

Financial Officer any access greater than permitted under any other law to records, reports, audits, reviews, documents, papers, recommendations, or other material of any Office of Inspector General established under the Inspector General Act of 1978 (5 U.S.C. App.).

(Added Pub. L. 101-576, title II, §205(a), Nov. 15, 1990, 104 Stat. 2843.)

REFERENCES IN TEXT

The Federal Managers' Financial Integrity Act of 1982, referred to in subsec. (a)(6)(D), is Pub. L. 97-255, Sept. 8, 1982, 96 Stat. 814, which added subsec. (d) to section 66a of former Title 31, Money and Finance. Section 66a of former Title 31 was repealed by Pub. L. 97-258, §5(b), Sept. 13, 1982, 96 Stat. 1068, and reenacted by the first section thereof as section 3512 of this title. Provisions relating to reports on internal accounting and administrative control systems are restated in section 3512(d)(2) and (3) of this title.

The Inspector General Act of 1978, referred to in subsec. (b)(2), is Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

§ 903. Establishment of agency Deputy Chief Financial Officers

(a) There shall be within each agency described in section 901(b) an agency Deputy Chief Financial Officer, who shall report directly to the agency Chief Financial Officer on financial management matters. The position of agency Deputy Chief Financial Officer shall be a career reserved position in the Senior Executive Service.

(b) Consistent with qualification standards developed by, and in consultation with, the agency Chief Financial Officer and the Director of the Office of Management and Budget, the head of each agency shall appoint as Deputy Chief Financial Officer an individual with demonstrated ability and experience in accounting, budget execution, financial and management analysis, and systems development, and not less than 6 years practical experience in financial management at large governmental entities.

(Added Pub. L. 101-576, title II, §205(a), Nov. 15, 1990, 104 Stat. 2845.)

REFERENCES IN TEXT

Senior Executive Service, referred to in subsec. (a), see section 5382 of Title 5, Government Organization and Employees.

SUBTITLE II—THE BUDGET PROCESS

Table with 3 columns: Chap., Section Title, and Sec. Number. Includes sections 11, 13, and 15.

CHAPTER 11—THE BUDGET AND FISCAL, BUDGET, AND PROGRAM INFORMATION

Table with 2 columns: Sec. Number and Description. Includes sections 1101 through 1105.

Table with 2 columns: Sec. Number and Description. Includes sections 1106 through 1125.

AMENDMENTS

2011—Pub. L. 111-352, §13(b), (c), Jan. 4, 2011, 124 Stat. 3882, added items 1115, 1116, and 1120 to 1125, and struck out former items 1115 "Performance plans" and 1116 "Program performance reports".

1994—Pub. L. 103-355, title II, §2454(c)(3)(B), Oct. 13, 1994, 108 Stat. 3326, struck out item 1114 "Budget information on consulting services".

1993—Pub. L. 103-62, §11(b)(1), Aug. 3, 1993, 107 Stat. 295, added items 1115 to 1119.

§ 1101. Definitions

In this chapter—

(1) "agency" includes the District of Columbia government but does not include the legislative branch or the Supreme Court.

(2) "appropriations" means appropriated amounts and includes, in appropriate context—

- (A) funds;
(B) authority to make obligations by contract before appropriations; and
(C) other authority making amounts available for obligation or expenditure.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 907.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), and Source (Statutes at Large). Contains historical references for sections 1101(1) and 1101(2).

In the section, a reference to 31:71 and 471 is omitted because the definitions in the section are not used in 31:71 and 471.

In clause (1), "agency" (which is defined for purposes of this title in section 101 to mean a department, agency, or instrumentality of the United States) is coexten-

1 So in original. Does not conform to section catchline.

sive with and substituted for the term “department or establishment” which was defined in 31:2 as in part meaning “any executive department, independent commission, board, bureau, office, agency, or other establishment of the Government, including any independent regulatory commission or board”. This definition merely restates and continues, and does not in any way change or expand, the definition in 31:2. Under that definition, entities such as the Tennessee Valley Authority that have been interpreted to be outside the purview of the definition will continue to be outside the purview in the same manner and to the same extent that they were under 31:2. The words “includes the District of Columbia government” are used because of existing law but the inclusion of these words is not to be interpreted as construing the extent to which the District of Columbia Self-Government and Governmental Reorganizational Act (Pub. L. 93-198, 87 Stat. 774) supersedes the provisions codified in this title. The words “of the United States” are omitted as surplus. The text of 31:2(2d-4th pars.) is omitted as unnecessary because of the restatement. The text of section 2(3d par.) of the Budget and Accounting Act, 1921 (ch. 18, 42 Stat. 20), is omitted as obsolete because of section 501 of the revised title.

SHORT TITLE OF 2011 AMENDMENT

Pub. L. 111-352, §1(a), Jan. 4, 2011, 124 Stat. 3866, provided that: “This Act [enacting sections 1115, 1116, and 1120 to 1125 of this title and section 306 of Title 5, Government Organization and Employees, amending section 1105 of this title, repealing sections 1115 and 1116 of this title and section 306 of Title 5, and enacting provisions set out as notes under section 1115 of this title and section 5105 of Title 5] may be cited as the ‘GPRA Modernization Act of 2010’.”

SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-291, title IV, §401, Dec. 8, 2010, 124 Stat. 3097, provided that: “This title [amending section 1105 of this title, enacting provisions set out as a note under section 1105 of this title, and amending provisions set out as a note under this section] may be cited as the ‘Crow Tribe Water Rights Settlement Act of 2010’.”

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103-62, §1, Aug. 3, 1993, 107 Stat. 285, provided that: “This Act [enacting sections 1115 to 1119, 9703, and 9704 of this title, section 306 of Title 5, Government Organization and Employees, and sections 2801 to 2805 of Title 39, Postal Service, amending section 1105 of this title, and enacting provisions set out as notes under section 1115 of this title] may be cited as the ‘Government Performance and Results Act of 1993’.”

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-501, title II, §201, Oct. 19, 1984, 98 Stat. 2324, provided that: “This title [amending section 1105 of this title and enacting provisions set out as a note under section 1105 of this title] may be cited as the ‘Federal Capital Investment Program Information Act of 1984’.”

CONSTRUCTION OF 1993 AMENDMENT

Pub. L. 103-62, §10, Aug. 3, 1993, 107 Stat. 295, provided that: “No provision or amendment made by this Act [see Short Title of 1993 Amendment note set out above] may be construed as—

- “(1) creating any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in such capacity, and no person who is not an officer or employee of the United States acting in such capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this Act; or
- “(2) superseding any statutory requirement, including any requirement under section 553 of title 5, United States Code.”

CONGRESSIONAL FINDINGS AND STATEMENT OF PURPOSES

Pub. L. 103-62, §2, Aug. 3, 1993, 107 Stat. 285, provided that:

“(a) FINDINGS.—The Congress finds that—

“(1) waste and inefficiency in Federal programs undermine the confidence of the American people in the Government and reduces the Federal Government’s ability to address adequately vital public needs;

“(2) Federal managers are seriously disadvantaged in their efforts to improve program efficiency and effectiveness, because of insufficient articulation of program goals and inadequate information on program performance; and

“(3) congressional policymaking, spending decisions and program oversight are seriously handicapped by insufficient attention to program performance and results.

“(b) PURPOSES.—The purposes of this Act [see Short Title of 1993 Amendment note set out above] are to—

“(1) improve the confidence of the American people in the capability of the Federal Government, by systematically holding Federal agencies accountable for achieving program results;

“(2) initiate program performance reform with a series of pilot projects in setting program goals, measuring program performance against those goals, and reporting publicly on their progress;

“(3) improve Federal program effectiveness and public accountability by promoting a new focus on results, service quality, and customer satisfaction;

“(4) help Federal managers improve service delivery, by requiring that they plan for meeting program objectives and by providing them with information about program results and service quality;

“(5) improve congressional decisionmaking by providing more objective information on achieving statutory objectives, and on the relative effectiveness and efficiency of Federal programs and spending; and

“(6) improve internal management of the Federal Government.”

CONGRESSIONAL OVERSIGHT

Pub. L. 103-62, §8(a), Aug. 3, 1993, 107 Stat. 294, provided that: “Nothing in this Act [see Short Title of 1993 Amendment note set out above] shall be construed as limiting the ability of Congress to establish, amend, suspend, or annul a performance goal. Any such action shall have the effect of superseding that goal in the plan submitted under section 1105(a)(29) [now 1105(a)(28)] of title 31, United States Code.”

EXECUTIVE ORDER NO. 13037

Ex. Ord. No. 13037, Mar. 3, 1997, 62 F.R. 10185, as amended by Ex. Ord. No. 13066, Oct. 29, 1997, 62 F.R. 59273; Ex. Ord. No. 13108, Dec. 11, 1998, 63 F.R. 69175, which established the Commission to Study Capital Budgeting, was revoked by Ex. Ord. No. 13138, §3(d), Sept. 30, 1999, 64 F.R. 53880, formerly set out as a note under section 14 of the Appendix to Title 5, Government Organization and Employees.

§ 1102. Fiscal year

The fiscal year of the Treasury begins on October 1 of each year and ends on September 30 of the following year. Accounts of receipts and expenditures required under law to be published each year shall be published for the fiscal year.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 908.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1102	31:1020.	R.S. §237; Oct. 1, 1890, ch. 1256, §9, 26 Stat. 646; restated July 12, 1974, Pub. L. 93-344, §501, 88 Stat. 321.

The words “in all matters of accounts, receipts, expenditures, estimates, and appropriations” are omitted as being included in “fiscal”. The word “prepared” is omitted as being included in “published”. The words “as established by subsection (a) of this section” are omitted as unnecessary because of the restatement. The text of 31:1020(a)(1) and the words “beginning on October 1, 1976” are omitted as executed.

FISCAL YEAR TRANSITION PERIOD OF JULY 1, 1976,
THROUGH SEPTEMBER 30, 1976

Pub. L. 94-274, Apr. 21, 1976, 90 Stat. 383, provided for an orderly transition to the new Oct. 1 to Sept. 30 fiscal year for particular acts by specifying how the period of July 1, 1976, through Sept. 30, 1976, was to be treated for fiscal year purposes.

§ 1103. Budget ceiling

Congress reaffirms its commitment that budget outlays of the United States Government for a fiscal year may be not more than the receipts of the Government for that year.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 908.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1103	31:27.	Oct. 10, 1978, Pub. L. 95-435, § 7, 92 Stat. 1053; restated Oct. 7, 1980, Pub. L. 96-389, § 3, 94 Stat. 1553.

The word “total” is omitted as surplus. The words “for a fiscal year” are substituted for “beginning with Fiscal Year 1981” because of the restatement and to eliminate executed words. The words “for that year” are added because of the restatement.

§ 1104. Budget and appropriations authority of the President

(a) The President shall prepare budgets of the United States Government under section 1105 of this title and proposed deficiency and supplemental appropriations under section 1107 of this title. To the extent practicable, the President shall use uniform terms in stating the purposes and conditions of appropriations.

(b) Except as provided in this chapter, the President shall prescribe the contents and order of statements in the budget on expenditures and estimated expenditures and statements on proposed appropriations and information submitted with the budget and proposed appropriations. The President shall include with the budget and proposed appropriations information on personnel and other objects of expenditure in the way that information was included in the budget for fiscal year 1950. However, the requirement that information be included in the budget in that way may be waived or changed by joint action of the Committees on Appropriations of both Houses of Congress. This subsection does not limit the authority of a committee of Congress to request information in a form it prescribes.

(c) When the President makes a basic change in the form of the budget, the President shall submit with the budget information showing where items in the budget for the prior fiscal year are contained in the present budget. However, the President may change the functional categories in the budget only in consultation with the Committees on Appropriations and on the Budget of both Houses of Congress. Commit-

tees of the House of Representatives and Senate shall receive prompt notification of all such changes.

(d) The President shall develop programs and prescribe regulations to improve the compilation, analysis, publication, and dissemination of statistical information by executive agencies. The President shall carry out this subsection through the Administrator for the Office of Information and Regulatory Affairs in the Office of Management and Budget.

(e) Under regulations prescribed by the President, each agency shall provide information required by the President in carrying out this chapter. The President has access to, and may inspect, records of an agency to obtain information.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 908; Pub. L. 99-177, title II, § 224, Dec. 12, 1985, 99 Stat. 1060.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1104(a)	31:16(last sentence related to preparation of budgets and appropriations). 31:623.	June 10, 1921, ch. 18, § 207(last sentence related to preparation of budgets and appropriations), 42 Stat. 22; restated Sept. 12, 1950, ch. 946, § 102(e), 64 Stat. 833; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, § 102(a), 84 Stat. 2085. June 23, 1913, ch. 3, § 3, 38 Stat. 75; 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.
1104(b)	31:581.	June 10, 1921, ch. 18, § 204, 42 Stat. 21; restated Sept. 12, 1950, ch. 946, § 102(c), 64 Stat. 833.
1104(c)	31:11d. 31:581a.	July 12, 1974, Pub. L. 93-344, § 802, 88 Stat. 330. June 10, 1921, ch. 18, § 205, 42 Stat. 21; restated Sept. 12, 1950, ch. 946, § 102(d), 64 Stat. 833.
1104(d)	31:18b. 44:3503(note).	Sept. 12, 1950, ch. 946, § 103, 64 Stat. 834; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, § 102(a), 84 Stat. 2085. Dec. 11, 1980, Pub. L. 96-511, § 3(a), 94 Stat. 2825.
1104(e)	31:21.	June 10, 1921, ch. 18, § 213, 42 Stat. 23; 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.

In the section, the word “President” is substituted for “Office” in 31:16(last sentence), “President, through the Director of the Office of Management and Budget” in 31:18b, “President and the Director of the Office of Management and Budget” in 44:3503(note), and “Office of Management and Budget” in 31:21 and 623, 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 (a), the words “under such rules and regulations as the President may prescribe” in 31:16(last sentence) are omitted as unnecessary because of section 101 of Reorganization Plan No. 2 of 1970. The words “use uniform terms in stating” are substituted for “make uniform the language commonly used in expressing” in 31:623 for consistency. The words “eliminate from all estimates unnecessary words” are omitted as unnecessary because of the authority of the President under this subsection to prepare the budget. The text of section 3(words before semicolon) in the Act of June 23, 1913 (ch. 13, 38 Stat. 75) is omitted as superseded by 31:ch. 1 and 31:581.

In subsection (b), the word “arrangement” is omitted as being included in “order”. The word “information” is substituted for “notes and other data”, and the word “submitted” is substituted for “transmitted”, for consistency. The words “The President shall include” are substituted for “shall be accompanied by” because of the authority of the President under subsection (a) to prepare the budget. The words “proposed appropriations” are substituted for “proposed supplemental or deficiency appropriations” because of the restatement. The word “personnel” is substituted for “personal services” for clarity. The word “way” is substituted for “manner and form” for consistency. The words “either generally or in specific cases” are omitted as surplus. The word “request” is substituted for “request and receive” to eliminate unnecessary words. The words “it prescribes” are substituted for “as they may desire in consideration of and action upon budget estimates” to eliminate unnecessary words.

In subsection (c), the words “President makes” are substituted for “is made” in 31:581a as being more precise. The word “information” is substituted for “explanatory notes and tables” for consistency in the revised title. The words “to Congress”, “as may be necessary”, and “various” are omitted as surplus. The words “The President may change” are substituted for “Any change . . . shall be made only” in 31:11d because the President prepares and submits the budget under 31:11. The word “budget” is substituted for “Budget of the United States Government transmitted pursuant to section 11 of this title” to eliminate unnecessary words and for consistency in the chapter.

In subsection (d), the word “gathering” in 31:18b is omitted as being included in “compilation”. The text of 31:18b(last sentence) is omitted as unnecessary because of the restatement of the source provisions in subsection (e). The words “carry out . . . through” are substituted for “delegate to” in 44:3503(note) for consistency.

In subsection (e), the word “provide” is substituted for “furnish” for consistency. The words “required by the President in carrying out this chapter” are substituted for “as the Office may from time to time require” because of section 101 of Reorganization Plan No. 2 of 1970 and to provide comparable limiting language on when information may be required. The words “the director and the assistant director, or any employee of the Office when duly authorized” are omitted because of 3:301. The word “inspect” is substituted for “examine” for consistency in the revised title. The word “records” is substituted for “books, documents, papers, or records” for consistency in the revised title and with other titles of the United States Code.

AMENDMENTS

1985—Subsec. (c). Pub. L. 99-177 inserted provisions relating to notice to committees of House of Representatives and Senate.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-177 effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub. L. 99-177, formerly set out as an Effective and Termination Dates note under section 900 of Title 2, The Congress, prior to repeal by Pub. L. 112-25, title I, §104(a), Aug. 2, 2011, 125 Stat. 246.

EX. ORD. NO. 10253. PROVISIONS FOR IMPROVEMENT OF WORK OF FEDERAL EXECUTIVE AGENCIES WITH RESPECT TO STATISTICAL INFORMATION

Ex. Ord. No. 10253, June 11, 1951, 16 F.R. 5605, as amended by Ex. Ord. No. 12013, Oct. 7, 1977, 42 F.R. 54931; Ex. Ord. No. 12318, Aug. 12, 1981, 46 F.R. 42833, provided:

SECTION 1. The Director of the Office of Management and Budget (hereinafter referred to as the Director) shall develop programs, and issue regulations and orders, for the improved gathering, compiling, analyzing, publishing, and disseminating of statistical informa-

tion for any purpose by the various agencies in the executive branch of the Federal Government.

SEC. 2. In order to carry out the provisions of Section 1 of this order, the Director shall maintain a continuing study for the improvement of the statistical work of the agencies in the executive branch of the Federal Government with a view to obtaining the maximum benefit from the funds and facilities available for such work, giving due consideration to the constantly changing character of the various needs for statistical information both within and without the Government and, where the statistical work is primarily concerned with operating programs, giving due consideration to administrative needs, statutory requirements, and the needs involved in the development of administrative and legislative recommendations. The Director, either upon his own initiative or upon the request of any such agency, shall (a) provide for the interchange of information calculated to improve statistical work, (b) make appropriate arrangements for improving statistical work involving relationships between two or more agencies, and (c) assist the agencies, by other means, to improve their statistical work.

SEC. 3. The following shall be included among the objectives sought in carrying out the provisions of Section 1 hereof:

(a) To achieve an adequate program of statistical work in the agencies of the executive branch, in relation to over-all needs for statistical information, including the filling of gaps and overcoming of weaknesses in presently available statistical information.

(b) To achieve the most effective use of resources available for statistical work by the agencies, in relation to over-all needs.

(c) To minimize the burden upon those furnishing statistical data needed by the various Federal agencies.

(d) To improve the reliability and timeliness of statistical information.

(e) To achieve maximum comparability among the several statistical series and studies.

(f) To improve the presentation of statistical information and of explanations regarding the sources and reliability of such information, and regarding the limitations on the uses that can appropriately be made of it.

SEC. 4. Regulations and orders issued pursuant to Section 1 hereof shall be signed by the Director. When so signed, such regulations and orders shall require no further approval and shall be adhered to by all agencies in the executive branch. Any such regulation or order may pertain to a single agency, a group of agencies, or all agencies in the executive branch.

SEC. 5. In the development of programs and the preparation of regulations and orders for issuance pursuant to Section 1 hereof, the Director shall consult Federal agencies whose activities will be substantially affected, and may consult non-Federal groups to the extent he finds it necessary to carry out the purposes of this order.

SEC. 6. The authority outlined in this order is in addition to and not in substitution for the existing authority of the Director, or of the Office of Management and Budget, with respect to statistical and reporting activities. To the extent, however, that this order conflicts with any previous Executive order affecting statistical or reporting activities, the provisions of this order shall control.

SEC. 7. As required by Section 3(a) of the Paperwork Reduction Act of 1980 (94 Stat. 2825; 44 U.S.C. 3503 note), the Director shall redelegate to the Administrator for the Office of Information and Regulatory Affairs, Office of Management and Budget, all functions, authority, and responsibility under Section 103 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 18b) [31 U.S.C. 1104(d)] which have been vested in the Director by this Order.

SEC. 8. [Revoked by Ex. Ord. No. 12318, Aug. 21, 1981, 46 F.R. 42833.]

§ 1105. Budget contents and submission to Congress

(a) On or after the first Monday in January but not later than the first Monday in February of each year, the President shall submit a budget of the United States Government for the following fiscal year. Each budget shall include a budget message and summary and supporting information. The President shall include in each budget the following:

(1) information on activities and functions of the Government.

(2) when practicable, information on costs and achievements of Government programs.

(3) other desirable classifications of information.

(4) a reconciliation of the summary information on expenditures with proposed appropriations.

(5) except as provided in subsection (b) of this section, estimated expenditures and proposed appropriations the President decides are necessary to support the Government in the fiscal year for which the budget is submitted and the 4 fiscal years after that year.

(6) estimated receipts of the Government in the fiscal year for which the budget is submitted and the 4 fiscal years after that year under—

(A) laws in effect when the budget is submitted; and

(B) proposals in the budget to increase revenues.

(7) appropriations, expenditures, and receipts of the Government in the prior fiscal year.

(8) estimated expenditures and receipts, and appropriations and proposed appropriations, of the Government for the current fiscal year.

(9) balanced statements of the—

(A) condition of the Treasury at the end of the prior fiscal year;

(B) estimated condition of the Treasury at the end of the current fiscal year; and

(C) estimated condition of the Treasury at the end of the fiscal year for which the budget is submitted if financial proposals in the budget are adopted.

(10) essential information about the debt of the Government.

(11) other financial information the President decides is desirable to explain in practicable detail the financial condition of the Government.

(12) for each proposal in the budget for legislation that would establish or expand a Government activity or function, a table showing—

(A) the amount proposed in the budget for appropriation and for expenditure because of the proposal in the fiscal year for which the budget is submitted; and

(B) the estimated appropriation required because of the proposal for each of the 4 fiscal years after that year that the proposal will be in effect.

(13) an allowance for additional estimated expenditures and proposed appropriations for the fiscal year for which the budget is submitted.

(14) an allowance for unanticipated uncontrollable expenditures for that year.

(15) a separate statement on each of the items referred to in section 301(a)(1)–(5) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)(1)–(5)).

(16) the level of tax expenditures under existing law in the tax expenditures budget (as defined in section 3(a)(3) of the Congressional Budget Act of 1974 (2 U.S.C. 622(a)(3))) for the fiscal year for which the budget is submitted, considering projected economic factors and changes in the existing levels based on proposals in the budget.

(17) information on estimates of appropriations for the fiscal year following the fiscal year for which the budget is submitted for grants, contracts, and other payments under each program for which there is an authorization of appropriations for that following fiscal year when the appropriations are authorized to be included in an appropriation law for the fiscal year before the fiscal year in which the appropriation is to be available for obligation.

(18) a comparison of the total amount of budget outlays for the prior fiscal year, estimated in the budget submitted for that year, for each major program having relatively uncontrollable outlays with the total amount of outlays for that program in that year.

(19) a comparison of the total amount of receipts for the prior fiscal year, estimated in the budget submitted for that year, with receipts received in that year, and for each major source of receipts, a comparison of the amount of receipts estimated in that budget with the amount of receipts from that source in that year.

(20) an analysis and explanation of the differences between each amount compared under clauses (18) and (19) of this subsection.

(21) a horizontal budget showing—

(A) the programs for meteorology and of the National Climate Program established under section 5 of the National Climate Program Act (15 U.S.C. 2904);

(B) specific aspects of the program of, and appropriations for, each agency; and

(C) estimated goals and financial requirements.

(22) a statement of budget authority, proposed budget authority, budget outlays, and proposed budget outlays, and descriptive information in terms of—

(A) a detailed structure of national needs that refers to the missions and programs of agencies (as defined in section 101 of this title); and

(B) the missions and basic programs.

(23) separate appropriation accounts for appropriations under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) and the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.).

(24) recommendations on the return of Government capital to the Treasury by a mixed-ownership corporation (as defined in section 9101(2) of this title) that the President decides are desirable.

(25) a separate appropriation account for appropriations for each Office of Inspector Gen-

eral of an establishment defined under section 11(2) of the Inspector General Act of 1978.

(26) a separate statement of the amount of appropriations requested for the Office of National Drug Control Policy and each program of the National Drug Control Program.

(27) a separate statement of the amount of appropriations requested for the Office of Federal Financial Management.

(28) beginning with fiscal year 1999, a Federal Government performance plan for the overall budget as provided for under section 1115.

(29) information about the Violent Crime Reduction Trust Fund, including a separate statement of amounts in that Trust Fund.

(30) an analysis displaying, by agency, proposed reductions in full-time equivalent positions compared to the current year's level in order to comply with section 5 of the Federal Workforce Restructuring Act of 1994.

(31) a separate statement of the amount of appropriations requested for the Chief Financial Officer in the Executive Office of the President.

(32) a statement of the levels of budget authority and outlays for each program assumed to be extended in the baseline as provided in section 257(b)(2)(A) and for excise taxes assumed to be extended under section 257(b)(2)(C) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(33) a separate appropriation account for appropriations for the Council of the Inspectors General on Integrity and Efficiency, and, included in that account, a separate statement of the aggregate amount of appropriations requested for each academy maintained by the Council of the Inspectors General on Integrity and Efficiency.

(34) with respect to the amount of appropriations requested for use by the Export-Import Bank of the United States, a separate statement of the amount requested for its program budget, the amount requested for its administrative expenses, and of the amount requested for its administrative expenses, the amount requested for technology expenses.

(35)(A)(i) a detailed, separate analysis, by budget function, by agency, and by initiative area (as determined by the administration) for the prior fiscal year, the current fiscal year, the fiscal years for which the budget is submitted, and the ensuing fiscal year identifying the amounts of gross and net appropriations or obligational authority and outlays that contribute to homeland security, with separate displays for mandatory and discretionary amounts, including—

(I) summaries of the total amount of such appropriations or new obligational authority and outlays requested for homeland security;

(II) an estimate of the current service levels of homeland security spending;

(III) the most recent risk assessment and summary of homeland security needs in each initiative area (as determined by the administration); and

(IV) an estimate of user fees collected by the Federal Government on behalf of homeland security activities;

(ii) with respect to subclauses (I) through (IV) of clause (i), amounts shall be provided by account for each program, project and activity; and

(iii) an estimate of expenditures for homeland security activities by State and local governments and the private sector for the prior fiscal year and the current fiscal year.

(B) In this paragraph, consistent with the Office of Management and Budget's June 2002 "Annual Report to Congress on Combatting Terrorism", the term "homeland security" refers to those activities that detect, deter, protect against, and respond to terrorist attacks occurring within the United States and its territories.

(C) In implementing this paragraph, including determining what Federal activities or accounts constitute homeland security for purposes of budgetary classification, the Office of Management and Budget is directed to consult periodically, but at least annually, with the House and Senate Budget Committees, the House and Senate Appropriations Committees, and the Congressional Budget Office.

(36) as supplementary materials, a separate analysis of the budgetary effects for all prior fiscal years, the current fiscal year, the fiscal year for which the budget is submitted, and ensuing fiscal years of the actions the Secretary of the Treasury has taken or plans to take using any authority provided in the Emergency Economic Stabilization Act of 2008, including—

(A) an estimate of the current value of all assets purchased, sold, and guaranteed under the authority provided in the Emergency Economic Stabilization Act of 2008 using methodology required by the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.) and section 123 of the Emergency Economic Stabilization Act of 2008;

(B) an estimate of the deficit, the debt held by the public, and the gross Federal debt using methodology required by the Federal Credit Reform Act of 1990 and section 123 of the Emergency Economic Stabilization Act of 2008;

(C) an estimate of the current value of all assets purchased, sold, and guaranteed under the authority provided in the Emergency Economic Stabilization Act of 2008 calculated on a cash basis;

(D) a revised estimate of the deficit, the debt held by the public, and the gross Federal debt, substituting the cash-based estimates in subparagraph (C) for the estimates calculated under subparagraph (A) pursuant to the Federal Credit Reform Act of 1990 and section 123 of the Emergency Economic Stabilization Act of 2008; and

(E) the portion of the deficit which can be attributed to any action taken by the Secretary using authority provided by the Emergency Economic Stabilization Act of 2008 and the extent to which the change in the deficit since the most recent estimate is due to a reestimate using the methodology required by the Federal Credit Reform Act of 1990 and section 123 of the Emergency Economic Stabilization Act of 2008.

(37)¹ information on estimates of appropriations for the fiscal year following the fiscal year for which the budget is submitted for the following medical care accounts of the Veterans Health Administration, Department of Veterans Affairs account:

- (A) Medical Services.
- (B) Medical Support and Compliance.
- (C) Medical Facilities.

(38) a separate statement for the Crow Settlement Fund established under section 411 of the Crow Tribe Water Rights Settlement Act of 2010, which shall include the estimated amount of deposits into the Fund, obligations, and outlays from the Fund.

(37)² the list of plans and reports, as provided for under section 1125, that agencies identified for elimination or consolidation because the plans and reports are determined outdated or duplicative of other required plans and reports.

(b) Estimated expenditures and proposed appropriations for the legislative branch and the judicial branch to be included in each budget under subsection (a)(5) of this section shall be submitted to the President before October 16 of each year and included in the budget by the President without change.

(c) The President shall recommend in the budget appropriate action to meet an estimated deficiency when the estimated receipts for the fiscal year for which the budget is submitted (under laws in effect when the budget is submitted) and the estimated amounts in the Treasury at the end of the current fiscal year available for expenditure in the fiscal year for which the budget is submitted, are less than the estimated expenditures for that year. The President shall make recommendations required by the public interest when the estimated receipts and estimated amounts in the Treasury are more than the estimated expenditures.

(d) When the President submits a budget or supporting information about a budget, the President shall include a statement on all changes about the current fiscal year that were made before the budget or information was submitted.

(e)(1) The President shall submit with materials related to each budget transmitted under subsection (a) on or after January 1, 1985, an analysis for the ensuing fiscal year that shall identify requested appropriations or new obligational authority and outlays for each major program that may be classified as a public civilian capital investment program and for each major program that may be classified as a military capital investment program, and shall contain summaries of the total amount of such appropriations or new obligational authority and outlays for public civilian capital investment programs and summaries of the total amount of such appropriations or new obligational authority and outlays for military capital investment programs. In addition, the analysis under this paragraph shall contain—

- (A) an estimate of the current service levels of public civilian capital investment and of

military capital investment and alternative high and low levels of such investments over a period of ten years in current dollars and over a period of five years in constant dollars;

(B) the most recent assessment analysis and summary, in a standard format, of public civilian capital investment needs in each major program area over a period of ten years;

(C) an identification and analysis of the principal policy issues that affect estimated public civilian capital investment needs for each major program; and

(D) an identification and analysis of factors that affect estimated public civilian capital investment needs for each major program, including but not limited to the following factors:

- (i) economic assumptions;
- (ii) engineering standards;
- (iii) estimates of spending for operation and maintenance;
- (iv) estimates of expenditures for similar investments by State and local governments; and
- (v) estimates of demand for public services derived from such capital investments and estimates of the service capacity of such investments.

To the extent that any analysis required by this paragraph relates to any program for which Federal financial assistance is distributed under a formula prescribed by law, such analysis shall be organized by State and within each State by major metropolitan area if data are available.

(2) For purposes of this subsection, any appropriation, new obligational authority, or outlay shall be classified as a public civilian capital investment to the extent that such appropriation, authority, or outlay will be used for the construction, acquisition, or rehabilitation of any physical asset that is capable of being used to produce services or other benefits for a number of years and is not classified as a military capital investment under paragraph (3). Such assets shall include (but not be limited to)—

- (A) roadways or bridges,
- (B) airports or airway facilities,
- (C) mass transportation systems,
- (D) wastewater treatment or related facilities,
- (E) water resources projects,
- (F) hospitals,
- (G) resource recovery facilities,
- (H) public buildings,
- (I) space or communications facilities,
- (J) railroads, and
- (K) federally assisted housing.

(3) For purposes of this subsection, any appropriation, new obligational authority, or outlay shall be classified as a military capital investment to the extent that such appropriation, authority, or outlay will be used for the construction, acquisition, or rehabilitation of any physical asset that is capable of being used to produce services or other benefits for purposes of national defense and security for a number of years. Such assets shall include military bases, posts, installations, and facilities.

(4) Criteria and guidelines for use in the identification of public civilian and military capital

¹ So in original. Another par. (37) is set out after par. (38).

² So in original. Another par. (37) is set out preceding par. (38).

investments, for distinguishing between public civilian and military capital investments, and for distinguishing between major and nonmajor capital investment programs shall be issued by the Director of the Office of Management and Budget after consultation with the Comptroller General and the Congressional Budget Office. The analysis submitted under this subsection shall be accompanied by an explanation of such criteria and guidelines.

(5) For purposes of this subsection—

(A) the term “construction” includes the design, planning, and erection of new structures and facilities, the expansion of existing structures and facilities, the reconstruction of a project at an existing site or adjacent to an existing site, and the installation of initial and replacement equipment for such structures and facilities;

(B) the term “acquisition” includes the addition of land, sites, equipment, structures, facilities, or rolling stock by purchase, lease-purchase, trade, or donation; and

(C) the term “rehabilitation” includes the alteration of or correction of deficiencies in an existing structure or facility so as to extend the useful life or improve the effectiveness of the structure or facility, the modernization or replacement of equipment at an existing structure or facility, and the modernization of, or replacement of parts for, rolling stock.

(f) The budget transmitted pursuant to subsection (a) for a fiscal year shall be prepared in a manner consistent with the requirements of the Balanced Budget and Emergency Deficit Control Act of 1985 that apply to that and subsequent fiscal years.

(g)(1) The Director of the Office of Management and Budget shall establish the funding for advisory and assistance services for each department and agency as a separate object class in each budget annually submitted to the Congress under this section.

(2)(A) In paragraph (1), except as provided in subparagraph (B), the term “advisory and assistance services” means the following services when provided by nongovernmental sources:

- (i) Management and professional support services.
- (ii) Studies, analyses, and evaluations.
- (iii) Engineering and technical services.

(B) In paragraph (1), the term “advisory and assistance services” does not include the following services:

- (i) Routine automated data processing and telecommunications services unless such services are an integral part of a contract for the procurement of advisory and assistance services.
- (ii) Architectural and engineering services, as defined in section 1102 of title 40.
- (iii) Research on basic mathematics or medical, biological, physical, social, psychological, or other phenomena.

(h)(1) If there is a medicare funding warning under section 801(a)(2) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 made in a year, the President shall submit to Congress, within the 15-day period beginning on the date of the budget submission to

Congress under subsection (a) for the succeeding year, proposed legislation to respond to such warning.

