Oct. 30, 1973, 87 Stat. 524.

Pub. L. 92–351, title VI, §601, July 13, 1972, 86 Stat. 487.

Pub. L. 92–49, title VI, §601, July 9, 1971, 85 Stat. 122.

Pub. L. 91–439, title V, §501, Oct. 7, 1970, 84 Stat. 902.

Pub. L. 91–144, title V, §501, Dec. 11, 1969, 83 Stat. 336.

Pub. L. 90–479, title V, §501, Aug. 12, 1968, 82 Stat. 717.

Pub. L. 90–147, title V, §501, Nov. 20, 1967, 81 Stat. 482.

Pub. L. 89–689, title V, §501, Oct. 15, 1966, 80 Stat. 1014.

Pub. L. 89–299, title V, §501, Oct. 28, 1965, 79 Stat. 1108.

Pub. L. 88–511, title V, §501, Aug. 30, 1964, 78 Stat. 693.

Pub. L. 88–257, title V, §501, Dec. 31, 1963, 77 Stat. 855.

Pub. L. 87–880, title V, §501, Oct. 24, 1962, 76 Stat. 1227.

Pub. L. 87–125, title V, §501, Aug. 3, 1961, 75 Stat. 282.

Pub. L. 86–642, title II, §201, July 12, 1960, 74 Stat. 476.

Pub. L. 86–79, title II, §201, July 8, 1959, 73 Stat. 165.

Pub. L. 85–468, title II, §201, June 25, 1958, 72 Stat. 224.

Pub. L. 85–48, title II, §201, June 5, 1957, 71 Stat. 53.

June 13, 1956, ch. 385, title II, §201, 70 Stat. 279.

June 29, 1955, ch. 226, title II, §201, 69 Stat. 195.

Aug. 26, 1954, ch. 935, Ch. XIII, §1301, 68 Stat. 828.

Aug. 7, 1953, ch. 340, Ch. XIII, §1301, 67 Stat. 435.

July 15, 1952, ch. 758, Ch. XIV, §1401, 66 Stat. 659.

Nov. 1, 1951, ch. 664, Ch. XIII, §1301, 65 Stat. 755.

Sept. 6, 1950, ch. 896, Ch. XII, §1201, 64 Stat. 763.

Aug. 24, 1949, ch. 506, title III, §301, 63 Stat. 661.

Apr. 20, 1948, ch. 219, title II, § 201, 62 Stat. 193.
July 30, 1947, ch. 359, title II, § 201, 61 Stat. 608.

§ 1344. Passenger carrier use

(a)(1) Funds available to a Federal agency, by appropriation or otherwise, may be expended by the Federal agency for the maintenance, operation, or repair of any passenger carrier only to the extent that such carrier is used to provide transportation for official purposes. Notwithstanding any other provision of law, transporting any individual other than the individuals listed in subsections (b) and (c) of this section between such individual's residence and such individual's place of employment is not transportation for an official purpose.

(2) For purposes of paragraph (1), transportation between the residence of an officer or employee and various locations that is—

(A) required for the performance of field work, in accordance with regulations prescribed pursuant to subsection (e) of this section, or

(B) essential for the safe and efficient performance of intelligence, counterintelligence, protective services, or criminal law enforcement duties, or transportation of federally owned canines associated with force protection duties of any part of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)),

is transportation for an official purpose, when approved in writing by the head of the Federal agency.

(3) For purposes of paragraph (1), the transportation of an individual between such individual's place of employment and a mass transit facility pursuant to subsection (g) is transportation for an official purpose.

(b) A passenger carrier may be used to transport between residence and place of employment the following officers and employees of Federal agencies:

(1)(A) the President and the Vice President;

(B) no more than 6 officers or employees in the Executive Office of the President, as designated by the President; and

(C) no more than 10 additional officers or employees of Federal agencies, as designated by the President;

(2) the Chief Justice and the Associate Justices of the Supreme Court;

(3)(A) officers compensated at Level I of the Executive Schedule pursuant to section 5312 of title 5; and

(B) a single principal deputy to an officer described in subclause (A) of this clause, when a determination is made by such officer that such transportation is appropriate;

(4) principal diplomatic and consular officials abroad, and the United States Ambassador to the United Nations;

(5) the Deputy Secretary of Defense and Under Secretaries of Defense, the Secretary of the Air Force, the Secretary of the Army, the Secretary of the Navy, the members and Vice Chairman of the Joint Chiefs of Staff, and the Commandant of the Coast Guard;

(6) the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives[1] the Administrator of the Drug Enforcement Administration, and the Administrator of the National Aeronautics and Space Administration;

(7) the Chairman of the Board of Governors of the Federal Reserve System;

(8) the Comptroller General of the United States and the Postmaster General of the United States; and

(9) an officer or employee with regard to whom the head of a Federal agency makes a determination, in accordance with subsection (d) of this section and with regulations prescribed pursuant to paragraph (1) of subsection (e), that highly unusual circumstances present a clear and present danger, that an emergency exists, or that other compelling operational considerations make such transportation essential to the conduct of official business.

Except as provided in paragraph (2) of subsection (d), any authorization made pursuant to clause (9) of this subsection to permit the use of a passenger carrier to transport an officer or employee between residence and place of employment shall be effective for not more than 15 calendar days.

(c) A passenger carrier may be used to transport between residence and place of employment any person for whom protection is specifically authorized pursuant to section 3056(a) of title 18 or for whom transportation is authorized pursuant to section 28 of the State Department Basic Authorities Act of 1956, section 2637 of title 10, or section 8(a)(1) of the Central Intelligence Agency Act of 1949.

(d)(1) Any determination made under subsection (b)(9) of this section shall be in writing and shall include the name and title of the officer or employee affected, the reason for such determination, and the duration of the authorization for such officer or employee to use a passenger carrier for transportation between residence and place of employment.

(2) If a clear and present danger, an emergency, or a compelling operational consideration described in subsection (b)(9) of this section extends or may extend for a period in excess of 15 calendar days, the head of the Federal agency shall determine whether an authorization under such paragraph shall be extended in excess of 15 calendar days for a period of not more than 90 additional calendar days. Determinations made under this paragraph may be reviewed by the head of such agency at the end of each such period, and, where appropriate, a subsequent determination may be made whether such danger, emergency, or consideration continues to exist and whether an additional extension, not to exceed 90 calendar days, may be authorized. Determinations made under this paragraph shall be in accordance with regulations prescribed pursuant to paragraph (1) of subsection (e).

(3) The authority to make designations under subsection (b)(1) of this section and to make determinations pursuant to subsections (a)(2) and

[1] So in original. Probably should be followed by a comma.

(b)(3)(B) and (9) of this section and pursuant to paragraph (2) of this subsection may not be delegated, except that, with respect to the Executive Office of the President, the President may delegate the authority of the President under subsection (b)(9) of this section to an officer in the Executive Office of the President. No designation or determination under this section may be made solely or principally for the comfort or convenience of the officer or employee.

(4) Notification of each designation or determination made under subsection (b)(1), (3)(B), and (9) of this section and under paragraph (2) of this subsection, including the name and title of the officer or employee affected, the reason for any determination under subsection (b)(9), and the expected duration of any authorization under subsection (b)(9), shall be transmitted promptly to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(e)(1) Not later than March 15, 1987, the Administrator of General Services, after consultation with the Comptroller General, the Director of the Office of Management and Budget, and the Director of the Administrative Office of the United States Courts, shall promulgate regulations governing the heads of all Federal agencies in making the determinations authorized by subsections (a)(2)(A), (b)(9), and (d)(2) of this section. Such regulations shall specify that the comfort and convenience of an officer or employee is not sufficient justification for authorizations of transportation under this section.

