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SUBTITLE VI—MISCELLANEOUS

CHAPTER 91—GOVERNMENT CORPORATIONS

Cross References

Agency defined to include government corporation subject to this chapter for purposes of provisions relating to training of government employees, see section 4101 of Title 5, Government Organization and Employees.

Applicability of this chapter to Administrator, Bonneville Power Administration, see section 838i of Title 16, Conservation.

Authority of Commodity Credit Corporation to issue obligations for purpose of carrying out annual budget programs, see section 713a–4 of Title 15, Commerce and Trade.

Budget to include recommendations on return of government capital to Treasury by mixed-ownership corporation, see section 1105 of this title.

Executive agency defined to exclude corporation, agency, or instrumentality subject to this chapter for purposes of section 3501 et seq. of this title, see section 3501 of this title.

Payment of additional amount by government corporation for cost of administration of employees' compensation provisions, see section 8147 of Title 5, Government Organization and Employees.

Specific powers of Commodity Credit Corporation, see section 714c of Title 15, Commerce and Trade.

§ 9101. Definitions

In this chapter—

(1) "Government corporation" means a mixed-ownership Government corporation and a wholly owned Government corporation.

(2) "mixed-ownership Government corporation" means—

(A) Amtrak.

(B) the Central Bank for Cooperatives.

(C) the Federal Deposit Insurance Corporation.

(D) the Federal Home Loan Banks.

(E) the Federal Intermediate Credit Banks.

(F) the Federal Land Banks.

(G) the National Credit Union Administration Central Liquidity Facility.

(H) the Regional Banks for Cooperatives.

(I) the Rural Telephone Bank when the ownership, control, and operation of the Bank are converted under section 410(a) of the Rural Electrification Act of 1936 (7 U.S.C. 950(a)).

(J) the United States Railway Association.

(3) "wholly owned Government corporation" means—

(A) the Commodity Credit Corporation.

(B) the Export-Import Bank of the United States.

(C) the Federal Crop Insurance Corporation.

(D) Federal Prison Industries, Incorporated.

(E) the Federal Savings and Loan Insurance Corporation.

(F) the Government National Mortgage Association.

(G) the Overseas Private Investment Corporation.

(H) the Pennsylvania Avenue Development Corporation.

(I) the Pension Benefit Guaranty Corporation.

(J) the Rural Telephone Bank until the ownership, control, and operation of the Bank are converted under section 410(a) of the Rural Electrification Act of 1936 (7 U.S.C. 950(a)).

(K) the Saint Lawrence Seaway Development Corporation.

(L) the Secretary of Housing and Urban Development when carrying out duties and powers related to the Federal Housing Administration Fund.

(M) the Tennessee Valley Authority.

(Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 1041; Pub.L. 97–258, § 2(*l*)(1), Sept. 13, 1982, 96 Stat. 1062; Pub.L. 97–452, § 1(26), Jan. 12, 1983, 96 Stat. 2478.)

Historical and Revision Notes

1982 Act

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9101(1)	(no source)	
9101(2)	31:856	Dec. 6, 1945, ch. 557, § 201, 59 Stat. 600; July 26, 1956, ch. 741, § 201(a)(2), (3), 70 Stat 667; Oct. 30, 1970, Pub.L. 91–518, § 804, 84 Stat. 1340; May 7, 1971, Pub.L. 92–12, § 4, 85 Stat. 37; Jan. 2, 1974, Pub.L. 93–236, §§ 202(g)(1), 301(f) (last sentence), 87 Stat. 992, 1005; Feb. 5, 1976, Pub.L. 94–210, § 612(b), 90 Stat. 108; Aug. 20, 1978, Pub.L. 95–351, § 301(a), 92 Stat. 513; Nov. 10, 1978, Pub.L. 95–630, § 1805, 92 Stat. 3724.

Revised Section	Source (U.S. Code)	Source (Sta . Large)
9101(3)	31:846	Dec. 6, 1945, ch. 577, § 101, 59 Stat. 597; Aug. 10, 1948, ch. 832, § 501(b) (less proviso), 62 Stat. 1283; June 30, 1949, ch. 285, § 13, 63 Stat. 356; May 13, 1954, ch. 201, § 6, 68 Stat. 95; July 26, 1956, ch. 741, § 201(a)(1), 70 Stat. 667; June 30, 1958, Pub.L. 85–477, § 502(c), 72 Stat. 272; Oct. 4, 1961, Pub.L. 87–353, § 3(u), 75 Stat. 774; May 25, 1967, Pub.L. 90–19, § 4, 81 Stat. 20; Aug. 1, 1968, Pub.L. 90–448, §§ 807(e), 1719(d), 82 Stat. 544, 610; Dec. 30, 1969, Pub.L. 91–175, § 501, 83 Stat. 825; Oct. 27, 1972, Pub.L. 92–578, § 15, 86 Stat. 1274; Sept. 2, 1974, Pub.L. 93–406, § 4002(g)(3), 88 Stat. 1005.

Explanatory Notes

Clause (1) is included because a number of the provisions of the chapter apply to mixed-ownership and wholly owned Government corporations, and the term "Government corporation" provides a simple phrase to refer to both of those kinds of corporations.

In clause (2)(A), "Amtrak" is substituted for "National Railroad Passenger Corporation" to conform to section 103(1) of the Rail Passenger Service Act (45 U.S.C. 502(1)) [section 502(1) of Title 45, Railroads].

In clause (2)(I), the words "when the ownership, control, and operation of the Bank are converted under section 410(a) of the Rural Electrification Act of 1936 (7 U.S.C. 950(a))" are added because of 7:943(c) and 950(a) [sections 943(c) and 950(a) of Title 7, Agriculture].

In clause (3), the words "Regional Agricultural Credit Corporations" are omitted because the corporations were merged with and liquidated by the Regional Agricultural Credit Corporation of Washington, D.C., which was dissolved on April 16, 1949. The words "Farmers Home Corporation" are omitted because the corporation never was activated. The words "Federal Surplus Commodities Corporation" are omitted because the corporation and the Division of Marketing and Marketing Agreements were consolidated into the Surplus Marketing Administration, which was merged into the Agricultural Marketing Administration, which was dissolved on March 14, 1947. The words "Reconstruction Finance Corporation" are omitted because the corporation was abolished on June 30, 1957. The words "Defense Plant Corporation; Defense Supplies Corporation; Metals Reserve Company; Rubber Reserve Company" are omitted because the corporations and companies were dissolved on July 1, 1945. The words "War Damage Corporation" are omitted because the corporation was terminated on January 22, 1947. The words "the RFC Mortgage Company" are omitted because the company was transferred to the Reconstruction Finance Corporation, which was abolished on June 30, 1957. The words "Disaster Loan Corporation" are omitted because the corporation was dissolved on July 1, 1945. The words "Inland Waterways Corporation" are omitted because the corporation was liquidated on July 19, 1963. The words "Warrior River Terminal Company" are omitted because the company was transferred to the Inland Waterways Corporation, which was liquidated on July 13, 1963. The words "Virgin Islands Corporation" are omitted because the corporation was dissolved on July 1, 1966. The words "United States Spruce Production Corporation" are omitted because the corporation was dissolved on December 12, 1946. The words "Institute of Inter-American Affairs" are omitted because the institute was transferred to the Foreign Operations Administration, which was abolished on May 9, 1955. The words "Institute of Inter-American Transportation" are omitted because the institute was dissolved August 24, 1949. The words "Inter-American Educational Foundation, Incorporated" are omitted because the foundation was succeeded by the Institute of Inter-American Affairs, which was transferred to the Foreign Operations Administration, which was abolished on May 9, 1955. The words "Inter-American Navigation Corporation" are omitted because the corporation was dissolved on February 25, 1947. The words "Prencinradio, Incorporated" are omitted because Prencinradio, Incorporated was dissolved May 10, 1949. The words "Cargoes, Incorporated" are omitted because Cargoes, Incorporated was dissolved April 30, 1945. The words "Export-Import Bank of the United States" are substituted for

"Export-Import Bank of Washington" because of section 1(a) of the Act of March 13, 1968 (Pub.L. 90–267, 82 Stat. 47) [see Tables volume]. The words "Petroleum Reserves Corporation" are omitted because the corporation was transferred to the Office of Economic Warfare, which was consolidated into the Foreign Economic Administration, which was transferred to the Reconstruction Finance Corporation and changed to the War Assets Corporation. The War Assets Corporation was dissolved as soon as practicable after March 25, 1946. The words "Rubber Development Corporation" are omitted because the certificate of incorporation expired on June 30, 1947. The words "U.S. Commercial Company" are omitted because the company was liquidated after June 30, 1948. The words "Smaller War Plants Corporation" are omitted because the corporation was abolished on June 30, 1947. The words "Defense Homes Corporation" are omitted because the corporation was liquidated on June 30, 1948. The words "Home Owners' Loan Corporation" are omitted because the corporation was dissolved on February 3, 1954. The words "United States Housing Corporation" are omitted because the corporation was terminated on September 8, 1952. The words "Panama Railroad Company" (subsequently changed to "Panama Canal Company" by section 2(a)(2) of the Act of September 26, 1950 (ch. 1049, 64 Stat. 1038)), are omitted because of 22:ch. 51 [section 3601 et seq. of Title 22, Foreign Relations and Intercourse]. The words "Tennessee Valley Associated Cooperatives, Incorporated" are omitted because the corporation was dissolved on January 18, 1950.

In clause (3)(J), the words "until the ownership, control, and operation of the Bank are converted under section 410(a) of the Rural Electrification Act of 1936 (7 U.S.C. 950(a))" are added because of 7:943(c) and 950(a) [sections 943(c) and 950(a) of Title 7, Agriculture] Clause (L) is substituted for the "Federal Housing Administration" because of section 5 of the Department of Housing and Urban Development Act (Pub.L. 89–174, 79 Stat. 669) [see Tables volume].

1983 Act

This amends 31:9101(2) [par. (2) of this section] because the National Consumer Cooperative Bank is no longer a mixed-ownership Government corporation. Section 396(h)(1) [amended former section 856 of this title] and (i) [set out as a note under section 3011 of Title 12, Banks and Banking] of the Omnibus Budget Reconciliation Act of 1981 (Pub.L. 97–35, 95 Stat. 440) provided that the Bank would cease being a mixed-ownership Government corporation on the day after the Final Government Equity Redemption Date. Section 501(36) of the Act of December 23, 1981 (Pub.L. 97–101, 95 Stat. 1440), provided that the Redemption Date was December 31, 1981.

References in Text. Section 410(a) of the Rural Electrification Act of 1936, referred to in pars. (2)(I) and (3)(J), is section 410(a) of Act May 20, 1936, c. 432, Title IV, as added May 7, 1971, Pub.L. 92–12, § 2, 85 Stat. 36, which is classified to section 950(a) of Title 7, Agriculture.

1983 Amendment. Par. (2)(K). Pub.L. 97–452 struck out par. (2)(K) relating to the National Consumer Cooperative Bank which entailed no change in text because this amendment had already been made by Pub.L. 97–258. See 1982 Amendment note below.

1982 Amendment. Par. (2)(K). Pub.L. 97–258, § 2(*l*)(1), struck out subpar. (K) relating to the National Consumer Cooperative Bank.

Effective Date of 1983 Amendment. Section 2(i) of Pub.L. 97–452 provided in part that the amendment to this section by Pub.L. 97–452 is effective as of Sept. 13, 1982. See section 2(i) of Pub.L. 97–452, set out as an Effective Date of 1983 Amendment note under section 3331 of this title.

Effective Date of 1982 Amendment. Section 2(*l*) of Pub.L. 97–258 provided in part that the amendment to par. (2)(K) would be effective on Jan. 1, 1982.

Federal National Mortgage Association. Act Aug. 2, 1954, c. 649, Title II, § 202, 68 Stat. 622, provided: "The Federal National Mortgage Association, established pursuant to the provisions of title III of the National Housing Act as in effect prior to July 1, 1948, and named in section 101 of the Government Corporation Control Act, as amended [former section 846 of this title] shall be the body corporate referred to in section 302 of Title III of the National Housing Act, as amended by the Housing Act of 1954 [section 1717 of Title 12]".

Legislative History. For legislative history and purpose of Pub.L. 97–452, see 1983 U.S. Code Cong. and Adm.News, p. 4301.

Library References

United States ⟹53(1).

C.J.S. United States § 65.

Notes of Decisions

1. Mixed-ownership Government corporation

Civil Air Patrol is not a "mixed-ownership government corporation" whose financial transactions are required to be audited annually by General Accounting Office. Pearl v. U.S., C.A.Okl.1956, 230 F.2d 243.

Civil Air Patrol was not a wholly owned government corporation of type listed in former section 846 of this title whose financial transactions and operations were kept under annual scrutiny by Congress. Id.

§ 9102. Establishing and acquiring corporations

An agency may establish or acquire a corporation to act as an agency only by or under a law of the United States specifically authorizing the action.

(Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 1042.)

Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9102	31:869(a)	Dec. 6, 1945, ch. 557, § 304(a), 59 Stat. 602.

Explanatory Notes

The word "agency" is substituted for "officer or agency of the Federal Government or by any Government corporation" and "agency or instrumentality of the United States" because of section 101 of the revised title [section 101 of this title], for consistency, and because a Government corporation is an "instrumentality of the United States Government". The word "establish" is substituted for "created, organized" to eliminate unnecessary words. The words "on or after December 6, 1945" are omitted as executed. The words "law of the United States" are substituted for "Act of Congress" for consistency.

Library References

United States ⟹53(2).

C.J.S. United States § 65.

§ 9103. Budgets of wholly owned Government corporations

(a) Each wholly owned Government corporation shall prepare and submit each year to the President a business-type budget in a way, and before a date, the President prescribes by regulation for the budget program.

(b) The budget program for each wholly owned Government corporation shall—

(1) contain estimates of the financial condition and operations of the corporation for the current and following fiscal years and the condition and results of operations in the last fiscal year;

(2) contain statements of financial condition, income and expense, and sources and use of money, an analysis of surplus or deficit, and additional statements and information to make known the financial condition and operations of the corporation, including estimates of operat... by major activities, administrative expenses, borrowings, the amount of United States Government capital that will be returned to the Treasury during the fiscal year, and appropriations needed to restore capital impairments; and

(3) provide for emergencies and contingencies and otherwise be flexible so that the corporation may carry out its activities.

(c) The President shall submit the budget programs submitted by wholly owned Government corporations (as changed by the President) as part of the budget submitted to Congress under section 1105 of this title. The President thereafter may submit changes in a budget program of a corporation at any time.

(Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 1042.)

Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9103(a)	31:847 (1st sentence)	Dec. 6, 1945, ch. 557, § 102, 59 Stat. 598; Sept. 12, 1950, ch. 946, § 105, 64 Stat. 834.
9103(b)	31:847 (2d–last sentences)	
9103(c)	31:848	Dec. 6, 1945, ch. 557, § 103, 59 Stat. 598.

Explanatory Notes

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) [set out under section 501 of this title] 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 a way, and before a date, the President prescribes" are substituted for "under such rules and regulations as the President may establish as to the date of submission, the form and content, the classifications of data, and the manner in which such budget program shall be prepared and presented" to eliminate unnecessary words.

In subsection (b), before clause (1), the word "budget" is substituted for "budget program shall be a business-type budget, or plan of operation" for consistency and to eliminate unnecessary words. In clause (1), the words "actual" and "completed" are omitted as surplus. In clause (2), the words "as are necessary or desirable", "types of", "together with", and "funds" are omitted as surplus. In clause (3), the words "as authorized by law" are omitted as surplus.

In subsection (c), the words "may change" are substituted for "as modified, amended, or revised by" to eliminate unnecessary words. The word "budget" is substituted for "budget programs", and the word "submit" is substituted for "transmitted", for consistency. The word "annual" is omitted as surplus. The word "thereafter" is added for clarity. The text of 31:848 [former section 848 of this title] (last par.) is omitted as unnecessary.

Fiscal Year Transition Period of July 1, 1976, Through September 30, 1976, Deemed Fiscal Year. Fiscal year transition period of July 1, 1976, through Sept. 30, 1976, deemed fiscal year for purposes of this section, see section 201(31) of Pub.L. 94–274, Title II, Apr. 21, 1976, 90 Stat. 390, set out as a note under section 343 of Title 7, Agriculture.

Cross References

Annual budget for synthetic rubber disposal program, see section 1941g of Appendix to Title 50, War and National Defense.

Budgets for disaster loan fund and business loan and investment fund, see section 633 of Title 15, Commerce and Trade.

Veterans' Canteen Service, preparation and submission of budget, see section 4206 of Title 38, Veterans' Benefits.

Library References

United States ⚖53(8). C.J.S. United States § 70.

§ 9104. Congressional action on budgets of wholly owned Government corporations

(a) Congress shall—

(1) consider budget programs for wholly owned Government corporations the President submits;

(2) make necessary appropriations authorized by law;

(3) make corporate financial resources available for operating and administrative expenses; and

(4) provide for repaying capital and the payment of dividends.

(b) This section does not—

(1) prevent a wholly owned Government corporation from carrying out or financing its activities as authorized under another law;

(2) affect section 26 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831y); or

(3) affect the authority of a wholly owned Government corporation to make a commitment without fiscal year limitation.

(Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 1043.)

Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9104(a)	31:849 (1st sentence)	Dec. 6, 1945, ch. 557, § 104, 59 Stat. 598; restated July 30, 1947, ch. 358, § 307, 61 Stat. 584.
9104(b)	31:849 (2d, last sentences)	

Explanatory Notes

In subsection (a), the words "budgets for wholly owned Government corporations" are substituted for "Budget programs" for clarity and consistency. The words "legislation . . . be enacted", "as may be", "for expenditure", "corporate funds or other", "or limiting the use thereof", "as the Congress may determine", and "funds" are omitted as surplus.

In subsection (b), the word "existing" is omitted as surplus. In clause (1), the word "another" is added for clarity. In clause (3), the words "contracts or other" and "reference to" are omitted as surplus.

References in Text. Section 26 of the Tennessee Valley Authority Act of 1933, referred to in subsec. (b)(2), is section 26 of Act May 18, 1933, c. 32, 48 Stat. 71, which is classified to section 831y of Title 16, Conservation.

Cross References

Appropriation defined to include funds made available by statute under this section for purposes of provisions relating to—

Employment of experts and consultants, see section 3109 of Title 5, Government Organization and Employees.

Protective clothing and equipment, see section 7903 of Title 5.

Travel, transportation and subsistence, see section 5721 of Title 5.

