

the government to which the services are provided at rates or charges based on the actual cost of providing the services.

(3) To carry out an agreement made under this subsection, the agreement may provide for the delegation of duties and powers of officers and employees of—

(A) the District of Columbia government to officers and employees of the United States Government; and

(B) the United States Government to officers and employees of the District of Columbia government.

(c) In providing services under an agreement made under subsection (b) of this section—

(1) costs incurred by the United States Government may be paid from appropriations available to the District of Columbia government officer or employee to whom the services were provided; and

(2) costs incurred by the District of Columbia government may be paid from amounts available to the United States Government officer or employee to whom the services were provided.

(d) When requested by the Director of the United States Secret Service, the Chief of the Metropolitan Police shall assist the Secret Service and the Secret Service Uniformed Division on a non-reimbursable basis in carrying out their protective duties under sections 3056 and 3056A of title 18.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 934; Pub. L. 109-177, title VI, §605(d)(1), Mar. 9, 2006, 120 Stat. 255.)

HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|--|---|
| 1537(a) | 31:685a(a)(1st sentence). | Dec. 24, 1973, Pub. L. 93-198, § 731, 87 Stat. 822. |
| 1537(b) | 31:685a(a)(2d, last sentences), (b). | |
| 1537(c) | 31:685a(c)(less last sentence words after last comma). | |
| 1537(d) | 31:685a(c)(last sentence words after last comma). | |

In the section, the words “District of Columbia” are substituted for “District” for clarity and consistency.

In subsection (a), the word “duplication” is substituted for “duplication of effort” to eliminate unnecessary words. The words “officer or employee of the United States Government” are substituted for “any Federal officer or agency”, and the words “officer or employee of the District of Columbia government” are substituted for “any District officer or agency”, for consistency.

In subsection (b)(1), before clause (A), the words “Except where the terms and conditions governing the furnishing of such services are prescribed by other provisions of law” are omitted as surplus. In clause (A), the words “officers and employees of the 2 governments” are substituted for “Federal and District authorities” for consistency. In clause (B), the words “of the District of Columbia” are added for clarity.

In subsection (b)(3), before clause (A), the words “duties and powers” are substituted for “functions” for consistency in the revised title and with other titles of the United States Code. The text of 31:685a(b)(last sentence) is omitted as surplus.

In subsection (c)(1), the words “United States Government” are substituted for “each Federal officer and agency” for clarity.

In subsection (c)(2), the words “District of Columbia government” are substituted for “each District officer and agency” for consistency.

AMENDMENTS

2006—Subsec. (d). Pub. L. 109-177 substituted “and the Secret Service Uniformed Division” for “and the Executive Protective Service” and “their protective duties under sections 3056 and 3056A of title 18” for “their protective duties under section 302 of title 3 and section 3056 of title 18”.

TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 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.

SUBCHAPTER IV—CLOSING ACCOUNTS

§ 1551. Definitions; applicability of subchapter

(a) In this subchapter—

(1) An obligated balance of an appropriation account as of the end of a fiscal year is the amount of unliquidated obligations applicable to the appropriation less amounts collectible as repayments to the appropriation.

(2) An unobligated balance is the difference between the obligated balance and the total unexpended balance.

(3) A fixed appropriation account is an appropriation account available for obligation for a definite period.

(b) The limitations on the availability for expenditure prescribed in this subchapter apply to all appropriations unless specifically otherwise authorized by a law that specifically—

(1) identifies the appropriate account for which the availability for expenditure is to be extended;

(2) provides that such account shall be available for recording, adjusting, and liquidating obligations properly chargeable to that account; and

(3) extends the availability for expenditure of the obligated balances.

(c) This subchapter does not apply to—

(1) appropriations for the District of Columbia government; or

(2) appropriations to be disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 935; Pub. L. 101-510, div. A, title XIV, §1405(a)(1), Nov. 5, 1990, 104 Stat. 1676; Pub. L. 102-484, div. A, title X, §1054(e)(2), Oct. 23, 1992, 106 Stat. 2503; Pub. L. 104-186, title II, §219(b)(1), Aug. 20, 1996, 110 Stat. 1748.)

HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|--|
| 1551(a) | 31:701(c)(1st sentence). | July 25, 1956, ch. 727, §1(c)(1st sentence), 70 Stat. 648; July 8, 1959, Pub. L. 86-79, §210(b), 73 Stat. 167. |

HISTORICAL AND REVISION NOTES—CONTINUED

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|--|
| 1551(b) | 31:707. | July 25, 1956, ch. 727, § 8, 70 Stat. 650. |

In subsection (b)(1), the words “District of Columbia government” are substituted for “District of Columbia” for consistency.

