

(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 within the agency. The President determines the amount necessary to be transferred when the transfer or assignment of the function or activity is from one executive agency to another.

(c) A balance transferred under this section is—

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

(2) merged with the amount in an account to which the balance is credited; and

(3) with the amount with which the balance is merged, accounted for as one amount.

(d) New appropriation accounts may be established to carry out subsection (c)(1) of this section.

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

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1531(a), (b).	31:581c(a)(1st sentence), (b)(1st sentence).	Sept. 12, 1950, ch. 946, §202, 64 Stat. 838.
1531(c), (d).	31:581c(a)(last sentence), (b)(last sentence).	

In subsections (a) and (b), the defined term “executive agency” in section 102 of the revised title is substituted for “department or establishment” for consistency and clarity.

In subsection (a), the words “organizational unit or agency” are substituted for “agency”, and the word “appropriation” is substituted for “said funds”, for consistency and clarity.

Subsection (d) is substituted for “which are hereby authorized to be established” because of the restatement.

PROHIBITION ON TRANSFER OF FUNDS TO OTHER DEPARTMENTS AND AGENCIES

Pub. L. 101-189, div. A, title XVI, §1604, Nov. 29, 1989, 103 Stat. 1598, provided that funds available for military functions of Department of Defense could not be made available to any other department or agency of Federal Government pursuant to a provision of law enacted after Nov. 29, 1989, unless, not less than 30 days before such funds were made available to such other department or agency, Secretary of Defense submitted to congressional defense committees a report describing effect on military preparedness of making such funds available to such department or agency, prior to repeal and restatement in section 2215 of Title 10, Armed Forces, by Pub. L. 103-160, div. A, title XI, §1106(a)(1), (b), Nov. 30, 1993, 107 Stat. 1750.

§ 1532. Withdrawal and credit

An amount available under law may be withdrawn from one appropriation account and credited to another or to a working fund only when authorized by law. Except as specifically provided by law, an amount authorized to be withdrawn and credited is available for the same purpose and subject to the same limitations pro-

vided by the law appropriating the amount. A withdrawal and credit is made by check and without a warrant.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 933.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1532	31:628-1.	Sept. 6, 1950, ch. 896, §1210(less last proviso), 64 Stat. 765.

The word “limitations” is substituted for “limitations, conditions, and restrictions” to eliminate unnecessary words.

§ 1533. Transfers of appropriations for salaries and expenses to carry out national defense responsibilities

An appropriation of an executive agency for salaries and expenses is available to carry out national defense responsibilities assigned to the agency under law. A transfer necessary to carry out this section may be made between appropriations or allocations within the executive agency. An allocation may not be made to an executive agency that can carry out with its regular personnel a defense activity assigned to it by using the authority of this section to realign its regular programs.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 933.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1533	31:697.	June 2, 1951, ch. 121, ch. XI(proviso immediately before heading “Independent Offices”), 65 Stat. 61.

The words “executive agency” are substituted for “department, agency, or corporation, in the executive branch of the Government” because of section 102 of the revised title. The words “authority of this section” are substituted for “foregoing authority” for clarity.

§ 1534. Adjustments between appropriations

(a) An appropriation available to an agency may be charged at any time during a fiscal year for the benefit of another appropriation available to the agency to pay costs—

(1) when amounts are available in both the appropriation to be charged and the appropriation to be benefited; and

(2) subject to limitations applicable to the appropriations.

(b) Amounts paid under this section are charged on a final basis during, or as of the close of, the fiscal year to the appropriation benefited. The appropriation charged under subsection (a) of this section shall be appropriately credited.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 933.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1534(a)	31:628a(1st sentence).	June 29, 1966, Pub. L. 89-473, §1, 80 Stat. 221.
1534(b)	31:628a(last sentence).	

In subsection (a), the words “Subject to limitations applicable with respect to each appropriation con-

cerned” are omitted as surplus. The words “or any bureau or office thereof” are omitted as being included in “agency”. The words “to pay costs” are substituted for “for the purpose of financing the procurement of materials and services, or financing other costs” to eliminate unnecessary words.

In subsection (b), the words “amounts paid under this section” are substituted for “such expenses so financed”, and the words “appropriations charged under subsection (a) of this section” are substituted for “financing appropriation”, for clarity.

§ 1535. Agency agreements

(a) The head of an agency or major organizational unit within an agency may place an order with a major organizational unit within the same agency or another agency for goods or services if—

(1) amounts are available;

(2) the head of the ordering agency or unit decides the order is in the best interest of the United States Government;

(3) the agency or unit to fill the order is able to provide or get by contract the ordered goods or services; and

(4) the head of the agency decides ordered goods or services cannot be provided by contract as conveniently or cheaply by a commercial enterprise.