Authority o. .nodity Credit Corporation to make contracts and commitments without regard to fiscal year limitations, see section 713a-10 of Title 15, Commerce and Trade.

Budgets for disaster loan fund and business loan and investment fund, see section 633 of Title 15.

Consideration and enactment of budget for Government Printing Office revolving fund as prescribed by this section, see section 309 of Title 44, Public Printing and Documents.

Library References

United States ⚷53(8). C.J.S. United States § 70.

§ 9105. Audits

(a)(1) Under regulations of the Comptroller General, the Comptroller General shall audit financial transactions of—

(A) wholly owned Government corporations; and

(B) mixed-ownership Government corporations during periods in which capital of the United States Government is invested in a mixed-ownership Government corporation.

(2) The Comptroller General shall audit each Government corporation at least once every 3 years. The Comptroller General shall audit the Federal Savings and Loan Insurance Corporation and Federal home loan banks on a calendar year basis.

(b) In conducting an audit under subsection (a) of this section, the Comptroller General—

(1) to the greatest extent the Comptroller General considers practicable, shall use reports of examinations of a Government corporation that a supervising administrative agency makes; and

(2) without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), may make a contract for professional services with a firm or organization for a temporary period or special purpose.

(c) An audit under subsection (a) of this section shall be conducted consistent with principles and procedures applicable to commercial corporate transactions where the accounts of a Government corporation usually are kept. A Government corporation shall—

(1) make available to the Comptroller General for audit all records and property of, or used by, the corporation that are necessary for the audit; and

(2) provide the Comptroller General with facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, or custodians.

(d) Regulations prescribed under subsection (a) of this section may provide that any part of an account of an accountable official about a financial transaction of a wholly owned Government corporation sent to the Comptroller General for settlement may be kept at the office of the corporation and that the Comptroller General may settle any part of the account on the basis of an examination during an audit. This subsection does not affect the

authority of the Tennessee Valley Authority under section [illegible] the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831h(b)).

(e) The Comptroller General shall pay the cost of an audit under this section. A Government corporation shall reimburse the Comptroller General for the cost of the audit as determined by the Comptroller General. The Comptroller General shall deposit the reimbursement in the Treasury as miscellaneous receipts. Except as expressly provided by law, a Government corporation may not pay the cost of a private audit of the financial records of the corporation.

(f) An audit under subsection (a) of this section is in place of an audit of the financial transactions of a Government corporation the Comptroller General is required to make in reporting to Congress or the President under another law.

(g) Necessary amounts are authorized to be appropriated to the Comptroller General to carry out this section.

(Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 1043.)

Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9105(a)	31:850 (1st sentence 1st–16th, 30th–46th words, 4th–last sentences).	Dec. 6, 1945, ch. 557, § 105, 59 Stat. 599; Aug. 30, 1964, Pub.L. 88–518, § 2(a), 78 Stat. 698; Jan. 2, 1975, Pub.L. 93–604, § 601(a), 88 Stat. 1962.
	31:857 (1st sentence 1st–26th, 39th–last words, 4th–last sentences).	Dec. 6, 1945, ch. 557, § 202, 59 Stat. 600; Aug. 30, 1964, Pub.L. 88–518, § 1(a), 78 Stat. 698; Jan. 2, 1975, Pub.L. 93–604, § 601(c), 88 Stat. 1962.
9105(b)	31:866(a) (last proviso), (b)	Dec. 6, 1945, ch. 557, § 301, 59 Stat. 601.
9105(c)	31:850 (1st sentence 17th–29th words, 2d, 3d sentences). 31:857 (1st sentence 27th–38th words, 2d, 3d sentences).	
9105(d)	31:850 (1st sentence proviso)	
9105(e)	31:866(a) (words before 1st comma, 1st proviso), (d).	
9105(f)	31:866(c)	
9105(g)	31:866(a) (words between 1st comma and 1st proviso).	

Explanatory Notes

In the section, the words "Comptroller General" are substituted for "General Accounting Office" for consistency.

In subsection (a), the words "rules and . . . of the United States" are omitted as surplus. The words "United States" are added for consistency. The text of 31:850 [former section 850 of this title] (4th sentence) and 857 [former section 857 of this title] (4th sentence) and the words "Effective July 1, 1974" are omitted as executed.

In subsection (b)(1), the words "pursuant to law" are omitted as surplus.

In subsection (b)(2), the words "may make a contract" are substituted for "is authorized in his discretion to employ by contract" to eliminate unnecessary words.

In subsection (c), before clause (1), the words "at the place or places" and "of the respective corporations" are omitted as surplus. The words "A Government corporation shall" are added for clarity. In clause (1), the words "make available . . . for audit all records" are substituted for "The representatives of . . . shall have access to all books, accounts, financial records, reports, files, and all other papers" for consistency and because of the restatement. The words "things, or" are omitted because they are included in "property". In clause (2), the word "full" is omitted as surplus.

Subsec[illegible]') is substituted for 31:850 [former [illegible]50 of this title] (1st sentence proviso w[illegible] before 7th comma) because of the restatement.

In subsection (e), the words "The Comptroller General shall pay the cost of an audit" are substituted for "The expenses of auditing the financial transactions of wholly owned and mixed-ownership Government corporations as provided in sections 850 and 857 of this title shall be borne out of appropriations to the General Accounting Office" to eliminate unnecessary words. The words "full" and "otherwise . . . funds of any . . . be used to . . . of the offices" are omitted as surplus. The words "except the cost of such audits contracted for and undertaken prior to April 25, 1945" are omitted as executed.

Subsection (g) is substituted for 31:866(a) [former section 866(a) of this title] (words between 1st comma and 1st proviso) for clarity and consistency.

References in Text. Section 3709 of the Revised Statutes, referred to in subsec. (b)(2), is classified to section 5 of Title 41, Public Contracts.

Section 9(b) of the Tennessee Valley Authority Act of 1933, referred to in subsec. (d), is section 9(b) of Act May 18, 1933, c. 32, 48 Stat. 63, which is classified to section 831h(b) of Title 16, Conservation.

Cross References

Additional audits of Tennessee Valley Authority accounts by certified public accounting firms, see section 831n-4 of Title 16, Conservation.

Audit of financial transactions of Administrator, Bonneville Power Administration, see section 838i of Title 16.

Audit reports, see section 9106 of this title.

Federal Home Loan Banks, audits, see section 1431 of Title 12, Banks and Banking.

Library References

United States ⚷53(8). C.J.S. United States § 70.

§ 9106. Audit reports

(a) The Comptroller General shall submit to Congress a report on each audit of a Government corporation under section 9105 of this title not later than 6.5 months after the end of the last year covered by the audit. The report shall state the scope of the audit and include—

(1) a statement (showing intercorporate relations) of assets, liabilities, capital, and surplus or deficit;

(2) a statement of surplus or deficit analysis;

(3) a statement of income and expenditures;

(4) a statement of sources and the use of money;

(5) specifically each financial transaction or undertaking the Comptroller General believes was carried out or made without authority of law;

(6) comments and information the Comptroller General considers necessary to keep Congress informed about the operations and financial condition of the Government corporation, including a statement of impaired capital noticed and recommendations for the return of capital of the United States Government or the payment of dividends the Comptroller General believes should be made; and

(7) other recommendations the Comptroller General considers advisable.

(b) The Comptroller General shall give the President, the Secretary of the Treasury, and the Government corporation a copy of the report when it is submitted to Congress.

(Pub.L. 97-258, Sept. 13, 1982, 96 Stat. 1044.)

Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9106(a)	31:851 (1st-3d sentences)	Dec. 6, 1945, ch. 557, § 106, 59 Stat. 599; Aug. 30, 1964, Pub.L. 88-518, § 2(b), 78 Stat. 698; Jan. 2, 1975, Pub.L. 93-604, § 601(b), 88 Stat. 1962.
	31:858 (1st-3d sentences)	Dec. 6, 1945, ch. 557, § 203, 59 Stat. 600; Aug. 30, 1964, Pub.L. 88-518, § 1(b), 78 Stat. 698; Jan. 2, 1975, Pub.L. 93-604, § 601(d), 88 Stat. 1963.
9106(b)	31:851 (last sentence)	
	31:858 (last sentence)	

Explanatory Notes

In subsection (a), before clause (1), the words "of a Government corporation" are added for clarity. In clause (5), the words "program, expenditure, or other", "observed in the course of the audit", and "of law" are omitted as surplus. In clause (6), the word "statement" is substituted for "report" for consistency. The words "noted in the audit" are omitted as surplus. The word "made" is substituted for "accomplished" for consistency. In clause (7), the word "other" is added for clarity because of the restatement. The words "with respect thereto" are omitted as surplus.

In subsection (b), the words "The Comptroller General" are added for clarity.

Cross References

Additional reports of financial condition and operations of Tennessee Valley Authority by certified public accounting firms, see section 831n-4 of Title 16, Conservation.

Reports of results of audit of financial transactions of Administrator, Bonneville Power Administration, see section 838i of Title 16.

§ 9107. Accounts

(a) With the approval of the Comptroller General, a Government corporation may consolidate its cash into an account if the cash will be expended as provided by law.

(b) The Secretary of the Treasury shall keep the accounts of a Government corporation. If the Secretary approves, a Federal reserve bank or a bank designated as a depositary or fiscal agent of the United States Government may keep the accounts. The Secretary may waive the requirements of this subsection.

(c)(1) Subsection (b) of this section does not apply to maintaining a temporary account of not more than $50,000 in one bank.

(2) Subsection (b) of this section does not apply to a mixed-ownership Government corporation when the corporation has no capital of the Government.

(3) Subsection (b) of this section does not apply to the Federal Intermediate Credit Banks, the Central Bank for Cooperatives, the Regional Banks for Cooperatives, or the Federal Land Banks. However, the head of each of

Index

those ba. ıall report each year to the Secretary the names of depositaries where accounts are kept. If the Secretary considers it advisable when an annual report is received, the Secretary may make a written report to the corporation, the President, and Congress.

(Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 1044; Pub.L. 97–258, § 2(*l*)(2), Sept. 13, 1982, 96 Stat. 1062; Pub.L. 97–452, § 1(27), Jan. 12, 1983, 96 Stat. 2478.)

Historical and Revision Notes

1982 Act

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9107(a)	31:870	Aug. 24, 1949, ch. 506, § 309, 63 Stat. 662.
9107(b)	31:867 (1st sentence less last proviso)	Dec. 6, 1945, ch. 577, § 302, 59 Stat. 601; July 26, 1956, ch. 741, § 201(a)(4), 70 Stat. 667; Aug. 20, 1978, Pub.L. 95–351, § 301(b), 92 Stat. 514.
9107(c)(1)	31:867 (1st sentence last proviso)	
9107(c)(2)	31:868(d) (1st sentence related to 31:867).	Dec. 6, 1945, ch. 577, § 303(d) (1st sentence related to § 302), 59 Stat. 602.
9107(c)(3)	31:867 (last sentence)	

Explanatory Notes

In subsection (a), the words "After June 30, 1949" are omitted as executed. The words "Government corporation" are substituted for "corporations or agencies subject to this chapter" because of section 9101(1) of the revised title [section 9101(1) of this title]. The words "notwithstanding the provisions of any other law", "or more . . for banking and checking purposes", and "including amounts appropriated, from whatever source derived" are omitted as surplus. The words "if the cash will be expended as provided by law" are substituted for 31:870 [former section 870 of this title] (proviso) to eliminate unnecessary words.

In subsections (b) and (c), the words "banking or checking" are omitted as surplus.

In subsection (b), the words "Secretary of the Treasury" are substituted for "Treasurer of the United States" because of the source provisions restated in section 321(c) of the revised title [section 321(c) of this title]. The words "wholly owned and mixed-ownership" and "under such conditions as he may determine" are omitted as surplus.

In subsection (c)(1), the words "establishment and" and "in any one bank" are omitted as surplus.

In subsection (c)(3), the words "head of each" are added for consistency.

1983 Act

This amends 31:9107(c)(3) [subsec. (c)(3) of this section] and 9108(d)(2) [section 9108(d)(2) of this title] because the National Consumer Cooperative Bank is no longer a mixed-ownership Government corporation. Section 396(h)(2) [which amended section 867 of this title] and (3) [which amended former section 868 of this title] and (i) [set out as a note under section 3011 of Title 12, Banks and Banking] of the Omnibus Budget Reconciliation Act of 1981 (Pub.L. 97–35, 95 Stat. 440) provided that references to the Bank in sections 302 [former section 867 of this title] and 303(d) [former section 868(d) of this title] (2d sentence) of the Government Corporation Control Act would be deleted on the day after the Final Government Equity Redemption Date. Section 501(36) of the Act of December 23, 1981 (Pub.L. 97–101, 95 Stat. 1440), provided that the Redemption Date was December 31, 1981.

1983 Amendment. Subsec. (c)(3). Pub.L. 97–452 struck out "the National Consumer Cooperative Bank," following "Regional Banks for Cooperatives," which entailed no change in text because this amendment had already been made by Pub.L. 97–258. See 1982 Amendment note below.

1982 Amendment. Subsec. (c)(3). Pub.L. 97–258, § 2(*l*)(2), struck out "the National Consumer Cooperative Bank," following "Regional Banks for Cooperatives,".

Effective Date of 1983 Amendment. Section 2(i) of Pub.L. 97–452 provided in part that the amendment to this section by Pub.L. 97–452 is effective as of Sept. 13, 1982. See section 2(i) of Pub.L. 97–452, set out as an Effective Date of 1983 Amendment note under section 3331 of this title.

Effective Date of 1982 Amendment. Section 2(*l*) of Pub.L. 97–258 provided in part that the amendment to subsec. (c)(3) would be effective on Jan. 1, 1982.

Legislative History. islative history and purpose of Pub.L. , see 1983 U.S. Code Cong. and Adm.News, p. 4301.

§ 9108. Obligations

(a) Before a Government corporation issues obligations and offers obligations to the public, the Secretary of the Treasury shall prescribe—

(1) the form, denomination, maturity, interest rate, and conditions to which the obligations will be subject;

(2) the way and time the obligations are issued; and

(3) the price for which the obligations will be sold.

(b) A Government corporation may buy or sell a direct obligation of the United States Government, or an obligation on which the principal, interest, or both, is guaranteed, of more than $100,000 only when the Secretary approves the purchase or sale. The Secretary may waive the requirement of this subsection under conditions the Secretary may decide.

(c) The Secretary may designate an officer or employee of an agency to carry out this section if the head of the agency agrees.

(d)(1) This section does not apply to a mixed-ownership Government corporation when the corporation has no capital of the Government.

(2) Subsections (a) and (b) of this section do not apply to the Rural Telephone Bank (when the ownership, control, and operation of the Bank are converted under section 410(a) of the Rural Electrification Act of 1936 (7 U.S.C. 950(a))), the Federal Intermediate Credit Banks, the Central Bank for Cooperatives, the Regional Banks for Cooperatives, and the Federal Land Banks. However, the head of each of those banks shall consult with the Secretary before taking action of the kind described in subsection (a) or (b). If agreement is not reached, the Secretary may make a written report to the corporation, the President, and Congress on the reasons for the Secretary's disagreement.

(Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 1045; Pub.L. 97–258, § 2(*l*)(2), Sept. 13, 1982, 96 Stat. 1062; Pub.L. 97–452, § 1(27), Jan. 12, 1983, 96 Stat. 2478.)

Historical and Revision Notes

1982 Act

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9108(a)	31:868(a)	Dec. 6, 1945, ch. 557, § 303 (less (d) (1st sentence related to § 302)), 59 Stat. 601; July 26, 1956, ch. 741, § 201(a)(4), 70 Stat. 667; May 7, 1971, Pub.L. 92–12, § 5, 85 Stat. 37; Aug 20, 1978, Pub.L. 95–351, § 301(c), 92 Stat. 514.
9108(b)	31:868(b)	
9108(c)	31:868(c)	
9108(d)	31:868(d) (less 1st sentence related to 31:867).	

Explanatory Notes

In subsections (a) and (b), the words "on or after December 6, 1945" are omitted as executed. The words "wholly owned or mixed-ownership" are omitted because of section 9101(1) of the revised title [section 9101(1) of this title].

In subsection (a), before clause (1), the word "Before" is substituted for "which are" for clarity. The words "bonds, notes, debentures, and other similar" are omitted as surplus. The words "as have been" are omitted as executed. In clause (1), the words "terms and" are omitted as surplus.

In subsection (b), the word "Government" is added for consistency. The words "for its own account and in its own right and interest, at any one time aggregating" and "his approval with respect to any transaction or classes of transactions subject to the provisions of . . . for such period of time and" are omitted as surplus.

In subsection (c), the word "agency" is substituted for "Federal agency" because of section 101 of the revised title [section 101 of this title]. The words "any of the functions vested in him by" and "for such purpose" are omitted as surplus.

In subsection (d)(2), the words "(when the ownership, control, and operation of the Bank are converted under section 410(a) of the Rural Electrification Act of 1936 (7 U.S.C. 950(a)))" are added because of 7:943(c) and 950(a) [sections 943(c) and 950(a) of Title 7, Agriculture]. The words "head of each" are added for consistency. The words "be required to" are omitted as surplus.

1983 Act

This amends 31:9107(c)(3) [section 9107(c)(3) of this title] and 9108(d)(2) [subsec. (d)(2) of this section] because the National Consumer Cooperative Bank is no longer a mixed-ownership Government corporation. Section 396(h)(2) [which amended section 867 of this title] and (3) [which amended former section 868 of this title] and (i) [set out as a note under section 3011 of Title 12, Banks and Banking] of the Omnibus Budget Reconciliation Act of 1981 (Pub.L. 97-35, 95 Stat. 440) provided that references to the Bank in sections 302 [former section 867 of this title] and 303(d) [former section 868(d) of this title] (2d sentence) of the Government Corporation Control Act would be deleted on the day after the Final Government Equity Redemption Date. Section 501(36) of the Act of December 23, 1981 (Pub.L. 97-101, 95 Stat. 1440), provided that the Redemption Date was December 31, 1981.

References in Text. Section 410(a) of the Rural Electrification Act of 1936, referred to in subsec. (d)(2), is section 410(a) of Act May 20, 1936, c. 432, Title IV, as added May 7, 1971, Pub.L. 92-12, § 2, 85 Stat. 36, which is classified to section 950(a) of Title 7, Agriculture.

1983 Amendment. Subsec. (d)(2). Pub.L. 97-452 struck out "the National Consumer Cooperative Bank," following "the Regional Banks for Cooperatives," which entailed no change in text because this amendment had already been made by Pub.L. 97-258. See 1982 Amendment note below.

