

who have been performing or shall perform the duties of their respective offices after the date of such expiration”, and “the salary, compensation, fees, or emoluments authorized or provided by law in each case for the respective incumbents of the offices” because of 25 Op. Atty. Gen. 636 (1906) and for consistency with other titles of the United States Code. The words “until a successor is appointed and qualified” are substituted for “before the appointment and qualification of their successors” and 31:1016 (last sentence) for consistency with other titles of the Code.

AMENDMENTS

2010—Pub. L. 111-203 renumbered section 312 of this title as this section.

2003—Pub. L. 108-177 renumbered section 311 of this title as this section.

2001—Pub. L. 107-56 renumbered section 310 of this title as this section.

1989—Pub. L. 101-73 renumbered section 309 of this title as this section.

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-203 effective 1 day after July 21, 2010, except as otherwise provided, see section 4 of Pub. L. 111-203, set out as an Effective Date note under section 5301 of Title 12, Banks and Banking.

SUBCHAPTER II—ADMINISTRATIVE

§ 321. General authority of the Secretary

(a) The Secretary of the Treasury shall—

(1) prepare plans for improving and managing receipts of the United States Government and managing the public debt;

(2) carry out services related to finances that the Secretary is required to perform;

(3) issue warrants for money drawn on the Treasury consistent with appropriations;

(4) mint coins, engrave and print currency and security documents, and refine and assay bullion, and may strike medals;

(5) prescribe regulations that the Secretary considers best calculated to promote the public convenience and security, and to protect the Government and individuals from fraud and loss, that apply to anyone who may—

(A) receive for the Government, Treasury notes, United States notes, or other Government securities; or

(B) be engaged or employed in preparing and issuing those notes or securities;

(6) collect receipts;

(7) with a view to prosecuting persons, take steps to discover fraud and attempted fraud involving receipts and decide on ways to prevent and detect fraud;

(8) maintain separate accounts of taxes received in each State, territory, and possession of the United States, and collection district, with each account listing—

(A) each kind of tax;

(B) the amount of each tax; and

(C) the money paid as pay and allowances to officers and employees of the Department collecting taxes in that State, territory, possession, or district; and

(9) advise the President on major domestic and international prudential policy issues in connection with all lines of insurance except health insurance.

(b) The Secretary may—

(1) prescribe regulations to carry out the duties and powers of the Secretary;

(2) delegate duties and powers of the Secretary to another officer or employee of the Department of the Treasury;

(3) transfer within the Department the records, property, officers, employees, and unexpended balances of appropriations, allocations, and amounts of the Department that the Secretary considers necessary to carry out a delegation made under clause (2) of this subsection;

(4) detail, in addition to details authorized under another law, not more than 6 officers and employees of the Department at any one time to enforce the laws related to the Department, except that of those 6 officers and employees not more than 4 officers and employees—

(A) paid from the appropriations for the collection of customs may be so detailed;

(B) paid from the appropriations for internal revenue may be so detailed; and

(C) paid from the appropriations for suppressing counterfeiting and other crimes may be so detailed;

(5) authorize, at rates and under conditions prescribed by the Secretary, the private use of telephone lines controlled by the Department when the use does not interfere with Department business;

(6) buy arms and ammunition required by officers and employees of the Department in carrying out their duties and powers; and

(7) notwithstanding any other provision of law, fulfill any requirement to issue a report on the financial condition of any fund on the books of the Treasury by including the required information in a consolidated report, except that information with respect to a specific fund shall be separately reported if the Secretary determines that the consolidation of such information would result in an unwarranted delay in the availability of such information.

(c) Duties and powers of officers and employees of the Department are vested in the Secretary except duties and powers—

(1) vested by subchapter II of chapter 5 of title 5 in administrative law judges employed by the Secretary; and

(2) of the Comptroller of the Currency.

(d)(1) The Secretary of the Treasury may accept, hold, administer, and use gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department of the Treasury. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed on order of the Secretary of the Treasury. Property accepted under this paragraph, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

(2) For purposes of the Federal income, estate, and gift taxes, property accepted under paragraph (1) shall be considered as a gift or bequest to or for the use of the United States.

(3) The Secretary of the Treasury may invest and reinvest the fund in public debt securities

with maturities suitable for the needs of the fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities. Income accruing from the securities, and from any other property accepted under paragraph (1), shall be deposited to the credit of the fund, and shall be disbursed on order of the Secretary of the Treasury for purposes as nearly as possible in accordance with the terms of the gifts or bequests.

(4) The Secretary of the Treasury shall, not less frequently than annually, make a public disclosure of the amount (and sources) of the gifts and bequests received under this subsection, and the purposes for which amounts in the separate fund established under this subsection are expended.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 880; Pub. L. 98-369, div. A, title IV, § 445, July 18, 1984, 98 Stat. 816; Pub. L. 101-73, title III, § 307(b), (d), Aug. 9, 1989, 103 Stat. 353; Pub. L. 104-66, title I, § 1132(b), Dec. 21, 1995, 109 Stat. 725; Pub. L. 111-203, title III, § 378(1), title V, § 502(b), July 21, 2010, 124 Stat. 1570, 1588.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
321(a)(1)-(3).	31:1002(less words between 1st and 2d semicolons and between 4th and 5th semicolons). (no source).	R.S. § 248(less words between 4th and 5th semicolons).
321(a)(4) .. 321(a)(5) ..	31:427.	R.S. § 251(words after "Treasury" and before "shall prescribe forms of entries").
321(a)(6) ..	31:1002(words between 1st and 2d semicolons).	
321(a)(7) ..	31:1011.	R.S. § 376; May 10, 1934, ch. 277, § 512(b), 48 Stat. 759.
321(a)(8) ..	31:1024.	R.S. §§ 239, 261; Feb. 18, 1875, ch. 80, § 1(3d complete par. on p. 317), 18 Stat. 317; Aug. 7, 1946, ch. 770, § 1(4b), 60 Stat. 970.
321(b)(1) ..	31:127. 31:317f. 31:397. 31:528(d).	Oct. 9, 1940, ch. 796, § 5, 54 Stat. 1087. Dec. 18, 1942, ch. 767, § 7, 56 Stat. 1066. July 23, 1965, Pub. L. 89-81, § 107, 79 Stat. 255.
	31:564.	R.S. § 3646(d); July 8, 1937, ch. 444, § 9, 50 Stat. 483; restated Dec. 3, 1945, ch. 515, § 1, 59 Stat. 593.
	31:1053. 31:1262(a).	Nov. 21, 1941, ch. 489, § 5, 55 Stat. 778; Dec. 22, 1974, Pub. L. 93-539, § 1(a) (related to § 4), 89 Stat. 1738. Oct. 26, 1970, Pub. L. 91-508, § 204, 84 Stat. 1120. Oct. 20, 1972, Pub. L. 92-512, § 142(a), 86 Stat. 935.
321(b)(2), (3).	31:1001(note).	Reorg. Plan No. 26 of 1950, eff. July 31, 1950, §§ 2, 4, 64 Stat. 1281.
321(b)(4) ..	31:1017.	June 12, 1917, ch. 27, § 1(4th par. under heading "Miscellaneous Objects, Treasury Department"), 40 Stat. 118; Mar. 4, 1921, ch. 161, § 1(1st par. under heading "Miscellaneous Objects, Treasury Department"), 41 Stat. 1374.
321(b)(5) ..	31:486.	Apr. 28, 1904, ch. 1762, § 1(proviso immediately before heading "Revenue-Cutter Service"), 33 Stat. 460.
321(b)(6) ..	31:1023(a).	June 1, 1955, ch. 119, § 1(a), 69 Stat. 82.
321(c)	31:1001(note).	Reorg. Plan No. 26 of 1950, eff. July 31, 1950, § 1(a), (b), 64 Stat. 1280.