AMENDMENTS

1996—Subsec. (c)(2). Pub. L. 104-186 substituted “Chief Administrative Officer” for “Clerk”.

1992—Pub. L. 102-484 substituted “Definitions; applicability of subchapter” for “Definitions and applications” as section catchline.

1990—Pub. L. 101-510 amended text generally, reenacting former subsec. (a)(1) and (2) with a change in capitalization, adding subsecs. (a)(3) and (b), and restating former subsec. (b) as (c).

EFFECTIVE DATE OF 1990 AMENDMENT; TRANSITIONAL PROVISIONS

Section 1405(b) of Pub. L. 101-510, as amended by Pub. L. 102-484, div. A, title X, §1004, Oct. 23, 1992, 106 Stat. 2481, provided that:

“(1) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) [amending this section and sections 1552 to 1557 of this title] shall apply to any appropriation account the obligated balance of which, on the date of the enactment of this Act [Nov. 5, 1990], has not been transferred under section 1552(a)(1) of title 31, United States Code, as in effect on the day before the date of the enactment of this section.

“(2) RESTORATION OF CERTAIN UNOBLIGATED AMOUNTS.—The balance of any unobligated amount withdrawn under section 1552(a)(2) of title 31, United States Code, as in effect on the day before the date of the enactment of this Act, from an account the obligated balance of which has not been transferred under section 1552(a)(1) of title 31, United States Code, as in effect on the day before the date of the enactment of this section, is hereby restored to that account.

“(3) CANCELLATION OF UNOBLIGATED BALANCES.—All balances of unobligated funds withdrawn from an account under subsection 1552(a)(2) of title 31, United States Code, as in effect on the day before the date of the enactment of this Act (other than funds restored under paragraph (2)) are canceled, effective at the end of the 30-day period beginning on the date of the enactment of this Act.

“(4) CANCELLATION OF OBLIGATED BALANCES.—On the third September 30th after the date of the enactment of this Act, all obligated balances transferred under subsection 1552(a)(1) of title 31, United States Code, as in effect on the day before the date of the enactment of this Act, shall be canceled.

“(5) OBLIGATION OF EXISTING BALANCES.—After the date of the enactment of this Act, an obligation of any part of a balance transferred before the date of the enactment of this Act under section 1552(a)(1) of title 31, United States Code, shall be subject to section 1553(c) of such title, as amended by subsection (a).

“(6) CANCELLATION OF OLDEST OBLIGATED BALANCES.—(A) At the end of the 30-day period beginning on the date on which the President submits to Congress the budget for fiscal year 1992, any amount in an account established under paragraph (1) of section 1552 of title 31, United States Code, as in effect before the date of the enactment of this Act, that has been in that account as of that date for a period in excess of five years shall be deobligated and shall be withdrawn in the manner provided in paragraph (2) of that section. Amounts so deobligated and withdrawn may not be restored.

“(B) Subparagraph (A) shall not apply so as to require the deobligation of amounts—

“(i) for which there is documentary evidence that payment will be required within 180 days of the date of the enactment of this Act; or

“(ii) that are determined to be necessary for severance payments for foreign national employees.

“(7) OBLIGATIONS AND ADJUSTMENT OF OBLIGATIONS.—(A) After cancellation of unobligated balances under paragraph (3) or cancellation of obligated balances under paragraph (4) or paragraph (6) and subject to the provisions of subparagraph (B), obligations and adjustments to obligations that would have been chargeable to those balances before such cancellations and that are not otherwise chargeable to current appropriations of the agency concerned may be charged to current appropriations of that agency available for the same purpose. Any charge made pursuant to this subsection shall be limited to the unobligated expired balances of the original appropriation available for the same purpose.

“(B) Any charge made pursuant to subparagraph (A) shall be subject to the maximum amount chargeable under subsection (b) of section 1553 of title 31, United States Code, as amended by this section, and shall be included in the calculation of the total amount charged to any account under that section.

