

AMENDMENTS

1965—Pub. L. 89-106 substituted “credited with advances or reimbursements” for “reimbursed” and inserted “That such advances shall not be available for any period beyond that provided by the Act appropriating the funds: *Provided further*.”.

TRANSFER OF FUNCTIONS

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President by section 101 of 1970 Reorg. Plan No. 2. Section 102 of 1970 Reorg. Plan No. 2, redesignated Bureau of the Budget as Office of Management and Budget and offices of Director, Deputy Director, and Assistant Directors of Bureau of the Budget as Director, Deputy Director, and Assistant Directors of Office of Management and Budget, respectively. Section 103 of 1970 Reorg. Plan No. 2, transferred records, property, personnel and funds of Bureau of the Budget to Office of Management and Budget. See Part I of Reorganization Plan No. 2 of 1970, set out in the Appendix to Title 5, Government Organization and Employees.

§ 2235a. Deposit and retention of credit card refunds or rebates

On and after November 28, 2001, refunds or rebates received on an on-going basis from a credit card services provider under the Department of Agriculture’s charge card programs may be deposited to and retained without fiscal year limitation in the Department’s Working Capital Fund established under section 2235 of this title and used to fund management initiatives of general benefit to the Department of Agriculture bureaus and offices as determined by the Secretary of Agriculture or the Secretary’s designee.

(Pub. L. 107-76, title VII, §729, Nov. 28, 2001, 115 Stat. 736.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation act:

Pub. L. 106-387, §1(a) [title I, §757], Oct. 28, 2000, 114 Stat. 1549, 1549A-43.

§ 2236. Working capital fund for Agricultural Research Center; establishment

There is established a working capital fund of \$300,000, to be available without fiscal year limitation, for expenses necessary for furnishing facilities and services by the Agricultural Research Center to Government agencies. Said fund shall be reimbursed from applicable appropriations or other funds to cover the charges for such facilities and services, including handling and related charges, for equipment rentals (including depreciation, maintenance, and repairs), for supplies, equipment and materials, stores of which may be maintained at the Center, and for building construction, alterations, and repairs, and applicable appropriations or other funds may also be charged their proportionate share of the necessary general expenses of the Center not covered by the annual appropriation.

(Sept. 6, 1950, ch. 896, Ch. VI, title I, §101, 64 Stat. 658.)

CODIFICATION

Section was formerly classified to section 542-2 of Title 5 prior to the general revision and enactment of

Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

§ 2237. Use of field work funds for employment of men with equipment, etc.

Funds available for field work in the Department of Agriculture shall be available for employment by contract or otherwise of men with equipment, boats, work animals, animal-drawn, and motor-propelled vehicles.

(June 4, 1936, ch. 489, 49 Stat. 1422.)

CODIFICATION

Section was formerly classified to section 542a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

§ 2238. Use of field work funds for purchase of arms and ammunition

Funds available for field work in the Department of Agriculture may be used for the purchase of arms and ammunition whenever the individual purchase does not exceed \$50, and for individual purchases exceeding \$50, when such arms and ammunition cannot advantageously be supplied by the Secretary of the Army pursuant to section 4655 of title 10.

(June 4, 1936, ch. 489, 49 Stat. 1422.)

CODIFICATION

“Section 4655 of title 10” substituted in text for “the Act of March 3, 1879 (20 Stat. 412)” on authority of section 49(b) of act Aug. 10, 1956, ch. 1041, 70A Stat. 640, section 1 of which enacted Title 10, Armed Forces.

Section was formerly classified to section 542b of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted “Title 10, Armed Forces” which in sections 3010 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

§ 2239. Funds for printing, binding, and scientific and technical article reprint purchases

Funds available to the Department of Agriculture may be used for printing and binding, including the purchase of reprints of scientific and technical articles.

(Sept. 6, 1950, ch. 896, Ch. VI, title IV, §406, 64 Stat. 679.)