1982 Amendment. Subsec. (d)(2). Pub.L. 97-258, § 2(*l*)(2), struck out "the National Consumer Cooperative Bank," following "Regional Banks for Cooperatives,".

Effective Date of 1983 Amendment. Section 2(i) of Pub.L. 97-452 provided in part that the amendment to this section by Pub.L. 97-452, is effective as of Sept. 13, 1982. See section 2(i) of Pub.L. 97-452, set out as an Effective Date of 1983 Amendment note under section 3331 of this title.

Effective Date of 1982 Amendment. Section 2(*l*) of Pub.L. 97-258 provided in part that the amendment to subsec. (d)(2) would be effective on Jan. 1, 1982.

Legislative History. For legislative history and purpose of Pub.L. 97-452, see 1983 U.S. Code Cong. and Adm.News, p. 4301.

§ 9109. Exclusion of a wholly owned Government corporation from this chapter

When the President considers it practicable and in the public interest, the President shall include in the budget submitted to Congress under section 1105 of this title a recommendation that a wholly owned Government corporation be deemed to be an agency (except a corporation) under chapter 11 of this title and for fiscal matters. If Congress approves the recommenda-

tion, the corporation is deemed to be an agency (except a c[illegible]ion) under chapter 11 and for fiscal matters for fiscal years beginning [illegible]er the fiscal year of approval and is not subject to this chapter. The corporate entity is not affected by this section.

(Pub.L. 97-258, Sept. 13, 1982, 96 Stat. 1045.)

Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9109	31:852	Dec. 6, 1945, ch. 577, § 107, 59 Stat. 599.

Explanatory Notes

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) [set out under section 501 of this title] 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 "with the approval of the President" are omitted because of the restatement. The word "considers" is substituted for "deemed" for consistency. The words "in connection with the budget program of such corporation" are omitted as surplus. The words "submitted to Congress under section 1105 of this title" are added for clarity. The words "deemed to be" are substituted for "treated . . . as if it were" for consistency. The word "agency" is substituted for "Government agency" and "establishment" because of section 101 of the revised title [section 101 of this title] and for consistency. The words "if it were", "appropriations, expenditures, receipts, accounts, and other", and "in connection with the budget program for any fiscal year" are omitted as surplus. The words "deemed to be" are substituted for "regarded as" for consistency. The words "the Budget and Accounting Act, 1921, and other provisions of law relating to appropriations, expenditures, receipts, accounts, and other" and "other than this section" are omitted as surplus.

(c) Such policies, procedures, and guidelines shall include such provisions as may be necessary to ensure that small business concerns and business concerns owned and controlled by socially and economically disadvantaged individuals will have the opportunity to participate in the performance of contracts awarded to fulfill the audit requirements of this chapter.

(Added Pub.L. 98–502, § 2(a), Oct. 19, 1984, 98 Stat. 2333.)

HISTORICAL AND STATUTORY NOTES

Legislative History

For legislative history and purpose of Pub.L. 98–502, see 1984 U.S. Code Cong. and Adm. News, p. 3955.

§ 7506. Monitoring responsibilities of the Comptroller General

The Comptroller General shall review provisions requiring financial or financial and compliance audits of recipients of Federal assistance that are contained in bills and resolutions reported by the committees of the Senate and the House of Representatives. If the Comptroller General determines that a bill or resolution contains provisions that are inconsistent with the requirements of this chapter, the Comptroller General shall, at the earliest practicable date, notify in writing—

(1) the committee that reported such bill or resolution; and

(2)(A) the Committee on Governmental Affairs of the Senate (in the case of a bill or resolution reported by a committee of the Senate); or

(B) the Committee on Government Operations of the House of Representatives (in the case of a bill or resolution reported by a committee of the House of Representatives).

(Added Pub.L. 98–502, § 2(a), Oct. 19, 1984, 98 Stat. 2333.)

HISTORICAL AND STATUTORY NOTES

Legislative History

For legislative history and purpose of Pub.L. 98–502, see 1984 U.S. Code Cong. and Adm. News, p. 3955.

§ 7507. Effective date; report

(a) This chapter shall apply to any State or local government with respect to any of its fiscal years which begin after December 31, 1984.

(b) The Director, on or before May 1, 1987, and annually thereafter, shall submit to each House of Congress a report on operations under this chapter. Each such report shall specifically identify each Federal agency or State or local government which is failing to comply with this chapter.

(Added Pub.L. 98–502, § 2(a), Oct. 19, 1984, 98 Stat. 2334.)

HISTORICAL AND STATUTORY NOTES

Legislative History

For legislative history and purpose of Pub.L. 98–502, see 1984 U.S. Code Cong. and Adm. News, p. 3955.

SUBTITLE VI—MISCELLANEOUS

CHAPTER 91—GOVERNMENT CORPORATIONS

Sec. Sec.

HISTORICAL AND STATUTORY NOTES

1990 Amendment

Section analysis. Pub.L. 101–576, Title III, § 306(b), Nov. 15, 1990, 104 Stat. 2854, substituted "Management" for "Audits".

§ 9101. Definitions

In this chapter—

(1) "Government corporation" means a mixed-ownership Government corporation and a wholly owned Government corporation.

(2) "mixed-ownership Government corporation" means—

[See main volume for text of (A) to (J)]

(K) The Financing Corporation.

(L) the Resolution Trust Corporation.

(M) the Resolution Funding Corporation.

(3) "wholly owned Government corporation" means—

[See main volume for text of (A) to (D)]

[(E) Repealed. Pub.L. 101–73, Title III, § 307(e), Aug. 9, 1989, 103 Stat. 353]

[See main volume for text of (F) to (M)]

(As amended Pub.L. 100–86, Title III, § 303, Aug. 10, 1987, 101 Stat. 597; Pub.L. 101–73, Title III, § 307(e), Title V, §§ 501(d), 511(b)(1), Aug. 9, 1989, 103 Stat. 353, 394, 406.)

HISTORICAL AND STATUTORY NOTES

1982 Act

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9101(1)	(no source)	
9101(2)	31:856	Dec. 6, 1945, ch. 557, § 201, 59 Stat. 600; July 26, 1956, ch. 741, § 201(a)(2), (3), 70 Stat. 667; Oct. 30, 1970, Pub.L. 91–518, § 804, 84 Stat. 1340; May 7, 1971, Pub.L. 92–12, § 4, 85 Stat. 37; Jan. 2, 1974, Pub.L. 93–236, §§ 202(g)(1), 301(f) (last sentence), 87 Stat. 992, 1005; Feb. 5, 1976, Pub.L. 94–210, § 612(b), 90 Stat. 108; Aug. 20, 1978, Pub.L. 95–351, § 301(a), 92 Stat. 513; Nov. 10, 1978, Pub.L. 95–630, § 1805, 92 Stat. 3724; Aug. 13, 1981, Pub.L. 97–35, § 396(h)(1), 95 Stat. 440.
9101(3)	31:846	Dec. 6, 1945, ch. 577, § 101, 59 Stat. 597; Aug. 10, 1948, ch. 832, § 501(b) (less proviso), 62 Stat. 1283; June 30, 1949, ch. 285, § 13, 63 Stat. 356; May 13, 1954, ch. 201, § 6, 68 Stat. 95; July 26, 1956, ch. 741, § 201(a)(1), 70 Stat. 667; June 30, 1958, Pub.L. 85–477, § 502(c), 72 Stat. 272; Oct. 4, 1961, Pub.L. 87–353, § 3(u), 75 Stat. 774; May 25, 1967, Pub.L. 90–19, § 4, 81 Stat. 20; Aug. 1, 1968, Pub.L. 90–448, §§ 807(e), 1719(d), 82 Stat. 544, 610; Dec. 30, 1969, Pub.L. 91–175, § 501, 83 Stat. 825, Oct. 27,

1989 Amendment

Par. (2)(L). Pub.L. 101-73, § 501(d), added subpar. (L).

Par. (2)(M). Pub.L. 101-73, § 511(b)(1), added subpar. (M).

Par. (3)(E). Pub.L. 101-73, § 307(e), struck out subpar. (E), which included the Federal Savings and Loan Insurance Corporation in the definition of "wholly owned Government corporation".

1987 Amendment

Par. (2)(K). Pub.L. 100-86, § 303, added subpar. (K).

Separability of Provisions

If any provision of Pub.L. 101-73 or the application thereof to any person or circumstance is held invalid, the remainder of Pub.L. 101-73 and the application of the provision to other persons not similarly situated or to other circumstances not to be affected thereby, see section 1221 of Pub.L. 101-73, set out as a note under section 1811 of Title 12, Banks and Banking.

If any provision of Pub.L. 100-86 or the application thereof to any person or circumstances is held invalid, the remainder of Pub.L. 100-86 and the application of the provision to other persons not similarly situated or to other circumstances not to be affected thereby, see section 1205 of Pub.L. 100-86, set out as a note under section 226 of Title 12, Banks and Banking.

Legislative History

For legislative history and purpose of Pub.L. 100-86 see 1987 U.S.Code Cong. and Adm.News, p. 489. See, also, Pub.L. 101-73, 1989 U.S.Code Cong. and Adm.News, p. 86.

WEST'S FEDERAL PRACTICE MANUAL

Overseas Private Investment Corporation, see § 2167.

LAW REVIEW COMMENTARIES

Enhancing the value of the thrift franchise: A possible solution for the dilemma of the FSLIC? C. Thomas Long, William J. Schilling, and Carol R. Van Cleef, 37 Catholic U.L.Rev. 385 (1988.)

§ 9103. Budgets of wholly owned Government corporations

HISTORICAL AND STATUTORY NOTES

Explanatory Notes

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 words "in a way, and before a date, the President prescribes by regulation for the budget program" are substituted for "under such rules and regulations as the President may establish as to the date of submission, the form and content, the classifications of data, and the manner in which such budget program shall be prepared and presented" to eliminate unnecessary words.

In subsection (b), before clause (1), the words "budget program" are substituted for "budget program shall be a business-type budget, or plan of operation" for consistency and to eliminate unnecessary words. In clause (1), the words "actual" and "completed" are omitted as surplus. In clause (2), the words "as are necessary or desirable", "types of", "together with", and "funds" are omitted as surplus. In clause (3), the words "as authorized by law" are omitted as surplus.

In subsection (c), the words "as changed" are substituted for "as modified, amended, or revised" to eliminate unnecessary words. The word "submit" is substituted for "transmitted" for consistency. The word "annual" is omitted as surplus. The word "thereafter" is added for clarity. The text of 31:848 (last par.) is omitted as unnecessary.

§ 9104. Congressional action on budgets of wholly owned Government corporations

HISTORICAL AND STATUTORY NOTES

Explanatory Notes

In subsection (a), the words "budget programs for wholly owned Government corporations" are substituted for "Budget programs" for clarity and consistency. The words "legislation ... be enacted", "as may be", "for expenditure", "corporate funds or other", "or limiting the use thereof", "as the Congress may determine", and "funds" are omitted as surplus.

§ 9105. Audits

(a)(1) The financial statements of Government corporations shall be audited by the Inspector General of the corporation appointed under the Inspector General Act of 1978 (5 U.S.C.App.) or by an independent external auditor, as determined by the Inspector General or, if there is no Inspector General, by the head of the corporation.

(3) Upon completion of the audit required by this subsection, the person who audits the statement shall submit a report on the audit to the head of the Government corporation, to the Chairman of the Committee on Government Operations of the House of Representatives, and to the Chairman of the Committee on Governmental Affairs of the Senate.

(4) The Comptroller General of the United States—

(A) may review any audit of a financial statement conducted under this subsection by an Inspector General or an external auditor;

(B) shall report to the Congress, the Director of the Office of Management and Budget, and the head of the Government corporation which prepared the statement, regarding the results of the review and make any recommendation the Comptroller General of the United States considers appropriate; and

(C) may audit a financial statement of a Government corporation at the discretion of the Comptroller General or at the request of a committee of the Congress.

An audit the Comptroller General performs under this paragraph shall be in lieu of the audit otherwise required by paragraph (1) of this subsection. Prior to performing such audit, the Comptroller General shall consult with the Inspector General of the agency which prepared the statement.

(5) A Government corporation shall reimburse the Comptroller General of the United States for the full cost of any audit conducted by the Comptroller General under this subsection, as determined by the Comptroller General. All reimbursements received under this paragraph by the Comptroller General of the United States shall be deposited in the Treasury as miscellaneous receipts.

(b) Upon request of the Comptroller General of the United States, a Government corporation shall provide to the Comptroller General of the United States all books, accounts, financial records, reports, files, workpapers, and property belonging to or in use by the Government corporation and its auditor that the Comptroller General of the United States considers necessary to the performance of any audit or review under this section.

(c) Activities of the Comptroller General of the United States under this section are in lieu of any audit of the financial transactions of a Government corporation that the Comptroller General is required to make under any other law.

(As amended Pub.L. 100-86, Title IV, § 403, Aug. 10, 1987, 101 Stat. 609; Pub.L. 100-233, Title VII, § 703, Jan. 6, 1988, 101 Stat. 1706; Pub.L. 100-399, Title VI, § 602, Aug. 17, 1988, 102 Stat. 1006; Pub.L. 101-73, Title V, § 511(b)(2), Aug. 9, 1989, 103 Stat. 406; Pub.L. 101-576, Title III, § 305, Nov. 15, 1990, 104 Stat. 2853.)

HISTORICAL AND STATUTORY NOTES

References in Text

The Inspector General Act of 1978, referred to in subsec. (a)(1), is Pub.L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in Appendix 3 to Title 5, Government Organization and Employees.

1990 Amendment

Pub.L. 101-576, amended section generally, substituting provisions relating to audits of Government corporations, by Inspector General of corporation, independent auditor, or head of corporation, according to accepted government auditing standards; requiring reports to congressional committees; and authorizing audits, and reviews of audits, by Comptroller General, for provisions requiring auditing of wholly owned and mixed-ownership Government corporations by Comptroller General according to principles applicable to commercial corporate transactions at least once every 3 years; authorizing audits of Federal Asset Disposition Association and Federal Home Loan Banks by private agencies; allowing contracting for professional services; and authorizing necessary appropriations.

1989 Amendment

Subsec. (a)(2). Pub.L. 101-73, § 511(b)(2)(A), added sentence requiring the Comptroller General to audit the Resolution Funding Corporation annually.

Pub.L. 101-73, § 511(b)(2)(B), deleted "Federal Savings and Loan Insurance Corporation and" preceding "Federal home".

1988 Amendment

Subsec. (a)(4)(B)(i). Pub.L. 100-399 substituted "Corporation" for "Association".

1987 Amendments

Subsec. (a)(3). Pub.L. 100-86, § 403, added par. (3).

Effective Date of 1988 Amendment

Amendment by Pub.L. 100-399 effective as if enacted immediately after the enactment of Pub.L. 100-233, which was approved on Jan. 6, 1988, see section 1001(a) of Pub.L. 100-399, set out as a note under section 2002 of Title 12, Banks and Banking.

Separability of Provisions

If any provision of Pub.L. 101-73 or the application thereof to any person or circumstance is held invalid, the remainder of Pub.L. 101-73 and the application of the provision to other persons not similarly situated or to other circumstances not to be affected thereby, see section 1221 of Pub.L. 101-73, set out as a note under section 1811 of Title 12, Banks and Banking.

If any provision of Pub.L. 100-86 or the application thereof to any person or circumstances is held invalid, the remainder of Pub.L. 100-86 and the application of the provision to other persons not similarly situated or to other circumstances not to be affected thereby, see section 1205 of Pub.L. 100-86, set out as a note under section 226 of Title 12, Banks and Banking.

Legislative History

For legislative history and purpose of Pub.L. 100-86 see 1987 U.S.Code Cong. and Adm.News, p. 489. See, also, Pub.L. 101-73, 1989 U.S.Code Cong. and Adm.News, p. 86; Pub.L. 101-576, 1990 U.S.Code Cong. and Adm.News, p. 4030.

LIBRARY REFERENCES

§ 9106. Management reports

(a)(1) A Government corporation shall submit an annual management report to the Congress not later than 180 days after the end of the Government corporation's fiscal year.

(2) A management report under this subsection shall include—

(A) a statement of financial position;

(B) a statement of operations;

(C) a statement of cash flows;

(D) a reconciliation to the budget report of the Government corporation, if applicable;

(E) a statement on internal accounting and administrative control systems by the head of the management of the corporation, consistent with the requirements for agency statements on internal accounting and administrative control systems under the amendments made by the Federal Managers' Financial Integrity Act of 1982 (Public Law 97-255);

(F) the report resulting from an audit of the financial statements of the corporation conducted under section 9105 of this title; and

(G) any other comments and information necessary to inform the Congress about the operations and financial condition of the corporation.

(b) A Government corporation shall provide the President, the Director of the Office of Management and Budget, and the Comptroller General of the United States a copy of the management report when it is submitted to Congress.

(As amended Pub.L. 101-576, Title III, § 306(a), Nov. 15, 1990, 104 Stat. 2854.)

HISTORICAL AND STATUTORY NOTES

References in Text

The Federal Managers' Financial Integrity Act of 1982, referred to in subsec. (a)(2)(E), was repealed in the general revision of Title 31 by Pub.L. 97-258, Sept. 13, 1982, 96 Stat. 877, which enacted Title 31 into positive law. See, now, sections 1105, 1113 and 3512 of this title.

1990 Amendment

Pub.L. 101-576 amended section generally, substituting provisions relating to annual management report to Congress, due not later than 180 days after end of corporation's fiscal year, including statements of financial position, operations, cash flow, and internal accounting and administrative control systems, and reconciliation to budget, Director of Office of Management and Budget and Comptroller General, for provisions requiring Comptroller General to submit report on each audit under section 9105 of this title, due not later than 6.5 months after end of last year covered by audit, including statements of assets, liability, capital, surplus and deficit, surplus and deficit analysis, incomes and expenditures and sources and use of money, information on legality of each transaction, necessary comments and information, and other recommendations, with copies to be submitted to President, Secretary of Treasury and corporation.