“(8) OBLIGATIONS AND ADJUSTMENTS OF OBLIGATIONS FOR EXPIRED BUT NOT CLOSED ACCOUNTS.—(A) Subject to subparagraphs (B), (C), and (D), in the case of an appropriation account for a fiscal year before fiscal year 1992 for which the period of availability for obligation has expired but which has not been closed under the provisions of section 1552(a) of title 31, United States Code, or paragraph (4) of this section, an obligation and an adjustment of an obligation may be charged to any current appropriation account of the Department of Defense that is available for the same purpose as the expired account if—

“(i) the obligation would have been properly chargeable (except as to amount) to the expired account before the end of the period of availability of that account; and

“(ii) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense.

“(B) The total amount charged to a current appropriation account under subparagraph (A) may not exceed an amount equal to the lesser of—

“(i) one percent of the total amount of the appropriations for that account; or

“(ii) one percent of the total amount of the appropriations for the expired account.

“(C) No obligation or adjustment of an obligation may be charged pursuant to the provisions of this paragraph until the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives are notified of the intent to make such a charge and a period of 30 days elapses after the notification is submitted.

“(D) CERTIFICATIONS.—No obligation or adjustment of an obligation may be charged pursuant to the provisions of this paragraph until the Secretary of Defense (except as otherwise provided in subparagraph (E)) certifies to Congress the following:

“(i) That the limitations on expending and obligating amounts established pursuant to section 1341 of title 31, United States Code, are being observed within the Department of Defense.

“(ii) That reports on any violations of such section 1341, whether intentional or inadvertent, are being submitted to the President and Congress immediately and with all relevant facts and a statement of actions taken as required by section 1351 of title 31, United States Code.

“(E) ALTERNATIVE TO CERTIFICATION.—If the Secretary of Defense is unable to make the certifications referred to in subparagraph (D) within 60 days after the date of the enactment of this subparagraph [Oct. 23, 1992], the Secretary shall submit to the Congress a report stating that the Secretary is unable to make such certifications and setting forth the actions that the Secretary will take in order to enable the Secretary to make such certifications after the end of that period.”

§ 1552. Procedure for appropriation accounts available for definite periods

(a) On September 30th of the 5th fiscal year after the period of availability for obligation of a fixed appropriation account ends, the account shall be closed and any remaining balance (whether obligated or unobligated) in the account shall be canceled and thereafter shall not be available for obligation or expenditure for any purpose.

(b) Collections authorized or required to be credited to an appropriation account, but not received before closing of the account under subsection (a) or under section 1555 of this title shall be deposited in the Treasury as miscellaneous receipts.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 935; Pub. L. 101-510, div. A, title XIV, § 1405(a)(1), Nov. 5, 1990, 104 Stat. 1676.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---------------------------|--|
| 1552(a) | 31:701(a)(1). | July 25, 1956, ch. 727, § 1(a)(1), 70 Stat. 647; restated July 12, 1974, Pub. L. 93-344, § 503(a), 88 Stat. 321. |
| | 31:701(a)(2). | July 25, 1956, ch. 727, § 1(a)(2), 70 Stat. 648; June 29, 1960, Pub. L. 86-533, § 1(25), 74 Stat. 249. |
| | 31:701(b). | July 25, 1956, ch. 727, § 1(b), 70 Stat. 648; restated July 12, 1974, Pub. L. 93-344, § 503(b), 88 Stat. 322; Apr. 21, 1976, Pub. L. 94-273, § 45, 90 Stat. 382. |
| 1552(b) | 31:701(c)(last sentence). | July 25, 1956, ch. 727, §§ 1(c)(last sentence), (d), 5, 70 Stat. 648, 649. |
| 1552(c) | 31:701(d). | |
| 1552(d) | 31:705. | |

In subsection (a), the text of 31:701(b)(1)(A) and (2)(A) and the words “for the period commencing on July 1, 1976, and ending on September 30, 1976, and for any fiscal year commencing on or after October 1, 1976” are omitted as executed.

In subsection (a)(1), the words “period of availability ends” are substituted for “that period or the fiscal year or years, as the case may be, for which the appropriation is available for obligation” to eliminate unnecessary words.

In subsection (a)(2), the words “reverts to the Treasury” are substituted for “if the appropriation was derived in whole or in part from the general fund, shall revert to such fund” to eliminate unnecessary words.

In subsection (b), the words “not received before” are substituted for “not received until after” for clarity. The words “unless otherwise authorized by law” are omitted as surplus. The words “Comptroller General” are substituted for “General Accounting Office” for consistency.

In subsection (c), the text of 31:701(d)(last sentence) is omitted as executed.

In subsection (d), before clause (1), the word “heading” is substituted for “heads” for clarity and consistency.