In subsection (a)(1)-(3), the words between the 2d and 3d semicolons are omitted as superseded by section 3512 of the revised title.

In subsection (a)(1), the word "digest" is omitted as being included in "prepare". The word "receipts" is substituted for "revenue", and the words "managing the public debt" are substituted for "for the support of the public credit", for consistency in the revised title.

In subsection (a)(2), the words "carry out" are substituted for "generally shall perform" for consistency in the revised title and with other titles of the United States Code. The words "that the Secretary is required" are substituted for "as he shall be directed" because of the restatement.

In subsection (a)(3), the word "issue" is substituted for "shall grant" for consistency. The words "under limitations herein established or to be provided" are omitted as unnecessary. The word "consistent" is substituted for "in pursuance of", and the words "by law" are omitted, for consistency.

Subsection (a)(4) is included to reflect all the major duties of the Secretary of the Treasury. See chapter 51 of the revised title.

In subsection (a)(5), before subclause (A), the words "prescribe regulations" are substituted for "make and issue from time to time such instructions and regulations" for consistency in the revised title and to eliminate unnecessary words. The words "applicable to anyone" are substituted for "to the several collectors, receivers, depositaries, officers, and others" for clarity and to eliminate unnecessary words. In subclause (A), the words "for the Government" are inserted because section 8 of the Act of June 30, 1864 (ch. 172, 13 Stat. 221), from which section 251 of the Revised Statutes is derived, used the phrase "in behalf of the United States". In subclause (B), the words "those notes and securities" are substituted for "the same" for clarity.

In subsection (a)(6), the word "collect" is substituted for "superintend the collection" because of the source provisions restated in section 321(c) of the revised title. The word "receipts" is substituted for "revenue" for consistency in the revised title.

In subsection (a)(7), the words "Secretary of the Treasury" are substituted for "General Counsel of the Department of the Treasury, under the direction of the Secretary of the Treasury" because of the source provisions restated in subsection (c) of this section. The words "with a view to prosecuting persons" are substituted for "for the prosecution of persons charged with the commission thereof" for clarity. The words "take steps to discover fraud and attempted fraud" are substituted for "take cognizance of all frauds or attempted frauds" for clarity. The words "involving receipts" are substituted for "upon the revenue" for consistency in the revised title. The words "decide on ways to prevent and detect fraud" are substituted for "exercise a general supervision over the measures for their prevention and detection" for clarity and to eliminate unnecessary words.

In subsection (a)(8), before subclause (A), the word "maintain" is substituted for "shall be kept" for consistency. The words "all moneys" and "internal" are omitted as unnecessary because of the restatement. The words "duties or" are omitted as being included in "taxes". The word "possession" is added for consistency in the revised title and with other titles of the Code. The word "listing" is substituted for "so as to exhibit, as far as may be" for clarity and to eliminate unnecessary words. In subclause (A), the word "kind" is substituted for "species" for consistency. The words "that shall accrue" are omitted as surplus. In subclause (B), the words "each tax" are substituted for "each source of revenue" for clarity. In subclause (C), the word "pay" is substituted for "compensation" for consistency. The words "officers and employees" are substituted for "collectors and deputy collectors, inspectors, and other officers" for consistency and to eliminate unnecessary words.

Subsection (b)(1) is included as a general statement of the authority of the Secretary of the Treasury to

prescribe regulations to avoid repeating each time specific authority of the Secretary to carry out certain provisions of law.

In subsection (b)(2), the words “make such provisions” in 31:1001(note) are omitted as unnecessary. The words “or by any agency” are omitted and the words “duties and powers” are substituted for “function”, for consistency in the revised title and with other titles of the Code. The words “including any function transferred to the Secretary by the provisions of this reorganization plan” are omitted as executed.

In subsection (b)(3), the word “effect” is omitted as unnecessary. The words “(available or to be made available)” are omitted as surplus. The words “delegation made under clause (2) of this subsection” are substituted for “provisions of this reorganization plan” because the only provision of Reorganization Plan No. 26 of 1950 (eff. July 31, 1950, 64 Stat. 1281) that continues to have legal effect is section 2 that is restated in clause (2).

In subsection (b)(4), before subclause (A), the word “detail” is substituted for “to use for, and in connection with” to eliminate unnecessary words. The words “in addition to details authorized under another law” are substituted for 31:1017(last sentence) to eliminate unnecessary words and because subsequent laws would also provide additional authority to detail. The words “and the several branches of the public service under its control” are omitted as being included in “Department”. The words “officers and employees” are substituted for “persons” for clarity and consistency in the revised title. In subclause (B), the words “agents or from the appropriation for the foregoing purpose” are omitted as unnecessary because of the restatement.

In subsection (b)(5), the words “the proceeds thereof to be accounted for and paid into the Treasury of the United States” are omitted as unnecessary because of section 3302 of the revised title.

In subsection (b)(6), the word “buy” is substituted for “make expenditures” for consistency in the revised title and with other titles of the Code. The words “officers or employees” are substituted for “civilian employees”, and the words “in carrying out their duties and powers” are substituted for “in the performance of their official duties”, for consistency in the revised title and with other titles of the Code.

AMENDMENTS

2010—Subsec. (a)(9). Pub. L. 111-203, §502(b), added par. (9).

Subsec. (c). Pub. L. 111-203, §378(1)(A), inserted “and” at end of par. (1), substituted period for “; and” at end of par. (2), and struck out par. (3) which read as follows: “of the Director of the Office of Thrift Supervision:”.

Subsec. (e). Pub. L. 111-203, §378(1)(B), struck out subsec. (e). Text read as follows: “The Secretary of the Treasury may not merge or consolidate the Office of Thrift Supervision, or any of the functions or responsibilities of the Office or the Director of such office, with the Office of the Comptroller of the Currency or the Comptroller of the Currency.”

1995—Subsec. (b)(7). Pub. L. 104-66 added par. (7).

1989—Subsec. (c)(3). Pub. L. 101-73, §307(b), added par. (3).

Subsec. (e). Pub. L. 101-73, §307(d), added subsec. (e). 1984—Subsec. (d). Pub. L. 98-369 added subsec. (d).

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by section 378(1) of Pub. L. 111-203 effective on the transfer date, see section 351 of Pub. L. 111-203, set out as a note under section 906 of Title 2, The Congress.

Amendment by section 502(b) of Pub. L. 111-203 effective 1 day after July 21, 2010, except as otherwise provided, see section 4 of Pub. L. 111-203, set out as an Effective Date note under section 5301 of Title 12, Banks and Banking.

