

toms [now the United States Customs Service] in addition to the two deputy commissioners then authorized by law.

### § 2073. Transfer of personnel, etc., to Service

(a) Repealed. Sept. 3, 1954, ch. 1263, §10, 68 Stat. 1229.

(b) The records, property (including office equipment), and personnel of the Division of Customs are transferred to the United States Customs Service.

(Mar. 3, 1927, ch. 348, §3, 44 Stat. 1382; Sept. 3, 1954, ch. 1263, §10, 68 Stat. 1229.)

#### CODIFICATION

Section was formerly classified to section 281b of Title 5 prior to the general revision and enactment of Title 5 by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

Subsection (c) of section 3 of act March 3, 1927, abolished the Division of Customs and offices of directors and assistant directors of customs and Special Agency Service of the Customs.

#### AMENDMENTS

1954—Subsec. (a). Act Sept. 3, 1954, repealed subsec. (a) which related to the delegation of duty to Commissioner of Customs by Secretary of the Treasury.

#### CHANGE OF NAME

“United States Customs Service” substituted in text for “Bureau of Customs” pursuant to Treasury Department Order 165-23, Apr. 4, 1973, eff. Aug. 1, 1973, 38 F.R. 13037. See, also, section 308 of Title 31, Money and Finance.

#### TRANSFER OF FUNCTIONS

Functions of all officers of Department of the Treasury and functions of all agencies and employees of such Department transferred, with certain exceptions, to Secretary of the Treasury, with power vested in him to authorize their performance or performance of any of his functions by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1643 of this title.

### § 2074. Establishment of revolving fund

There is established a revolving fund of \$300,000 which shall be available, without fiscal year limitation exclusively for transfer to the appropriation for collecting the revenue from customs to cover obligations of the United States Customs Service arising from authorized reimbursable services, pending reimbursement from parties in interest: *Provided*, That amounts so transferred shall be returned to the revolving fund not later than six months after the close of the fiscal year in which transferred.

(June 30, 1949, ch. 286, title I, 63 Stat. 360.)

#### CODIFICATION

Section was formerly classified to section 281g of Title 5 prior to the general revision and enactment of Title 5 by Pub. L. 89-554, Sept. 6, 1966, §1, 80 Stat. 378.

#### CHANGE OF NAME

“United States Customs Service” substituted in text for “Bureau of Customs” pursuant to Treasury Department Order 165-23, Apr. 4, 1973, eff. Aug. 1, 1973, 38 F.R.

13037. See, also, section 308 of Title 31, Money and Finance.

#### TRANSFER OF FUNCTIONS

Functions of all officers of Department of the Treasury and functions of all agencies and employees of such Department transferred, with certain exceptions, to Secretary of the Treasury, with power vested in him to authorize their performance or performance of any of his functions by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees.

### § 2075. Appropriations authorization

#### (a) In general

(1) For the fiscal year beginning October 1, 1979, and each fiscal year thereafter, there are authorized to be appropriated to the Department of the Treasury for the United States Customs Service only such sums as may hereafter be authorized by law.

(2) The authorization of the appropriations for the United States Customs Service for each fiscal year after fiscal year 1987 shall specify—

(A) the amount authorized for the fiscal year for the salaries and expenses of the Service in conducting commercial operations; and

(B) the amount authorized for the fiscal year for the salaries and expenses of the Service for other than commercial operations.

#### (b) Authorization of appropriations

##### (1) For noncommercial operations

There are authorized to be appropriated for the salaries and expenses of the Customs Service that are incurred in noncommercial operations not to exceed the following:

(A) \$516,217,000 for fiscal year 1991.

(B) \$542,091,000 for fiscal year 1992.

##### (2) For commercial operations

(A) There are authorized to be appropriated for the salaries and expenses of the Customs Service that are incurred in commercial operations not less than the following:

(i) \$672,021,000 for fiscal year 1991.

(ii) \$705,793,000 for fiscal year 1992.

(B) The monies authorized to be appropriated under subparagraph (A) for any fiscal year, except for such sums as may be necessary for the salaries and expenses of the Customs Service that are incurred in connection with the processing of merchandise that is exempt from the fees imposed under section 58c(a)(9) and (10) of this title, shall be appropriated from the Customs User Fee Account.

##### (3) For air interdiction

There are authorized to be appropriated for the operation (including salaries and expenses) and maintenance of the air interdiction program of the Customs Service not to exceed the following:

(A) \$143,047,000 for fiscal year 1991.

