

§ 1347. Appropriations or authorizations required for agencies in existence for more than one year

(a) An agency in existence for more than one year may not use amounts otherwise available for obligation to pay its expenses without a specific appropriation or specific authorization by law. If the principal duties and powers of the agency are substantially the same as or similar to the duties and powers of an agency established by executive order, the agency established later is deemed to have been in existence from the date the agency established by the order came into existence.

(b) Except as specifically authorized by law, another agency may not use amounts available for obligation to pay expenses to carry out duties and powers substantially the same as or similar to the principal duties and powers of an agency that is prohibited from using amounts under this section.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 925.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1347(a)	31:696(1st, 2d sentences).	June 27, 1944, ch. 286, §213, 58 Stat. 387.
1347(b)	31:696(last sentence).	

In the section, the word “agency” is substituted for “agency or instrumentality” because of section 101 of the revised title and for consistency. The words “amounts otherwise available for obligation” are substituted for “any appropriation or fund made available by this or any other Act”, and the words “duties and powers” are substituted for “functions”, for consistency in the revised title.

In subsection (a), the words “After January 1, 1945” are omitted as executed. The words “including those established by Executive order” are omitted the first time they appear as surplus. The words “from the date . . . came into existence” are substituted for “during the existence” for clarity.

In subsection (b), the word “amounts” is substituted for “appropriations” for consistency in the revised title.

§ 1348. Telephone installation and charges

(a)(1) Except as provided in this section, appropriations are not available to install telephones in private residences or for tolls or other charges for telephone service from private residences.

(2) Under regulations of the Secretary of State, appropriations may be used to install and pay for the use of telephones in residences owned or leased by the United States Government in foreign countries for the use of the Foreign Service.

(b) Under regulations prescribed by the Secretary of the Army on recommendation of the Chief of Engineers, not more than \$30,000 may be expended each fiscal year to install and use in private residences telephones required for official business in constructing and operating locks and dams for navigation, flood control, and related water uses.

(c) Under regulations prescribed by the Secretary of Defense, funds appropriated to the Department of Defense are available to install, repair, and maintain telephone wiring in resi-

dences owned or leased by the United States Government and, if necessary for national defense purposes, in other private residences.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 926; Pub. L. 98-407, title VIII, §811(a), Aug. 28, 1984, 98 Stat. 1523; Pub. L. 104-201, div. A, title XVII, §1721, Sept. 23, 1996, 110 Stat. 2758.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1348(a)(1)	31:679(words before 2d comma).	Aug. 23, 1912, ch. 350, §7(less proviso), 37 Stat. 414.
1348(a)(2)	31:679(proviso).	Aug. 23, 1912, ch. 350, 37 Stat. 360, §7(proviso); added Apr. 30, 1940, ch. 175, 54 Stat. 175.
1348(b)	31:679(words between 2d comma and proviso). 31:680a.	May 10, 1939, ch. 119, §4, 53 Stat. 738.
1348(c)	31:680.	Sept. 22, 1922, ch. 427, §7, 42 Stat. 1042; May 17, 1950, ch. 188, §203, 64 Stat. 170; restated June 28, 1955, ch. 198, 69 Stat. 188.

In subsection (a)(1), the words “or private apartment” are omitted as being included in “private residences”.

In subsection (a)(2), the word “appropriations” is substituted for “Government funds”, and the word “calls” is substituted for “tolls”, for consistency. The word “official” is omitted as surplus.

In subsection (b), the words “On and after May 10, 1939” in 31:680a are omitted as executed. The word “agency” is substituted for “executive department, establishment, or agency” for clarity and because of section 101 of the revised title. The words “official business” are substituted for “public business” in 31:679 and “transaction of public business which the interests of the Government require to be so transacted” in 31:680a to eliminate unnecessary words. The words “division, bureau, or office” in 31:679 are omitted as being included in “agency”. The words “or such subordinates as he may specially designate” in 31:680a are omitted as surplus.

In subsection (c), the words “On and after September 22, 1922 the provisions of section 679 of this title, or any other law prohibiting the expenditure of public money . . . shall not be construed to apply to or forbid” are omitted as unnecessary because of the restatement.

AMENDMENTS

1996—Subsec. (a)(2). Pub. L. 104-201, §1721(1), struck out at end “Subsection (b) of this section applies to long-distance calls made on those telephones.”

Subsecs. (b) to (d). Pub. L. 104-201, §1721(2), (3), redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out former subsec. (b) which read as follows: “Appropriations of an agency are available to pay charges for a long-distance call if required for official business and the voucher to pay for the call is sworn to by the head of the agency. Appropriations of an executive agency are available only if the head of the agency also certifies that the call is necessary in the interest of the Government.”

1984—Subsec. (d). Pub. L. 98-407 added subsec. (d).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective 180 days after Sept. 23, 1996, see section 1725(a) of Pub. L. 104-201, set out as a note under section 5722 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-407, title VIII, §811(b), Aug. 28, 1984, 98 Stat. 1523, provided that: “The amendment made by subsection (a) [amending this section] shall be effective as of January 1, 1984. Funds appropriated to the Depart-

ment of Defense may be used to reimburse persons for expenditures made after December 31, 1983, for the installation, repair, and maintenance of telephone wiring in any Government-owned or leased housing unit before the date of the enactment of this Act [Aug. 28, 1984].”