(2) In promulgating regulations under paragraph (1) of this subsection, the Administrator of General Services shall provide criteria defining the term ''field work'' for purposes of subsection (a)(2)(A) of this section. Such criteria shall ensure that transportation between an employee's residence and the location of the field work will be authorized only to the extent that such transportation will substantially increase the efficiency and economy of the Government.

(f) Each Federal agency shall maintain logs or other records necessary to establish the official purpose for Government transportation provided between an individual's residence and such individual's place of employment pursuant to this section.

(g)(1) If and to the extent that the head of a Federal agency, in his or her sole discretion, deems it appropriate, a passenger carrier may be used to transport an officer or employee of a Federal agency between the officer's or employee's place of employment and a mass transit facility (whether or not publicly owned) in accordance with succeeding provisions of this subsection.

(2) Notwithstanding section 1343, a Federal agency that provides transportation services under this subsection (including by passenger carrier) may absorb the costs of such services using any funds available to such agency, whether by appropriation or otherwise.

(3) In carrying out this subsection, a Federal agency, to the maximum extent practicable and consistent with sound budget policy, should—

(A) use alternative fuel vehicles for the provision of transportation services;

(B) to the extent consistent with the purposes of this subsection, provide transportation services in a manner that does not result in additional gross income for Federal income tax purposes; and

(C) coordinate with other Federal agencies to share, and otherwise avoid duplication of, transportation services provided under this subsection.

(4) For purposes of any determination under chapter 81 of title 5 or chapter 171 of title 28, an individual shall not be considered to be in the ''performance of duty'' or ''acting within the scope of his or her office or employment'' by virtue of the fact that such individual is receiving transportation services under this subsection. Nor shall any time during which an individual uses such services be considered when calculating the hours of work or employment for that individual for purposes of title 5 of the United States Code, including chapter 55 of that title.

(5)(A) The Administrator of General Services, after consultation with the appropriate agencies, shall prescribe any regulations necessary to carry out this subsection.

(B) Transportation services under this subsection shall be subject neither to the last sentence of subsection (d)(3) nor to any regulations under the last sentence of subsection (e)(1).

(6) In this subsection, the term ''passenger carrier'' means a passenger motor vehicle or similar means of transportation that is owned, leased, or provided pursuant to contract by the United States Government.

(h) As used in this section—

(1) the term ''passenger carrier'' means a passenger motor vehicle, aircraft, boat, ship, or other similar means of transportation that is owned or leased by the United States Government; and

(2) the term ''Federal agency'' means—

(A) a department—

(i) including independent establishments, other agencies, and wholly owned Government corporations; but

(ii) not including the Senate, House of Representatives, or Architect of the Capitol, or the officers or employees thereof;

(B) an Executive department (as such term is defined in section 101 of title 5);

(C) a military department (as such term is defined in section 102 of title 5);

(D) a Government corporation (as such term is defined in section 103(1) of title 5);

(E) a Government controlled corporation (as such term is defined in section 103(2) of title 5);

(F) a mixed-ownership Government corporation (as such term is defined in section 9101(2) of this title);

(G) any establishment in the executive branch of the Government (including the Executive Office of the President);

(H) any independent regulatory agency (including an independent regulatory agency specified in section 3502(10)[2] of title 44);

(I) the Smithsonian Institution; and

(J) any nonappropriated fund instrumentality of the United States,

[2] See References in Text note below.

except that such term does not include the government of the District of Columbia.

(i) Notwithstanding section 410(a) of title 39, this section applies to the United States Postal Service.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 924; Pub. L. 99–550, §1(a), Oct. 27, 1986, 100 Stat. 3067; Pub. L. 100–180, div. A, title XIII, §1314(d)(2), Dec. 4, 1987, 101 Stat. 1176; Pub. L. 100–202, §101(a) [title IV, §407], Dec. 22, 1987, 101 Stat. 1329, 1329–26; Pub. L. 101–510, div. A, title III, §326(b), Nov. 5, 1990, 104 Stat. 1531; Pub. L. 103–272, §4(f)(2), July 5, 1994, 108 Stat. 1363; Pub. L. 104–91, title I, §101(a), Jan. 6, 1996, 110 Stat. 11, amended Pub. L. 104–99, title II, §211, Jan. 26, 1996, 110 Stat. 37; Pub. L. 108–7, div. K, title IV, §423, Feb. 20, 2003, 117 Stat. 526; Pub. L. 108–447, div. B, title I, §117, Dec. 8, 2004, 118 Stat. 2870; Pub. L. 109–59, title III, §3049(b)(1), (2), Aug. 10, 2005, 119 Stat. 1712, 1713; Pub. L. 111–350, §5(h)(4), Jan. 4, 2011, 124 Stat. 3849; Pub. L. 117–103, div. X, title III, §306, Mar. 15, 2022, 136 Stat. 966.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1344(a)	31:638a(c)(2)(1st sentence).	July 16, 1914, ch. 141, §5(c)(2)(1st, last sentences), 38 Stat. 508; restated Aug. 2, 1946, ch. 744, §16(a), 60 Stat. 810.
1344(b)	31:638a(c)(2)(last sentence).	

In subsection (a), before clause (1), the words ''officers and employees of the Government'' are substituted for ''officers and employees'' for clarity. In clause (2), the words ''performing field work requiring transportation'' are substituted for ''engaged in field work the character of whose duties makes such transportation necessary'' to eliminate unnecessary words. The word ''agency'' is substituted for ''department'' because of section 101 of the revised title and for consistency with the source provisions restated in the section and section 1341.

In subsection (b)(2), the words ''section 101 of title 5'' are used because of section 7(b) of the Act of September 6, 1966 (Pub. L. 89–554, 80 Stat. 631).

In subsection (b)(3), the words ''ambassadors, ministers, charges d'affaires'' are omitted as being included in ''principal diplomatic and consular officials''.

Editorial Notes

REFERENCES IN TEXT

Section 28 of the State Department Basic Authorities Act of 1956, referred to in subsec. (c), is classified to section 2700 of Title 22, Foreign Relations and Intercourse.

Section 8(a)(1) of the Central Intelligence Agency Act of 1949, referred to in subsec. (c), is classified to section 3510(a)(1) of Title 50, War and National Defense.

Subsection (b)(2)(B) of this section, referred to in subsec. (d)(3), (4), was redesignated subsec. (b)(3)(B) by Pub. L. 100–202. See 1987 Amendment note below.

Section 3502 of title 44, referred to in subsec. (h)(2)(H), which in par. (10) defined ''independent regulatory agency'', was omitted in the general amendment of chapter 35 of Title 44, Public Printing and Documents, by Pub. L. 104–13, §2, May 22, 1995, 109 Stat. 163. Pub. L. 104–13 enacted a new section 3502 of Title 44 which also defines ''independent regulatory agency''.

CODIFICATION

Amendment by Pub. L. 104–91 is based on section 118 of H.R. 2076, One Hundred Fourth Congress, as passed by the House of Representatives on Dec. 6, 1995, which was enacted into law by Pub. L. 104–91.

AMENDMENTS

2022—Subsec. (a)(2)(B). Pub. L. 117–103 inserted '', or transportation of federally owned canines associated with force protection duties of any part of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003))'' after ''duties''.

2011—Subsec. (h)(2)(A). Pub. L. 111–350 amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: ''a department (as such term is defined in section 18 of the Act of August 2, 1946 (41 U.S.C. 5a));''.

2005—Subsec. (a)(3). Pub. L. 109–59, §3049(b)(2), added par. (3).

Subsecs. (g) to (i). Pub. L. 109–59, §3049(b)(1), added subsec. (g) and redesignated former subsecs. (g) and (h) as (h) and (i), respectively.

