

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).

**Statutory Notes and Related Subsidiaries**

**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 Department 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