

who have been performing or shall perform the duties of their respective offices after the date of such expiration”, and “the salary, compensation, fees, or emoluments authorized or provided by law in each case for the respective incumbents of the offices” because of 25 Op. Atty. Gen. 636 (1906) and for consistency with other titles of the United States Code. The words “until a successor is appointed and qualified” are substituted for “before the appointment and qualification of their successors” and 31:1016 (last sentence) for consistency with other titles of the Code.

AMENDMENTS

2010—Pub. L. 111-203 renumbered section 312 of this title as this section.

2003—Pub. L. 108-177 renumbered section 311 of this title as this section.

2001—Pub. L. 107-56 renumbered section 310 of this title as this section.

1989—Pub. L. 101-73 renumbered section 309 of this title as this section.

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-203 effective 1 day after July 21, 2010, except as otherwise provided, see section 4 of Pub. L. 111-203, set out as an Effective Date note under section 5301 of Title 12, Banks and Banking.

SUBCHAPTER II—ADMINISTRATIVE

§ 321. General authority of the Secretary

(a) The Secretary of the Treasury shall—

(1) prepare plans for improving and managing receipts of the United States Government and managing the public debt;

(2) carry out services related to finances that the Secretary is required to perform;

(3) issue warrants for money drawn on the Treasury consistent with appropriations;

(4) mint coins, engrave and print currency and security documents, and refine and assay bullion, and may strike medals;

(5) prescribe regulations that the Secretary considers best calculated to promote the public convenience and security, and to protect the Government and individuals from fraud and loss, that apply to anyone who may—

(A) receive for the Government, Treasury notes, United States notes, or other Government securities; or

(B) be engaged or employed in preparing and issuing those notes or securities;

(6) collect receipts;

(7) with a view to prosecuting persons, take steps to discover fraud and attempted fraud involving receipts and decide on ways to prevent and detect fraud;

(8) maintain separate accounts of taxes received in each State, territory, and possession of the United States, and collection district, with each account listing—

(A) each kind of tax;

(B) the amount of each tax; and

(C) the money paid as pay and allowances to officers and employees of the Department collecting taxes in that State, territory, possession, or district; and

(9) advise the President on major domestic and international prudential policy issues in connection with all lines of insurance except health insurance.

(b) The Secretary may—

(1) prescribe regulations to carry out the duties and powers of the Secretary;

(2) delegate duties and powers of the Secretary to another officer or employee of the Department of the Treasury;

(3) transfer within the Department the records, property, officers, employees, and unexpended balances of appropriations, allocations, and amounts of the Department that the Secretary considers necessary to carry out a delegation made under clause (2) of this subsection;

(4) detail, in addition to details authorized under another law, not more than 6 officers and employees of the Department at any one time to enforce the laws related to the Department, except that of those 6 officers and employees not more than 4 officers and employees—

(A) paid from the appropriations for the collection of customs may be so detailed;

(B) paid from the appropriations for internal revenue may be so detailed; and

(C) paid from the appropriations for suppressing counterfeiting and other crimes may be so detailed;

(5) authorize, at rates and under conditions prescribed by the Secretary, the private use of telephone lines controlled by the Department when the use does not interfere with Department business;

(6) buy arms and ammunition required by officers and employees of the Department in carrying out their duties and powers; and

(7) notwithstanding any other provision of law, fulfill any requirement to issue a report on the financial condition of any fund on the books of the Treasury by including the required information in a consolidated report, except that information with respect to a specific fund shall be separately reported if the Secretary determines that the consolidation of such information would result in an unwarranted delay in the availability of such information.

(c) Duties and powers of officers and employees of the Department are vested in the Secretary except duties and powers—

(1) vested by subchapter II of chapter 5 of title 5 in administrative law judges employed by the Secretary; and

(2) of the Comptroller of the Currency.

(d)(1) The Secretary of the Treasury may accept, hold, administer, and use gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department of the Treasury. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed on order of the Secretary of the Treasury. Property accepted under this paragraph, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

(2) For purposes of the Federal income, estate, and gift taxes, property accepted under paragraph (1) shall be considered as a gift or bequest to or for the use of the United States.