2004—Subsec. (b)(6). Pub. L. 108–447 inserted ''Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives'' after ''Federal Bureau of Investigation,''.

2003—Subsec. (b)(6). Pub. L. 108–7 added par. (6) and struck out former par. (6) which read as follows: ''the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, and the Administrator of the Drug Enforcement Administration;''.

1996—Subsec. (b)(6). Pub. L. 104–91, as amended by Pub. L. 104–99, amended par. (6) generally. Prior to amendment, par. (6) read as follows: ''the Director of the Central Intelligence Agency and the Director of the Federal Bureau of Investigation;''.

1994—Subsecs. (b), (d), (e). Pub. L. 103–272 amended Pub. L. 100–202. See 1987 Amendment notes below.

1990—Subsec. (c). Pub. L. 101–510 inserted '', section 2637 of title 10,'' after ''Act of 1956''.

1987—Subsec. (b). Pub. L. 100–202, §101(a) [title IV, §407(1)], as amended by Pub. L. 103–272, added cl. (2), redesignated former cl. (2) as (3) and in subcl. (B) substituted ''subclause (A) of this clause'' for ''subparagraph (A) of this paragraph'', redesignated former cls. (3) to (8) as (4) to (9), respectively, and in last sentence substituted ''clause (9)'' for ''paragraph (8)''.

Subsec. (b)(4). Pub. L. 100–180 inserted ''the members and Vice Chairman of'' before ''the Joint Chiefs of Staff''.

Subsec. (d)(1), (2). Pub. L. 100–202, §101(a) [title IV, §407(2)(A)], as amended by Pub. L. 103–272, substituted ''subsection (b)(9) of this section'' for ''paragraph (8) of subsection (b)''.

Subsec. (d)(3). Pub. L. 100–202, §101(a) [title IV, §407(2)(B)], as amended by Pub. L. 103–272, substituted ''subsections (a)(2) and (b)(3)(B) and (9)'' for ''subsections (a)(2), (b)(2)(B), and (b)(8)'' and ''subsection (b)(9)'' for ''subsection (b)(8)''.

Subsec. (d)(4). Pub. L. 100–202, §101(a) [title IV, §407(2)(C)], as amended by Pub. L. 103–272, substituted ''subsection (b)(1), (3)(B), and (9) of this section'' and ''subsection (b)(9), and the expected duration of any authorization under subsection (b)(9)'' for ''paragraphs (1), (2)(B), and (8) of subsection (b)'' and ''paragraph (8) of subsection (b), and the expected duration of any authorization under such paragraph'', respectively.

Subsec. (e)(1). Pub. L. 100–202, §101(a) [title IV, §407(3)], as amended by Pub. L. 103–272, substituted ''(b)(9)'' for ''(b)(8)''.

1986—Pub. L. 99–550 substituted ''carrier'' for ''motor vehicle and aircraft'' in section catchline and amended text generally. Prior to amendment, text read as follows:

''(a) Except as specifically provided by law, an appropriation may be expended to maintain, operate, and repair passenger motor vehicles or aircraft of the United States Government that are used only for an official purpose. An official purpose does not include transporting officers or employees of the Government between their domiciles and places of employment except—

''(1) medical officers on out-patient medical service; and

''(2) officers or employees performing field work requiring transportation between their domiciles and places of employment when the transportation is approved by the head of the agency.

''(b) This section does not apply to a motor vehicle or aircraft for the official use of—

''(1) the President;

''(2) the heads of executive departments listed in section 101 of title 5; or

''(3) principal diplomatic and consular officials.''

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108–458, set out as a note under section 3001 of Title 50, War and National Defense.

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

Committee on Government Operations of House of Representatives treated as referring to Committee on Government Reform and Oversight of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999. Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019. Committee on Oversight and Reform of House of Representatives changed to Committee on Oversight and Accountability of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108–447, div. B, title I, § 117, Dec. 8, 2004, 118 Stat. 2870, provided in part that: ''This amendment [amending this section] shall take effect as if enacted on January 1, 2004.''

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103–272, § 4(f)(2), July 5, 1994, 108 Stat. 1363, provided that the amendment made by that section is effective Dec. 22, 1987.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

CHARGING HELPS AGENCIES REALIZE GENERAL EFFICIENCIES

Pub. L. 116–160, Oct. 1, 2020, 134 Stat. 753, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Charging Helps Agencies Realize General Efficiencies Act' or the 'CHARGE Act'.

''SEC. 2. PAYMENT BY CHARGE CARD FOR CHARGING FEDERAL ELECTRIC MOTOR VEHICLES.

''(a) DEFINITIONS.—In this Act—

''(1) the term 'Administrator' means the Administrator of General Services;

''(2) the term 'charge card'—

''(A) means a card, plate, coupon book, or other means existing for the purpose of obtaining money, property, labor, or services; and

''(B) includes—

''(i) a card issued under the GSA SmartPay program; and

''(ii) a Fleet Services card;

''(3) the term 'covered electric motor vehicle' means a passenger carrier that is—

''(A) a passenger motor vehicle; and

''(B) an electric motor vehicle;

''(4) the term 'electric motor vehicle' has the meaning given the term in section 601 of the Energy Policy Act of 1992 (42 U.S.C. 13271);

''(5) the term 'electric motor vehicle charging station' means a battery-charging station that permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric motor vehicle; and

''(6) the terms 'Federal agency' and 'passenger carrier' have the meanings given those terms in section 1344(h) of title 31, United States Code.

''(b) GUIDANCE.—Not later than 180 days after the date of enactment of this Act [Oct. 1, 2020], the Administrator shall issue guidance to clarify that each Federal agency may, in accordance with section 1344 of title 31, United States Code—

''(1) charge a covered electric motor vehicle at a commercial electric motor vehicle charging station; and

''(2) pay for a transaction described in paragraph (1) with a charge card.

''(c) ISSUANCE OF CHARGE CARDS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue to each Federal agency a charge card for each covered electric motor vehicle of the Federal agency that may be used by an officer or employee of the Federal agency to pay for charging the covered motor vehicle in accordance with the guidance issued under subsection (b).''

COORDINATION

Pub. L. 109–59, title III, § 3049(b)(3), Aug. 10, 2005, 119 Stat. 1713, provided that: ''The authority to provide transportation services under section 1344(g) of title 31, United States Code (as amended by paragraph (1)) shall be in addition to any authority otherwise available to the agency involved.''

USE OF GOVERNMENT VEHICLES

Pub. L. 101–194, title V, § 503, Nov. 30, 1989, 103 Stat. 1755, as amended by Pub. L. 101–280, § 6(b), May 4, 1990, 104 Stat. 160, provided that: ''Notwithstanding any other provision of law, the head of each department, agency, or other entity of each branch of the Government may prescribe by rule appropriate conditions for the incidental use, for other than official business, of vehicles owned or leased by the Government. Such use with respect to vehicles owned or leased by, or the cost of which is reimbursed by, the House of Representatives or the Senate shall be only as prescribed by rule of the House of Representatives or the Senate, as applicable.''

USE OF OFFICIAL VEHICLES OF HOUSE OF REPRESENTATIVES

Pub. L. 101–194, title VIII, § 802(d), Nov. 30, 1989, 103 Stat. 1773, as amended by Pub. L. 104–186, title II,

§ 219(a), Aug. 20, 1996, 110 Stat. 1747, provided that: ''The Committee on House Oversight [now Committee on House Administration] of the House of Representatives shall take such action as may be necessary to carry out section 503 [set out above] with respect to vehicles of the House of Representatives.''

