

In subsection (b), the words “dividing” and “division” are substituted for “subdivision” for consistency in the revised section. The word “appropriations” is substituted for “appropriations or funds” because of the definition of “appropriation” in section 1511 of the revised title.

§ 1515. Authorized apportionments necessitating deficiency or supplemental appropriations

(a) An appropriation required to be apportioned under section 1512 of this title may be apportioned on a basis that indicates the need for a deficiency or supplemental appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees (including prevailing rate employees whose pay is fixed and adjusted under subchapter IV of chapter 53 of title 5) and to retired and active military personnel.

(b)(1) Except as provided in subsection (a) of this section, an official may make, and the head of an executive agency may request, an apportionment under section 1512 of this title that would indicate a necessity for a deficiency or supplemental appropriation only when the official or agency head decides that the action is required because of—

(A) a law enacted after submission to Congress of the estimates for an appropriation that requires an expenditure beyond administrative control; or

(B) an emergency involving the safety of human life, the protection of property, or the immediate welfare of individuals when an appropriation that would allow the United States Government to pay, or contribute to, amounts required to be paid to individuals in specific amounts fixed by law or under formulas prescribed by law, is insufficient.

(2) If an official making an apportionment decides that an apportionment would indicate a necessity for a deficiency or supplemental appropriation, the official shall submit immediately a detailed report of the facts to Congress. The report shall be referred to in submitting a proposed deficiency or supplemental appropriation.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 931; Pub. L. 100-202, §105, Dec. 22, 1987, 101 Stat. 1329-433.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1515(a)	31:665a.	June 5, 1957, Pub. L. 85-48, §210, 71 Stat. 55.
1515(b)(1)	31:665(e)(1).	R.S. §3679(e)(1); Mar. 3, 1905, ch. 1484, §4(1st par.), 33 Stat. 1257; Feb. 27, 1906, ch. 510, §3, 34 Stat. 48; Sept. 6, 1950, ch. 896, §1211, 64 Stat. 767; restated Aug. 28, 1957, Pub. L. 85-170, §1401, 71 Stat. 440.
1515(b)(2)	31:665(e)(2).	R.S. §3679(e)(2); Mar. 3, 1905, ch. 1484, §4(1st par.), 33 Stat. 1257; Feb. 27, 1906, ch. 510, §3, 34 Stat. 48; restated Sept. 6, 1950, ch. 896, §1211, 64 Stat. 767.

In subsection (a), the words “On and after June 5, 1957” are omitted as executed. The words “deficiency or supplemental appropriation” are substituted for “supplemental or deficiency estimate of appropriation” for consistency with chapter 11 of the revised title. The words “prevailing rate employees whose pay is fixed

and adjusted under subchapter IV of chapter 53 of title 5” are substituted for “those employees (commonly known as wage-board employees) whose compensation is fixed and adjusted from time to time in accordance with prevailing rates (5 U.S.C. 5102(c)(7), 5341 et seq.)” for consistency with title 5.

In subsection (b), the word “apportionment” is substituted for “apportionment or reapportionment” because of section 1512(a)(last sentence) of the revised title.

In subsection (b)(1), before clause (A), the words “Except as provided in subsection (a) of this section” are added because of the restatement. The word “appropriation” is substituted for “estimate” for consistency in the revised section. The words “is insufficient” are added for clarity.

In subsection (b)(2), the words “proposed deficiency or supplemental appropriation” are substituted for “deficiency or supplemental estimates” for consistency with chapter 11 of the revised title.

AMENDMENTS

1987—Subsec. (a). Pub. L. 100-202 added subsec. (a) and struck out former subsec. (a) which read as follows: “An appropriation required to be apportioned under section 1512 of this title may be apportioned on a basis that indicates a necessity for a deficiency or supplemental appropriation to the extent necessary to permit payment of pay increases for prevailing rate employees whose pay is fixed and adjusted under subchapter IV of chapter 53 of title 5.”

§ 1516. Exemptions

An official designated in section 1513 of this title to make apportionments may exempt from apportionment—

(1) a trust fund or working fund if an expenditure from the fund has no significant effect on the financial operations of the United States Government;

(2) a working capital fund or a revolving fund established for intragovernmental operations;

(3) receipts from industrial and power operations available under law; and

(4) appropriations made specifically for—

(A) interest on, or retirement of, the public debt;

(B) payment of claims, judgments, refunds, and drawbacks;

(C) items the President decides are of a confidential nature;

(D) payment under a law requiring payment of the total amount of the appropriation to a designated payee; and

(E) grants to the States under the Social Security Act (42 U.S.C. 301 et seq.).