(3) The Secretary of the Treasury may invest and reinvest the fund in public debt securities

with maturities suitable for the needs of the fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities. Income accruing from the securities, and from any other property accepted under paragraph (1), shall be deposited to the credit of the fund, and shall be disbursed on order of the Secretary of the Treasury for purposes as nearly as possible in accordance with the terms of the gifts or bequests.

(4) The Secretary of the Treasury shall, not less frequently than annually, make a public disclosure of the amount (and sources) of the gifts and bequests received under this subsection, and the purposes for which amounts in the separate fund established under this subsection are expended.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 880; Pub. L. 98-369, div. A, title IV, § 445, July 18, 1984, 98 Stat. 816; Pub. L. 101-73, title III, § 307(b), (d), Aug. 9, 1989, 103 Stat. 353; Pub. L. 104-66, title I, § 1132(b), Dec. 21, 1995, 109 Stat. 725; Pub. L. 111-203, title III, § 378(1), title V, § 502(b), July 21, 2010, 124 Stat. 1570, 1588.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
321(a)(1)-(3).	31:1002(less words between 1st and 2d semicolons and between 4th and 5th semicolons). (no source).	R.S. § 248(less words between 4th and 5th semicolons).
321(a)(4) .. 321(a)(5) ..	31:427.	R.S. § 251(words after "Treasury" and before "shall prescribe forms of entries").
321(a)(6) ..	31:1002(words between 1st and 2d semicolons).	
321(a)(7) ..	31:1011.	R.S. § 376; May 10, 1934, ch. 277, § 512(b), 48 Stat. 759.
321(a)(8) ..	31:1024.	R.S. §§ 239, 261; Feb. 18, 1875, ch. 80, § 1(3d complete par. on p. 317), 18 Stat. 317; Aug. 7, 1946, ch. 770, § 1(4b), 60 Stat. 970.
321(b)(1) ..	31:127. 31:317f. 31:397. 31:528(d).	Oct. 9, 1940, ch. 796, § 5, 54 Stat. 1087. Dec. 18, 1942, ch. 767, § 7, 56 Stat. 1066. July 23, 1965, Pub. L. 89-81, § 107, 79 Stat. 255. R.S. § 3646(d); July 8, 1937, ch. 444, § 9, 50 Stat. 483; restated Dec. 3, 1945, ch. 515, § 1, 59 Stat. 593.
	31:564.	Nov. 21, 1941, ch. 489, § 5, 55 Stat. 778; Dec. 22, 1974, Pub. L. 93-539, § 1(a) (related to § 4), 89 Stat. 1738.
	31:1053. 31:1262(a).	Oct. 26, 1970, Pub. L. 91-508, § 204, 84 Stat. 1120. Oct. 20, 1972, Pub. L. 92-512, § 142(a), 86 Stat. 935.
321(b)(2), (3).	31:1001(note).	Reorg. Plan No. 26 of 1950, eff. July 31, 1950, §§ 2, 4, 64 Stat. 1281.
321(b)(4) ..	31:1017.	June 12, 1917, ch. 27, § 1(4th par. under heading "Miscellaneous Objects, Treasury Department"), 40 Stat. 118; Mar. 4, 1921, ch. 161, § 1(1st par. under heading "Miscellaneous Objects, Treasury Department"), 41 Stat. 1374.
321(b)(5) ..	31:486.	Apr. 28, 1904, ch. 1762, § 1(proviso immediately before heading "Revenue-Cutter Service"), 33 Stat. 460.
321(b)(6) ..	31:1023(a).	June 1, 1955, ch. 119, § 1(a), 69 Stat. 82.
321(c)	31:1001(note).	Reorg. Plan No. 26 of 1950, eff. July 31, 1950, § 1(a), (b), 64 Stat. 1280.

In subsection (a)(1)-(3), the words between the 2d and 3d semicolons are omitted as superseded by section 3512 of the revised title.

In subsection (a)(1), the word "digest" is omitted as being included in "prepare". The word "receipts" is substituted for "revenue", and the words "managing the public debt" are substituted for "for the support of the public credit", for consistency in the revised title.

In subsection (a)(2), the words "carry out" are substituted for "generally shall perform" for consistency in the revised title and with other titles of the United States Code. The words "that the Secretary is required" are substituted for "as he shall be directed" because of the restatement.