(2) Paragraph (1) does not apply if, during the year in which the warning is made, legislation is enacted which eliminates excess general revenue medicare funding (as defined in section 801(c) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003) for the 7-fiscal-year reporting period, as certified by the Board of Trustees of each medicare trust fund (as defined in section 801(c)(5) of such Act) not later than 30 days after the date of the enactment of such legislation.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 908; Pub. L. 97-452, §1(2), Jan. 12, 1983, 96 Stat. 2467; Pub. L. 98-501, title II, §203, Oct. 19, 1984, 98 Stat. 2324; Pub. L. 99-177, title II, §241, Dec. 12, 1985, 99 Stat. 1063; Pub. L. 100-119, title I, §106(f), Sept. 29, 1987, 101 Stat. 781; Pub. L. 100-418, title V, §5301, Aug. 23, 1988, 102 Stat. 1462; Pub. L. 100-504, title I, §108, Oct. 18, 1988, 102 Stat. 2529; Pub. L. 100-690, title I, §1006, Nov. 18, 1988, 102 Stat. 4187; Pub. L. 101-508, title XIII, §13112(c), Nov. 5, 1990, 104 Stat. 1388-608; Pub. L. 101-576, title II, §203(b), Nov. 15, 1990, 104 Stat. 2841; Pub. L. 103-62, §4(a), Aug. 3, 1993, 107 Stat. 286; Pub. L. 103-272, §4(f)(1)(E), July 5, 1994, 108 Stat. 1362; Pub. L. 103-322, title XXXI, §310001(e), Sept. 13, 1994, 108 Stat. 2103; Pub. L. 103-355, title II, §2454(a), Oct. 13, 1994, 108 Stat. 3326; Pub. L. 104-287, §4(1), Oct. 11, 1996, 110 Stat. 3388; Pub. L. 105-33, title X, §10209(b), Aug. 5, 1997, 111 Stat. 711; Pub. L. 105-277, div. C, title VII, §713(c), Oct. 21, 1998, 112 Stat. 2681-693; Pub. L. 106-58, title VI, §638(f), Sept. 29, 1999, 113 Stat. 475; Pub. L. 106-422, §2(c), Nov. 1, 2000, 114 Stat. 1874; Pub. L. 107-189, §4(a), June 14, 2002, 116 Stat. 699; Pub. L. 107-217, §3(h)(3), Aug. 21, 2002, 116 Stat. 1299; Pub. L. 107-296, title VIII, §889(a), Nov. 25, 2002, 116 Stat. 2250; Pub. L. 108-173, title VIII, §802(a), Dec. 8, 2003, 117 Stat. 2360; Pub. L. 108-178, §4(f)(1), Dec. 15, 2003, 117 Stat. 2641; Pub. L. 110-343, div. A, title II, §203(a), Oct. 3, 2008, 122 Stat. 3801; Pub. L. 110-409, §7(d)(2), Oct. 14, 2008, 122 Stat. 4313; Pub. L. 111-81, §2, Oct. 22, 2009, 123 Stat. 2137; Pub. L. 111-291, title IV, §§411(h), 415, Dec. 8, 2010, 124 Stat. 3116, 3121; Pub. L. 111-352, §11(a), Jan. 4, 2011, 124 Stat. 3881.)

AMENDMENT OF SUBSECTION (a)

For contingent repeal of amendment by section 415 of Pub. L. 111-291, see Repeal on Failure To Meet Enforceability Date note below.

HISTORICAL AND REVISION NOTES
1982 ACT

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1105(a) (1)-(14).	31:11(a)(less (5)(words after 2d comma)). 31:19.	June 10, 1921, ch. 18, §201(a), 42 Stat. 20; restated Sept. 12, 1950, ch. 946, §102(a), 64 Stat. 832; Aug. 1, 1956, ch. 814, §1(a), 70 Stat. 782; Oct. 26, 1970, Pub. L. 91-510, §221(a), 84 Stat. 1169; July 12, 1974, Pub. L. 93-344, §§603, 604, 88 Stat. 324. June 10, 1921, ch. 18, §211, 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.

HISTORICAL AND REVISION NOTES—CONTINUED
1982 ACT

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1105(a)(15)	31:11(d).	June 10, 1921, ch. 18, 42 Stat. 20, §201(d)–(f), (g)(last sentence)–(i)(1st sentence); added July 12, 1974, Pub. L. 93-344, §601, 88 Stat. 323.
1105(a)(16) 1105(a)(17) 1105(a)(18)–(20). 1105(a)(21)	31:11(e). 31:11(h). 31:11(f). 31:25	Oct. 18, 1962, Pub. L. 87-843, §304(1st par.), 76 Stat. 1097; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, §102(a), 84 Stat. 2085; Sept. 17, 1978, Pub. L. 95-367, §5(g)(2), 92 Stat. 603.
1105(a)(22)	31:11(i)(1st sentence).	
1105(a)(23)	31:11(note).	Nov. 9, 1977, Pub. L. 95-164, §305, 91 Stat. 1322.
1105(a)(24)	31:859.	Dec. 6, 1945, ch. 557, §204, 59 Stat. 601.
1105(b)	28:605(last par.). 31:11(a)(5)(words after 2d comma).	
1105(c)	31:13.	June 10, 1921, ch. 18, §202, 42 Stat. 21.
1105(d)	31:11(g)(last sentence).	

In the section, the word “current” is substituted for “in progress”, and the word “prior” is substituted for “last completed”, for consistency in the revised title.

In subsection (a), before clause (1), the text of 31:19 is omitted as superseded by the broader authority of 31:11(a)(5). The words “for the following fiscal year” are added for clarity. The words “summary and supporting information” are substituted for “summary data and text, and supporting detail” in the introductory matter of 31:11(a) for consistency. The words “in such form and detail as the President may determine” are omitted as unnecessary because of the authority of the President under section 1104(a) of the revised title to prepare the budget. The words “The President shall . . . in each budget the following” are substituted for “The Budget transmitted pursuant to subsection (a) of this section for each fiscal year shall” in 31:11(d)–(f), (h), and (i) because of the restatement. The word “President” is substituted for “Office of Management and Budget” in 31:25 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. The words “in connection with the budget presentation for fiscal year 1964 and each succeeding year thereafter” are omitted as executed.

In subsection (a)(1), the words “information on” are added for clarity.

In subsection (a)(2), the word “Government” is added for clarity.

In subsection (a)(3), the word “information” is substituted for “data” for consistency.

In subsection (a)(5) and (6), the words “fiscal year for which the budget is submitted” are substituted for “ensuing fiscal year” the first time they appear for clarity. The words “the 4 fiscal years after that year” are substituted for “projections for the four fiscal years immediately following the ensuing fiscal year” to eliminate unnecessary words.

In subsection (a)(6), the words “proposals . . . to increase revenues” are substituted for “revenue proposals” for consistency in the revised title.

In subsection (a)(7), the word “actual” is omitted as surplus.

In subsection (a)(8), the words “appropriations and” are substituted for “actual or” for clarity.

In subsection (a)(9), the words “fiscal year for which the budget is submitted” are substituted for “ensuing fiscal year” for clarity.

In subsection (a)(10), the words “bonded and other” are omitted as surplus.

In subsection (a)(11), the words “information the President decides” are substituted for “statements and data as in his opinion” for clarity and consistency. The word “desirable” is substituted for “necessary or desirable” and the words “to explain” are substituted for “in order to make known”, to eliminate unnecessary words.

In subsection (a)(12), before subclause (A), the word “legislation” is substituted for “new or additional legislation” to eliminate unnecessary words. The words “activity or function” are substituted for “function, activity, or authority” for consistency. The words “in addition to those functions, activities, and authorities then existing or as then being administered and operated” are omitted as surplus.

In subsection (a)(16), the words “fiscal year for which the budget is submitted” are substituted for “such fiscal year” for clarity.

In subsection (a)(17), the words “fiscal year following the fiscal year for which the budget is submitted” are substituted for “next succeeding fiscal year”, the words “that following fiscal year” are substituted for “such succeeding fiscal year”, and the words “fiscal year before” are substituted for “fiscal year preceding”, for clarity and consistency.

In subsection (a)(18), the words “uncontrollable or” are omitted as being included in “relatively uncontrollable”.

In subsection (a)(19) and (20), the word “receipts” is substituted for “revenues” for consistency in the revised title.

Subsection (a)(20) is substituted for 31:11(f)(3) to eliminate unnecessary words.

In subsection (a)(21), the words “the totality of” are omitted as surplus.

In subsection (a)(22), the words “budget outlays” are substituted for “outlays” for consistency. The words “beginning with the fiscal year ending September 30, 1979” are omitted as executed.

In subsection (a)(23), the words “for appropriations” are substituted for “amounts required for appropriations” to eliminate unnecessary words. The words “for mine health and safety” and “for occupational safety and health” are omitted as unnecessary because of the restatement.

In subsection (a)(24), the words “(as defined in section 9101(2) of this title)” are added because the subsection is based on a law to which the defined term applies. The words “decides are desirable” are substituted for “may wish to make” for consistency.

In subsection (b), the words “for such years” in 31:11(a)(5)(words after 2d comma) are omitted because of the restatement. The words “of the United States” and “by him” are omitted as surplus. The words “to be included in each budget under subsection (a)(5) of this section” are added because of the restatement. The words “before October 16” are substituted for “on or before October 15”, and the word “change” is substituted for “revision”, for consistency.

In subsection (c), the words “new taxes, loans, or other” are omitted as being included in “appropriate action”. The words “in effect” are substituted for “existing” for consistency. The word “aggregate” is omitted as surplus.

In subsection (d), the words “When the President submits a budget or supporting information about a budget, the President” are substituted for “The Budget transmitted pursuant to subsection (a) of this section for any fiscal year, or the supporting detail transmitted in connection therewith” because of the restatement. The word “changes” is substituted for “amendments and revisions” to eliminate unnecessary words.

1983 ACT

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1105(a)(25)	31 App.:11(k)(1).	June 10, 1921, ch. 18, 42 Stat. 20, §201(k)(1); added Sept. 8, 1982, Pub. L. 97-255, §3, 96 Stat. 815.

The words “The President shall include in the supporting detail accompanying each Budget” are omitted as being included in the introductory provisions of 31:1105(a). The words “submitted on or after January 1, 1983” are omitted as executed. The words “by the President” and “if any” are omitted as surplus.

REFERENCES IN TEXT

The Occupational Safety and Health Act of 1970, referred to in subsec. (a)(23), is Pub. L. 91-596, Dec. 29, 1970, 84 Stat. 1590, which is classified principally to chapter 15 (§651 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 651 of Title 29 and Tables.

The Federal Mine Safety and Health Act of 1977, referred to in subsec. (a)(23), is Pub. L. 95-164, title I, §101, Nov. 9, 1977, 91 Stat. 1290, which is classified principally to chapter 22 (§801 et seq.) of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 30 and Tables.

Section 11(2) of the Inspector General Act of 1978, referred to in subsec. (a)(25), is section 11(2) of Pub. L. 95-452, which is set out in the Appendix to Title 5, Government Organization and Employees.

Section 5 of the Federal Workforce Restructuring Act of 1994, referred to in subsec. (a)(30), is section 5 of Pub. L. 103-226, which is set out as a note under section 3101 of Title 5, Government Organization and Employees.

Section 257(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (a)(32), is classified to section 907(b)(2) of Title 2, The Congress.

The Emergency Economic Stabilization Act of 2008, referred to in subsec. (a)(36), is div. A of Pub. L. 110-343, Oct. 3, 2008, 122 Stat. 3765, which is classified principally to chapter 52 (§5201 et seq.) of Title 12, Banks and Banking. Section 123 of the Act is classified to section 5232 of Title 12. For complete classification of this Act to the Code, see Short Title note set out under section 5201 of Title 12 and Tables.

The Federal Credit Reform Act of 1990, referred to in subsec. (a)(36), is title V of Pub. L. 93-344, as added by Pub. L. 101-508, title XIII, §13201(a), Nov. 5, 1990, 104 Stat. 1388-609, which is classified generally to subchapter III (§661 et seq.) of chapter 17A of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2 and Tables.

Section 411 of the Crow Tribe Water Rights Settlement Act of 2010, referred to in subsec. (a)(38), is section 411 of Pub. L. 111-291, title IV, Dec. 8, 2010, 124 Stat. 3113, subsec. (h) of which amended this section. Subsecs. (a) to (g) of section 411, which relate to establishment of the Crow Settlement Fund, are not classified to the Code.

Section 801 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, referred to in subsec. (h), is section 801 of Pub. L. 108-173, which is set out as a note under section 1395i of Title 42, The Public Health and Welfare.

AMENDMENTS

2011—Subsec. (a)(33), (35). Pub. L. 111-352, §11(a)(1), made amendment identical to that made by Pub. L. 111-291, §411(h)(2). See 2010 Amendment note below.

Subsec. (a)(37). Pub. L. 111-352, §11(a)(2), added par. (37) relating to list of outdated or duplicative plans and reports identified for elimination or consolidation.

2010—Subsec. (a)(33), (35). Pub. L. 111-291, §411(h)(2), redesignated par. (33) relating to detailed, separate analysis of homeland security appropriations, obligational authority, and outlays as (35). Former par. (35) redesignated (36). Amendment subject to contingent repeal, see Repeal on Failure To Meet Enforceability Date note below.

Subsec. (a)(36) to (38). Pub. L. 111-291, §411(h)(1), (3), redesignated par. (35) as (36) and (36) as (37) relating to

information on estimates of appropriations for certain medical care accounts of the Veterans Health Administration and added par. (38). Amendment subject to contingent repeal, see Repeal on Failure To Meet Enforceability Date note below.

2009—Subsec. (a)(36). Pub. L. 111-81 added par. (36).

2008—Subsec. (a)(33). Pub. L. 110-409 added par. (33) relating to appropriations for the Council of the Inspectors General on Integrity and Efficiency and struck out former subsec. (33) relating to separate account for Inspectors General Criminal Investigator Academy and Inspectors General Forensic Laboratory.

Subsec. (a)(35). Pub. L. 110-343 added par. (35).

2003—Subsec. (g)(2)(B)(ii). Pub. L. 108-178 inserted “section” before “1102 of title 40”.

Subsec. (h). Pub. L. 108-173 added subsec. (h).

2002—Subsec. (a)(33). Pub. L. 107-296 added par. (33) relating to detailed, separate analysis of homeland security appropriations, obligational authority, and outlays.

Subsec. (a)(34). Pub. L. 107-189 added par. (34).

Subsec. (g)(2)(B)(ii). Pub. L. 107-217 substituted “1102 of title 40” for “section 901 of the Brooks Architect-Engineers Act (40 U.S.C. 541)”.

2000—Subsec. (a)(33). Pub. L. 106-422 added par. (33) relating to separate account for Inspectors General Criminal Investigator Academy and Inspectors General Forensic Laboratory.

1999—Subsec. (a)(31). Pub. L. 106-58 added par. (31).

1998—Subsec. (a)(26). Pub. L. 105-277 added par. (26) relating to statement of appropriations requested for drug programs.

1997—Subsec. (a)(32). Pub. L. 105-33 added par. (32).

1996—Subsecs. (a)(26) to (31). Pub. L. 104-287 redesignated pars. (27) to (31) as (26) to (30), respectively. Former par. (26) previously terminated.

1994—Subsec. (a)(26), (27). Pub. L. 103-272 renumbered par. (26) as (27).

Subsec. (a)(30), (31). Pub. L. 103-322 added pars. (30) and (31).

Subsec. (g). Pub. L. 103-355 added subsec. (g).

1993—Subsec. (a)(29). Pub. L. 103-62 added par. (29).

1990—Subsec. (a). Pub. L. 101-508, §13112(c)(1), substituted “On or after the first Monday in January but not later than the first Monday in February of each year” for “On or before the first Monday after January 3 of each year (or on or before February 5 in 1986)”.

Subsec. (a)(28). Pub. L. 101-576 added par. (28).

Subsec. (f). Pub. L. 101-508, §13112(c)(2), amended subsec. (f) generally, substituting “The budget transmitted pursuant to subsection (a) for a fiscal year shall be prepared in a manner consistent with the requirements of the Balanced Budget and Emergency Deficit Control Act of 1985 that apply to that and subsequent fiscal years.” for

“(f)(1) The budget transmitted pursuant to subsection (a) for a fiscal year shall be prepared on the basis of the best estimates then available, in such a manner as to ensure that the deficit for such fiscal year shall not exceed the maximum deficit amount for such fiscal year as determined under paragraph (7) of section 3 of the Congressional Budget and Impoundment Control Act of 1974.

“(2) The deficit set forth in the budget so transmitted for any fiscal year shall not exceed the maximum deficit amount for such fiscal year as determined under paragraph (7) of section 3 of the Congressional Budget and Impoundment Control Act of 1974, with budget outlays and Federal revenues at such levels as the President may consider most desirable and feasible.

“(3) The budget transmitted pursuant to subsection (a) for a fiscal year shall include a budget baseline estimate made in accordance with section 251(a)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 and using economic and technical assumptions consistent with the current services budget submitted under section 1109 for the fiscal year. If such budget baseline estimate differs from the estimate in the current services budget, the President shall explain the differences. The budget transmitted pursuant to sub-

section (a) for such fiscal year shall include the information required by section 251(a)(2) of such Act (other than account-level detail) assuming that the deficit in such budget baseline were the amount estimated by the Director of the Office of Management and Budget on August 25 of the calendar year in which the fiscal year begins.

“(4) Paragraphs (1) and (2) shall not apply with respect to fiscal year 1989 if the budget transmitted for such fiscal year provides for deficit reduction from a budget baseline deficit for such fiscal year (as defined by section 251(a)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 and based on laws in effect on January 1, 1988) equal to or greater than \$36,000,000,000.

“(5) Paragraphs (1) and (2) shall not apply if a declaration of war by the Congress is in effect.”

1988—Subsec. (a)(25). Pub. L. 100-504 amended par. (25) generally. Prior to amendment, par. (25) read as follows: “a separate statement, for each agency having an Office of Inspector General, of the amount of the appropriation requested for the Office.”

Subsec. (a)(26). Pub. L. 100-690, §§1006, 1009, temporarily added par. (26) relating to statement of appropriations requested for drug programs. See Effective and Termination Dates of 1988 Amendments note below.

Pub. L. 100-418, §§5301, 5303, temporarily added par. (26) which read as follows: “an analysis, prepared by the Office of Management and Budget after consultation with the chairman of the Council of Economic Advisers, of the budget’s impact on the international competitiveness of United States business and the United States balance of payments position and shall include the following projections, based upon the best information available at the time, for the fiscal year for which the budget is submitted—

“(A) the amount of borrowing by the Government in private credit markets;

“(B) net domestic savings (defined as personal savings, corporate savings, and the fiscal surplus of State and local governments);

“(C) net private domestic investment;

“(D) the merchandise trade and current accounts;

“(E) the net increase or decrease in foreign indebtedness (defined as net foreign investment); and

“(F) the estimated direction and extent of the influence of the Government’s borrowing in private credit markets on United States dollar interest rates and on the real effective exchange rate of the United States dollar.”

See Effective and Termination Dates of 1988 Amendments note below.

1987—Subsec. (f)(3) to (5). Pub. L. 100-119 added pars. (3) and (4) and redesignated former par. (3) as (5).

1985—Subsec. (a). Pub. L. 99-177, §241(a), substituted “On or before the first Monday after January 3 of each year (or on or before February 5 in 1986)” for “During the first 15 days of each regular session of Congress”.

Subsec. (f). Pub. L. 99-177, §241(b), added subsec. (f).

1984—Subsec. (e). Pub. L. 98-501 added subsec. (e).

1983—Subsec. (a)(25). Pub. L. 97-452 added par. (25).

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-343, div. A, title II, §203(c), Oct. 3, 2008, 122 Stat. 3801, provided that: “This section [amending this section and enacting provisions set out as a note under this section] and the amendment made by this section shall apply beginning with respect to the fiscal year 2010 budget submission of the President.”

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-178 effective Aug. 21, 2002, see section 5 of Pub. L. 108-178, set out as a note under section 5334 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as

an Effective Date note under section 101 of Title 6, Domestic Security.

Pub. L. 107-296, title VIII, §889(c), Nov. 25, 2002, 116 Stat. 2251, provided that: “This section [amending this section and provisions set out as a note under section 2301 of Title 50, War and National Defense, and repealing provisions set out as a note under section 1113 of this title] and the amendment made by this section shall apply beginning with respect to the fiscal year 2005 budget submission.”

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-58 effective at noon on Jan. 20, 2001, see section 638(h) of Pub. L. 106-58, set out as a note under section 503 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

For effective date and applicability of amendment by Pub. L. 103-355, see section 10001 of Pub. L. 103-355, set out as a note under section 2302 of Title 10, Armed Forces.

EFFECTIVE AND TERMINATION DATES OF 1988 AMENDMENTS

Amendment by Pub. L. 100-690 effective Jan. 21, 1989, and repealed Sept. 30, 1997, see sections 1012 and 1009, respectively, of Pub. L. 100-690.

Section 5303 of Pub. L. 100-418 provided that: “The amendment made by section 5301 [amending this section] shall be effective for fiscal years 1989, 1990, 1991, and 1992, and shall be fully reflected in the budgets submitted by the President as required by section 1105(a) of title 31, United States Code, for each such fiscal year, and the amendment made by section 5302 [amending section 632 of Title 2, The Congress] shall be effective for fiscal years 1989, 1990, 1991, and 1992.”

Amendment by Pub. L. 100-504 effective 180 days after Oct. 18, 1988, see section 113 of Pub. L. 100-504, set out as an Effective Date of 1988 Amendment note under section 5 of Pub. L. 95-452 [Inspector General Act of 1978] in the Appendix to Title 5, Government Organization and Employees.

EFFECTIVE AND TERMINATION DATES OF 1985 AMENDMENT

Amendment of subsec. (a) and enactment of subsec. (f) of this section by Pub. L. 99-177 effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, but with subsec. (f) to expire Sept. 30, 2002, see section 275(a)(1), (b) of Pub. L. 99-177, formerly set out as an Effective and Termination Dates note under section 900 of Title 2, The Congress, prior to repeal by Pub. L. 112-25, title I, §104(a), Aug. 2, 2011, 125 Stat. 246.

REPEAL ON FAILURE TO MEET ENFORCEABILITY DATE

Pub. L. 111-291, title IV, §415, Dec. 8, 2010, 124 Stat. 3121, provided that: “If the Secretary does not publish a statement of findings under section 410(e) [124 Stat. 3112] not later than March 31, 2016, or the extended date agreed to by the Tribe and the Secretary, after reasonable notice to the State of Montana, as applicable—

“(1) this title [see Short Title of 2010 Amendment note set out under section 1101 of this title] is repealed effective April 1, 2016, or the day after the extended date agreed to by the Tribe and the Secretary after reasonable notice to the State of Montana, whichever is later;

“(2) any action taken by the Secretary and any contract or agreement pursuant to the authority provided under any provision of this title shall be void;

“(3) any amounts made available under section 414 [124 Stat. 3120], together with any interest on those amounts, shall immediately revert to the general fund of the Treasury;

“(4) any amounts made available under section 414 that remain unexpended shall immediately revert to the general fund of the Treasury; and

“(5) the United States shall be entitled to set off against any claims asserted by the Tribe against the United States relating to water rights—

“(A) any funds expended or withdrawn from the amounts made available pursuant to this title; and
 “(B) any funds made available to carry out the activities authorized in this title from other authorized sources.”

[For definitions of terms used in section 415 of Pub. L. 111-291, set out above, see Pub. L. 111-291, title IV, §403, Dec. 8, 2010, 124 Stat. 3097, which is not classified to the Code.]

CONSTRUCTION OF 1993 AMENDMENT

Amendment made by Pub. L. 103-62 not to be construed as creating any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in such capacity, and no person not an officer or employee of the United States acting in such capacity to have standing to file any civil action in any court of the United States to enforce any amendment made by Pub. L. 103-62, or to be construed as superseding any statutory requirement, see section 10 of Pub. L. 103-62, set out as a note under section 1101 of this title.

ADMINISTRATIVE EXPENSES OF EXECUTIVE BRANCH ENTITIES; SEPARATE CATEGORIES

Pub. L. 111-85, title V, §504, Oct. 28, 2009, 123 Stat. 2879, provided that:

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATIVE EXPENSES.—The term ‘administrative expenses’ has the meaning as determined by the Director under subsection (b)(2).

“(2) AGENCY.—The term ‘agency’—

“(A) means an agency as defined under section 1101 of title 31, United States Code, that is established in the executive branch and receives funding under this Act [Pub. L. 111-85, see Tables for classification]; and

“(B) shall not include the District of Columbia government.

“(3) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget.

“(b) ADMINISTRATIVE EXPENSES.—

“(1) IN GENERAL.—All agencies shall include a separate category for administrative expenses when submitting their appropriation requests to the Office of Management and Budget for fiscal year 2011 and each fiscal year thereafter.

“(2) ADMINISTRATIVE EXPENSES DETERMINED.—In consultation with the agencies, the Director shall establish and revise as necessary a definition of administrative expenses for the purposes of this section. All questions regarding the definition of administrative expenses shall be resolved by the Director.

“(c) BUDGET SUBMISSION.—Each budget of the United States Government submitted under section 1105 of title 31, United States Code, for fiscal year 2011 and each fiscal year thereafter shall include the amount requested for each agency for administrative expenses.”

CONSULTATION

Pub. L. 110-343, div. A, title II, §203(b), Oct. 3, 2008, 122 Stat. 3801, provided that: “In implementing this section [amending this section and enacting provisions set out as a note under this section], the Director of [the] Office of Management and Budget shall consult periodically, but at least annually, with the Committee on the Budget of the House of Representatives, the Committee on the Budget of the Senate, and the Director of the Congressional Budget Office.”

PROCEDURES IN THE HOUSE OF REPRESENTATIVES

Pub. L. 108-173, title VIII, §803, Dec. 8, 2003, 117 Stat. 2360, provided that:

“(a) INTRODUCTION AND REFERRAL OF PRESIDENT’S LEGISLATIVE PROPOSAL.—

“(1) INTRODUCTION.—In the case of a legislative proposal submitted by the President pursuant to section 1105(h) of title 31, United States Code, within the 15-day period specified in paragraph (1) of such section,

the Majority Leader of the House of Representatives (or his designee) and the Minority Leader of the House of Representatives (or his designee) shall introduce such proposal (by request), the title of which is as follows: ‘A bill to respond to a medicare funding warning.’ Such bill shall be introduced within 3 legislative days after Congress receives such proposal.

“(2) REFERRAL.—Any legislation introduced pursuant to paragraph (1) shall be referred to the appropriate committees of the House of Representatives.

“(b) DIRECTION TO THE APPROPRIATE HOUSE COMMITTEES.—

“(1) IN GENERAL.—In the House, in any year during which the President is required to submit proposed legislation to Congress under section 1105(h) of title 31, United States Code, the appropriate committees shall report medicare funding legislation by not later than June 30 of such year.

“(2) MEDICARE FUNDING LEGISLATION.—For purposes of this section, the term ‘medicare funding legislation’ means—

“(A) legislation introduced pursuant to subsection (a)(1), but only if the legislative proposal upon which the legislation is based was submitted within the 15-day period referred to in such subsection; or

“(B) any bill the title of which is as follows: ‘A bill to respond to a medicare funding warning.’

“(3) CERTIFICATION.—With respect to any medicare funding legislation or any amendment to such legislation to respond to a medicare funding warning, the chairman of the Committee on the Budget of the House shall certify—

“(A) whether or not such legislation eliminates excess general revenue medicare funding (as defined in section 801(c) [set out as a note under section 1395i of Title 42, The Public Health and Welfare]) for each fiscal year in the 7-fiscal-year reporting period; and

“(B) with respect to such an amendment, whether the legislation, as amended, would eliminate excess general revenue medicare funding (as defined in section 801(c)) for each fiscal year in such 7-fiscal-year reporting period.

“(c) FALLBACK PROCEDURE FOR FLOOR CONSIDERATION IF THE HOUSE FAILS TO VOTE ON FINAL PASSAGE BY JULY 30.—

“(1) After July 30 of any year during which the President is required to submit proposed legislation to Congress under section 1105(h) of title 31, United States Code, unless the House of Representatives has voted on final passage of any medicare funding legislation for which there is an affirmative certification under subsection (b)(3)(A), then, after the expiration of not less than 30 calendar days (and concurrently 5 legislative days), it is in order to move to discharge any committee to which medicare funding legislation which has such a certification and which has been referred to such committee for 30 calendar days from further consideration of the legislation.

“(2) A motion to discharge may be made only by an individual favoring the legislation, may be made only if supported by one-fifth of the total membership of the House (a quorum being present), and is highly privileged in the House. Debate thereon shall be limited to not more than one hour, the time to be divided in the House equally between those favoring and those opposing the motion. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

“(3) Only one motion to discharge a particular committee may be adopted under this subsection in any session of a Congress.

“(4) Notwithstanding paragraph (1), it shall not be in order to move to discharge a committee from further consideration of medicare funding legislation pursuant to this subsection during a session of a Congress if, during the previous session of the Congress, the House passed medicare funding legislation for

which there is an affirmative certification under subsection (b)(3)(A).

“(d) FLOOR CONSIDERATION IN THE HOUSE OF DISCHARGED LEGISLATION.—

“(1) In the House, not later than 3 legislative days after any committee has been discharged from further consideration of legislation under subsection (c), the Speaker shall resolve the House into the Committee of the Whole for consideration of the legislation.

“(2) The first reading of the legislation shall be dispensed with. All points of order against consideration of the legislation are waived. General debate shall be confined to the legislation and shall not exceed five hours, which shall be divided equally between those favoring and those opposing the legislation. After general debate the legislation shall be considered for amendment under the five-minute rule. During consideration of the legislation, no amendments shall be in order in the House or in the Committee of the Whole except those for which there has been an affirmative certification under subsection (b)(3)(B). All points of order against consideration of any such amendment in the Committee of the Whole are waived. The legislation, together with any amendments which shall be in order, shall be considered as read. During the consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of Rule XVIII of the Rules of the House of Representatives. Debate on any amendment shall not exceed one hour, which shall be divided equally between those favoring and those opposing the amendment, and no pro forma amendments shall be offered during the debate. The total time for debate on all amendments shall not exceed 10 hours. At the conclusion of consideration of the legislation for amendment, the Committee shall rise and report the legislation to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the legislation and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of Rule XIV of the Rules of the House of Representatives, resolve into the Committee of the Whole for further consideration of the bill.

“(3) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to any such legislation shall be decided without debate.

“(4) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of any such legislation and amendments thereto (or any conference report thereon) shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions, amendments, and conference reports in similar circumstances.

“(e) LEGISLATIVE DAY DEFINED.—As used in this section, the term ‘legislative day’ means a day on which the House of Representatives is in session.

“(f) RESTRICTION ON WAIVER.—In the House, the provisions of this section may be waived only by a rule or order proposing only to waive such provisions.

“(g) RULEMAKING POWER.—The provisions of this section are enacted by the Congress—

“(1) as an exercise of the rulemaking power of the House of Representatives and, as such, shall be considered as part of the rules of that House and shall supersede other rules only to the extent that they are inconsistent therewith; and

“(2) with full recognition of the constitutional right of that House to change the rules (so far as they relate to the procedures of that House) at any time,

in the same manner, and to the same extent as in the case of any other rule of that House.”

PROCEDURES IN THE SENATE

Pub. L. 108–173, title VIII, §804, Dec. 8, 2003, 117 Stat. 2363, provided that:

“(a) INTRODUCTION AND REFERRAL OF PRESIDENT’S LEGISLATIVE PROPOSAL.—

“(1) INTRODUCTION.—In the case of a legislative proposal submitted by the President pursuant to section 1105(h) of title 31, United States Code, within the 15-day period specified in paragraph (1) of such section, the Majority Leader and Minority Leader of the Senate (or their designees) shall introduce such proposal (by request), the title of which is as follows: ‘A bill to respond to a medicare funding warning.’ Such bill shall be introduced within 3 days of session after Congress receives such proposal.

“(2) REFERRAL.—Any legislation introduced pursuant to paragraph (1) shall be referred to the Committee on Finance.

“(b) MEDICARE FUNDING LEGISLATION.—For purposes of this section, the term ‘medicare funding legislation’ means—

“(1) legislation introduced pursuant to subsection (a)(1), but only if the legislative proposal upon which the legislation is based was submitted within the 15-day period referred to in such subsection; or

“(2) any bill the title of which is as follows: ‘A bill to respond to a medicare funding warning.’

“(c) QUALIFICATION FOR SPECIAL PROCEDURES.—

“(1) IN GENERAL.—The special procedures set forth in subsections (d) and (e) shall apply to medicare funding legislation, as described in subsection (b), only if the legislation—

“(A) is medicare funding legislation that is passed by the House of Representatives; or

“(B) contains matter within the jurisdiction of the Committee on Finance in the Senate.

“(2) FAILURE TO QUALIFY FOR SPECIAL PROCEDURES.—If the medicare funding legislation does not satisfy paragraph (1), then the legislation shall be considered under the ordinary procedures of the Standing Rules of the Senate.

“(d) DISCHARGE.—

“(1) IN GENERAL.—If the Committee on Finance has not reported medicare funding legislation described in subsection (c)(1) by June 30 of a year in which the President is required to submit medicare funding legislation to Congress under section 1105(h) of title 31, United States Code, then any Senator may move to discharge the Committee of any single medicare funding legislation measure. Only one such motion shall be in order in any session of Congress.

“(2) DEBATE LIMITS.—Debate in the Senate on any such motion to discharge, and all appeals in connection therewith, shall be limited to not more than 2 hours. The time shall be equally divided between, and controlled by, the maker of the motion and the Majority Leader, or their designees, except that in the event the Majority Leader is in favor of such motion, the time in opposition thereto shall be controlled by the Minority Leader or the Minority Leader’s designee. A point of order under this subsection may be made at any time. It is not in order to move to proceed to another measure or matter while such motion (or the motion to reconsider such motion) is pending.

“(3) AMENDMENTS.—No amendment to the motion to discharge shall be in order.

“(4) EXCEPTION IF CERTIFIED LEGISLATION ENACTED.—Notwithstanding paragraph (1), it shall not be in order to discharge the Committee from further consideration of medicare funding legislation pursuant to this subsection during a session of a Congress if the chairman of the Committee on the Budget of the Senate certifies that medicare funding legislation has been enacted that eliminates excess general revenue medicare funding (as defined in section 801(c) [set out as a note under section 1395i of Title 42, The Public Health and Welfare]) for each fiscal year in the 7-fiscal-year reporting period.