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to Secretary of the Treasury, see Parts 1, 2,

and 15 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

USE OF AIRCRAFT IN EMERGENCY LAW ENFORCEMENT SUPPORT

Pub. L. 104-52, title I, §107, Nov. 19, 1995, 109 Stat. 476, provided that: “The Secretary of the Treasury is authorized in fiscal year 1996 and hereafter, to use Treasury Department aircraft, with or without reimbursement, to assist bureaus within the Department of the Treasury or other Federal agencies, Departments or offices outside of the Department of the Treasury to provide emergency law enforcement support to protect human life, property, public health, or safety.”

§ 322. Working capital fund

(a) The Department of the Treasury has a working capital fund. Amounts in the fund are available for expenses of operating and maintaining common administrative services of the Department that the Secretary of the Treasury, with the approval of the Director of the Office of Management and Budget, decides may be carried out more advantageously and more economically as central services.

(b) Amounts in the fund remain available until expended. Amounts may be appropriated to the fund.

(c) The fund consists of—

(1) amounts appropriated to the fund;

(2) to the extent transferred to the fund by the Secretary, the reasonable value of supply inventories, equipment, and other assets and inventories on order for providing services out of amounts in the fund, less related liabilities and unpaid obligations;

(3) amounts received from the sale or exchange of property; and

(4) payments received for loss or damage to property of the fund.

(d) The fund shall be reimbursed, or credited with advance payments, from amounts available to the Department or from other sources, for supplies and services at rates that will equal the expenses of operation, including accrual of annual leave and the depreciation of plant and equipment. Amounts the Secretary decides are in excess of the needs of the fund shall be deposited at the end of each fiscal year in the Treasury as miscellaneous receipts.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 881; Pub. L. 98-369, div. A, title IV, §442, July 18, 1984, 98 Stat. 816.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
322(a)	31:1033(1st sentence less words between 1st and 3d commas, 2d sentence 1st-9th words).	Dec. 31, 1970, Pub. L. 91-614, §401, 84 Stat. 1846.
322(b)	31:1033(1st sentence words between 1st and 3d commas, last sentence).	
322(c)	31:1033(2d sentence less 1st-9th words, 4th sentence).	
322(d)	31:1033(3d, 5th sentences).	

In subsection (a), the words “Amounts in the fund are available” are added because of the restatement.

In subsection (b), the words “Amounts in the fund remain available until expended” are substituted for “shall be available, without fiscal year limitation” for consistency in the revised title.

In subsection (c)(1), the words “amounts appropriated to the fund” are substituted for “any appropriations made for the purpose of providing capital” to eliminate unnecessary words. In clause (2), the word “reasonable” is substituted for “fair and reasonable” because it is inclusive.

In subsection (d), the words “other Federal agencies” are omitted because they are included in “other sources”.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-369 struck out provision placing a \$1,000,000 limitation on fund.

DEPARTMENT OF THE TREASURY FRANCHISE FUND

Pub. L. 104-208, div. A, title I, §101(f) [title I], Sept. 30, 1996, 110 Stat. 3009-314, 3009-316, as amended by Pub. L. 106-554, §1(a)(3) [title I, §120], Dec. 21, 2000, 114 Stat. 2763, 2763A-135; Pub. L. 108-7, div. J, title I, §123, Feb. 20, 2003, 117 Stat. 439; Pub. L. 108-447, div. H, title II, §219, Dec. 8, 2004, 118 Stat. 3242, provided in part that: “Hereafter There [sic] is established in the Treasury a franchise fund to be available without fiscal year limitation, for expenses and equipment necessary for the maintenance and operation of such financial and administrative support services as the Secretary determines may be performed more advantageously as central services: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital, shall be used to capitalize such fund: *Provided further*, That such fund shall be reimbursed or credited with the payments, including advanced payments, from applicable appropriations and funds available to the Department and other Federal agencies for which such administrative and financial services are performed, at rates which will recover all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of Automatic Data Processing (ADP) software and systems, and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 1997 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment and for the improvement and implementation of Treasury financial management, ADP, and other support systems: *Provided further*, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury.”

[Amendments by Pub. L. 108-447 to Pub. L. 104-208, §101(f) [title I], set out above, were executed to reflect the probable intent of Congress, notwithstanding errors in the directory language.]

§ 323. Investment of operating cash

(a) To manage United States cash, the Secretary of the Treasury may invest any part of the operating cash of the Treasury for not more than 90 days. The Secretary may invest the operating cash of the Treasury in—

- (1) obligations of depositories maintaining Treasury tax and loan accounts secured by pledged collateral acceptable to the Secretary;
- (2) obligations of the United States Government; and
- (3) repurchase agreements with parties acceptable to the Secretary.

(b) Subsection (a) of this section does not require the Secretary to invest a cash balance held in a particular account.

(c) The Secretary shall consider the prevailing market in prescribing rates of interest for investments under subsection (a)(1) of this section.

(d)(1) The Secretary of the Treasury shall submit each fiscal year to the appropriate committees a report detailing the investment of operating cash under subsection (a) for the preceding fiscal year. The report shall describe the Secretary’s consideration of risks associated with investments and the actions taken to manage such risks.

(2) For purposes of paragraph (1), the term “appropriate committees” means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 882; Pub. L. 110-351, title V, §502, Oct. 7, 2008, 122 Stat. 3980.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
323(a)	31:1038(1st sentence less 1st, 2d provisos).	Oct. 28, 1977, Pub. L. 95-147, §1, 91 Stat. 1227.
323(b)	31:1038(1st, 2d provisos).	
323(c)	31:1038(1st sentence).	

In subsection (a), before clause (1), the words “To manage United States cash” are substituted for “for cash management purposes” for clarity. In clause (1), the words “as security for tax and loan accounts” are omitted as unnecessary. In clause (2), the words “agencies of the United States” are omitted as being included in “the Government”.

In subsection (c), the words “Investments in obligations of depositories maintaining such accounts” and “rates of interest” (the 2d time they appear) are omitted as unnecessary because of the restatement.

AMENDMENTS

2008—Pub. L. 110-351 amended section generally. Prior to amendment, section related to investment of operating cash.

§ 324. Disposing and extending the maturity of obligations

(a) The Secretary of the Treasury may—

- (1) dispose of obligations—
 - (A) acquired by the Secretary for the United States Government; or
 - (B) delivered by an executive agency; and
- (2) make arrangements to extend the maturity of those obligations.

(b) The Secretary may dispose or extend the maturity of obligations under subsection (a) of this section in the way, in amounts, at prices (for cash, obligations, property, or a combination of cash, obligations, or property), and on conditions the Secretary considers advisable and in the public interest.

(c) The authority under this section is in addition to authority under another law.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 882; Pub. L. 98-369, div. A, title IV, §444, July 18, 1984, 98 Stat. 816.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
324(a)	31:741a(a)(1st sentence words before 9th comma).	Apr. 3, 1945, ch. 51, § 5, 59 Stat. 48.
324(b)	31:741a(a)(1st sentence words after 9th comma, last sentence).	
324(c)	31:741a(b).	

