

out as a note under section 2220 of Title 10, Armed Forces.

#### EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-65 effective Jan. 1, 1996, except as otherwise provided, see section 24 of Pub. L. 104-65, set out as an Effective Date note under section 1601 of Title 2, The Congress.

#### EFFECTIVE DATE

Pub. L. 101-121, title III, §319(d), Oct. 23, 1989, 103 Stat. 756, provided that: "Section 1352 of title 31, United States Code (as added by subsection (a)), shall take effect with respect to Federal contracts, grants, loans, cooperative agreements, loan insurance commitments, and loan guaranty commitments that are entered into or made more than 60 days after the date of the enactment of this Act [Oct. 23, 1989]."

#### FIRST REPORT ON MAY 31, 1990; CONTENT

Pub. L. 101-121, title III, §319(b), Oct. 23, 1989, 103 Stat. 756, provided that the first report submitted under former subsec. (b)(6) of this section was to be submitted on May 31, 1990, and was to contain a compilation relating to the statements received under subsec. (b) of this section during the six-month period beginning on Oct. 1, 1989.

#### NOTIFICATION OF COMPLIANCE DATE; GUIDANCE FOR AGENCY IMPLEMENTATION

Pub. L. 101-121, title III, §319(c), Oct. 23, 1989, 103 Stat. 756, required the Director of the Office of Management and Budget to notify the head of each agency that this section was to be complied with commencing 60 days after Oct. 23, 1989, and required the Director, not later than 60 days after Oct. 23, 1989, to issue the guidance required under this section.

### § 1353. Acceptance of travel and related expenses from non-Federal sources

(a) Notwithstanding any other provision of law, the Administrator of General Services, in consultation with the Director of the Office of Government Ethics, shall prescribe by regulation the conditions under which an agency in the executive branch (including an independent agency) may accept payment, or authorize an employee of such agency to accept payment on the agency's behalf, from non-Federal sources for travel, subsistence, and related expenses with respect to attendance of the employee (or the spouse of such employee) at any meeting or similar function relating to the official duties of the employee. Any cash payment so accepted shall be credited to the appropriation applicable to such expenses. In the case of a payment in kind so accepted, a pro rata reduction shall be made in any entitlement of the employee to payment from the Government for such expenses.

(b) Except as provided in this section or section 4111 or 7342 of title 5, an agency or employee may not accept payment for expenses referred to in subsection (a). An employee who accepts any payment in violation of the preceding sentence—

(1) may be required, in addition to any penalty provided by law, to repay, for deposit in the general fund of the Treasury, an amount equal to the amount of the payment so accepted; and

(2) in the case of a repayment under paragraph (1), shall not be entitled to any payment from the Government for such expenses.

(c) As used in this section—

(1) the term "executive branch" means all executive agencies (as such term is defined in section 105 of title 5); and

(2) the term "employee in the executive branch" means—

(A) an appointed officer or employee in the executive branch; and

(B) an expert or consultant in the executive branch, under section 3109 of title 5; and

(3) the term "payment" means a payment or reimbursement, in cash or in kind.

(d)(1) The head of each agency of the executive branch shall, in the manner provided in paragraph (2), submit to the Director of the Office of Government Ethics reports of payments of more than \$250 accepted under this section with respect to employees of the agency. The Director shall make such reports available for public inspection and copying.

(2) The reports required by paragraph (1) shall, with respect to each payment—

(A) specify the amount and method of payment, the name of the person making the payment, the name of the employee, the nature of the meeting or similar function, the time and place of travel, the nature of the expenses, and such other information as the Administrator of General Services may prescribe by regulation under subsection (a);

(B) be submitted not later than May 31 of each year with respect to payments in the preceding period beginning on October 1 and ending on March 31; and

(C) be submitted not later than November 30 of each year with respect to payments in the preceding period beginning on April 1 and ending on September 30.

(Added Pub. L. 101-194, title III, §302(a), Nov. 30, 1989, 103 Stat. 1745, §1352; renumbered §1353 and amended Pub. L. 101-280, §4(b)(1), (c), May 4, 1990, 104 Stat. 157, 158.)

#### Editorial Notes

##### AMENDMENTS

1990—Pub. L. 101-280, §4(b)(1), renumbered section 1352 of this title as this section.

Subsec. (a). Pub. L. 101-280, §4(c)(1), substituted "in the executive branch (including an independent agency) may accept payment, or authorize an employee of such agency to accept payment on the agency's behalf," for "or employee in the executive branch may accept payment".

Subsec. (b). Pub. L. 101-280, §4(c)(2)(A), inserted "or 7342" after "section 4111".

Subsec. (b)(2). Pub. L. 101-280, §4(c)(2)(B), substituted "(1)," for "(1)".

Subsec. (c)(1). Pub. L. 101-280, §4(c)(3), substituted "all executive agencies" for "any executive agency".

### § 1354. Limitation on use of appropriated funds for contracts with entities not meeting veterans' employment reporting requirements

(a)(1) Subject to paragraph (2), no agency may obligate or expend funds appropriated for the agency for a fiscal year to enter into a contract described in section 4212(a) of title 38 with a contractor from which a report was required under section 4212(d) of that title with respect to the preceding fiscal year if such contractor did not submit such report.

