

The Bankhead-Jones Farm Tenant Act, referred to in text, is act July 22, 1937, ch. 517, 50 Stat. 522, as amended, which is classified generally to chapter 33 (§1000 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see section 1000 of Title 7 and Tables.

AMENDMENTS

1961—Pub. L. 87-353 struck out “the Federal Farm Mortgage Corporation Act,” after “the Emergency Farm Mortgage Act of 1933.”

Statutory Notes and Related Subsidiaries

ABOLITION OF HOME OWNERS’ LOAN CORPORATION

The Home Owners’ Loan Corporation, which was created by the Home Owners’ Loan Act of 1933, referred to in this section, was dissolved and abolished by act June 30, 1953, ch. 170, §21, 67 Stat. 126, set out in note under section 1463 of Title 12, Banks and Banking.

Executive Documents

ABOLITION OF RECONSTRUCTION FINANCE CORPORATION

The Reconstruction Finance Corporation, which was created by the Reconstruction Finance Corporation Act, referred to in this section, was abolished by section 6(a) of Reorg. Plan No. 1 of 1957, eff. June 30, 1957, 22 F.R. 4633, 71 Stat. 647, set out in the Appendix to Title 5, Government Organization and Employees.

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 Repealed.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

Section, act June 25, 1948, ch. 645, 62 Stat. 703, related to interested persons acting as Government agents. Section was supplanted by section 208 of this title.

Statutory Notes and Related Subsidiaries

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.

§ 435. Contracts in excess of specific appropriation

Whoever, being an officer or employee of the United States, knowingly contracts for the erection, repair, or furnishing of any public building, or for any public improvement, to pay a larger amount than the specific sum appropriated for such purpose, shall be fined under this title¹ or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 703; 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., §184 (Mar. 4, 1909, ch. 321, §98, 35 Stat. 1106).

Words “or employee” were inserted to remove any ambiguity as to scope of section.

The offense described in this section involves no moral turpitude, and therefore the punishment provisions were reduced from \$2,000 to \$1,000 and from 2 years to 1 year, so that the stigma of a felony would not attach to an offender. (See classification of felony and misdemeanor in section 1 of this title and note thereunder.)

Mandatory punishment provisions were rephrased in the alternative.

Changes were also made in phraseology.

¹ See 1994 Amendment note below.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-322, which directed the amendment of this section by substituting “fined under this title” for “fined not more than \$5,000”, was executed by making the substitution for “fined not more than \$1,000”, to reflect the probable intent of Congress.

§ 436. Convict labor contracts

Whoever, being an officer, employee, or agent of the United States or any department or agency thereof, contracts with any person or corporation, or permits any warden, agent, or official of any penal or correctional institution, to hire out the labor of any prisoners confined for violation of any laws of the United States, shall be fined under this title¹ or imprisoned not more than three years, or both.

(June 25, 1948, ch. 645, 62 Stat. 703; 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., §§708, 709 (Feb. 23, 1887, ch. 213, §§1, 2, 24 Stat. 411).

This section consolidates sections 708 and 709 of title 18, U.S.C., 1940 ed., as the offense and penalty provisions, respectively.

Words “department or agency thereof” were inserted to clarify scope of section. See definition of department and agency in section 6 of this title.

To retain uniformity words “shall be deemed guilty of a misdemeanor, and,” were omitted. The reference to misdemeanor is now covered by the definition in section 1 of this title.

Words “on conviction thereof” were omitted as unnecessary since punishment can follow only upon conviction.

The minimum punishment provisions “less than one year nor” and “less than \$500 nor” were deleted to conform to the policy followed by codifiers of 1909 Criminal Code. (See reviser’s note under section 203 of this title.)

Changes were also made in phraseology.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-322, which directed the amendment of this section by substituting “fined under this title” for “fined not more than \$5,000”, was executed by making the substitution for “fined not more than \$1,000”, to reflect the probable intent of Congress.

[§ 437. Repealed. Pub. L. 104-178, § 1(a), Aug. 6, 1996, 110 Stat. 1565]

Section, acts June 25, 1948, ch. 645, 62 Stat. 703; June 17, 1980, Pub. L. 96-277, §1, 94 Stat. 544; Sept. 13, 1994, Pub. L. 103-322, title XXXIII, §330016(1)(L), 108 Stat. 2147, related to Federal employees contracting or trading with Indians.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Pub. L. 104-178, §1(c), Aug. 6, 1996, 110 Stat. 1565, provided that: “The repeal made by subsection (a) [repealing this section] shall—

“(1) take effect on the date of enactment of this Act [Aug. 6, 1996]; and

“(2) apply with respect to any contract obtained, and any purchase or sale occurring, on or after the date of enactment of this Act.”

¹ See 1994 Amendment note below.

[§§ 438, 439. Repealed. Pub. L. 106-568, title VIII, § 812(c)(2), Dec. 27, 2000, 114 Stat. 2917]

Section 438, acts June 25, 1948, ch. 645, 62 Stat. 703; Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147, related to Indian contracts for services generally.

Section 439, acts June 25, 1948, ch. 645, 62 Stat. 704; Pub. L. 103-322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147, related to Indian enrollment contracts.

§ 440. Mail contracts

Whoever, being a person employed in the Postal Service, becomes interested in any contract for carrying the mail, or acts as agent, with or without compensation, for any contractor or person offering to become a contractor in any business before the Postal Service, shall be fined under this title¹ or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 704; Pub. L. 91-375, § 6(j)(3), Aug. 12, 1970, 84 Stat. 777; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 356 (Mar. 4, 1909, ch. 321, § 226, 35 Stat. 1134).

Provision for dismissal from office was omitted since this might be handled better administratively.

Changes were made in phraseology.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-322, which directed the amendment of this section by substituting “fined under this title” for “fined not more than \$10,000”, was executed by making the substitution for “fined not more than \$5,000”, to reflect the probable intent of Congress.

1970—Pub. L. 91-375 substituted “Postal Service” for “Post Office Department” before “, shall be fined”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1970 AMENDMENT

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

§ 441. Postal supply contracts

No contract for furnishing supplies to the Postal Service shall be made with any person who has entered, or proposed to enter, into any combination to prevent the making of any bid for furnishing such supplies, or to fix a price or prices therefor, or who has made any agreement, or given or performed, or promised to give or perform, any consideration whatever to induce any other person not to bid for any such contract, or to bid at a specified price or prices thereon.

Whoever violates this section shall be fined under this title¹ or imprisoned not more than one year, or both; and if the offender is a con-

tractor for furnishing such supplies his contract may be annulled.

(June 25, 1948, ch. 645, 62 Stat. 704; Pub. L. 91-375, § 6(j)(4), Aug. 12, 1970, 84 Stat. 777; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on section 808 of title 39, U.S.C., 1940 ed.. The Postal Service (Aug. 24, 1912, ch. 389, § 2, 37 Stat. 553).

Minimum punishment provisions “less than \$100 nor” and “less than three months nor” were omitted to conform to policy followed by codifiers of 1909 Criminal Code.

Changes in phraseology were also made.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-322, which directed the amendment of this section by substituting “fined under this title” for “fined not more than \$10,000”, was executed by making the substitution for “fined not more than \$5,000” in second par., to reflect the probable intent of Congress.

1970—Pub. L. 91-375 struck out “Post Office Department or the” before “Postal Service”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service 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, nor¹ any of their assistants as determined by the Director of the Government Publishing Office shall not,¹ 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 inter-

¹ See 1994 Amendment note below.

¹ See 1994 Amendment note below.

¹ So in original.