(b) Payment shall be made promptly by check on the written request of the agency or unit filling the order. Payment may be in advance or on providing the goods or services ordered and shall be for any part of the estimated or actual cost as determined by the agency or unit filling the order. A bill submitted or a request for payment is not subject to audit or certification in advance of payment. Proper adjustment of amounts paid in advance shall be made as agreed to by the heads of the agencies or units on the basis of the actual cost of goods or services provided.

(c) A condition or limitation applicable to amounts for procurement of an agency or unit placing an order or making a contract under this section applies to the placing of the order or the making of the contract.

(d) An order placed or agreement made under this section obligates an appropriation of the ordering agency or unit. The amount obligated is deobligated to the extent that the agency or unit filling the order has not incurred obligations, before the end of the period of availability of the appropriation, in—

(1) providing goods or services; or

(2) making an authorized contract with another person to provide the requested goods or services.

(e) This section does not—

(1) authorize orders to be placed for goods or services to be provided by convict labor; or

(2) affect other laws about working funds.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 933; Pub. L. 98-216, §1(2), Feb. 14, 1984, 98 Stat. 3.)

HISTORICAL AND REVISION NOTES 1982 ACT

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1535(a)	31:686(a)(1st sentence words before 15th comma, last proviso).	Mar. 4, 1915, ch. 143, §1(3d proviso on p. 1084), 38 Stat. 1084; May 21, 1920, ch. 194, §7(a), 41 Stat. 613; June 30, 1932, ch. 314, §601, 47 Stat. 417; re-stated July 20, 1942, ch. 507, 56 Stat. 661; Aug. 23, 1958, Pub. L. 85-726, §1407, 72 Stat. 808; Aug. 6, 1981, Pub. L. 97-31, §12(11), 95 Stat. 154; Dec. 29, 1981, Pub. L. 97-136, §11, 95 Stat. 1707.
1535(b)	31:686(a)(1st sentence 1st proviso).	
1535(c)	31:686(a)(1st sentence words between 15th comma and 1st proviso, last sentence).	
1535(d)	31:686(c).	May 21, 1920, ch. 194, §7(c), 41 Stat. 613; June 30, 1932, ch. 314, §601, 47 Stat. 417; re-stated June 26, 1943, ch. 150, §1, 57 Stat. 219.
	31:686-1.	Sept. 6, 1950, ch. 896, §1210(last proviso), 64 Stat. 765.
1535(e)(1)	31:686b(a), (b).	June 30, 1932, ch. 314, §602(a), (b), (c)(related to §602), 47 Stat. 418.
1535(e)(2)	31:686b(c)(related to 31:686, 686b).	

In the section, the word “agency” is substituted for “executive department or independent establishment of the Government” for clarity. See 12 Comp. Gen. 442 (1932) and *United States v. Mitchell*, 425 F. Supp. 917 (D.D.C. 1976). The words “major organizational unit” or “unit” are substituted for “bureau or office” for consistency in the revised title. The words “to fill the order” or “filling the order” are substituted for “such requisitioned” and “as may be requisitioned” for clarity and because of the restatement. The words “goods or services” are substituted for “materials, supplies, equipment, work, or services” to eliminate unnecessary words.

In subsection (a)(4), the words “the head of the agency decides” are added, and the words “commercial enterprise” are substituted for “private agencies”, for clarity. The words “by competitive bids” are omitted as surplus because of various procurement laws.

In subsection (b), the words “The Secretary of Defense” are added for clarity because of Comptroller General decision B-20179 (Apr. 1, 1981). The words “a military department of the Department of Defense” are substituted for “the Department of the Army, Navy Department” for consistency with title 10 and to apply the source provisions to the Department of the Air Force because of sections 205(a) and 207(a) and (f) of the Act of July 26, 1947 (ch. 343, 61 Stat. 501, 502), and section 1 of the Act of August 10, 1956 (ch. 1041, 70A Stat. 488). The words “Secretary of Transportation in carrying out duties and powers related to aviation and the Coast Guard” are substituted for “Federal Aviation Agency, Coast Guard” to reflect the transfer of those functions to the Secretary of Transportation. The words “the Administrator of General Services” are added to reflect the transfer of the functions of the Bureau of Federal Supply of the Treasury Department to the Administrator by section 102(a) of the Act of June 30, 1949 (40:752(a)). The words “the Administrator of” are added before “Maritime Administration” for clarity and consistency in the revised title and with other titles of the United States Code.

In subsection (c), the words “pursuant to such order” are omitted as unnecessary.

Subsection (d) is substituted for the source provisions being restated to reflect decisions of the Comptroller General, including 31 Comp. Gen. 83 (1951), 34 Comp. Gen. 418 (1955), 39 Comp. Gen. 317 (1959), and 55 Comp. Gen. 1497 (1976).

In subsection (e), the words “any Government department or independent establishment, or any bureau or