(B) \$150,199,000 for fiscal year 1992.

#### (c) Mandatory 10-day deferment

No part of any sum that is appropriated under the authority of subsection (b) of this section may be used to implement any procedure relat-

ing to the time of collection of estimated duties that shortens the maximum 10-day deferment procedure in effect on January 1, 1981.

**(d) Overtime pay limitations; waiver**

No part of any sum that is appropriated under subsection (b) of this section for fiscal years after September 30, 1984, may be used for administrative expenses to pay any employee of the United States Customs Service overtime pay in an amount exceeding \$25,000; except that the Commissioner of Customs or his designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Service.

**(e) Pay comparability authorization**

For the fiscal year beginning October 1, 1982, and for each fiscal year thereafter, there are authorized to be appropriated to the Department of the Treasury for salaries of the United States Customs Service such additional sums as may be provided by law to reflect pay rate changes made in accordance with the Federal Pay Comparability Act of 1970.

**(f) Use of savings resulting from administrative consolidations**

If savings in salaries and expenses result from the consolidation of administrative functions within the Customs Service, the Commissioner of Customs shall apply those savings, to the extent they are not needed to meet emergency requirements of the Service, to strengthening the commercial operations of the Service by increasing the number of inspector, import specialist, patrol officer, and other line operational positions.

**(g) Allocation of resources; notice to Congressional committees**

(1) The Commissioner of Customs shall ensure that existing levels of commercial services, including inspection and control, classification, and value, shall continue to be provided by Customs personnel assigned to the headquarters office of any Customs district designated by statute before April 7, 1986. The number of such personnel assigned to any such district headquarters shall not be reduced through attrition or otherwise, and such personnel shall be afforded the opportunity to maintain their proficiency through training and workshops to the same extent provided to Customs personnel in any other district. Automation and other modernization equipment shall be made available, as needed on a timely basis, to such headquarters to the same extent as such equipment is made available to any other district headquarters.

(2) The Commissioner of Customs shall notify the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives at least 180 days prior to taking any action which would—

(A) result in any significant reduction in force of employees other than by means of attrition;

(B) result in any significant reduction in hours of operation or services rendered at any office of the United States Customs Service or any port of entry;

(C) eliminate or relocate any office of the United States Customs Service;

(D) eliminate any port of entry; or

(E) significantly reduce the number of employees assigned to any office of the United States Customs Service or any port of entry.

(3) The total number of employees of the United States Customs Service shall be equivalent to at least 17,174 full-time employees.

(Pub. L. 95-410, title III, §301, Oct. 3, 1978, 92 Stat. 905; Pub. L. 97-456, §2, Jan. 12, 1983, 96 Stat. 2503; Pub. L. 98-573, title VII, §702, Oct. 30, 1984, 98 Stat. 3043; Pub. L. 99-272, title XIII, §13022(a), Apr. 7, 1986, 100 Stat. 305; Pub. L. 99-509, title VIII, §8102, Oct. 21, 1986, 100 Stat. 1967; Pub. L. 100-203, title IX, §9503(a), (b), Dec. 22, 1987, 101 Stat. 1330-380, 1330-381; Pub. L. 100-690, title VII, §7361(a), (b), Nov. 18, 1988, 102 Stat. 4474; Pub. L. 101-207, §3(a), Dec. 7, 1989, 103 Stat. 1833; Pub. L. 101-382, title I, §102, Aug. 20, 1990, 104 Stat. 634.)

REFERENCES IN TEXT

The Federal Pay Comparability Act of 1970, referred to in subsec. (e), is Pub. L. 91-656, Jan. 8, 1971, 84 Stat. 1946, as amended, which enacted sections 5305 to 5308 and 5947 of Title 5, Government Organization and Employees, amended sections 5108, 5301, and 5942 of Title 5 and section 410 of Title 39, Postal Service, repealed section 5302 of Title 5, and enacted provisions set out as notes under sections 5303 and 5942 of Title 5, section 60a of Title 2, The Congress, and section 410 of Title 39. For complete classification of the Act to the Code see Short Title note set out under section 5301 of Title 5 and Tables.