“(e) CONSIDERATION.—After the date on which the Committee on Finance has reported medicare funding legislation described in subsection (c)(1), or has been discharged (under subsection (d)) from further consideration of, such legislation, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of such legislation.

“(f) RULES OF THE SENATE.—This section is enacted by the Senate—

“(1) as an exercise of the rulemaking power of the Senate and as such it is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a bill described in this paragraph, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

“(2) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.”

[For definition of “7-fiscal-year reporting period” as used in section 804 of Pub. L. 108-173, set out above, see section 801(a)(3) of Pub. L. 108-173, set out as a note under section 1395i of Title 42, The Public Health and Welfare.]

TRANSPORTATION SECURITY ADMINISTRATION

Pub. L. 107-71, title I, §142, Nov. 19, 2001, 115 Stat. 644, provided that: “The President’s budget submission for fiscal year 2003 and each fiscal year thereafter shall reflect the establishment of the Transportation Security Administration.”

[For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(2), 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.]

ANNUAL STATEMENT AND REPORT ON RULES AND REGULATIONS

Pub. L. 106-554, §1(a)(3) [title VI, §624], Dec. 21, 2000, 114 Stat. 2763, 2763A-161, provided that:

“(a) IN GENERAL.—For calendar year 2002 and each year thereafter, the Director of the Office of Management and Budget shall prepare and submit to Congress, with the budget submitted under section 1105 of title 31, United States Code, an accounting statement and associated report containing—

“(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

“(A) in the aggregate;

“(B) by agency and agency program; and

“(C) by major rule;

“(2) an analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth; and

“(3) recommendations for reform.

“(b) NOTICE.—The Director of the Office of Management and Budget shall provide public notice and an opportunity to comment on the statement and report under subsection (a) before the statement and report are submitted to Congress.

“(c) GUIDELINES.—To implement this section, the Director of the Office of Management and Budget shall issue guidelines to agencies to standardize—

“(1) measures of costs and benefits; and

“(2) the format of accounting statements.

“(d) PEER REVIEW.—The Director of the Office of Management and Budget shall provide for independent

and external peer review of the guidelines and each accounting statement and associated report under this section. Such peer review shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 106-58, title VI, §628, Sept. 29, 1999, 113 Stat. 472.

Pub. L. 105-277, div. A, §101(h) [title VI, §638], Oct. 21, 1998, 112 Stat. 2681-480, 2681-525.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Pub. L. 106-159, title I, §107(b), Dec. 9, 1999, 113 Stat. 1758, provided that: “The President’s budget submission for fiscal year 2001 and each fiscal year thereafter shall reflect the establishment of the Federal Motor Carrier Safety Administration in accordance with this Act [see Tables for classification].”

ADMINISTRATIVE EXPENSES OF LEGISLATIVE BRANCH ENTITIES; SEPARATE CATEGORIES; COMPLIANCE REPORTING

Pub. L. 103-69, title III, §308, Aug. 11, 1993, 107 Stat. 710, as amended by Pub. L. 104-316, title I, §115(c), Oct. 19, 1996, 110 Stat. 3834, for fiscal years 1995, 1996, and 1997, required submissions in support of amounts included in Budget for each entity of the legislative branch to set forth a separate category for administrative expenses, for fiscal years 1993 and 1994, required administrative expenses for each entity of the legislative branch to be calculated and submitted in a separate category in same format as if submitted in support of amounts included in the Budget, for fiscal years 1994, 1995, 1996, and 1997, required submissions in the separate category for administrative expenses for each entity of the legislative branch to include reductions by a specific percentage for fiscal years 1994 to 1997, and authorized the Comptroller General to carry out compliance reporting under this section.

SEPARATE OBJECT CLASS FOR CONSULTING SERVICES IN ANNUAL BUDGETS

Pub. L. 102-394, title V, §512, Oct. 6, 1992, 106 Stat. 1826, which directed the Office of Management and Budget to establish funding for consulting services for each department and agency as separate object class in each budget annually submitted to Congress under this section, was repealed and restated in subsec. (g) of this section by Pub. L. 103-355, title II, §2454(a), (b), Oct. 13, 1994, 108 Stat. 3326.

NASA TRIENNIAL BUDGET REQUESTS AND ESTIMATES

Pub. L. 100-685, title I, §104, Nov. 17, 1988, 102 Stat. 4086, provided that: “Commencing in fiscal year 1990 and every year thereafter, the President shall submit to Congress a budget request for the National Aeronautics and Space Administration for the immediate fiscal year and the following fiscal year, and include budget estimates for the third fiscal year.”

TWO-YEAR BUDGET CYCLE FOR COAST GUARD

Pub. L. 102-241, §11, Dec. 19, 1991, 105 Stat. 2212, provided that: “Notwithstanding another law, the President is not required to submit a two-year budget request for the Coast Guard until the President is required to submit a two-year budget request for the Department of Transportation.”

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

Pub. L. 100-448, §24, Sept. 28, 1988, 102 Stat. 1847, provided that:

“(a) OPINION OF CONGRESS.—It is the opinion of the Congress that the programs and activities of the Coast

Guard could be more effectively and efficiently planned and managed if funds for the Coast Guard were provided on a 2-year cycle rather than annually.

“(b) SUBMISSION OF 2-YEAR BUDGET BY PRESIDENT.—The President shall include in the budget for fiscal year 1990 submitted to the Congress pursuant to section 1105 of title 31, United States Code, a single proposed budget for the Coast Guard for fiscal years 1990 and 1991. Thereafter, the President shall submit a proposed 2-year budget for the Coast Guard every other year.

“(c) REPORT.—Not later than October 1, 1988, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and to the Committee on Merchant Marine and Fisheries and the Committee on Appropriations of the House of Representatives a report containing—

“(1) the Secretary’s views on the advantages and disadvantages of operating the Coast Guard on a 2-year budget cycle;

“(2) the Secretary’s plans for converting to a 2-year budget cycle; and

“(3) a description of any impediments (statutory or otherwise) to converting the operations of the Coast Guard to a 2-year budget cycle beginning with fiscal year 1990.”

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

WATER AND SEWER SERVICES FURNISHED TO GOVERNMENT FACILITIES IN DISTRICT OF COLUMBIA

Pub. L. 100-202, §101(c) [title I, §136], Dec. 22, 1987, 101 Stat. 1329-90, 1329-102, provided that: “After the effective date of this Joint Resolution [Dec. 22, 1987], the President shall include, without change, in each annual budget submitted to the Congress under section 1105 of title 31, United States Code, the values estimated by the Mayor of the District of Columbia for water and water services and sanitary sewer services furnished to facilities of the United States Government under sections 106 and 212 of the District of Columbia Public Works Act of 1954, as amended (D.C. Code, sections 43-1552, 43-1612).”

TWO-YEAR BUDGET CYCLE FOR DEPARTMENT OF DEFENSE

Pub. L. 99-145, title XIV, §1405, Nov. 8, 1985, 99 Stat. 744, which related to congressional findings concerning a two-year budget cycle for the Defense Department, requirement that President submit two-year budget proposals, and a report by the Secretary of Defense to be submitted not later than Apr. 1, 1986, was repealed by Pub. L. 110-181, div. A, title X, §1006, Jan. 28, 2008, 122 Stat. 303.

FEDERAL CAPITAL INVESTMENT PROGRAM; CONGRESSIONAL STATEMENT OF PURPOSES

Section 202 of Pub. L. 98-501 provided that: “The purposes of this title [amending this section and enacting provisions set out as notes under this section and section 1101 of this title] are—

“(1) to provide budget projections for major Federal capital investment programs;

“(2) to provide a summary of the most recent needs assessment analyses for these programs;

“(3) to provide information on the sensitivity of the needs estimates to major policy issues and technical and economic variables;

“(4) to assist the planning capabilities of State and local governments on the assessment of major capital investment programs; and

“(5) to improve legislative oversight over Federal capital investment programs.”

DEFICIT REDUCTION FUND

For provisions requiring information about Deficit Reduction Fund, including a separate statement of amounts in and Federal debt redeemed by that Fund to be included in budget transmitted under this section, see Ex. Ord. No. 12858, §3, Aug. 4, 1993, 58 F.R. 42185, set out as a note under section 900 of Title 2, The Congress.

BUDGET CONTROL

For provisions requiring annual review of direct spending and receipts to be part of each budget submitted under subsec. (a) of this section, see Ex. Ord. No. 12857, §3, Aug. 4, 1993, 58 F.R. 42181, formerly set out as a note under section 900 of Title 2, The Congress.

EX. ORD. NO. 6715. FILING OF FUNCTIONAL ORGANIZATION CHARTS WITH THE DIRECTOR OF THE BUREAU OF THE BUDGET

Ex. Ord. No. 6715, May 23, 1934, provided:

(1) Each executive department, independent establishment, and emergency agency shall file with the Director of the Bureau of the Budget [now Director of Office of Management and Budget] a functional organization chart, indicating its various existing bureaus, divisions, sections, etc., and containing a description of the functions respectively performed, and shall file such additional charts from time to time, as may be necessary to show all changes made therein.

(2) Every executive department, independent establishment, and emergency agency hereafter created shall within 5 days after the appointment of the head thereof file a preliminary functional organization chart with the Director of the Bureau of the Budget.

(3) The Director of the Bureau of the Budget is hereby authorized to prescribe, subject to the approval of the President, such rules and regulations as will indicate the information desired and the form of chart to be furnished.

ASSIGNMENT OF FUNCTION REGARDING MEDICARE FUNDING

Memorandum of the President of the United States, Feb. 14, 2008, 73 F.R. 9169, provided:

Memorandum for the Secretary of Health and Human Services

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, you are directed to perform the function of the President as described under section 802 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173, 31 U.S.C. 1105(h)(1)).

You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

§ 1106. Supplemental budget estimates and changes

(a) Before July 16 of each year, the President shall submit to Congress a supplemental summary of the budget for the fiscal year for which the budget is submitted under section 1105(a) of this title. The summary shall include—

(1) for that fiscal year—

(A) substantial changes in or reappraisals of estimates of expenditures and receipts;

(B) substantial obligations imposed on the budget after its submission;

(C) current information on matters referred to in section 1105(a)(8) and (9)(B) and (C) of this title; and

(D) additional information the President decides is advisable to provide Congress with

complete and current information about the budget and current estimates of the functions, obligations, requirements, and financial condition of the United States Government;

(2) for the 4 fiscal years following the fiscal year for which the budget is submitted, information on estimated expenditures for programs authorized to continue in future years, or that are considered mandatory, under law; and

(3) for future fiscal years, information on estimated expenditures of balances carried over from the fiscal year for which the budget is submitted.

(b) Before July 16 of each year, the President shall submit to Congress a statement of changes in budget authority requested, estimated budget outlays, and estimated receipts for the fiscal year for which the budget is submitted (including prior changes proposed for the executive branch of the Government) that the President decides are necessary and appropriate based on current information. The statement shall include the effect of those changes on the information submitted under section 1105(a)(1)–(14) and (b) of this title and shall include supporting information as practicable. The statement submitted before July 16 may be included in the information submitted under subsection (a)(1) of this section.

(c) Subsection (f) of section 1105 shall apply to revisions and supplemental summaries submitted under this section to the same extent that such subsection applies to the budget submitted under section 1105(a) to which such revisions and summaries relate.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 911; Pub. L. 99–177, title II, §242, Dec. 12, 1985, 99 Stat. 1063.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1106(a)	31:11(b), (c).	June 10, 1921, ch. 18, 42 Stat. 20, §201(b), (c); added Aug. 25, 1958, Pub. L. 85–759, §1, 72 Stat. 852; restated Oct. 26, 1970, Pub. L. 91–510, §221(b), 84 Stat. 1169; July 12, 1974, Pub. L. 93–344, §602, 88 Stat. 324.
1106(b)	31:11(g)(1st–3d sentences).	June 10, 1921, ch. 18, 42 Stat. 20, §201(g)(1st–3d sentences); added July 12, 1974, Pub. L. 93–344, §601, 88 Stat. 323.

In subsection (a), before clause (1), the words “Before July 16” are substituted for “on or before July 15” for consistency. The words “budget for the fiscal year for which the budget is submitted” are substituted for “Budget for the ensuing fiscal year transmitted to the Congress by the President” to eliminate unnecessary words and for consistency in the chapter. The words “in such form and detail as he may determine” are omitted as unnecessary. In clause (1)(D), the words “in summary form” and “summary of” are omitted as unnecessary. The word “necessary” is omitted as being included in “advisable”. In clauses (2) and (3), the word “information” is substituted for “summaries” because of the restatement. In clause (2), the words “programs authorized to continue in future years, or that are considered mandatory, under law” are substituted for “continuing programs which have a legal commitment for future years or are considered mandatory under existing law” for consistency.

In subsection (b), the words “Before April 11 and July 16” are substituted for “on or before April 10 and July 15”, the word “changes” is substituted for “all amendments to or revisions in”, and the words “budget outlays” are substituted for “outlays”, the words “fiscal year for which the budget is submitted” are substituted for “ensuing fiscal year set forth in the Budget transmitted pursuant to subsection (a) of this section”, for consistency. The word “information” is substituted for “summary data” because of the restatement.

AMENDMENTS

1985—Subsec. (b). Pub. L. 99–177, §242(a), struck out “April 11 and” before “July 16”.

Subsec. (c). Pub. L. 99–177, §242(b), added subsec. (c).

EFFECTIVE AND TERMINATION DATES OF 1985 AMENDMENT

Amendment by Pub. L. 99–177 effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, but with subsec. (c) to expire Sept. 30, 2002, see section 275(a)(1), (b) of Pub. L. 99–177, formerly set out as an Effective and Termination Dates note under section 900 of Title 2, The Congress, prior to repeal by Pub. L. 112–25, title I, §104(a), Aug. 2, 2011, 125 Stat. 246.

§ 1107. Deficiency and supplemental appropriations

The President may submit to Congress proposed deficiency and supplemental appropriations the President decides are necessary because of laws enacted after the submission of the budget or that are in the public interest. The President shall include the reasons for the submission of the proposed appropriations and the reasons the proposed appropriations were not included in the budget. When the total proposed appropriations would have required the President to make a recommendation under section 1105(c) of this title if they had been included in the budget, the President shall make a recommendation under that section. The President shall transmit promptly to Congress without change, proposed deficiency and supplemental appropriations submitted to the President by the legislative branch and the judicial branch.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 911; Pub. L. 112–74, div. C, title VI, §619, Dec. 23, 2011, 125 Stat. 926.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1107	31:14.	June 10, 1921, ch. 18, §203, 42 Stat. 21; restated Sept. 12, 1950, ch. 946, §102(b), 64 Stat. 833.

In the section, the words “reach an aggregate which” are omitted as surplus.

AMENDMENTS

2011—Pub. L. 112–74 inserted at end “The President shall transmit promptly to Congress without change, proposed deficiency and supplemental appropriations submitted to the President by the legislative branch and the judicial branch.”

§ 1108. Preparation and submission of appropriations requests to the President

(a) In this section (except subsections (b)(1) and (e)), “agency” means a department, agency,

or instrumentality of the United States Government.

(b)(1) The head of each agency shall prepare and submit to the President each appropriation request for the agency. The request shall be prepared and submitted in the form prescribed by the President under this chapter and by the date established by the President. When the head of an agency does not submit a request by that date, the President shall prepare the request for the agency to be included in the budget or changes in the budget or as deficiency and supplemental appropriations. The President may change agency appropriation requests. Agency appropriation requests shall be developed from cost-based budgets in the way and at times prescribed by the President. The head of the agency shall use the cost-based budget to administer the agency and to divide appropriations or amounts.

(2) An officer or employee of an agency in the executive branch may submit to the President or Congress a request for legislation authorizing deficiency or supplemental appropriations for the agency only with the approval of the head of the agency.

(c) The head of an agency shall include with an appropriation request submitted to the President a report that the statement of obligations submitted with the request contains obligations consistent with section 1501 of this title. The head of the agency shall support the report with a certification of the consistency and shall support the certification with records showing that the amounts have been obligated. The head of the agency shall designate officials to make the certifications, and those officials may not delegate the duty to make the certifications. The certifications and records shall be kept in the agency—

(1) in a form that makes audits and reconciliations easy; and

(2) for a period necessary to carry out audits and reconciliations.

(d) To the extent practicable, the head of an agency shall—

(1) provide information supporting the agency's budget request for its missions by function and subfunction (including the mission of each organizational unit of the agency); and

(2) relate the agency's programs to its missions.

(e) Except as provided in subsection (f) of this section, an officer or employee of an agency (as defined in section 1101 of this title) may submit to Congress or a committee of Congress an appropriations estimate or request, a request for an increase in that estimate or request, or a recommendation on meeting the financial needs of the Government only when requested by either House of Congress.

(f) The Interstate Commerce Commission shall submit to Congress copies of budget estimates, requests, and information (including personnel needs), legislative recommendations, prepared testimony for congressional hearings, and comments on legislation at the same time they are sent to the President or the Office of Management and Budget. An officer of an agency may not impose conditions on or impair communica-

tion by the Commission with Congress, or a committee or member of Congress, about the information.

(g) Amounts available under law are available for field examinations of appropriation estimates. The use of the amounts is subject only to regulations prescribed by the appropriate standing committees of Congress.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 912.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1108(a)	(no source).	
1108(b)(1)	31:16(last sentence related to appropriations requests).	June 10, 1921, ch. 18, §207(last sentence related to appropriations requests), 42 Stat. 22; restated Sept. 12, 1950, ch. 946, §102(e), 64 Stat. 833; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, §102(a), 84 Stat. 2085.
	31:22, 23.	June 10, 1921, ch. 18, §§214, 215, 42 Stat. 23; restated Sept. 12, 1950, ch. 946, §102(f), (g), 64 Stat. 833; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, §102(a), 84 Stat. 2085.
	31:24(a).	June 10, 1921, ch. 18, §216(a), 42 Stat. 23; restated Sept. 12, 1950, ch. 946, §102(h), 64 Stat. 834; Aug. 1, 1956, ch. 814, §1(b), 70 Stat. 782; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, §102(a), 84 Stat. 2085.
	31:24(b), (c).	June 10, 1921, ch. 18, 42 Stat. 20, §216(b), (c); added Aug. 1, 1956, ch. 814, §1(b), 70 Stat. 782.
1108(b)(2)	31:581b.	Sept. 12, 1950, ch. 946, §201, 64 Stat. 838; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, §102(a), 84 Stat. 2085.
1108(c)	31:200(b).	Aug. 26, 1954, ch. 935, §1311(b), 68 Stat. 830; restated July 8, 1959, Pub. L. 86-79, §210(a), 73 Stat. 167; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, §102(a), 84 Stat. 2085.
	31:200(c).	Aug. 26, 1954, ch. 935, §1311(c), 68 Stat. 831.
1108(d)	31:11(i)(last sentence).	June 10, 1921, ch. 18, 42 Stat. 20, §201(i)(last sentence); added July 12, 1974, Pub. L. 93-344, §601, 88 Stat. 323.
1108(e)	31:15.	June 10, 1921, ch. 18, §206, 42 Stat. 21.
1108(f)	31:11(j).	June 10, 1921, ch. 18, 42 Stat. 20, §201(j); added Feb. 5, 1976, Pub. L. 94-210, §311, 90 Stat. 60.
1108(g)	31:22a.	Aug. 7, 1953, ch. 340, §1314, 67 Stat. 438.

Subsection (a) is included because the source provisions restated in subsections (c), (d), (f), and (g) of the revised section are derived from laws that apply to all organizational units and branches of the United States Government rather than the units and branches included in the chapter-wide definition in section 1101.

In subsection (b)(1), the word "President" is substituted for "Office" in 31:16(last sentence) and "Office of Management and Budget" in 31:23 and 24(a) 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. The words "prepare" is substituted for "prepare or cause to be prepared" in 31:22 to eliminate unnecessary words. The word "appropriations" is substituted for "regular, supplementary, or deficiency appropriations" in 31:22 and 24(a) to eliminate unnecessary words. The words "in each year" are omitted as surplus. The words "in the form prescribed by the President under this chapter and by the date established by the President" are substituted for "on or before a date which the President shall determine" in 31:23, and "as the President may determine in accordance with the provisions of section 11 of this title" and "in such manner and at such times as may be deter-

mined by the President” in 31:24, to eliminate unnecessary words and to provide a cross-reference to the authority of the President to prepare and submit budgets and appropriations request. The words “prepare the request for the agency to be included in the budget or changes in the budget or as deficiency or supplemental appropriations” are substituted for “cause such requests to be prepared as are necessary to enable him to include such requests with the Budget in respect to the work of such department or establishment” in 31:23 for clarity and because of the restatement. The word “change” is substituted for “assemble, correlate, revise, reduce, or increase” in 31:16 (last sentence) to eliminate unnecessary words. The words “The head of the agency shall use” are substituted for “shall be used by all departments and establishments and their subordinate units” and “shall be made on the basis of” in 31:24 as being more precise. The word “operation” is omitted as being included in “administer”. The word “amounts” is substituted for “funds” for consistency in the revised title. The word “divide” is substituted for “administrative subdivisions” because of the restatement.

In subsection (b)(2), the words “deficiency or supplemental appropriations” are substituted for “subsequent appropriations” for consistency. The words “the Office of Management and Budget” are omitted because sections 101 and 102(a) of Reorganization Plan No. 2 of 1970 designated the Bureau of the Budget as the Office of Management and Budget and transferred all functions of the Bureau to the President. The words “the agency” are substituted for “by such department or establishment, or by any organization unit thereof” to eliminate unnecessary words.

In subsection (c), before clause (1), the word “President” is substituted for “Office of Management and Budget” in 31:200(b) because sections 101 and 102(a) of Reorganization Plan No. 2 of 1970 designated the Bureau of the Budget as the Office of Management and Budget and transferred all functions of the Bureau to the President. The words “submitted with the request contains obligations consistent with” are substituted for “furnished therewith consists of valid obligations as defined in” for clarity and because of the restatement. The words “The head of the agency shall support the report with a certification of the consistency” are substituted for “Each report made pursuant to subsection (b) of this section shall be supported by certifications” in 31:200(c) for clarity. The words “duty to make certifications” are substituted for “responsibility” for consistency.

In subsection (d)(1), the words “its missions” are substituted for “its assigned mission”, and the words “the mission” are substituted for “mission responsibilities”, to eliminate unnecessary words.

In subsection (d)(2), the word “mission” is substituted for “agency missions” to eliminate unnecessary words.

In subsection (e), the words “Except as provided in subsection (f) of this section” are added because of the restatement. The word “financial” is substituted for “revenue” for consistency in the revised title.

In subsection (f), the word “personnel” is substituted for “manpower”, and the words “at the same time” are substituted for “concurrently”, for clarity. The words “officer of an agency” are substituted for “officer or agency” as being more precise. The word “prohibit” is omitted as being included in “impose conditions on or impair”. The word “communication” is substituted for “free communication” to eliminate a surplus word. The words “about the information” are substituted for “with respect to any budget estimate or request of the Commission” for consistency and to eliminate unnecessary words.

In subsection (g), the word “Amounts” is substituted for “Funds”, the word “law” is substituted for “Act”, and the words “regulations prescribed” are substituted for “regulations”, for consistency in the revised title. The words “of Congress” are added for clarity.

ABOLITION OF INTERSTATE COMMERCE COMMISSION AND TRANSFER OF FUNCTIONS

Interstate Commerce Commission abolished and functions of Commission transferred, except as otherwise provided in Pub. L. 104-88, to Surface Transportation Board effective Jan. 1, 1996, by section 702 of Title 49, Transportation, and section 101 of Pub. L. 104-88, set out as a note under section 701 of Title 49. References to Interstate Commerce Commission deemed to refer to Surface Transportation Board, a member or employee of the Board, or Secretary of Transportation, as appropriate, see section 205 of Pub. L. 104-88, set out as a note under section 701 of Title 49.

§ 1109. Current programs and activities estimates

(a) On or before the first Monday after January 3 of each year (on or before February 5 in 1986), the President shall submit to both Houses of Congress the estimated budget outlays and proposed budget authority that would be included in the budget for the following fiscal year if programs and activities of the United States Government were carried on during that year at the same level as the current fiscal year without a change in policy. The President shall state the estimated budget outlays and proposed budget authority by function and subfunction under the classifications in the budget summary table under the heading “Budget Authority and Outlays by Function and Agency”, by major programs in each function, and by agency. The President also shall include a statement of the economic and program assumptions on which those budget outlays and budget authority are based, including inflation, real economic growth, and unemployment rates, program case-loads, and pay increases.

(b) The Joint Economic Committee shall review the estimated budget outlays and proposed budget authority and submit an economic evaluation of the budget outlays and budget authority to the Committees on the Budget of both Houses before March 1 of each year.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 913; Pub. L. 99-177, title II, §222, Dec. 12, 1985, 99 Stat. 1060.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1109(a)	31:11a(a).	July 12, 1974, Pub. L. 93-344, §605, 88 Stat. 325.
1109(b)	31:11a(b).	

In the section, the words “budget outlays” are substituted for “outlays” for consistency in the revised title.

In subsection (a), the words “Before November 11” are substituted for “On or before November 10”, the words “both Houses of Congress” are substituted for “the Senate and the House of Representatives”, the word “following” is substituted for “ensuing”, and the word “current” is substituted for “in progress”, for consistency. The words “(beginning with 1975)” are omitted as executed. The words “of the United States Government” are added for clarity. The words “in such programs and activities” are omitted as surplus. The words “The President shall state” are substituted for “shall be shown”, and the words “The President also shall include” are substituted for “Accompanying these estimates shall be”, because of the restatement.

In subsection (b), the words “so submitted” are omitted as unnecessary. The words “before January 1” are substituted for “on or before December 31” for consistency.

AMENDMENTS

1985—Subsec. (a). Pub. L. 99-177, §222(a), substituted “On or before the first Monday after January 3 of each year (on or before February 5 in 1986)” for “Before November 11 of each year”.

Subsec. (b). Pub. L. 99-177, §222(b), substituted “March 1” for “January 1”.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-177 effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub. L. 99-177, formerly set out as an Effective and Termination Dates note under section 900 of Title 2, The Congress, prior to repeal by Pub. L. 112-25, title I, §104(a), Aug. 2, 2011, 125 Stat. 246.

§ 1110. Year-ahead requests for authorizing legislation

A request to enact legislation authorizing new budget authority to continue a program or activity for a fiscal year shall be submitted to Congress before May 16 of the year before the year in which the fiscal year begins. If a new program or activity will continue for more than one year, the request must be submitted for at least the first and 2d fiscal years.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 913.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1110	31:11c.	July 12, 1974, Pub. L. 93-344, §607, 88 Stat. 325.

The words “Notwithstanding any other provision of law” are omitted as unnecessary. The words “the enactment of” before “new” are omitted as surplus. The words “(beginning with the fiscal year commencing October 1, 1976)” are omitted as executed. The words “a request for the enactment of legislation authorizing the enactment of new budget authority for” are omitted for consistency in the chapter.

§ 1111. Improving economy and efficiency

To improve economy and efficiency in the United States Government, the President shall—

- (1) make a study of each agency to decide, and may send Congress recommendations, on changes that should be made in—
 - (A) the organization, activities, and business methods of agencies;
 - (B) agency appropriations;
 - (C) the assignment of particular activities to particular services; and
 - (D) regrouping of services; and
- (2) evaluate and develop improved plans for the organization, coordination, and management of the executive branch of the Government.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 913.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1111	31:18.	June 10, 1921, ch. 18, §209, 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.

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
	31:18a.	Sept. 12, 1950, ch. 946, §104, 64 Stat. 834; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, §102(a), 84 Stat. 2085.

In the section, before clause (1), the words “To improve economy and efficiency in the United States Government” are substituted for “(with a view of securing greater economy and efficiency in the conduct of the public service)” in 31:18 and “with a view to efficient and economical service” in 31:18a to eliminate unnecessary words. The word “President” is substituted for “Office of Management and Budget, when directed by the President” in 31:18 and “President, through the Director of the Office of Management and Budget” in 31:18a 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 clause (1), the words “existing” and “detailed” are omitted as surplus.

REGULATORY REDUCTIONS

For provisions requiring executive departments and agencies to undertake to eliminate not less than 50 percent of its civilian internal management regulations not required by law, see Ex. Ord. No. 12861, Sept. 11, 1993, 58 F.R. 48255, set out as a note under section 601 of Title 5, Government Organization and Employees.

§ 1112. Fiscal, budget, and program information

(a) In this section, “agency” means a department, agency, or instrumentality of the United States Government except a mixed-ownership Government corporation.

(b) In cooperation with the Comptroller General, the Secretary of the Treasury and the Director of the Office of Management and Budget shall establish and maintain standard data processing and information systems for fiscal, budget, and program information for use by agencies to meet the needs of the Government, and to the extent practicable, of State and local governments.

(c) The Comptroller General—

(1) in cooperation with the Secretary, the Director of the Office of Management and Budget, and the Director of the Congressional Budget Office, shall establish, maintain, and publish standard terms and classifications for fiscal, budget, and program information of the Government, including information on fiscal policy, receipts, expenditures, programs, projects, activities, and functions;

(2) when advisable, shall report to Congress on those terms and classifications, and recommend legislation necessary to promote the establishment, maintenance, and use of standard terms and classifications by the executive branch of the Government; and

(3) in carrying out this subsection, shall give particular consideration to the needs of the Committees on Appropriations and on the Budget of both Houses of Congress, the Committee on Ways and Means of the House, the Committee on Finance of the Senate, and the Congressional Budget Office.

(d) Agencies shall use the standard terms and classifications published under subsection (c)(1) of this section in providing fiscal, budget, and program information to Congress.

(e) In consultation with the President, the head of each executive agency shall take actions necessary to achieve to the extent possible—

- (1) consistency in budget and accounting classifications;
- (2) synchronization between those classifications and organizational structure; and
- (3) information by organizational unit on performance and program costs to support budget justifications.

(f) In cooperation with the Director of the Congressional Budget Office, the Comptroller General, and appropriate representatives of State and local governments, the Director of the Office of Management and Budget (to the extent practicable) shall provide State and local governments with fiscal, budget, and program information necessary for accurate and timely determination by those governments of the impact on their budgets of assistance of the United States Government.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 913.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1112(a)	31:1157.	Oct. 26, 1970, Pub. L. 91-510, § 207, 84 Stat. 1168.
1112(b)	31:1151.	Oct. 26, 1970, Pub. L. 91-510, §§ 201, 202(a), (b), 203(d), 84 Stat. 1167, 1168; restated July 12, 1974, Pub. L. 93-344, § 801(a), 88 Stat. 327, 328, 329.
1112(c)	31:1152(a)(1)(1st, 2d sentences), (2), (b).	
1112(d)	31:1152(a)(1)(last sentence).	
1112(e)	31:18c.	Sept. 12, 1950, ch. 946, 64 Stat. 832, § 106; added Aug. 1, 1956, ch. 814, § 2(a), 70 Stat. 782; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, § 102(a), 84 Stat. 2085.
1112(f)	31:1153(d).	

In the section, the words “program information” are substituted for “program-related data and information” to eliminate unnecessary words.

In subsection (a), the words “agency” . . . of the United States Government except a mixed-ownership Government corporation” are substituted for “Federal agency” . . . wholly owned Government corporation” for clarity and consistency in the revised title and with other titles of the United States Code. The word “establishment” is omitted as surplus. The words “government of the District of Columbia” are omitted as superseded by sections 441-455, 501, and 736 of the District of Columbia Self-Government and Governmental Reorganization Act (Pub. L. 93-198, 87 Stat. 798, 812, 823).

In subsections (b) and (c)(1), the word “develop” is omitted as being included in “establish”.

In subsection (b), the words “The development, establishment, and maintenance of such systems shall be carried out so as” are omitted as unnecessary because of the restatement.

In subsection (c)(1) and (2), the words “terms and classifications” are substituted for “terminology, definitions, classifications, and codes” to eliminate unnecessary words. In clause (1), the words “The authority contained in this section shall include, but not be limited to” are omitted as surplus. In clause (2), the words “After June 30, 1975” are omitted as executed. The word “additional” is omitted as surplus. The words “establishment, maintenance, and use of” are substituted for “development, establishment, and maintenance, modification . . . implementation” to eliminate unnecessary words and for consistency in the revised section. The words “by the executive branch of the Govern-

ment” are substituted for “executive” for clarity. The text of 31:1152(a)(2)(1st sentence) is omitted as executed. In clause (3), the words “this subsection” are substituted for “this responsibility” because of the restatement.

In subsection (c)(1), the word “revenues” is omitted as being included in “receipts”. The word “spending” is substituted for “expenditures” for consistency in the revised title.

In subsection (e), 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.

§ 1113. Congressional information

(a)(1) When requested by a committee of Congress having jurisdiction over receipts or appropriations, the President shall provide the committee with assistance and information.

(2) When requested by a committee of Congress, additional information related to the amount of an appropriation originally requested by an Office of Inspector General shall be submitted to the committee.

(b) When requested by a committee of Congress, by the Comptroller General, or by the Director of the Congressional Budget Office, the Secretary of the Treasury, the Director of the Office of Management and Budget, and the head of each executive agency shall—

(1) provide information on the location and kind of available fiscal, budget, and program information;

(2) to the extent practicable, prepare summary tables of that fiscal, budget, and program information and related information the committee, the Comptroller General, or the Director of the Congressional Budget Office considers necessary; and

(3) provide a program evaluation carried out or commissioned by an executive agency.

(c) In cooperation with the Director of the Congressional Budget Office, the Secretary, and the Director of the Office of Management and Budget, the Comptroller General shall—

(1) establish and maintain a current directory of sources of, and information systems for, fiscal, budget, and program information and a brief description of the contents of each source and system;

(2) when requested, provide assistance to committees of Congress and members of Congress in obtaining information from the sources in the directory; and

(3) when requested, provide assistance to committees and, to the extent practicable, to members of Congress in evaluating the information obtained from the sources in the directory.

(d) To the extent they consider necessary, the Comptroller General and the Director of the Congressional Budget Office individually or jointly shall establish and maintain a file of information to meet recurring needs of Congress for fiscal, budget, and program information to carry out this section and sections 717 and 1112 of this title. The file shall include information on budget requests, congressional authorizations to obligate and expend, apportionment and

reserve actions, and obligations and expenditures. The Comptroller General and the Director shall maintain the file and an index to the file so that it is easier for the committees and agencies of Congress to use the file and index through data processing and communications techniques.