In subsection (a)(3), the word "issue" is substituted for "shall grant" for consistency. The words "under limitations herein established or to be provided" are omitted as unnecessary. The word "consistent" is substituted for "in pursuance of", and the words "by law" are omitted, for consistency.

Subsection (a)(4) is included to reflect all the major duties of the Secretary of the Treasury. See chapter 51 of the revised title.

In subsection (a)(5), before subclause (A), the words "prescribe regulations" are substituted for "make and issue from time to time such instructions and regulations" for consistency in the revised title and to eliminate unnecessary words. The words "applicable to anyone" are substituted for "to the several collectors, receivers, depositaries, officers, and others" for clarity and to eliminate unnecessary words. In subclause (A), the words "for the Government" are inserted because section 8 of the Act of June 30, 1864 (ch. 172, 13 Stat. 221), from which section 251 of the Revised Statutes is derived, used the phrase "in behalf of the United States". In subclause (B), the words "those notes and securities" are substituted for "the same" for clarity.

In subsection (a)(6), the word "collect" is substituted for "superintend the collection" because of the source provisions restated in section 321(c) of the revised title. The word "receipts" is substituted for "revenue" for consistency in the revised title.

In subsection (a)(7), the words "Secretary of the Treasury" are substituted for "General Counsel of the Department of the Treasury, under the direction of the Secretary of the Treasury" because of the source provisions restated in subsection (c) of this section. The words "with a view to prosecuting persons" are substituted for "for the prosecution of persons charged with the commission thereof" for clarity. The words "take steps to discover fraud and attempted fraud" are substituted for "take cognizance of all frauds or attempted frauds" for clarity. The words "involving receipts" are substituted for "upon the revenue" for consistency in the revised title. The words "decide on ways to prevent and detect fraud" are substituted for "exercise a general supervision over the measures for their prevention and detection" for clarity and to eliminate unnecessary words.

In subsection (a)(8), before subclause (A), the word "maintain" is substituted for "shall be kept" for consistency. The words "all moneys" and "internal" are omitted as unnecessary because of the restatement. The words "duties or" are omitted as being included in "taxes". The word "possession" is added for consistency in the revised title and with other titles of the Code. The word "listing" is substituted for "so as to exhibit, as far as may be" for clarity and to eliminate unnecessary words. In subclause (A), the word "kind" is substituted for "species" for consistency. The words "that shall accrue" are omitted as surplus. In subclause (B), the words "each tax" are substituted for "each source of revenue" for clarity. In subclause (C), the word "pay" is substituted for "compensation" for consistency. The words "officers and employees" are substituted for "collectors and deputy collectors, inspectors, and other officers" for consistency and to eliminate unnecessary words.

Subsection (b)(1) is included as a general statement of the authority of the Secretary of the Treasury to

prescribe regulations to avoid repeating each time specific authority of the Secretary to carry out certain provisions of law.

In subsection (b)(2), the words "make such provisions" in 31:1001(note) are omitted as unnecessary. The words "or by any agency" are omitted and the words "duties and powers" are substituted for "function", for consistency in the revised title and with other titles of the Code. The words "including any function transferred to the Secretary by the provisions of this reorganization plan" are omitted as executed.

In subsection (b)(3), the word "effect" is omitted as unnecessary. The words "(available or to be made available)" are omitted as surplus. The words "delegation made under clause (2) of this subsection" are substituted for "provisions of this reorganization plan" because the only provision of Reorganization Plan No. 26 of 1950 (eff. July 31, 1950, 64 Stat. 1281) that continues to have legal effect is section 2 that is restated in clause (2).

In subsection (b)(4), before subclause (A), the word "detail" is substituted for "to use for, and in connection with" to eliminate unnecessary words. The words "in addition to details authorized under another law" are substituted for 31:1017(last sentence) to eliminate unnecessary words and because subsequent laws would also provide additional authority to detail. The words "and the several branches of the public service under its control" are omitted as being included in "Department". The words "officers and employees" are substituted for "persons" for clarity and consistency in the revised title. In subclause (B), the words "agents or from the appropriation for the foregoing purpose" are omitted as unnecessary because of the restatement.

