

(June 25, 1948, ch. 645, 62 Stat. 792; Pub. L. 103-322, title XXXIII, § 330016(1)(G), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 196 (Mar. 4, 1909, ch. 321, § 107, 35 Stat. 1107).

The phrase “officer or employee of the United States or any agency thereof” was substituted for the phrase “inspector of steamboats” in view of 1946 Reorganization Plan No. 3, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097, abolishing inspectors and transferring their functions to the Coast Guard.

Minor changes were made in phraseology.

#### AMENDMENTS

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

### § 1913. Lobbying with appropriated moneys

No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to any such Member or official, at his request, or to Congress or such official, through the proper official channels, requests for any legislation, law, ratification, policy, or appropriations which they deem necessary for the efficient conduct of the public business, or from making any communication whose prohibition by this section might, in the opinion of the Attorney General, violate the Constitution or interfere with the conduct of foreign policy, counter-intelligence, intelligence, or national security activities. Violations of this section shall constitute violations of section 1352(a) of title 31.

(June 25, 1948, ch. 645, 62 Stat. 792; Pub. L. 103-322, title XXXIII, § 330016(1)(G), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 107-273, div. A, title II, § 205(b), Nov. 2, 2002, 116 Stat. 1778.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 201 (July 11, 1919, ch. 6, § 6, 41 Stat. 68).

Reference to “department” and “agency” was added in three instances after the words “United States” to remove doubt as to the scope of the section. (See definitions of “department” and “agency” in section 6 of this title.)

Reference to the offense as a misdemeanor was omitted as unnecessary in view of the definitive section 1 of this title.

Words “on conviction thereof” were omitted as surplusage since punishment can be imposed only after conviction.

Minor changes were made in phraseology.

#### AMENDMENTS

2002—Pub. L. 107-273 substituted “a jurisdiction, or an official of any government, to favor, adopt,” for “to

favor”, inserted “, law, ratification, policy,” after “legislation” wherever appearing, struck out “by Congress” before “, whether before or after”, inserted “, measure,” before “or resolution”, substituted “any such Member or official, at his request,” for “Members of Congress on the request of any Member”, inserted “or such official” before “, through the proper”, substituted “for any legislation” for “for legislation”, substituted “, or from making any communication whose prohibition by this section might, in the opinion of the Attorney General, violate the Constitution or interfere with the conduct of foreign policy, counter-intelligence, intelligence, or national security activities. Violations of this section shall constitute violations of section 1352(a) of title 31.” for period at end of first par., and struck out last par. which read as follows: “Whoever, being an officer or employee of the United States or of any department or agency thereof, violates or attempts to violate this section, shall be fined under this title or imprisoned not more than one year, or both; and after notice and hearing by the superior officer vested with the power of removing him, shall be removed from office or employment.”

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

### [§ 1914. Repealed. Pub. L. 87-849, § 2, Oct. 23, 1962, 76 Stat. 1126]

Section, act June 25, 1948, ch. 645, 62 Stat. 793, related to salary of Government officials and employees payable only by United States. Section was supplanted by section 209 of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective 90 days after Oct. 23, 1962, see section 4 of Pub. L. 87-849, set out as an Effective Date note under section 201 of this title.

### § 1915. Compromise of customs liabilities

Whoever, being an officer of the United States, without lawful authority compromises or abates or attempts to compromise or abate any claim of the United States arising under the customs laws for any fine, penalty or forfeiture, or in any manner relieves or attempts to relieve any person, vessel, vehicle, merchandise or baggage therefrom, shall be fined under this title or imprisoned not more than two years, or both.

(June 25, 1948, ch. 645, 62 Stat. 793; Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on section 1616 of title 19, U.S.C., 1940 ed., Customs Duties (June 17, 1930, ch. 497, title IV, § 616, 46 Stat. 757).

Designation of the offense as a felony was omitted as unnecessary in view of definitive section 1 of this title. (See reviser’s note under section 550 of this title.)

Words “and upon conviction thereof” were also omitted as unnecessary, since punishment could not be imposed until after conviction.

Changes were made in phraseology.

#### AMENDMENTS

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

### § 1916. Unauthorized employment and disposition of lapsed appropriations

Whoever—

(1) violates the provision of section 3103 of title 5 that an individual may be employed in the civil service in an Executive department

at the seat of Government only for services actually rendered in connection with and for the purposes of the appropriation from which he is paid; or

(2) violates the provision of section 5501 of title 5 that money accruing from lapsed salaries or from unused appropriations for salaries shall be covered into the Treasury of the United States;

shall be fined under this title or imprisoned not more than one year, or both.

