

any contract, before the said bond or contract is signed by the bidder or contractor and his sureties, or knowingly, or without the exercise of due diligence, approves any bond of a bidder with insufficient sureties, or knowingly makes any false or fraudulent certificate, shall be fined under this title or imprisoned not more than one year, or both; and shall be dismissed from office and disqualified from holding the office of postmaster.

(June 25, 1948, ch. 645, 62 Stat. 785; Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 352 (Mar. 4, 1909, ch. 321, § 222, 35 Stat. 1133).

Minor verbal changes were made.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000”.

### § 1733. Mailing periodical publications without prepayment of postage

Whoever, except as permitted by law, knowingly mails any periodical publication without the prepayment of postage, or, being an officer or employee of the Postal Service, knowingly permits any periodical publication to be mailed without prepayment of postage, shall be fined under this title, or imprisoned not more than one year, or both.

(Added Pub. L. 86-682, § 7, Sept. 2, 1960, 74 Stat. 705; amended Pub. L. 91-375, § 6(j)(36)(A), Aug. 12, 1970, 84 Stat. 780; Pub. L. 103-322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

#### AMENDMENTS

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

1970—Pub. L. 91-375 substituted “Mailing periodical publications without prepayment of postage” for “Affidavits relating to second class mail” as section catchline, struck out subsec. (a) penalty provision for fine of not more than \$1,000 for each refusal to make affidavits relating to second class mail when tendering for mailing such mail without any affidavits, and reenacted subsec. (b) as the section without any subsection designation, inserting “, except as permitted by law,” and substituting “periodical publication” for “second class mail” in two places, “prepayment of postage” for “payment of postage” where first appearing, and “officer or employee of the Postal Service” for “postmaster or postal official”.

#### EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and published by it in 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.

#### EFFECTIVE DATE

Section effective Sept. 1, 1960, see section 11 of Pub. L. 86-682.

### § 1734. Editorials and other matter as “advertisements”

Whoever, being an editor or publisher, prints in a publication entered as second class mail, editorial or other reading matter for which he

has been paid or promised a valuable consideration, without plainly marking the same “advertisement” shall be fined under this title.

(Added Pub. L. 86-682, § 7, Sept. 2, 1960, 74 Stat. 706; amended Pub. L. 103-322, title XXXIII, § 330016(1)(G), Sept. 13, 1994, 108 Stat. 2147.)

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$500”.

#### EFFECTIVE DATE

Section effective Sept. 1, 1960, see section 11 of Pub. L. 86-682.

### § 1735. Sexually oriented advertisements

(a) Whoever—

(1) willfully uses the mails for the mailing, carriage in the mails, or delivery of any sexually oriented advertisement in violation of section 3010 of title 39, or willfully violates any regulations of the Board of Governors issued under such section; or

(2) sells, leases, rents, lends, exchanges, or licenses the use of, or, except for the purpose expressly authorized by section 3010 of title 39, uses a mailing list maintained by the Board of Governors under such section;

shall be fined under this title or imprisoned not more than five years, or both, for the first offense, and shall be fined under this title or imprisoned not more than ten years, or both, for any second or subsequent offense.

(b) For the purposes of this section, the term “sexually oriented advertisement” shall have the same meaning as given it in section 3010(d) of title 39.

(Added Pub. L. 91-375, § 6(j)(37)(A), Aug. 12, 1970, 84 Stat. 781; amended Pub. L. 103-322, title XXXIII, § 330016(1)(K), (L), Sept. 13, 1994, 108 Stat. 2147.)

#### AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322, in concluding provisions, substituted “fined under this title” for “fined not more than \$5,000” after “shall be” and for “fined not more than \$10,000” after “and shall be”.

#### EFFECTIVE DATE

Section effective on first day of sixth month which begins after Aug. 12, 1970, see section 15(b) of Pub. L. 91-375, set out as a note preceding section 101 of Title 39, Postal Service.

### § 1736. Restrictive use of information

(a) No information or evidence obtained by reason of compliance by a natural person with any provision of section 3010 of title 39, or regulations issued thereunder, shall, except as provided in subsection (c) of this section, be used, directly or indirectly, as evidence against that person in a criminal proceeding.

(b) The fact of the performance of any act by an individual in compliance with any provision of section 3010 of title 39, or regulations issued thereunder, shall not be deemed the admission of any fact, or otherwise be used, directly or indirectly, as evidence against that person in a criminal proceeding, except as provided in subsection (c) of this section.