(2) Paragraph (1) shall cease to apply with respect to a contractor otherwise covered by that paragraph on the date on which the contractor submits the report required by such section 4212(d) for the fiscal year concerned.

(b) The Secretary of Labor shall make available in a database a list of the contractors that have complied with the provisions of such section 4212(d).

(Added Pub. L. 105-339, §7(b)(1), Oct. 31, 1998, 112 Stat. 3189.)

### § 1355. Prohibition on use of funds for portraits

(a) No funds appropriated or otherwise made available to the Federal Government may be used to pay for the painting of a portrait of an officer or employee of the Federal Government, including the President, the Vice President, a Member of Congress, the head of an executive agency, or the head of an office of the legislative branch.

(b) In this section—

(1) the term “executive agency” has the meaning given the term in section 133 of title 41; and

(2) the term “Member of Congress” includes a Delegate or Resident Commissioner to Congress.

(Added Pub. L. 115-158, §2(a), Mar. 27, 2018, 132 Stat. 1242.)

## CHAPTER 15—APPROPRIATION ACCOUNTING

### SUBCHAPTER I—GENERAL

- |               |   |
|---------------|---|
| Sec.<br>1501. | Documentary evidence requirement for Government obligations.            |
| 1502.         | Balances available.   |
| 1503.         | Comptroller General reports of amounts for which no accounting is made. |

### SUBCHAPTER II—APPORTIONMENT

- |       |  |
|-------|--|
| 1511. | Definition and application.  |
| 1512. | Apportionment and reserves.  |
| 1513. | Officials controlling apportionments.  |
| 1514. | Administrative division of apportionments.   |
| 1515. | Authorized apportionments necessitating deficiency or supplemental appropriations. |
| 1516. | Exemptions.  |
| 1517. | Prohibited obligations and expenditures.   |
| 1518. | Adverse personnel actions.   |
| 1519. | Criminal penalty.  |

### SUBCHAPTER III—TRANSFERS AND REIMBURSEMENTS

- |       |   |
|-------|---|
| 1531. | Transfers of functions and activities.  |
| 1532. | Withdrawal and credit.  |
| 1533. | Transfers of appropriations for salaries and expenses to carry out national defense responsibilities. |
| 1534. | Adjustments between appropriations.   |
| 1535. | Agency agreements.  |
| 1536. | Crediting payments from purchases between executive agencies.   |
| 1537. | Services between the United States Government and the District of Columbia government.                |

### SUBCHAPTER IV—CLOSING ACCOUNTS

- |       |  |
|-------|--|
| 1551. | Definitions; applicability of subchapter.                            |
| 1552. | Procedure for appropriation accounts available for definite periods. |
| 1553. | Availability of appropriation accounts to pay obligations.           |

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|---------------|--|
| Sec.<br>1554. | Audit, control, and reporting.   |
| 1555.         | Closing of appropriation accounts available for indefinite periods.                |
| 1556.         | Comptroller General: reports on appropriation accounts.                            |
| 1557.         | Authority for exemptions in appropriation laws.                                    |
| 1558.         | Availability of funds following resolution of a formal protest or other challenge. |

### Editorial Notes

#### AMENDMENTS

1996—Pub. L. 104-106, div. E, title LV, §5502(c), Feb. 10, 1996, 110 Stat. 699, substituted “of a formal protest or other challenge” for “of a protest” in item 1558.

1992—Pub. L. 102-484, div. A, title X, §1054(e)(1), Oct. 23, 1992, 106 Stat. 2503, substituted “Definitions; applicability of subchapter” for “Definitions and application” in item 1551 and “Procedure for appropriation accounts available for definite periods” for “Audit, control, and reporting” in item 1552.

1990—Pub. L. 101-510, div. A, title XIV, §1405(a)(2), Nov. 5, 1990, 104 Stat. 1679, substituted “Audit, control, and reporting” for “Procedure for appropriation accounts available for definite periods” in item 1552 and for “Review of appropriation accounts” in item 1554, “Closing of appropriation accounts available” for “Withdrawal of unobligated balances of appropriations” in item 1555, “General: reports” for “General reports” in item 1556, and “Authority for exemptions in appropriation laws” for “Authorization to exempt” in item 1557.

1989—Pub. L. 101-189, div. A, title VIII, §813(b), Nov. 29, 1989, 103 Stat. 1494, added item 1558.

### SUBCHAPTER I—GENERAL

#### § 1501. Documentary evidence requirement for Government obligations

(a) An amount shall be recorded as an obligation of the United States Government only when supported by documentary evidence of—

(1) a binding agreement between an agency and another person (including an agency) that is—

(A) in writing, in a way and form, and for a purpose authorized by law; and

(B) executed before the end of the period of availability for obligation of the appropriation or fund used for specific goods to be delivered, real property to be bought or leased, or work or service to be provided;

(2) a loan agreement showing the amount and terms of repayment;

(3) an order required by law to be placed with an agency;

(4) an order issued under a law authorizing purchases without advertising—

(A) when necessary because of a public emergency;

(B) for perishable subsistence supplies; or

(C) within specific monetary limits;

(5) a grant or subsidy payable—

(A) from appropriations made for payment of, or contributions to, amounts required to be paid in specific amounts fixed by law or under formulas prescribed by law;

(B) under an agreement authorized by law; or

(C) under plans approved consistent with and authorized by law;

(6) a liability that may result from pending litigation;