AMENDMENTS

1990—Pub. L. 101-510 amended text generally, revising and restating former subsecs. (a) to (d) as subsecs. (a) and (b).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-510 applicable to any appropriation account the obligated balance of which, on Nov. 5, 1990, has not been transferred under subsec. (a)(1) of this section, as in effect Nov. 4, 1990, with transitional provisions, see section 1405(b) of Pub. L. 101-510, set out as a note under section 1551 of this title.

AUDIT OF OBLIGATED BALANCES OF DEPARTMENT OF DEFENSE

Section 1406 of Pub. L. 101-510 provided that:

“(a) AUDIT REQUIREMENT.—The Secretary of Defense shall provide for an audit of each account of the Department of Defense established under paragraph (1) of section 1552(a) of title 31, United States Code, as in effect on the day before the date of the enactment of this Act [Nov. 5, 1990]. The audit shall, with respect to each such account, identify—

“(1) the balance in the account;

“(2) the amount of such balance that is considered by the Secretary (as of the time of the audit) to represent amounts required for valid obligations (as supported by documentary evidence as required by section 1501 of title 31) and the amount of such balance that is considered by the Secretary (as of the time of the audit) to represent amounts for obligations that are considered no longer valid;

“(3) the sources of amounts in the account, shown by fiscal year and by amount for each fiscal year; and

“(4) such other matters as the Secretary considers appropriate.

“(b) DEOBLIGATION OF OBLIGATIONS NO LONGER VALID.—Any obligated amounts in accounts of the Department of Defense established under paragraph (1) of section 1552(a) of title 31, United States Code, that are determined pursuant to the audit under subsection (a) to represent amounts for obligations that are no longer valid shall be deobligated and canceled.

“(c) REPORT ON AUDIT.—Not later than December 31, 1991, the Secretary of Defense shall submit to Congress a report containing the results of the audit conducted pursuant to subsection (a). The report shall set forth—

“(1) the information required to be identified pursuant to subsection (a); and

“(2) for each appropriation account (A) the average length of time funds have been obligated, (B) the average size of the obligation, and (iii)(C) the object classification of the obligations, all shown for total obligations and separately for valid obligations and obligations that are no longer valid.”

§ 1553. Availability of appropriation accounts to pay obligations

(a) After the end of the period of availability for obligation of a fixed appropriation account and before the closing of that account under section 1552(a) of this title, the account shall retain its fiscal-year identity and remain available for recording, adjusting, and liquidating obligations properly chargeable to that account.

(b)(1) Subject to the provisions of paragraph (2), after the closing of an account under section 1552(a) or 1555 of this title, obligations and adjustments to obligations that would have been properly chargeable to that account, both as to purpose and in amount, before closing and that are not otherwise chargeable to any current appropriation account of the agency may be charged to any current appropriation account of the agency available for the same purpose.

(2) The total amount of charges to an account under paragraph (1) may not exceed an amount equal to 1 percent of the total appropriations for that account.

(c)(1) In the case of a fixed appropriation account with respect to which the period of availability for obligation has ended, if an obligation of funds from that account to provide funds for a program, project, or activity to cover amounts required for contract changes would cause the total amount of obligations from that appropriation during a fiscal year for contract changes for that program, project, or activity to

exceed \$4,000,000, the obligation may only be made if the obligation is approved by the head of the agency (or an officer of the agency within the Office of the head of the agency to whom the head of the agency has delegated the authority to approve such an obligation).

(2) In the case of a fixed appropriation account with respect to which the period of availability for obligation has ended, if an obligation of funds from that account to provide funds for a program, project, or activity to cover amounts required for contract changes would cause the total amount obligated from that appropriation during a fiscal year for that program, project, or activity to exceed \$25,000,000, the obligation may not be made until—

(A) the head of the agency submits to the appropriate authorizing committees of Congress and the Committees on Appropriations of the Senate and the House of Representatives a notice in writing of the intent to obligate such funds, together with a description of the legal basis for the proposed obligation and the policy reasons for the proposed obligation; and

(B) a period of 30 days has elapsed after the notice is submitted.

(3) In this subsection, the term “contract change” means a change to a contract under which the contractor is required to perform additional work. Such term does not include adjustments to pay claims or increases under an escalation clause.

(d)(1) Obligations under this section may be paid without prior action of the Comptroller General.