In the section, the words “sell, exchange” are omitted as being included in “dispose”. The word “obligations” is substituted for “bonds, notes, or other securities” for consistency in the revised title. The words “under judicial process or otherwise” are omitted as unnecessary.

In subsection (a), before clause (1), the words “Notwithstanding the provisions of section 302 of title 40” are omitted as unnecessary and because section 302 was repealed by section 1(95) of the Act of October 31, 1951 (ch. 654, 65 Stat. 705). In clause (2), the words “those obligations” are substituted for “thereof” for clarity.

In subsection (b), the words “The Secretary may dispose or extend the maturity of obligations under subsection (a) of this section” are added for clarity and because of the restatement. The words “combination of cash, obligations, or property” are substituted for “or any combination thereof” for clarity. The words “terms and conditions” are omitted as being included in “on conditions”. The words “under the authority of this section” are omitted as unnecessary because of the restatement.

Subsection (c) is substituted for 31:741a(b) to eliminate unnecessary words and for consistency in the revised title.

AMENDMENTS

1984—Subsec. (b). Pub. L. 98-369 struck out provision that the Secretary could not dispose of obligations of one issuer, held by the Secretary at one time, having on the date of disposal a total face or par value of more than \$1,000,000 or, if no-par obligations, a stated or book value of more than \$1,000,000.

§ 325. International affairs authorization

(a) Under regulations prescribed by the Secretary of the Treasury, the Secretary may provide officers and employees of the Department of the Treasury carrying out international affairs duties and powers of the Department with allowances and benefits comparable to those provided under chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.).

(b) The following amounts may be appropriated to the Secretary for the fiscal year ending September 30, 1982:

(1) not more than \$22,896,000 to carry out the international affairs duties and powers of the Department (including amounts for official functions and reception and representation expenses).

(2) not more than \$1,000,000 for increases in—

(A) pay, under section 5382(c) and subchapter I of chapter 53 of title 5 (except section 5305, or corresponding prior provision of such title), of officers and employees carrying out the duties and powers referred to in clause (1) of this subsection;

(B) departmental contributions attributable to those pay increases; and

(C) allowances and benefits, because of cost of living increases, provided under subsection (a) of this section.

(c) Necessary amounts may be appropriated to the Secretary for each fiscal year beginning after September 30, 1982—

(1) to carry out the international affairs duties and powers of the Department (including amounts for official functions and reception and representation expenses);

(2) for increases in—

(A) pay, under section 5382(c) and subchapter I of chapter 53 of title 5 (except section 5303), of officers and employees carrying out the duties and powers referred to in clause (1) of this subsection;

(B) departmental contributions attributable to those pay increases; and

(C) allowances and benefits, because of cost of living increases, provided under subsection (a) of this section.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 882; Pub. L. 101-509, title V, § 529 [title I, § 101(b)(3)(D)], Nov. 5, 1990, 104 Stat. 1427, 1439.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
325(a)	31:822a(d).	Jan. 30, 1934, ch. 6, 48 Stat. 337, § 10(d); added Nov. 8, 1978, Pub. L. 95-612, § 2, 92 Stat. 3091; Oct. 17, 1980, Pub. L. 96-465, § 2206(f), 94 Stat. 2163.
325(b), (c)	(unclassified).	Nov. 8, 1978, Pub. L. 95-612, § 5, 92 Stat. 3092; Aug. 8, 1979, Pub. L. 96-47, 93 Stat. 344; Aug. 13, 1981, Pub. L. 97-35, § 382(a), 95 Stat. 432.

In the section, the words “international affairs duties and powers” are substituted for “international affairs functions” for consistency in the revised title and with other titles of the United States Code. The words “officers and employees” are substituted for “personnel” and “employees” as being more precise.

In subsection (b), before clause (1), the words “fiscal year ending September 30, 1982” are substituted for “fiscal year 1982” for consistency in the revised title and with other titles of the Code. In clause (2), the word “pay” is substituted for “salaries” for consistency in the revised title and with other titles of the Code. The word “departmental” is substituted for “agency” because of the source provisions restated in section 321 of the revised title. The words “those pay increases” are substituted for “thereto” for clarity.

Subsection (c) is substituted for the words “and such sums as may be necessary for each fiscal year thereafter” both times they appear.

AMENDMENTS

1990—Subsec. (b)(2)(A). Pub. L. 101-509 substituted “(except section 5305, or corresponding prior provision of such title)” for “(except section 5303)”.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, § 305] of Pub. L. 101-509, set out as a note under section 5301 of Title 5, Government Organization and Employees.

STUDY ON ROLE OF GOLD IN DOMESTIC AND INTERNATIONAL MONETARY SYSTEMS; ESTABLISHMENT OF COMMISSION; REPORT TO CONGRESS; AVAILABILITY OF APPROPRIATIONS

Pub. L. 96-389, § 10, Oct. 7, 1980, 94 Stat. 1555, as amended Pub. L. 97-47, § 2, Sept. 30, 1981, 95 Stat. 954, provided that the Secretary of the Treasury establish and chair a commission consisting of three members of

the Board of Governors of the Federal Reserve System, two members of the Council of Economic Advisors, and four private citizens with business, finance, or academic backgrounds, to be designated by the Secretary, and one majority and one minority member each from the Joint Economic Committee, the Senate Committee on Banking, Housing, and Urban Affairs, and the House Committee on Banking, Finance and Urban Affairs to be designated by the Speaker of the House and the President of the Senate, respectively. The commission was to conduct a study to assess and make recommendations with regard to the policy of the United States Government concerning the role of gold in domestic and international monetary systems, and transmit to Congress a report containing its findings and recommendations not later than March 31, 1982. Sums appropriated pursuant to section 5 of Public Law 95-612 [Pub. L. 95-612, § 5, Nov. 8, 1978, 92 Stat. 3092, which was not classified to the Code] were made available to the commission to carry out its functions.

§ 326. Availability of appropriations for certain expenses

(a) Under regulations prescribed by the Secretary of the Treasury, an appropriation for the Department of the Treasury available to pay travel expenses also is available to pay expenses to attend meetings of organizations related to the function or activity for which the appropriation is made.

(b) The Secretary may approve reimbursement to agents on protective missions for subsistence expenses authorized by law without regard to rates and amounts established under section 5702 of title 5.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 883; Pub. L. 99-234, title I, § 107(e), Jan. 2, 1986, 99 Stat. 1759.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
326(a)	31:1031.	June 1, 1955, ch. 113, § 102, 69 Stat. 76.
326(b)	31:1032.	Sept. 29, 1969, Pub. L. 91-74, § 102(1st par.), 83 Stat. 118.

In subsection (a), the words “On and after June 1, 1955,” are omitted as executed.

In subsection (b), the words “On and after September 29, 1969,” are omitted as executed.

AMENDMENTS

1986—Subsec. (b). Pub. L. 99-234 substituted “rates and amounts” for “rates”.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-234 effective (1) on the effective date of regulations to be promulgated not later than 150 days after Jan. 2, 1986, or (2) 180 days after Jan. 2, 1986, whichever occurs first, see section 301(a) of Pub. L. 99-234, set out as a note under section 5701 of Title 5, Government Organization and Employees.