(e)(1) The Comptroller General shall—

(A) carry out a continuing program to identify the needs of committees and members of Congress for fiscal, budget, and program information to carry out this section and section 1112 of this title;

(B) assist committees of Congress in developing their information needs;

(C) monitor recurring reporting requirements of Congress and committees; and

(D) make recommendations to Congress and committees for changes and improvements in those reporting requirements to meet information needs identified by the Comptroller General, to improve their usefulness to congressional users, and to eliminate unnecessary reporting.

(2) Before September 2 of each year, the Comptroller General shall report to Congress on—

(A) the needs identified under paragraph (1)(A) of this subsection;

(B) the relationship of those needs to existing reporting requirements;

(C) the extent to which reporting by the executive branch of the United States Government currently meets the identified needs;

(D) the changes to standard classifications necessary to meet congressional needs;

(E) activities, progress, and results of the program of the Comptroller General under paragraph (1)(B)–(D) of this subsection; and

(F) progress of the executive branch in the prior year.

(3) Before March 2 of each year, the Director of the Office of Management and Budget and the Secretary shall report to Congress on plans for meeting the needs identified under paragraph (1)(A) of this subsection, including—

(A) plans for carrying out changes to classifications to meet information needs of Congress;

(B) the status of information systems in the prior year; and

(C) the use of standard classifications.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 914; Pub. L. 97–452, §1(3), Jan. 12, 1983, 96 Stat. 2467.)

HISTORICAL AND REVISION NOTES
1982 ACT

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1113(a)	31:20.	June 10, 1921, ch. 18, §212, 42 Stat. 23; 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.
1113(b)–(d)	31:1153(a)–(c).	Oct. 26, 1970, Pub. L. 91–510, §203(a)–(c), 84 Stat. 1168; re-stated July 12, 1974, Pub. L. 93–344, §801(a), 88 Stat. 328.
1113(e)(1)	31:1152(c), (d).	Oct. 26, 1970, Pub. L. 91–510, §202(c)–(f), 84 Stat. 1167; re-stated July 12, 1974, Pub. L. 93–344, §801(a), 88 Stat. 328.
1113(e)(2)	31:1152(e).	
1113(e)(3)	31:1152(f).	

In the section, the words “committee of Congress” are substituted for “committee of either House, of any joint committee of the two Houses” and variations of the substituted phrase to eliminate unnecessary words and for consistency in the revised title and with other titles of the United States Code.

In subsection (a), the word “President” is substituted for “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. The word “assistance” is substituted for “aid”, and the word “receipts” is substituted for “revenue”, for consistency in the revised title.

In subsections (b)–(d), the words “program information” are substituted for “program-related data and information” to eliminate unnecessary words.

In subsection (b)(1) and (3), the words “to such committee or joint committee, the Comptroller General, or the Director of the Congressional Budget Office” are omitted as unnecessary because of the restatement. In clause (1), the word “kind” is substituted for “nature” for consistency in the revised title. In clause (2), the words “that fiscal, budgetary, and program information” are substituted for “such data and information” because of the restatement.

In subsection (c), the word “inventory” is omitted as unnecessary. In clause (1), the word “develop” is omitted as being included in “establish”. In clause (2), the word “obtaining” is substituted for “securing” as being more precise. In clause (3), the word “evaluating” is substituted for “appraising and analyzing” for clarity and to eliminate unnecessary words.

In subsection (d), the words “individually or jointly . . . file” are substituted for “central file or files” for clarity. The word “information” is substituted for “data and information”, and the word “needs” is substituted for “requirements”, for consistency in the section. The words “carry out” are substituted for “carry out the purposes of” because of the restatement. A cross reference to 31:1155–1156 is not included because those sections are not relevant to the information file described in the source provisions. The words “so that it is easier” are substituted for “facilitate” for clarity. The word “modern” is omitted as surplus.

In subsection (e)(1)(A), the word “specify” is omitted as being included in “identify”. The words “carry out” are substituted for “support the objectives” for consistency. A cross reference to 31:1154–1156 is not included because those sections are not relevant to the continuing program described in the source provisions. In clause (B), the words “including such needs expressed in legislative requirements” are omitted as surplus. In clause (D), the word “duplicative” is omitted as being included in “unnecessary”.

In subsection (e)(2), the words “Before September 2 of each year” are substituted for “On or before September 1, 1974, and each year thereafter” for consistency.

In subsection (e)(3), the words “Before March 2 of each year” are substituted for “On or before March 1, 1975, and each year thereafter” for consistency. The word “codes” is omitted as being included in “classifications”. The words “information systems” are substituted for “systems”, and the words “use of standard classifications” are substituted for “classification implementations”, for consistency in the revised section.

1983 ACT

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1113(e)(2)	31 App.:11(k)(2).	June 10, 1921, ch. 18, 42 Stat. 20, §201(k)(2); added Sept. 8, 1982, Pub. L. 97–255, §3, 96 Stat. 815.

AMENDMENTS

1983—Subsec. (a). Pub. L. 97–452 redesignated existing provision as par. (1) and added par. (2).

TERMINATION OF REPORTING REQUIREMENTS CONTAINED
IN THIS SECTION

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 subsec. (e)(2)(A), (E), (3) of this section are listed on pages 9, 6, and 149, respectively), 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 below.

OVERSIGHT OF COUNTERTERRORISM AND ANTITERRORISM
ACTIVITIES; REPORT

Pub. L. 105-85, div. A, title X, §1051, Nov. 18, 1997, 111 Stat. 1889, as amended by Pub. L. 105-261, div. A, title XIV, §1403, Oct. 17, 1998, 112 Stat. 2168, which authorized establishment of a reporting system for executive agencies with respect to the budget and expenditure of funds by such agencies for the purpose of carrying out counterterrorism and antiterrorism programs and activities and required annual report on amounts proposed to be expended and counterterrorism and antiterrorism programs and activities being implemented, was repealed by Pub. L. 107-296, title VIII, §889(b)(1), Nov. 25, 2002, 116 Stat. 2251.

TERMINATION OF REPORTING REQUIREMENTS

Pub. L. 108-203, title IV, §413, Mar. 2, 2004, 118 Stat. 529, provided that: "Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 [Pub. L. 104-66] (31 U.S.C. 1113 note) shall not apply to any report required to be submitted under any of the following provisions of law:

"(1)(A) Section 201(c)(2) of the Social Security Act (42 U.S.C. 401(c)(2)).

"(B) Section 1817(b)(2) of the Social Security Act (42 U.S.C. 1395i(b)(2)).

"(C) Section 1841(b)(2) of the Social Security Act (42 U.S.C. 1395t(b)(2)).

"(2)(A) Section 221(c)(3)(C) of the Social Security Act (42 U.S.C. 421(c)(3)(C)).

"(B) Section 221(i)(3) of the Social Security Act (42 U.S.C. 421(i)(3))."

Pub. L. 107-303, title III, §302(a), Nov. 27, 2002, 116 Stat. 2360, provided that:

"(a) IN GENERAL.—Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note; Public Law 104-66) does not apply to any report required to be submitted under any of the following provisions of law:

"(1) EFFECTS OF POLLUTION ON ESTUARIES OF THE UNITED STATES.—Section 104(n)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1254(n)(3)).

"(2) IMPLEMENTATION OF GREAT LAKES WATER QUALITY AGREEMENT OF 1978.—Section 118(c)(10) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(10)).

"(3) COMPREHENSIVE CONSERVATION AND MANAGEMENT PLAN FOR LONG ISLAND SOUND.—Section 119(c)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1269(c)(7)).

"(4) LEVEL B PLAN ON ALL RIVER BASINS.—Section 209(b) of the Federal Water Pollution Control Act (33 U.S.C. 1289(b)).

"(5) STATE REPORTS ON WATER QUALITY OF ALL NAVIGABLE WATERS.—Section 305(b) of the Federal Water Pollution Control Act (33 U.S.C. 1315(b)).

"(6) EXEMPTIONS FROM WATER POLLUTION CONTROL REQUIREMENTS FOR EXECUTIVE AGENCIES.—Section 313(a) of the Federal Water Pollution Control Act (33 U.S.C. 1323(a)).

"(7) STATUS OF WATER QUALITY IN UNITED STATES LAKES.—Section 314(a) of the Federal Water Pollution Control Act (33 U.S.C. 1324(a)).

"(8) NATIONAL ESTUARY PROGRAM ACTIVITIES.—Section 320(j)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1330(j)(2)).

"(9) REPORTS ON CONTRACTS ENTERED INTO RELATING TO PROCUREMENT FROM VIOLATORS OF WATER QUALITY

STANDARDS.—Section 508(e) of the Federal Water Pollution Control Act (33 U.S.C. 1368(e)).

"(10) NATIONAL REQUIREMENTS AND COSTS OF WATER POLLUTION CONTROL.—Section 516 of the Federal Water Pollution Control Act (33 U.S.C. 1375)."

Pub. L. 107-295, title III, §322(b), Nov. 25, 2002, 116 Stat. 2103, provided that: "Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 [Pub. L. 104-66] (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

"(1) COAST GUARD OPERATIONS AND EXPENDITURES.—Section 651 of title 14, United States Code.

"(2) SUMMARY OF MARINE CASUALTIES REPORTED DURING PRIOR FISCAL YEAR.—Section 6307(c) of title 46, United States Code.

"(3) USER FEE ACTIVITIES AND AMOUNTS.—Section 664 of title 46 [14], United States Code.

"(4) CONDITIONS OF PUBLIC PORTS OF THE UNITED STATES.—Section 308(c) of title 49, United States Code.

"(5) ACTIVITIES OF FEDERAL MARITIME COMMISSION.—Section 208 of the Merchant Marine Act, 1936 ([former] 46 App. U.S.C. 1118) [see 46 U.S.C. 306(a), 50111(a)].

"(6) ACTIVITIES OF INTERAGENCY COORDINATING COMMITTEE ON OIL POLLUTION RESEARCH.—Section 7001(e) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(e))."

Pub. L. 107-74, §1, Nov. 28, 2001, 115 Stat. 701, as amended by Pub. L. 110-69, title VII, §7024(a)(3), Aug. 9, 2007, 121 Stat. 689, provided that: "Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 [Pub. L. 104-66] (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

"(1) Section 801(b) and (c) of the Department of Energy Organization Act (42 U.S.C. 7321(b) and (c)).

"(2) Section 822(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 6687).

"(3) Section 7(a) of the Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1106(a)).

"(4) Section 206 of the National Aeronautics and Space Act of 1958 ([former] 42 U.S.C. 2476) [now 51 U.S.C. 20116].

"(5) Section 404 of the Communications Satellite Act of 1962 ([former] 47 U.S.C. 744).

"(6) Section 205(a)(1) of the National Critical Materials Act of 1984 (30 U.S.C. 1804(a)(1)).

"(7) Section 17(c)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(2)).

"(8) Section 10(h) of the National Institute of Standards and Technology Act (15 U.S.C. 278(h)).

"(9) Section 212(f)(3) of the National Institute of Standards and Technology Authorization Act for Fiscal Year 1989 (15 U.S.C. 3704b(f)(3)).

"(10) Section 11(g)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(g)(2)).

"(11) Section 5(d)(9) of the National Climate Program Act (15 U.S.C. 2904(d)(9)).

"(12) Section 7 of the National Climate Program Act (15 U.S.C. 2906).

"(13) Section 703 of the Weather Service Modernization Act (15 U.S.C. 313 note).

"(14) Section 118(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1268(d)(2)).

"(15) Section 304(d) of the Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992 (49 U.S.C. 47508 note).

"(16) Section 2367(c) of title 10, United States Code.

"(17) Section 303(c)(7) of the Federal Property and Administrative Services Act of 1949 ([former] 41 U.S.C. 253(c)(7)) [see 41 U.S.C. 3304(a)(7)].

"(18) Section 102(e)(7) of the Global Change Research Act of 1990 (15 U.S.C. 2932(e)(7)).

"(19) Section 5(b)(1)(C) and (D) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(1)(C) and (D)).

"(20) Section 11(e)(6) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)(6)).

“(21) Section 2304(c)(7) of title 10, United States Code, but only to the extent of its application to the National Aeronautics and Space Administration.

“(22) Section 4(j)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(1)).

“(23) Section 36(e) of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885c(e)).

“(24) Section 37 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885d).

“(25) Section 108 of the National Science Foundation Authorization Act for Fiscal Year 1986 (42 U.S.C. 1886).

“(26) Section 101(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(2)).

“(27) Section 3(a)(7) and (f) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(7) and (f)).

“(28) Section 7(a) of the National Science Foundation Authorization Act, 1977 (42 U.S.C. 1873 note).

“(29) Section 16 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2215).”

Pub. L. 106-569, title XI, §1102, Dec. 27, 2000, 114 Stat. 3029, as amended by Pub. L. 111-67, §12(b)(2), Sept. 30, 2009, 123 Stat. 2022, provided that: “Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 [Pub. L. 104-66] (31 U.S.C. 1113 note) shall not apply to any report required to be submitted under any of the following provisions of law:

“(1) Section 3 of the Employment Act of 1946 (15 U.S.C. 1022).

“(2) Section 723 of the Defense Production Act of 1950 [50 U.S.C. App. 2172].

“(3) Section 603 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3213).

“(4) Section 7(o)(1) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)(1)).

“(5) Section 540(c) of the National Housing Act (12 U.S.C. 1735f-18(c)).

“(6) Paragraphs (2) and (6) of section 808(e) of the Civil Rights Act of 1968 (42 U.S.C. 3608(e)[(2), (6)]).

“(7) Section 1061 of the Housing and Community Development Act of 1992 (42 U.S.C. 4856).

“(8) Section 203(v) [now 203(w)] of the National Housing Act (12 U.S.C. 1709(v) [now 1709(w)]), as added by section 504 of the Housing and Community Development Act of 1992 (Public Law 102-550; 106 Stat. 3780).

“(9) Section 802 of the Housing Act of 1954 (12 U.S.C. 1701o).

“(10) Section 8 of the Department of Housing and Urban Development Act (42 U.S.C. 3536).

“(11) Section 1320 of the National Flood Insurance Act of 1968 (42 U.S.C. 4027).

“(12) Section 4(e)(2) of the Department of Housing and Urban Development Act (42 U.S.C. 3533(e)(2)).

“(13) Section 205(g) of the National Housing Act ([former] 12 U.S.C. 1711(g)).

“(14) Section 701(c)(1) of the International Financial Institutions Act (22 U.S.C. 262d(c)(1)).

“(15) Paragraphs (1) and (2) of section 5302(c) of title 31, United States Code.

“(16) Section 18(f)(7) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(7)).

“(17) Section 333 of the Revised Statutes of the United States (12 U.S.C. 14).

“(18) Section 3(g) of the Home Owners' Loan Act ([former] 12 U.S.C. 1462a(g)).

“(19) Section 304 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 304) [now 40 U.S.C. 14310].

“(20) Sections 2(b)(1)(A), 8(a), 8(c) [there is no 8(c)], 10(g)(1), and 11(c) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A), 635g(a), 635g(c), 635i-3(g)[1], and 635i-5(c)).

“(21) Section 17(a) of the Federal Deposit Insurance Act (12 U.S.C. 1827(a)).

“(22) Section 13 of the Federal Financing Bank Act of 1973 (12 U.S.C. 2292).

“(23) Section 2B(d) of the Federal Home Loan Bank Act ([former] 12 U.S.C. 1422b(d)).

“(24) Section 1002(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [Pub. L. 101-73] (12 U.S.C. 1811 note).

“(25) Section 8 of the Fair Credit and Charge Card Disclosure Act of 1988 [Pub. L. 100-583] (15 U.S.C. 1637 note).

“(26) Section 136(b)(4)(B) of the Truth in Lending Act (15 U.S.C. 1646(b)(4)(B)).

“(27) Section 707 of the Equal Credit Opportunity Act (15 U.S.C. 1691f).

“(28) Section 114 of the Truth in Lending Act (15 U.S.C. 1613).

“(29) The seventh undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247).

“(30) The tenth undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247a).

“(31) Section 815 of the Fair Debt Collection Practices Act (15 U.S.C. 1692m).

“(32) Section 102(d) of the Federal Credit Union Act (12 U.S.C. 1752a(d)).

“(33) Section 21B(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(i)).

“(34) Section 607(a) of the Housing and Community Development Amendments of 1978 (42 U.S.C. 8106(a)).

“(35) Section 708(l) of the Defense Production Act of 1950 (50 U.S.C. App. 2158(l)).

“(36) Section 2546 of the Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act of 1990 [Pub. L. 101-647] (28 U.S.C. 522 note).

“(37) Section 202(b)(8) of the National Housing Act (12 U.S.C. 1708(b)(8)).”

Pub. L. 106-554, §1(a)(4) [div. A, §1402], Dec. 21, 2000, 114 Stat. 2763, 2763A-214, provided that: “Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 [Pub. L. 104-66] (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

“(1) Sections 1105(a), 1106(a) and (b), and 1109(a) of title 31, United States Code, and any other law relating to the budget of the United States Government.

“(2) The Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) [see Short Title note set out under section 900 of Title 2, The Congress].

“(3) Sections 202(e)(1) and (3) of the Congressional Budget Act of 1974 (2 U.S.C. 602(e)(1) and (3)).

“(4) Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 685(e)).”

Pub. L. 106-554, §1(a)(7) [title III, §301], Dec. 21, 2000, 114 Stat. 2763, 2763A-629, provided that: “Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 [Pub. L. 104-66] (31 U.S.C. 1113 note) shall not apply to any report required to be submitted under any of the following provisions of law:

“(1) Section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)).

“(2) Section 16(c) of the Foreign Trade Zones Act (19 U.S.C. 81p(c)).

“(3) The following provisions of the Tariff Act of 1930:

“(A) Section 330(c)(1) (19 U.S.C. 1330(c)(1)).

“(B) Section 607(c) (19 U.S.C. 1607(c)).

“(4) Section 5 of the International Coffee Agreement Act of 1980 ([former] 19 U.S.C. 1356n).

“(5) Section 351(a)(2) of the Trade Expansion Act of 1962 (19 U.S.C. 1981(a)(2)).

“(6) Section 502 of the Automotive Products Trade Act of 1965 (19 U.S.C. 2032).

“(7) Section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081).

“(8) The following provisions of the Trade Act of 1974 (19 U.S.C. 2101 et seq.):

“(A) Section 102(b)(4)(A)(ii)(I) (19 U.S.C. 2112(b)(4)(A)(ii)(I)).

“(B) Section 102(e)(1) (19 U.S.C. 2112(e)(1)).

“(C) Section 102(e)(2) (19 U.S.C. 2112(e)(2)).

“(D) Section 104(d) (19 U.S.C. 2114(d)).

“(E) Section 125(e) (19 U.S.C. 2135(e)).

“(F) Section 135(e)(1) (19 U.S.C. 2155(e)(1)).

“(G) Section 141(c) (19 U.S.C. 2171(c)).

“(H) Section 162 (19 U.S.C. 2212).

“(I) Section 163(b) (19 U.S.C. 2213(b)).

“(J) Section 163(c) (19 U.S.C. 2213(c)).

- “(K) Section 203(b) (19 U.S.C. 2253(b)).
- “(L) Section 302(b)(2)(C) (19 U.S.C. 2412(b)(2)(C)).
- “(M) Section 303 (19 U.S.C. 2413).
- “(N) Section 309 (19 U.S.C. 2419).
- “(O) Section 407(a) (19 U.S.C. 2437(a)).
- “(P) Section 502(f) (19 U.S.C. 2462(f)).
- “(Q) Section 504 (19 U.S.C. 2464).
- “(9) The following provisions of the Trade Agreements Act of 1979 (19 U.S.C. 2501 et seq.):
- “(A) Section 2(b) (19 U.S.C. 2503(b)).
- “(B) Section 3(c) (19 U.S.C. 2504(c)).
- “(C) Section 305(c) (19 U.S.C. 2515(c)).
- “(10) Section 303(g)(1) of the Convention on Cultural Property Implementation Act (19 U.S.C. 2602(g)(1)).
- “(11) The following provisions of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.):
- “(A) Section 212(a)(1)(A) (19 U.S.C. 2702(a)(1)(A)).
- “(B) Section 212(a)(2) (19 U.S.C. 2702(a)(2)).
- “(12) The following provisions of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2901 et seq.):
- “(A) Section 1102 (19 U.S.C. 2902).
- “(B) Section 1103 (19 U.S.C. 2903).
- “(C) Section 1206(b) (19 U.S.C. 3006(b)).
- “(13) Section 123(a) of the Customs and Trade Act of 1990 (Public Law 101-382) (19 U.S.C. 2083).
- “(14) Section 243(b)(2) of the Caribbean Basin Economic Recovery Expansion Act of 1990 (Public Law 101-382) [104 Stat. 665].
- “(15) The following provisions of the Internal Revenue Code of 1986 [26 U.S.C. 1 et seq.]:
- “(A) Section 6103(p)(5).
- “(B) Section 7608.
- “(C) Section 7802(f)(3).
- “(D) Section 8022(3).
- “(E) Section 9602(a).
- “(16) The following provisions relating to the revenue laws of the United States:
- “(A) Section 1552(c) of the Tax Reform Act of 1986 [Pub. L. 99-514, 26 U.S.C. 7441 note] (100 Stat. 2753).
- “(B) Section 231 of the Deficit Reduction Act of 1984 [Pub. L. 98-369] (26 U.S.C. 801 note).
- “(C) Section 208 of the Tax Treatment Extension Act of 1977 [Pub. L. 95-615] (26 U.S.C. 911 note).
- “(D) Section 7105 of the Technical and Miscellaneous Revenue Act of 1988 (45 U.S.C. 369).
- “(17) Section 4008 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1308).
- “(18) Section 426 of the Black Lung Benefits Act (30 U.S.C. 936(b)).
- “(19) Section 7502(g) of title 31, United States Code.
- “(20) The following provisions of the Social Security Act:
- “(A) Section 215(i)(2)(C)(i) (42 U.S.C. 415(i)(2)(C)(i)).
- “(B) Section 221(i)(2) (42 U.S.C. 421(i)(2)).
- “(C) Section 221(i)(3) (42 U.S.C. 421(i)(3)).
- “(D) Section 233(e)(1) (42 U.S.C. 433(e)(1)).
- “(E) Section 452(a)(10) (42 U.S.C. 652(a)(10)).
- “(F) Section 452(g)(3)(B) (42 U.S.C. 652(g)(3)(B)).
- “(G) Section 506(a)(1) (42 U.S.C. 706(a)(1)).
- “(H) Section 908 (42 U.S.C. 1108).
- “(I) Section 1114(f) (42 U.S.C. 1314(f)).
- “(J) Section 1120 (42 U.S.C. 1320).
- “(K) Section 1161 (42 U.S.C. 1320c-10).
- “(L) Section 1875(b) (42 U.S.C. 1395ll(b)).
- “(M) Section 1881 (42 U.S.C. 1395rr).
- “(N) Section 1882 (42 U.S.C. 1395ss(f)(2)).
- “(21) Section 104(b) of the Social Security Independence and Program Improvements Act of 1994 [Pub. L. 103-296] (42 USC [sic] 904 note).
- “(22) Section 10 of the Railroad Retirement Act of 1937 [probably means section 7 of the Railroad Retirement Act of 1974] (45 U.S.C. 231f).
- “(23) The following provisions of the Railroad Retirement Act of 1974:
- “(A) Section 22(a)(1) (45 U.S.C. 231u(a)(1)).
- “(B) Section 22(b)(1) (45 U.S.C. 231u(b)(1)).
- “(24) Section 502 of the Railroad Retirement Solvency Act of 1983 (45 U.S.C. 231f-1).
- “(25) Section 47121(c) of title 49, United States Code.
- “(26) The following provisions of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100-203; 101 Stat. 1330-182 [101 Stat. 1330]):
- “(A) Section 4007(c)(4) (42 U.S.C. 1395ww note).
- “(B) Section 4079 (42 U.S.C. 1395mm note).
- “(C) Section 4205 (42 U.S.C. 1395i-3 note).
- “(D) Section 4215 (42 U.S.C. 1396r note).
- “(27) The following provisions of the Inspector General Act of 1978 [5 U.S.C. App.] (Public Law 95-452):
- “(A) Section 5(b).
- “(B) Section 5(d).
- “(28) The following provisions of the Public Health Service Act:
- “(A) In section 308(a) (42 U.S.C. 242m(a)), subparagraphs (A), (B), (C), and (D) of paragraph (1).
- “(B) Section 403 (42 U.S.C. 283).
- “(29) Section 404 of the Health Services and Centers Amendments of 1978 (42 U.S.C. 242p) (Public Law 95-626).
- “(30) The following provisions of the Older Americans Act of 1965:
- “(A) Section 206(d) (42 U.S.C. 3017(d)).
- “(B) Section 207 (42 U.S.C. 3018).
- “(31) Section 308 of the Age Discrimination Act of 1975 (42 U.S.C. 6106a(b)).
- “(32) Section 509(c)(3) [509(3)] of the Americans with Disabilities Act of [of] 1990 (42 U.S.C. 12209(c)(3) [12209(3)]).
- “(33) Section 4207(f) of the Omnibus Budget Reconciliation Act of 1990 [Pub. L. 101-508] (42 U.S.C. 1395b-1 note).”
- Pub. L. 106-476, title I, §1463, Nov. 9, 2000, 114 Stat. 2173, provided that: “Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 [Pub. L. 104-66] (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:
- “(1) Section 163 of the Trade Act of 1974 (19 U.S.C. 2213).
- “(2) Section 181 of the Trade Act of 1974 (19 U.S.C. 2241).”
- Pub. L. 106-419, title IV, §403(a), Nov. 1, 2000, 114 Stat. 1863, provided that: “Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 [Pub. L. 104-66] (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following: sections 503(c), 529, 541(c), 542(c), 3036, and 7312(d) of title 38, United States Code.”
- Pub. L. 106-197, §1, May 2, 2000, 114 Stat. 246, provided that: “Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 [Pub. L. 104-66] (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:
- “(1) The following sections of title 18, United States Code: sections 2519(3), 2709(e), 3126, and 3525(b).
- “(2) The following sections of title 28, United States Code: sections 522, 524(c)(6), 529, 589a(d), and 594.
- “(3) Section 3718(c) of title 31, United States Code.
- “(4) Section 9 of the Child Protection Act of 1984 [Pub. L. 98-292] (28 U.S.C. 522 note).
- “(5) Section 8 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997f).
- “(6) The following provisions of the Omnibus Crime Control and Safe Streets Act of 1968: sections 102(b) (42 U.S.C. 3712(b)), 520 (42 U.S.C. 3766), 522 (42 U.S.C. 3766b), and 810 (42 U.S.C. 3789e).
- “(7) The following provisions of the Immigration and Nationality Act: sections 103 (8 U.S.C. 1103), 207(c)(3) (8 U.S.C. 1157(c)(3)), 412(b) (8 U.S.C. 1522(b)), and 413 (8 U.S.C. 1523), and subsections (h), (i), (o), (q), and (r) of section 286 (8 U.S.C. 1356).
- “(8) Section 3 of the International Claims Settlement Act of 1949 (22 U.S.C. 1622).
- “(9) Section 9 of the War Claims Act of 1948 (50 U.S.C. App. 2008).
- “(10) Section 13(c) of the Act of September 11, 1957 (8 U.S.C. 1255b(c)).
- “(11) Section 203(b) of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. App. 1989c-2(b)).”

“(12) Section 801(e) of the Immigration Act of 1990 (29 U.S.C. 2920(e)).

“(13) Section 401 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1364).

“(14) Section 707 of the Equal Credit Opportunity Act (15 U.S.C. 1691f).

“(15) Section 201(b) of the Privacy Protection Act of 1980 (42 U.S.C. 2000aa-11(b)).

“(16) Section 609U of the Justice Assistance Act of 1984 [former] 42 U.S.C. 10509).

“(17) Section 13(a) of the Classified Information Procedures Act (18 U.S.C. App.).

“(18) Section 1004 of the Civil Rights Act of 1964 (42 U.S.C. 2000g-3).

“(19) Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414).

“(20) Section 11 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 621).

“(21) The following provisions of the Foreign Intelligence Surveillance Act of 1978: sections 107 (50 U.S.C. 1807) and 108 (50 U.S.C. 1808).

“(22) Section 102(b)(5) of the Department of Justice and Related Agencies Appropriations Act, 1993 [Pub. L. 102-395] (28 U.S.C. 533 note).”

Pub. L. 106-181, title I, §163, Apr. 5, 2000, 114 Stat. 91, provided that: “Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 [Pub. L. 104-66] (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

“(1) Section 44501 of title 49, United States Code.

“(2) Section 47103 of such title.

“(3) Section 47131 of such title.”

Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title II, §209(e)], Nov. 29, 1999, 113 Stat. 1536, 1501A-423, as amended by Pub. L. 110-246, title III, §3001(c), June 18, 2008, 122 Stat. 1821, provided that: “Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104-66; 31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

“(1) Section 1205 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 22 U.S.C. 2346 note) (relating to annual reports on economic conditions in Egypt, Israel, Turkey, and Portugal).

“(2) Section 1307(f)(1)(A) of the International Financial Institutions Act [22 U.S.C. 262m-7(f)(1)(A)] (Public Law 95-118) (relating to an assessment of the environmental impact of proposed multilateral development bank actions).

“(3) Section 118(f) of the Foreign Assistance Act of 1961 (Public Law 87-195; 22 U.S.C. 2151p-1 [(f)]) (relating to the protection of tropical forests).

“(4) Section 586J(c)(4) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513 [50 U.S.C. 1701 note]) (relating to sanctions taken by other nations against Iraq).

“(5) Section 3 of the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102-1; 105 Stat. 3 [50 U.S.C. 1541 note]) (relating to the status of efforts to obtain Iraqi compliance with United Nations Security Council resolutions).

“(6) Section 124 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 22 U.S.C. 2680 note) (relating to expenditures for emergencies in the diplomatic and consular service).

“(7) Section 620C(c) of the Foreign Assistance Act of 1961 (Public Law 87-195; 22 U.S.C. 2373(c)) (relating to progress made toward the conclusion of a negotiated solution to the Cyprus problem).

“(8) Section 533(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 [1991] (Public Law 101-513 [104 Stat. 2013]) (relating to international natural resource management initiatives).

“(9) Section 3602 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418; 22 U.S.C.

5352) (relating to foreign treatment of United States financial institutions).

“(10) Section 1702 of the International Financial Institutions Act (Public Law 95-118; 22 U.S.C. 262r-1) (relating to operating summaries of the multilateral development banks).

“(11) Section 1303(c) of the International Financial Institutions Act (Public Law 95-118; 22 U.S.C. 262m-2(c)) (relating to international environmental assistance programs).

“(12) Section 1701(a) of the International Financial Institutions Act (Public Law 95-118; 22 U.S.C. 262r) (relating to United States participation in international financial institutions).

“(13) Section 163(a) of the Trade Act of 1974 (Public Law 93-618; 19 U.S.C. 2213) (relating to the trade agreements program and national trade policy agenda).

“(14) Section 8 of the Export-Import Bank Act (Public Law 79-173; 12 U.S.C. 635g) (relating to Export-Import Bank activities).

“(15) Section 407(f) of the Food for Peace Act (Public Law 83-480; 7 U.S.C. 1736a) (relating to Public Law 480 programs and activities).

“(16) Section 239(c) of the Foreign Assistance Act of 1961 (Public Law 87-195; 22 U.S.C. 2199(c)) (relating to OPIIC audit report).

“(17) Section 504(i) of the National Endowment for Democracy Act (Public Law 98-164; 22 U.S.C. 4413(i)) (relating to the activities of the National Endowment for Democracy).

“(18) Section 5(b) of the Japan-United States Friendship Act (Public Law 94-118; 22 U.S.C. 2904(b)) (relating to Japan-United States Friendship Commission activities).”

Pub. L. 106-65, div. A, title X, §1031, Oct. 5, 1999, 113 Stat. 749, provided that: “Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 [Pub. L. 104-66] (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

“(1) The following sections of title 10, United States Code: sections 113, 115a, 116, 139(f) [now 139(g)], 221, [former] 226, 401(d), 662(b), 946, [former] 1464(c), [former] 2006(e)(3), 2010, 2011(e), 2391(c), 2431(a), 2432, 2457(d), 2461(g), 2537, 2662(b), 2706, 2859, 2861, 2902(g)(2), 4542(g)(2), 7424(b), 7425(b), 7431(c), 10541, 12302(d), and 16137.

“(2) Section 1121(f) of the National Defense Authorization Act for Fiscal Year 1988 and 1989 (Public Law 100-180; 10 U.S.C. 113 note).

“(3) Section 1405 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 924).

“(4) Section 1411(b) of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4710(b)).

“(5) Section 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 [Pub. L. 102-190] (22 U.S.C. 2751 note).

“(6) Section 30A(d) of the Arms Export Control Act (22 U.S.C. 2770a(d)).

“(7) Sections 1516(f) and 1518(c) of the Armed Forces Retirement Home Act of 1991 (Public Law 101-510; 24 U.S.C. 416(f), 418(c)).

“(8) Sections 3554(e)(2) and [former] 9503(a) of title 31, United States Code.

“(9) Section 300110(b) of title 36, United States Code.

“(10) Sections 301a(f) and 1008 of title 37, United States Code.

“(11) Section 8111(f) of title 38, United States Code.

“(12) Section 205(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486(b)) [now 40 U.S.C. 121(b)].

“(13) Section 3732 of the Revised Statutes, popularly known as the ‘Food and Forage Act’ ([former] 41 U.S.C. 11) [now 41 U.S.C. 6301(a), (b)].

“(14) Section 101(b)(6) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(6)).

“(15) Section 1436(e) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; [former] 42 U.S.C. 2121 note).

“(16) Section 165 of the Energy Policy and Conservation Act (42 U.S.C. 6245).

“(17) Section 603(e) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 ([former] 42 U.S.C. 6683(e)).

“(18) Section 822(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 6687(b)).

“(19) Section 208 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1979 (42 U.S.C. 7271 [now 50 U.S.C. 2771]).

“(20) Section 3134 of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 7274c [now 50 U.S.C. 2587]).

“(21) Section 3135 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 7274g).

“(22) Section 12 of the Act of March 9, 1920 (popularly known as the ‘Suits in Admiralty Act’) (46 App. U.S.C. 752 [now 46 U.S.C. 30918]).

“(23) Sections 208, 901(b)(2), and 1211 of the Merchant Marine Act, 1936 ([former] 46 App. U.S.C. 1118, 1241(b)(2), 1291) [see 46 U.S.C. 306(a), 5011(a), 55305(d)].

“(24) Sections 11 and 14 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-2, 98h-5).

“(25) Section 108 of the National Security Act of 1947 (50 U.S.C. 404a).