(2) This subchapter does not—

(A) relieve the Comptroller General of the duty to make decisions requested under law; or

(B) affect the authority of the Comptroller General to settle claims and accounts.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 936; Pub. L. 101-510, div. A, title XIV, § 1405(a)(1), Nov. 5, 1990, 104 Stat. 1676.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|------------------------|--|
| 1553(a) | 31:702(1st sentence). | July 25, 1956, ch. 727, § 2, 70 Stat. 648. |
| 1553(b) | 31:702(last sentence). | |

In subsection (a), the word “separately” is substituted for “as one fund” for clarity. The words “remains available until expended” are substituted for “shall be available without fiscal year limitation” for consistency in the revised title.

In subsection (b), the words “Comptroller General” are substituted for “Comptroller General of the United States” and “General Accounting Office” for consistency. The words “affect the authority” are substituted for “abridge the existing authority” to eliminate unnecessary words. The words “settle claims and accounts” are substituted for “settle and adjust claims, demands, and accounts” for consistency with chapter 35 of the revised title.

AMENDMENTS

1990—Pub. L. 101-510 amended text generally. Prior to amendment, text read as follows:

“(a) Each appropriation account established under section 1552 of this title is accounted for separately and

remains available until expended to pay obligations chargeable against any appropriation from which the account is derived.

“(b) Under regulations prescribed by the Comptroller General, obligations under subsection (a) of this section may be paid without prior action of the Comptroller General. However, this subchapter does not—

“(1) relieve the Comptroller General of the duty to make decisions requested under law; or

“(2) affect the authority of the Comptroller General to settle claims and accounts.”

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-510 applicable to any appropriation account the obligated balance of which, on Nov. 5, 1990, has not been transferred under section 1552(a)(1) of this title, as in effect Nov. 4, 1990, with transitional provisions, see section 1405(b) of Pub. L. 101-510, set out as a note under section 1551 of this title.

§ 1554. Audit, control, and reporting

(a) Any audit requirement, limitation on obligations, or reporting requirement that is applicable to an appropriation account shall remain applicable to that account after the end of the period of availability for obligation of that account.

(b)(1) After the close of each fiscal year, the head of each agency shall submit to the President and the Secretary of the Treasury a report regarding the unliquidated obligations, unobligated balances, canceled balances, and adjustments made to appropriation accounts of that agency during the completed fiscal year. The report shall be submitted no later than 15 days after the date on which the President’s budget for the next fiscal year is submitted to Congress under section 1105 of this title.

(2) Each report required by this subsection shall—

(A) provide a description, with reference to the fiscal year of appropriations, of the amount in each account, its source, and an itemization of the appropriations accounts;

(B) describe all current and expired appropriations accounts;

(C) describe any payments made under section 1553 of this title;

(D) describe any adjustment of obligations during that fiscal year pursuant to section 1553 of this title;

(E) contain a certification by the head of the agency that the obligated balances in each appropriation account of the agency reflect proper existing obligations and that expenditures from the account since the preceding review were supported by a proper obligation of funds and otherwise were proper;

(F) describe all balances canceled under sections 1552 and 1555 of this title.

(3) The head of each Federal agency shall provide a copy of each such report to the Speaker of the House of Representatives and the Committee on Appropriations, the Committee on Governmental Affairs, and other appropriate oversight and authorizing committees of the Senate.

(c) The head of each agency shall establish internal controls to assure that an adequate review of obligated balances is performed to support the certification required by section 1108(c) of this title.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 936; Pub. L. 101-510, div. A, title XIV, §1405(a)(1), Nov. 5, 1990, 104 Stat. 1677; Pub. L. 102-190, div. A, title X, §1004(b), Dec. 5, 1991, 105 Stat. 1457.)

HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|--|--|
| 1554(a) | 31:703(a)(1st, 2d sentences, last sentence proviso). | July 25, 1956, ch. 727, §3(a), 70 Stat. 649; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, §102(a), 84 Stat. 2085; Apr. 21, 1976, Pub. L. 94-273, §8(1), 90 Stat. 378. |
| 1554(b) | 31:703(a)(3d sentence, last sentence less proviso). | |

In subsection (a), the words “head of the agency” are substituted for “agency concerned” for consistency. The word “President” is substituted for “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.

In subsection (b), the words “withdrawal or restoration” are substituted for “transactions” the first time it appears.

AMENDMENTS

1991—Subsecs. (c), (d). Pub. L. 102-190 redesignated subsec. (d) as (c) and struck out former subsec. (c) which read as follows:

“(1) The Director of the Congressional Budget Office shall estimate each year the effect on the Federal deficit of payments and adjustments made with respect to sections 1552 and 1553 of this title. Such estimate shall be made separately for accounts of each agency.