§ 1345. Expenses of meetings

Except as specifically provided by law, an appropriation may not be used for travel, transportation, and subsistence expenses for a meeting. This section does not prohibit—

(1) an agency from paying the expenses of an officer or employee of the United States Government carrying out an official duty; and

(2) the Secretary of Agriculture from paying necessary expenses for a meeting called by the Secretary for 4–H Boys and Girls Clubs as part of the cooperative extension work of the Department of Agriculture.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 925.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1345	31:551. 31:552.	Feb. 2, 1935, ch. 4, 49 Stat. 19. June 17, 1935, ch. 271, 49 Stat. 387.

In the section, before clause (1), the word ''appropriation'' is substituted for ''no moneys from funds appropriated for any purpose'' in 31:551 for consistency in the revised title. The words ''travel, transportation, and subsistence expenses for a meeting'' are substituted for ''the purpose of lodging, feeding, conveying, or furnishing transportation to, any conventions or other form of assemblage or gathering'' to eliminate unnecessary words. The words ''to be held in the District of Columbia or elsewhere'' are omitted as unnecessary.

In clause (1), the words ''agency from paying'' are substituted for ''the payment of'' for clarity and because of section 101 of the revised title.

Statutory Notes and Related Subsidiaries

AVAILABILITY OF APPROPRIATIONS FOR EXPENSES OF ATTENDING MEETINGS

Pub. L. 102–394, title V, § 505, Oct. 6, 1992, 106 Stat. 1825, provided that: ''Appropriations contained in this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, available for salaries and expenses, shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.''

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 102–170, title V, § 505, Nov. 26, 1991, 105 Stat. 1141.

Pub. L. 101–517, title V, § 505, Nov. 5, 1990, 104 Stat. 2221.

Pub. L. 101–166, title V, § 505, Nov. 21, 1989, 103 Stat. 1189.

Pub. L. 100–202, § 101(h) [title V, § 505], Dec. 22, 1987, 101 Stat. 1329–256, 1329–287.

Pub. L. 99–500, § 101(i) [H.R. 5233, title V, § 505], Oct. 18, 1986, 100 Stat. 1783–287, and Pub. L. 99–591, § 101(i) [H.R. 5233, title V, § 505], Oct. 30, 1986, 100 Stat. 3341–287.

Pub. L. 99–178, title V, § 505, Dec. 12, 1985, 99 Stat. 1132.

Pub. L. 98–619, title V, § 505, Nov. 8, 1984, 98 Stat. 3333.

Pub. L. 98–139, title V, § 505, Oct. 31, 1983, 97 Stat. 899.

Pub. L. 97–377, title I, § 101(e)(1) [title V, § 505], Dec. 21, 1982, 96 Stat. 1878, 1904.

§ 1346. Commissions, councils, boards, and interagency and similar groups

(a) Except as provided in this section—

(1) public money and appropriations are not available to pay—

(A) the pay or expenses of a commission, council, board, or similar group, or a member of that group;

(B) expenses related to the work or the results of work or action of that group; or

(C) for the detail or cost of personal services of an officer or employee from an executive agency in connection with that group; and

(2) an accounting or disbursing official, absent a special appropriation to pay the account or charge, may not allow or pay an account or charge related to that group.

(b) Appropriations of an executive agency are available for the expenses of an interagency group conducting activities of interest common to executive agencies when the group includes a representative of the agency. The representatives receive no additional pay because of membership in the group. An officer or employee of an executive agency not a representative of the group may not receive additional pay for providing services for the group.

(c) Subject to section 1347 of this title, this section does not apply to—

(1) commissions, councils, boards, or similar groups authorized by law;

(2) courts-martial or courts of inquiry of the armed forces; or

(3) the contingent fund related to foreign relations at the disposal of the President.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 925.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1346(a)	31:672(1st sentence less words between 4th and 5th commas). 31:673(less words between 11th comma and semicolon).	R.S. § 3681. Mar. 4, 1909, ch. 299, § 9, 35 Stat. 1027.
1346(b)	31:691.	May 3, 1945, ch. 106, § 214, 59 Stat. 134.
1346(c)	31:672(1st sentence words between 4th and 5th commas), (last sentence). 31:673(words between 11th comma and semicolon).	

In the section, the words ''executive agency'' are substituted for ''any executive department or other Government establishment'' for clarity and because of section 102 of the revised title.

In subsection (a)(1), before subclause (A), the words ''made by Congress'' are omitted as surplus. In subclause (C), the words ''the detail or cost of personal services of an officer'' are substituted for ''by detail, hereafter or heretofore made, or otherwise personal services'' to eliminate unnecessary words and for clarity.

In subsection (a)(2), the words ''of the Government'' are omitted as surplus. The words ''absent a special appropriation'' are substituted for ''until special appropriations shall have been made by law'' to eliminate unnecessary words.

In subsection (b), the words ''On or after May 3, 1945'' are omitted as executed. The words ''interagency

group'' are substituted for ''committees, boards, or other interagency groups'' to eliminate unnecessary words. The words ''includes a representative of the agency'' are substituted for ''composed in whole or in part of representatives thereof'' for clarity.

In subsection (c)(1), the words ''authorized by law'' are substituted for ''unless the creation . . . shall be or shall have been authorized by law'' to eliminate unnecessary words.

In subsection (c)(2), the words ''armed forces'' are substituted for ''military or naval service of the United States'' for consistency.

Subsection (c)(3) is substituted for the last sentence of 31:672 to eliminate unnecessary words.

§ 1347. Appropriations or authorizations required for agencies in existence for more than one year

(a) An agency in existence for more than one year may not use amounts otherwise available for obligation to pay its expenses without a specific appropriation or specific authorization by law. If the principal duties and powers of the agency are substantially the same as or similar to the duties and powers of an agency established by executive order, the agency established later is deemed to have been in existence from the date the agency established by the order came into existence.

(b) Except as specifically authorized by law, another agency may not use amounts available for obligation to pay expenses to carry out duties and powers substantially the same as or similar to the principal duties and powers of an agency that is prohibited from using amounts under this section.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 925.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1347(a)	31:696(1st, 2d sentences).	June 27, 1944, ch. 286, § 213, 58 Stat. 387.
1347(b)	31:696(last sentence).	

In the section, the word ''agency'' is substituted for ''agency or instrumentality'' because of section 101 of the revised title and for consistency. The words ''amounts otherwise available for obligation'' are substituted for ''any appropriation or fund made available by this or any other Act'', and the words ''duties and powers'' are substituted for ''functions'', for consistency in the revised title.

In subsection (a), the words ''After January 1, 1945'' are omitted as executed. The words ''including those established by Executive order'' are omitted the first time they appear as surplus. The words ''from the date . . . came into existence'' are substituted for ''during the existence'' for clarity.

In subsection (b), the word ''amounts'' is substituted for ''appropriations'' for consistency in the revised title.

§ 1348. Telephone installation and charges

(a)(1) Except as provided in this section, appropriations are not available to install telephones in private residences or for tolls or other charges for telephone service from private residences.

(2) Under regulations of the Secretary of State, appropriations may be used to install and pay for the use of telephones in residences owned or leased by the United States Government in foreign countries for the use of the Foreign Service.

(b) Under regulations prescribed by the Secretary of the Army on recommendation of the Chief of Engineers, not more than $30,000 may be expended each fiscal year to install and use in private residences telephones required for official business in constructing and operating locks and dams for navigation, flood control, and related water uses.