Legislative History

§ 9107. Accounts

HISTORICAL AND STATUTORY NOTES

1982 Act

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9107(a)	31:870	Aug. 24, 1949, ch. 506, § 309, 63 Stat. 662.
9107(b)	31:867 (1st sentence less last proviso)	Dec. 6, 1945, ch. 577, § 302, 59 Stat. 601; July 26, 1956, ch. 741, § 201(a)(4), 70 Stat. 667; Aug. 20, 1978, Pub.L. 95-351, § 301(b), 92 Stat. 514; Aug. 13, 1981, Pub.L. 97-35, § 396(h)(2), 95 Stat. 440.
9107(c)(1)	31:867 (1st sentence last proviso)	
9107(c)(2)	31:868(d) (1st sentence related to 31:867)	Dec. 6, 1945, ch. 577, § 303(d) (1st sentence related to § 302), 59 Stat. 602.
9107(c)(3)	31:867 (last sentence)	

§ 9108. Obligations

HISTORICAL AND STATUTORY NOTES

1982 Act

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9108(a)	31:868(a)	Dec. 6, 1945, ch. 557, § 303 (less (d) (1st sentence related to § 302)), 59 Stat. 601; July 26, 1956, ch. 741, § 201(a)(4), 70 Stat. 667; May 7, 1971, Pub.L. 92-12, § 5, 85 Stat. 37; Aug. 20, 1978, Pub.L. 95-351, § 301(c), 92 Stat. 514; Aug. 13, 1981, Pub.L. 97-35, § 396(h)(3), 95 Stat. 441.
9108(b)	31:868(b)	
9108(c)	31:868(c)	
9108(d)	31:868(d) (less 1st sentence related to 31:867).	

Explanatory Notes

In subsection (a), before clause (1), the word "Before" is substituted for "which are" for clarity. The words "bonds, notes, debentures, and other similar" are omitted as surplus. The words "as have been" are omitted as executed. In clause (1), the words "terms and" are omitted as surplus. The restatement of the source provisions does not affect other existing laws.

§ 9109. Exclusion of a wholly owned Government corporation from this chapter

HISTORICAL AND STATUTORY NOTES

Explanatory Notes

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. The words "with the approval of the President" are omitted because of the restatement. The word "considers" is substituted for "deemed" for consistency. The words "in connection with the budget program of such corporation" are omitted as surplus. The words "submitted to Congress under section 1105 of this title" are added for clarity. The words "deemed to be" are substituted for "treated ... as if it were" for consistency. The word "agency" is substituted for "Government agency" and "establishment" because of section 101 of the revised title and for consistency. The words "if it were", "appropriations, expenditures, receipts, accounts, and other", and "in connection with the budget program for any fiscal year" are omitted as surplus. The words "deemed to be" are substituted for "regarded as" for consistency.

§ 9110. Standards for depository institutions holding securities of a Government-sponsored corporation for customers

or (C) of section 3(a)(42) of the Securities Exchange Act of 1934. Such regulations shall apply only to a depository institution that is not a government securities broker or a government securities dealer and that holds such obligations as fiduciary, custodian, or otherwise for the account of a customer and not for its own account. Such regulations shall provide for the adequate segregation of obligations so held, including obligations which are purchased or sold subject to resale or repurchase.

(b) Violation of a regulation prescribed under subsection (a) shall constitute adequate basis for the issuance of an order under section 5239(a) or (b) of the Revised Statutes (12 U.S.C. 93(a) or (b)), section 8(b) or 8(c) of the Federal Deposit Insurance Act, section 5(d)(2) or 5(d)(3) of the Home Owners' Loan Act of 1933, section 407(e) or 407(f) of the National Housing Act, or section 206(e) or 206(f) of the Federal Credit Union Act. Such an order may be issued with respect to a depository institution by its appropriate regulatory agency and with respect to a federally insured credit union by the National Credit Union Administration.

(c) Nothing in this section shall be construed to affect in any way the powers of such agencies under any other provision of law.

(d) The Secretary shall, prior to adopting regulations under this section, determine with respect to each appropriate regulatory agency and the National Credit Union Administration Board, whether its rules and standards adequately meet the purposes of regulations to be promulgated under this section, and if the Secretary so determines, shall exempt any depository institution subject to such rules or standards from the regulations promulgated under this section.

(e) As used in this subsection—

(1) "depository institution" has the meaning stated in clauses (i) through (vi) of subparagraph 19(b)(1)(A) of the Federal Reserve Act and also includes a foreign bank, an agency or branch of a foreign bank, and a commercial lending company owned or controlled by a foreign bank (as such terms are defined in the International Banking Act of 1978).

(2) "government securities broker" has the meaning prescribed in section 3(a)(43) of the Securities Exchange Act of 1934.

(3) "government securities dealer" has the meaning prescribed in section 3(a)(44) of the Securities Exchange Act of 1934.

(4) "appropriate regulatory agency" has the meaning prescribed in section 3(a)(34)(G) of the Securities Exchange Act of 1934.

(Added Pub.L. 99-571, Title II, § 201(b)(1), Oct. 28, 1986, 100 Stat. 3223.)

HISTORICAL AND STATUTORY NOTES

References in Text

Subparagraph (B) or (C) of section 3(a)(42) of the Securities Exchange Act of 1934, referred to in subsec. (a), is subpar. (B) or (C) of section 3(a)(42) of Act June 6, 1934, c. 404, Title I, as added by section 102(d) of Pub.L. 99-571, which is classified to subparagraph (B) or (C) of section 78c(a)(42) of Title 15, Commerce and Trade.

Section 5239(a) or (b) of the Revised Statutes (12 U.S.C. 93(a) or (b)), referred to in subsec. (b), is classified to section 93(a) or (b) of Title 12, Banks and Banking.

Section 5(d)(2) or 5(d)(3) of the Home Owners' Loan Act of 1933, referred to in subsec. (b), is section 5(d)(2) or (3) of Act June 13, 1933, c. 64, 48 Stat. 132, which is classified to section 1464(d)(2) or (3) of Title 12.

Section 8(b) or 8(c) of the Federal Deposit Insurance Act, referred to in subsec. (b), is section 2 [8(b) or (c)] of Act Sept. 21, 1950, c. 967, 64 Stat. 879, which is classified to section 1818(b) or (c) of Title 12.

Stat. 1260, which is classified to section 1730(e) or (f) of Title 12.

Section 206(e) or 206(f) of the Federal Credit Union Act, referred to in subsec. (b), is section 206(e) or (f) of Act June 26, 1934, c. 750, Title II, as added Oct. 19, 1970, Pub.L. 91-468, § 1(3), 84 Stat. 1003, which is classified to section 1786(e) or (f) of Title 12.

Clauses (i) through (vi) of section 19(b)(1)(A) of the Federal Reserve Act, referred to in subsec. (e)(1), are cls. (i) through (vi) of section 19(b)(1)(A) of Act Dec. 23, 1913, c. 6, 38 Stat. 27D, which are classified to clauses (i) through (vi), respectively, of section 461(b)(1)(A) of Title 12.

The International Banking Act of 1978, referred to in subsec. (e)(1), is Pub.L. 95-369, Sept. 17, 1978, 92 Stat. 607, which enacted sections 347d, 611a, and 3101 to 3108 of Title 12, amended sections 72, 378, 614, 615, 618, 619, 1813, 1815, 1817, 1818, 1820, 1821, 1822, 1823, 1828, 1829b, 1831b, and 1841 of Title 12, and enacted provisions set out as notes under sections 36, 247, 601,

Section 3(a)(43) of the Securities Exchange Act of 1934, referred to in subsec. (e)(2), is section 3(a)(43) of Act June 6, 1934, c. 404, Title I, as added by section 102(d) of Pub.L. 99-571, which is classified to section 78c(a)(43) of Title 15, Commerce and Trade.

Section 3(a)(44) of the Securities Exchange Act of 1934, referred to in subsec. (e)(3), is section 3(a)(44) of Act June 6, 1937, c. 404, Title I, as added by section 102(d) of Pub.L. 99-571, which is classified to section 78c(a)(44) of Title 15.

Section 3(a)(34)(G) of the Securities Exchange Act of 1934, referred to in subsec. (e)(4), is section 3(a)(34)(G) of Act June 6, 1934, c. 404, Title I, as added by section 102(b) of Pub.L. 99-571, which is classified to section 78c(a)(34)(G) of Title 15.

Effective Date; Promulgation of Regulations

Section to take effect 270 days after Oct. 28, 1986, except that the Secretary of the Treasury and each appropriate regulatory agency shall publish, for notice and comment, within 120 days after Oct. 28, 1986, initial implementing regulations to become effective as temporary regulations 210 days after Oct. 28, 1986 and as final regulations not later than 270 days after Oct. 28, 1986, see sections 401 and 402 of Pub.L. 99-571, set out as notes under section 78o-5 of Title 15, Commerce and Trade.

Transitional and Savings Provisions

For effect of this section on judicial and administrative proceedings pending on the effective date hereof, on the discretion of the Federal Reserve Bank of New York, and on the jurisdiction of the Commodity Futures Trading Commission, see section 301 of Pub.L. 99-571, set out as a note under section 78o-5 of Title 15, Commerce and Trade.

Legislative History

For legislative history and purpose of Pub.L. 99-571, see 1986 U.S.Code Cong. and Adm.News, p. 5395.

LIBRARY REFERENCES

Deposits and Escrows ⇐2.
C.J.S. Depositaries § 3.

CHAPTER 93—SURETIES AND SURETY BONDS

§ 9302. Prohibition against surety bonds for United States Government personnel

WEST'S FEDERAL FORMS

Bonds and undertakings, see §§ 1521 to 1524.

§ 9303. Use of Government obligations instead of surety bonds

WEST'S FEDERAL FORMS

Bonds and undertakings, see §§ 1521 to 1524.

LAW REVIEW COMMENTARIES

The bankruptcy of public works contractors—what recourse for laborers, subcontractors, and materialmen? Michael F. Keyes, 21 Idaho L.Rev. 561 (1985).

NOTES OF DECISIONS

Bail bond forfeiture 19

1. Qualifying government obligations

Statute, which permits giving of government obligation instead of surety bond to comply with requirement of federal law to give surety bond, was inapplicable to permit union pension fund trustees to deposit federal government obligations owned by fund with Secretary of Labor in order to satisfy requirement of posting bond. Musso v. Baker, C.A.3 (N.J.) 1987, 834 F.2d 78, certiorari denied 108 S.Ct. 2846, 487 U.S. 1205, 101 L.Ed.2d 884.

"Stripped" U.S. Government bonds are not acceptable collateral in lieu of surety bond, since Government bonds should have attached thereon all coupons unmatured at date of deposit. Poiniet v. C.I.R., 1988, 90 T.C. 63.

19. Bail bond forfeiture

Obligation of surety on a bail bond forfeiture could not be satisfied by tender of United States treasury bonds of a face value equal to amount of bail bond. U.S. v. Madrigal, C.A.Mich.1982, 692 F.2d 445.

§ 9304. Surety corporations

WEST'S FEDERAL FORMS

SUBTITLE II—THE BUDGET PROCESS

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

Cross References

Congressional budget and fiscal operations, see section 621 et seq. of Title 2, The Congress.

§ 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.

Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1101(1)	31:2 (1st–4th pars.)	June 10, 1921, ch. 18, § 2 (1st–5th pars.), 42 Stat. 20; Apr. 3, 1939, ch. 36, § 201, 53 Stat. 565; July 31, 1953, ch. 302, § 101 (1st proviso in par. under heading "Bureau of the Budget"), 67 Stat. 299.
1101(2)	31:2 (last par.)	June 10, 1921, ch. 18, 42 Stat. 20, § 2 (last par.); added Sept. 12, 1950, ch. 946, § 101, 64 Stat. 832.

Explanatory Notes

In the section, a reference to 31:71 and 471 [former sections 71 and 471 of this title] is omitted because the definitions in the section are not used in 31:71 and 471.

Clause (1) restates the source provisions because of section 101 of the revised title [section 101 of this title]. 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 [former section 2 of this title] (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 [section 501 of this title].

In clause (2), the word "means" is substituted for "includes", and the word "make" is substituted for "create", as being more precise. The words "appropriated amounts" are substituted for "funds" for clarity. The words "in appropriate context" are omitted as unnecessary because of the restatement.

Notes of Decisions

1. Purpose

Former section 1 et seq. of this title was intended to effect as independent a supervision of the accounts of the government as possible. Brunswick v. Elliott, 1939, 103 F.2d 746, 70 App.D.C. 45.

§ 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.

Explanatory Notes

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) [former section 1020(a)(1) of this title] and the words "beginning on October 1, 1976" are omitted as executed.

Library References

United States ⟹79.

C.J.S. United States § 120.

Notes of Decisions

1. Historical

Before the passage of Act Aug. 26, 1842, c. 207, 5 Stat. 536, provisions of which and of subsequent Acts were carried into former section 1102 of this title, the fiscal year commenced with and ended with the calendar year, but for the convenience of the public service in the administration of the expense, accounts, and estimates of the government, Congress changed the law so as to make the 1st day of July the commencement of the fiscal year. Bachelor v. U. S., 1872, 8 Ct.Cl. 235. See, also, Sweet v. U. S., 1899, 34 Ct. Cl. 377.

2. Necessity of fiscal year

The necessity of the situation requires that the government have a fixed time in the form of a fiscal year, and whether it be with the commencement of the calendar year or at some other fixed period is not material, but that there should be a limit to accounts and expenses into distinct sections of time is an absolute necessity. Sweet v. U. S., 1899, 34 Ct.Cl. 377.

3. Time of payment of fees

Former section 1020 of this title did not forbid the United States commissioners [now magistrates] from demanding payment at any time of their accounts for fees, but merely provided that the fiscal year shall begin on the first of July, and that annual accounts shall be on the fiscal year. Patterson v. U. S., 1886, 21 Ct.Cl. 324.

4. Limitations

Where the compensation to which an officer is entitled is an annual compensation, as it is derived from his official acts within each fiscal year, it becomes due at the end of each year, and, if not paid, a right of action then accrues, and the statute of limitations then begins to run, and the same principle applies to compensation which consists of commissions upon deposits. Bachelor v. U. S., 1872, 8 Ct.Cl. 235. See, also, Ellsworth v. U. S., 1878, 14 Ct.Cl. 382, affirmed 101 U.S. 170, 11 Otto. 170, 25 L.Ed. 862.

§ 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.

Explanatory Notes

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.

(c) 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.)

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).	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.
	31:623	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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1104(c)	31:11d	July 12, 1974, Pub.L. 93–344, § 802, 88 Stat. 330.
	31:581a	June 10, 1921, ch. 18, § 205, 42 Stat. 21; restated Sept. 12, 1950, ch. 946, § 102(d), 64 Stat. 833.
1104(d)	31:18b	Sept. 12, 1950, ch. 946, § 103, 64 Stat. 834; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, § 102(a), 84 Stat. 2085.
	44:3503 (note)	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.

Explanatory Notes

In the section, the word "President" is substituted for "Office" in 31:16 [former section 16 of this title] (last sentence), "President, through the Director of the Office of Management and Budget" in 31:18b [former section 18b of this title], "President and the Director of the Office of Management and Budget" in 44:3503 (note) [Delegation of Other Functions to Administrator note set out under section 3503 of Title 44, Public Printing and Documents.] and "Office of Management and Budget" in 31:21 and 623 [former sections 21 and 623 of this title], because sections 101 and 102(a) of Reorganization Plan No. 2 of 1970 (eff. July 1, 1970, 84 Stat. 2085) [set out under section 501 of this title], 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 [former section 16 of this title] (last sentence) are omitted as unnecessary because of section 101 of Reorganization Plan No. 2 of 1970 [set out under section 501 of this title]. The words "use uniform terms in stating" are substituted for "make uniform the language commonly used in expressing" in 31:623 [former section 623 of this title] 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 [former sections 1 et seq. and 581 of this title].

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 [former section 581a of this title] 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 [former section 11d of this title] because the President prepares and submits the budget under 31:11 [former section 11 of this title]. 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 [former section 18b of this title] is omitted as being included in "compilation". The text of 31:18b [former section 18b of this title] (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) [Delegation of Other Functions to Administrator note, set out under section 3503 of Title 44, Public Printing and Documents] 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 [set out under section 501 of this title] 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 [section 301 of Title 3, The President]. 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.

EXECUTIVE ORDER NO. 9384

Ex.Ord. No. 9384, Oct. 4, 1943, 8 F.R. 13782, which related to the submission of reports to facilitate budgeting activities of the Federal Government, was revoked by Ex.Ord. No. 12113, Jan. 4, 1979, 44 F.R. 1955.

EXECUTIVE ORDER 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

PROVISIONS FOR IMPROVEMENT OF WORK OF FEDERAL EXECUTIVE AGENCIES WITH RESPECT TO STATISTICAL INFORMATION

Section 1. 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 information 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 the 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 ap-

proval 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) [set out as a note under section 3503 of Title 44, Public Printing and Documents], 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) [former section 18b of this title] 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.]

Cross References

Executive agency accounting systems to provide reliable accounting results that will be basis for providing financial information required under subsec. (e) of this section, see section 3512 of this title.

Library References

United States ⚖26.

C.J.S. United States §§ 27, 28.

Notes of Decisions

1. Construction with other laws

President's authority under former section 16 of this title to prescribe rules and regulations for preparation of budget was subject to specific requirements of government in the Sunshine Act, section 552b of Title 5. Common Cause v. Nuclear Regulatory Commission, 1982, 674 F.2d 921, 218 U.S.App.D.C. 262.

§ 1105. Budget contents and submission to Congress

(a) During the first 15 days of each regular session of Congress, 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 statement, for each agency having an Office of Inspector General, of the amount of the appropriation requested for the Office.

(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.

(Pub.L. 97-258, Sept. 13, 1982, 96 Stat. 908; Pub.L. 97-452, § 1(2), Jan. 12, 1983, 96 Stat. 2467.)

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))	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.
	31:19	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.
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)	31:11(e)	
1105(a)(17)	31:11(h)	
1105(a)(18)-(20)	31:11(f)	
1105(a)(21)	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)	

Explanatory Notes

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 [former section 19 of this title] is omitted as superseded by the broader authority of 31:11(a)(5) [former section 11(a)(5) of this title]. 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) [former section 11(a) of this title] 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 [section 1104(a) of this 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) [former section 11(d)-(f), (h), and (i) of this title] because of the restatement. The word "President" is substituted for "Office of Management and Budget" in 31:25 [former section 25 of this title] because sections 101 and 102(a) of Reorganization Plan No. 2 of 1970 (eff. July 1, 1970, 84 Stat. 2085) [set out under section 501 of this title] 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) [former section 11(f)(3) of this title] 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) [former section 11(a)(5) of this title] (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.

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) [former section 1105(a) of this title]. 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.

1983 Act

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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.

References in Text. Section 301(a)(1)–(5) of the Congressional Budget Act of 1974, referred to in subsec. (a)(15), is section 301(a)(1) to (5) of the Congressional Budget and Impoundment Control Act of 1974, Pub.L. 93-344, Title III, July 12, 1974, 88 Stat. 306, which is classified to section 632(a)(1) to (5) of Title 2, The Congress.

