

and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

#### § 442. Government Publishing Office

(a) DEFINITIONS.—In this section—

(1) the terms “diversified”, “employee benefit plan”, “holdings”, “mutual fund”, and “unit investment trust” have the meanings given those terms under section 2640.102 of title 5, Code of Federal Regulations, or any successor thereto; and

(2) the term “printing-related interest” means an interest, direct or indirect, in—

(A) the publication of any newspaper or periodical;

(B) any printing, binding, engraving, or lithographing of any kind; or

(C) any contract for furnishing paper or other material connected with the public printing, binding, lithographing, or engraving.

(b) OFFENSE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Director of the Government Publishing Office, Deputy Director of the Government Publishing Office, nor<sup>1</sup> any of their assistants as determined by the Director of the Government Publishing Office shall not,<sup>1</sup> during his or her continuance in office, have any printing-related interest.

(2) EXCEPTION FOR MUTUAL FUNDS, UNIT INVESTMENT TRUSTS, EMPLOYEE BENEFIT PLANS, AND RETIREMENT PLANS.—It shall not be a violation of paragraph (1) for an individual who is described in such paragraph to have an interest in a diversified mutual fund, diversified unit investment trust, employee benefit plan, investment fund under the Thrift Savings Plan under subchapter III of chapter 84 of title 5, or pension plan established or maintained by a State government or any political subdivision of a State government for its employees that has 1 or more holdings that are printing-related interests if the fund, trust, or plan does not exhibit a practice of concentrating in printing-related interests.

(3) AUTHORITY OF SUPERVISING ETHICS OFFICE.—The supervising ethics office for the Government Publishing Office under the Ethics in Government Act of 1978 (5 U.S.C. App.) shall have the authority to issue rules and promulgate regulations governing the implementation of this subsection.

(c) PENALTY.—Whoever violates subsection (b)(1) shall be fined under this title, imprisoned for not more than 1 year, or both.

(June 25, 1948, ch. 645, 62 Stat. 704; Pub. L. 103-322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 116-78, § 1(a), Dec. 5, 2019, 133 Stat. 1175.)

#### HISTORICAL AND REVISION NOTES

Based on section 53 of title 44, U.S.C., 1940 ed., Public Printing and Documents (Jan. 12, 1895, ch. 23, § 34, 28 Stat. 605).

Words “on conviction before any court of competent jurisdiction” were omitted as unnecessary, since pun-

<sup>1</sup> So in original.

ishment cannot be imposed until there has been a conviction before a competent tribunal.

Words “in the penitentiary” were omitted as surplusage as section 4082 of this title commits all prisoners to the custody of the Attorney General. (See reviser’s note under section 1 of this title.)

The minimum punishment provision “for a term of not less than one nor” was omitted in keeping with policy of codifiers of 1909 Criminal Code.

Mandatory punishment provision was rephrased in the alternative.

The offense described in this section involves no moral turpitude, and therefore the punishment provisions were reduced from 5 years to 1 year, so that the stigma of a felony would not attach to an offender. The fine was increased from \$500 to \$1,000 as more proportionate to the 1-year term of imprisonment. (See classification of felony and misdemeanor in section 1 of this title and note thereunder.)

#### REFERENCES IN TEXT

The Ethics in Government Act of 1978, referred to in subsec. (b)(3), is Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1824. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Pub. L. 95-521 in the Appendix to Title 5, Government Organization and Employees, and Tables.

#### AMENDMENTS

2019—Pub. L. 116-78 amended section generally. Prior to amendment, text read as follows:

“Neither the Public Printer, superintendent of printing, superintendent of binding, nor any of their assistants shall, during their continuance in office, have any interest, direct or indirect, in the publication of any newspaper or periodical, or in any printing, binding, engraving, or lithographing of any kind, or in any contract for furnishing paper or other material connected with the public printing, binding, lithographing, or engraving.

“Whoever violates this section shall be fined under this title or imprisoned not more than one year, or both.”

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$1,000” in second par.

#### § 443. War contracts

Whoever willfully secretes, mutilates, obliterates, or destroys—

(a) any records of a war contractor relating to the negotiation, award, performance, payment, interim financing, cancellation or other termination, or settlement of a war contract of \$25,000 or more; or

(b) any records of a war contractor or purchaser relating to any disposition of termination inventory in which the consideration received by any war contractor or any government agency is \$5,000 or more,

before the lapse of (1) five years after such disposition of termination inventory by such war contractor or government agency, or (2) five years after the final settlement of such war contract, whichever applicable period is longer, shall be fined under this title or imprisoned not more than five years, or both.

The Administrator of General Services, by regulation, may authorize the destruction of such records upon such terms and conditions as he deems appropriate, including the requirement for the making and retaining of photographs or microphotographs, which shall have the same force and effect as the originals thereof.