AMENDMENTS

1990—Subsec. (b). Pub. L. 101-382, amended subsec. (b) generally, in par. (1), substituting provisions authorizing \$516,217,000 and \$542,091,000 for fiscal years 1991 and 1992, respectively, for provisions authorizing \$418,822,000 for fiscal year 1990, of which at least \$26,240,000 was to be used to hire at least 435 additional inspectors and other drug interdiction personnel, in par. (2), designating existing provisions as subpar. (A) and substituting provisions authorizing \$672,021,000 and \$705,793,000 for fiscal years 1991 and 1992, respectively, for provisions authorizing \$656,468,000 for fiscal year 1990, striking out provisions relating to Customs User Fee Account, and adding subpar. (B), and in par. (3), substituting provisions authorizing \$143,047,000 and \$150,199,000 for fiscal years 1991 and 1992, respectively, for provisions authorizing \$128,128,000 for fiscal year 1990.

1989—Subsec. (b)(1). Pub. L. 101-207, §3(a)(1), (2), substituted “1990” for “1989” and “\$418,822,000” for “\$440,504,000”.

Subsec. (b)(2). Pub. L. 101-207, §3(a)(1), (3), substituted “1990” for “1989” and “\$656,468,000” for “\$615,247,000”.

Subsec. (b)(3). Pub. L. 101-207, §3(a)(1), (4), substituted “1990” for “1989” and “\$128,128,000” for “\$142,262,000”.

Subsec. (b)(4). Pub. L. 101-207, §3(a)(5), struck out par. (4) which read as follows: “There are authorized to be appropriated to the Secretary of the Treasury for fiscal year 1989, \$1,600,000 for payment to the Customs Co-operation Council.”

1988—Subsec. (b)(1). Pub. L. 100-690, §7361(a)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “There are authorized to be appropriated for fiscal year 1988 not to exceed \$348,192,000 for the salaries and expenses of the United States Customs Service that are incurred in noncommercial operations, of which \$171,857.06 shall be available only for concluding Contract TC-82-54 that was awarded for the development and testing of an automatic license plate reader.”

Subsec. (b)(2). Pub. L. 100-690, §7361(a)(2)(A), (B), substituted authorization of appropriation of \$615,247,000 for fiscal year 1989 for authorization of appropriation of \$615,000,000 for fiscal year 1988.

Subsec. (b)(3). Pub. L. 100-690, § 7361(a)(2)(A), (C), substituted authorization of appropriation of \$142,262,000 for fiscal year 1989 for authorization of appropriation of \$118,309,000 for fiscal year 1988.

Subsec. (b)(4). Pub. L. 100-690, § 7361(a)(2)(D), added par. (4).

Subsec. (g)(3). Pub. L. 100-690, § 7361(b), added par. (3). 1987—Subsec. (b). Pub. L. 100-203, § 9503(a), amended subsec. (b) generally, revising and restating as pars. (1) to (3) provisions of former pars. (1) and (2).

Subsec. (f). Pub. L. 100-203, § 9503(b)(1), struck out heading which is now editorially supplied.

Subsec. (g). Pub. L. 100-203, § 9503(b)(2), (3), struck out heading which is now editorially supplied, designated existing provisions as par. (1), and added par. (2).

1986—Subsec. (a). Pub. L. 99-509, § 8102(1), designated existing provisions as par. (1) and added par. (2).

Subsec. (b). Pub. L. 99-570, title III, § 3141(a), Oct. 27, 1986, 100 Stat. 3207-92, which directed an amendment to subsec. (b) of this section did not become effective pursuant to Pub. L. 99-570, title III, § 3141(b), which provided that the amendment made by section 3141(a) would not be effective if H.R. 5300 was enacted with an identical amendment. H.R. 5300 was enacted as Pub. L. 99-509 with an identical amendment in section 8102(2). See below.

Pub. L. 99-509, § 8102(2), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows:

“(1) There are authorized to be appropriated to the Department of the Treasury not to exceed \$772,141,000 for the salaries and expenses of the United States Customs Service for fiscal year 1986; of which—

“(A) \$27,900,000 is for the addition of 500 inspectors, 150 import specialists, 100 customs patrol officers, and 50 special agents;

“(B) \$53,500,000 is for the operation and maintenance of the air interdiction program of the Service; and

“(C) not to exceed \$14,000,000 is for the implementation of the ‘Operation EXODUS’ program and any related program designed to enforce or monitor export controls under the Export Administration Act of 1979 [50 App. U.S.C. 2401 et seq.].

“(2) No part of any sum that is appropriated under the authority of paragraph (1) may be used to close any port of entry at which, during fiscal year 1985—

“(A) not less than 2,500 merchandise entries (including informal entries) were made; and

“(B) not less than \$1,500,000 in customs revenues were assessed.