EMPLOYEES AUTHORIZED TO WORK AT HOME

Pub. L. 104-52, title VI, §620, Nov. 19, 1995, 109 Stat. 501, provided that: “Notwithstanding any provisions of this or any other Act, during the fiscal year ending September 30, 1996, and hereafter, any department, division, bureau, or office may use funds appropriated by this or any other Act to install telephone lines, and necessary equipment, and to pay monthly charges, in any private residence or private apartment of an employee who has been authorized to work at home in accordance with guidelines issued by the Office of Personnel Management: *Provided*, That the head of the department, division, bureau, or office certifies that adequate safeguards against private misuse exist, and that the service is necessary for direct support of the agency’s mission.”

§ 1349. Adverse personnel actions

(a) An officer or employee of the United States Government or of the District of Columbia government violating section 1341(a) or 1342 of this title shall be subject to appropriate administrative discipline including, when circumstances warrant, suspension from duty without pay or removal from office.

(b) An officer or employee who willfully uses or authorizes the use of a passenger motor vehicle or aircraft owned or leased by the United States Government (except for an official purpose authorized by section 1344 of this title) or otherwise violates section 1344 shall be suspended without pay by the head of the agency. The officer or employee shall be suspended for at least one month, and when circumstances warrant, for a longer period or summarily removed from office.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 926.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1349(a)	31:665(i)(1)(words before semicolon related to (a), (b)).	R.S. §3679(i)(1)(words before semicolon related to (a), (b)); Mar. 3, 1905, ch. 1484, §4(1st par.), 33 Stat. 1257; Feb. 27, 1906, ch. 510, §3, 34 Stat. 48; restated Sept. 6, 1950, ch. 896, §1211, 64 Stat. 768.
1349(b)	31:638a(c)(2)(2d sentence).	July 16, 1914, ch. 141, §5(c)(2)(2d sentence), 38 Stat. 508; restated Aug. 2, 1946, ch. 744, §16(a), 60 Stat. 810.

In subsection (a), the words “In addition to any penalty or liability under other law” are omitted as surplus. The words “District of Columbia government” are added because of section 47-105 of the D.C. Code.

In subsection (b), the words “of the Government” and “from duty” are omitted as unnecessary because of the restatement. The word “pay” is substituted for “compensation” for consistency. The word “agency” is substituted for “department” because of section 101 of the revised title and for consistency.

§ 1350. Criminal penalty

An officer or employee of the United States Government or of the District of Columbia government knowingly and willfully violating section 1341(a) or 1342 of this title shall be fined not

more than \$5,000, imprisoned for not more than 2 years, or both.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 926.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1350	31:665(i)(1)(words after semicolon related to (a), (b)).	R.S. §3679(i)(1)(words after semicolon related to (a), (b)); Mar. 3, 1905, ch. 1484, §4(1st par.), 33 Stat. 1257; Feb. 27, 1906, ch. 510, §3, 34 Stat. 48; restated Sept. 6, 1950, ch. 896, §1211, 64 Stat. 768.

The words “District of Columbia government” are added because of section 47-105 of the D.C. Code. The words “upon conviction” are omitted as surplus.

§ 1351. Reports on violations

If an officer or employee of an executive agency or an officer or employee of the District of Columbia government violates section 1341(a) or 1342 of this title, the head of the agency or the Mayor of the District of Columbia, as the case may be, shall report immediately to the President and Congress all relevant facts and a statement of actions taken. A copy of each report shall also be transmitted to the Comptroller General on the same date the report is transmitted to the President and Congress.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 926; Pub. L. 108-447, div. G, title I, §1401(a), Dec. 8, 2004, 118 Stat. 3192.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1351	31:665(i)(2)(related to (a), (b)).	R.S. §3679(i)(2)(related to (a), (b)); Mar. 3, 1905, ch. 1404, §4(1st par.), 33 Stat. 1257; Feb. 27, 1906, ch. 510, §3, 34 Stat. 48; restated Sept. 6, 1950, ch. 896, §1211, 64 Stat. 768.

The words “executive agency” are substituted for “agency” because the definition of “agency” in 31:665(d)(2) applies to the source provisions restated in the section and because of section 102 of the revised title. The word “Mayor” is used because of Reorganization Plan No. 3 of 1967 (eff. Aug. 11, 1967, 81 Stat. 948) and sections 421, 422, and 771 of the District of Columbia Self-Government and Governmental Reorganization Act (Pub. L. 93-198, 87 Stat. 789, 818). The word “President” is substituted for “President, through the Director of the Office of Management and Budget” because sections 101 and 102(a) of Reorganization Plan No. 2 of 1970 (eff. July 1, 1970, 84 Stat. 2085) designated the Bureau of the Budget as the Office of Management and Budget and transferred all functions of the Bureau to the President.

AMENDMENTS

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

§ 1352. Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions

(a)(1) None of the funds appropriated by any Act may be expended by the recipient of a Federal contract, grant, loan, or cooperative agree-