“(26) Section 4 of the Act entitled ‘An Act to authorize the making, amending, and modification of contracts to facilitate the national defense’, approved August 28, 1958 ([former] 50 U.S.C. 1434).

“(27) Section 1412(g) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(g)).

“(28) Section 3 of the Authorization for Use of Military Force Against Iraq Resolution [Pub. L. 102-1] (50 U.S.C. 1541 note).

“(29) Sections 202(d) and 401(c) of the National Emergencies Act (50 U.S.C. 1622(d), 1641(c)).

“(30) Section 10(g) of the Military Selective Service Act (50 U.S.C. App. 460(g)).

“(31) Section 708 of the Defense Production Act of 1950 (50 U.S.C. App. 2158).

“(32) Section 703(g) of the Military Construction Authorization Act, 1982 (Public Law 97-99; 95 Stat. 1376).

“(33) Section 704 of the Military Construction Authorization Act, 1982 (Public Law 97-99; 95 Stat. 1377).

“(34) Section 113(b) of the National Defense Authorization Act for Fiscal Year 1990 and 1991 (Public Law 101-189; 103 Stat. 1373).”

Pub. L. 104-66, title III, § 3003, Dec. 21, 1995, 109 Stat. 734, as amended by Pub. L. 106-113, div. B, § 1000(a)(5) [title II, § 236], Nov. 29, 1999, 113 Stat. 1536, 1501A-302; Pub. L. 110-314, title II, § 203(b), Aug. 14, 2008, 122 Stat. 3040, provided that:

“(a) TERMINATION.—

“(1) IN GENERAL.—Subject to the provisions of paragraph (2) of this subsection and subsection (d), each provision of law requiring the submittal to Congress (or any committee of the Congress) of any annual, semiannual, or other regular periodic report specified on the list described under subsection (c) shall cease to be effective, with respect to that requirement, May 15, 2000.

“(2) EXCEPTION.—The provisions of paragraph (1) shall not apply to any report required under—

“(A) the Inspector General Act of 1978 (5 U.S.C. App.); or

“(B) the Chief Financial Officers Act of 1990 (Public Law 101-576) [see Short Title of 1990 Amendment note set out under section 501 of this title], including provisions enacted by the amendments made by that Act.

“(b) IDENTIFICATION OF WASTEFUL REPORTS.—The President shall include in the first annual budget submitted pursuant to section 1105 of title 31, United States Code, after the date of enactment of this Act [Dec. 21, 1995] a list of reports that the President has determined are unnecessary or wasteful and the reasons for such determination.

“(c) LIST OF REPORTS.—The list referred to under subsection (a) is the list prepared by the Clerk of the House of Representatives for the first session of the One Hundred Third Congress under clause 2 of rule III [now cl. 2(b) of rule II] of the Rules of the House of Representatives (House Document No. 103-7).

“(d) SPECIFIC REPORTS EXEMPTED.—Subsection (a)(1) shall not apply to any report required under—

“(1) section 116 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n);

“(2) section 306 of that Act (22 U.S.C. 2226);

“(3) section 489 of that Act (22 U.S.C. 2291h);

“(4) section 502B of that Act (22 U.S.C. 2304);

“(5) section 634 of that Act (22 U.S.C. 2394);

“(6) section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2414a);

“(7) section 25 of the Arms Export Control Act (22 U.S.C. 2765);

“(8) section 28 of that Act (22 U.S.C. 2768);

“(9) section 36 of that Act (22 U.S.C. 2776);

“(10) section 6 of the Multinational Force and Observers Participation Resolution (22 U.S.C. 3425);

“(11) section 104 of the FREEDOM Support Act ([former] 22 U.S.C. 5814);

“(12) section 508 of that Act (22 U.S.C. 5858);

“(13) section 4 of the War Powers Resolution (50 U.S.C. 1543);

“(14) section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703);

“(15) section 14 of the Export Administration Act of 1979 (50 U.S.C. App. 2413);

“(16) section 207 of the International Economic Policy Act of 1972 (Public Law 92-412; 86 Stat. 648) [former 22 U.S.C. 2846];

“(17) section 4 of Public Law 93-121 (87 Stat. 448) [former 22 U.S.C. 2846];

“(18) section 108 of the National Security Act of 1947 (50 U.S.C. 404a);

“(19) section 704 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5474);

“(20) section 804 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246; 104 Stat. 72);

“(21) section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f);

“(22) section 2 of the Act of September 21, 1950 (Chapter 976; 64 Stat. 903) [22 U.S.C. 262a];

“(23) section 3301 of the Panama Canal Act of 1979 (22 U.S.C. 3871);

“(24) section 2202 of the Export Enhancement Act of 1988 ([former] 15 U.S.C. 4711);

“(25) section 1504 of Public Law 103-160 (10 U.S.C. 402 note);

“(26) section 502 of the International Security and Development Coordination Act of 1985 (22 U.S.C. 2349aa-7);

“(27) section 23 of the Act of August 1, 1956 (Chapter 841 [probably should be section 515(b)(2) of Public Law 95-105]; 22 U.S.C. 2694(2));

“(28) section 5(c)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(c)(5));

“(29) section 14 of the Export Administration Act of 1979 (50 U.S.C. App. 2413);

“(30) section 50 of Public Law 87-297 (22 U.S.C. 2590);

“(31) section 240A of the Foreign Assistance Act of 1961 (22 U.S.C. 2200a);

“(32) section 27(k) of the Consumer Product Safety Act (15 U.S.C. 2076(k)); or

“(33) section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469).”

AUTHORITY TO INCREASE EFFICIENCY IN REPORTING TO CONGRESS

Pub. L. 103-356, title III, § 301, Oct. 13, 1994, 108 Stat. 3412, provided that:

“(a) PURPOSE.—The purpose of this title is to improve the efficiency of executive branch performance in implementing statutory requirements for reports to Con-

gress and committees of Congress such as the elimination or consolidation of duplicative or obsolete reporting requirements and adjustments to deadlines that shall provide for more efficient workload distribution or improve the quality of reports.

“(b) **AUTHORITY OF THE DIRECTOR.**—The Director of the Office of Management and Budget may publish annually in the budget submitted by the President to the Congress, recommendations for consolidation, elimination, or adjustments in frequency and due dates of statutorily required periodic reports to the Congress or committees of Congress. For each recommendation, the Director shall provide an individualized statement of the reasons that support the recommendation. In addition, for each report for which a recommendation is made, the Director shall state with specificity the exact consolidation, elimination, or adjustment in frequency or due date that is recommended.

“(c) **RECOMMENDATIONS.**—The Director’s recommendations shall be consistent with the purpose stated in subsection (a).

“(d) **CONSULTATION.**—Before the publication of the recommendations under subsection (b), the Director or his designee shall consult with the appropriate congressional committees concerning the recommendations.”

[§ 1114. Repealed. Pub. L. 103-355, title II, § 2454(c)(2), Oct. 13, 1994, 108 Stat. 3326]

Section, Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 916, related to budget information on consulting services.

EFFECTIVE DATE OF REPEAL

For effective date and applicability of repeal, see section 10001 of Pub. L. 103-355, set out as an Effective Date of 1994 Amendment note under section 2302 of Title 10, Armed Forces.

§ 1115. Federal Government and agency performance plans

(a) **FEDERAL GOVERNMENT PERFORMANCE PLANS.**—In carrying out the provisions of section 1105(a)(28), the Director of the Office of Management and Budget shall coordinate with agencies to develop the Federal Government performance plan. In addition to the submission of such plan with each budget of the United States Government, the Director of the Office of Management and Budget shall ensure that all information required by this subsection is concurrently made available on the website provided under section 1122 and updated periodically, but no less than annually. The Federal Government performance plan shall—

(1) establish Federal Government performance goals to define the level of performance to be achieved during the year in which the plan is submitted and the next fiscal year for each of the Federal Government priority goals required under section 1120(a) of this title;

(2) identify the agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities contributing to each Federal Government performance goal during the current fiscal year;

(3) for each Federal Government performance goal, identify a lead Government official who shall be responsible for coordinating the efforts to achieve the goal;

(4) establish common Federal Government performance indicators with quarterly targets to be used in measuring or assessing—

(A) overall progress toward each Federal Government performance goal; and

(B) the individual contribution of each agency, organization, program activity, reg-

ulation, tax expenditure, policy, and other activity identified under paragraph (2);

(5) establish clearly defined quarterly milestones; and

(6) identify major management challenges that are Governmentwide or crosscutting in nature and describe plans to address such challenges, including relevant performance goals, performance indicators, and milestones.

(b) **AGENCY PERFORMANCE PLANS.**—Not later than the first Monday in February of each year, the head of each agency shall make available on a public website of the agency, and notify the President and the Congress of its availability, a performance plan covering each program activity set forth in the budget of such agency. Such plan shall—

(1) establish performance goals to define the level of performance to be achieved during the year in which the plan is submitted and the next fiscal year;

(2) express such goals in an objective, quantifiable, and measurable form unless authorized to be in an alternative form under subsection (c);

(3) describe how the performance goals contribute to—

(A) the general goals and objectives established in the agency’s strategic plan required by section 306(a)(2) of title 5; and

(B) any of the Federal Government performance goals established in the Federal Government performance plan required by subsection (a)(1);

(4) identify among the performance goals those which are designated as agency priority goals as required by section 1120(b) of this title, if applicable;

(5) provide a description of how the performance goals are to be achieved, including—

(A) the operation processes, training, skills and technology, and the human, capital, information, and other resources and strategies required to meet those performance goals;

(B) clearly defined milestones;

(C) an identification of the organizations, program activities, regulations, policies, and other activities that contribute to each performance goal, both within and external to the agency;

(D) a description of how the agency is working with other agencies to achieve its performance goals as well as relevant Federal Government performance goals; and

(E) an identification of the agency officials responsible for the achievement of each performance goal, who shall be known as goal leaders;

(6) establish a balanced set of performance indicators to be used in measuring or assessing progress toward each performance goal, including, as appropriate, customer service, efficiency, output, and outcome indicators;

(7) provide a basis for comparing actual program results with the established performance goals;

(8) a description of how the agency will ensure the accuracy and reliability of the data

used to measure progress towards its performance goals, including an identification of—

(A) the means to be used to verify and validate measured values;

(B) the sources for the data;

(C) the level of accuracy required for the intended use of the data;

(D) any limitations to the data at the required level of accuracy; and

(E) how the agency will compensate for such limitations if needed to reach the required level of accuracy;

(9) describe major management challenges the agency faces and identify—

(A) planned actions to address such challenges;

(B) performance goals, performance indicators, and milestones to measure progress toward resolving such challenges; and

(C) the agency official responsible for resolving such challenges; and

(10) identify low-priority program activities based on an analysis of their contribution to the mission and goals of the agency and include an evidence-based justification for designating a program activity as low priority.

(c) ALTERNATIVE FORM.—If an agency, in consultation with the Director of the Office of Management and Budget, determines that it is not feasible to express the performance goals for a particular program activity in an objective, quantifiable, and measurable form, the Director of the Office of Management and Budget may authorize an alternative form. Such alternative form shall—

(1) include separate descriptive statements of—

(A)(i) a minimally effective program; and

(ii) a successful program; or

(B) such alternative as authorized by the Director of the Office of Management and Budget, with sufficient precision and in such terms that would allow for an accurate, independent determination of whether the program activity's performance meets the criteria of the description; or

(2) state why it is infeasible or impractical to express a performance goal in any form for the program activity.

(d) TREATMENT OF PROGRAM ACTIVITIES.—For the purpose of complying with this section, an agency may aggregate, disaggregate, or consolidate program activities, except that any aggregation or consolidation may not omit or minimize the significance of any program activity constituting a major function or operation for the agency.

(e) APPENDIX.—An agency may submit with an annual performance plan an appendix covering any portion of the plan that—

(1) is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy; and

(2) is properly classified pursuant to such Executive order.

(f) INHERENTLY GOVERNMENTAL FUNCTIONS.—The functions and activities of this section shall

be considered to be inherently governmental functions. The drafting of performance plans under this section shall be performed only by Federal employees.

(g) CHIEF HUMAN CAPITAL OFFICERS.—With respect to each agency with a Chief Human Capital Officer, the Chief Human Capital Officer shall prepare that portion of the annual performance plan described under subsection (b)(5)(A).

(h) DEFINITIONS.—For purposes of this section and sections 1116 through 1125, and sections 9703¹ and 9704, the term—

(1) “agency” has the same meaning as such term is defined under section 306(f) of title 5;

(2) “crosscutting” means across organizational (such as agency) boundaries;

(3) “customer service measure” means an assessment of service delivery to a customer, client, citizen, or other recipient, which can include an assessment of quality, timeliness, and satisfaction among other factors;

(4) “efficiency measure” means a ratio of a program activity's inputs (such as costs or hours worked by employees) to its outputs (amount of products or services delivered) or outcomes (the desired results of a program);

(5) “major management challenge” means programs or management functions, within or across agencies, that have greater vulnerability to waste, fraud, abuse, and mismanagement (such as issues identified by the Government Accountability Office as high risk or issues identified by an Inspector General) where a failure to perform well could seriously affect the ability of an agency or the Government to achieve its mission or goals;

(6) “milestone” means a scheduled event signifying the completion of a major deliverable or a set of related deliverables or a phase of work;

(7) “outcome measure” means an assessment of the results of a program activity compared to its intended purpose;

(8) “output measure” means the tabulation, calculation, or recording of activity or effort that can be expressed in a quantitative or qualitative manner;

(9) “performance goal” means a target level of performance expressed as a tangible, measurable objective, against which actual achievement can be compared, including a goal expressed as a quantitative standard, value, or rate;

(10) “performance indicator” means a particular value or characteristic used to measure output or outcome;

(11) “program activity” means a specific activity or project as listed in the program and financing schedules of the annual budget of the United States Government; and

(12) “program evaluation” means an assessment, through objective measurement and systematic analysis, of the manner and extent to which Federal programs achieve intended objectives.

(Added Pub. L. 111-352, §3, Jan. 4, 2011, 124 Stat. 3867.)

¹ See References in Text note below.

REFERENCES IN TEXT

Section 9703, referred to in subsec. (h), probably means the section 9703 added by section 5(a) of Pub. L. 103-62, Aug. 3, 1993, 107 Stat. 289.

PRIOR PROVISIONS

A prior section 1115, added Pub. L. 103-62, §4(b), Aug. 3, 1993, 107 Stat. 287; amended Pub. L. 107-296, title XIII, §1311(a), Nov. 25, 2002, 116 Stat. 2289; Pub. L. 108-136, div. A, title XIV, §1421(b), Nov. 24, 2003, 117 Stat. 1667, related to performance plans, prior to repeal by Pub. L. 111-352, §3, Jan. 4, 2011, 124 Stat. 3867.

FORMAT OF PERFORMANCE PLANS AND REPORTS

Pub. L. 111-352, §10, Jan. 4, 2011, 124 Stat. 3880, provided that:

“(a) SEARCHABLE, MACHINE-READABLE PLANS AND REPORTS.—For fiscal year 2012 and each fiscal year thereafter, each agency required to produce strategic plans, performance plans, and performance updates in accordance with the amendments made by this Act [see Short Title of 2011 Amendment note set out under section 1101 of this title] shall—

“(1) not incur expenses for the printing of strategic plans, performance plans, and performance reports for release external to the agency, except when providing such documents to the Congress;

“(2) produce such plans and reports in searchable, machine-readable formats; and

“(3) make such plans and reports available on the website described under section 1122 of title 31, United States Code.

“(b) WEB-BASED PERFORMANCE PLANNING AND REPORTING.—

“(1) IN GENERAL.—Not later than June 1, 2012, the Director of the Office of Management and Budget shall issue guidance to agencies to provide concise and timely performance information for publication on the website described under section 1122 of title 31, United States Code, including, at a minimum, all requirements of sections 1115 and 1116 of title 31, United States Code, except for section 1115(e).

“(2) HIGH-PRIORITY GOALS.—For agencies required to develop agency priority goals under section 1120(b) of title 31, United States Code, the performance information required under this section shall be merged with the existing information required under section 1122 of title 31, United States Code.

“(3) CONSIDERATIONS.—In developing guidance under this subsection, the Director of the Office of Management and Budget shall take into consideration the experiences of agencies in making consolidated performance planning and reporting information available on the website as required under section 1122 of title 31, United States Code.”

IMPLEMENTATION OF Pub. L. 111-352

Pub. L. 111-352, §14, Jan. 4, 2011, 124 Stat. 3883, provided that:

“(a) INTERIM PLANNING AND REPORTING.—

“(1) IN GENERAL.—The Director of the Office of Management and Budget shall coordinate with agencies to develop interim Federal Government priority goals and submit interim Federal Government performance plans consistent with the requirements of this Act [see Short Title of 2011 Amendment note set out under section 1101 of this title] beginning with the submission of the fiscal year 2013 Budget of the United States Government.

“(2) REQUIREMENTS.—Each agency shall—

“(A) not later than February 6, 2012, make adjustments to its strategic plan to make the plan consistent with the requirements of this Act;

“(B) prepare and submit performance plans consistent with the requirements of this Act, including the identification of agency priority goals, beginning with the performance plan for fiscal year 2013; and

“(C) make performance reporting updates consistent with the requirements of this Act beginning in fiscal year 2012.

“(3) QUARTERLY REVIEWS.—The quarterly priority progress reviews required under this Act shall begin—

“(A) with the first full quarter beginning on or after the date of enactment of this Act [Jan. 4, 2011] for agencies based on the agency priority goals contained in the Analytical Perspectives volume of the Fiscal Year 2011 Budget of the United States Government; and

“(B) with the quarter ending June 30, 2012 for the interim Federal Government priority goals.

“(b) GUIDANCE.—The Director of the Office of Management and Budget shall prepare guidance for agencies in carrying out the interim planning and reporting activities required under subsection (a), in addition to other guidance as required for implementation of this Act.”

CONGRESSIONAL OVERSIGHT AND LEGISLATION

Pub. L. 111-352, §15, Jan. 4, 2011, 124 Stat. 3883, provided that:

“(a) IN GENERAL.—Nothing in this Act [see Short Title of 2011 Amendment note set out under section 1101 of this title] shall be construed as limiting the ability of Congress to establish, amend, suspend, or annul a goal of the Federal Government or an agency.

“(b) GAO REVIEWS.—

“(1) INTERIM PLANNING AND REPORTING EVALUATION.—Not later than June 30, 2013, the Comptroller General shall submit a report to Congress that includes—

“(A) an evaluation of the implementation of the interim planning and reporting activities conducted under section 14 of this Act [set out as a note above]; and

“(B) any recommendations for improving implementation of this Act as determined appropriate.

“(2) IMPLEMENTATION EVALUATIONS.—

“(A) IN GENERAL.—The Comptroller General shall evaluate the implementation of this Act subsequent to the interim planning and reporting activities evaluated in the report submitted to Congress under paragraph (1).

“(B) AGENCY IMPLEMENTATION.—

“(i) EVALUATIONS.—The Comptroller General shall evaluate how implementation of this Act is affecting performance management at the agencies described in section 901(b) of title 31, United States Code, including whether performance management is being used by those agencies to improve the efficiency and effectiveness of agency programs.

“(ii) REPORTS.—The Comptroller General shall submit to Congress—

“(I) an initial report on the evaluation under clause (i), not later than September 30, 2015; and

“(II) a subsequent report on the evaluation under clause (i), not later than September 30, 2017.

“(C) FEDERAL GOVERNMENT PLANNING AND REPORTING IMPLEMENTATION.—

“(i) EVALUATIONS.—The Comptroller General shall evaluate the implementation of the Federal Government priority goals, Federal Government performance plans and related reporting required by this Act.

“(ii) REPORTS.—The Comptroller General shall submit to Congress—

“(I) an initial report on the evaluation under clause (i), not later than September 30, 2015; and

“(II) subsequent reports on the evaluation under clause (i), not later than September 30, 2017 and every 4 years thereafter.

“(D) RECOMMENDATIONS.—The Comptroller General shall include in the reports required by subparagraphs (B) and (C) any recommendations for improving implementation of this Act and for streamlining the planning and reporting requirements of the Government Performance and Results Act of 1993 [Pub. L. 103-62, Aug. 3, 1993, 107 Stat. 285; see Short Title of 1993 Amendment note set out under section 1101 of this title].”

STRATEGIC PLANNING AND PERFORMANCE MEASUREMENT TRAINING

Pub. L. 103-62, § 9, Aug. 3, 1993, 107 Stat. 295, provided that: "The Office of Personnel Management shall, in consultation with the Director of the Office of Management and Budget and the Comptroller General of the United States, develop a strategic planning and performance measurement training component for its management training program and otherwise provide managers with an orientation on the development and use of strategic planning and program performance measurement."

EX. ORD. NO. 13450. IMPROVING GOVERNMENT PROGRAM PERFORMANCE

Ex. Ord. No. 13450, Nov. 13, 2007, 72 F.R. 64519, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 305 and 306 of title 5, sections 1115, 1116, and 9703 of title 31, and chapter 28 of title 39, United States Code, and to improve the effectiveness and efficiency of the Federal Government and promote greater accountability of that Government to the American people, it is hereby ordered as follows:

SECTION 1. Policy. It is the policy of the Federal Government to spend taxpayer dollars effectively, and more effectively each year. Agencies shall apply taxpayer resources efficiently in a manner that maximizes the effectiveness of Government programs in serving the American people.

SEC. 2. Definitions. As used in this order:

(a) "agency" means:

(i) an executive agency as defined in section 105 of title 5, United States Code, other than the Government Accountability Office; and

(ii) the United States Postal Service and the Postal Regulatory Commission;

(b) "agency Performance Improvement Officer" means an employee of an agency who is a member of the Senior Executive Service or equivalent service, and who is designated by the head of the agency to carry out the duties set forth in section 5 of this order.

SEC. 3. Duties of Heads of Agencies. To assist in implementing the policy set forth in section 1 of this order, the head of each agency shall, with respect to each program administered in whole or in part by the agency:

(a) approve for implementation:

(i) clear annual and long-term goals defined by objectively measurable outcomes; and

(ii) specific plans for achieving the goals, including:

(A) assignments to specified agency personnel of:

(1) the duties necessary to achieve the goals; and

(2) the authority and resources necessary to fulfill such duties;

(B) means to measure:

(1) progress toward achievement of the goals; and

(2) efficiency in use of resources in making that progress; and

(C) mechanisms for ensuring continuous accountability of the specified agency personnel to the head of the agency for achievement of the goals and efficiency in use of resources in achievement of the goals;

(b) assist the President, through the Director of the Office of Management and Budget (Director), in making recommendations to the Congress, including budget and appropriations recommendations, that are justified based on objective performance information and accurate estimates of the full costs of achieving the annual and long-term goals approved under subsection (a)(i) of this section; and

(c) ensure that agency Internet websites available to the public include regularly updated and accurate information on the performance of the agency and its programs, in a readily useable and searchable form, that sets forth the successes, shortfalls, and challenges of each program and describes the agency's efforts to improve the performance of the program.

SEC. 4. Additional Duties of the Director of the Office of Management and Budget. (a) To assist in implementing

the policy set forth in section 1 of this order, the Director shall issue instructions to the heads of agencies concerning:

(i) the contents, and schedule for approval, of the goals and plans required by section 3 of this order; and

(ii) the availability to the public in readily accessible and comprehensible form on the agency's Internet website (or in the Federal Register for any agency that does not have such a website), of the information approved by the head of each agency under section 3 of this order and other information relating to agency performance.

(b) Instructions issued under subsection (a) of this section shall facilitate compliance with applicable law, presidential guidance, and Office of Management and Budget circulars and shall be designed to minimize duplication of effort and to assist in maximizing the efficiency and effectiveness of agencies and their programs.

SEC. 5. Duties of Agency Performance Improvement Officers. Subject to the direction of the head of the agency, each agency Performance Improvement Officer shall:

(a) supervise the performance management activities of the agency, including:

(i) development of the goals, specific plans, and estimates for which section 3 of this order provides; and

(ii) development of the agency's strategic plans, annual performance plans, and annual performance reports as required by law;

(b) advise the head of the agency, with respect to a program administered in whole or in part by the agency, whether:

(i) goals proposed for the approval of the head of the agency under section 3(a)(i) of this order are:

(A) sufficiently aggressive toward full achievement of the purposes of the program; and

(B) realistic in light of authority and resources assigned to the specified agency personnel referred to in section 3(a)(ii)(A) of this order with respect to that program; and

(ii) means for measurement of progress toward achievement of the goals are sufficiently rigorous and accurate;

(c) convene the specified agency personnel referred to in section 3(a)(ii)(A) of this order, or appropriate subgroups thereof, regularly throughout each year to:

(i) assess performance of each program administered in whole or in part by the agency; and

(ii) consider means to improve the performance and efficiency of such program;

(d) assist the head of the agency in the development and use within the agency of performance measures in personnel performance appraisals, and, as appropriate, other agency personnel and planning processes; and

(e) report to the head of the agency on the implementation within the agency of the policy set forth in section 1 of this order.

SEC. 6. Establishment and Operation of Performance Improvement Council. (a) The Director shall establish, within the Office of Management and Budget for administrative purposes only, a Performance Improvement Council (Council), consistent with this order.

(b) The Council shall consist exclusively of:

(i) the Deputy Director for Management of the Office of Management and Budget, who shall serve as Chair;

(ii) such agency Performance Improvement Officers, as determined by the Chair; and

(iii) such other full-time or permanent part-time employees of an agency, as determined by the Chair with the concurrence of the head of the agency concerned.

(c) The Chair or the Chair's designee, in implementing subsection (d) of this section, shall convene and preside at the meetings of the Council, determine its agenda, direct its work, and establish and direct subgroups of the Council, as appropriate to deal with particular subject matters, that shall consist exclusively of members of the Council.

(d) To assist in implementing the policy set forth in section 1 of this order, the Council shall:

(i) develop and submit to the Director, or when appropriate to the President through the Director, at times

and in such formats as the Chair may specify, recommendations concerning:

(A) performance management policies and requirements; and

(B) criteria for evaluation of program performance;

(ii) facilitate the exchange among agencies of information on performance management, including strategic and annual planning and reporting, to accelerate improvements in program performance;

(iii) coordinate and monitor a continuous review by heads of agencies of the performance and management of all Federal programs that assesses the clarity of purpose, quality of strategic and performance planning and goals, management excellence, and results achieved for each agency's programs, with the results of these assessments and the evidence on which they are based made available to the public on or through the Internet website referred to in subsection (d)(iv);

(iv) to facilitate keeping the public informed, and with such assistance of heads of agencies as the Director may require, develop an Internet website that provides the public with information on how well each agency performs and that serves as a comprehensive source of information on:

(A) current program performance; and

(B) the status of program performance plans and agency Performance and Accountability Reports; and

(C) consistent with the direction of the head of the agency concerned after consultation with the Director, any publicly available reports by the agency's Inspector General concerning agency program performance;

(v) monitor implementation by agencies of the policy set forth in section 1 of this order and report thereon from time to time as appropriate to the Director, or when appropriate to the President through the Director, at such times and in such formats as the Chair may specify, together with any recommendations of the Council for more effective implementation of such policy;

(vi) at the request of the head of an agency, unless the Chair declines the request, promptly review and provide advice on a proposed action by that agency to implement the policy set forth in section 1 of this order; and

(vii) obtain information and advice, as appropriate, in a manner that seeks individual advice and does not involve collective judgment or consensus advice or deliberation, from:

(A) State, local, territorial, and tribal officials; and

(B) representatives of entities or other individuals.

(e)(i) To the extent permitted by law, the Office of Management and Budget shall provide the funding and administrative support the Council needs, as determined by the Director, to implement this section; and

(ii) the heads of agencies shall provide, as appropriate and to the extent permitted by law, such information and assistance as the Chair may request to implement this section.

SEC. 7. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

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

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

(b) This order shall be implemented consistent with applicable law (including laws and executive orders relating to the protection of information from disclosure) and subject to the availability of appropriations.

(c) In implementing this order, the Director of National Intelligence shall perform the functions assigned to the Director of National Intelligence by the National Security Act of 1947, as amended (50 U.S.C. 401 *et seq.*), consistent with section 1018 of the Intelligence Reform and Terrorism Prevention Act (Public Law 108-458), and other applicable laws.

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

GEORGE W. BUSH.

§ 1116. Agency performance reporting

(a) The head of each agency shall make available on a public website of the agency and to the Office of Management and Budget an update on agency performance.

(b)(1) Each update shall compare actual performance achieved with the performance goals established in the agency performance plan under section 1115(b) and shall occur no less than 150 days after the end of each fiscal year, with more frequent updates of actual performance on indicators that provide data of significant value to the Government, Congress, or program partners at a reasonable level of administrative burden.

(2) If performance goals are specified in an alternative form under section 1115(c), the results shall be described in relation to such specifications, including whether the performance failed to meet the criteria of a minimally effective or successful program.

(c) Each update shall—

(1) review the success of achieving the performance goals and include actual results for the 5 preceding fiscal years;

(2) evaluate the performance plan for the current fiscal year relative to the performance achieved toward the performance goals during the period covered by the update;

(3) explain and describe where a performance goal has not been met (including when a program activity's performance is determined not to have met the criteria of a successful program activity under section 1115(c)(1)(A)(ii) or a corresponding level of achievement if another alternative form is used)—

(A) why the goal was not met;

(B) those plans and schedules for achieving the established performance goal; and

(C) if the performance goal is impractical or infeasible, why that is the case and what action is recommended;

(4) describe the use and assess the effectiveness in achieving performance goals of any waiver under section 9703¹ of this title;

(5) include a review of the performance goals and evaluation of the performance plan relative to the agency's strategic human capital management;

(6) describe how the agency ensures the accuracy and reliability of the data used to measure progress towards its performance goals, including an identification of—

(A) the means used to verify and validate measured values;

(B) the sources for the data;

(C) the level of accuracy required for the intended use of the data;

(D) any limitations to the data at the required level of accuracy; and

(E) how the agency has compensated for such limitations if needed to reach the required level of accuracy; and

(7) include the summary findings of those program evaluations completed during the period covered by the update.

(d) If an agency performance update includes any program activity or information that is spe-

¹ See References in Text note below.

cifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and is properly classified pursuant to such Executive Order, the head of the agency shall make such information available in the classified appendix provided under section 1115(e).

(e) The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of agency performance updates under this section shall be performed only by Federal employees.

(f) Each fiscal year, the Office of Management and Budget shall determine whether the agency programs or activities meet performance goals and objectives outlined in the agency performance plans and submit a report on unmet goals to—

- (1) the head of the agency;
- (2) the Committee on Homeland Security and Governmental Affairs of the Senate;
- (3) the Committee on Oversight and Governmental Reform of the House of Representatives; and
- (4) the Government Accountability Office.

(g) If an agency's programs or activities have not met performance goals as determined by the Office of Management and Budget for 1 fiscal year, the head of the agency shall submit a performance improvement plan to the Office of Management and Budget to increase program effectiveness for each unmet goal with measurable milestones. The agency shall designate a senior official who shall oversee the performance improvement strategies for each unmet goal.

(h)(1) If the Office of Management and Budget determines that agency programs or activities have unmet performance goals for 2 consecutive fiscal years, the head of the agency shall—

- (A) submit to Congress a description of the actions the Administration will take to improve performance, including proposed statutory changes or planned executive actions; and
- (B) describe any additional funding the agency will obligate to achieve the goal, if such an action is determined appropriate in consultation with the Director of the Office of Management and Budget, for an amount determined appropriate by the Director.

(2) In providing additional funding described under paragraph (1)(B), the head of the agency shall use any reprogramming or transfer authority available to the agency. If after exercising such authority additional funding is necessary to achieve the level determined appropriate by the Director of the Office of Management and Budget, the head of the agency shall submit a request to Congress for additional reprogramming or transfer authority.

(i) If an agency's programs or activities have not met performance goals as determined by the Office of Management and Budget for 3 consecutive fiscal years, the Director of the Office of Management and Budget shall submit recommendations to Congress on actions to improve performance not later than 60 days after that termination, including—

- (1) reauthorization proposals for each program or activity that has not met performance goals;

(2) proposed statutory changes necessary for the program activities to achieve the proposed level of performance on each performance goal; and

(3) planned executive actions or identification of the program for termination or reduction in the President's budget.

(Added Pub. L. 111-352, §4, Jan. 4, 2011, 124 Stat. 3871.)

REFERENCES IN TEXT

Section 9703, referred to in subsec. (c)(4), probably means the section 9703 added by section 5(a) of Pub. L. 103-62, Aug. 3, 1993, 107 Stat. 289.

PRIOR PROVISIONS

A prior section 1116, added Pub. L. 103-62, §4(b), Aug. 3, 1993, 107 Stat. 288; amended Pub. L. 106-531, §5(a)(1), (b), Nov. 22, 2000, 114 Stat. 2539; Pub. L. 107-296, title XIII, §1311(b), Nov. 25, 2002, 116 Stat. 2290, related to program performance reports, prior to repeal by Pub. L. 111-352, §4, Jan. 4, 2011, 124 Stat. 3871.

§ 1117. Exemption

The Director of the Office of Management and Budget may exempt from the requirements of sections 1115 and 1116 of this title and section 306 of title 5, any agency with annual outlays of \$20,000,000 or less.

(Added Pub. L. 103-62, §4(b), Aug. 3, 1993, 107 Stat. 289.)

CONSTRUCTION

No provision or amendment made by Pub. L. 103-62 to be construed as creating any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in such capacity, and no person not an officer or employee of the United States acting in such capacity to have standing to file any civil action in any court of the United States to enforce any provision or amendment made by Pub. L. 103-62, or to be construed as superseding any statutory requirement, see section 10 of Pub. L. 103-62, set out as a Construction of 1993 Amendment note under section 1101 of this title.

§ 1118. Pilot projects for performance goals

(a) The Director of the Office of Management and Budget, after consultation with the head of each agency, shall designate not less than ten agencies as pilot projects in performance measurement for fiscal years 1994, 1995, and 1996. The selected agencies shall reflect a representative range of Government functions and capabilities in measuring and reporting program performance.

(b) Pilot projects in the designated agencies shall undertake the preparation of performance plans under section 1115, and program performance reports under section 1116, other than section 1116(c), for one or more of the major functions and operations of the agency. A strategic plan shall be used when preparing agency performance plans during one or more years of the pilot period.

(c) No later than May 1, 1997, the Director of the Office of Management and Budget shall submit a report to the President and to the Congress which shall—

- (1) assess the benefits, costs, and usefulness of the plans and reports prepared by the pilot agencies in meeting the purposes of the Government Performance and Results Act of 1993;

(2) identify any significant difficulties experienced by the pilot agencies in preparing plans and reports; and

(3) set forth any recommended changes in the requirements of the provisions of Government Performance and Results Act of 1993, section 306 of title 5, sections 1105, 1115, 1116, 1117, 1119 and 9703¹ of this title, and this section.