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 931.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1516	31:665(f)(1).	R.S. §3679(f)(1); Mar. 3, 1905, ch. 1484, §4(1st par.), 33 Stat. 1257; Feb. 27, 1906, ch. 510, §3, 34 Stat. 48; restated Sept. 6, 1950, ch. 896, §1211, 64 Stat. 767.

In the section, before clause (1), the word “apportionments” is substituted for “apportionments and reapportionments” because of section 1512(a)(last sentence) of the revised title. In subclause (D), the word “law” is substituted for “private relief acts or other laws” to eliminate unnecessary words.

REFERENCES IN TEXT

The Social Security Act, referred to in par. (4)(E), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified generally to chapter 7 (§301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

§ 1517. Prohibited obligations and expenditures

(a) An officer or employee of the United States Government or of the District of Columbia government may not make or authorize an expenditure or obligation exceeding—

- (1) an apportionment; or
- (2) the amount permitted by regulations prescribed under section 1514(a) of this title.

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

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 932; Pub. L. 108–447, div. G, title I, §1401(b), Dec. 8, 2004, 118 Stat. 3192.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1517(a)	31:665(h).	R.S. §3679(h), (i)(2)(related to (h)); Mar. 3, 1905, ch. 1484, §4(1st par.), 33 Stat. 1257; Feb. 27, 1906, ch. 510, §3, 34 Stat. 48; restated Sept. 6, 1950, ch. 896, §1211, 64 Stat. 768.
1517(b)	31:665(i)(2)(related to (h)).	

In subsection (a), before clause (1), the words “District of Columbia government” are added because of section 9 of the Act of June 26, 1912 (ch. 182, 37 Stat. 184). In clause (1), the word “apportionment” is substituted for “apportionment or reapportionment” because of section 1512(a)(last sentence) of the revised title.

In subsection (b), the word “Mayor” is used because of Reorganization Plan No. 3 of 1967 (eff. Aug. 11, 1967, 81 Stat. 948) and sections 421, 422, and 771 of the District of Columbia Self-Government and Governmental Reorganization Act (Pub. L. 93–198, 87 Stat. 789, 818). The word “President” is substituted for “President, through the Director of the Office of Management and Budget” because sections 101 and 102(a) of Reorganization Plan No. 2 of 1970 (eff. July 1, 1970, 84 Stat. 2085) designated the Bureau of the Budget as the Office of Management and Budget and transferred all functions of the Bureau to the President.

AMENDMENTS

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

§ 1518. Adverse personnel actions

An officer or employee of the United States Government or of the District of Columbia government violating section 1517(a) of this title shall be subject to appropriate administrative

discipline including, when circumstances warrant, suspension from duty without pay or removal from office.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 932.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1518	31:665(1)(1)(words before semicolon related to (h)).	R.S. §3679(i)(1)(words before semicolon related to (h)); Mar. 3, 1905, ch. 1484, §4(1st par.), 33 Stat. 1257; Feb. 27, 1906, ch. 510, §3, 34 Stat. 48; restated Sept. 6, 1950, ch. 896, §1211, 64 Stat. 768.

The words “In addition to any penalty or liability under other law” are omitted as surplus. The words “District of Columbia government” are added because of section 9 of the Act of June 26, 1912 (ch. 182, 37 Stat. 184).

§ 1519. Criminal penalty

An officer or employee of the United States Government or of the District of Columbia government knowingly and willfully violating section 1517(a) of this title shall be fined not more than \$5,000, imprisoned for not more than 2 years, or both.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 932.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1519	31:665(1)(1)(words after semicolon related to (h)).	R.S. §3679(i)(1)(words after semicolon related to (h)); Mar. 3, 1905, ch. 1484, §4(1st par.), 33 Stat. 1257; Feb. 27, 1906, ch. 510, §3, 34 Stat. 48; restated Sept. 6, 1950, ch. 896, §1211, 64 Stat. 768.

The words “District of Columbia government” are added because of section 9 of the Act of June 26, 1912 (ch. 182, 37 Stat. 184).

SUBCHAPTER III—TRANSFERS AND REIMBURSEMENTS

§ 1531. Transfers of functions and activities

(a) The balance of an appropriation available and necessary to finance or discharge a function or activity transferred or assigned under law within an executive agency or from one executive agency to another may be transferred to and used—

- (1) by the organizational unit or agency to which the function or activity was transferred or assigned; and
- (2) for a purpose for which the appropriation was originally available.

(b) The head of the executive agency determines the amount that, with the approval of the President, is necessary to be transferred when the transfer or assignment of the function or activity is from one executive agency to another.

(c) A balance transferred under this section is—

- (1) credited to an applicable existing or new appropriation account;