In subsection (b)(5), the words "the proceeds thereof to be accounted for and paid into the Treasury of the United States" are omitted as unnecessary because of section 3302 of the revised title.

In subsection (b)(6), the word "buy" is substituted for "make expenditures" for consistency in the revised title and with other titles of the Code. The words "officers or employees" are substituted for "civilian employees", and the words "in carrying out their duties and powers" are substituted for "in the performance of their official duties", for consistency in the revised title and with other titles of the Code.

AMENDMENTS

2010—Subsec. (a)(9). Pub. L. 111-203, § 502(b), added par. (9).

Subsec. (c). Pub. L. 111-203, § 378(1)(A), inserted "and" at end of par. (1), substituted period for "; and" at end of par. (2), and struck out par. (3) which read as follows: "of the Director of the Office of Thrift Supervision:".

Subsec. (e). Pub. L. 111-203, § 378(1)(B), struck out subsec. (e). Text read as follows: "The Secretary of the Treasury may not merge or consolidate the Office of Thrift Supervision, or any of the functions or responsibilities of the Office or the Director of such office, with the Office of the Comptroller of the Currency or the Comptroller of the Currency."

1995—Subsec. (b)(7). Pub. L. 104-66 added par. (7).

1989—Subsec. (c)(3). Pub. L. 101-73, § 307(b), added par. (3).

Subsec. (e). Pub. L. 101-73, § 307(d), added subsec. (e). 1984—Subsec. (d). Pub. L. 98-369 added subsec. (d).

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by section 378(1) of Pub. L. 111-203 effective on the transfer date, see section 351 of Pub. L. 111-203, set out as a note under section 906 of Title 2, The Congress.

Amendment by section 502(b) of Pub. L. 111-203 effective 1 day after July 21, 2010, except as otherwise provided, see section 4 of Pub. L. 111-203, set out as an Effective Date note under section 5301 of Title 12, Banks and Banking.

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to Secretary of the Treasury, see Parts 1, 2,

and 15 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

USE OF AIRCRAFT IN EMERGENCY LAW ENFORCEMENT SUPPORT

Pub. L. 104-52, title I, § 107, Nov. 19, 1995, 109 Stat. 476, provided that: "The Secretary of the Treasury is authorized in fiscal year 1996 and hereafter, to use Treasury Department aircraft, with or without reimbursement, to assist bureaus within the Department of the Treasury or other Federal agencies, Departments or offices outside of the Department of the Treasury to provide emergency law enforcement support to protect human life, property, public health, or safety."

§ 322. Working capital fund

(a) The Department of the Treasury has a working capital fund. Amounts in the fund are available for expenses of operating and maintaining common administrative services of the Department that the Secretary of the Treasury, with the approval of the Director of the Office of Management and Budget, decides may be carried out more advantageously and more economically as central services.

(b) Amounts in the fund remain available until expended. Amounts may be appropriated to the fund.

(c) The fund consists of—

(1) amounts appropriated to the fund;

(2) to the extent transferred to the fund by the Secretary, the reasonable value of supply inventories, equipment, and other assets and inventories on order for providing services out of amounts in the fund, less related liabilities and unpaid obligations;

(3) amounts received from the sale or exchange of property; and

(4) payments received for loss or damage to property of the fund.

(d) The fund shall be reimbursed, or credited with advance payments, from amounts available to the Department or from other sources, for supplies and services at rates that will equal the expenses of operation, including accrual of annual leave and the depreciation of plant and equipment. Amounts the Secretary decides are in excess of the needs of the fund shall be deposited at the end of each fiscal year in the Treasury as miscellaneous receipts.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 881; Pub. L. 98-369, div. A, title IV, § 442, July 18, 1984, 98 Stat. 816.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
322(a)	31:1033(1st sentence less words between 1st and 3d commas, 2d sentence 1st-9th words).	Dec. 31, 1970, Pub. L. 91-614, § 401, 84 Stat. 1846.
322(b)	31:1033(1st sentence words between 1st and 3d commas, last sentence).	
322(c)	31:1033(2d sentence less 1st-9th words, 4th sentence).	
322(d)	31:1033(3d, 5th sentences).	

In subsection (a), the words "Amounts in the fund are available" are added because of the restatement.