(Added Pub. L. 103-62, §6(a), Aug. 3, 1993, 107 Stat. 290.)

REFERENCES IN TEXT

The Government Performance and Results Act of 1993, referred to in subsec. (c)(1), (3), is Pub. L. 103-62, Aug. 3, 1993, 107 Stat. 285, which enacted sections 1115 to 1119, 9703, and 9704 of this title, section 306 of Title 5, Government Organization and Employees, and sections 2801 to 2805 of Title 39, Postal Service, amended section 1105 of this title, and enacted provisions set out as notes under sections 1101 and 1115 of this title. For complete classification of this Act to the Code, see Short Title of 1993 Amendment note set out under section 1101 of this title and Tables.

Section 9703, referred to in subsec. (c)(3), probably means the section 9703 added by section 5(a) of Pub. L. 103-62, Aug. 3, 1993, 107 Stat. 289.

CONSTRUCTION

No provision or amendment made by Pub. L. 103-62 to be construed as creating any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in such capacity, and no person not an officer or employee of the United States acting in such capacity to have standing to file any civil action in any court of the United States to enforce any provision or amendment made by Pub. L. 103-62, or to be construed as superseding any statutory requirement, see section 10 of Pub. L. 103-62, set out as a Construction of 1993 Amendment note under section 1101 of this title.

§ 1119. Pilot projects for performance budgeting

(a) The Director of the Office of Management and Budget, after consultation with the head of each agency shall designate not less than five agencies as pilot projects in performance budgeting for fiscal years 1998 and 1999. At least three of the agencies shall be selected from those designated as pilot projects under section 1118, and shall also reflect a representative range of Government functions and capabilities in measuring and reporting program performance.

(b) Pilot projects in the designated agencies shall cover the preparation of performance budgets. Such budgets shall present, for one or more of the major functions and operations of the agency, the varying levels of performance, including outcome-related performance, that would result from different budgeted amounts.

(c) The Director of the Office of Management and Budget shall include, as an alternative budget presentation in the budget submitted under section 1105 for fiscal year 1999, the performance budgets of the designated agencies for this fiscal year.

(d) No later than March 31, 2001, the Director of the Office of Management and Budget shall transmit a report to the President and to the Congress on the performance budgeting pilot projects which shall—

(1) assess the feasibility and advisability of including a performance budget as part of the annual budget submitted under section 1105;

(2) describe any difficulties encountered by the pilot agencies in preparing a performance budget;

(3) recommend whether legislation requiring performance budgets should be proposed and the general provisions of any legislation; and

(4) set forth any recommended changes in the other requirements of the Government Performance and Results Act of 1993, section 306 of title 5, sections 1105, 1115, 1116, 1117, and 9703¹ of this title, and this section.

(e) After receipt of the report required under subsection (d), the Congress may specify that a performance budget be submitted as part of the annual budget submitted under section 1105.

(Added Pub. L. 103-62, §6(c), Aug. 3, 1993, 107 Stat. 291.)

REFERENCES IN TEXT

The Government Performance and Results Act of 1993, referred to in subsec. (d)(4), is Pub. L. 103-62, Aug. 3, 1993, 107 Stat. 285, which enacted sections 1115 to 1119, 9703, and 9704 of this title, section 306 of Title 5, Government Organization and Employees, and sections 2801 to 2805 of Title 39, Postal Service, amended section 1105 of this title, and enacted provisions set out as notes under sections 1101 and 1115 of this title. For complete classification of this Act to the Code, see Short Title of 1993 Amendment note set out under section 1101 of this title and Tables.

Section 9703, referred to in subsec. (d)(4), probably means the section 9703 added by section 5(a) of Pub. L. 103-62, Aug. 3, 1993, 107 Stat. 289.

CONSTRUCTION

No provision or amendment made by Pub. L. 103-62 to be construed as creating any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in such capacity, and no person not an officer or employee of the United States acting in such capacity to have standing to file any civil action in any court of the United States to enforce any provision or amendment made by Pub. L. 103-62, or to be construed as superseding any statutory requirement, see section 10 of Pub. L. 103-62, set out as a Construction of 1993 Amendment note under section 1101 of this title.

§ 1120. Federal Government and agency priority goals

(a) FEDERAL GOVERNMENT PRIORITY GOALS.—

(1) The Director of the Office of Management and Budget shall coordinate with agencies to develop priority goals to improve the performance and management of the Federal Government. Such Federal Government priority goals shall include—

(A) outcome-oriented goals covering a limited number of crosscutting policy areas; and

(B) goals for management improvements needed across the Federal Government, including—

(i) financial management;

(ii) human capital management;

(iii) information technology management;

(iv) procurement and acquisition management; and

¹ See References in Text note below.

¹ See References in Text note below.

(v) real property management;

(2) The Federal Government priority goals shall be long-term in nature. At a minimum, the Federal Government priority goals shall be updated or revised every 4 years and made publicly available concurrently with the submission of the budget of the United States Government made in the first full fiscal year following any year in which the term of the President commences under section 101 of title 3. As needed, the Director of the Office of Management and Budget may make adjustments to the Federal Government priority goals to reflect significant changes in the environment in which the Federal Government is operating, with appropriate notification of Congress.

(3) When developing or making adjustments to Federal Government priority goals, the Director of the Office of Management and Budget shall consult periodically with the Congress, including obtaining majority and minority views from—

(A) the Committees on Appropriations of the Senate and the House of Representatives;

(B) the Committees on the Budget of the Senate and the House of Representatives;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on Oversight and Government Reform of the House of Representatives;

(E) the Committee on Finance of the Senate;

(F) the Committee on Ways and Means of the House of Representatives; and

(G) any other committees as determined appropriate;

(4) The Director of the Office of Management and Budget shall consult with the appropriate committees of Congress at least once every 2 years.

(5) The Director of the Office of Management and Budget shall make information about the Federal Government priority goals available on the website described under section 1122 of this title.

(6) The Federal Government performance plan required under section 1115(a) of this title shall be consistent with the Federal Government priority goals.

(b) AGENCY PRIORITY GOALS.—

(1) Every 2 years, the head of each agency listed in section 901(b) of this title, or as otherwise determined by the Director of the Office of Management and Budget, shall identify agency priority goals from among the performance goals of the agency. The Director of the Office of Management and Budget shall determine the total number of agency priority goals across the Government, and the number to be developed by each agency. The agency priority goals shall—

(A) reflect the highest priorities of the agency, as determined by the head of the agency and informed by the Federal Government priority goals provided under subsection (a) and the consultations with Congress and other interested parties required by section 306(d) of title 5;

(B) have ambitious targets that can be achieved within a 2-year period;

(C) have a clearly identified agency official, known as a goal leader, who is responsible for the achievement of each agency priority goal;

(D) have interim quarterly targets for performance indicators if more frequent updates of actual performance provides data of significant value to the Government, Congress, or program partners at a reasonable level of administrative burden; and

(E) have clearly defined quarterly milestones.

(2) If an agency priority goal includes any program activity or information that is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and is properly classified pursuant to such Executive order, the head of the agency shall make such information available in the classified appendix provided under section 1115(e).

(c) The functions and activities of this section shall be considered to be inherently governmental functions. The development of Federal Government and agency priority goals shall be performed only by Federal employees.

(Added Pub. L. 111-352, § 5, Jan. 4, 2011, 124 Stat. 3873.)

§ 1121. Quarterly priority progress reviews and use of performance information

(a) USE OF PERFORMANCE INFORMATION TO ACHIEVE FEDERAL GOVERNMENT PRIORITY GOALS.—Not less than quarterly, the Director of the Office of Management and Budget, with the support of the Performance Improvement Council, shall—

(1) for each Federal Government priority goal required by section 1120(a) of this title, review with the appropriate lead Government official the progress achieved during the most recent quarter, overall trend data, and the likelihood of meeting the planned level of performance;

(2) include in such reviews officials from the agencies, organizations, and program activities that contribute to the accomplishment of each Federal Government priority goal;

(3) assess whether agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities are contributing as planned to each Federal Government priority goal;

(4) categorize the Federal Government priority goals by risk of not achieving the planned level of performance; and

(5) for the Federal Government priority goals at greatest risk of not meeting the planned level of performance, identify prospects and strategies for performance improvement, including any needed changes to agencies, organizations, program activities, regulations, tax expenditures, policies or other activities.

(b) AGENCY USE OF PERFORMANCE INFORMATION TO ACHIEVE AGENCY PRIORITY GOALS.—Not less than quarterly, at each agency required to de-

velop agency priority goals required by section 1120(b) of this title, the head of the agency and Chief Operating Officer, with the support of the agency Performance Improvement Officer, shall—

- (1) for each agency priority goal, review with the appropriate goal leader the progress achieved during the most recent quarter, overall trend data, and the likelihood of meeting the planned level of performance;
- (2) coordinate with relevant personnel within and outside the agency who contribute to the accomplishment of each agency priority goal;
- (3) assess whether relevant organizations, program activities, regulations, policies, and other activities are contributing as planned to the agency priority goals;
- (4) categorize agency priority goals by risk of not achieving the planned level of performance; and
- (5) for agency priority goals at greatest risk of not meeting the planned level of performance, identify prospects and strategies for performance improvement, including any needed changes to agency program activities, regulations, policies, or other activities.

(Added Pub. L. 111-352, §6, Jan. 4, 2011, 124 Stat. 3875.)

§ 1122. Transparency of programs, priority goals, and results

(a) **TRANSPARENCY OF AGENCY PROGRAMS.**—

(1) **IN GENERAL.**—Not later than October 1, 2012, the Office of Management and Budget shall—

- (A) ensure the effective operation of a single website;
- (B) at a minimum, update the website on a quarterly basis; and
- (C) include on the website information about each program identified by the agencies.

(2) **INFORMATION.**—Information for each program described under paragraph (1) shall include—

- (A) an identification of how the agency defines the term “program”, consistent with guidance provided by the Director of the Office of Management and Budget, including the program activities that are aggregated, disaggregated, or consolidated to be considered a program by the agency;
- (B) a description of the purposes of the program and the contribution of the program to the mission and goals of the agency; and
- (C) an identification of funding for the current fiscal year and previous 2 fiscal years.

(b) **TRANSPARENCY OF AGENCY PRIORITY GOALS AND RESULTS.**—The head of each agency required to develop agency priority goals shall make information about each agency priority goal available to the Office of Management and Budget for publication on the website, with the exception of any information covered by section 1120(b)(2) of this title. In addition to an identification of each agency priority goal, the website shall also consolidate information about each agency priority goal, including—

(1) a description of how the agency incorporated any views and suggestions obtained through congressional consultations about the agency priority goal;

(2) an identification of key factors external to the agency and beyond its control that could significantly affect the achievement of the agency priority goal;

(3) a description of how each agency priority goal will be achieved, including—

(A) the strategies and resources required to meet the priority goal;

(B) clearly defined milestones;

(C) the organizations, program activities, regulations, policies, and other activities that contribute to each goal, both within and external to the agency;

(D) how the agency is working with other agencies to achieve the goal; and

(E) an identification of the agency official responsible for achieving the priority goal;

(4) the performance indicators to be used in measuring or assessing progress;

(5) a description of how the agency ensures the accuracy and reliability of the data used to measure progress towards the priority goal, including an identification of—

(A) the means used to verify and validate measured values;

(B) the sources for the data;

(C) the level of accuracy required for the intended use of the data;

(D) any limitations to the data at the required level of accuracy; and

(E) how the agency has compensated for such limitations if needed to reach the required level of accuracy;

(6) the results achieved during the most recent quarter and overall trend data compared to the planned level of performance;

(7) an assessment of whether relevant organizations, program activities, regulations, policies, and other activities are contributing as planned;

(8) an identification of the agency priority goals at risk of not achieving the planned level of performance; and

(9) any prospects or strategies for performance improvement.

(c) **TRANSPARENCY OF FEDERAL GOVERNMENT PRIORITY GOALS AND RESULTS.**—The Director of the Office of Management and Budget shall also make available on the website—

(1) a brief description of each of the Federal Government priority goals required by section 1120(a) of this title;

(2) a description of how the Federal Government priority goals incorporate views and suggestions obtained through congressional consultations;

(3) the Federal Government performance goals and performance indicators associated with each Federal Government priority goal as required by section 1115(a) of this title;

(4) an identification of the lead Government official for each Federal Government performance goal;

(5) the results achieved during the most recent quarter and overall trend data compared to the planned level of performance;

(6) an identification of the agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities that contribute to each Federal Government priority goal;

(7) an assessment of whether relevant agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities are contributing as planned;

(8) an identification of the Federal Government priority goals at risk of not achieving the planned level of performance; and

(9) any prospects or strategies for performance improvement.

(d) INFORMATION ON WEBSITE.—The information made available on the website under this section shall be readily accessible and easily found on the Internet by the public and members and committees of Congress. Such information shall also be presented in a searchable, machine-readable format. The Director of the Office of Management and Budget shall issue guidance to ensure that such information is provided in a way that presents a coherent picture of all Federal programs, and the performance of the Federal Government as well as individual agencies.

(Added Pub. L. 111-352, §7, Jan. 4, 2011, 124 Stat. 3876.)

§ 1123. Chief Operating Officers

(a) ESTABLISHMENT.—At each agency, the deputy head of agency, or equivalent, shall be the Chief Operating Officer of the agency.

(b) FUNCTION.—Each Chief Operating Officer shall be responsible for improving the management and performance of the agency, and shall—

(1) provide overall organization management to improve agency performance and achieve the mission and goals of the agency through the use of strategic and performance planning, measurement, analysis, regular assessment of progress, and use of performance information to improve the results achieved;

(2) advise and assist the head of agency in carrying out the requirements of sections 1115 through 1122 of this title and section 306 of title 5;

(3) oversee agency-specific efforts to improve management functions within the agency and across Government; and

(4) coordinate and collaborate with relevant personnel within and external to the agency who have a significant role in contributing to and achieving the mission and goals of the agency, such as the Chief Financial Officer, Chief Human Capital Officer, Chief Acquisition Officer/Senior Procurement Executive, Chief Information Officer, and other line of business chiefs at the agency.

(Added Pub. L. 111-352, §8, Jan. 4, 2011, 124 Stat. 3878.)

§ 1124. Performance Improvement Officers and the Performance Improvement Council

(a) PERFORMANCE IMPROVEMENT OFFICERS.—

(1) ESTABLISHMENT.—At each agency, the head of the agency, in consultation with the agency Chief Operating Officer, shall designate

a senior executive of the agency as the agency Performance Improvement Officer.

(2) FUNCTION.—Each Performance Improvement Officer shall report directly to the Chief Operating Officer. Subject to the direction of the Chief Operating Officer, each Performance Improvement Officer shall—

(A) advise and assist the head of the agency and the Chief Operating Officer to ensure that the mission and goals of the agency are achieved through strategic and performance planning, measurement, analysis, regular assessment of progress, and use of performance information to improve the results achieved;

(B) advise the head of the agency and the Chief Operating Officer on the selection of agency goals, including opportunities to collaborate with other agencies on common goals;

(C) assist the head of the agency and the Chief Operating Officer in overseeing the implementation of the agency strategic planning, performance planning, and reporting requirements provided under sections 1115 through 1122 of this title and sections 306 of title 5, including the contributions of the agency to the Federal Government priority goals;

(D) support the head of agency and the Chief Operating Officer in the conduct of regular reviews of agency performance, including at least quarterly reviews of progress achieved toward agency priority goals, if applicable;

(E) assist the head of the agency and the Chief Operating Officer in the development and use within the agency of performance measures in personnel performance appraisals, and, as appropriate, other agency personnel and planning processes and assessments; and

(F) ensure that agency progress toward the achievement of all goals is communicated to leaders, managers, and employees in the agency and Congress, and made available on a public website of the agency.

(b) PERFORMANCE IMPROVEMENT COUNCIL.—

(1) ESTABLISHMENT.—There is established a Performance Improvement Council, consisting of—

(A) the Deputy Director for Management of the Office of Management and Budget, who shall act as chairperson of the Council;

(B) the Performance Improvement Officer from each agency defined in section 901(b) of this title;

(C) other Performance Improvement Officers as determined appropriate by the chairperson; and

(D) other individuals as determined appropriate by the chairperson.

(2) FUNCTION.—The Performance Improvement Council shall—

(A) be convened by the chairperson or the designee of the chairperson, who shall preside at the meetings of the Performance Improvement Council, determine its agenda, direct its work, and establish and direct subgroups of the Performance Improvement Council, as appropriate, to deal with particular subject matters;

(B) assist the Director of the Office of Management and Budget to improve the performance of the Federal Government and achieve the Federal Government priority goals;

(C) assist the Director of the Office of Management and Budget in implementing the planning, reporting, and use of performance information requirements related to the Federal Government priority goals provided under sections 1115, 1120, 1121, and 1122 of this title;

(D) work to resolve specific Government-wide or crosscutting performance issues, as necessary;

(E) facilitate the exchange among agencies of practices that have led to performance improvements within specific programs, agencies, or across agencies;

(F) coordinate with other interagency management councils;

(G) seek advice and information as appropriate from nonmember agencies, particularly smaller agencies;

(H) consider the performance improvement experiences of corporations, nonprofit organizations, foreign, State, and local governments, Government employees, public sector unions, and customers of Government services;

(I) receive such assistance, information and advice from agencies as the Council may request, which agencies shall provide to the extent permitted by law; and

(J) develop and submit to the Director of the Office of Management and Budget, or when appropriate to the President through the Director of the Office of Management and Budget, at times and in such formats as the chairperson may specify, recommendations to streamline and improve performance management policies and requirements.

(3) SUPPORT.—

(A) IN GENERAL.—The Administrator of General Services shall provide administrative and other support for the Council to implement this section.

(B) PERSONNEL.—The heads of agencies with Performance Improvement Officers serving on the Council shall, as appropriate and to the extent permitted by law, provide at the request of the chairperson of the Performance Improvement Council up to 2 personnel authorizations to serve at the direction of the chairperson.

(Added Pub. L. 111-352, §9, Jan. 4, 2011, 124 Stat. 3878.)

§ 1125. Elimination of unnecessary agency reporting

(a) AGENCY IDENTIFICATION OF UNNECESSARY REPORTS.—Annually, based on guidance provided by the Director of the Office of Management and Budget, the Chief Operating Officer at each agency shall—

(1) compile a list that identifies all plans and reports the agency produces for Congress, in accordance with statutory requirements or as directed in congressional reports;

(2) analyze the list compiled under paragraph (1), identify which plans and reports are

outdated or duplicative of other required plans and reports, and refine the list to include only the plans and reports identified to be outdated or duplicative;

(3) consult with the congressional committees that receive the plans and reports identified under paragraph (2) to determine whether those plans and reports are no longer useful to the committees and could be eliminated or consolidated with other plans and reports; and

(4) provide a total count of plans and reports compiled under paragraph (1) and the list of outdated and duplicative reports identified under paragraph (2) to the Director of the Office of Management and Budget.

(b) PLANS AND REPORTS.—

(1) FIRST YEAR.—During the first year of implementation of this section, the list of plans and reports identified by each agency as outdated or duplicative shall be not less than 10 percent of all plans and reports identified under subsection (a)(1).

(2) SUBSEQUENT YEARS.—In each year following the first year described under paragraph (1), the Director of the Office of Management and Budget shall determine the minimum percent of plans and reports to be identified as outdated or duplicative on each list of plans and reports.

(c) REQUEST FOR ELIMINATION OF UNNECESSARY REPORTS.—In addition to including the list of plans and reports determined to be outdated or duplicative by each agency in the budget of the United States Government, as provided by section 1105(a)(37),¹ the Director of the Office of Management and Budget may concurrently submit to Congress legislation to eliminate or consolidate such plans and reports.

(Added Pub. L. 111-352, §11(b), Jan. 4, 2011, 124 Stat. 3881.)

REFERENCES IN TEXT

Section 1105(a)(37), referred to in subsec. (c), probably means the section 1105(a)(37) added by section 11(a)(2) of Pub. L. 111-352, Jan. 4, 2011, 124 Stat. 3881.

CHAPTER 13—APPROPRIATIONS

SUBCHAPTER I—GENERAL

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¹ See References in Text note below.

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AMENDMENTS

- 1998—Pub. L. 105-339, §7(b)(2), Oct. 31, 1998, 112 Stat. 3189, added item 1354.
- 1990—Pub. L. 101-280, §4(b)(2), May 4, 1990, 104 Stat. 157, redesignated item 1352 "Acceptance of travel and related expenses from non-Federal sources" as 1353.
- 1989—Pub. L. 101-194, title III, §302(b), Nov. 30, 1989, 103 Stat. 1746, added item 1352 "Acceptance of travel and related expenses from non-Federal sources".
- Pub. L. 101-121, title III, §319(a)(2), Oct. 23, 1989, 103 Stat. 756, added item 1352 "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions".
- 1986—Pub. L. 99-550, §1(b), Oct. 27, 1986, 100 Stat. 3070, substituted "Passenger carrier use" for "Passenger motor vehicle and aircraft use" in item 1344.

SUBCHAPTER I—GENERAL

§ 1301. Application

- (a) Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.
- (b) The reappropriation and diversion of the unexpended balance of an appropriation for a purpose other than that for which the appropriation originally was made shall be construed and accounted for as a new appropriation. The unexpended balance shall be reduced by the amount to be diverted.
- (c) An appropriation in a regular, annual appropriation law may be construed to be permanent or available continuously only if the appropriation—
 - (1) is for rivers and harbors, lighthouses, public buildings, or the pay of the Navy and Marine Corps; or
 - (2) expressly provides that it is available after the fiscal year covered by the law in which it appears.
- (d) A law may be construed to make an appropriation out of the Treasury or to authorize making a contract for the payment of money in excess of an appropriation only if the law specifically states that an appropriation is made or that such a contract may be made.

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

HISTORICAL AND REVISION NOTES

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

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

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

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

SHORT TITLE OF 1984 AMENDMENT

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

TRANSFERS FROM APPROPRIATION ACCOUNTS; SALARIES OF TEMPORARILY REASSIGNED EMPLOYEES

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

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

"(2) no department, agency, or other entity, other than the one responsible for administering the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purpose for which it is obligated and expended, except to the extent and in the manner otherwise provided in sections 1512 and 1513 of title 31, United States Code; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) The head of each agency shall upon request provide to the Director of the Office of Management and

Budget information about earmarks and compliance with this order.

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

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

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

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

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

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

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

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

GEORGE W. BUSH.

§ 1302. Determining amounts appropriated

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

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

HISTORICAL AND REVISION NOTES

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

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

§ 1303. Effect of changes in titles of appropriations

Expenditures for a particular object or purpose authorized by a law (and referred to in that law by the specific title previously used for the appropriation item in the appropriation law concerned) may be made from a corresponding appropriation item when the specific title is changed or eliminated from a later appropriation law.

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

HISTORICAL AND REVISION NOTES

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

§ 1304. Judgments, awards, and compromise settlements

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

- (1) payment is not otherwise provided for;
- (2) payment is certified by the Secretary of the Treasury; and
- (3) the judgment, award, or settlement is payable—

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

(B) under section 3723 of this title;

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

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

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

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

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

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

(c)(1) A judgment or compromise settlement against the Government shall be paid under this section and sections 2414, 2517, and 2518¹ of title 28 when the judgment or settlement arises out of an express or implied contract made by—

(A) the Army and Air Force Exchange Service;

(B) the Navy Exchanges;

(C) the Marine Corps Exchanges;

(D) the Coast Guard Exchanges; or

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

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

(Pub. L. 97-258, §§1, 2(m)(2), Sept. 13, 1982, 96 Stat. 917, 1062; Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516; Pub. L. 104-316, title II, §202(m), Oct. 19, 1996, 110 Stat. 3843; Pub. L. 111-314, §4(b), Dec. 18, 2010, 124 Stat. 3440.)

¹ See References in Text note below.

HISTORICAL AND REVISION NOTES

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

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

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

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

REFERENCES IN TEXT

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

AMENDMENTS

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

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

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

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

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

EFFECTIVE DATE OF 1992 AMENDMENT

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

EFFECTIVE DATE OF 1982 AMENDMENT

Section 2(m) of Pub. L. 97-258 provided that the amendment made by that section is effective Oct. 1, 1982.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relat-

ing thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1305. Miscellaneous permanent appropriations

Necessary amounts are appropriated for the following:

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

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

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

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

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

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

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

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

COLLEGE HOUSING GRANTS

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

RENT SUPPLEMENT PROGRAM

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

HOMEOWNERSHIP AND RENTAL HOUSING ASSISTANCE

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

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

HISTORICAL AND REVISION NOTES 1982 ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

1983 ACT

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

REFERENCES IN TEXT

Section 103(b) of the Housing Act of 1949 (42 U.S.C. 1453(b)), referred to in par. (5), was omitted from the

Code pursuant to section 5316 of Title 42, The Public Health and Welfare, which terminated the authority to make grants or loans under title I of that Act (42 U.S.C. 1450 et seq.) after Jan. 1, 1975.

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

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

AMENDMENTS

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

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

§ 1306. Use of foreign credits

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

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

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

HISTORICAL AND REVISION NOTES

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

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

AMENDMENTS

1996—Pub. L. 104-208 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: “Foreign credits owed to or owned by the Treasury are not available for expenditure by agencies except as provided annually in general appropriation laws.”

EFFECTIVE DATE OF 1996 AMENDMENT

Section 101(f) [title VI, §612(b)] of Pub. L. 104-208 provided that: “The amendment made by this section [amending this section] shall take effect on the date of the enactment of this Act [Sept. 30, 1996] and shall apply thereafter.”

APPROPRIATIONS OF EXCESS CURRENCIES

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

Similar provisions were contained in the following prior appropriations acts:

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

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

§ 1307. Public building construction

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

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

HISTORICAL AND REVISION NOTES

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

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

§ 1308. Telephone and metered services

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

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

HISTORICAL AND REVISION NOTES

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

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

§ 1309. Social security tax

Amounts made available for the compensation of officers and employees of the United States Government may be used to pay taxes imposed

on an agency as an employer under chapter 21 of the Internal Revenue Code of 1986 (26 U.S.C. 3101 et seq.).

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

HISTORICAL AND REVISION NOTES

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

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

AMENDMENTS

1986—Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

§ 1310. Appropriations for private organizations

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

- (1) the Treasury; or
- (2) a designated depository of the United States Government (except a national bank).

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

- (1) payable to the order of the person to whom payment is to be made; and
- (2) that states the specific purpose for which the amount is to be applied.

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

- (A) payable to the order of the fiscal official; and
- (B) that states the amount is to be applied to small claims.

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

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

HISTORICAL AND REVISION NOTES

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

In subsection (a), before clause (1), the words “by warrant” are omitted as unnecessary because of chapter 33 of the revised title. The word “appropriation” is substituted for “moneys appropriated” for consistency in the revised title. The words “for a private organization” are substituted for “for the aid, use, support, or benefit of any charitable, industrial, or other association, institution, or corporation” to eliminate unnecessary words. The word “official” is substituted for “offi-

cer” for consistency in the revised title. In clause (1), the word “Treasury” is substituted for “Treasurer of the United States” because of the source provisions restated in section 321 of the revised title and Department of the Treasury Order 229 of January 14, 1974 (39 F.R. 2280). The words “or of an assistant treasurer” in section 1 of the Act of June 23, 1874, are omitted as superseded by section 1(1st par. under heading “Independent Treasury”) of the Act of May 29, 1920 (ch. 214, 41 Stat. 254).

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

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

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

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

SUBCHAPTER II—TRUST FUNDS AND REFUNDS

§ 1321. Trust funds

(a) The following are classified as trust funds:

- (1) Philippine special fund (customs duties).
- (2) Philippine special fund (internal revenue).
- (3) Unclaimed condemnation awards, Department of the Treasury.
- (4) Naval reservation, Olangapo civil fund.
- (5) Armed Forces Retirement Home Trust Fund.
- (6) Return to deported aliens of passage money collected from steamship companies.
- (7) Vocational rehabilitation, special fund.
- (8) Library of Congress gift fund.
- (9) Library of Congress trust fund, investment account.
- (10) Library of Congress trust fund, income from investment account.
- (11) Library of Congress trust fund, permanent loan.
- (12) Relief and rehabilitation, Longshore and Harbor Workers’ Compensation Act.
- (13) Cooperative work, Forest Service.
- (14) Wages and effects of American seamen, Department of Commerce.
- (15) Pension money, Saint Elizabeths Hospital.
- (16) Personal funds of patients, Saint Elizabeths Hospital.
- (17) National Park Service, donations.
- (18) Purchase of lands, national parks, donations.
- (19) Extension of winter-feed facilities of game animals of Yellowstone National Park, donations.
- (20) Indian moneys, proceeds of labor, agencies, schools, and so forth.
- (21) Funds of Federal prisoners.
- (22) Commissary funds, Federal prisons.
- (23) Pay of the Navy, deposit funds.
- (24) Pay of Marine Corps, deposit funds.
- (25) Pay of the Army, deposit fund.

- (26) Preservation birthplace of Abraham Lincoln.
- (27) Funds contributed for flood control, Mississippi River, its outlets and tributaries.
- (28) Funds contributed for flood control, Sacramento River, California.
- (29) Effects of deceased employees, Department of the Treasury.
- (30) Money and effects of deceased patients, Public Health Service.
- (31) Effects of deceased employees, Department of Commerce.
- (32) Topographic survey of the United States, contributions.
- (33) National Institutes of Health, gift fund.
- (34) National Institutes of Health, conditional gift fund.
- (35) Patients' deposits, United States Marine Hospital, Carville, Louisiana.
- (36) Estates of deceased personnel, Department of the Army.
- (37) Effects of deceased employees, Department of the Interior.
- (38) Fredericksburg and Spotsylvania County Battlefields memorial fund.
- (39) Petersburg National Military Park fund.
- (40) Gorgas memorial laboratory quotas.
- (41) Contributions to International Boundary Commission, United States and Mexico.
- (42) Salvage proceeds, American vessels.
- (43) Wages due American seamen.
- (44) Federal Industrial Institution for Women, contributions for chapel.
- (45) General post fund, National Homes, Department of Veterans Affairs.
- (46) Repatriation of American seamen.
- (47) Expenses, public survey work, general.
- (48) Expenses, public survey work, Alaska.
- (49) Funds contributed for improvement of roads, bridges, and trails, Alaska.
- (50) Protective works and measures, Lake of the Woods and Rainy River, Minnesota.
- (51) Washington redemption fund.
- (52) Permit fund, District of Columbia.
- (53) Unclaimed condemnation awards, National Capital Park and Planning Commission, District of Columbia.
- (54) Unclaimed condemnation awards, Rock Creek and Potomac Parkway Commission, District of Columbia.
- (55) Miscellaneous trust fund deposits, District of Columbia.
- (56) Surplus fund, District of Columbia.
- (57) Relief and rehabilitation, District of Columbia Workmen's Compensation Act.
- (58) Inmates' fund, workhouse and reformatory, District of Columbia.
- (59) International Center for Middle Eastern-Western Dialogue Trust Fund.
- (60) Chamber Music Auditorium, Library of Congress.
- (61) Bequest of Gertrude Hubbard.
- (62) Puerto Rico special fund (Internal Revenue).
- (63) Miscellaneous trust funds, Department of State.
- (64) Funds contributed for improvement of (name of river or harbor).
- (65) Funds advanced for improvement of (name of river or harbor).
- (66) Funds contributed for Indian projects.
- (67) Miscellaneous trust funds of Indian tribes.
- (68) Ship's stores profits, Navy.
- (69) Completing Surveys within Railroad Land Grants.
- (70) Memorial to Women of World War, contributions.
- (71) Funds contributed for Memorial to John Ericsson.
- (72) American National Red Cross Building, contributions.
- (73) Estate of decedents, Department of State, Trust Fund.
- (74) Funds due Incompetent Beneficiaries, Department of Veterans Affairs.
- (75) To promote the Education of the Blind (principal).
- (76) Paving Government Road across Fort Sill Military Reservation, Okla.
- (77) Bequest of William F. Edgar, Museum and Library, office of Surgeon General of the Army.
- (78) Funds Contributed for Flood Control (name of river, harbor, or project).
- (79) Matured obligations of the District of Columbia.
- (80) To promote the education of the blind (interest).
- [(81) Repealed. Pub. L. 101-510, div. A, title XV, §1533(c)(1)(A)(ii), Nov. 5, 1990, 104 Stat. 1735.]
- (82) Post-Vietnam Era Veterans Education Account, Department of Veterans Affairs.
- (83) United States Government life insurance fund, Department of Veterans Affairs.
- (84) Estates of deceased soldiers, United States Army.
- (85) Teachers Retirement Fund Deductions, District of Columbia.
- (86) Teachers Retirement Fund, Government Reserves, District of Columbia.
- (87) Expenses of Smithsonian Institution Trust Fund (principal).
- (88) Civil Service Retirement and Disability Fund.
- (89) Canal Zone Retirement and Disability Fund.
- (90) Foreign Service Retirement and Disability Fund.
- (91) Violent Crime Reduction Trust Fund.
- (b)(1) Amounts (except amounts received by the Comptroller of the Currency and the Federal Deposit Insurance Corporation) that are analogous to the funds named in subsection (a) of this section and are received by the United States Government as trustee shall be deposited in an appropriate trust fund account in the Treasury. Except as provided in paragraph (2), amounts accruing to these funds are appropriated to be disbursed in compliance with the terms of the trust.
- (2) Expenditures from the following trust funds may be made only under annual appropriations and only if the appropriations are specifically authorized by law:
- (A) Armed Forces Retirement Home Trust Fund.
- (B) Fisher House Trust Fund, Department of the Army.
- (C) Fisher House Trust Fund, Department of the Air Force.

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

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

AMENDMENTS

2004—Subsec. (a)(59). Pub. L. 108-199 added par. (59).
 1998—Subsec. (a)(92) to (94). Pub. L. 105-261 struck out pars. (92) to (94) which read as follows:
 “(92) Fisher House Trust Fund, Department of the Army.
 “(93) Fisher House Trust Fund, Department of the Air Force.
 “(94) Fisher House Trust Fund, Department of the Navy.”
 1996—Subsec. (a)(92), (93). Pub. L. 104-106, §914(c)(1), added pars. (92) and (93).
 Subsec. (a)(94). Pub. L. 104-201, §1008(c)(1), added par. (94).