(Added Pub. L. 89-554, §3(d), Sept. 6, 1966, 80 Stat. 608; amended Pub. L. 104-294, title VI, §601(a)(8), Oct. 11, 1996, 110 Stat. 3498; Pub. L. 107-273, div. B, title III, §3002(a)(3), Nov. 2, 2002, 116 Stat. 1805.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 47 (less so much as relates to removal). Row 2: 5 U.S.C. 50 (2d sentence, less so much as relates to removal).

The statement of the acts prohibited is supplied from section 4 of the Act of Aug. 5, 1882, ch. 389, 22 Stat. 255, as amended June 22, 1906, ch. 3514, §§6, 8, 34 Stat. 449, and Sept. 23, 1950, ch. 1010, §7, 64 Stat. 986, which is codified in sections 3103 and 5501 of title 5, United States Code.

The words "upon conviction thereof" are omitted as unnecessary because punishment can be imposed only after conviction.

AMENDMENTS

2002—Pub. L. 107-273 inserted " , or both" after "year" in concluding provisions.

1996—Pub. L. 104-294 substituted "fined under this title" for "fined not more than \$1,000" in concluding provisions.

§ 1917. Interference with civil service examinations

Whoever, being a member or employee of the United States Office of Personnel Management or an individual in the public service, willfully and corruptly—

(1) defeats, deceives, or obstructs an individual in respect of his right of examination according to the rules prescribed by the President under title 5 for the administration of the competitive service and the regulations prescribed by such Office under section 1302(a) of title 5;

(2) falsely marks, grades, estimates, or reports on the examination or proper standing of an individual examined;

(3) makes a false representation concerning the mark, grade, estimate, or report on the examination or proper standing of an individual examined, or concerning the individual examined; or

(4) furnishes to an individual any special or secret information for the purpose of improving or injuring the prospects or chances of an individual examined, or to be examined, being appointed, employed, or promoted;

shall, for each offense, be fined under this title not less than \$100 or imprisoned not less than ten days nor more than one year, or both.

(Added Pub. L. 89-554, §3(d), Sept. 6, 1966, 80 Stat. 609; amended Pub. L. 103-322, title XXXIII, §330010(2), Sept. 13, 1994, 108 Stat. 2143; Pub. L. 104-294, title VI, §601(a)(9), Oct. 11, 1996, 110 Stat. 3498.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 637. Row 2: Jan. 16, 1883, ch. 27, §5, 22 Stat. 405.

The section is rewritten to conform to the style of title 18. The words "a member or employee of the United States Civil Service Commission" are coextensive with and substituted for "Civil Service Commissioner, examiner, copyist, or messenger".

The references to actions in concert with others to violate this section are omitted in view of the crime of conspiracy contained in chapter 19 of title 18.

In paragraph (1), the words "the rules prescribed by the President under title 5 for the administration of the competitive service and the regulations prescribed by the Commission under section 1302(a) of title 5" are substituted for "any such rules or regulations" to provide the basis of reference.

The words "be deemed guilty of a misdemeanor" are omitted as unnecessary in view of the definitive section 1 of this title. (See reviser's note under 18 U.S.C. 212, 1964 ed.)

The words "and upon conviction thereof" are omitted as unnecessary because punishment can be imposed only after conviction.

The words "or both" are substituted for "or by both such fine and imprisonment".

AMENDMENTS

1996—Pub. L. 104-294 substituted "fined under this title not less than \$100" for "fined not less than \$100 nor more than \$1,000" in concluding provisions.

1994—Pub. L. 103-322 substituted "Office of Personnel Management" for "Civil Service Commission" in introductory provisions and "such Office" for "the Commission" in par. (1).

§ 1918. Disloyalty and asserting the right to strike against the Government

Whoever violates the provision of section 7311 of title 5 that an individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he—

(1) advocates the overthrow of our constitutional form of government;

(2) is a member of an organization that he knows advocates the overthrow of our constitutional form of government;

(3) participates in a strike, or asserts the right to strike, against the Government of the United States or the government of the District of Columbia; or

(4) is a member of an organization of employees of the Government of the United States or of individuals employed by the government of the District of Columbia that he knows asserts the right to strike against the Government of the United States or the government of the District of Columbia;

shall be fined under this title or imprisoned not more than one year and a day, or both.

(Added Pub. L. 89-554, §3(d), Sept. 6, 1966, 80 Stat. 609; amended Pub. L. 104-294, title VI, §601(a)(8), Oct. 11, 1996, 110 Stat. 3498.)