“(3)(A) No part of any sum that is appropriated under the authority of paragraph (1) may be used for further research and development or acquisition of F-15 avionics for the P-3 aircraft and related equipment until 60 days after the Committee on Ways and Means and the Committee on Finance have received from the Secretary of the Treasury a written comparative assessment of the suitability of the P-3, E-2, or other appropriate aircraft for use by the Customs Service in its air drug interdiction program. Such assessment, which the Secretary may not submit to the Committees until the General Accounting Office study required under paragraph (7) is completed, shall include life cycle costs.

“(B) Acquisition of additional aircraft for use by the Customs Service for its air drug interdiction program after completion of the assessment required under subparagraph (A) shall be subject to competitive bidding through the use of the normal ‘request for proposal’ process.

“(4) No part of any sum that is appropriated under the authority of paragraph (1) may be used to consolidate the drawback liquidation centers within the Customs Service to less than 4 such centers. If a consolidation is undertaken, the Commissioner of Customs shall select the location of the centers after taking into account the drawback volume at, and the geographic dispersion of, the respective centers being considered for consolidation.

“(5) In addition to any sum authorized to be appropriated under paragraph (1), there are authorized to be

appropriated to the Department of the Treasury for fiscal year 1986 not to exceed \$8,000,000 from the Customs Forfeiture Fund for the making of payments under section 1613b of this title, of which not to exceed \$5,000,000 may be used for the modification of aircraft (whether or not aircraft described in subsection (a)(5) of that section) for drug interdiction.

“(6) In addition to any other amounts authorized to be appropriated for the Customs Service for fiscal years 1987 and 1988, there are authorized to be appropriated \$27,900,000 for each of such fiscal years to fund the additional personnel referred to in paragraph (1)(A).

“(7) As soon as possible after April 7, 1986, but not later than 12 months after April 7, 1986, the General Accounting Office shall complete, and submit to the Committee on Ways and Means and the Committee on Finance, a study that evaluates the air detection and interdiction capability of the Customs Service, including assets, geographic dispersal, costs of operation, procurement practices, and the services and equipment provided by other Federal agencies. Within 6 months after commencing the study, the General Accounting Office shall consult with the Committees on the progress of the study.”

Pub. L. 99-272, § 13022(a)(1), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “There are authorized to be appropriated to the Department of the Treasury not to exceed \$686,399,000 for the salaries and expenses of the United States Customs Service for fiscal year 1985; of which (A) \$28,070,000 is for the operation and maintenance of the air interdiction program of the Service, and (B) not to exceed \$15,000,000 is for the implementation of the ‘Operation EXODUS’ program and any related program designed to enforce or monitor export controls under the Export Administration Act of 1979 [50 App. U.S.C. 2401 et seq.].”

Subsecs. (f), (g). Pub. L. 99-272, § 13022(a)(2), added subsecs. (f) and (g).

1984—Subsec. (b). Pub. L. 98-573, § 702(1), amended subsec. (b) generally, which prior to amendment read as follows: “There are authorized to be appropriated to the Department of the Treasury not to exceed \$564,224,000 for the salaries and expenses of the United States Customs Service for fiscal year 1983, of which not to exceed \$31,464,000 is for salary and expenses for the enforcement of the alcohol and tobacco revenue laws.”

Subsecs. (d), (e). Pub. L. 98-573, § 702(2), (3), added subsec. (d) and redesignated former subsec. (d) as (e).

1983—Pub. L. 97-456 designated existing provisions as subsec. (a) and added subsecs. (b) to (d).

## § 2076. Advances in foreign countries

Section 3324(a) and (b) of title 31 shall not apply to payments made for the United States Customs Service in foreign countries.

(May 6, 1939, ch. 115, title I, § 1, 53 Stat. 660.)

### CODIFICATION

“Section 3324(a) and (b) of title 31” substituted in text for “Section 3648 of the Revised Statutes [31 U.S.C. 529]” on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Section was formerly classified to section 529b of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, § 1, Sept. 13, 1982, 96 Stat. 877.

Section is from Treasury Department Appropriation Act, 1940, act May 6, 1939. Similar provisions were contained in the following prior appropriation acts:

Mar. 28, 1938, ch. 55, 52 Stat. 126.

May 14, 1937, ch. 180, title I, 50 Stat. 142.

June 23, 1936, ch. 725, 49 Stat. 1832.

May 14, 1935, ch. 110, 49 Stat. 222.

### CHANGE OF NAME

“United States Customs Service” substituted in text for “Bureau of Customs” pursuant to Treasury Depart-