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

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

1994—Subsec. (a)(91). Pub. L. 103-322 added par. (91).
 1991—Subsec. (a)(45), (74), (82), (83). Pub. L. 102-54 substituted “Department of Veterans Affairs” for “Veterans’ Administration”, wherever appearing.

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

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

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

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

1984—Subsec. (a)(12). Pub. L. 98-426 substituted “Longshore” for “Longshoremen’s”.

EFFECTIVE DATE OF 1998 AMENDMENT

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

EFFECTIVE DATE OF 1989 AMENDMENT

Section 341(b) of Pub. L. 101-189 provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to appropriations for the operation of the United States Soldiers’ and Airmen’s Home [now Armed Forces Retirement Home—Washington] made for fiscal years after fiscal year 1990.”

EFFECTIVE DATE OF 1984 AMENDMENT

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

TRUST FUNDS FOR INDIVIDUAL INDIANS

Section 725s of former Title 31 (now this section) was modified by act June 25, 1936, ch. 814, 49 Stat. 1928, providing that it shall not be applicable to funds held in trust for individual Indians, associations of individual Indians, or for Indian corporations chartered under sections 461, 462, 463, 464, 465, 466 to 470, 471, 472, 473, 474, 475, 476 to 478, and 479 of Title 25, Indians.

HISTORICAL AND REVISION NOTES

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

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

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

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

REFERENCES IN TEXT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1322(a)	31:725s(a)(last sentence last proviso).	June 26, 1934, ch. 756, § 20(a)(last sentence last proviso), 48 Stat. 1233; Apr. 21, 1976, Pub. L. 94–273, § 2(16), 90 Stat. 375.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1322(b)	31:725p-1. 31:725q-1.	June 30, 1949, ch. 286, § 101(par. under heading "Payments of Unclaimed Moneys"), 63 Stat. 359. June 30, 1949, ch. 286, § 101(par. under heading "Refund of Moneys Erroneously Received and Covered"), 63 Stat. 358.
1322(c)	31:725p(note).	Aug. 13, 1971, Pub. L. 92–117, 85 Stat. 337.

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

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

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

REFERENCES IN TEXT

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

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

AMENDMENTS

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

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

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

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

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

- (1) unearned money, lands (Department of the Interior).
- (2) reentry permit fees (Department of Justice).
- (3) naturalization fees (Department of Justice).
- (4) registry fees (Department of Justice).

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

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

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

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

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

HISTORICAL AND REVISION NOTES

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

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

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

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

§ 1324. Refund of internal revenue collections

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

(1) claims for prior fiscal years; and

(2) accounts arising under—

(A) “Allowance or drawback (Internal Revenue)”;

(B) “Redemption of stamps (Internal Revenue)”;

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

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

(E) “Refunds and payments of processing and related taxes”.

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

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

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

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 923; Pub. L. 99–514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 105–34, title I, §101(d)(1), Aug. 5, 1997, 111 Stat. 799; Pub. L. 107–210, div. A, title II, §201(c)(1), Aug. 6, 2002, 116 Stat. 960; Pub. L. 109–432, div. A,

title IV, §402(b)(2), Dec. 20, 2006, 120 Stat. 2954; Pub. L. 110–185, title I, §101(f)(1), Feb. 13, 2008, 122 Stat. 617; Pub. L. 110–234, title XV, §15316(c)(6), May 22, 2008, 122 Stat. 1511; Pub. L. 110–246, §4(a), title XV, §15316(c)(6), June 18, 2008, 122 Stat. 1664, 2273; Pub. L. 110–289, div. C, title I, §3011(b)(3), title III, §3081(c), July 30, 2008, 122 Stat. 2891, 2906; Pub. L. 111–5, div. B, title I, §§1001(e)(2), 1004(b)(8), 1531(c)(1), Feb. 17, 2009, 123 Stat. 312, 314, 360; Pub. L. 111–148, title I, §1401(d)(1), title X, §10909(b)(2)(P), Mar. 23, 2010, 124 Stat. 220, 1023; Pub. L. 111–312, title I, §101(b)(1), Dec. 17, 2010, 124 Stat. 3298.)

HISTORICAL AND REVISION NOTES

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

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

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

REFERENCES IN TEXT

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

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

Sections 25A, 35, 36, 36A, 36B, 168, 53, 54B, 6428, and 6431 of the Internal Revenue Code of 1986, referred to in subsec. (b)(2), are classified to sections 25A, 35, 36, 36A, 36B, 168, 53, 54B, 6428, and 6431, respectively, of Title 26, Internal Revenue Code.

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

CODIFICATION

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

AMENDMENTS

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

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

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

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

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

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

Pub. L. 110-289, §3011(b)(3), inserted “36,” after “35.”
 Pub. L. 110-246, §15316(c)(6), substituted “, 53(e), 54B(h), or 6428” for “or 6428 or 53(e)”.

Pub. L. 110-185 inserted “or 6428” after “section 35”.
 2006—Subsec. (b)(2). Pub. L. 109-432 inserted “or 53(e)” after “section 35”.

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

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

1986—Subsec. (b)(2). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

EFFECTIVE AND TERMINATION DATES OF 2010 AMENDMENT

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

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

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

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by section 1001(e)(2) of Pub. L. 111-5 applicable to taxable years beginning after Dec. 31, 2008, see section 1001(f) of Pub. L. 111-5, set out as an Effective Date note under section 36A of Title 26, Internal Revenue Code.

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

Amendment by section 1531(c)(1) of Pub. L. 111-5 applicable to obligations issued after Feb. 17, 2009, see section 1531(e) of Pub. L. 111-5, set out as a note under section 54 of Title 26, Internal Revenue Code.

EFFECTIVE DATE OF 2008 AMENDMENT

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

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

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

Amendment by section 15316(c)(6) of Pub. L. 110-246 applicable to obligations issued after June 18, 2008, see section 15316(d) of Pub. L. 110-246, set out as a note under section 54 of Title 26, Internal Revenue Code.

EFFECTIVE DATE OF 2006 AMENDMENT

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

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-34 applicable to taxable years beginning after Dec. 31, 1997, see section 101(e) of

Pub. L. 105-34, set out as a note under section 24 of Title 26, Internal Revenue Code.

CONSTRUCTION OF 2002 AMENDMENT

Nothing in amendment by Pub. L. 107-210, other than provisions relating to COBRA continuation coverage and reporting requirements, to be construed as creating new mandate on any party regarding health insurance coverage, see section 203(f) of Pub. L. 107-210, set out as a note under section 2918 of Title 29, Labor.

COORDINATION WITH REFUND PROVISION

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

SUBCHAPTER III—LIMITATIONS, EXCEPTIONS, AND PENALTIES

SHORT TITLE

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

§ 1341. Limitations on expending and obligating amounts

(a)(1) An officer or employee of the United States Government or of the District of Columbia government may not—

(A) make or authorize an expenditure or obligation exceeding an amount available in an appropriation or fund for the expenditure or obligation;

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

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

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

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

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

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 923; Pub. L. 101-508, title XIII, §13213(a), Nov. 5, 1990, 104 Stat. 1388-621.)

HISTORICAL AND REVISION NOTES

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

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

REFERENCES IN TEXT

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

AMENDMENTS

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

§ 1342. Limitation on voluntary services

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

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

HISTORICAL AND REVISION NOTES

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

The words “District of Columbia government” are added because of section 47-105 of the D.C. Code.

AMENDMENTS

1996—Pub. L. 104-92 temporarily amended section by inserting “All officers and employees of the United States Government or the District of Columbia government shall be deemed to be performing services relating to emergencies involving the safety of human life or the protection of property.” after first sentence and by striking out at end “As used in this section, the

term ‘emergencies involving the safety of human life or the protection of property’ does not include ongoing, regular functions of government the suspension of which would not imminently threaten the safety of human life or the protection of property”. See Effective and Termination Dates of 1996 Amendment note below.

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

EFFECTIVE AND TERMINATION DATES OF 1996 AMENDMENT

Section 310(a) of Pub. L. 104-92 provided that the amendment made by that section is for the period Dec. 15, 1995, through Jan. 26, 1996.

§ 1343. Buying and leasing passenger motor vehicles and aircraft

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

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

(1) for the use of—

(A) the President;

(B) the secretaries to the President; or

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

(2) as specifically provided by law.

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

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

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

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

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

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

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

(e) This section does not apply to—

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

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

(3) leasing, maintaining, repairing, or operating motor passenger vehicles necessary in

the field work of the Department of Agriculture.

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

HISTORICAL AND REVISION NOTES

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

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

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

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

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

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

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

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

MOTOR VEHICLES PURCHASED FOR INTELLIGENCE ACTIVITIES; EXCEPTION FROM MONETARY LIMITATIONS

Pub. L. 103-139, title VIII, §8105, Nov. 11, 1993, 107 Stat. 1464, provided that: “During the current fiscal year and thereafter, monetary limitations on the purchase price of a passenger motor vehicle shall not apply to vehicles purchased for intelligence activities conducted pursuant to Executive Order 12333 [50 U.S.C. 401 note] or successor orders.”

Similar provisions were contained in the following prior appropriation acts:

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

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

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

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

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

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

MAXIMUM PURCHASE PRICE OF MOTOR VEHICLES; EXCEPTIONS

Pub. L. 112-74, div. C, title VII, §702, Dec. 23, 2011, 125 Stat. 928, provided that: “Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with subsection [sic] 1343(c) of title 31, United States Code, for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at \$13,197 except station wagons for which the maximum shall be \$13,631: *Provided*, That these limits may be exceeded by not to exceed \$3,700 for police-type vehicles, and by not to exceed \$4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 [15 U.S.C. 2501 et seq.]; *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 [see Tables for classification] over the cost of comparable conventionally fueled vehicles: *Provided further*, That the limits set forth in this section shall not apply to any vehicle that is a commercial item and which operates on emerging motor vehicle technology, including but not limited to electric, plug-in hybrid electric, and hydrogen fuel cell vehicles.”

Similar provisions were contained in the following prior appropriation acts:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Apr. 20, 1948, ch. 219, title II, § 201, 62 Stat. 193.

July 30, 1947, ch. 359, title II, § 201, 61 Stat. 608.

§ 1344. Passenger carrier use

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

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

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

(B) essential for the safe and efficient performance of intelligence, counterintelligence, protective services, or criminal law enforcement duties,

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

(3) For purposes of paragraph (1), the transportation of an individual between such individual's

place of employment and a mass transit facility pursuant to subsection (g) is transportation for an official purpose.

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

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

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

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

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

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

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

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

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

(6) the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives¹ the Administrator of the Drug Enforcement Administration, and the Administrator of the National Aeronautics and Space Administration;

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

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

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

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

(c) A passenger carrier may be used to transport between residence and place of employment any person for whom protection is specifically authorized pursuant to section 3056(a) of title 18 or for whom transportation is authorized pursuant to section 28 of the State Department Basic

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

Authorities Act of 1956, section 2637 of title 10, or section 8(a)(1) of the Central Intelligence Agency Act of 1949.

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

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

(3) The authority to make designations under subsection (b)(1) of this section and to make determinations pursuant to subsections (a)(2) and (b)(3)(B) and (9) of this section and pursuant to paragraph (2) of this subsection may not be delegated, except that, with respect to the Executive Office of the President, the President may delegate the authority of the President under subsection (b)(9) of this section to an officer in the Executive Office of the President. No designation or determination under this section may be made solely or principally for the comfort or convenience of the officer or employee.

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

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

(2) In promulgating regulations under paragraph (1) of this subsection, the Administrator

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

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

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

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

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

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

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

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

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

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

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

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

(h) As used in this section—

(1) the term "passenger carrier" means a passenger motor vehicle, aircraft, boat, ship,

or other similar means of transportation that is owned or leased by the United States Government; and

- (2) the term “Federal agency” means—
- (A) a department—
- (i) including independent establishments, other agencies, and wholly owned Government corporations; but
- (ii) not including the Senate, House of Representatives, or Architect of the Capitol, or the officers or employees thereof;
- (B) an Executive department (as such term is defined in section 101 of title 5);
- (C) a military department (as such term is defined in section 102 of title 5);
- (D) a Government corporation (as such term is defined in section 103(1) of title 5);
- (E) a Government controlled corporation (as such term is defined in section 103(2) of title 5);
- (F) a mixed-ownership Government corporation (as such term is defined in section 9101(2) of this title);
- (G) any establishment in the executive branch of the Government (including the Executive Office of the President);
- (H) any independent regulatory agency (including an independent regulatory agency specified in section 3502(10)² of title 44);
- (I) the Smithsonian Institution; and
- (J) any nonappropriated fund instrumentality of the United States,

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

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

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

HISTORICAL AND REVISION NOTES

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

In subsection (a), before clause (1), the words “officers and employees of the Government” are substituted for “officers and employees” for clarity. In clause (2), the words “performing field work requiring transportation” are substituted for “engaged in field work the

character of whose duties makes such transportation necessary” to eliminate unnecessary words. The word “agency” is substituted for “department” because of section 101 of the revised title and for consistency with the source provisions restated in the section and section 1341.

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

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

REFERENCES IN TEXT

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

Section 8(a)(1) of the Central Intelligence Agency Act of 1949, referred to in subsec. (c), is classified to section 403j(a)(1) of Title 50, War and National Defense.

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

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

CODIFICATION

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

AMENDMENTS

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

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

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

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

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

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

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

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

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

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

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

² See References in Text note below.

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

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

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

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

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

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

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

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

“(1) the President;

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

“(3) principal diplomatic and consular officials.”

CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 401 of Title 50, War and National Defense.

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

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

EFFECTIVE DATE OF 2004 AMENDMENT

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

EFFECTIVE DATE OF 1994 AMENDMENT

Section 4(f)(2) of Pub. L. 103-272 provided that the amendment made by that section is effective Dec. 22, 1987.

TRANSFER OF FUNCTIONS

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

COORDINATION

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

USE OF GOVERNMENT VEHICLES

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

USE OF OFFICIAL VEHICLES OF HOUSE OF REPRESENTATIVES

Pub. L. 101-194, title VIII, §802(d), Nov. 30, 1989, 103 Stat. 1773, as amended by Pub. L. 104-186, title II, §219(a), Aug. 20, 1996, 110 Stat. 1747, provided that: “The Committee on House Oversight [now Committee on House Administration] of the House of Representatives shall take such action as may be necessary to carry out section 503 [set out above] with respect to vehicles of the House of Representatives.”

§ 1345. Expenses of meetings

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

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

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

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

HISTORICAL AND REVISION NOTES

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

In the section, before clause (1), the word “appropriation” is substituted for “no moneys from funds appropriated for any purpose” in 31:551 for consistency in the

revised title. The words “travel, transportation, and subsistence expenses for a meeting” are substituted for “the purpose of lodging, feeding, conveying, or furnishing transportation to, any conventions or other form of assemblage or gathering” to eliminate unnecessary words. The words “to be held in the District of Columbia or elsewhere” are omitted as unnecessary.

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

AVAILABILITY OF APPROPRIATIONS FOR EXPENSES OF ATTENDING MEETINGS

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

Similar provisions were contained in the following prior appropriation acts:

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

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

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

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

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

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

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

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

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

§ 1346. Commissions, councils, boards, and inter-agency and similar groups

(a) Except as provided in this section—

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

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

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

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

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

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

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

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

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

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

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

HISTORICAL AND REVISION NOTES

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

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

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

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

In subsection (b), the words “On or after May 3, 1945” are omitted as executed. The words “interagency group” are substituted for “committees, boards, or other interagency groups” to eliminate unnecessary words. The words “includes a representative of the agency” are substituted for “composed in whole or in part of representatives thereof” for clarity.

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

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

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

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

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

(b) Except as specifically authorized by law, another agency may not use amounts available for obligation to pay expenses to carry out duties and powers substantially the same as or

similar to the principal duties and powers of an agency that is prohibited from using amounts under this section.

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

HISTORICAL AND REVISION NOTES

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

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

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

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

§ 1348. Telephone installation and charges

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

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

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

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

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

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1348(a)(1)	31:679(words before 2d comma).	Aug. 23, 1912, ch. 350, §7(less proviso), 37 Stat. 414.
1348(a)(2)	31:679(proviso).	Aug. 23, 1912, ch. 350, 37 Stat. 360, §7(proviso); added Apr. 30, 1940, ch. 175, 54 Stat. 175.
1348(b)	31:679(words between 2d comma and proviso). 31:680a.	May 10, 1939, ch. 119, §4, 53 Stat. 738.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1348(c)	31:680.	Sept. 22, 1922, ch. 427, §7, 42 Stat. 1042; May 17, 1950, ch. 188, §203, 64 Stat. 170; re-stated June 28, 1955, ch. 198, 69 Stat. 188.

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

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

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

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

AMENDMENTS

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

Subsecs. (b) to (d). Pub. L. 104-201, §1721(2), (3), redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out former subsec. (b) which read as follows: “Appropriations of an agency are available to pay charges for a long-distance call if required for official business and the voucher to pay for the call is sworn to by the head of the agency. Appropriations of an executive agency are available only if the head of the agency also certifies that the call is necessary in the interest of the Government.”

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

EFFECTIVE DATE OF 1996 AMENDMENT

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

EFFECTIVE DATE OF 1984 AMENDMENT

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

EMPLOYEES AUTHORIZED TO WORK AT HOME

Pub. L. 104-52, title VI, §620, Nov. 19, 1995, 109 Stat. 501, provided that: “Notwithstanding any provisions of this or any other Act, during the fiscal year ending September 30, 1996, and hereafter, any department, division, bureau, or office may use funds appropriated by this or any other Act to install telephone lines, and necessary equipment, and to pay monthly charges, in any private residence or private apartment of an employee who has been authorized to work at home in accordance with guidelines issued by the Office of Person-

nel Management: *Provided*, That the head of the department, division, bureau, or office certifies that adequate safeguards against private misuse exist, and that the service is necessary for direct support of the agency's mission."

§ 1349. Adverse personnel actions

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

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

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

HISTORICAL AND REVISION NOTES

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

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

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

§ 1350. Criminal penalty

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

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

HISTORICAL AND REVISION NOTES

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

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

§ 1351. Reports on violations

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

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

HISTORICAL AND REVISION NOTES

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

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

AMENDMENTS

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

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

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

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

- (A) The awarding of any Federal contract.
- (B) The making of any Federal grant.
- (C) The making of any Federal loan.
- (D) The entering into of any cooperative agreement.

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) The Director of the Office of Management and Budget, after consulting with the Secretary

of the Senate and the Clerk of the House of Representatives, shall issue guidance for agency implementation of, and compliance with, the requirements of this section.

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

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

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

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

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

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

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

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

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

(A) payments of reasonable compensation made to regularly employed officers or em-

ployees of a person requesting or receiving a Federal contract, grant, loan, or cooperative agreement or a commitment providing for the United States to insure or guarantee a loan;

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

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

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

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

(g) As used in this section:

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

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

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

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

(3) The term “person”—

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

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

(4) The term “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, an agency or instrumentality of a State, and a multi-State,

regional, or interstate entity having governmental duties and powers.

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

(A) A local public authority.

(B) A special district.

(C) An intrastate district.

(D) A council of governments.

(E) A sponsor group representative organization.

(F) Any other instrumentality of a local government.

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

(i) a contract awarded by an agency;

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

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

(B) Such terms do not include—

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

(ii) a loan;

(iii) loan insurance; or

(iv) a loan guaranty.

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

(8) The term “reasonable payment” means, with respect to professional and other technical services, a payment in an amount that is consistent with the amount normally paid for such services in the private sector.

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

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

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

(Added Pub. L. 101-121, title III, §319(a)(1), Oct. 23, 1989, 103 Stat. 750; amended Pub. L. 101-512, title III, §320, Nov. 5, 1990, 104 Stat. 1977; Pub. L. 103-272, §4(f)(1)(F), July 5, 1994, 108 Stat. 1362; Pub. L. 104-65, §10, Dec. 19, 1995, 109 Stat. 700; Pub. L. 104-66, title III, §3001(b), Dec. 21, 1995, 109

Stat. 734; Pub. L. 104-106, div. A, title X, §1064(c), div. D, title XLIII, §4301(a)(2), Feb. 10, 1996, 110 Stat. 445, 656.)

REFERENCES IN TEXT

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

CODIFICATION

Another section 1352 was renumbered section 1353 of this title.

AMENDMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subsecs. (d) to (h). Pub. L. 104-65, §10(b), and Pub. L. 104-66, §3001(b), amended section identically, redesignating subsecs. (e) to (h) as (d) to (g), respectively, and striking out former subsec. (d) which directed the Inspector General or official of each agency to submit annual reports to Congress on the compliance of each agency with the requirements imposed by this section. 1994—Subsec. (c). Pub. L. 103-272, §4(f)(1)(F)(i), substituted “(c)(1) Any person” for “(C)(1) Any person”.

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

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

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

EFFECTIVE DATE OF 1996 AMENDMENT

For effective date and applicability of amendment by Pub. L. 104-106, see section 4401 of Pub. L. 104-106, set out as a note under section 2302 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1995 AMENDMENT

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

EFFECTIVE DATE

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

FIRST REPORT ON MAY 31, 1990; CONTENT

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

NOTIFICATION OF COMPLIANCE DATE; GUIDANCE FOR AGENCY IMPLEMENTATION

Section 319(c) of Pub. L. 101-121 provided that: “The Director of the Office of Management and Budget shall notify the head of each agency that section 1352 of title 31, United States Code (as added by subsection (a)), is to be complied with commencing 60 days after the date of the enactment of this Act [Oct. 23, 1989]. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall issue the guidance required by subsection (b)(7) [now (b)(6)] of such section.”

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

(a) Notwithstanding any other provision of law, the Administrator of General Services, in consultation with the Director of the Office of

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

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

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

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

(c) As used in this section—

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

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

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

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

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

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

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

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

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

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

(Added Pub. L. 101-194, title III, §302(a), Nov. 30, 1989, 103 Stat. 1745, §1352; renumbered §1353 and

amended Pub. L. 101-280, §4(b)(1), (c), May 4, 1990, 104 Stat. 157, 158.)

AMENDMENTS

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

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

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

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

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

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

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

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

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

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

CHAPTER 15—APPROPRIATION ACCOUNTING

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

AMENDMENTS

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

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

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

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

SUBCHAPTER I—GENERAL

§ 1501. Documentary evidence requirement for Government obligations

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

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

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

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

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

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

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

(A) when necessary because of a public exigency;

(B) for perishable subsistence supplies; or
(C) within specific monetary limits;

(5) a grant or subsidy payable—

(A) from appropriations made for payment of, or contributions to, amounts required to

be paid in specific amounts fixed by law or under formulas prescribed by law;

(B) under an agreement authorized by law; or

(C) under plans approved consistent with and authorized by law;

(6) a liability that may result from pending litigation;

(7) employment or services of persons or expenses of travel under law;

(8) services provided by public utilities; or

(9) other legal liability of the Government against an available appropriation or fund.

(b) A statement of obligations provided to Congress or a committee of Congress by an agency shall include only those amounts that are obligations consistent with subsection (a) of this section.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 927.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1501(a)	31:200(a).	Aug. 26, 1954, ch. 935, §1311(a), (e), 68 Stat. 830, 831.
1501(b)	31:200(e).	

In subsection (a), before clause (1), the words “After August 26, 1954” are omitted as executed. In clause (1), the words “an agency and another person (including an agency)” are substituted for “the parties thereto, including Government agencies” for clarity. In clause (2), the word “valid” is omitted as unnecessary. In clause (6), the words “brought under authority of law” are omitted as surplus. In clause (9), the word “legally” is omitted as surplus.

In subsection (b), the words “consistent with” are substituted for “as defined in” for clarity and for consistency with section 1108 of the revised title. The word “valid” is omitted as unnecessary.

§ 1502. Balances available

(a) The balance of an appropriation or fund limited for obligation to a definite period is available only for payment of expenses properly incurred during the period of availability or to complete contracts properly made within that period of availability and obligated consistent with section 1501 of this title. However, the appropriation or fund is not available for expenditure for a period beyond the period otherwise authorized by law.

(b) A provision of law requiring that the balance of an appropriation or fund be returned to the general fund of the Treasury at the end of a definite period does not affect the status of lawsuits or rights of action involving the right to an amount payable from the balance.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 928.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1502(a)	31:200(d).	Aug. 26, 1954, ch. 935, §1311(d), 68 Stat. 831.
	31:712a.	July 6, 1949, ch. 299, §1, 63 Stat. 407.
1502(b)	31:665b.	July 1, 1973, Pub. L. 93-52, §111, 87 Stat. 134.

Subsection (a) restates the source provisions to eliminate unnecessary words and for consistency.

In subsection (b), the words “balance of an appropriation or fund” are substituted for “unexpended funds” for clarity and consistency in the revised chapter.

QUARTERLY REPORTS

Pub. L. 112-74, div. F, title V, §526, Dec. 23, 2011, 125 Stat. 1115, provided that: "Not later than 30 days after the end of each calendar quarter, beginning with the first quarter of fiscal year 2013, the Departments of Labor, Health and Human Services and Education and the Social Security Administration shall provide the Committees on Appropriations of the House of Representatives and Senate a quarterly report on the status of balances of appropriations: Provided, That for balances that are unobligated and uncommitted, committed, and obligated but unexpended, the quarterly reports shall separately identify the amounts attributable to each source year of appropriation (beginning with fiscal year 2012, or, to the extent feasible, earlier fiscal years) from which balances were derived."

AVAILABILITY OF ENERGY AND WATER DEVELOPMENT APPROPRIATIONS LIMITED TO FISCAL YEAR IN WHICH APPROPRIATED

Pub. L. 102-377, title V, §501, Oct. 2, 1992, 106 Stat. 1342, provided that: "No part of any appropriation contained in this Act or subsequent Energy and Water Development Appropriations Acts shall remain available for obligation beyond the fiscal year specified in such Acts therein unless expressly so provided therein."

§ 1503. Comptroller General reports of amounts for which no accounting is made

The Comptroller General shall make a special report each year to Congress on recommendations for changes in laws, that the Comptroller General believes may be in the public interest, about amounts—

- (1) for which no accounting is made to the Comptroller General; and
(2) that are in—
(A) accounts of the United States Government; or
(B) the custody of an officer or employee of the Government if the Government is financially concerned.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 928.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1503 shows source information for 31:725w.

The words "shall cause a survey to be made" are omitted as executed. The word "existing" is omitted as surplus.

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 this section are listed on page 9), 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.

SUBCHAPTER II—APPORTIONMENT

§ 1511. Definition and application

- (a) In this subchapter, "appropriations" means—
(1) appropriated amounts;
(2) funds; and
(3) authority to make obligations by contract before appropriations.

(b) This subchapter does not apply to—
(1) amounts (except amounts for administrative expenses) available—

- (A) for price support and surplus removal of agricultural commodities; and
(B) under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c);

(2) a corporation getting amounts to make loans (except paid in capital amounts) without legal liability on the part of the United States Government; and

(3) the Senate, the House of Representatives, a committee of Congress, a member, officer, employee, or office of either House of Congress, or the Office of the Architect of the Capitol or an officer or employee of that Office.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 928.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows 1511(a) through 1511(b)(3) show source information for various subsections.

In subsection (a)(1), the words "appropriated amounts" are substituted for "appropriations" for clarity. In clause (3), the word "make" is substituted for "create" as being more precise. The text of 31:665(d)(2)(5th sentence) is omitted as unnecessary because of section 102 of the revised title.

In subsection (b), the word "amounts" is substituted for "funds" for consistency in the revised title. In clause (1)(B), the words "(7 U.S.C. 612c)" are substituted for "section 612(c) of title 7" to correct an error in section 3679(d)(2)(6th sentence) of the Revised Statutes. Clause (2) is substituted for the source provisions for consistency in the revised title.

§ 1512. Apportionment and reserves

(a) Except as provided in this subchapter, an appropriation available for obligation for a definite period shall be apportioned to prevent obligation or expenditure at a rate that would indicate a necessity for a deficiency or supplemental appropriation for the period. An appropriation for an indefinite period and authority to make obligations by contract before appropriations shall be apportioned to achieve the most effective and economical use. An apportionment may be reappportioned under this section.

(b)(1) An appropriation subject to apportionment is apportioned by—

- (A) months, calendar quarters, operating seasons, or other time periods;
(B) activities, functions, projects, or objects;
or
(C) a combination of the ways referred to in clauses (A) and (B) of this paragraph.

(2) The official designated in section 1513 of this title to make apportionments shall apportion an appropriation under paragraph (1) of this

subsection as the official considers appropriate. Except as specified by the official, an amount apportioned is available for obligation under the terms of the appropriation on a cumulative basis unless reapportioned.

(c)(1) In apportioning or reapportioning an appropriation, a reserve may be established only—

(A) to provide for contingencies;

(B) to achieve savings made possible by or through changes in requirements or greater efficiency of operations; or

(C) as specifically provided by law.

(2) A reserve established under this subsection may be changed as necessary to carry out the scope and objectives of the appropriation concerned. When an official designated in section 1513 of this title to make apportionments decides that an amount reserved will not be required to carry out the objectives and scope of the appropriation concerned, the official shall recommend the rescission of the amount in the way provided in chapter 11 of this title for appropriation requests. Reserves established under this section shall be reported to Congress as provided in the Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.).

(d) An apportionment or a reapportionment shall be reviewed at least 4 times a year by the official designated in section 1513 of this title to make apportionments.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 929.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1512(a)	31:665(c)(1)(1st sentence), (4)(words after 1st comma).	R.S. § 3679(c)(1)(1st sentence), (3), (4); Mar. 3, 1905, ch. 1484, §4(1st par.), 33 Stat. 1257; Feb. 27, 1906, ch. 510, §3, 34 Stat. 48; restated Sept. 6, 1950, ch. 896, §1211, 64 Stat. 765, 766.
1512(b)	31:665(c)(3).	R.S. § 3679(c)(2); Mar. 3, 1905, ch. 1484, §4(1st par.), 33 Stat. 1257; Feb. 27, 1906, ch. 510, §3, 34 Stat. 48; Sept. 6, 1950, ch. 896, §1211, 64 Stat. 765; restated July 12, 1974, Pub. L. 93-344, §1002, 88 Stat. 332.
1512(c)	31:665(c)(2).	
1512(d)	31:665(c)(4)(words before 1st comma).	

In subsection (a), the word “appropriation” is substituted for “appropriations or funds” because of the definition of “appropriation” in section 1511 of the revised title. The words “at a rate” are substituted for “in a manner” for clarity. The words “indefinite period” are substituted for “not limited to a definite period of time” for consistency in the revised title. The words “An apportionment may be reapportioned under this section” are substituted for 31:665(c)(4)(words after 1st comma) to eliminate unnecessary words.

In subsection (b)(1), before clause (A), the word “apportioned” is substituted for “distributed” for consistency in the revised section.

In subsections (b)(2) and (d), the word “official” is substituted for “officer” for consistency in the revised title.

In subsection (c)(1)(C), the words “by law” are substituted for “by particular appropriation Acts or other laws” to eliminate unnecessary words.

In subsection (c)(2), the words “appropriation requests” are substituted for “estimates of appropriations” for consistency with chapter 11 of the revised title.

REFERENCES IN TEXT

The Impoundment Control Act of 1974, referred to in subsec. (c)(2), is parts A and B of title X of Pub. L. 93-344, July 12, 1974, 88 Stat. 332, as amended, which is classified principally to subchapters I (§681) and II (§682 et seq.) of chapter 17B of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note set out under section 681 of Title 2 and Tables.

APPORTIONMENT OF FUNDS APPROPRIATED TO DISTRICT OF COLUMBIA GOVERNMENT

Pub. L. 100-202, §101(c) [title I, §135], Dec. 22, 1987, 101 Stat. 1329-90, 1329-102, provided that: “Federal funds hereafter appropriated to the District of Columbia government shall not be subject to apportionment except to the extent specifically provided by statute.”

§ 1513. Officials controlling apportionments

(a) The official having administrative control of an appropriation available to the legislative branch, the judicial branch, the United States International Trade Commission, or the District of Columbia government that is required to be apportioned under section 1512 of this title shall apportion the appropriation in writing. An appropriation shall be apportioned not later than the later of the following:

(1) 30 days before the beginning of the fiscal year for which the appropriation is available; or

(2) 30 days after the date of enactment of the law by which the appropriation is made available.

(b)(1) The President shall apportion in writing an appropriation available to an executive agency (except the Commission) that is required to be apportioned under section 1512 of this title. The head of each executive agency to which the appropriation is available shall submit to the President information required for the apportionment in the form and the way and at the time specified by the President. The information shall be submitted not later than the later of the following:

(A) 40 days before the beginning of the fiscal year for which the appropriation is available; or

(B) 15 days after the date of enactment of the law by which the appropriation is made available.

(2) The President shall notify the head of the executive agency of the action taken in apportioning the appropriation under paragraph (1) of this subsection not later than the later of the following:

(A) 20 days before the beginning of the fiscal year for which the appropriation is available; or

(B) 30 days after the date of enactment of the law by which the appropriation is made available.

(c) By the first day of each fiscal year, the head of each executive department of the United States Government shall apportion among the major organizational units of the department the maximum amount to be expended by each unit during the fiscal year out of each contingent fund appropriated for the entire year for the department. Each amount may be changed during the fiscal year only by written direction

of the head of the department. The direction shall state the reasons for the change.

(d) An appropriation apportioned under this subchapter may be divided and subdivided administratively within the limits of the apportionment.

(e) This section does not affect the initiation and operation of agricultural price support programs.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 930.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1513(a)	31:665(d)(1).	R.S. §3679(d)(1), (2)(1st-4th sentences, 6th sentence 1st-22d words), (g)(1st sentence); Mar. 3, 1905, ch. 1484, §4(1st par.), 33 Stat. 1257; Feb. 27, 1906, ch. 510, §3, 34 Stat. 48; restated Sept. 6, 1950, ch. 896, §1211, 64 Stat. 767, 767; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, §102(a), 84 Stat. 2085; Jan. 3, 1975, Pub. L. 93-618, §175(a)(2), 88 Stat. 2011.
1513(b)	31:665(d)(2)(1st-4th sentences).	
1513(c)	31:669(words before semicolon).	Aug. 23, 1912, ch. 350, §6(words before semicolon), 37 Stat. 414.
1513(d)	31:665(g)(1st sentence).	
1513(e)	31:665(d)(2)(6th sentence 1st-22d words).	

In the section, the word “apportion” is substituted for “apportionment or reapportionment” because of section 1512(a)(last sentence) of the revised title.

In subsection (a), before clause (1), the word “official” is substituted for “officer” for consistency in the revised title. The words “judicial branch” are substituted for “judiciary”, and the words “District of Columbia government” are substituted for “District of Columbia”, for consistency.