“(2) The Director shall include in the annual report of the Director to the Committees on the Budget of the Senate and House of Representatives under paragraph (1) of section 202(f) of the Congressional Budget Act of 1974 a statement of the estimates made pursuant to paragraph (1) of this subsection during the preceding year (including any revisions to estimates contained in earlier reports under such paragraph). The Director shall include in any report under paragraph (2) of that section any revisions to such estimates made since the most recent report under paragraph (1) of such section.”

1990—Pub. L. 101-510 substituted “Audit, control, and reporting” for “Review of appropriation accounts” in section catchline and amended text generally, substituting subsecs. (a) to (d) for former subsecs. (a) and (b) which required the head of each agency to annually review each appropriation account established by the agency under section 1552 of this title.

CHANGE OF NAME

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.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-510 applicable to any appropriation account the obligated balance of which, on Nov. 5, 1990, has not been transferred under section 1552(a)(1) of this title, as in effect Nov. 4, 1990, with transitional provisions, see section 1405(b) of Pub. L. 101-510, set out as a note under section 1551 of this title.

REPORTING REQUIREMENT REGARDING EFFECT OF CERTAIN PAYMENTS AND ADJUSTMENTS ON FEDERAL DEFICIT

Section 1004(a) of Pub. L. 102-190 provided that: “At the same time that the President submits to Congress

the budget for each of fiscal years 1993, 1994, 1995, and 1996 under section 1105 of title 31, United States Code, the Director of the Office of Management and Budget shall submit to Congress a report regarding the effect on the Federal deficit of payments and adjustments made with respect to sections 1552 and 1553 of such title for the fiscal year in which such budget is submitted, the fiscal year preceding that fiscal year, and the fiscal year covered by that budget. The report shall include separate estimates for the accounts of each agency.”

§ 1555. Closing of appropriation accounts available for indefinite periods

An appropriation account available for obligation for an indefinite period shall be closed, and any remaining balance (whether obligated or unobligated) in that account shall be canceled and thereafter shall not be available for obligation or expenditure for any purpose, if—

(1) the head of the agency concerned or the President determines that the purposes for which the appropriation was made have been carried out; and

(2) no disbursement has been made against the appropriation for two consecutive fiscal years.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 937; Pub. L. 101-510, div. A, title XIV, §1405(a)(1), Nov. 5, 1990, 104 Stat. 1678.)

HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|---|
| 1555(a) | 31:706(less proviso). | July 25, 1956, ch. 727, §6, 70 Stat. 649. |
| 1555(b) | 31:706(proviso). | |

In subsection (a), the words “indefinite period” are substituted for “not limited to a definite period of time” for consistency in the revised title. The words “consecutive fiscal years” are substituted for “full consecutive fiscal years” to eliminate an unnecessary word.

In subsection (b), the words “or were heretofore withdrawn from the appropriation account by administrative action” are omitted as executed.

AMENDMENTS

1990—Pub. L. 101-510 substituted “Closing of appropriation accounts available” for “Withdrawal of unobligated balances of appropriations” in section catchline and amended text generally. Prior to amendment, text read as follows:

“(a) An unobligated balance of an appropriation for an indefinite period shall be withdrawn in the way provided in section 1552(a)(2) of this title when the head of the agency concerned decides that the purposes for which the appropriation was made have been carried out or when no disbursement is made against the appropriation for 2 consecutive fiscal years.

“(b) An amount of an appropriation withdrawn under this section may be restored to the applicable appropriation account to pay obligations and to settle accounts.”

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-510 applicable to any appropriation account the obligated balance of which, on Nov. 5, 1990, has not been transferred under section 1552(a)(1) of this title, as in effect Nov. 4, 1990, with transitional provisions, see section 1405(b) of Pub. L. 101-510, set out as a note under section 1551 of this title.

§ 1556. Comptroller General: reports on appropriation accounts

(a) In carrying out audit responsibilities, the Comptroller General shall report on operations under this subchapter to—

- (1) the head of the agency concerned;
- (2) the Secretary of the Treasury; and
- (3) the President.

(b) A report under this section shall include an appraisal of unpaid obligations under fixed appropriation accounts for which the period of availability for obligation has ended.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 937; Pub. L. 101-510, div. A, title XIV, § 1405(a)(1), Nov. 5, 1990, 104 Stat. 1678.)

HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---|--|
| 1556(a) | 31:703(b)(1st sentence words before 4th comma). | July 25, 1956, ch. 727, §3(b), 70 Stat. 649; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, §102(a), 84 Stat. 2085. |
| 1556(b) | 31:703(b)(1st sentence words after 4th comma, last sentence). | |

In the section, the word “President” is substituted for “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.

AMENDMENTS

1990—Pub. L. 101-510 substituted “General: reports” for “General reports” in section catchline and amended text generally. Prior to amendment, text read as follows:

“(a) In carrying out audit responsibilities, the Comptroller General shall report on operations under this subchapter to—

- “(1) the head of the agency concerned;
- “(2) the Secretary of the Treasury; and
- “(3) the President.

“(b) A report under this section shall include an appraisal of unpaid obligations under appropriation accounts established under section 1552 of this title. By the 30th day after receiving a report, the head of the agency concerned shall carry out actions required by section 1554 of this title that the report shows is necessary.”

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-510 applicable to any appropriation account the obligated balance of which, on Nov. 5, 1990, has not been transferred under section 1552(a)(1) of this title, as in effect Nov. 4, 1990, with transitional provisions, see section 1405(b) of Pub. L. 101-510, set out as a note under section 1551 of this title.

§ 1557. Authority for exemptions in appropriation laws

A provision of an appropriation law may exempt an appropriation from the provisions of this subchapter and fix the period for which the appropriation remains available for expenditure.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 937; Pub. L. 101-510, div. A, title XIV, § 1405(a)(1), Nov. 5, 1990, 104 Stat. 1679.)

HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|---|
| 1557 | 31:708. | July 25, 1956, ch. 727, §9, 70 Stat. 650. |

AMENDMENTS

1990—Pub. L. 101-510 substituted “Authority for exemptions in appropriation laws” for “Authorization to exempt” in section catchline and amended text generally. Prior to amendment, text read as follows: “A provision of an appropriation law may exempt an appropriation from this subchapter and fix the period for which the appropriation remains available for expenditure.”

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-510 applicable to any appropriation account the obligated balance of which, on Nov. 5, 1990, has not been transferred under section 1552(a)(1) of this title, as in effect Nov. 4, 1990, with transitional provisions, see section 1405(b) of Pub. L. 101-510, set out as a note under section 1551 of this title.

§ 1558. Availability of funds following resolution of a formal protest or other challenge

(a) Notwithstanding section 1552 of this title or any other provision of law, funds available to an agency for obligation for a contract at the time a protest or other action referred to in subsection (b) is filed in connection with a solicitation for, proposed award of, or award of such contract shall remain available for obligation for 100 days after the date on which the final ruling is made on the protest or other action. A ruling is considered final on the date on which the time allowed for filing an appeal or request for reconsideration has expired, or the date on which a decision is rendered on such an appeal or request, whichever is later.

(b) Subsection (a) applies with respect to—

(1) any protest filed under subchapter V of chapter 35 of this title; or

(2) an action commenced under administrative procedures or for a judicial remedy if—

(A) the action involves a challenge to—

(i) a solicitation for a contract;

(ii) a proposed award of a contract;

(iii) an award of a contract; or

(iv) the eligibility of an offeror or potential offeror for a contract or of the contractor awarded the contract; and

(B) commencement of the action delays or prevents an executive agency from making an award of a contract or proceeding with a procurement.

(Added Pub. L. 101-189, div. A, title VIII, §813(a), Nov. 29, 1989, 103 Stat. 1494; amended Pub. L. 104-106, div. E, title LV, §5502(a), (b), Feb. 10, 1996, 110 Stat. 698, 699.)

AMENDMENTS

1996—Pub. L. 104-106, §5502(b), substituted “of a formal protest or other challenge” for “of a protest” in section catchline.

Subsec. (a). Pub. L. 104-106, §5502(a)(1), inserted “or other action referred to in subsection (b)” after “time a protest”, substituted “100 days” for “90 working days”, and inserted “or other action” after “on the protest”.

Subsec. (b). Pub. L. 104-106, §5502(a)(2), added subsec. (b) and struck out former subsec. (b) which read as fol-

lows: “Subsection (a) applies with respect to any protest filed under subchapter V of chapter 35 of this title or under section 111(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f)).”

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective 180 days after Feb. 10, 1996, see section 5701 of Pub. L. 104-106, div. E, title LVII, Feb. 10, 1996, 110 Stat. 702.