§ 327. Advancements and reimbursements for services

(a) In this section, “service” includes service provided in—

- (1) disbursing and receiving amounts.
- (2) servicing bonds.
- (3) making accounts.
- (4) maintaining bank accounts.

(b) When the Secretary of the Treasury provides a service for an agency (except the Depart-

ment of the Treasury) for which amounts have not been appropriated to the Department, the agency may advance for credit or reimburse the Department the amounts necessary to provide the service. Notwithstanding section 3302 of this title, amounts advanced or reimbursed may be credited to the appropriation of the Department that is current when the service is provided.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 883.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
327(a)	31:157(c)(2).	Aug. 14, 1950, ch. 705, 64 Stat. 440.
327(b)	31:157(a)-(c)(1).	

In the section, the word “amounts” is substituted for “funds” for consistency in the revised title and with other titles of the United States Code.

In subsection (a), the words “shall not be limited to” are omitted as surplus. The words “disbursing and receiving” are substituted for “collection and disbursement”, the word “making” is substituted for “rendition of”, and the word “maintaining” is substituted for “keeping”, for consistency in the revised title. The word “checking” is omitted as being included in “bank”.

In subsection (b), the words “When the Secretary of the Treasury provides a service” are substituted for “When any service authorized by law and directed by the Secretary of the Treasury is performed or to be performed” to eliminate unnecessary words. The words “by the Fiscal Service or the Office of the Treasurer of the United States of the Department of the Treasury” are omitted because of the source provisions restated in section 321 of the revised title. The words “agency (except the Department of the Treasury)” are substituted for 31:157(c)(1) for consistency in the revised title and with other titles of the Code. The word “reimburse” is substituted for “pay”, and the words “advanced or reimbursed” are substituted for “transferred”, for clarity and because of the restatement.

§ 328. Accounts and payments of former disbursing officials

(a) If a chief disbursing official or a director of a disbursing center of the Department of the Treasury dies, resigns, or leaves office, the deputy chief disbursing official or the deputy director of the disbursing center designated by the Secretary of the Treasury may continue the accounts and payments in the name of the former disbursing official or director through the last day of the 2d month after the month in which the death, resignation, or separation occurs. The accounts and payments shall be allowed, audited, and settled as provided by law. The Secretary shall honor checks signed in the name of the former disbursing official or director in the same way as if the former disbursing official or director had continued in office.

(b) Only the deputy chief or deputy director designated under subsection (a) of this section is liable for actions taken in the name of the former disbursing official under subsection (a).

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 883.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
328(a)	31:1014(1st, 2d sentences).	Dec. 24, 1942, ch. 821, 56 Stat. 1086; restated Aug. 1, 1947, ch. 438, 61 Stat. 717; June 6, 1972, Pub. L. 92-310, §231(dd), 86 Stat. 213.
328(b)	31:1014(last sentence).	

In subsection (a), the words “director of a disbursing center” are substituted for “any regional disbursing officer of the Fiscal Service, Treasury Department” to reflect the title of the position now presently authorized. The words “dies, resigns, or leaves office” are substituted for “In case of the death or of the resignation or separation from office” for consistency with other titles of the United States Code. The words “designated by an official of the Treasury Department authorized by the Secretary of the Treasury to make such designation” are omitted as unnecessary because of the source provisions restated in section 321 of the revised title. The word “through” is substituted for “for a period of time not to extend beyond” to eliminate unnecessary words. The words “as provided by law” are substituted for “in the General Accounting Office”, for consistency with other titles of the Code. The word “Secretary” is substituted for “Treasurer of the United States” because of the source provisions restated in section 321 of the revised title.

Subsection (b) is substituted for 31:1014(last sentence) for clarity and to eliminate unnecessary words.

§ 329. Limitations on outside activities

(a)(1) The Secretary of the Treasury and the Treasurer may not—

- (A) be involved in trade or commerce;
- (B) own any part of a vessel (except a pleasure vessel);
- (C) buy or hold as a beneficiary in trust public property;
- (D) be involved in buying or disposing of obligations of a State or the United States Government; and
- (E) personally take or use a benefit gained from conducting business of the Department of the Treasury except as authorized by law.

(2) An officer violating this subsection shall be fined \$3,000, removed from office, and thereafter may not hold an office of the Government.

(3) An individual (except prosecutors) giving information leading to the prosecution and conviction of an individual violating this subsection shall receive \$1,500 of the fine when paid.

(b)(1) An officer or employee of the Department (except the Secretary or Treasurer) may not—

- (A) carry on a trade or business in the funds, debts, or property of a State or the Government; and
- (B) personally use a benefit gained from conducting business of the Department.

(2) An officer or employee violating this subsection shall be fined \$500 and removed from office.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 884.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
329(a)	31:163, 1003.	R.S. §243.
329(b)	31:1018.	R.S. §244.

In subsection (a)(1), before clause (A), the words “The Secretary of the Treasury and the Treasurer may not” are substituted for “No person appointed to the office of Secretary of the Treasury, or Treasurer, shall” because of the restatement and for consistency in the revised title. The words “or First Comptroller” (subsequently redesignated as the Comptroller of the Treasury by section 4 of the Act of July 31, 1894 (ch. 174, 28 Stat. 205)) and “or First Auditor” in section 243 of the Revised Statutes are omitted because the positions were abolished by sections 301 and 310 of the Act of June 10, 1921 (ch. 18, 42 Stat. 23, 25). The text of 31:163 is omitted because the position of Register was abolished by section 1(a) of Reorganization Plan No. 3 of 1940 (eff. June 30, 1940, 54 Stat. 1231). In clause (A), the words “directly or indirectly” are omitted as unnecessary. The words “be involved” are substituted for “be concerned or interested in carrying on the business of” to eliminate unnecessary words. In clause (B), the words “any part of a” are substituted for “in whole or in part” for consistency. The words “(except a pleasure vessel)” are added for consistency with 19:1599. In clause (C), the words “buy or hold as beneficiary in trust” are substituted for “purchase by himself, or another in trust for him” for clarity and consistency. The words “public land” are omitted as being included in “public property”. In clause (D), the words “involved in buying or disposing of obligations” are substituted for “be concerned in the purchase or disposal of any public securities” to eliminate unnecessary words and for consistency in the revised title. In clause (E), the words “personally take or use a benefit gained from conducting business of the Department of the Treasury” are substituted for “take or apply to his own use any emolument or gain for negotiating or transacting any business in the Treasury Department” to eliminate unnecessary words.

In subsection (a)(2), the words “an officer” are substituted for “every person” as being more precise. The word “violating” is substituted for “who offends against any of the prohibitions of this section” for clarity and to eliminate unnecessary words. The words “shall be deemed guilty of a high misdemeanor” are omitted because of 18:1. The word “fined” is substituted for “forfeit to the United States the penalty” for consistency and to eliminate unnecessary words. The words “and shall upon conviction be” are omitted as unnecessary.

In subsection (a)(3), the words “giving information leading to the prosecution and conviction of an individual violating this subsection” are substituted for “shall give information of any such offense, upon which a prosecution and conviction shall be had” for clarity. The words “shall receive \$1,500 of the fine when paid” are substituted for “one-half the aforesaid penalty of three thousand dollars, when recovered, shall be for the use of the person giving such information” to eliminate unnecessary words.