Section 3(a)(3) of the Congressional Budget Act of 1974, referred to in subsec. (a)(16), is section 3(a)(3) of the Congressional Budget and Impoundment Control Act of 1974, Pub.L. 93-344, July 12, 1974, 88 Stat. 306, which is classified to section 622(a)(3) of Title 2.

Section 5 of the National Climate Program Act, referred to in subsec (a)(21)(A), is section 5 of Pub.L. 95-367, Sept 17, 1978, 92 Stat. 601, which is classified to section 2904 of Title 15, Commerce and Trade.

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 generally to section 651 et seq. of Title 29, Labor.

The Federal Mine Safety and Health Act of 1977, referred to in subsec. (a)(23), is the Federal Mine Safety and Health Amendments Act of 1977, Pub.L. 95-164, Nov. 9, 1977, 91 Stat. 1290, which is classified generally to section 801 et seq. of Title 30, Mineral Lands and Mining.

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

Legislative History. For legislative history and purpose of Pub.L. 97-452, see 1983 U.S. Code Cong. and Adm.News, p. 4301.

EXECUTIVE ORDER NO. 6715

FILING OF FUNCTIONAL ORGANIZATION CHARTS WITH DIRECTOR OF BUREAU OF BUDGET

By virtue of and pursuant to the authority vested in me under title II of the act of June 10, 1921 (ch. 18, 42 Stat. 20), it is hereby ordered as follows:

(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.

FRANKLIN D. ROOSEVELT.

The White House,
May 23, 1934.

Cross References

Administrator of Veterans' Affairs, submission of report to Congress on reorganization, see section 210 of Title 38, Veterans' Benefits.

Budget estimates—
  Departments of Defense, Army, Navy and Air Force, see section 2203 of Title 10, Armed Forces.
  Director of Administrative Office of the United States Courts, see section 605 of Title 28, Judiciary and Judicial Procedure.

Congressional studies of provisions exempting federal agencies or agency activities or outlays from inclusion in budget, see section 661 of Title 2, The Congress.

Inclusion in budget of recommendation that wholly owned government corporation be deemed agency under this chapter, see section 9109 of this title.

Merit Systems Protection Board, annual budget of expenses included as separate item in budget, see section 1205 of Title 5, Government Organization and Employees.

Postal Service, inclusion of amounts in annual budget in budget submitted to Congress, see section 2009 of Title 39, Postal Service.

Preparation of budgets by President, see section 1104 of this title.

Recommendations for deficiency and supplemental appropriations, see section 1107 of this title.

Supplemental budget estimates and changes, see section 1106 of this title.

Veterans' Administration medical facilities, inclusion in budget of amounts necessary for operation and maintenance, see section 5010 of Title 38, Veterans' Benefits.

Veterans' Administration physicians and dentists, inclusion in budget of recommendations with respect to special pay rates, see section 4118 of Title 38.

Weapons development and procurement schedule reports, submission by Secretary of Defense to Congress, see section 139 of Title 10, Armed Forces.

Wholly owned government corporations, submission of budget programs to Congress, see section 9103 of this title.

Library References

United States ⟹79.

C.J.S. United States § 120.

Notes of Decisions

1. Effect of law

President's budget message to Congress does not have effect of law. Local 2677, Am. Federation of Government Emp. v. Phillips, D.C.D.C.1973, 358 F.Supp. 60.

§ 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 April 11 and 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.

(Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 911.)

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

Explanatory Notes

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.

Library References

United States ⚷79.

C.J.S. United States § 120.

Notes of Decisions

1. Powers of District of Columbia Council

District of Columbia Council, pursuant to its powers of ordinary legislation, can remove substantive authorization for funded project but, to extent Congress has appropriated funds for project, council can halt further expenditure only through more elaborate requirements of budget process, even though project has been formally deauthorized, and thus substantial deauthorization by council can halt funded project during current fiscal year only if implemented by supplemental budget request Act followed by Congressional supplemental appropriations Act. (Per Ferren, J., with two Judges concurring and two Judges concurring in result.) Convention Center Referendum Committee v. District of Columbia Bd. of Elections and Ethics, D.C. App.1981, 441 A.2d 889.

§ 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.

(Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 911.)

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.

Explanatory Notes

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

Cross References

Preparation of proposed deficiency and supplemental appropriations by President, see section 1104 of this title.

Library References

United States ⚷85.

C.J.S. United States § 123.

§ 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 communication 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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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.

Explanatory Notes

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 [section 1101 of this title].

In subsection (b)(1), the words "executive agency" are used instead of "agency" because of section 1101(1) of the revised title [section 1101(1) of this title] and 28:605 [section 605 of Title 28, Judiciary and Judicial Procedure]. The word "President" is substituted for "Office" in 31:16 [former section 16 of this title] (last sentence) and "Office of Management and Budget" in 31:23 and 24(a) [former sections 23 and 24(a) of this title] because sections 101 and 102(a) of Reorganization Plan No. 2 of 1970 (eff. July 1, 1970, 84 Stat. 2085) [set out under section 501 of this title] 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 "prepare" is substituted for "prepare or cause to be prepared" in 31:22 [former section 22 of this title] to eliminate unnecessary words. The word "appropriations" is substituted for "regular, supplementary, or deficiency appropriations" in 31:22 and 24(a) [former sections 22 and 24(a) of this title] 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 [former section 23 of this title], 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 determined by the President" in 31:24 [former section 24 of this title], 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 executive 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 [former section 23 of this title] for clarity and because of the restatement. The word "change" is substituted for "assemble, correlate, revise, reduce, or increase" in 31:16 [former section 16 of this title] (last sentence) to eliminate unnecessary words. The words "The head of the executive 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 [former section 24 of this title] 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 "An officer or employee of an executive agency" are added for clarity. 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 [set out under section 501 of this title] 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 executive 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) [former section 200(b) of this title] because sections 101 and 102(a) of Reorganization Plan No. 2 of 1970 [set out under section 501 of this title] 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) [former section 200(c) of this title] 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.

Cross References

Maintenance of executive agency accounts on accrual basis to assist in preparation of cost-based budget, see section 3512 of this title.

Library References

United States ⚖85.

C.J.S. United States § 123.

Notes of Decisions

1. Recorder of Deeds

Recorder of Deeds of the District of Columbia is required by law to submit estimates for appropriations for his office to the Commissioners of the District of Columbia, and to submit to hearings by the Commissioners on such estimates. 1935, 38 Op.Atty.Gen. 155.

§ 1109. Current programs and activities estimates

(a) Before November 11 of each year, 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 caseloads, 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 January 1 of each year.

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

Historical and Revision Notes

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

Explanatory Notes

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.

§ 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

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

Explanatory Notes

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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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.
	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.

Explanatory Notes

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 [former section 18 of this title] and "with a view to efficient and economical service" in 31:18a [former section 18a of this title] to eliminate unnecessary words. The word "President" is substituted for "Office of Management and Budget, when directed by the President" in 31:18 [former section 18 of this title] and "President, through the Director of the Office of Management and Budget" in 31:18a [former section 18a of this title] because sections 101 and 102(a) of Reorganization Plan No. 2 of 1970 (eff. July 1, 1970, 84 Stat. 2085) [set out under section 501 of this title] 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.

§ 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)	

Explanatory Notes

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 Government" are substituted for "executive" for clarity. The text of 31:1152(a)(2) [former section 1152(a)(2) of this title] (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) [set out under section 501 of this title] designated the Bureau of the Budget as the Office of Management and Budget and transferred all functions of the Bureau to the President.

Cross References

File of information to meet recurring needs of Congress for fiscal, budget and program information, see section 1113 of this title.

Reports of Comptroller General, see section 719 of this title.

§ 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, and 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; restated 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; restated July 12, 1974, Pub L. 93–344, § 801(a), 88 Stat. 328.
1113(e)(2)	31:1152(e)	
1113(e)(3)	31:1152(f)	

Explanatory Notes

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) [set out under section 501 of this title] 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 Congresssional 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 [former sections 1155 and 1156 of this title] 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 [former sections 1154 to 1156 of this title] 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(a)(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.

1983 Amendment. Subsec. (a)(1). Pub.L. 97–452, § 1(3)(A), redesignated existing provisions as par. (1).

Subsec. (a)(2). Pub.L. 97–452, § 1(3)(B), added par. (2).

Legislative History. For legislative history and purpose of Pub.L. 97–452, see 1983 U.S. Code Cong. and Adm.News, p. 4301.

Cross References

Reports of Comptroller General, see section 719 of this title.

Library References

United States ⟹23(5).

C.J.S. United States § 26.

§ 1114. Budget information on consulting services

(a) The head of each agency shall include in the budget justification for the agency submitted each year to the Committees on Appropriations of both Houses of Congress—

(1) amounts requested for consulting services;

(2) the appropriation accounts from which the amounts are to be paid; and

(3) a description of the need for the consulting services, including a list of the major programs requiring those services.

(b) The Inspector General or comparable official of each agency shall submit to Congress each year, with the budget justification for the agency, an evaluation of the progress of the agency in establishing effective management controls and improving the accuracy and completeness of the information provided to the Federal Procurement Data System on contracts for consulting services. If the agency does not have an Inspector General or

comparable official, the head of the agency or officer or employee designated by the head of the agency shall submit the evaluation.

(Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 916.)

Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1114	31:28	July 8, 1980, Pub.L. 96–304, § 307, 94 Stat. 928. Oct. 9, 1980, Pub.L. 96–400, § 323(b), (c), 94 Stat. 1699. Oct. 13, 1980, Pub.L. 96–436, § 126, 94 Stat. 1869. Dec. 12, 1980, Pub.L. 96–514, § 309(b), (c), 94 Stat. 2984. Dec. 15, 1980, Pub.L. 96–528, § 616, 94 Stat. 3117. Dec. 23, 1981, Pub.L. 97–102, § 318, 95 Stat. 1461.

Explanatory Notes

In the section, the words "For fiscal year 1982 and thereafter" are omitted as unnecessary because of the restatement.

In subsection (b), the words "officer or employee designated" are substituted for "designee" for consistency in the revised title and with other titles of the United States Code.

SUBTITLE II—THE BUDGET PROCESS

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

§ 1101. Definitions

HISTORICAL AND STATUTORY NOTES

Explanatory Notes

In the section, a reference to 31:71 and 471 is ›mitted because the definitions in the section are ıot used in 31:71 and 471.

In clause (1), "agency" (which is defined for ›urposes of this title in section 101 to mean a lepartment, agency, or instrumentality of the Jnited States) is coextensive with and substituted 'or the term "department or establishment" which vas defined in 31:2 as in part meaning "any :xecutive department, independent commission, ›oard, bureau, office, agency, or other establishnent of the Government, including any indepenlent regulatory commission or board". This defiıition merely restates and continues, and does not n any way change or expand, the definition in ‹1:2. Under that definition, entities such as the Tennessee Valley Authority that have been interıreted to be outside the purview of the definition vill continue to be outside the purview in the ame manner and to the same extent that they vere 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 1984 Amendment

Pub.L. 98–501, Title II, § 201, Oct. 19, 1984, 98 Stat. 2324, provided that: "This title [enacting section 1105(e) of this title and provision set out as a note under section 1105 of this title] may be cited as the 'Federal Capital Investment Program Information Act of 1984'."

LAW REVIEW COMMENTARIES

Byrd shot: Congress takes a broad aim at :overnment contract lobbyists. Thomas M. Susman and Clayton S. Marsh, 37 Fed.B.News & J. 387 (1990).

§ 1104. Budget and appropriations authority of the President

[See main volume for text of (a) and (b)]

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

[See main volume for text of (d) and (e)]

(As amended Pub.L. 99–177, Title II, § 224, Dec. 12, 1985, 99 Stat. 1060.)

HISTORICAL AND STATUTORY NOTES

985 Amendment

Subsec. (c). Pub.L. 99–177, § 224, added proisions relating to notice to Committees of the Iouse and Senate.

'ffective Date of 1985 Amendment

Amendment by Pub.L. 99–177 effective Dec. :. 1985, to apply with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub.L. 99–177, set out as a note under section 901 of Title 2, The Congress.

Legislative History

For legislative history and purpose of Pub.L. 99–177, see 1985 U.S. Code Cong. and Adm. News, p. 979.

§ 1105. Budget contents and submission to Congress

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

[See main volume for text of (1) to (24)]

(25) a separate appropriation account for appropriations for each Office of Inspector General of an establishment defined under section 11(2) of the Inspector General Act of 1978.

(26) 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.

(26) [1] 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.

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

[See main volume for text of (b) to (d)]

(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 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.

(As amended 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.)

[1] So in original. Two pars. (26) have been enacted. See italic note and Effective and Termination Dates note under this section.

Termination of Amendment

For repeal, by section 1009 of Pub.L. 100-690, of amendment to this section by Pub.L. 100-690, see Effective and Termination Dates of 1988 Amendment set out under this section.

Termination of Subsection (a)(26)

Section 5303 of Pub.L. 100-418 provided that subsection (a)(26) of this section is effective only for fiscal years 1989, 1990, 1991, and 1992. See Effective and Termination Dates of 1988 Amendment note below.

Termination of Subsec. (f)

For termination date of amendment by section 275(b) of Pub.L. 99-177, see Effective and Termination Dates note set out under section 900 of Title 2, The Congress.

HISTORICAL AND STATUTORY NOTES

References in Text

Section 11(2) of the Inspector General Act of 1978, referred to in subsec. (a)(25), is set out in Appendix 3 to Title 5, Government Organization and Employees.

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (f), is Title II of Pub.L. 99-177, Dec. 12, 1985, 99 Stat. 1037, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 900 of Title 2, The Congress, and Tables.

1990 Amendment

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), struck out the paragraph designation "(1)" preceding "The budget transmitted pursuant to", in that provision, which had formerly constituted par. (1), substituted "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 "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", and struck out provisions formerly designated as pars. (2), (3), (4), and (5) which had directed that the deficit set forth in the budget transmitted for any fiscal year could 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 considered most desirable and feasible, that the budget transmitted pursuant to subsection (a) for a fiscal year had to include a budget baseline estimate made in accordance with section 251(a)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 using economic and technical assumptions consistent with the current services budget submitted under section 1109 for the fiscal year that if such budget baseline estimate differed from the estimate in the current services budget, the President would explain the differences, that the budget transmitted pursuant to subsection (a) for such fiscal year would 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 began, that paragraphs (1) and (2) would not apply with respect to fiscal year 1989 if the budget transmitted for such fiscal year provided 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, and that paragraphs (1) and (2) did not apply if a declaration of war by the Congress was in effect.

1988 Amendments

Subsec. (a)(25). Pub.L. 100-504 substituted "a separate appropriation account for appropriations for each Office of Inspector General of an establishment defined under section 11(2) of the Inspector General Act of 1978" for "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, added par. (26).

Pub.L. 100-418 temporarily added par. (26). See Effective and Termination Dates of 1988 Amendment note below.

1987 Amendment

Subsec. (f)(3). Pub.L. 100-119, § 106(f)(2), added par. (3). Former par. (3) was redesignated (5).

Par. (4). Pub.L. 100-119, § 106(f)(2), added par. (4).

Par. (5). Pub.L. 100-119, § 106(f)(1), redesignated former par. (3) as (5).

1985 Amendment

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), 275(b), temporarily added subsec. (f). See Effective and Termination Dates note set out under section 900 of Title 2, The Congress.

1984 Amendment

Subsec. (e). Pub.L. 98–501 added subsec. (e).

Effective and Termination Dates of 1988 Amendments

Amendment by Pub.L. 100–690 effective Jan. 21, 1989, and repealed on date 5 years after Nov. 18, 1988, see section 1506 of Title 21, Food and Drugs, and section 1012 of Pub.L. 100–690, set out as an Effective Date note under section 1501 of Title 21.

Amendment by Pub.L. 100–504 effective 180 days after Oct. 18, 1988, see section 113 of Pub.L. 100–504, set out as a note under Inspector General Act of 1978, § 5, as amended, set out in Appendix 3 to Title 5, Government Organization and Employees.

Section 5303 of Pub.L. 100–418 provided that: "The amendment made by section 5301 [adding subsec. (a)(26) of 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 [subsec. (a) of this section], for each such fiscal year, and the amendment made by section 5302 [enacting subsec. (e)(10) of section 632 of Title 2, The Congress] shall be effective for fiscal years 1989, 1990, 1991, and 1992."

Effective Date of 1985 Amendment

Amendment of subsec. (a) and enactment of subsec. (f) of this section by Pub.L. 99–177, effective Dec. 12, 1985, to apply with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub.L. 99–177, set out as a note under section 901 of Title 2, The Congress.

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."

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 [this section], 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."

NASA Triennial Budget Requests; 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."

Water and Sewer Services Furnished to Government Facilities in the District of Columbia

Pub.L. 100–202, § 101(c) [Title I, § 136], Dec. 22, 1987, 101 Stat. 1329–102, provided that: "After the effective date of this Joint Resolution, the President shall include, without change, in each annual budget submitted to the Congress under section 1105 of title 31, United States Code [this section], 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 the Department of Defense

Pub.L. 99–145, Title XIV, § 1405, Nov. 8, 1985, 99 Stat. 744, provided that:

"(a) **Findings.**—The Congress finds that the programs and activities of the Department of Defense could be more effectively and efficiently planned and managed if funds for the Department were provided on a two-year cycle rather than annually.

"(b) **Requirement for two-year budget proposal.**—The President shall include in the budget submitted to the Congress pursuant to section 1105 of title 31, United States Code [this section], for fiscal year 1988 a single proposed budget for the Department of Defense and related agencies for fiscal years 1988 and 1989. Thereafter, the President shall submit a proposed two-year budget for the Department of Defense and related agencies every other year.

"(c) **Report.**—Not later than April 1, 1986, the Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of

the Senate and House of Representatives a report containing the Secretary's views on the following:

"(1) The advantages and disadvantages of operating the Department of Defense and related agencies on a two-year budget cycle.

"(2) The Secretary's plans for converting to a two-year budget cycle.

"(3) A description of any impediments (statutory or otherwise) to converting the operations of the Department of Defense and related agencies to a two-year budget cycle beginning with fiscal year 1988."

Federal Capital Investment Program; Congressional Statement of Purposes

Section 201 of Pub.L. 98–501 provided that: "The purposes of this title [enacting subsec. (e) of this section and 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."

