

substituted for “take or apply to his own use any emolument or gain for negotiating or transacting any business in the Treasury Department” to eliminate unnecessary words.

In subsection (a)(2), the words “an officer” are substituted for “every person” as being more precise. The word “violating” is substituted for “who offends against any of the prohibitions of this section” for clarity and to eliminate unnecessary words. The words “shall be deemed guilty of a high misdemeanor” are omitted because of 18:1. The word “fined” is substituted for “forfeit to the United States the penalty” for consistency and to eliminate unnecessary words. The words “and shall upon conviction be” are omitted as unnecessary.

In subsection (a)(3), the words “giving information leading to the prosecution and conviction of an individual violating this subsection” are substituted for “shall give information of any such offense, upon which a prosecution and conviction shall be had” for clarity. The words “shall receive \$1,500 of the fine when paid” are substituted for “one-half the aforesaid penalty of three thousand dollars, when recovered, shall be for the use of the person giving such information” to eliminate unnecessary words.

In subsection (b)(1), before clause (A), the words “An officer or employee of the Department (except the Secretary or Treasurer)” are substituted for “Every clerk employed in the Treasury Department” because of the restatement and for consistency with subsection (a) of the section. In clause (A), the words “in any kind of public” are omitted as unnecessary. In clause (B), the words “personally use a benefit gained” are substituted for “who takes or applies to his own use any emolument or gain” to eliminate unnecessary words. The word “conducting” is substituted for “negotiating or transacting” for consistency. The words “shall be deemed guilty of a misdemeanor” are omitted because of 18:1.

In subsection (b)(2), the words “An officer or employee violating this subsection” are added because of the restatement. The word “punished” is omitted as unnecessary.

§ 330. Practice before the Department

(a) Subject to section 500 of title 5, the Secretary of the Treasury may—

(1) regulate the practice of representatives of persons before the Department of the Treasury; and

(2) before admitting a representative to practice, require that the representative demonstrate—

- (A) good character;
- (B) good reputation;
- (C) necessary qualifications to enable the representative to provide to persons valuable service; and
- (D) competency to advise and assist persons in presenting their cases.

(b) Any enrolled agents properly licensed to practice as required under rules promulgated under subsection (a) shall be allowed to use the credentials or designation of “enrolled agent”, “EA”, or “E.A.”.

(c) After notice and opportunity for a proceeding, the Secretary may suspend or disbar from practice before the Department, or censure, a representative who—

- (1) is incompetent;
- (2) is disreputable;
- (3) violates regulations prescribed under this section; or
- (4) with intent to defraud, willfully and knowingly misleads or threatens the person

being represented or a prospective person to be represented.

The Secretary may impose a monetary penalty on any representative described in the preceding sentence. If the representative was acting on behalf of an employer or any firm or other entity in connection with the conduct giving rise to such penalty, the Secretary may impose a monetary penalty on such employer, firm, or entity if it knew, or reasonably should have known, of such conduct. Such penalty shall not exceed the gross income derived (or to be derived) from the conduct giving rise to the penalty and may be in addition to, or in lieu of, any suspension, disbarment, or censure of the representative.

(d) After notice and opportunity for a hearing to any appraiser, the Secretary may—

(1) provide that appraisals by such appraiser shall not have any probative effect in any administrative proceeding before the Department of the Treasury or the Internal Revenue Service, and

(2) bar such appraiser from presenting evidence or testimony in any such proceeding.

(e) Nothing in this section or in any other provision of law shall be construed to limit the authority of the Secretary of the Treasury to impose standards applicable to the rendering of written advice with respect to any entity, transaction plan or arrangement, or other plan or arrangement, which is of a type which the Secretary determines as having a potential for tax avoidance or evasion.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 884; Pub. L. 98-369, div. A, title I, §156(a), July 18, 1984, 98 Stat. 695; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 108-357, title VIII, §822(a)(1), (b), Oct. 22, 2004, 118 Stat. 1586, 1587; Pub. L. 109-280, title XII, §1219(d), Aug. 17, 2006, 120 Stat. 1085; Pub. L. 114-113, div. Q, title IV, §410, Dec. 18, 2015, 129 Stat. 3121.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
330(a)	31:1026(1st sentence).	July 7, 1884, ch. 334, §3(proviso and sentence immediately after proviso under heading “War Department”), 23 Stat. 258.
330(b)	31:1026(last sentence).	

In the section, the words “representatives of persons” are substituted for “agents, attorneys, or other persons representing claimants before his department” to eliminate unnecessary words.

In subsection (a), before clause (1), the words “Subject to section 500 of title 5” are added for clarity and to conform to title 5. In clause (1), the word “regulate” is substituted for “prescribe rules and regulations” to eliminate unnecessary words. The words “the practice” are substituted for “before being recognized” for consistency with other revised titles of the United States Code. In clause (2)(C), the words “possessed of the” are omitted because of the restatement.

In subsection (b), the word “proceeding” is substituted for “hearing” because of subchapter II of chapter 5 of title 5. In clause (3), the words “violates regulations prescribed under this section” are substituted for “who refuses to comply with said rules and regulations” to eliminate unnecessary words. In clause (4), the words “in any manner” are omitted as surplus. The word “deceive” is omitted as being included in the

word “mislead”. The words “by word, circular, letter, or by advertisement” are omitted as unnecessary.