(c) Under regulations prescribed by the Secretary of Defense, funds appropriated to the Department of Defense are available to install, repair, and maintain telephone wiring in residences owned or leased by the United States Government and, if necessary for national defense purposes, in other private residences.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 926; Pub. L. 98–407, title VIII, § 811(a), Aug. 28, 1984, 98 Stat. 1523; Pub. L. 104–201, div. A, title XVII, § 1721, Sept. 23, 1996, 110 Stat. 2758.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1348(a)(1)	31:679(words before 2d comma).	Aug. 23, 1912, ch. 350, § 7(less proviso), 37 Stat. 414.
1348(a)(2)	31:679(proviso).	Aug. 23, 1912, ch. 350, 37 Stat. 360, § 7(proviso); added Apr. 30, 1940, ch. 175, 54 Stat. 175.
1348(b)	31:679(words between 2d comma and proviso).	
	31:680a.	May 10, 1939, ch. 119, § 4, 53 Stat. 738.
1348(c)	31:680.	Sept. 22, 1922, ch. 427, § 7, 42 Stat. 1042; May 17, 1950, ch. 188, § 203, 64 Stat. 170; restated June 28, 1955, ch. 198, 69 Stat. 188.

In subsection (a)(1), the words ''or private apartment'' are omitted as being included in ''private residences''.

In subsection (a)(2), the word ''appropriations'' is substituted for ''Government funds'', and the word ''calls'' is substituted for ''tolls'', for consistency. The word ''official'' is omitted as surplus.

In subsection (b), the words ''On and after May 10, 1939'' in 31:680a are omitted as executed. The word ''agency'' is substituted for ''executive department, establishment, or agency'' for clarity and because of section 101 of the revised title. The words ''official business'' are substituted for ''public business'' in 31:679 and ''transaction of public business which the interests of the Government require to be so transacted'' in 31:680a to eliminate unnecessary words. The words ''division, bureau, or office'' in 31:679 are omitted as being included in ''agency''. The words ''or such subordinates as he may specially designate'' in 31:680a are omitted as surplus.

In subsection (c), the words ''On and after September 22, 1922 the provisions of section 679 of this title, or any other law prohibiting the expenditure of public money . . . shall not be construed to apply to or forbid'' are omitted as unnecessary because of the restatement.

Editorial Notes

AMENDMENTS

1996—Subsec. (a)(2). Pub. L. 104–201, § 1721(1), struck out at end ''Subsection (b) of this section applies to long-distance calls made on those telephones.''

Subsecs. (b) to (d). Pub. L. 104–201, § 1721(2), (3), redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out former subsec. (b) which read as follows: ''Appropriations of an agency are available to pay charges for a long-distance call if required for official business and the voucher to pay for the call is sworn to

by the head of the agency. Appropriations of an executive agency are available only if the head of the agency also certifies that the call is necessary in the interest of the Government.''

1984—Subsec. (d). Pub. L. 98–407 added subsec. (d).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–201 effective 180 days after Sept. 23, 1996, see section 1725(a) of Pub. L. 104–201, set out as a note under section 5722 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98–407, title VIII, §811(b), Aug. 28, 1984, 98 Stat. 1523, provided that: ''The amendment made by subsection (a) [amending this section] shall be effective as of January 1, 1984. Funds appropriated to the Department of Defense may be used to reimburse persons for expenditures made after December 31, 1983, for the installation, repair, and maintenance of telephone wiring in any Government-owned or leased housing unit before the date of the enactment of this Act [Aug. 28, 1984].''

EMPLOYEES AUTHORIZED TO WORK AT HOME

Pub. L. 104–52, title VI, §620, Nov. 19, 1995, 109 Stat. 501, provided that: ''Notwithstanding any provisions of this or any other Act, during the fiscal year ending September 30, 1996, and hereafter, any department, division, bureau, or office may use funds appropriated by this or any other Act to install telephone lines, and necessary equipment, and to pay monthly charges, in any private residence or private apartment of an employee who has been authorized to work at home in accordance with guidelines issued by the Office of Personnel Management: *Provided*, That the head of the department, division, bureau, or office certifies that adequate safeguards against private misuse exist, and that the service is necessary for direct support of the agency's mission.''

§ 1349. Adverse personnel actions

(a) An officer or employee of the United States Government or of the District of Columbia government violating section 1341(a) or 1342 of this title shall be subject to appropriate administrative discipline including, when circumstances warrant, suspension from duty without pay or removal from office.

(b) An officer or employee who willfully uses or authorizes the use of a passenger motor vehicle or aircraft owned or leased by the United States Government (except for an official purpose authorized by section 1344 of this title) or otherwise violates section 1344 shall be suspended without pay by the head of the agency. The officer or employee shall be suspended for at least one month, and when circumstances warrant, for a longer period or summarily removed from office.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 926.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1349(a)	31:665(i)(1)(words before semicolon related to (a), (b)).	R.S. §3679(i)(1)(words before semicolon related to (a), (b)); Mar. 3, 1905, ch. 1484, §4(1st par.), 33 Stat. 1257; Feb. 27, 1906, ch. 510, §3, 34 Stat. 48; restated Sept. 6, 1950, ch. 896, §1211, 64 Stat. 768.
1349(b)	31:638a(c)(2)(2d sentence).	July 16, 1914, ch. 141, §5(c)(2)(2d sentence), 38 Stat. 508; restated Aug. 2, 1946, ch. 744, §16(a), 60 Stat. 810.

In subsection (a), the words ''In addition to any penalty or liability under other law'' are omitted as surplus. The words ''District of Columbia government'' are added because of section 47–105 of the D.C. Code.

In subsection (b), the words ''of the Government'' and ''from duty'' are omitted as unnecessary because of the restatement. The word ''pay'' is substituted for ''compensation'' for consistency. The word ''agency'' is substituted for ''department'' because of section 101 of the revised title and for consistency.

§ 1350. Criminal penalty

An officer or employee of the United States Government or of the District of Columbia government knowingly and willfully violating section 1341(a) or 1342 of this title shall be fined not more than $5,000, imprisoned for not more than 2 years, or both.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 926.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1350	31:665(i)(1)(words after semicolon related to (a), (b)).	R.S. §3679(i)(1)(words after semicolon related to (a), (b)); Mar. 3, 1905, ch. 1484, §4(1st par.), 33 Stat. 1257; Feb. 27, 1906, ch. 510, §3, 34 Stat. 48; restated Sept. 6, 1950, ch. 896, §1211, 64 Stat. 768.

The words ''District of Columbia government'' are added because of section 47–105 of the D.C. Code. The words ''upon conviction'' are omitted as surplus.

§ 1351. Reports on violations

If an officer or employee of an executive agency or an officer or employee of the District of Columbia government violates section 1341(a) or 1342 of this title, the head of the agency or the Mayor of the District of Columbia, as the case may be, shall report immediately to the President and Congress all relevant facts and a statement of actions taken. A copy of each report shall also be transmitted to the Comptroller General on the same date the report is transmitted to the President and Congress.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 926; Pub. L. 108–447, div. G, title I, §1401(a), Dec. 8, 2004, 118 Stat. 3192.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1351	31:665(i)(2)(related to (a), (b)).	R.S. §3679(i)(2)(related to (a), (b)); Mar. 3, 1905, ch. 1404, §4(1st par.), 33 Stat. 1257; Feb. 27, 1906, ch. 510, §3, 34 Stat. 48; restated Sept. 6, 1950, ch. 896, §1211, 64 Stat. 768.

The words ''executive agency'' are substituted for ''agency'' because the definition of ''agency'' in 31:665(d)(2) applies to the source provisions restated in the section and because of section 102 of the revised title. The word ''Mayor'' is used because of Reorganization Plan No. 3 of 1967 (eff. Aug. 11, 1967, 81 Stat. 948) and sections 421, 422, and 771 of the District of Columbia Self-Government and Governmental Reorganization Act (Pub. L. 93–198, 87 Stat. 789, 818). The word ''President'' is substituted for ''President, through the Director of the Office of Management and Budget'' because sections 101 and 102(a) of Reorganization Plan No. 2 of 1970 (eff. July 1, 1970, 84 Stat. 2085) designated the Bureau of the Budget as the Office of Management and

Budget and transferred all functions of the Bureau to the President.