In subsection (b)(1), before clause (A), the words “An officer or employee of the Department (except the Secretary or Treasurer)” are substituted for “Every clerk employed in the Treasury Department” because of the restatement and for consistency with subsection (a) of the section. In clause (A), the words “in any kind of public” are omitted as unnecessary. In clause (B), the words “personally use a benefit gained” are substituted for “who takes or applies to his own use any emolument or gain” to eliminate unnecessary words. The word “conducting” is substituted for “negotiating or transacting” for consistency. The words “shall be deemed guilty of a misdemeanor” are omitted because of 18:1.

In subsection (b)(2), the words “An officer or employee violating this subsection” are added because of the restatement. The word “punished” is omitted as unnecessary.

§ 330. Practice before the Department

(a) Subject to section 500 of title 5, the Secretary of the Treasury may—

(1) regulate the practice of representatives of persons before the Department of the Treasury; and

(2) before admitting a representative to practice, require that the representative demonstrate—

- (A) good character;
- (B) good reputation;
- (C) necessary qualifications to enable the representative to provide to persons valuable service; and
- (D) competency to advise and assist persons in presenting their cases.

(b) After notice and opportunity for a proceeding, the Secretary may suspend or disbar from practice before the Department, or censure, a representative who—

- (1) is incompetent;
- (2) is disreputable;
- (3) violates regulations prescribed under this section; or
- (4) with intent to defraud, willfully and knowingly misleads or threatens the person being represented or a prospective person to be represented.

The Secretary may impose a monetary penalty on any representative described in the preceding sentence. If the representative was acting on behalf of an employer or any firm or other entity in connection with the conduct giving rise to such penalty, the Secretary may impose a monetary penalty on such employer, firm, or entity if it knew, or reasonably should have known, of such conduct. Such penalty shall not exceed the gross income derived (or to be derived) from the conduct giving rise to the penalty and may be in addition to, or in lieu of, any suspension, disbarment, or censure of the representative.

(c) After notice and opportunity for a hearing to any appraiser, the Secretary may—

- (1) provide that appraisals by such appraiser shall not have any probative effect in any administrative proceeding before the Department of the Treasury or the Internal Revenue Service, and
- (2) bar such appraiser from presenting evidence or testimony in any such proceeding.

(d) Nothing in this section or in any other provision of law shall be construed to limit the authority of the Secretary of the Treasury to impose standards applicable to the rendering of written advice with respect to any entity, transaction plan or arrangement, or other plan or arrangement, which is of a type which the Secretary determines as having a potential for tax avoidance or evasion.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 884; Pub. L. 98-369, div. A, title I, §156(a), July 18, 1984, 98 Stat. 695; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 108-357, title VIII, §822(a)(1), (b), Oct. 22, 2004, 118 Stat. 1586, 1587; Pub. L. 109-280, title XII, §1219(d), Aug. 17, 2006, 120 Stat. 1085.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
330(a)	31:1026(1st sentence).	July 7, 1884, ch. 334, §3(proviso and sentence immediately after proviso under heading "War Department"), 23 Stat. 258.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
330(b)	31:1026(last sentence).	

In the section, the words "representatives of persons" are substituted for "agents, attorneys, or other persons representing claimants before his department" to eliminate unnecessary words.

In subsection (a), before clause (1), the words "Subject to section 500 of title 5" are added for clarity and to conform to title 5. In clause (1), the word "regulate" is substituted for "prescribe rules and regulations" to eliminate unnecessary words. The words "the practice" are substituted for "before being recognized" for consistency with other revised titles of the United States Code. In clause (2)(C), the words "possessed of the" are omitted because of the restatement.

In subsection (b), the word "proceeding" is substituted for "hearing" because of subchapter II of chapter 5 of title 5. In clause (3), the words "violates regulations prescribed under this section" are substituted for "who refuses to comply with said rules and regulations" to eliminate unnecessary words. In clause (4), the words "in any manner" are omitted as surplus. The word "deceive" is omitted as being included in the word "mislead". The words "by word, circular, letter, or by advertisement" are omitted as unnecessary.

AMENDMENTS

2006—Subsec. (c). Pub. L. 109-280 struck out "with respect to whom a penalty has been assessed under section 6701(a) of the Internal Revenue Code of 1986" after "any appraiser" in introductory provisions.

2004—Subsec. (b). Pub. L. 108-357, §822(a)(1), inserted ", or censure," after "Department" in introductory provisions and inserted at end "The Secretary may impose a monetary penalty on any representative described in the preceding sentence. If the representative was acting on behalf of an employer or any firm or other entity in connection with the conduct giving rise to such penalty, the Secretary may impose a monetary penalty on such employer, firm, or entity if it knew, or reasonably should have known, of such conduct. Such penalty shall not exceed the gross income derived (or to be derived) from the conduct giving rise to the penalty and may be in addition to, or in lieu of, any suspension, disbarment, or censure of the representative."

Subsec. (d). Pub. L. 108-357, §822(b), added subsec. (d). 1986—Subsec. (c). Pub. L. 99-514 substituted "Internal Revenue Code of 1986" for "Internal Revenue Code of 1954".

1984—Subsec. (c). Pub. L. 98-369 added subsec. (c).

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-280 applicable to appraisals prepared with respect to returns or submissions filed after Aug. 17, 2006, see section 1219(e)(2) of Pub. L. 109-280, set out as a note under section 170 of Title 26, Internal Revenue Code.

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-357, title VIII, §822(a)(2), Oct. 22, 2004, 118 Stat. 1587, provided that: "The amendments made by this subsection [amending this section] shall apply to actions taken after the date of the enactment of this Act [Oct. 22, 2004]."

EFFECTIVE DATE OF 1984 AMENDMENT

Section 156(b) of Pub. L. 98-369 provided that: "The amendment made by subsection (a) [amending this section] shall apply to penalties assessed after the date of the enactment of this Act [July 18, 1984]."

§ 331. Reports

(a) The Secretary of the Treasury shall submit to Congress each year an annual report. The report shall include—

- (1) a statement of the public receipts and public expenditures for the prior fiscal year;
- (2) estimates of public receipts and public expenditures for the current and next fiscal years;
- (3) plans for improving and increasing public receipts to provide Congress with information on ways to raise amounts necessary to meet public expenditures;
- (4) a statement of all contracts for supplies or services made by the Secretary during the prior fiscal year;
- (5) a statement of appropriations expended to pay for miscellaneous claims not otherwise provided for;
- (6) a statement on all payments made from the fund under section 3126 of this title for the prior fiscal year; and
- (7) estimates of amounts for payment under section 1322(b) of this title.

(b)(1) On the first day of each regular session of Congress, the Secretary shall submit to Congress a report for the prior fiscal year on—

- (A) the total and individual amounts of contingent liabilities and unfunded liabilities of the United States Government;
- (B) as far as practicable, trust fund liabilities, liabilities of Government corporations, indirect liabilities not included as a part of the public debt, and liabilities of insurance and annuity programs (including their actuarial status);
- (C) collateral pledged and assets available (or to be realized) as security for the liabilities (separately noting Government obligations) and other assets specifically available to liquidate the liabilities of the Government; and
- (D) the total amount in each category under clauses (A)–(C) of this paragraph for each agency.