Legislative History

For legislative history and purpose of Pub.L. 98–501, see 1984 U.S. Code Cong. and Adm. News, p. 3934. See, also, Pub.L. 99–177, 1985 U.S. Code Cong. and Adm. News, p. 979; Pub.L. 100–119, 1987 U.S.Code Cong. and Adm.News, p. 739; Pub.L. 100–418, 1988 U.S.Code Cong. and Adm.News, p. 1547; Pub.L. 100–504, 1988 U.S.Code Cong. and Adm.News, p. 3154; Pub.L. 100–690, 1988 U.S.Code Cong. and Adm.News, p. 5937.

LAW REVIEW COMMENTARIES

Rewriting the fiscal constitution: The case of Gramm–Rudman–Hollings. Kate Stith, 76 Cal. L.Rev. 593 (1988).

§ 1106. Supplemental budget estimates and changes

[See main volume for text of (a)]

(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.

(As amended Pub.L. 99–177, Title II, § 242, Dec. 12, 1985, 99 Stat. 1063.)

Amendment of Section

For termination date of amendment by section 275(b)(2)(C) of Pub.L. 99–177, see Effective and Termination Dates note set out under section 901 of Title 2, The Congress.

Termination of Subsec. (c)

For termination of amendment by section 275(b) of Pub.L. 99–177, see Effective and Termination Dates note set out under section 900 of Title 2, The Congress.

HISTORICAL AND STATUTORY NOTES

1985 Amendment

Subsec. (b). Pub.L. 99–177, § 242(a), struck out "April 11 and" preceding "July 16".

Subsec. (c). Pub.L. 99–177, §§ 242(b), 275(b), temporarily added subsec. (c). See Effective and Termination Dates note set out under section 900 of Title 2, The Congress.

Effective Date of 1985 Amendment

Amendment of subsec. (b) and enactment of subsec. (c) of this section by Pub.L. 99–177, effective Dec. 12, 1985, to apply with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub.L. 99–177, set out as a note under section 901 of Title 2, The Congress.

Legislative History

For legislative history and purpose of Pub.L. 99–177, see 1985 U.S. Code Cong. and Adm. News, p. 979.

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

HISTORICAL AND STATUTORY NOTES

Explanatory Notes

[See main volume for text of first undesignated paragraph]

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 word "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 determined 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.

[See main volume for text of remaining paragraphs]

§ 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 shall also 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 caseloads, 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.

(As amended Pub.L. 99–177, Title II, § 222, Dec. 12, 1985, 99 Stat. 1060.)

HISTORICAL AND STATUTORY NOTES

1985 Amendment

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, to apply with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub.L. 99–177, set out as a note under section 901 of Title 2, The Congress.

Legislative History

For legislative history and purpose of Pub.L. 99–177, see 1985 U.S. Code Cong. and Adm. News, p. 979.

CHAPTER 13—APPROPRIATIONS

HISTORICAL AND STATUTORY NOTES

1990 Amendment

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

1989 Amendments

Pub.L. 101–194, Title III, § 302(b), Nov. 30, 1989, 103 Stat. 1746, added item 1352, relating to 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, relating to limitation on use of appropriated funds.

1986 Amendment

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

HISTORICAL AND STATUTORY NOTES

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'."

LAW REVIEW COMMENTARIES

Rewriting the fiscal constitution: The case of Gramm–Rudman–Hollings. Kate Stith, 76 Cal. L.Rev. 593 (1988).

NOTES OF DECISIONS

Nominee to regulatory agency, assistance 14a

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6. General or specific appropriations

Congressional appropriation that was very specifically earmarked was not a "lump-sum appropriation" that recipient agency could distribute among some or all permissible objectives as it saw fit. Blue Ocean Preservation Soc. v. Watkins, D.Hawaii 1991, 767 F.Supp. 1518.

Subsec. (d) of this section permits provision to be construed as specific appropriation, if it contains direction to pay, and designation of particular funds to be used. 1984, 63 Op.Comp.Gen. 331.

12. Use for other purposes

Nonreimbursable work details contravene requirement that funds be spent only on objects for which appropriated; and nonreimbursable work details effectively augment appropriation of receiving agency. 1986, 65 Op.Comp.Gen. 635.

Except under limited circumstances, nonreimbursable detail of employees from one agency to another violates requirement that funds be spent only for specific purposes of appropriation. 1985, 64 Op.Comp.Gen. 370.

Official expenses, including expenses incurred during the President's and vice President's travel for official purposes, may not be paid for by funds other than those appropriated for official purposes unless unless there is authority to the contrary such as section 439a of Title 2 permitting elected officials to accept gifts to defray expenses. 1982 (Counsel–Inf.Op.) 6 O.L.C. 214

14a. Nominee to regulatory agency, assistance

This section would appear to encompass the paying of a consultant from funds appropriated to the White House Office to assist a nominee to a regulatory agency in his confirmation hearing and to prepare the individual to assume his position, if appointed. 1978 (Counsel-Inf.Op.) 2 Op.O.L.C. 376.

CHAPTER 2—ORGANIZATION

§ 201. United States Postal Service

There is established, as an independent establishment of the executive branch of the Government of the United States, the United States Postal Service.

Pub.L. 91–375, Aug. 12, 1970, 84 Stat. 720.

Historical Note

Effective Date. Section effective July 1, 1971, pursuant to Resolution No. 71–9 of the Board of Governors. See section 15(a) of Pub.L. 91–375, set out as an Effective Date note preceding section 101 of this title.

Transfer of Functions; Abolition of Office. Section 4(a) of Pub.L. 91–375 provided that: "There are hereby transferred to the United States Postal Service all the functions, powers, and duties of the Post Office Department and the Postmaster General of the Post Office Department, and the Post Office Department and the office of Postmaster General of the Post Office Department are abolished."

Provisions of section 4(a) of Pub.L. 91–375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub.L. 91–375, set out as an Effective Date note preceding section 101 of this title.

Transitional Expenses. Expenses of United States Postal Service from Aug. 12, 1970, until date of commencement of operations of Postal Service deemed administrative expenses of Post Office Department, see section 12 of Pub.L. 91–375, set out as a note under section 2004 of this title.

Cross References

Postal Service defined, see section 102 of this title.

Library References

Post Office ⚷ 3.

C.J.S. Post Office § 4 et seq.

Code of Federal Regulations

Organizational principles, see 39 CFR 221.1 et seq.
Regions, see 39 CFR 225.1 et seq.
Regulatory coverage, see 39 CFR 211.1 et seq.

Notes of Decisions

1. Independent nature of Service

Congressional purpose in establishing Service was to permit Service to operate in "business-like" fashion; to such end, Congress removed Service from political sphere and authorized it to act as an independent establishment with powers equivalent to private business enterprise, such as power to make contracts, keep accounts and to acquire and lease property. Beneficial Finance Co. of New York, Inc. v. Dallas, C.A.N.Y.1978, 571 F.2d 125

2. Competition with private carriers

Apart from limitations imposed by sections 601 to 606 of this title and sections 1693 to 1696 of Title 18 regarding "Letter mail", the Service competes with private carriers in the delivery of mail. Beneficial Finance Co. of New York, Inc. v. Dallas, C.A.N.Y.1978, 571 F.2d 125

§ 202. Board of Governors

(a) The exercise of the power of the Postal Service shall be directed by a Board of Governors composed of 11 members appointed in accordance with this section. Nine of the members, to be known as Governors, shall be appointed by the President, by and with the advice and consent of the Senate, not more than 5 of whom may be adherents of the same political party. The Governors shall elect a Chairman from among the members of the Board. The Governors shall be chosen to represent the public interest generally, and shall not be representatives of specific interests using the Postal Service, and may be removed only for cause. Each Governor shall receive a salary of $10,000 a year plus $300 a day for not more than 30 days of meetings each year and shall be reimbursed for travel and reasonable expenses incurred in attending meetings of the Board. Nothing in the preceding sentence shall be construed to limit the number of days of meetings each year to 30 days.

(b) The terms of the 9 Governors shall be 9 years, except that the terms of the 9 Governors first taking office shall expire as designated by the President at the time of appointment, 1 at the end of 1 year, 1 at the end of 2 years, 1 at the end of 3 years, 1 at the end of 4 years, 1 at the end of 5 years, 1 at the end of 6 years, 1 at the end of 7 years, 1 at the end of 8 years, and 1 at the end of 9 years, following the appointment of the first of them. Any Governor appointed to fill a vacancy before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

(c) The Governors shall appoint and shall have the power to remove the Postmaster General, who shall be a voting member of the Board. His pay and term of service shall be fixed by the Governors.

(d) The Governors and the Postmaster General shall appoint and shall be a voting member of the Board. His term of service shall be fixed by the Governors and the Postmaster General and his pay by the Governors.

Pub.L. 91-375, Aug. 12, 1970, 84 Stat. 720.

Historical Note

Effective Date. Section effective Aug. 12, 1970, see section 15(a) of Pub.L. 91-375, set out as an Effective Date note preceding section 101 of this title.

Savings Provision. Payment to Governors of Board of Governors of Postal Service of $300 a day for not more than 60 days of meetings in each of first 2 years following effective date of this section [see Effective Date note above], notwithstanding this section, see section 5(g) of Pub.L. 91-375, set out as a Savings Provisions note preceding section 101 of this title.

Cross References

Board of Governors, Board, and Governors defined, see section 102 of this title.
Laws relating to federal employees inapplicable to individuals appointed under this section, see section 1005 of this title.
Postal career service as not including individuals appointed under this section, see section 1001 of this title.
Review of rates of pay of Governors by Commission on Executive, Legislative, and Judicial Salaries, see section 356 of Title 2, The Congress.

Library References

Post Office ⚷ 3. C.J.S. Post Office § 4 et seq.

Code of Federal Regulations

Composition, etc., of Board of Governors, see 39 CFR 3.1 et seq.
General and technical provisions, see 39 CFR 2.1 et seq.
Meetings, see 39 CFR 6.1 et seq., 7.1 et seq.
Officers, see 39 CFR 4.1 et seq.
Organizational principles, see 39 CFR 221.1 et seq.
Regulatory coverage, see 39 CFR 211.1 et seq.
Reporting requirements, see 39 CFR 8.1 et seq.
Special and standing committees, see 39 CFR 5.1 et seq.
Statements of policy, see 39 CFR 1.1 et seq.

§ 203. Postmaster General; Deputy Postmaster General

The chief executive officer of the Postal Service is the Postmaster General appointed under section 202(c) of this title. The alternate chief executive officer of the Postal Service is the Deputy Postmaster General appointed under section 202(d) of this title.

Pub.L. 91-375, Aug. 12, 1970, 84 Stat. 721.

Historical Note

Effective Date. Section effective Aug. 12, 1970, see section 15(a) of Pub.L. 91-375, set out as an Effective Date note preceding section 101 of this title.

Order of Succession. For order of succession in case of absence, disability or vacancy in office of both the Postmaster General and Deputy Postmaster General, see Ex.Ord.No.11313, Oct. 15, 1966, 31 F.R. 13417, set out as a note under section 3347 of Title 5, Government Organization and Employees.

Code of Federal Regulations

Authority and communication relationships see 39 CFR 223.1 et seq.
Composition, etc., of Board of Governors, see 39 CFR 3.1 et seq.
Delegations of authority, see 39 CFR 222.1 et seq.
General and technical provisions, see 39 CFR 2.1 et seq.
Groups and departments, see 39 CFR 224.1 et seq.
Officers, see 39 CFR 4.1 et seq.
Organizational principles, see 39 CFR 221.1 et seq.
Regions, see 39 CFR 225.1 et seq.
Reporting requirements, see 39 CFR 8.1 et seq.
Special and standing committees, see 39 CFR 5.1 et seq.
Statements of policy, see 39 CFR 1.1 et seq.

Notes of Decisions

Conclusiveness of predecessor's decisions 2
Discretion of Postmaster General 1
Evidence 8
Failure to exercise powers 3
Injunctions 9
Liability for official acts 4
Parties 6
Presumptions 7
Scope of judicial review 5

1. Discretion of Postmaster General

The law-making power intended to give to the Postmaster General great power of discretion in the management of the mails and post roads, and committed much to his opinion and good judgment. Such a policy is necessary, for no such service can be strictly mapped out and defined by statute, and its changing needs require the attention of an executive officer vested with power of management. Griffith v. U. S., 1887, 22 Ct.Cl. 165, appeal dismissed 11 S.Ct. 1005, 141 U.S. 212, 35 L.Ed. 719.

2. Conclusiveness of predecessor's decisions

The Postmaster General is not bound by the construction placed by a decision of a predecessor in office so as to preclude him from revoking a certificate of entry of a publication as second-class matter, which had been issued by such predecessor, where no vested right has been created by such certificate. Columbian Correspondence College v. Wynne, 1905, 25 App.D.C. 149, appeal dismissed 26 S.Ct. 758, 200 U.S. 615, 50 L.Ed. 621.

3. Failure to exercise powers

The failure for a number of years of the Postmaster General to exercise an authority granted to him by law does not abrogate the power. Louisville & N. R. Co. v. U. S., 1918, 53 Ct.Cl.

4. Liability for official acts

The act of the head of one of the departments of the government in calling the attention of any person having business with such department to a statute in any way relating to such business cannot be made the foundation of a cause of action against such officers, not even if it be alleged that what that officer did was done maliciously. Spalding v. Vilas, Dist.Col.1896, 16 S.Ct. 631, 161 U.S. 483, 40 L.Ed. 780.

5. Scope of judicial review

Under former section 369 of Title 5, the Postmaster General was justified in revoking a second-class mail permit granted to a newspaper, if it had come to be so edited as to contain other than mailable matter, and the conclusion of the Postmaster General, in revoking such permit that the publisher had published nonmailable matter will not be disturbed by the courts, unless they are clearly of the opinion that it is wrong. U. S. ex rel. Milwaukee Social Democratic Pub. Co. v. Burleson, 1921, 41 S.Ct. 352, 255 U. S. 407, 65 L.Ed. 704.

Where the management of the Post Office Department [now United States Postal Service] is placed in the hands of the Postmaster General and assistants, the courts will not interfere where palpable error does not appear in the ruling of the Department in deciding to which addressee certain mail matter belongs as between two claimants. Central Trust Co. v. Central Trust Co. of Illinois, Ill. 1910, 30 S.Ct. 341, 216 U.S. 251, 54 L.Ed. 469, 17 Ann.Cas. 1066. See, also, National Life Ins. Co. of United States v. National Life Ins. Co., Ill.1908, 28 S.Ct. 541, 209 U. S. 317, 52 L.Ed. 808.

Courts will not interfere with discretion of Postmaster General in superintending business of Post Office Depart-

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Also, see the WESTLAW Electronic Research Guide following the Explanation.

SUBCHAPTER I—GENERAL PROVISIONS

CROSS REFERENCES

International narcotics control, see 22 USCA § 2291.
Trade credit insurance program, see 22 USCA § 2184.

§ 635. Powers and functions of Bank

(a) General banking business; use of mails; publication of documents, reports, contracts, etc.; use of assets and allocated or borrowed money; payment of dividends; medium-term financing; dissemination of information; enhancement of medium-term program

(1) There is created a corporation with the name Export-Import Bank of the United States, which shall be an agency of the United States of America. The objects and purposes of the bank shall be to aid in financing and to facilitate exports and imports and the exchange of commodities and services between the United States or any of its Territories or insular possessions and any foreign country or the agencies or nationals thereof. In connection with and in furtherance of its objects and purposes, the bank is authorized and empowered to do a general banking business except that of circulation; to receive deposits; to purchase, discount, rediscount, sell, and negotiate, with or without its endorsement or guaranty, and to guarantee notes, drafts, checks, bills of exchange, acceptances, including bankers' acceptances, cable transfers, and other evidences of indebtedness; to guarantee, insure, coinsure, and reinsure against political and credit risks of loss; to purchase, sell, and guarantee securities but not to purchase with its funds any stock in any other corporation except that it may acquire any such stock through the enforcement of any lien or pledge or otherwise to satisfy a previously contracted indebtedness to it; to accept bills and drafts drawn upon it; to issue letters of credit; to purchase and sell coin, bullion, and exchange; to borrow and to lend money; to perform any act herein authorized in participation with any other person, including any individual, partnership, corporation, or association; to adopt, alter, and use a corporate seal, which shall be judicially noticed; to sue and to be sued, to complain and to defend in any court of competent jurisdiction; to represent itself or to contract for representation in all legal and arbitral proceedings outside the United States; and the enumeration of the foregoing powers shall not be deemed to exclude other powers necessary to the achievement of the objects and purposes of the bank. The bank shall be entitled to the use of the United States mails in the same manner and upon the same conditions as the executive departments of the Government. The Bank is authorized to publish or arrange for the publication of any documents, reports, contracts, or other

Hamilton Bank v. Export-Import Bank of U.S., E.D.Pa.1986, 634 F.Supp. 195.

The statutory authority of this section allowing a corporate instrumentality to "sue and be sued" should be construed as a complete waiver of sovereign immunity, and thus a wholly owned Government corporation with Eximbank's powers may resolve contract claims by arbitration. 1979 (Counsel-Inf.Op.) 3 Op.O.L.C. 226.

5. Transactions with Communist countries

The national interest exception to the prohibition within this section against guarantees, insurance, or extensions of credit by the Export-Import Bank in connection with certain Communist country transactions requires transmission of the President's determination that a particular transaction is in the national interest to the Congress within thirty days after making the same. 1974, 42 Op.Atty.Gen. 479.

6. Jurisdiction

Insured's claim against federal export credit insurer for breach of contract did not arise under act of Congress regulating commerce, and thus was not subject to original jurisdiction of federal district courts and was not removable from state court, merely because insurer had been appointed agent by government agency authorized by Congress to issue federal export credit insurance. Gensplit Finance Corp. v. Foreign Credit Ins. Ass'n, D.C.Wis.1985, 616 F.Supp. 1504.

In view of fact that Export-Import Bank of the United States is a bank that functions independently of general control of the United States Treasury, is in control and possession of its own assets and liabilities, and, as a separate entity and from its own assets, is liable for a loss occurring on any insurance it has extended up to $100,000,000, suit against bank to recover $5,000,000 on insurance policy issued by bank was not one within exclusive jurisdiction of court of claims since, if judgment was entered against bank, it would not require satisfaction from public treasury. Enterprise Tools, Inc. v. Export-Import Bank of the U.S., D.C.Ark.1983, 564 F.Supp. [illegible]

Fact that Congress, in creating Export-Import Bank, authorized it to be sued in any court indicated that federal courts were not to have exclusive jurisdiction over actions in which Bank might be involved as party. Lance Intern., Inc. v. Aetna Cas. & Sur. Co., D.C.N.Y.1967, [illegible] F.Supp. 349.