Editorial Notes

AMENDMENTS

2004—Pub. L. 108–447 inserted at end ''A copy of each report shall also be transmitted to the Comptroller General on the same date the report is transmitted to the President and Congress.''

§ 1352. Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions

(a)(1) None of the funds appropriated by any Act may be expended by the recipient of a Federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action described in paragraph (2) of this subsection.

(2) The prohibition in paragraph (1) of this subsection applies with respect to the following Federal actions:

(A) The awarding of any Federal contract.

(B) The making of any Federal grant.

(C) The making of any Federal loan.

(D) The entering into of any cooperative agreement.

(E) The extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(b)(1) Each person who requests or receives a Federal contract, grant, loan, or cooperative agreement from an agency or requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan shall file with that agency, in accordance with paragraph (4) of this subsection—

(A) a written declaration described in paragraph (2) or (3) of this subsection, as the case may be; and

(B) copies of all declarations received by such person under paragraph (5).

(2) A declaration filed by a person pursuant to paragraph (1)(A) of this subsection in connection with a Federal contract, grant, loan, or cooperative agreement shall contain—

(A) the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on behalf of the person with respect to that Federal contract, grant, loan, or cooperative agreement; and

(B) a certification that the person making the declaration has not made, and will not make, any payment prohibited by subsection (a).

(3) A declaration filed by a person pursuant to paragraph (1)(A) of this subsection in connection with a commitment providing for the United States to insure or guarantee a loan shall contain the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on behalf of the person in connection with that loan insurance or guarantee.

(4) A person referred to in paragraph (1)(A) of this subsection shall file a declaration referred to in that paragraph—

(A) with each submission by such person that initiates agency consideration of such person for award of a Federal contract, grant, loan, or cooperative agreement, or for grant of a commitment providing for the United States to insure or guarantee a loan;

(B) upon receipt by such person of a Federal contract, grant, loan, or cooperative agreement or of a commitment providing for the United States to insure or guarantee a loan, unless such person previously filed a declaration with respect to such contract, grant, loan, cooperative agreement or commitment pursuant to clause (A); and

(C) at the end of each calendar quarter in which there occurs any event that materially affects the accuracy of the information contained in any declaration previously filed by such person in connection with such Federal contract, grant, loan, cooperative agreement, loan insurance commitment, or loan guaranty commitment.

(5) Any person who requests or receives from a person referred to in paragraph (1) of this subsection a subcontract under a Federal contract, a subgrant or contract under a Federal grant, a contract or subcontract to carry out any purpose for which a particular Federal loan is made, or a contract under a Federal cooperative agreement shall be required to file with the person referred to in such paragraph a written declaration referred to in clause (A) of such paragraph.

(6) The Director of the Office of Management and Budget, after consulting with the Secretary of the Senate and the Clerk of the House of Representatives, shall issue guidance for agency implementation of, and compliance with, the requirements of this section.

(c)(1) Any person who makes an expenditure prohibited by subsection (a) of this section shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such expenditure.

(2)(A) Any person who fails to file or amend a declaration required to be filed or amended under subsection (b) of this section shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

(B) A filing of a declaration of a declaration amendment on or after the date on which an administrative action for the imposition of a civil penalty under this subsection is commenced does not prevent the imposition of such civil penalty for a failure occurring before that date. For the purposes of this subparagraph, an administrative action is commenced with respect to a failure when an investigating official determines in writing to commence an investigation of an allegation of such failure.

(3) Sections 3803 (except for subsection (c)), 3804, 3805, 3806, 3807, 3808, and 3812 of this title shall be applied, consistent with the requirements of this section, to the imposition and collection of civil penalties under this subsection.

(4) An imposition of a civil penalty under this subsection does not prevent the United States from seeking any other remedy that the United States may have for the same conduct that is the basis for the imposition of such civil penalty.

(d)(1)(A) Subsection (a)(1) of this section does not apply in the case of a payment of reasonable compensation made to an officer or employee of a person requesting or receiving a Federal contract, grant, loan, or cooperative agreement to the extent that the payment is for agency and legislative liaison activities not directly related to a Federal action referred to in subsection (a)(2) of this section.

(B) Subsection (a)(1) of this section does not prohibit any reasonable payment to a person in connection with, or any payment of reasonable compensation to an officer or employee of a person requesting or receiving, a Federal contract, grant, loan, or cooperative agreement or an extension, continuation, renewal, amendment, or modification of a Federal contract, grant, loan, or cooperative agreement if the payment is for professional or technical services rendered directly in the preparation, submission, or negotiation of any bid, proposal, or application for that Federal contract, grant, loan, or cooperative agreement or for meeting requirements imposed by or pursuant to law as a condition for receiving that Federal contract, grant, loan, or cooperative agreement.

(C) Nothing in this paragraph shall be construed as permitting the use of appropriated funds for making any payment prohibited in or pursuant to any other provision of law.

(2) The reporting requirement in subsection (b) of this section shall not apply to any person with respect to—

(A) payments of reasonable compensation made to regularly employed officers or employees of a person requesting or receiving a Federal contract, grant, loan, or cooperative agreement or a commitment providing for the United States to insure or guarantee a loan;

(B) a request for or receipt of a contract (other than a contract referred to in clause (C)), grant, cooperative agreement, subcontract (other than a subcontract referred to in clause (C)), or subgrant that does not exceed $100,000; and

(C) a request for or receipt of a loan, or a commitment providing for the United States to insure or guarantee a loan, that does not exceed $150,000, or the single family maximum mortgage limit for affected programs, whichever is greater, including a contract or subcontract to carry out any purpose for which such a loan is made.

(e) The Secretary of Defense may exempt a Federal action described in subsection (a)(2) from the prohibition in subsection (a)(1) whenever the Secretary determines, in writing, that such an exemption is in the national interest. The Secretary shall transmit a copy of each such written exemption to Congress immediately after making such determination.

(f) The head of each Federal agency shall take such actions as are necessary to ensure that the provisions of this section are vigorously implemented and enforced in such agency.

(g) As used in this section:

(1) The term ''recipient'', with respect to funds received in connection with a Federal contract, grant, loan, or cooperative agreement—

(A) includes the contractors, subcontractors, or subgrantees (as the case may be) of the recipient; but

(B) does not include an Indian tribe, tribal organization, or any other Indian organization eligible to receive Federal contracts, grants, cooperative agreements, or loans from an agency but only with respect to expenditures that are by such tribe or organization for purposes specified in subsection (a) and are permitted by other Federal law.

(2) The term ''agency'' has the same meaning provided for such term in section 552(f) of title 5, and includes a Government corporation, as defined in section 9101(1) of this title.

(3) The term ''person''—

(A) includes an individual, corporation, company, association, authority, firm, partnership, society, State, and local government, regardless of whether such entity is operated for profit or not for profit; but

(B) does not include an Indian tribe, tribal organization, or any other Indian organization eligible to receive Federal contracts, grants, cooperative agreements, or loans from an agency but only with respect to expenditures by such tribe or organization that are made for purposes specified in subsection (a) and are permitted by other Federal law.

(4) The term ''State'' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, an agency or instrumentality of a State, and a multi-State, regional, or interstate entity having governmental duties and powers.

(5) The term ''local government'' means a unit of government in a State and, if chartered, established, or otherwise recognized by a State for the performance of a governmental duty, the following entities:

(A) A local public authority.

(B) A special district.

(C) An intrastate district.

(D) A council of governments.

(E) A sponsor group representative organization.

(F) Any other instrumentality of a local government.