(2) The report shall present the information required under paragraph (1) of this subsection in a concise way, with explanatory material (including an analysis of the significance of liabilities based on past experience and probable risk) the Secretary considers desirable.

(c) On the first day of each regular session of Congress, the Secretary shall submit to Congress a report for the prior fiscal year on the total amount of public receipts and public expenditures listing receipts, when practicable, by ports, districts, and States and the expenditures by each appropriation.

(d) The Secretary shall report to either House of Congress in person or in writing, as required, on matters referred to the Secretary by that House of Congress.

(e)(1) Not later than March 31 of 1998 and each year thereafter, the Secretary of the Treasury, in coordination with the Director of the Office of Management and Budget, shall annually prepare and submit to the President and the Congress an audited financial statement for the preceding fiscal year, covering all accounts and associated activities of the executive branch of the United States Government. The financial statement shall reflect the overall financial position, including assets and liabilities, and results of operations of the executive branch of the United States Government, and shall be prepared in ac-

cordance with the form and content requirements set forth by the Director of the Office of Management and Budget.

(2) The Comptroller General of the United States shall audit the financial statement required by this section.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 884; Pub. L. 103-356, title IV, § 405(c), Oct. 13, 1994, 108 Stat. 3416.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
331(a)(1)–(5).	31:1027.	R.S. § 257.
	31:1030.	Feb. 26, 1907, ch. 1635, § 1(2d par. under heading “Treasury Department”), 34 Stat. 949.
331(a)(6) ..	31:757c(i)(last sentence).	Sept. 24, 1917, ch. 56, 40 Stat. 288, § 22(i)(last sentence); added Apr. 11, 1943, ch. 52, § 3, 57 Stat. 63; restated Apr. 3, 1945, ch. 51, § 3, 59 Stat. 48.
331(a)(7) ..	31:725p(a)(last sentence).	June 26, 1934, ch. 756, §§ 17(a)(last sentence), 18(a)(last sentence), 48 Stat. 1230, 1231.
	31:725q(a)(last sentence).	
331(b)	31:757f.	Nov. 13, 1966, Pub. L. 89-809, § 402, 80 Stat. 1590; Apr. 21, 1976, Pub. L. 94-273, § 2(17), 90 Stat. 375.
331(c)	31:1029.	July 31, 1894, ch. 174, § 15, 28 Stat. 210.
331(d)	31:1002(words between 4th and 5th semicolons)	R.S. § 248(words between 4th and 5th semicolons).

In subsections (a) and (c), the word “receipts” is substituted for “revenues” for consistency in the section and the revised title.

In subsection (a)(1), the words “public receipts and public expenditures” are substituted for “receipts and expenditures of the Government” in 31:1030 for consistency in the section. The word “completed” is omitted as surplus. In clause (2), the words “First. A report on the subject of finance” in 31:1027 are omitted because of the restatement. The word “containing” is omitted as surplus. In clause (4), the words “Second. A report containing” are omitted because of the restatement. The words “prior fiscal year” are substituted for “during the year preceding” for consistency. In clause (5), the words “paid at the Treasury” are omitted as unnecessary. The 3d paragraph of section 257 of the Revised Statutes, providing for a report on rules and regulations of the Secretary of the Treasury on imported goods, wares, and merchandise, is omitted as obsolete because section 252 of the Revised Statutes, authorizing those rules and regulations, was repealed by the Act of February 27, 1877 (ch. 69, 19 Stat. 241). The 4th paragraph of section 257, providing for a report on amounts of hospital taxes collected from sick and disabled seamen, is omitted as obsolete because section 15 of the Act of June 26, 1884 (ch. 121, 23 Stat. 57), repealed the tax. In clause (7), the words “the Commissioners of the District of Columbia” (subsequently changed to “the Mayor of the District of Columbia” by section 422 of the District of Columbia Self-Government and Governmental Reorganization Act (Pub. L. 93-198, 87 Stat. 790)) in 31:725p are omitted as unnecessary because of § 448 of the District of Columbia Self-Government and Governmental Reorganization Act. The text of 31:725q(proviso) is omitted because of the restatement.

In subsection (b)(1), before clause (A), the words “for the prior fiscal year” are substituted for “as of the close of the preceding September 30 (beginning with the report as of June 30, 1967)” to eliminate unnecessary words. In clause (C), the word “obligations” is substituted for “securities” for consistency in the revised title. Clause (D) is substituted for “and of each department, agency, and instrumentality thereof” for clarity.

In subsection (c), the words “a report for the prior fiscal year on the total amount of public receipts and

public expenditures” are substituted for “an accurate combined statement of the receipts and expenditures during the last preceding fiscal year of all public moneys” because of the restatement. The words “including those of the United States Postal Service” are omitted as unnecessary and superseded by 39:410.

In subsection (d), the words “either House of Congress” are substituted for “either branch of the legislature” for clarity and consistency. The words “that House of Congress” are substituted for “the Senate or House of Representatives” for consistency and because of the restatement. The words “or which appertain to his office” are omitted as unnecessary because of subsections (a)–(c) of the section.

AMENDMENTS

1994—Subsec. (e). Pub. L. 103–356 added subsec. (e).

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which certain reporting requirements under subsecs. (a), (b)(1)(A), and (c) of this section are listed on pages 140 and 142), see section 3003 of Pub. L. 104–66, as amended, and section 1(a)(4) [div. A, §1402(1)] of Pub. L. 106–554, set out as notes under section 1113 of this title.

§ 332. Miscellaneous administrative authority

The Secretary of the Treasury may to the extent provided in advance by appropriation Acts—

(1) contract for the temporary or intermittent services of experts or consultants as authorized by section 3109 of title 5, United States Code, at rates not to exceed the per diem equivalent to the rate for GS–18;

(2) contract with and reimburse the Department of State for health and medical services for employees of the Department of the Treasury and their dependents serving in foreign countries;

(3) provide for official functions, and reception and representation activities;

(4) maintain, repair, and clean uniforms furnished by the Department of the Treasury to uniformed employees;

(5) provide athletic and related activities for students at the Federal Law Enforcement Training Center, Glynco, Georgia;

(6) install and maintain fencing, lighting, guard booths, and other facilities as necessary for the performance of protective functions of the Department of the Treasury on property not owned by or under jurisdiction and control of the United States Government and, subsequently, to remove the facilities therefrom;

(7) enter into reciprocal assistance agreements with State and local law enforcement agencies and, in connection with the agreements and otherwise, train employees of those agencies, when necessary, with or without reimbursement;

(8) provide laboratory assistance to State and local law enforcement agencies, with or without reimbursement;

(9) obtain insurance for official motor vehicles operated in foreign countries; and

(10)(A) when necessary for the performance of official business—

(i) acquire in foreign countries real property by lease for periods not greater than 10

years and personal property for use in foreign countries by purchase, lease, or otherwise, and

(ii) manage, maintain, repair, improve, and insure by purchase of commercial insurance policies properties referred to in clause (i), and

(B) when appropriate, dispose of (by sale, rent, transfer, or otherwise) properties referred to in subparagraph (A)(i).