AMENDMENTS

2015—Subsecs. (b) to (e). Pub. L. 114–113 added subsec. (b) and redesignated former subsecs. (b) to (d) as (c) to (e), respectively.

2006—Subsec. (c). Pub. L. 109–280 struck out “with respect to whom a penalty has been assessed under section 6701(a) of the Internal Revenue Code of 1986” after “any appraiser” in introductory provisions.

2004—Subsec. (b). Pub. L. 108–357, §822(a)(1), inserted “, or censure,” after “Department” in introductory provisions and inserted at end “The Secretary may impose a monetary penalty on any representative described in the preceding sentence. If the representative was acting on behalf of an employer or any firm or other entity in connection with the conduct giving rise to such penalty, the Secretary may impose a monetary penalty on such employer, firm, or entity if it knew, or reasonably should have known, of such conduct. Such penalty shall not exceed the gross income derived (or to be derived) from the conduct giving rise to the penalty and may be in addition to, or in lieu of, any suspension, disbarment, or censure of the representative.”

Subsec. (d). Pub. L. 108–357, §822(b), added subsec. (d).
1986—Subsec. (c). Pub. L. 99–514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

1984—Subsec. (c). Pub. L. 98–369 added subsec. (c).

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109–280 applicable to appraisals prepared with respect to returns or submissions filed after Aug. 17, 2006, see section 1219(e)(2) of Pub. L. 109–280, set out as a note under section 170 of Title 26, Internal Revenue Code.

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108–357, title VIII, §822(a)(2), Oct. 22, 2004, 118 Stat. 1587, provided that: “The amendments made by this subsection [amending this section] shall apply to actions taken after the date of the enactment of this Act [Oct. 22, 2004].”

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98–369, div. A, title I, §156(b), July 18, 1984, 98 Stat. 695, provided that: “The amendment made by subsection (a) [amending this section] shall apply to penalties assessed after the date of the enactment of this Act [July 18, 1984].”

§ 331. Reports

(a) The Secretary of the Treasury shall submit to Congress each year an annual report. The report shall include—

(1) a statement of the public receipts and public expenditures for the prior fiscal year;

(2) estimates of public receipts and public expenditures for the current and next fiscal years;

(3) plans for improving and increasing public receipts to provide Congress with information on ways to raise amounts necessary to meet public expenditures;

(4) a statement of all contracts for supplies or services made by the Secretary during the prior fiscal year;

(5) a statement of appropriations expended to pay for miscellaneous claims not otherwise provided for;

(6) a statement on all payments made from the fund under section 3126 of this title for the prior fiscal year; and

(7) estimates of amounts for payment under section 1322(b) of this title.

(b)(1) On the first day of each regular session of Congress, the Secretary shall submit to Congress a report for the prior fiscal year on—

(A) the total and individual amounts of contingent liabilities and unfunded liabilities of the United States Government;

(B) as far as practicable, trust fund liabilities, liabilities of Government corporations, indirect liabilities not included as a part of the public debt, and liabilities of insurance and annuity programs (including their actuarial status);

(C) collateral pledged and assets available (or to be realized) as security for the liabilities (separately noting Government obligations) and other assets specifically available to liquidate the liabilities of the Government; and

(D) the total amount in each category under clauses (A)–(C) of this paragraph for each agency.

(2) The report shall present the information required under paragraph (1) of this subsection in a concise way, with explanatory material (including an analysis of the significance of liabilities based on past experience and probable risk) the Secretary considers desirable.

(c) On the first day of each regular session of Congress, the Secretary shall submit to Congress a report for the prior fiscal year on the total amount of public receipts and public expenditures listing receipts, when practicable, by ports, districts, and States and the expenditures by each appropriation.

(d) The Secretary shall report to either House of Congress in person or in writing, as required, on matters referred to the Secretary by that House of Congress.

(e)(1) Not later than March 31 of 1998 and each year thereafter, the Secretary of the Treasury, in coordination with the Director of the Office of Management and Budget, shall annually prepare and submit to the President and the Congress an audited financial statement for the preceding fiscal year, covering all accounts and associated activities of the executive branch of the United States Government. The financial statement shall reflect the overall financial position, including assets and liabilities, and results of operations of the executive branch of the United States Government, and shall be prepared in accordance with the form and content requirements set forth by the Director of the Office of Management and Budget.

(2) The Comptroller General of the United States shall audit the financial statement required by this section.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 884; Pub. L. 103–356, title IV, §405(c), Oct. 13, 1994, 108 Stat. 3416.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
331(a)(1)–(5).	31:1027.	R.S. §257.
	31:1030.	Feb. 26, 1907, ch. 1635, §1(2d par. under heading “Treasury Department”), 34 Stat. 949.
331(a)(6) ..	31:757c(i)(last sentence).	Sept. 24, 1917, ch. 56, 40 Stat. 288, §22(i)(last sentence); added Apr. 11, 1943, ch. 52, §3, 57 Stat. 63; restated Apr. 3, 1945, ch. 51, §3, 59 Stat. 48.