(6)(A) The terms ''Federal contract'', ''Federal grant'', ''Federal cooperative agreement'' mean, respectively—

(i) a contract awarded by an agency;

(ii) a grant made by an agency or a direct appropriation made by law to any person; and

(iii) a cooperative agreement entered into by an agency.

(B) Such terms do not include—

(i) direct United States cash assistance to an individual;

(ii) a loan;

(iii) loan insurance; or

(iv) a loan guaranty.

(7) The term ''Federal loan'' means a loan made by an agency. Such term does not include loan insurance or a loan guaranty.

(8) The term ''reasonable payment'' means, with respect to professional and other tech-

nical services, a payment in an amount that is consistent with the amount normally paid for such services in the private sector.

(9) The term ''reasonable compensation'' means, with respect to a regularly employed officer or employee of any person, compensation that is consistent with the normal compensation for such officer or employee for work that is not furnished to, not funded by, or not furnished in cooperation with the Federal Government.

(10) The term ''regularly employed'', with respect to an officer or employee of a person requesting or receiving a Federal contract, grant, loan, or cooperative agreement or a commitment providing for the United States to insure or guarantee a loan, means an officer or employee who is employed by such person for at least 130 working days within one year immediately preceding the date of the submission that initiates agency consideration of such person for receipt of such contract, grant, loan, cooperative agreement, loan insurance commitment, or loan guaranty commitment.

(11) The terms ''Indian tribe'' and ''tribal organization'' have the meaning provided in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).[1]

(Added Pub. L. 101–121, title III, § 319(a)(1), Oct. 23, 1989, 103 Stat. 750; amended Pub. L. 101–512, title III, § 320, Nov. 5, 1990, 104 Stat. 1977; Pub. L. 103–272, § 4(f)(1)(F), July 5, 1994, 108 Stat. 1362; Pub. L. 104–65, § 10, Dec. 19, 1995, 109 Stat. 700; Pub. L. 104–66, title III, § 3001(b), Dec. 21, 1995, 109 Stat. 734; Pub. L. 104–106, div. A, title X, § 1064(c), div. D, title XLIII, § 4301(a)(2), Feb. 10, 1996, 110 Stat. 445, 656.)

Editorial Notes

References in Text

The Lobbying Disclosure Act of 1995, referred to in subsec. (b)(2)(A), (3), is Pub. L. 104–65, Dec. 19, 1995, 109 Stat. 691, which is classified principally to chapter 26 (§ 1601 et seq.) of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 2 and Tables.

Section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), referred to in subsec. (g)(11), was classified to section 450b of Title 25, Indians, prior to editorial reclassification as section 5304 of Title 25.

Codification

Another section 1352 was renumbered section 1353 of this title.

Amendments

1996—Subsec. (b)(2). Pub. L. 104–106, § 4301(a)(2), which directed amendment of par. (2) by inserting ''and'' after the semicolon at the end of subpar. (A) and by striking out subpar. (C), was not executed because subsec. (b)(2) did not contain a subpar. (C) subsequent to amendment by Pub. L. 104–65, § 10(a)(1). See 1995 Amendment note below.

Subsec. (b)(6)(A). Pub. L. 104–106, § 1064(c)(1), which directed insertion of ''(other than the Secretary of Defense and Secretary of a military department)'' after ''The head of each agency'', could not be executed because subsec. (b)(6) did not contain a subpar. (A) subsequent to amendment by Pub. L. 104–65, § 10(a)(3). See 1995 Amendment note below.

Subsec. (d)(1). Pub. L. 104–106, § 1064(c)(2), which directed the insertion of ''(other than in the case of the Department of Defense or a military department)'' after ''paragraph (3) of this subsection'', could not be executed because subsec. (d)(1) did not contain phrase ''paragraph (3) of this subsection'' subsequent to amendment by Pub. L. 104–65, § 10(b). See 1995 Amendment note below.

1995—Subsec. (b)(2). Pub. L. 104–65, § 10(a)(1), added subpars. (A) and (B) and struck out former subpars. (A) to (C) which read as follows:

''(A) a statement setting forth whether such person—

''(i) has made any payment with respect to that Federal contract, grant, loan, or cooperative agreement, using funds other than appropriated funds, which would be prohibited by subsection (a) of this section if the payment were paid for with appropriated funds; or

''(ii) has agreed to make any such payment;

''(B) with respect to each such payment (if any) and each such agreement (if any)—

''(i) the name and address of each person paid, to be paid, or reasonably expected to be paid;

''(ii) the name and address of each individual performing the services for which such payment is made, to be made, or reasonably expected to be made;

''(iii) the amount paid, to be paid, or reasonably expected to be paid;

''(iv) how the person was paid, is to be paid, or is reasonably expected to be paid; and

''(v) the activity for which the person was paid, is to be paid, or is reasonably expected to be paid; and

''(C) a certification that the person making the declaration has not made, and will not make, any payment prohibited by subsection (a).''

Subsec. (b)(3). Pub. L. 104–65, § 10(a)(2), substituted ''shall contain the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on behalf of the person in connection with that loan insurance or guarantee.'' for ''shall contain—'' and struck out subpars. (A) and (B) which read as follows:

''(A) a statement setting forth whether such person—

''(i) has made any payment to influence or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with that loan insurance or guaranty; or

''(ii) has agreed to make any such payment; and

''(B) with respect to each such payment (if any) and each such agreement (if any), the information described in paragraph (2)(B) of this subsection.''

Subsec. (b)(6), (7). Pub. L. 104–65, § 10(a)(3), redesignated par. (7) as (6), and struck out former par. (6) which directed head of each agency to collect and compile detailed information on any unappropriated payments under Federal contracts, and report such information to the appropriate congressional officer or committee.

Subsecs. (d) to (h). Pub. L. 104–65, § 10(b), and Pub. L. 104–66, § 3001(b), amended section identically, redesignating subsecs. (e) to (h) as (d) to (g), respectively, and striking out former subsec. (d) which directed the Inspector General or official of each agency to submit annual reports to Congress on the compliance of each agency with the requirements imposed by this section.

1994—Subsec. (c). Pub. L. 103–272, § 4(f)(1)(F)(i), substituted ''(c)(1) Any person'' for ''(C)(1) Any person''.

Subsec. (e)(1)(C). Pub. L. 103–272, § 4(f)(1)(F)(ii), substituted ''appropriated'' for ''appropirated'' and inserted period at end.

Subsec. (h)(7). Pub. L. 103–272, § 4(f)(1)(F)(iii), inserted periods after ''agency'' and ''guaranty''.

1990—Subsec. (e)(2)(C). Pub. L. 101–512 inserted ''or the single family maximum mortgage limit for affected programs, whichever is greater,'' after ''$150,000,''.

Statutory Notes and Related Subsidiaries

Effective Date of 1996 Amendment

For effective date and applicability of amendment by Pub. L. 104–106, see section 4401 of Pub. L. 104–106, set

[1] See References in Text note below.

out as a note under section 2220 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–65 effective Jan. 1, 1996, except as otherwise provided, see section 24 of Pub. L. 104–65, set out as an Effective Date note under section 1601 of Title 2, The Congress.

EFFECTIVE DATE

Pub. L. 101–121, title III, §319(d), Oct. 23, 1989, 103 Stat. 756, provided that: ''Section 1352 of title 31, United States Code (as added by subsection (a)), shall take effect with respect to Federal contracts, grants, loans, cooperative agreements, loan insurance commitments, and loan guaranty commitments that are entered into or made more than 60 days after the date of the enactment of this Act [Oct. 23, 1989].''

FIRST REPORT ON MAY 31, 1990; CONTENT

Pub. L. 101–121, title III, §319(b), Oct. 23, 1989, 103 Stat. 756, provided that the first report submitted under former subsec. (b)(6) of this section was to be submitted on May 31, 1990, and was to contain a compilation relating to the statements received under subsec. (b) of this section during the six-month period beginning on Oct. 1, 1989.

