

form 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, 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.)<sup>2</sup> 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 punishment 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.)

### Editorial Notes

#### 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. Titles I, IV, and V of the Act were classified principally to the Appendix to Title 5, Government Organization and Employees, and were substantially repealed and restated in chapter 131 (§ 13101 et seq.) of Title 5 by Pub. L. 117-286, §§ 3(c), 7, Dec. 27, 2022, 136 Stat. 4266, 4361. For complete classification of this Act to the Code, see Tables. For disposition of sections of the Act into chapter 131 of Title 5, see Disposition Table preceding section 101 of Title 5.

#### 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—

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

<sup>2</sup> See References in Text note below.

(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.

The definitions of terms in section 103<sup>1</sup> of Title 41 shall apply to similar terms used in this section.

(June 25, 1948, ch. 645, 62 Stat. 704; Oct. 31, 1951, ch. 655, §20(a), 65 Stat. 717; Pub. L. 103-322, title XXXIII, §§330004(17), 330016(2)(F), Sept. 13, 1994, 108 Stat. 2142, 2148.)

HISTORICAL AND REVISION NOTES

Based on section 119, first and second paragraphs, of title 41 U.S.C., 1940 ed., Public Contracts (July 1, 1944, ch. 358, §19(a), 58 Stat. 667).

Section was rewritten with changes of phraseology to conform to the style adopted in the revision.

The definition of "records" was omitted as surplusage in order to avoid any inference that "records" as used in other sections was intended to have a different or more limited connotation than the broad and commonly understood meaning popularly assigned to the term.

The last paragraph was added to obviate any possibility of doubt as to meaning of terms defined in section 103 of Title 41, Public Contracts.

Reference to persons causing or procuring was omitted as unnecessary in view of definition of "principal" in section 2 of this title.

Editorial Notes

REFERENCES IN TEXT

Section 103 of Title 41, referred to in text, probably means section 3 of act July 1, 1944, ch. 358, 58 Stat. 650, which was classified to section 103 of former Title 41, Public Contracts, prior to repeal by Pub. L. 111-350, §7(b), Jan. 4, 2011, 124 Stat. 3855. For disposition of sections of former Title 41, see Disposition Table preceding section 101 of Title 41.

AMENDMENTS

1994—Pub. L. 103-322, in concluding provisions of first par., struck out "or (3) five years after 12 o'clock noon of December 31, 1946," after "of such war contract," and substituted "shall be fined under this title" for "shall, if a corporation, be fined not more than \$50,000, and, if a natural person, be fined not more than \$10,000".

1951—Act Oct. 31, 1951, substituted "12 o'clock noon of December 31, 1946" for "the termination of hostilities in the present war as proclaimed by the President or by

a concurrent resolution of the two Houses of Congress", and, in penultimate paragraph, substituted "Administrator of General Services" for "Director of Contract Settlement".

CHAPTER 25—COUNTERFEITING AND FORGERY

- Sec.
- 470. Counterfeit acts committed outside the United States.
- 471. Obligations or securities of United States.
- 472. Uttering counterfeit obligations or securities.
- 473. Dealing in counterfeit obligations or securities.
- 474. Plates, stones, or analog, digital, or electronic images for counterfeiting obligations or securities.
- 474A. Deterrents to counterfeiting of obligations and securities.
- 475. Imitating obligations or securities; advertisements.
- 476. Taking impressions of tools used for obligations or securities.
- 477. Possessing or selling impressions of tools used for obligations or securities.
- 478. Foreign obligations or securities.
- 479. Uttering counterfeit foreign obligations or securities.
- 480. Possessing counterfeit foreign obligations or securities.
- 481. Plates, stones, or analog, digital, or electronic images for counterfeiting foreign obligations or securities.
- 482. Foreign bank notes.
- 483. Uttering counterfeit foreign bank notes.
- 484. Connecting parts of different notes.
- 485. Coins or bars.
- 486. Uttering coins of gold, silver or other metal.
- 487. Making or possessing counterfeit dies for coins.
- 488. Making or possessing counterfeit dies for foreign coins.
- 489. Making or possessing likeness of coins.
- 490. Minor coins.
- 491. Tokens or paper used as money.
- 492. Forfeiture of counterfeit paraphernalia.
- 493. Bonds and obligations of certain lending agencies.
- 494. Contractors' bonds, bids, and public records.
- 495. Contracts, deeds, and powers of attorney.
- 496. Customs matters.
- 497. Letters patent.
- 498. Military or naval discharge certificates.
- 499. Military, naval, or official passes.
- 500. Money orders.
- 501. Postage stamps, postage meter stamps, and postal cards.
- 502. Postage and revenue stamps of foreign governments.
- 503. Postmarking stamps.
- 504. Printing and filming of United States and foreign obligations and securities.
- 505. Seals of courts; signatures of judges or court officers.
- 506. Seals of departments or agencies.
- 507. Ship's papers.
- 508. Transportation requests of Government.
- 509. Possessing and making plates or stones for Government transportation requests.
- 510. Forging endorsements on Treasury checks or bonds or securities of the United States.
- 511. Altering or removing motor vehicle identification numbers.
- [511A. Repealed.]
- 512. Forfeiture of certain motor vehicles and motor vehicle parts.
- 513. Securities of the States and private entities.
- 514. Fictitious obligations.

<sup>1</sup> See References in Text note below.