SUBTITLE III—FINANCIAL MANAGEMENT

| | | |
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| 37. | Claims | 3701 |
| 38. | Administrative Remedies for False Claims and Statements | 3801 |
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AMENDMENTS

1986—Pub. L. 99-509, title VI, §6103(b), Oct. 21, 1986, 100 Stat. 1948, added item for chapter 38.

1983—Pub. L. 97-452, §1(18)(B), Jan. 12, 1983, 96 Stat. 2477, added item for chapter 39.

CHAPTER 31—PUBLIC DEBT

SUBCHAPTER I—BORROWING AUTHORITY

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| 3101. | Public debt limit. |
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| 3123. | Payment of obligations and interest on the public debt. |
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| 3126. | Losses and relief from liability related to redeeming savings bonds and notes. |
| 3127. | Credit to officers, employees, and agents for stolen Treasury notes. |
| 3128. | Proof of death to support payment. |
| 3129. | Appropriation to pay expenses. |
| 3130. | Annual public debt report. |

AMENDMENTS

2011—Pub. L. 112-25, title III, §301(b), Aug. 2, 2011, 125 Stat. 255, added item 3101A.

1993—Pub. L. 103-202, title II, §201(b), Dec. 17, 1993, 107 Stat. 2356, added item 3130.

SUBCHAPTER I—BORROWING AUTHORITY

§ 3101. Public debt limit

(a) In this section, the current redemption value of an obligation issued on a discount basis

and redeemable before maturity at the option of its holder is deemed to be the face amount of the obligation.

(b) The face amount of obligations issued under this chapter and the face amount of obligations whose principal and interest are guaranteed by the United States Government (except guaranteed obligations held by the Secretary of the Treasury) may not be more than \$14,294,000,000,000, outstanding at one time, subject to changes periodically made in that amount as provided by law through the congressional budget process described in Rule XLIX¹ of the Rules of the House of Representatives or as provided by section 3101A or otherwise.

(c) For purposes of this section, the face amount, for any month, of any obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

(1) the original issue price of the obligation, plus

(2) the portion of the discount on the obligation attributable to periods before the beginning of such month (as determined under the principles of section 1272(a) of the Internal Revenue Code of 1986 without regard to any exceptions contained in paragraph (2) of such section).

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 938; Pub. L. 98-34, §1(a), May 26, 1983, 97 Stat. 196; Pub. L. 98-161, Nov. 21, 1983, 97 Stat. 1012; Pub. L. 98-342, §1(a), July 6, 1984, 98 Stat. 313; Pub. L. 98-475, Oct. 13, 1984, 98 Stat. 2206; Pub. L. 99-177, §1, Dec. 12, 1985, 99 Stat. 1037; Pub. L. 99-384, Aug. 21, 1986, 100 Stat. 818; Pub. L. 100-119, §1, Sept. 29, 1987, 101 Stat. 754; Pub. L. 101-72, §2, Aug. 7, 1989, 103 Stat. 182; Pub. L. 101-140, §1, Nov. 8, 1989, 103 Stat. 830; Pub. L. 101-508, title XI, §11901[(a)], Nov. 5, 1990, 104 Stat. 1388-560; Pub. L. 103-66, title XIII, §13411(a), Aug. 10, 1993, 107 Stat. 565; Pub. L. 104-121, title III, §301, Mar. 29, 1996, 110 Stat. 875; Pub. L. 105-33, title V, §5701, Aug. 5, 1997, 111 Stat. 648; Pub. L. 107-199, §1, June 28, 2002, 116 Stat. 734; Pub. L. 108-24, May 27, 2003, 117 Stat. 710; Pub. L. 108-415, §1, Nov. 19, 2004, 118 Stat. 2337; Pub. L. 109-182, Mar. 20, 2006, 120 Stat. 289; Pub. L. 110-91, Sept. 29, 2007, 121 Stat. 988; Pub. L. 110-289, div. C, title III, §3083, July 30, 2008, 122 Stat. 2908; Pub. L. 110-343, div. A, title I, §122, Oct. 3, 2008, 122 Stat. 3790; Pub. L. 111-5, div. B, title I, §1604, Feb. 17, 2009, 123 Stat. 366; Pub. L. 111-123, §1, Dec. 28, 2009, 123 Stat. 3483; Pub. L. 111-139, Feb. 12, 2010, 124 Stat. 8; Pub. L. 112-25, title III, §301(a)(1), Aug. 2, 2011, 125 Stat. 251.)

¹ See References in Text note below.