NOTIFICATION OF COMPLIANCE DATE; GUIDANCE FOR AGENCY IMPLEMENTATION

Pub. L. 101–121, title III, §319(c), Oct. 23, 1989, 103 Stat. 756, required the Director of the Office of Management and Budget to notify the head of each agency that this section was to be complied with commencing 60 days after Oct. 23, 1989, and required the Director, not later than 60 days after Oct. 23, 1989, to issue the guidance required under this section.

§ 1353. Acceptance of travel and related expenses from non-Federal sources

(a) Notwithstanding any other provision of law, the Administrator of General Services, in consultation with the Director of the Office of Government Ethics, shall prescribe by regulation the conditions under which an agency in the executive branch (including an independent agency) may accept payment, or authorize an employee of such agency to accept payment on the agency's behalf, from non-Federal sources for travel, subsistence, and related expenses with respect to attendance of the employee (or the spouse of such employee) at any meeting or similar function relating to the official duties of the employee. Any cash payment so accepted shall be credited to the appropriation applicable to such expenses. In the case of a payment in kind so accepted, a pro rata reduction shall be made in any entitlement of the employee to payment from the Government for such expenses.

(b) Except as provided in this section or section 4111 or 7342 of title 5, an agency or employee may not accept payment for expenses referred to in subsection (a). An employee who accepts any payment in violation of the preceding sentence—

(1) may be required, in addition to any penalty provided by law, to repay, for deposit in the general fund of the Treasury, an amount equal to the amount of the payment so accepted; and

(2) in the case of a repayment under paragraph (1), shall not be entitled to any payment from the Government for such expenses.

(c) As used in this section—

(1) the term ''executive branch'' means all executive agencies (as such term is defined in section 105 of title 5); and

(2) the term ''employee in the executive branch'' means—

(A) an appointed officer or employee in the executive branch; and

(B) an expert or consultant in the executive branch, under section 3109 of title 5; and

(3) the term ''payment'' means a payment or reimbursement, in cash or in kind.

(d)(1) The head of each agency of the executive branch shall, in the manner provided in paragraph (2), submit to the Director of the Office of Government Ethics reports of payments of more than $250 accepted under this section with respect to employees of the agency. The Director shall make such reports available for public inspection and copying.

(2) The reports required by paragraph (1) shall, with respect to each payment—

(A) specify the amount and method of payment, the name of the person making the payment, the name of the employee, the nature of the meeting or similar function, the time and place of travel, the nature of the expenses, and such other information as the Administrator of General Services may prescribe by regulation under subsection (a);

(B) be submitted not later than May 31 of each year with respect to payments in the preceding period beginning on October 1 and ending on March 31; and

(C) be submitted not later than November 30 of each year with respect to payments in the preceding period beginning on April 1 and ending on September 30.

(Added Pub. L. 101–194, title III, §302(a), Nov. 30, 1989, 103 Stat. 1745, §1352; renumbered §1353 and amended Pub. L. 101–280, §4(b)(1), (c), May 4, 1990, 104 Stat. 157, 158.)

Editorial Notes

AMENDMENTS

1990—Pub. L. 101–280, §4(b)(1), renumbered section 1352 of this title as this section.

Subsec. (a). Pub. L. 101–280, §4(c)(1), substituted ''in the executive branch (including an independent agency) may accept payment, or authorize an employee of such agency to accept payment on the agency's behalf,'' for ''or employee in the executive branch may accept payment''.

Subsec. (b). Pub. L. 101–280, §4(c)(2)(A), inserted ''or 7342'' after ''section 4111''.

Subsec. (b)(2). Pub. L. 101–280, §4(c)(2)(B), substituted ''(1),'' for ''(1)''.

Subsec. (c)(1). Pub. L. 101–280, §4(c)(3), substituted ''all executive agencies'' for ''any executive agency''.

§ 1354. Limitation on use of appropriated funds for contracts with entities not meeting veterans' employment reporting requirements

(a)(1) Subject to paragraph (2), no agency may obligate or expend funds appropriated for the agency for a fiscal year to enter into a contract described in section 4212(a) of title 38 with a contractor from which a report was required under section 4212(d) of that title with respect to the preceding fiscal year if such contractor did not submit such report.

(2) Paragraph (1) shall cease to apply with respect to a contractor otherwise covered by that paragraph on the date on which the contractor submits the report required by such section 4212(d) for the fiscal year concerned.

(b) The Secretary of Labor shall make available in a database a list of the contractors that have complied with the provisions of such section 4212(d).

(Added Pub. L. 105–339, § 7(b)(1), Oct. 31, 1998, 112 Stat. 3189.)

§ 1355. Prohibition on use of funds for portraits

(a) No funds appropriated or otherwise made available to the Federal Government may be used to pay for the painting of a portrait of an officer or employee of the Federal Government, including the President, the Vice President, a Member of Congress, the head of an executive agency, or the head of an office of the legislative branch.

(b) In this section—

(1) the term ''executive agency'' has the meaning given the term in section 133 of title 41; and

(2) the term ''Member of Congress'' includes a Delegate or Resident Commissioner to Congress.

(Added Pub. L. 115–158, § 2(a), Mar. 27, 2018, 132 Stat. 1242.)

CHAPTER 15—APPROPRIATION ACCOUNTING

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Editorial Notes

AMENDMENTS

1996—Pub. L. 104–106, div. E, title LV, § 5502(c), Feb. 10, 1996, 110 Stat. 699, substituted ''of a formal protest or other challenge'' for ''of a protest'' in item 1558.

1992—Pub. L. 102–484, div. A, title X, § 1054(e)(1), Oct. 23, 1992, 106 Stat. 2503, substituted ''Definitions; applicability of subchapter'' for ''Definitions and application'' in item 1551 and ''Procedure for appropriation accounts available for definite periods'' for ''Audit, control, and reporting'' in item 1552.

1990—Pub. L. 101–510, div. A, title XIV, § 1405(a)(2), Nov. 5, 1990, 104 Stat. 1679, substituted ''Audit, control, and reporting'' for ''Procedure for appropriation accounts available for definite periods'' in item 1552 and for ''Review of appropriation accounts'' in item 1554, ''Closing of appropriation accounts available'' for ''Withdrawal of unobligated balances of appropriations'' in item 1555, ''General: reports'' for ''General reports'' in item 1556, and ''Authority for exemptions in appropriation laws'' for ''Authorization to exempt'' in item 1557.

1989—Pub. L. 101–189, div. A, title VIII, § 813(b), Nov. 29, 1989, 103 Stat. 1494, added item 1558.

SUBCHAPTER I—GENERAL

§ 1501. Documentary evidence requirement for Government obligations

(a) An amount shall be recorded as an obligation of the United States Government only when supported by documentary evidence of—

(1) a binding agreement between an agency and another person (including an agency) that is—

(A) in writing, in a way and form, and for a purpose authorized by law; and

(B) executed before the end of the period of availability for obligation of the appropriation or fund used for specific goods to be delivered, real property to be bought or leased, or work or service to be provided;

(2) a loan agreement showing the amount and terms of repayment;

(3) an order required by law to be placed with an agency;

(4) an order issued under a law authorizing purchases without advertising—

(A) when necessary because of a public exigency;

(B) for perishable subsistence supplies; or

(C) within specific monetary limits;

(5) a grant or subsidy payable—

(A) from appropriations made for payment of, or contributions to, amounts required to be paid in specific amounts fixed by law or under formulas prescribed by law;

(B) under an agreement authorized by law; or

(C) under plans approved consistent with and authorized by law;

(6) a liability that may result from pending litigation;