

ter of the Department of the Treasury to the Secretary of Homeland Security, and for treatment of related references, see sections 203(4), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

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

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

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

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

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

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

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

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

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

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

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

(b) TREATMENT OF DISCLAIMERS.—Any determination of whether a person has violated the provisions of subsection (a) shall be made without regard to any use of a disclaimer of affiliation with the United States Government or any particular agency or instrumentality thereof.

(c) CIVIL PENALTY.—

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

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

(3) TIME LIMITATIONS.—

(A) ASSESSMENTS.—The Secretary of the Treasury may assess any civil penalty under

paragraph (1) at any time before the end of the 3-year period beginning on the date of the violation with respect to which such penalty is imposed.

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

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

(d) CRIMINAL PENALTY.—

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

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

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

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

EFFECTIVE DATE

Pub. L. 103-296, title III, § 312(m), Aug. 15, 1994, 108 Stat. 1530, provided that:

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

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

REPORT ON IMPLEMENTATION OF SECTION

Pub. L. 103-296, title III, § 312(l)(3), Aug. 15, 1994, 108 Stat. 1530, provided that: “Not later than May 1, 1996, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the implementation of the amendments made by this section [enacting this section and amending section 1320b-10 of Title 42, The Public Health and Welfare]. Such report shall include the number of cases in which the Secretary has notified persons of violations of section 333 of title 31, United States Code (as added by subsection (a)[(l)(1)]), the number of prosecutions commenced under such section, and the total amount of the penalties collected in such prosecutions.”

**CHAPTER 5—OFFICE OF MANAGEMENT AND BUDGET**

SUBCHAPTER I—ORGANIZATION

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

SUBCHAPTER II—ADMINISTRATIVE

- 521. Employees.
- 522. Necessary expenditures.

AMENDMENTS

2002—Pub. L. 107-347, title I, §102(c)(2), Dec. 17, 2002, 116 Stat. 2910, added item 507.

1990—Pub. L. 101-576, title II, §203(c), Nov. 15, 1990, 104 Stat. 2841, added items 503 and 504 and redesignated former items 503 and 504 as 505 and 506, respectively.

1983—Pub. L. 97-452, §1(1)(B), Jan. 12, 1983, 96 Stat. 2467, added item 504.

SUBCHAPTER I—ORGANIZATION

**§ 501. Office of Management and Budget**

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

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

HISTORICAL AND REVISION NOTES

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

SHORT TITLE OF 1990 AMENDMENT

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

TRANSFER OF FUNCTIONS

Pub. L. 104-53, title II, §211, Nov. 19, 1995, 109 Stat. 535, as amended by Pub. L. 104-316, title II, §203, Oct. 19, 1996, 110 Stat. 3845, provided that: "Personnel transferred pursuant to this section, as in effect immediately before the effective date of section 303 [203] of the General Accounting Office Act of 1996 [Pub. L. 104-316, Oct. 19, 1996], shall not be separated or reduced in classification or compensation for one year after any such transfer, except for cause."

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to Director of the Office of Management and Budget, see Parts 1, 2, and 28 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

PUBLICATION OF CERTAIN DOCUMENTS

Pub. L. 112-239, div. A, title XVI, §1655, Jan. 2, 2013, 126 Stat. 2083, provided that: "Not later than 270 days after the date of the enactment of this part [Jan. 2, 2013], the Director of the Office of Management and Budget shall publish procedures and methodologies to be used by Federal agencies with respect to decisions to convert a function being performed by a small business concern to performance by a Federal employee, including procedures and methodologies for determining which contracts will be studied for potential conversion; procedures and methodologies by which a contract is evaluated as inherently governmental or as a critical agency function; and procedures and methodologies for estimating and comparing costs. Should a Federal agency develop any agency-specific methodologies for identifying critical agency functions or supplemental implementation guidance, such methodologies and guidance shall be published upon implementation."

SERVICE CONTRACT INVENTORY

Pub. L. 111-117, div. C, title VII, §743, Dec. 16, 2009, 123 Stat. 3216, as amended by Pub. L. 112-74, div. C, title VII, §740, Dec. 23, 2011, 125 Stat. 939, provided that:

"(a) SERVICE CONTRACT INVENTORY REQUIREMENT.—

"(1) GUIDANCE.—Not later than March 1, 2010, the Director of the Office of Management and Budget shall develop and disseminate guidance to aid executive agencies in establishing systems for the collection of information required to meet the requirements of this section and to ensure consistency of inventories across agencies.

"(2) REPORT.—Not later than July 31, 2010, the Director of the Office of Management and Budget shall submit a report to Congress on the status of efforts to enable executive agencies to prepare the inventories required under paragraph (3), including the development, as appropriate, of guidance, methodologies, and technical tools.

"(3) INVENTORY CONTENTS.—Not later than December 31, 2010, and annually thereafter, the head of each executive agency required to submit an inventory in accordance with the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note), other than the Department of Defense, shall submit to the Office of Management and Budget an annual inventory of service contracts awarded or extended through the exercise of an option, and task orders issued under any such contract, on or after April 1, 2010, for or on behalf of such agency. For each service contract, the entry for an inventory under this section shall include, for the preceding fiscal year, the following:

"(A) A description of the services purchased by the executive agency and the role the services played in achieving agency objectives, regardless of whether such a purchase was made through a contract or task order.

"(B) The organizational component of the executive agency administering the contract, and the organizational component of the agency whose requirements are being met through contractor performance of the service.

"(C) The total dollar amount obligated for services under the contract and the funding source for the contract.

"(D) The total dollar amount invoiced for services under the contract.

"(E) The contract type and date of award.

"(F) The name of the contractor and place of performance.

"(G) The number and work location of contractor and subcontractor employees, expressed as full-time equivalents for direct labor, compensated under the contract.

"(H) Whether the contract is a personal services contract.

"(I) Whether the contract was awarded on a non-competitive basis, regardless of date of award.