In subsection (b), the word “President” is substituted for “Director of the Office of Management and Budget”, “Office of Management and Budget”, and “Director” 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)(1), the words “(except the Commission)” are added because the International Trade Commission is covered specifically by the source provisions restated in subsection (a).

In subsection (b)(2), the words “head of the executive agency” are substituted for “agency” as being more precise and because of section 102 of the revised title.

In subsection (c), the words “In addition to the apportionment required by section 665 of this title” are omitted as unnecessary because of the restatement. The words “By the first day” are substituted for “on or before the beginning”, and the words “of the United States Government” are added, for clarity. The words “major organizational unit” are substituted for “office or bureau” for consistency in the revised section. The word “changed” is substituted for “increased or diminished” to eliminate unnecessary words.

In subsection (e), the words “initiation and operation” are substituted for “initiation, operation, and administration” to eliminate unnecessary words.

§ 1514. Administrative division of apportionments

(a) The official having administrative control of an appropriation available to the legislative branch, the judicial branch, the United States International Trade Commission, or the District

of Columbia government, and, subject to the approval of the President, the head of each executive agency (except the Commission) shall prescribe by regulation a system of administrative control not inconsistent with accounting procedures prescribed under law. The system shall be designed to—

(1) restrict obligations or expenditures from each appropriation to the amount of apportionments or reapportionments of the appropriation; and

(2) enable the official or the head of the executive agency to fix responsibility for an obligation or expenditure exceeding an apportionment or reapportionment.

(b) To have a simplified system for administratively dividing appropriations, the head of each executive agency (except the Commission) shall work toward the objective of financing each operating unit, at the highest practical level, from not more than one administrative division for each appropriation affecting the unit.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 930.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1514(a)	31:665(g)(2d sentence).	R.S. §3679(g)(2d sentence); Mar. 3, 1905, ch. 1484, §4(1st par.), 33 Stat. 1257; Feb. 27, 1906, ch. 510, §3, 34 Stat. 48; restated Sept. 6, 1950, ch. 896, §1211, 64 Stat. 767; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, §102(a), 84 Stat. 2085; Jan. 3, 1975, Pub. L. 93-618, §175(a)(2), 88 Stat. 2011.
1514(b)	31:665(g)(last sentence).	R.S. §3679(g)(last sentence); added Aug. 1, 1956, ch. 814, §3, 70 Stat. 783.

In the section, the words “(except the Commission)” are added because the International Trade Commission is covered specifically by the source provisions restated in this section.

In subsection (a), the word “official” is substituted for “officer” for consistency in the revised title. The words “judicial branch” are substituted for “judiciary”, and the words “District of Columbia government” are substituted for “District of Columbia”, 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 “dividing” and “division” are substituted for “subdivision” for consistency in the revised section. The word “appropriations” is substituted for “appropriations or funds” because of the definition of “appropriation” in section 1511 of the revised title.

§ 1515. Authorized apportionments necessitating deficiency or supplemental appropriations

(a) An appropriation required to be apportioned under section 1512 of this title may be apportioned on a basis that indicates the need for a deficiency or supplemental appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees (including prevailing rate employees whose pay is fixed and adjusted under subchapter IV of chapter 53 of title 5) and to retired and active military personnel.

(b)(1) Except as provided in subsection (a) of this section, an official may make, and the head of an executive agency may request, an apportionment under section 1512 of this title that would indicate a necessity for a deficiency or supplemental appropriation only when the official or agency head decides that the action is required because of—

(A) a law enacted after submission to Congress of the estimates for an appropriation that requires an expenditure beyond administrative control; or

(B) an emergency involving the safety of human life, the protection of property, or the immediate welfare of individuals when an appropriation that would allow the United States Government to pay, or contribute to, amounts required to be paid to individuals in specific amounts fixed by law or under formulas prescribed by law, is insufficient.

(2) If an official making an apportionment decides that an apportionment would indicate a necessity for a deficiency or supplemental appropriation, the official shall submit immediately a detailed report of the facts to Congress. The report shall be referred to in submitting a proposed deficiency or supplemental appropriation.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 931; Pub. L. 100-202, §105, Dec. 22, 1987, 101 Stat. 1329-433.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1515(a)	31:665a.	June 5, 1957, Pub. L. 85-48, §210, 71 Stat. 55.
1515(b)(1)	31:665(e)(1).	R.S. §3679(e)(1); Mar. 3, 1905, ch. 1484, §4(1st par.), 33 Stat. 1257; Feb. 27, 1906, ch. 510, §3, 34 Stat. 48; Sept. 6, 1950, ch. 896, §1211, 64 Stat. 767; restated Aug. 28, 1957, Pub. L. 85-170, §1401, 71 Stat. 440.
1515(b)(2)	31:665(e)(2).	R.S. §3679(e)(2); Mar. 3, 1905, ch. 1484, §4(1st par.), 33 Stat. 1257; Feb. 27, 1906, ch. 510, §3, 34 Stat. 48; restated Sept. 6, 1950, ch. 896, §1211, 64 Stat. 767.

In subsection (a), the words “On and after June 5, 1957” are omitted as executed. The words “deficiency or supplemental appropriation” are substituted for “supplemental or deficiency estimate of appropriation” for consistency with chapter 11 of the revised title. The words “prevailing rate employees whose pay is fixed and adjusted under subchapter IV of chapter 53 of title 5” are substituted for “those employees (commonly known as wage-board employees) whose compensation is fixed and adjusted from time to time in accordance with prevailing rates (5 U.S.C. 5102(c)(7), 5341 et seq.)” for consistency with title 5.

In subsection (b), the word “apportionment” is substituted for “apportionment or reapportionment” because of section 1512(a)(last sentence) of the revised title.

In subsection (b)(1), before clause (A), the words “Except as provided in subsection (a) of this section” are added because of the restatement. The word “appropriation” is substituted for “estimate” for consistency in the revised section. The words “is insufficient” are added for clarity.

In subsection (b)(2), the words “proposed deficiency or supplemental appropriation” are substituted for “deficiency or supplemental estimates” for consistency with chapter 11 of the revised title.

AMENDMENTS

1987—Subsec. (a). Pub. L. 100-202 added subsec. (a) and struck out former subsec. (a) which read as follows: “An appropriation required to be apportioned under section 1512 of this title may be apportioned on a basis that indicates a necessity for a deficiency or supplemental appropriation to the extent necessary to permit payment of pay increases for prevailing rate employees whose pay is fixed and adjusted under subchapter IV of chapter 53 of title 5.”

§ 1516. Exemptions

An official designated in section 1513 of this title to make apportionments may exempt from apportionment—

(1) a trust fund or working fund if an expenditure from the fund has no significant effect on the financial operations of the United States Government;

(2) a working capital fund or a revolving fund established for intragovernmental operations;

(3) receipts from industrial and power operations available under law; and

(4) appropriations made specifically for—

(A) interest on, or retirement of, the public debt;

(B) payment of claims, judgments, refunds, and drawbacks;

(C) items the President decides are of a confidential nature;

(D) payment under a law requiring payment of the total amount of the appropriation to a designated payee; and

(E) grants to the States under the Social Security Act (42 U.S.C. 301 et seq.).

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 931.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1516	31:665(f)(1).	R.S. §3679(f)(1); Mar. 3, 1905, ch. 1484, §4(1st par.), 33 Stat. 1257; Feb. 27, 1906, ch. 510, §3, 34 Stat. 48; restated Sept. 6, 1950, ch. 896, §1211, 64 Stat. 767.

In the section, before clause (1), the word “apportionments” is substituted for “apportionments and reapportionments” because of section 1512(a)(last sentence) of the revised title. In subclause (D), the word “law” is substituted for “private relief acts or other laws” to eliminate unnecessary words.

REFERENCES IN TEXT

The Social Security Act, referred to in par. (4)(E), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified generally to chapter 7 (§301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

§ 1517. Prohibited obligations and expenditures

(a) An officer or employee of the United States Government or of the District of Columbia government may not make or authorize an expenditure or obligation exceeding—

(1) an apportionment; or

(2) the amount permitted by regulations prescribed under section 1514(a) of this title.

(b) If an officer or employee of an executive agency or of the District of Columbia govern-

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

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 932; Pub. L. 108-447, div. G, title I, §1401(b), Dec. 8, 2004, 118 Stat. 3192.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1517(a)	31:665(h).	R.S. §3679(h), (i)(2)(related to (h)); Mar. 3, 1905, ch. 1484, §4(1st par.), 33 Stat. 1257; Feb. 27, 1906, ch. 510, §3, 34 Stat. 48; restated Sept. 6, 1950, ch. 896, §1211, 64 Stat. 768.
1517(b)	31:665(i)(2)(related to (h)).	

In subsection (a), before clause (1), the words “District of Columbia government” are added because of section 9 of the Act of June 26, 1912 (ch. 182, 37 Stat. 184). In clause (1), the word “apportionment” is substituted for “apportionment or reapportionment” because of section 1512(a)(last sentence) of the revised title.

In subsection (b), the word “Mayor” is used because of Reorganization Plan No. 3 of 1967 (eff. Aug. 11, 1967, 81 Stat. 948) and sections 421, 422, and 771 of the District of Columbia Self-Government and Governmental Reorganization Act (Pub. L. 93-198, 87 Stat. 789, 818). The word “President” is substituted for “President, through the Director of the Office of Management and Budget” because sections 101 and 102(a) of Reorganization Plan No. 2 of 1970 (eff. July 1, 1970, 84 Stat. 2085) designated the Bureau of the Budget as the Office of Management and Budget and transferred all functions of the Bureau to the President.

AMENDMENTS

2004—Subsec. (b). Pub. L. 108-447 inserted at end “A copy of each report shall also be transmitted to the Comptroller General on the same date the report is transmitted to the President and Congress.”

§ 1518. Adverse personnel actions

An officer or employee of the United States Government or of the District of Columbia government violating section 1517(a) of this title shall be subject to appropriate administrative discipline including, when circumstances warrant, suspension from duty without pay or removal from office.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 932.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1518	31:665(i)(1)(words before semicolon related to (h)).	R.S. §3679(i)(1)(words before semicolon related to (h)); Mar. 3, 1905, ch. 1484, §4(1st par.), 33 Stat. 1257; Feb. 27, 1906, ch. 510, §3, 34 Stat. 48; restated Sept. 6, 1950, ch. 896, §1211, 64 Stat. 768.

The words “In addition to any penalty or liability under other law” are omitted as surplus. The words “District of Columbia government” are added because of section 9 of the Act of June 26, 1912 (ch. 182, 37 Stat. 184).

§ 1519. Criminal penalty

An officer or employee of the United States Government or of the District of Columbia government knowingly and willfully violating section 1517(a) of this title shall be fined not more than \$5,000, imprisoned for not more than 2 years, or both.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 932.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1519	31:665(i)(1)(words after semicolon related to (h)).	R.S. §3679(i)(1)(words after semicolon related to (h)); Mar. 3, 1905, ch. 1484, §4(1st par.), 33 Stat. 1257; Feb. 27, 1906, ch. 510, §3, 34 Stat. 48; restated Sept. 6, 1950, ch. 896, §1211, 64 Stat. 768.

The words “District of Columbia government” are added because of section 9 of the Act of June 26, 1912 (ch. 182, 37 Stat. 184).

SUBCHAPTER III—TRANSFERS AND REIMBURSEMENTS

§ 1531. Transfers of functions and activities

(a) The balance of an appropriation available and necessary to finance or discharge a function or activity transferred or assigned under law within an executive agency or from one executive agency to another may be transferred to and used—

(1) by the organizational unit or agency to which the function or activity was transferred or assigned; and

(2) for a purpose for which the appropriation was originally available.

(b) The head of the executive agency determines the amount that, with the approval of the President, is necessary to be transferred when the transfer or assignment of the function or activity is from one executive agency to another.

(c) A balance transferred under this section is—

(1) credited to an applicable existing or new appropriation account;

(2) merged with the amount in an account to which the balance is credited; and

(3) with the amount with which the balance is merged, accounted for as one amount.

(d) New appropriation accounts may be established to carry out subsection (c)(1) of this section.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 932.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1531(a), (b).	31:581c(a)(1st sentence), (b)(1st sentence).	Sept. 12, 1950, ch. 946, §202, 64 Stat. 838.
1531(c), (d).	31:581c(a)(last sentence), (b)(last sentence).	

In subsections (a) and (b), the defined term “executive agency” in section 102 of the revised title is sub-

stituted for “department or establishment” for consistency and clarity.

In subsection (a), the words “organizational unit or agency” are substituted for “agency”, and the word “appropriation” is substituted for “said funds”, for consistency and clarity.

Subsection (d) is substituted for “which are hereby authorized to be established” because of the restatement.

PROHIBITION ON TRANSFER OF FUNDS TO OTHER DEPARTMENTS AND AGENCIES

Pub. L. 101-189, div. A, title XVI, §1604, Nov. 29, 1989, 103 Stat. 1598, provided that funds available for military functions of Department of Defense could not be made available to any other department or agency of Federal Government pursuant to a provision of law enacted after Nov. 29, 1989, unless, not less than 30 days before such funds were made available to such other department or agency, Secretary of Defense submitted to congressional defense committees a report describing effect on military preparedness of making such funds available to such department or agency, prior to repeal and restatement in section 2215 of Title 10, Armed Forces, by Pub. L. 103-160, div. A, title XI, §1106(a)(1), (b), Nov. 30, 1993, 107 Stat. 1750.

§ 1532. Withdrawal and credit

An amount available under law may be withdrawn from one appropriation account and credited to another or to a working fund only when authorized by law. Except as specifically provided by law, an amount authorized to be withdrawn and credited is available for the same purpose and subject to the same limitations provided by the law appropriating the amount. A withdrawal and credit is made by check and without a warrant.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 933.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1532	31:628-1.	Sept. 6, 1950, ch. 896, §1210(less last proviso), 64 Stat. 765.

The word “limitations” is substituted for “limitations, conditions, and restrictions” to eliminate unnecessary words.

§ 1533. Transfers of appropriations for salaries and expenses to carry out national defense responsibilities

An appropriation of an executive agency for salaries and expenses is available to carry out national defense responsibilities assigned to the agency under law. A transfer necessary to carry out this section may be made between appropriations or allocations within the executive agency. An allocation may not be made to an executive agency that can carry out with its regular personnel a defense activity assigned to it by using the authority of this section to realign its regular programs.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 933.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1533	31:697.	June 2, 1951, ch. 121, ch. XI(proviso immediately before heading “Independent Offices”), 65 Stat. 61.

The words “executive agency” are substituted for “department, agency, or corporation, in the executive branch of the Government” because of section 102 of the revised title. The words “authority of this section” are substituted for “foregoing authority” for clarity.

§ 1534. Adjustments between appropriations

(a) An appropriation available to an agency may be charged at any time during a fiscal year for the benefit of another appropriation available to the agency to pay costs—

(1) when amounts are available in both the appropriation to be charged and the appropriation to be benefited; and

(2) subject to limitations applicable to the appropriations.

(b) Amounts paid under this section are charged on a final basis during, or as of the close of, the fiscal year to the appropriation benefited. The appropriation charged under subsection (a) of this section shall be appropriately credited.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 933.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1534(a)	31:628a(1st sentence).	June 29, 1966, Pub. L. 89-473, §1, 80 Stat. 221.
1534(b)	31:628a(last sentence).	

In subsection (a), the words “Subject to limitations applicable with respect to each appropriation concerned” are omitted as surplus. The words “or any bureau or office thereof” are omitted as being included in “agency”. The words “to pay costs” are substituted for “for the purpose of financing the procurement of materials and services, or financing other costs” to eliminate unnecessary words.

In subsection (b), the words “amounts paid under this section” are substituted for “such expenses so financed”, and the words “appropriations charged under subsection (a) of this section” are substituted for “financing appropriation”, for clarity.

§ 1535. Agency agreements

(a) The head of an agency or major organizational unit within an agency may place an order with a major organizational unit within the same agency or another agency for goods or services if—

(1) amounts are available;

(2) the head of the ordering agency or unit decides the order is in the best interest of the United States Government;

(3) the agency or unit to fill the order is able to provide or get by contract the ordered goods or services; and

(4) the head of the agency decides ordered goods or services cannot be provided by contract as conveniently or cheaply by a commercial enterprise.

(b) Payment shall be made promptly by check on the written request of the agency or unit filling the order. Payment may be in advance or on providing the goods or services ordered and shall be for any part of the estimated or actual cost as determined by the agency or unit filling the order. A bill submitted or a request for payment is not subject to audit or certification in advance of payment. Proper adjustment of

amounts paid in advance shall be made as agreed to by the heads of the agencies or units on the basis of the actual cost of goods or services provided.

(c) A condition or limitation applicable to amounts for procurement of an agency or unit placing an order or making a contract under this section applies to the placing of the order or the making of the contract.

(d) An order placed or agreement made under this section obligates an appropriation of the ordering agency or unit. The amount obligated is deobligated to the extent that the agency or unit filling the order has not incurred obligations, before the end of the period of availability of the appropriation, in—

- (1) providing goods or services; or
- (2) making an authorized contract with another person to provide the requested goods or services.

(e) This section does not—

- (1) authorize orders to be placed for goods or services to be provided by convict labor; or
- (2) affect other laws about working funds.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 933; Pub. L. 98-216, §1(2), Feb. 14, 1984, 98 Stat. 3.)

HISTORICAL AND REVISION NOTES
1982 ACT

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1535(a)	31:686(a)(1st sentence words before 15th comma, last proviso).	Mar. 4, 1915, ch. 143, §1(3d proviso on p. 1084), 38 Stat. 1084; May 21, 1920, ch. 194, §7(a), 41 Stat. 613; June 30, 1932, ch. 314, §601, 47 Stat. 417; restated July 20, 1942, ch. 507, 56 Stat. 661; Aug. 23, 1958, Pub. L. 85-726, §1407, 72 Stat. 808; Aug. 6, 1981, Pub. L. 97-31, §12(11), 95 Stat. 154; Dec. 29, 1981, Pub. L. 97-136, §11, 95 Stat. 1707.
1535(b)	31:686(a)(1st sentence 1st proviso).	
1535(c)	31:686(a)(1st sentence words between 15th comma and 1st proviso, last sentence).	
1535(d)	31:686(c).	May 21, 1920, ch. 194, §7(c), 41 Stat. 613; June 30, 1932, ch. 314, §601, 47 Stat. 417; restated June 26, 1943, ch. 150, §1, 57 Stat. 219.
	31:686-1.	Sept. 6, 1950, ch. 896, §1210(last proviso), 64 Stat. 765.
1535(e)(1)	31:686b(a), (b).	June 30, 1932, ch. 314, §602(a), (b), (c)(related to §602), 47 Stat. 418.
1535(e)(2)	31:686b(c)(related to 31:686, 686b).	

In the section, the word "agency" is substituted for "executive department or independent establishment of the Government" for clarity. See 12 Comp. Gen. 442 (1932) and *United States v. Mitchell*, 425 F. Supp. 917 (D.D.C. 1976). The words "major organizational unit" or "unit" are substituted for "bureau or office" for consistency in the revised title. The words "to fill the order" or "filling the order" are substituted for "such requisitioned" and "as may be requisitioned" for clarity and because of the restatement. The words "goods or services" are substituted for "materials, supplies, equipment, work, or services" to eliminate unnecessary words.

In subsection (a)(4), the words "the head of the agency decides" are added, and the words "commercial enterprise" are substituted for "private agencies", for clarity. The words "by competitive bids" are omitted as surplus because of various procurement laws.

In subsection (b), the words "The Secretary of Defense" are added for clarity because of Comptroller General decision B-20179 (Apr. 1, 1981). The words "a military department of the Department of Defense" are substituted for "the Department of the Army, Navy Department" for consistency with title 10 and to apply the source provisions to the Department of the Air Force because of sections 205(a) and 207(a) and (f) of the Act of July 26, 1947 (ch. 343, 61 Stat. 501, 502), and section 1 of the Act of August 10, 1956 (ch. 1041, 70A Stat. 488). The words "Secretary of Transportation in carrying out duties and powers related to aviation and the Coast Guard" are substituted for "Federal Aviation Agency, Coast Guard" to reflect the transfer of those functions to the Secretary of Transportation. The words "the Administrator of General Services" are added to reflect the transfer of the functions of the Bureau of Federal Supply of the Treasury Department to the Administrator by section 102(a) of the Act of June 30, 1949 (40:752(a)). The words "the Administrator of" are added before "Maritime Administration" for clarity and consistency in the revised title and with other titles of the United States Code.

In subsection (c), the words "pursuant to such order" are omitted as unnecessary.

Subsection (d) is substituted for the source provisions being restated to reflect decisions of the Comptroller General, including 31 Comp. Gen. 83 (1951), 34 Comp. Gen. 418 (1955), 39 Comp. Gen. 317 (1959), and 55 Comp. Gen. 1497 (1976).

In subsection (e), the words "any Government department or independent establishment, or any bureau or office thereof" and "except as otherwise provided by law" are omitted as unnecessary because of the restatement. The text of 31:686b(a) is omitted as executed.

1984 ACT

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1535(a)	31 App.:686(a) (1st sentence words before 15th comma, proviso)	May 21, 1920, ch. 194, §7(a) (1st, 2d sentences), 41 Stat. 613; June 30, 1932, ch. 314, §601, 47 Stat. 417; restated July 20, 1942, ch. 507, 56 Stat. 661; Aug. 23, 1958, Pub. L. 85-726, §1407, 72 Stat. 808; Aug. 6, 1981, Pub. L. 97-136, §11, 95 Stat. 1707; Oct. 15, 1982, Pub. L. 97-332, §1(1)-(3), 96 Stat. 1622.
1535(b)	31 App.:686(a) (1st sentence words between 15th comma and proviso, 2d sentence)	
1535(c)	31 App.:686(a) (last sentence)	May 21, 1920, ch. 194, 41 Stat. 607, §7(a) (last sentence); added Oct. 15, 1982, Pub. L. 97-332, §1(4), 96 Stat. 1622.

AMENDMENTS

1984—Subsec. (a)(3). Pub. L. 98-216, §1(2)(A), inserted "or get by contract" after "provide".

Subsec. (a)(4). Pub. L. 98-216, §1(2)(B), inserted "by contract" after "provided".

Subsecs. (b), (c). Pub. L. 98-216, §1(2)(C)-(E), redesignated subsec. (c) as (b). Former subsec. (b), which provided that the Secretary of Defense, the Secretary of a military department of the Department of Defense, the Secretary of Transportation in carrying out duties and powers related to aviation and the Coast Guard, the Secretary of the Treasury, the Administrator of General Services, and the Administrator of the Maritime Administration could place orders under this section for goods and services that an agency or unit filling the order might be able to provide or procure by contract, was struck out.

PREVENTING ABUSE OF INTERAGENCY CONTRACTS

Pub. L. 110-417, [div. A], title VIII, §865, Oct. 14, 2008, 122 Stat. 4550, provided that:

"(a) OFFICE OF MANAGEMENT AND BUDGET POLICY GUIDANCE.—

“(1) REPORT AND GUIDELINES.—Not later than one year after the date of the enactment of this Act [Oct. 14, 2008], the Director of the Office of Management and Budget shall—

“(A) submit to Congress a comprehensive report on interagency acquisitions, including their frequency of use, management controls, cost-effectiveness, and savings generated; and

“(B) issue guidelines to assist the heads of executive agencies in improving the management of interagency acquisitions.

“(2) MATTERS COVERED BY GUIDELINES.—For purposes of paragraph (1)(B), the Director shall include guidelines on the following matters:

“(A) Procedures for the use of interagency acquisitions to maximize competition, deliver best value to executive agencies, and minimize waste, fraud, and abuse.

“(B) Categories of contracting inappropriate for interagency acquisition.

“(C) Requirements for training acquisition workforce personnel in the proper use of interagency acquisitions.

“(b) REGULATIONS REQUIRED.—

“(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act [Oct. 14, 2008], the Federal Acquisition Regulation shall be revised to require that all interagency acquisitions—

“(A) include a written agreement between the requesting agency and the servicing agency assigning responsibility for the administration and management of the contract;

“(B) include a determination that an interagency acquisition is the best procurement alternative; and

“(C) include sufficient documentation to ensure an adequate audit.

“(2) MULTI-AGENCY CONTRACTS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require any multi-agency contract entered into by an executive agency after the effective date of such regulations to be supported by a business case analysis detailing the administration of such contract, including an analysis of all direct and indirect costs to the Federal Government of awarding and administering such contract and the impact such contract will have on the ability of the Federal Government to leverage its purchasing power.

“(c) AGENCY REPORTING REQUIREMENT.—The senior procurement executive for each executive agency shall, as directed by the Director of the Office of Management and Budget, submit to the Director annual reports on the actions taken by the executive agency pursuant to the guidelines issued under subsection (a).

“(d) DEFINITIONS.—In this section:

“(1) The term ‘executive agency’ has the meaning given such term in section 4(1) of the Office of Federal Procurement Policy Act ([former] 41 U.S.C. 403(1)) [see 41 U.S.C. 133], except that, in the case of a military department, it means the Department of Defense.

“(2) The term ‘head of executive agency’ means the head of an executive agency except that, in the case of a military department, the term means the Secretary of Defense.

“(3) The term ‘interagency acquisition’ means a procedure by which an executive agency needing supplies or services (the requesting agency) obtains them from another executive agency (the servicing agency). The term includes acquisitions under section 1535 of title 31, United States Code (commonly referred to as the ‘Economy Act’), Federal Supply Schedules above \$500,000, and Governmentwide acquisition contracts.

“(4) The term ‘multi-agency contract’ means a task or delivery order contract established for use by more than one executive agency to obtain supplies and services, consistent with section 1535 of title 31,

United States Code (commonly referred to as the ‘Economy Act’).”

REVIEW AND ENHANCEMENT OF EXISTING AUTHORITIES FOR USING AIR FORCE AND AIR NATIONAL GUARD MODULAR AIRBORNE FIRE-FIGHTING SYSTEMS AND OTHER DEPARTMENT OF DEFENSE ASSETS TO FIGHT WILDFIRES

Pub. L. 108-136, div. A, title X, §1058, Nov. 24, 2003, 117 Stat. 1619, provided that:

“(a) REVIEW REQUIRED.—The Director of the Office of Management and Budget shall conduct a review of existing authorities regarding the use of Air Force and Air National Guard Modular Airborne Fire-Fighting Systems units and other Department of Defense assets to fight wildfires to ensure that, in accordance with applicable legal requirements, such assets are available in the most expeditious manner to fight wildfires on Federal lands or non-Federal lands at the request of a Federal agency or State government. In conducting the review, the Director shall specifically consider—

“(1) any adverse impact caused by the restrictions contained in section 1535(a)(4) of title 31, United States Code, or caused by the interpretation of such restrictions, on the ability of the Forest Service and other Federal agencies to procure such firefighting services; and

“(2) whether the authorities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), including section 403(c) of such Act (42 U.S.C. 5170b), are being properly utilized to facilitate an expeditious Department of Defense response to State requests under, and consistent with, such Act for firefighting services.

“(b) DETERMINATION REQUIRED.—On the basis of the review, the Director shall make a determination regarding whether existing authorities are being used in a manner consistent with using the available capabilities of Department of Defense assets to fight wildfires in the most expeditious and efficacious way to minimize the risk to public safety.

“(c) EXPEDITED ECONOMY ACT REVIEW PROCESS.—If the Director determines under subsection (b) that existing authorities are adequate for the deployment of Department of Defense assets to fight wildfires, the Director shall develop and implement, subject to subsection (f), such modifications to the process for conducting the cost comparison required by section 1535(a)(4) of title 31, United States Code, as the Director considers appropriate to further expedite the procurement of such firefighting services.

“(d) DEVELOPMENT AND IMPLEMENTATION OF REVISED POLICIES.—If the Director determines under subsection (b) that the existing authorities or their use is inadequate or can be improved, the Director shall develop and implement, subject to subsection (f), such regulations, policies, and interagency procedures as may be necessary to improve the ability of the Department of Defense to respond to a request by a Federal agency or State government to assist in fighting wildfires on Federal lands or non-Federal lands under section 1535(a) of title 31, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or both.

“(e) REPORTING REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act [Nov. 24, 2003], the Director shall transmit to Congress a report—

“(1) containing the results of the review conducted under subsection (a) and the determination made under subsection (b); and

“(2) based on such determination, describing the modifications proposed to be made to existing authorities under subsection (c) or (d), including whether there is a need for legislative changes to further improve the procedures for using Department of Defense assets to fight wildfires.

“(f) DELAYED IMPLEMENTATION.—The modifications described in the report prepared under subsection (e) to be made to existing authorities under subsection (c) or

(d) shall not take effect until the end of the 30-day period beginning on the date on which the report is transmitted to Congress.”

PLACEMENT OF ORDERS BY CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE OF REPRESENTATIVES

Pub. L. 107-206, title I, §904, Aug. 2, 2002, 116 Stat. 876, provided that: “Nothing in section 1535 of title 31, U.S.C. (commonly referred to as the ‘Economy Act’), or any other provision of such title may be construed to prevent or restrict the Chief Administrative Officer of the House of Representatives from placing orders under such section during any fiscal year in the same manner and to the same extent as the head of any other major organizational unit with an agency may place orders under such section during a fiscal year.”

ECONOMY ACT PURCHASES

Pub. L. 103-355, title I, §1074, Oct. 13, 1994, 108 Stat. 3271, provided that the Federal Acquisition Regulation was to be revised to include regulations governing the exercise of authority under this section for Federal agencies to purchase goods and services under contracts entered into or administered by other agencies, and further provided for content of regulations, establishment of system to monitor procurements under regulations, and that section would cease to be effective one year after date on which final regulations took effect. Final regulations were published in the Federal Register Sept. 26, 1995, effective Oct. 1, 1995. See 60 F.R. 49720.

DEPARTMENT OF DEFENSE PURCHASES THROUGH OTHER AGENCIES

Pub. L. 105-261, div. A, title VIII, §814, Oct. 17, 1998, 112 Stat. 2087, which directed Secretary of Defense, not later than 90 days after Oct. 17, 1998, to revise regulations issued pursuant to section 844 of the National Defense Authorization Act for Fiscal Year 1994 (Pub. L. 103-160, see below) to cover certain purchases greater than the micro-purchase threshold and to provide for a streamlined method of compliance for any such purchase that is not greater than the simplified acquisition threshold, ceased to be effective 1 year after date on which final regulations took effect. Final regulations were published in the Federal Register Mar. 25, 1999, effective on that date. See 64 F.R. 14399.

Pub. L. 103-160, div. A, title VIII, §844, Nov. 30, 1993, 107 Stat. 1720, directed Secretary of Defense, not later than six months after Nov. 30, 1993, to prescribe regulations governing exercise by Department of Defense of authority under this section to purchase goods and services under contracts entered into or administered by another agency, and provided for content of regulations, establishment of system to monitor procurements under regulations, and that section would cease to be effective one year after date on which final regulations took effect. Final regulations were published in the Federal Register Sept. 26, 1995, effective Oct. 1, 1995. See 60 F.R. 49720.

ACQUISITION OF GOODS, SERVICES, OR SPACE BY SECRETARY OF SENATE AND SERGEANT AT ARMS AND DOORKEEPER OF SENATE

Pub. L. 101-163, title I, §8, Nov. 21, 1989, 103 Stat. 1046, as amended by Pub. L. 112-10, div. B, title IX, §1904, Apr. 15, 2011, 125 Stat. 170, provided that:

“(1) The Secretary of the Senate and the Sergeant at Arms and Doorkeeper of the Senate are authorized to acquire goods, services, or space from government agencies and units by agreement under the provisions of the Economy Act, 31 U.S.C. 1535, and to make advance payments in conjunction therewith, if required by the providing agency or establishment.

“(2) No advance payment may be made under paragraph (1) unless specifically provided for in the agreement. No agreement providing for advance payment may be entered into unless it contains a provision requiring the refund of any unobligated balance of the advance.

“(3) Agreement under paragraph (1) shall be in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.”

§ 1536. Crediting payments from purchases between executive agencies

(a) An advance payment made on an order under section 1535 of this title is credited to a special working fund that the Secretary of the Treasury considers necessary to be established. Except as provided in this section, any other payment is credited to the appropriation or fund against which charges were made to fill the order.

(b) An amount paid under section 1535 of this title may be expended in providing goods or services or for a purpose specified for the appropriation or fund credited. Where goods are provided from stocks on hand, the amount received in payment is credited so as to be available to replace the goods unless—

(1) another law authorizes the amount to be credited to some other appropriation or fund; or

(2) the head of the executive agency filling the order decides that replacement is not necessary, in which case, the amount received is deposited in the Treasury as miscellaneous receipts.

(c) This section does not affect other laws about working funds.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 934.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1536(a)	31:686(b)(1st, 2d sentences).	May 21, 1920, ch. 194, §7(b), 41 Stat. 613; restated June 30, 1932, ch. 314, §601, 47 Stat. 418.
1536(b)	31:686(b)(3d, last sentences).	
1536(c)	31:686b(c)(related to 31:686).	June 30, 1932, ch. 314, §602(c)(related to §601), 47 Stat. 418.

In subsection (b), the words “providing goods or services” are substituted for “furnishing the materials, supplies, or equipment, or in performing the work or services” to eliminate unnecessary words.

§ 1537. Services between the United States Government and the District of Columbia government

(a) To prevent duplication and to promote efficiency and economy, an officer or employee of—

(1) the United States Government may provide services to the District of Columbia government; and

(2) the District of Columbia government may provide services to the United States Government.

(b)(1) Services under this section shall be provided under an agreement—

(A) negotiated by officers and employees of the 2 governments; and

(B) approved by the Director of the Office of Management and Budget and the Mayor of the District of Columbia.

(2) Each agreement shall provide that the cost of providing the services shall be borne in the way provided in subsection (c) of this section by

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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31.	Public Debt	3101
33.	Depositing, Keeping, and Paying Money	3301
35.	Accounting and Collection	3501
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38.	Administrative Remedies for False Claims and Statements	3801
39.	Prompt Payment	3901

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

Sec.	
3101.	Public debt limit.
3101A.	Presidential modification of the debt ceiling.
3102.	Bonds.
3103.	Notes.
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3105.	Savings bonds and savings certificates.
3106.	Retirement and savings bonds.
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3110.	Sale of obligations of governments of foreign countries.
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SUBCHAPTER II—ADMINISTRATIVE

3121.	Procedure.
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3123.	Payment of obligations and interest on the public debt.
3124.	Exemption from taxation.
3125.	Relief for lost, stolen, destroyed, mutilated, or defaced obligations.
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.