(Added Pub. L. 98–302, §3(a), May 25, 1984, 98 Stat. 217.)

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Federal Law Enforcement Training Center of the Department of the Treasury to the Secretary of Homeland Security, and for treatment of related references, see sections 203(4), 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.

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

§ 333. Prohibition of misuse of Department of the Treasury names, symbols, etc.

(a) GENERAL RULE.—No person may use, in connection with, or as a part of, any advertisement, solicitation, business activity, or product, whether alone or with other words, letters, symbols, or emblems—

(1) the words “Department of the Treasury”, or the name of any service, bureau, office, or other subdivision of the Department of the Treasury,

(2) the titles “Secretary of the Treasury” or “Treasurer of the United States” or the title of any other officer or employee of the Department of the Treasury,

(3) the abbreviations or initials of any entity referred to in paragraph (1),

(4) the words “United States Savings Bond” or the name of any other obligation issued by the Department of the Treasury,

(5) any symbol or emblem of an entity referred to in paragraph (1) (including the design of any envelope or stationary used by such an entity), and

(6) any colorable imitation of any such words, titles, abbreviations, initials, symbols, or emblems,

in a manner which could reasonably be interpreted or construed as conveying the false impression that such advertisement, solicitation, business activity, or product is in any manner approved, endorsed, sponsored, or authorized by, or associated with, the Department of the Treasury or any entity referred to in paragraph (1) or any officer or employee thereof.

(b) TREATMENT OF DISCLAIMERS.—Any determination of whether a person has violated the

provisions of subsection (a) shall be made without regard to any use of a disclaimer of affiliation with the United States Government or any particular agency or instrumentality thereof.

(c) CIVIL PENALTY.—

(1) IN GENERAL.—The Secretary of the Treasury may impose a civil penalty on any person who violates the provisions of subsection (a).

(2) AMOUNT OF PENALTY.—The amount of the civil penalty imposed by paragraph (1) shall not exceed \$5,000 for each use of any material in violation of subsection (a). If such use is in a broadcast or telecast, the preceding sentence shall be applied by substituting “\$25,000” for “\$5,000”.

(3) TIME LIMITATIONS.—

(A) ASSESSMENTS.—The Secretary of the Treasury may assess any civil penalty under paragraph (1) at any time before the end of the 3-year period beginning on the date of the violation with respect to which such penalty is imposed.

(B) CIVIL ACTION.—The Secretary of the Treasury may commence a civil action to recover any penalty imposed under this subsection at any time before the end of the 2-year period beginning on the date on which such penalty was assessed.

(4) COORDINATION WITH SUBSECTION (d).—No penalty may be assessed under this subsection with respect to any violation after a criminal proceeding with respect to such violation has been commenced under subsection (d).

(d) CRIMINAL PENALTY.—

(1) IN GENERAL.—If any person knowingly violates subsection (a), such person shall, upon conviction thereof, be fined not more than \$10,000 for each such use or imprisoned not more than 1 year, or both. If such use is in a broadcast or telecast, the preceding sentence shall be applied by substituting “\$50,000” for “\$10,000”.

(2) TIME LIMITATIONS.—No person may be prosecuted, tried, or punished under paragraph (1) for any violation of subsection (a) unless the indictment is found or the information instituted during the 3-year period beginning on the date of the violation.

(3) COORDINATION WITH SUBSECTION (c).—No criminal proceeding may be commenced under this subsection with respect to any violation if a civil penalty has previously been assessed under subsection (c) with respect to such violation.

(Added Pub. L. 103–296, title III, §312(l)(1), Aug. 15, 1994, 108 Stat. 1528.)

EFFECTIVE DATE

Section 312(m) of Pub. L. 103–296 provided that:

“(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section [enacting this section and amending section 1320b–10 of Title 42, The Public Health and Welfare] shall apply with respect to violations occurring after March 31, 1995.

“(2) PROHIBITION OF MISUSE OF DEPARTMENT OF THE TREASURY NAMES, SYMBOLS, ETC.—Subsection (l)(3) [enacting provisions set out below] shall take effect on the date of the enactment of this Act [Aug. 15, 1994], and the amendments made by paragraphs (1) and (2) of subsection (l) [enacting this section] shall apply with respect to violations occurring after such date.”

REPORT ON IMPLEMENTATION OF SECTION

Section 312(l)(3) of Pub. L. 103–296 provided that: “Not later than May 1, 1996, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the implementation of the amendments made by this section [enacting this section and amending section 1320b–10 of Title 42, The Public Health and Welfare]. Such report shall include the number of cases in which the Secretary has notified persons of violations of section 333 of title 31, United States Code (as added by subsection (a)(l)(1)), the number of prosecutions commenced under such section, and the total amount of the penalties collected in such prosecutions.”

CHAPTER 5—OFFICE OF MANAGEMENT AND BUDGET

SUBCHAPTER I—ORGANIZATION

- Sec. 501. Office of Management and Budget.
- 502. Officers.
- 503. Functions of Deputy Director for Management.
- 504. Office of Federal Financial Management.
- 505. Office of Information and Regulatory Affairs.
- 506. Office of Federal Procurement Policy.
- 507. Office of Electronic Government.

SUBCHAPTER II—ADMINISTRATIVE

- 521. Employees.
- 522. Necessary expenditures.

AMENDMENTS

- 2002—Pub. L. 107–347, title I, §102(c)(2), Dec. 17, 2002, 116 Stat. 2910, added item 507.
- 1990—Pub. L. 101–576, title II, §203(c), Nov. 15, 1990, 104 Stat. 2841, added items 503 and 504 and redesignated former items 503 and 504 as 505 and 506, respectively.
- 1983—Pub. L. 97–452, §1(1)(B), Jan. 12, 1983, 96 Stat. 2467, added item 504.

SUBCHAPTER I—ORGANIZATION

§ 501. Office of Management and Budget

The Office of Management and Budget is an office in the Executive Office of the President.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 886.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
501	31:16(1st sentence).	June 10, 1921, ch. 18, §207(1st sentence), 42 Stat. 22; Reorg. Plan No. 1 of 1939, eff. July 1, 1939, §1, 53 Stat. 1423; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, §102(a), 84 Stat. 2085; re-stated Mar. 2, 1974, Pub. L. 93–250, §1, 88 Stat. 11.

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101–576, title I, §101, Nov. 15, 1990, 104 Stat. 2838, provided that: “This Act [enacting sections 503, 504, 901 to 903, and 3515 of this title, amending sections 502, 1105, 3512, 3521, 9105, and 9106 of this title, sections 5313 to 5315 of Title 5, Government Organization and Employees, and section 3533 of Title 42, The Public Health and Welfare, renumbering sections 503 and 504 of this title as 505 and 506 of this title, respectively, enacting provisions set out as notes under this section and sections 901, 3511, 3515, and 3521 of this title, and amending provisions set out as a note under section 301 of Title 38, Veterans’ Benefits] may be cited as the ‘Chief Financial Officers Act of 1990’.”

TRANSFER OF FUNCTIONS

Pub. L. 104–53, title II, §211, Nov. 19, 1995, 109 Stat. 535, as amended by Pub. L. 104–316, title II, §203, Oct. 19,