CODIFICATION

Section was formerly classified to section 542c of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

§ 2240. Reimbursement of appropriation for salaries and compensation of employees in mechanical shops

The Secretary of Agriculture may, by transfer settlements through the Government Accountability Office, reimburse any appropriation

made for the salaries and compensation of employees in the mechanical shops of the department from the appropriation made for the bureau, office, or division for which any work in said shops is performed, and such reimbursement shall be at the actual cost of labor for such work.

(May 11, 1922, ch. 185, 42 Stat. 508; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

CODIFICATION

Section was formerly classified to section 543 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

2004—Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

§ 2241. Sale or exchange of animals or animal products

The Secretary of Agriculture is authorized to sell in the open market or to exchange for other livestock such animals or animal products as cease to be needed in the work of the department, and all moneys received from the sale of such animals or animal products or as a bonus in the exchange of the same shall be deposited in the Treasury of the United States as miscellaneous receipts.

(Mar. 4, 1915, ch. 144, 38 Stat. 1114.)

CODIFICATION

Section was formerly classified to section 549 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

§ 2241a. Exchange or sale authority

(a) Definition of qualified item of personal property

In this section, the term “qualified item of personal property” means—

- (1) an animal;
- (2) an animal product;
- (3) a plant; or
- (4) a plant product.

(b) General authority

Except as provided in subsection (c), notwithstanding chapter 5 of subtitle I of title 40, the Secretary, acting through the Under Secretary for Research, Education, and Economics, in managing personal property for the purpose of carrying out the research functions of the Department, may exchange, sell, or otherwise dispose of any qualified item of personal property, including by way of public auction, and may retain and apply the sale or other proceeds, without further appropriation and without fiscal year limitation, in whole or in partial payment—

- (1) to acquire any qualified item of personal property; or
- (2) to offset costs related to the maintenance, care, or feeding of any qualified item of personal property.

(c) Exception

Subsection (b) does not apply to the free dissemination of new varieties of seeds and germ-

plasm in accordance with section 2201 of this title.

(Pub. L. 103-354, title III, §307, as added Pub. L. 110-234, title VII, §7408, May 22, 2008, 122 Stat. 1252, and Pub. L. 110-246, §4(a), title VII, §7408, June 18, 2008, 122 Stat. 1664, 2013; amended Pub. L. 113-79, title VII, §7605, Feb. 7, 2014, 128 Stat. 912.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2014—Pub. L. 113-79 made technical amendment to directory language of Pub. L. 110-246, §7408, which enacted this section.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

§ 2242. Repealed. Pub. L. 101-624, title XVI, § 1606(b)(1), (2), Nov. 28, 1990, 104 Stat. 3715

Section, acts May 23, 1908, ch. 192, 35 Stat. 264, 266; Mar. 4, 1915, ch. 144, 38 Stat. 1109, provided for sale of copies of card index of publications. See section 3125a of this title.

§ 2242a. User fees for reports, publications, and software

(a) Authority of Secretary

The Secretary of Agriculture may—

- (1) furnish, on request, copies of software programs, pamphlets, reports, or other publications, regardless of their form, including electronic publications, prepared in the Department of Agriculture in carrying out any of its missions or programs; and
- (2) charge such fees therefor as the Secretary determines are reasonable.

(b) Consistency of charges with provisions of section 9701 of title 31

The imposition of such charges shall be consistent with section 9701 of title 31.

(c) Use and disposition of moneys

All moneys received in payment for work or services performed, or for software programs, pamphlets, reports, or other publications provided, under this section—

- (1) shall be available until expended to pay directly the costs of such work, services, software programs, pamphlets, reports, or publications; and
- (2) may be credited to appropriations or funds that incur such costs.

(d) Investment

Any fees collected, late payment penalties, and interest earned shall be credited to the account referred to in this section and may be invested by the Secretary of Agriculture in insured or fully-collateralized interest-bearing accounts or, at the discretion of the Secretary of Agriculture, by the Secretary of the Treasury in United States Government debt instruments.