7. Removal of actions

Insured's claim against federal export credit insurer for breach of contract did not arise under federal law, and thus was not removable, simply because insurer was acting as agent of government agency which Congress had authorized to issue federal export credit insurance. Gensplit Finance Corp. v. Foreign Credit Ins. Ass'n, D.C.Wis.1985, 616 F.Supp. 1504.

Suit against Export-Import Bank, a federal corporation, and against private co-insurers for damages for breach of export credit insurance policy was not removable to federal District Court, even though Bank which was principal defendant, would have right to remove if it had been sued alone, where facts and issues were substantially identical as to all defendants, no claim or issue arose under, or involving interpretation or construction of federal law, and questions of interpretation would relate to provisions of insurance policy and not federal law. Lance Intern., Inc. v. Aetna Cas. & Sur. Co., D.C.N.Y.1967, [illegible] F.Supp. 349.

§ 635a. Management of Bank

(a) Establishment as independent agency

The Export-Import Bank of the United States shall constitute an independent agency of the United States and neither the Bank nor any of its functions, powers, or duties shall be transferred to or consolidated with any other department, agency, or corporation of the Government unless the Congress shall otherwise by law

(b) President and First Vice President of the Bank; appointment; duties

There shall be a President of the Export-Import Bank of the United States, who shall be appointed by the President of the United States by and with the advice and consent of the Senate, and who shall serve as chief executive officer of the Bank. There shall be a First Vice President of the Bank, who shall be appointed by the President of the United States by and with the advice and consent of the Senate, who shall serve as President of the Bank during the absence or disability of or in the event of a vacancy in the office of President of the Bank, and who shall at other times perform such functions as the President of the Bank may from time to time prescribe.

(c) Board of Directors; composition; oath; terms; duties; quorum; by-laws

(1) There shall be a Board of Directors of the Bank consisting of the President of the Export-Import Bank of the United States, who shall serve as Chairman, the First Vice President who shall serve as Vice Chairman, and three additional persons appointed by the President of the United States by and with the advice and consent of the Senate.

(2) Of the five members of the Board, not more than three shall be members of any one political party.

(3) [Omitted]

(4) Before entering upon his duties, each of the directors shall take an oath faithfully to discharge the duties of his office.

(5) The directors, in addition to their duties as members of the Board, shall perform such additional duties and may hold such other offices in the administration of the Bank as the President of the Bank may from time to time prescribe.

(6) A majority of the Board of Directors shall constitute a quorum.

(7) The Board of Directors shall adopt, and may from time to time amend, such bylaws as are necessary for the proper management and functioning of the Bank, and shall, in such bylaws, designate the vice presidents and other officers of the Bank and prescribe their duties.

(8)(A) The terms of the directors, including the President and the First Vice President of the Bank, appointed under this section shall be four years, except that—

(i) during their terms of office, the directors shall serve at the pleasure of the President of the United States;

the term of any director appointed after November 30, 1983 to serve before January 20, 1985, shall expire on January 20, 1985;

(iii) of the directors first appointed to serve beginning on or after January 21, 1985, two directors (other than the President and First Vice President of the Bank) shall be appointed for terms of two years, as designated by the President of the United States at the time of their appointment; and

(iv) any director first appointed to serve for a term beginning on any date after January 21, 1985, shall serve only for the remainder of the period for which such director would have been appointed if such director's term had begun on January 21, 1985. If such term would have expired before the date on which such director's term actually begins, the term of such director shall be the four-year period, or remainder thereof, as if such director had been preceded by a director whose term had begun on January 21, 1985.

(B) Of the five members of the Board appointed by the President, not less than one such member shall be selected from among the small business community and shall represent the interests of small business.

(C) Any person chosen to fill a vacancy shall be appointed only for the unexpired term of the director whom such person succeeds.

(D) Any director whose term has expired may be reappointed.

(E) Any director whose term has expired may continue to serve on the Board of Directors until the earlier of—

(i) the date on which such director's successor is qualified; or

(ii) the end of the 6-month period beginning on the date such director's term expires.

(d) Advisory Committee; appointment; composition; meetings; advice to Bank; report to Congress

(1)(A) There is established an Advisory Committee to consist of twelve members who shall be appointed by the Board of Directors on the recommendation of the President of the Bank.

(B) Such members shall be broadly representative of production, commerce, finance, agriculture, labor, services, and State government.

(2) Not less than three members appointed to the Advisory Committee shall be representative of the small business community.

(3) The Advisory Committee shall meet at least once each quarter.

(4) The Advisory Committee shall advise the Bank on its programs and shall submit, with the report specified in section 635g(b)(1)(A) of this title, its own comments to the Congress on the extent to which the Bank is meeting its mandate to provide competitive financing to expand United States exports, and any suggestions for improvements in this regard.

(e) Conflicting personal interests

No director, officer, attorney, agent, or employee of the Bank shall in any manner, directly or indirectly, participate in the deliberation upon or the determination of any question affecting such individual's personal interests, or the interests of any corporation, partnership or association in which such individual is directly or indirectly personally interested.

(July 31, 1945, c. 341, § 3, 59 Stat. 527; Aug. 9, 1954, c. 660, § 1, 68 Stat. 677; Mar. 13, 1968, Pub.L. 90-267, § 1(a), (d), 82 Stat. 47, 49; Nov. 30, 1983, Pub.L. 98-181, Title VI, §§ 613, 614(a), 620(b), 97 Stat. 1255, 1261; Oct. 15, 1986, Pub.L. 99-472, § 18, 100 Stat. 1205.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1945 Act. Senate Report No. 882 and Conference Report No. 1411, see 1949 U.S.Code Cong. Service, p. 2143.

1954 Act. House Report No. 2270, see 1954 U.S.Code Cong. and Adm.News, p. [illegible].

1956 Act. Senate Report No. 2642 and Conference Report No. 2935, see 1956 U.S.Code Cong. and Adm.News, p. 3725.

1968 Act. House Report No. 256 and Conference Report No. 1103, see 1968 U.S.Code Cong. and Adm.News, p. 1727.

1983 Act. Senate Report No. 98-275, House Conference Report No. 98-551, and Two Related Reports, see 1983 U.S. Code Cong. and Adm.News, p. 1768.

1986 Act. House Conference Report No. 99-956 and Statement by President, see 1986 U.S.Code Cong. and Adm.News, p. [illegible].

Codifications

Provisions of subsecs. (b) and (c)(3) which prescribed the annual compensation of the President, the First Vice President, and other members of the Board of Directors were omitted to conform to the provisions of the Executive schedule. See sections 5314 and 5315 of Title 5, Government Organizations and Employees.

Subsec. (e), prior to amendment by Act Aug. 9, 1954, provided for management of the affairs of the Bank by the former Board of Trustees until Oct. 31, 1945, or until at least two members of the Board of Directors qualified as such, whichever was earlier.

Amendments

1986 Amendment. Subsec. (c)(8)(E). Pub.L. 99-472, § 18, added subpar. (E).

1983 Amendment. Subsec. (c)(1), (2). Pub.L. 98-181, § 614(a)(1), redesignated existing first and second sentences as pars. (1) and (2), respectively.

Subsec. (c)(3). Pub.L. 98-181, § 614(a)(1), redesignated existing third sentence as par. (3). See Codification note under this section to account for omission of that sentence's provisions from text.

Subsec. (c)(4). Pub.L. 98-181, § 614(a)(1), redesignated existing fourth sentence as par. (4).

Subsec. (c)(5). Pub.L. 98-181, § 614(a)(1), (2), designated existing fifth sentence as par. (5), and, in par. (5), as so designated, substituted "The directors, in addition" for "Terms of the directors shall be at the pleasure of the President of the United States, and the directors, in addition".

(a) Establis

There is hereby created a body corporate to be known as the Pennsylvania Avenue Development Corporation (hereinafter referred to as the "Corporation").

(b) Dissolution

The Corporation shall be dissolved upon completion, as determined by the Board of Directors, of its implementation of the development plan provided for in section 874 of this title. Upon dissolution, assets remaining after all the obligations and indebtedness of the Corporation has been fulfilled and paid or satisfied shall be the assets of the United States.

(c) Board of Directors; composition

The powers and management of the Corporation shall be vested in a Board of Directors consisting of fifteen members, as follows:

(1) The Secretary of the Interior;

(2) The Secretary of the Treasury;

(3) The Secretary of Housing and Urban Development;

(4) The Secretary of Transportation;

(5) The Administrator of General Services;

(6) The Mayor of the District of Columbia;

(7) The Chairman, Council of the District of Columbia; and

(8) Eight, at least four of whom shall be residents and who are registered voters of the District of Columbia, appointed by the President from private life, who shall have knowledge and experience in one or more fields of history, architecture, city planning, retailing, real estate, construction, or government.

(d) Alternate directors

Each member of the Board of Directors specified in paragraphs (1) through (7) of subsection (c) of this section may designate another official to serve on the Board in his stead if unable to serve in person.

(e) Term of office

Each member of the Board of Directors appointed under paragraph (8) of subsection (c) of this section shall serve for a term of six years from the expiration of his predecessor's term; except that (1) any Director appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of the Directors first taking office shall begin on October 27, 1972, and shall expire as designated at the time of appointment, two at the end of two years, two at the end of four years, and four at the end of six years. A Director may continue to serve until his successor has qualified.

(f) Chairman

The President shall designate a Chairman and a Vice Chairman from among the members of the Board of Directors, chosen from private life.

Nonvoting membership on board

Chairman, upon his appointment, shall invite to serve on the ... Directors as nonvoting members the following:

(1) The Chairman of the Commission of Fine Arts;

(2) The Chairman of the National Capital Planning Commission;

(3) The Secretary of the Smithsonian Institution;

(4) The Director of the National Gallery of Art;

(5) The Architect of the Capitol;

(6) The Archivist of the United States;

(7) The Chairman of the District of Columbia, Commission on the Arts; and

(8) The Director of the District of Columbia Department of Housing and Community Development.

(h) Compensation

Members of the Board of Directors who are officers or employees of the Federal or District of Columbia government shall receive no additional compensation by virtue of their membership on the Board. Other members of the Board, when engaged in the activities of the Corporation, shall be entitled to receive compensation at the daily equivalent of the rate for GS-18 of the General Schedule, and travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703(b)–(d) and 5707) for persons in the Government service employed intermittently.

(i) Meetings; quorum

The Board of Directors shall meet at the call of the Chairman, who shall require it to meet not less often than once each three months. A majority of the voting members of the Board of Directors (or their designated alternates) shall constitute a quorum.

(j) Advisory Board

There shall be established a nonvoting Advisory Board of seven members appointed by the Chairman from among tenants and owners of real property within the development area. The Advisory Board shall meet at least twice annually with the Board of Directors, and shall otherwise offer such advice and assistance as may be of benefit to the Board of Directors during preparation of the development plan.

(Pub.L. 92-578, § 3, Oct. 27, 1972, 86 Stat. 1267; Pub.L. 95–629, Title I, § 101(1)(a) to (c), Nov. 10, 1978, 92 Stat. 3635; Pub.L. 98–141, § 8(c)(1), Oct. 31, 1983, 97 Stat. 910.)

Historical Note

References in Text. The General Schedule, referred to in subsec. (h), is set out under section 5332 of Title 5, Government Organization and Employees.

Section 5703 of Title 5, referred to in subsec. (h), was amended generally by Pub.L. 94–22, § 4, May 19, 1975, 89 Stat. 85, and as so amended does not contain subsecs. (b) to (d).

1983 Amendment. Subsec. (c)(7). Pub.L. 98-141 added the number designation "(7)" preceding "The Chairman, Council of the District of Columbia", thereby correcting an error that had been created in 1978 as the result of faulty directory language in section 101(1)(b) of Pub.L. 95–629 which, in the process of substituting "The Chairman, Council of the District of Columbia" for "The Chairman, District of Columbia Council" had deleted the number designation of that item.

1978 Amendment. Subsec. (c)(6). Pub.L. 95–629, § 101(1)(a), substituted "The Mayor of the District of Columbia" for "The Commissioner of the District of Columbia".

Subsec. (c)(7). Pub.L. 95–629, § 101(1)(b), substituted "The Chairman, Council of the District of Columbia" for "The Chairman, District of Columbia Council".

Subsec. (g)(8). Pub.L. 95-629, § 101(1)(c), substituted "The Director of the District of Columbia Department of Housing and Community Development" for "The Chairman of the District of Columbia Redevelopment Land Agency".

Archivist of the United States. References to Archivist of the United States deemed to refer to Archivist appointed under section 2103 of Title 44, Public Printing and Documents, with respect to functions transferred by Pub.L. 98-497 or an amendment made by Pub.L. 98-497 and exercised after Apr. 1, 1985, see sections 106 and 108 of Pub.L. 98-497, set out as notes under section 2102 of Title 44.

Termination of Advisory Boards. Advisory boards in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a board established by the Congress, its duration is otherwise provided by law, see sections 3(2) and 14 of Pub.L. 92-463, Oct. 6, 1972, 86 Stat. 770, set out in Appendix 2 to Title 5, Government Organization and Employees.

Legislative History. For legislative history and purpose of Pub.L. 92-578, see 1972 U.S. Code Cong. and Adm.News, p. 4721. See, also, Pub.L. 98-141, 1983 U.S.Code Cong. and Adm. News, p. 1308.

Cross References

Wholly owned government corporation defined to include Pennsylvania Avenue Development Corporation, see section 9101 of Title 31, Money and Finance.

Code of Federal Regulations

Pennsylvania Avenue Development Corporation, see 36 CFR Chap. IX.

Library References

District of Columbia ⇐23.
United States ⇐57.
C.J.S. District of Columbia § 9.
C.J.S. United States § 74.

§ 873. Board of Directors

(a) Executive Director and other officers and employees

The Board of Directors shall have the power to appoint and fix the compensation and duties of the Executive Director and such other officers and employees of the Corporation as may be necessary for the efficient administration of the Corporation; the Executive Director and two other officers of the Corporation may be appointed and compensated without regard to the provisions of Title 5 governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of Title 5.

(b) Procurement of services of experts

The Board of Directors is authorized to procure the temporary (not in excess of one year) or intermittent services of city planners, architects, engineers, appraisers, and other experts or consultants or organizations thereof in accordance with section 3109 of Title 5, but at rates for individuals not in excess of the rate in effect for grade GS-18 of the General Schedule.

(c) Administrative services

Administrative services shall be provided by the General Services Administration on a reimbursable basis.

(Pub.L. 92-578, § 4, Oct. 27, 1972, 86 Stat. 1268; Pub.L. 93-427, § 1, Oct. 1, 1974, 88

Historical Note

References in Text. The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (a), are classified to section 3301 et seq. of Title 5, Government Organization and Employees.

The General Schedule, referred to in subsec. (b), is set out under section 5332 of Title 5.

1978 Amendment. Subsec. (a). Pub.L. 95-629 substituted "subchapter III of chapter 53" for "subchapter 53".

1974 Amendment. Subsec. (b). Pub.L. 93-427 added subsec. (b). Former subsec. (b) was redesignated subsec. (c).

Subsec. (c). Pub.L. 93-427 redesignated former subsec. (b) as subsec. (c).

Legislative History. For legislative history and purpose of Pub.L. 92-578, see 1972 U.S. Code Cong. and Adm.News, p. 4721. See, also, Pub.L. 93-427, 1974 U.S.Code Cong. and Adm. News, p. 5414.

Code of Federal Regulations

Pennsylvania Avenue Development Corporation, see 36 CFR Chap. IX.

Library References

District of Columbia ⇐23.
United States ⇐57.
C.J.S. District of Columbia § 9.
C.J.S. United States § 74.

§ 874. Development plan

(a) Contents

The development plan for the development area shall include, but not be limited to: (1) the types of uses, both public and private, to be permitted; (2) criteria for the design and appearance of buildings, facilities, open spaces, and other improvements; (3) an estimate of the current values of all properties to be acquired; (4) an estimate of the relocation costs which would be incurred in carrying out the provisions of section 877 of this title; (5) an estimate of the cost of land preparation for all properties to be acquired; (6) an estimate of the reuse values of the properties to be acquired; (7) a program for the staging of a proposed development, including a detailed description of the portion of the program to be scheduled for completion by 1976; (8) a determination of the marketability of such development; (9) an estimate of the development costs, both public and private; (10) a thorough study of the economic impact of such development, including the impact on the local tax base, the metropolitan area as a whole, and the existing business activities within the development area; and (11) the procedures (including both interim and long-term arrangements) to be used in carrying out and insuring continuing conformance to the development plan.

(b) Cooperation in preparation

The development plan provided for in subsection (a) of this section shall be prepared with the cooperation of the Department of the Interior, the General Services Administration, and the District of Columbia government with the maximum feasible use of their staffs and other resources on a reimbursable basis by the Corporation.

(c) Submittal to Secretary of the Interior and Mayor of District of Columbia; public hearings

After the development plan has been completed and approved by the Board of Directors of the Corporation, it shall be submitted to the Secretary of the Interior and the Mayor of the District of Columbia. The Secretary of the Interior, within ninety days, shall notify the Corporation of his appr

Sec.
1832. Withdrawals by negotiable or transferable instruments for transfers to third parties.
- (a) Authority of depository institution; applicability.
- (b) "Depository institution" defined.
- (c) Fine.

1833. Annual report to Congress.
- (a) In general.
- (b) Agencies required to submit reports.

1833a. Civil penalties.
- (a) In general.
- (b) Maximum amount of penalty.
- (c) Violations to which penalty is applicable.
- (d) Attorney General to bring action.
- (e) Burden of proof.
- (f) Administrative subpoenas.

1833b. Comparability in compensation schedules.
1833c. Comptroller General Audit and access to records.
- (a) Audit of agencies or other persons performing functions under banking laws.
- (b) Audit of persons providing certain goods or services.
- (c) Provisions applicable to audits under this section.

1833d. Capital and accounting standards.
1833e. Equal opportunity.
- (a) In general.
- (b) Affirmative program for equal employment opportunity.
- (c) Solicitation of contracts.
- (d) Report to Congress.

CROSS REFERENCES

Applicability of—
Requirements and penalties to examiners of Farm Credit Administration, see 12 USCA § 2254.
Rules governing advertisement of interest rates, see 12 USCA § 1828.
Appropriate regulatory agency defined, see 15 USCA § 78c.
Approval for insurance as prerequisite for membership, see 12 USCA § 333.
Bank for purposes of Bank Holding Company Act, see 12 USCA § 1841.
Enforcement of regulations regarding—
Participation by foreign banks, see 12 USCA § 3108.
Securities issued by banks, see 15 USCA § 78l.
Filing of periodic and other reports regarding securities, see 15 USCA § 78m.
Regulating investment in State housing corporations, see 12 USCA § 1470.
Reports to Comptroller of the Currency, see 12 USCA § 161.

WESTLAW ELECTRONIC RESEARCH

WESTLAW supplements United States Code Annotated and is useful for additional research. Enter a citation in Insta-Cite for display of any parallel citations and case history. Enter a constitution, statute or rule citation in a case law database for cases of interest.

Example query for Insta-Cite: IC 726 F.2d 1292

Example query for statute: "12 U.S." "12 U.S.C* * *" "Title 12" /8 1811(e)

See, also, the WESTLAW Electronic Research Guide following the Explanation.

§ 1811. Creation of Corporation; duties

There is created a Federal Deposit Insurance Corporation (hereinafter referred to as the "Corporation") which shall insure, as hereinafter provided, the deposits of all banks and savings associations which are entitled to the benefits of insurance under this chapter, and which shall have the powers hereinafter granted.

(Sept. 21, 1950, c. 967, § 2[1], 64 Stat. 873; Aug. 9, 1989, Pub.L. 101-73, Title II, § 201, 103 Stat. 188.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1950 Act. House Report No. 2564, and Conference Report No. 3049, see 1950 U.S.Code Cong.Service, p. 3765.

1989 Act. House Report No. 101-54 and House Conference Report No. 101-222, see 1989 U.S. Code Cong. and Adm. News, p. 86.

Codifications

The Federal Deposit Insurance Corporation was originally created as a part of the Federal Reserve Act by Act June 16, 1933, c. 89, § 8, 48 Stat. 168 which added § 12B to the Federal Reserve Act, Act Dec. 23, 1913, c. 6, 38 Stat. 103, and was classified to § 264 of this title. Act Dec. 23, 1913, c. 6, § 12B, as added June 16, 1933, c. 89, § 8, 48 Stat. 168 has been amended by Acts June 16, 1934, c. 546, § 1, (10), 48 Stat. 969, 970; June 28, 1935, c. 335, 49 Stat. 435; Aug. 23, 1935, c. 614, § 101, 49 Stat. 684; Apr. 21, 1936, c. 222, 49 Stat. 1237; May 25, 1938, c. 278, 52 Stat. 442; June 16, 1938, c. 489, 52 Stat. 707; June 20, 1939, c. 214, § 2, 53 Stat. 842; Apr. 13, 1943, c. 62, § 1, 57 Stat. 65; Aug. 5, 1947, c. 492, §§ 2, 4, 61 Stat. 773; June 25, 1948, c. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948; Oct. 15, 1949, c. 695, § 4, 63 Stat. 880; Aug. 17, 1950, c. 729, §§ 5 to 7, 64 Stat. 457. Section 12B of the Federal Reserve Act was withdrawn from the Federal Reserve Act and made a separate Act by § 1 of Act Sept. 21, 1950, and set out as this chapter.

Amendments

1989 Amendment. Pub.L. 101-73 added "and savings associations" following "banks".

Separability of Provisions

Section 1221 of Pub.L. 101-73 provided that: "If any provision of this Act [for complete classification of Pub.L. 101-73 to the Code see Short Title of 1989 Amendment note below and Tables] or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby."

If any provision of Pub.L. 100-86 or the application thereof to any person or circumstances is held invalid, the remainder of Pub.L. 100-86 and the application of the provision to other persons not similarly situated or to other circumstances not to be affected thereby, see Pub.L. 100-86, Title XII, § 1205, Aug. 10, 1987, 101 Stat. 663, set out as a note under section 226 of this title.

Prior Provisions

Section is derived from subsec. (a) of former § 264 of this title. See Codification note above.

Congress had power to create a corporation as an agency of the government to fulfill governmental purposes and to endow such corporation with powers of private corporation. U.S. v. Doherty, D.C.Neb.1937, 18 F.Supp. 793.

2. Purpose

Policies behind creation of Corporation are promoting stability of, and confidence in, nation's banking system. Gunter v. Hutcheson, C.A.Ga.1982, 674 F.2d 862, certiorari denied 103 S.Ct. 60, 459 U.S. 826, 74 L.Ed.2d 63, rehearing denied 103 S.Ct. 477, 459 U.S. 1059, 74 L.Ed.2d 624.

This chapter set up system of insurance, primary function of which was stabilizing or promoting the stability of banks. First State Bank of Hudson County v. U.S., C.A.N.J.1979, 599 F.2d 558, certiorari denied 100 S.Ct. 662, 444 U.S. 1013, 62 L.Ed.2d 642.

The purpose of this section was to stabilize or to promote the stability of banks and to aid the federal government in its evergrowing financial transactions. Doherty v. U.S., C.A.Neb.1938, 94 F.2d 495, certiorari denied 58 S.Ct. 763, 303 U.S. 658, 82 L.Ed. 1117.

This chapter was intended to prevent runs on banks by depositors, to preserve solvency of insured banks, and thus to keep open the channels of trade and commercial exchange. Weir v. U.S., C.A.Ind.1937, 92 F.2d 634, certiorari denied 58 S.Ct. 368, 369, 302 U.S. 761, 82 L.Ed. 590, rehearing denied 58 S.Ct. 479, 480, 302 U.S. 781, 82 L.Ed. 603.

Congressional purpose in creating the Corporation was to promote soundness of banking and to aid the government in discharge of its fiscal transactions. Freeling v. Federal Deposit Ins. Corp., D.C.Okl.1962, 221 F.Supp. 955, affirmed 326 F.2d 971. See, also, Federal Deposit Ins. Corp. v. First Mortg. Investors, D.C.Wis.1980, 485 F.Supp. 445.

The chief function of the Federal Deposit Insurance Corporation is to insure deposits of all banks entitled to insurance under the law, to extent of $5,000 for each depositor, and second function of the corporation is to act as receiver for insured banks which fail. Ghent v. Cliffside Park Title Guarantee & Trust Co., 1938, 199 A. 416, 16 N.J.Misc. 308.

3. Law governing

Federal law controls in cases involving the rights of the Corporation. Federal Deposit Ins. Corp. v. Meo, C.A.Cal.1974, 505 F.2d 790.

Where bank acquired in ordinary good-faith transaction a promissory note of corporation personally guaranteed by individual defendants and both note and the guarantee provided that note and guarantee would be governed by and construed in accordance with laws of state of New York, Federal Deposit Insurance Corporation was to be bound by terms of the instrument, and no federal statute or overriding policy conferred on Federal Deposit Insurance Corporation as liquidator or receiver greater powers than bank itself had before insolvency, and state law, including McKinney's N.Y. RPAPL § 1371, was applicable. Federal Deposit Ins. Corp. v. Forte, 1981, 440 N.Y.S.2d 500, 109 Misc.2d 546, affirmed 463 N.Y.S.2d 844, 94 A.D.2d 59.

4. Nature of Federal Deposit Insurance Corporation

Federal Deposit Insurance Corporation is a governmental institution. U.S. v. Doherty, D.C.Neb.1937, 18 F.Supp. 793. See, also, Federal Deposit Ins. Corp. v. Mangiaracina, 1938, 198 A. 777, 16 N.J.Misc. 203.

5. State banks as federal instrumentalities

Congress can employ state corporations, including state banks with their consent, as instrumentalities of the United States. U.S. v. Doherty, D.C.Neb. 1937, 18 F.Supp. 793.

6. Power of banks to guarantee deposits

Banks have no general power to guarantee each other's deposits directly or through an organization, with or without limitation, since such power is matter of legislative, not banking policy. O'Connor v. Bankers Trust Co., 1936, 289 N.Y.S. 252, 159 Misc. 920, affirmed 1 N.Y.S.2d 641, 253 A.D. 714, affirmed 16 N.E.2d 302, 278 N.Y. 649.

7. Crediting insurance premiums between agencies

The Federal Savings and Loan Corporation and this Corporation are two wholly separate government insurance agencies, and plaintiff which converted from savings and loan association to mutual savings bank was not entitled to have the "unearned" portion of 12-month premium paid to Federal Savings and Loan Corporation primary reserve credited to its account with this Corporation. North New York Sav. Bank v. Federal Sav. and Loan Ins. Corp., 1975, 515 F.2d 1355, 169 U.S.App. D.C. 384.

§ 1812. Management

(a) Board of Directors

(1) In general

The management of the Corporation shall be vested in a Board of Directors consisting of 5 members—

(A) 1 of whom shall be the Comptroller of the Currency;

(B) 1 of whom shall be the Director of the Office of Thrift Supervision; and

(C) 3 of whom shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States.

(2) Political affiliation

After February 28, 1993, not more than 3 of the members of the Board of Directors may be members of the same political party.

(b) Chairperson and Vice Chairperson

(1) Chairperson

1 of the appointed members shall be designated by the President, by and with the advice and consent of the Senate, to serve as Chairperson of the Board of Directors for a term of 5 years.

(2) Vice Chairperson

1 of the appointed members shall be designated by the President, by and with the advice and consent of the Senate, to serve as Vice Chairperson of the Board of Directors.

(3) Acting Chairperson

In the event of a vacancy in the position of Chairperson of the Board of Directors or during the absence or disability of the Chairperson, the Vice Chairperson shall act as Chairperson.

(c) Terms

(1) Appointed members

Each appointed member shall be appointed for a term of 6 years.

(2) Interim appointments

Any member appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

(3) Continuation of service

The Chairperson, Vice Chairperson, and each appointed member may continue to serve after the expiration of the term of office to which such member was appointed until a successor has been appointed and qualified.

(d) Vacancy

(1) In general

Any vacancy on the Board of Directors shall be filled in the manner in which the original appointment was made.

(2) Acting officials may serve

In the event of a vacancy in the office of the Comptroller of the Currency or the office of Director of the Office of Thrift Supervision and pending the appointment of a successor, or during the absence or disability of the Comptroller or such Director, the acting Comptroller of the Currency or the acting Director of the Office of Thrift Supervision, as the case may be, shall be a member of the Board of Directors in the place of the Comptroller or Director.

(e) Ineligibility for other offices

(1) Postservice restriction

(A) In general

No member of the Board of Directors may hold any office, position, or employment in any insured depository institution or any depository institution holding company during—

(i) the time such member is in office; and

(ii) the 2-year period beginning on the date such member ceases to serve on the Board of Directors.

(B) Exception for members who serve full term

The limitation contained in subparagraph (A)(ii) shall not apply to any member who has ceased to serve on the Board of Directors after serving the full term for which such member was appointed.

(2) Restriction during service

No member of the Board of Directors may—

(A) be an officer or director of any insured depository institution, depository institution holding company, Federal Reserve bank, or Federal home loan bank; or

(B) hold stock in any insured depository institution or depository institution holding company.

(3) Certification

Upon taking office, each member of the Board of Directors shall certify under oath that such member has complied with this subsection and such certification shall be filed with the secretary of the Board of Directors.

(Sept. 21, 1950, c. 967, § 2[2], 64 Stat. 873; Sept. 8, 1959, Pub. L. 86–230, § 19, 73 Stat. 460; Nov. 30, 1983, Pub.L. 98–181, Title VII, § 702(a), 97 Stat. 1267; Aug. 9, 1989, Pub.L. 101–73, Title II, §§ 201(a)(1), 203(a), 103 Stat. 187, 188.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1950 Act. House Report No. 2564, and Conference Report No. 3049, see 1950 U.S.Code Cong.Service, p. 3765.

1959 Act. Senate Report No. 730, see 1959 U.S.Code Cong. and Adm.News, p. 2232.

1983 Act. Senate Report No. 98–275, House Conference Report No. 98–551, and Two Related Reports, see 1983 U.S. Code Cong. and Adm.News, p. 1768.

1989 Act. House Report No. 101–54 and House Conference Report No. 101–209, see 1989 U.S.Code Cong. and Adm.News, p. 86.

Amendments

1989 Amendment. Pub.L. 101–73, § 201(a)(1), directed that "insured depository institution" be substituted for "insured bank" wherever appearing.

Pub.L. 101–73, § 203(a), divided existing provisions into subsecs. (a) to (e), and in such subsecs. made other changes relating to the make-up and operation of the Board.

1983 Amendment. Pub.L. 98–181 added provision that each such appointive member may continue to serve after the expiration of his term until a successor has been appointed and qualified.

1959 Amendment. Pub.L. 86–230 provided for membership of the Acting Comptroller of the Currency on the Board of Directors during the absence or disability of the Comptroller instead of only during his absence from Washington.

Separability of Provisions

If any provision of Pub.L. 101–73 or the application thereof to any person or circumstance is held invalid, the remainder of Pub.L. 101–73 and the application of the provision to other persons not similarly situated or to other circumstances not to be affected thereby, see section 1221 of Pub.L. 101–73, set out as a note under section 1811 of this title.

Prior Provisions

Section is derived from subsec. (b) of former § 264 of this title. See Codification note set out under § 1811 of this title.

Compensation of Board of Directors

Compensation of Chairman and members of Board, see §§ 5314 and 5315 of Title 5, Government Organization and Employees.

Transition Provision

Section 203(b) of Pub.L. 101–73 provided that:

"**(1) Chairperson.**—Notwithstanding any provision of section 2 of the Federal Deposit Insurance Act [this section], the Chairman of the Board of Directors of the Federal Deposit Insurance Corporation on the date of the enactment of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [Aug. 9, 1989] may continue to serve as the

A-34

PART VIII. INSTRUCTIONS FOR SPECIAL TYPES OF TRANSACTIONS

Transfers Between Appropriation and Fund Accounts

81.1 General principles and application of instructions.

The term "transfer" is used to designate the shifting of funds from one appropriation or fund account to another account. For the purpose of budget execution, transfers must be distinguished from the term "reprogramming". Reprogramming is the shifting of funds within the same appropriation or fund account. The instructions in this section apply only to transfers.

Transfers are made to carry out the purposes of either the transferring account or the receiving account. Transfers in return for goods and services benefit the transferring account; transfers in the nature of adjustments of amounts appropriated benefit the receiving account. Exhibit 81 summarizes the general treatment of transfers.

Section 81.2 discusses transfers for the purposes of the transferring account. Section 81.3 discusses the treatment of transfers for the purposes of the receiving account. Section 81.4 applies to temporary transfers authorized by 31 U.S.C. 1534.

81.2 Transfers for the purposes of the transferring account.

These transactions primarily reflect transfers in return for goods and services received by the transferring account.

Transfers to carry out the purposes of the transferring account will be made by either (a) recording an obligation and outlay in the transferring account and crediting the receiving account (expenditure transfer) or (b) establishing an allocation account (nonexpenditure transfer). Each method is described as follows:

(a) **Expenditure transfers.** This may apply to the following items:

(1) Orders for goods, services, or equipment placed with other agencies, where the payment is made after delivery takes place or where advance payment is made for services to be provided by the performing agency.

(2) Payments between accounts to carry out the purposes of the transferring account, even though there are no specific orders involved (for example, where the law specifies that a particular amount will be paid from one appropriation or fund account to another in order to carry out the general purposes of the first appropriation or fund account);

(3) Payments to accounts in a different main fund group (for example, a payment from a general or special fund in the Federal fund group to a trust fund or vice versa).

In these cases, the transactions will be treated in the transferring account in the same manner as transactions with the public, i.e., an obligation will be reported in the transferring account when an order is placed. Then, when an appropriation or fund account accepts an order from another account, it will record the amount as an unfilled customer's order until the amount is earned, at which time it is recorded as an earned reimbursement. An outlay will be reported by the transferring account when payment is made. The change in unfilled customers' orders from the beginning of the fiscal year is recorded on line 3B of the S.F. 132 and S.F. 133.

(b) **Allocation accounts.**

(1) <u>Description and establishment</u>. The authority to obligate and spend

A-34

rule is that the agency responsible for administering the parent account will submit S.F. 132s and monthly S.F. 133s covering both the parent account and all allocations from it, unless specifically requested to do otherwise by OMB.

-- Treasury, on the other hand, requires agencies receiving allocations to submit quarterly allocation data (e.g., obligations data for the S.F 225) directly to Treasury--not through the parent agency.

81.3 Transfers for the purposes of the receiving account.

Transfers without benefit to the transferring account, decrease the funds available for obligation or expenditure under one account symbol and increase the amount available under the other. They are generally treated as nonexpenditure transactions. (The exceptions are transfers for the purposes of the receiving accounts where the accounts are in two different main fund groups, see section 81.2.) The transactions included in this category are:

(a) **Reorganization transfers.** These are transfers resulting from reorganizations in which activities and the related funds are transferred to different departments, agencies, bureaus, or accounts.

(b) **Changes in appropriation pattern.** These are transfers that result from consolidations or mergers of appropriations and funds.

(c) **Redistribution of appropriations or balances.** These include the administrative exercise of general statutory authority, for example, authority provided to the head of an agency to transfer funds for a specific purpose such as fighting forest fires, to finance additional funding requirements such as pay, or within a fixed percentage or sum specified by law.

In these cases, the amounts so withdrawn and credited will be reflected on the S.F. 132 and S.F. 133 on line 1D, if the transfer is made in the same year as the funds are made available. If the transfer involves unobligated balances, then the amounts will be reflected on line 2B of the S.F. 132 or S.F. 133. See Parts IV and V for further instructions on reporting such amounts on the S.F. 132 and S.F. 133.

In addition, a similar adjustment of budgetary resources occurs when a financing transaction takes place in which a feeder account provides capital for a public enterprise fund. Since for purposes of the reports required under this Circular the feeder and receiving accounts are combined, the adjustments are not reported on the S.F. 132 and S.F. 133.

81.4 Temporary charges and credits between accounts.

Section 1534 of Title 31 of the United States Code authorizes, under certain circumstances, temporary transfers (i.e., charges to be made against an appropriation temporarily) with an accounting adjustment to the appropriation finally to be charged with the outlay. All charges during the fiscal year must be adjusted as of the close of the fiscal year. The adjustment will be accounted for in the same manner as a refund by the appropriation originally charged. Obligations incurred by the appropriation finally to be charged with the outlay must be identical with credits in the account originally charged.

Project Orders and Similar Arrangements

82.1 Project orders and other arrangements permitting lump sum obligations.

In certain special cases, an appropriation may be legally obligated in a lump sum, under project orders and similar arrangements, in advance of the time when individual obligations are incurred (within the same appropriation and within the lump sum) for such items as salaries, travel, and supplies. For the purpose of reporting under this Circular, orders placed under the project order law (41 U.S.C. 23) or similar laws are divided into two classes: