

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.

(c) Subsections (a) and (b) of this section shall not preclude the use of any such information or evidence in a prosecution or other action under any applicable provision of law with respect to the furnishing of false information.

(Added Pub. L. 91-375, §6(j)(37)(A), Aug. 12, 1970, 84 Stat. 781.)

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.

§ 1737. Manufacturer of sexually related mail matter

(a) Whoever shall print, reproduce, or manufacture any sexually related mail matter, intending or knowing that such matter will be deposited for mailing or delivery by mail in violation of section 3008 or 3010 of title 39, or in violation of any regulation of the Postal Service issued 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) As used in this section, the term “sexually related mail matter” means any matter which is within the scope of section 3008(a) or 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 substituted “fined under this title” for “fined not more than \$5,000” after “section, shall be” and for “fined not more than \$10,000” after “offense, 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.

[§ 1738. Repealed. Pub. L. 106-578, § 4, Dec. 28, 2000, 114 Stat. 3076]

Section, added Pub. L. 97-398, §4(a), Dec. 31, 1982, 96 Stat. 2011; amended Pub. L. 103-322, title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 2147, related to mailing private identification documents without a disclaimer.

EFFECTIVE DATE OF REPEAL

Repeal effective 90 days after Dec. 28, 2000, see section 5 of Pub. L. 106-578, set out as an Effective Date of 2000 Amendment note under section 1028 of this title.

CHAPTER 84—PRESIDENTIAL AND PRESIDENTIAL STAFF ASSASSINATION, KIDNAPPING, AND ASSAULT

Sec.

1751. Presidential and Presidential staff assassination, kidnapping, and assault; penalties.
1752. Restricted building or grounds.

AMENDMENTS

2006—Pub. L. 109-177, title VI, §602(b)(2), Mar. 9, 2006, 120 Stat. 252, substituted “Restricted building or grounds” for “Temporary residences and offices of the President and others” in item 1752.

1994—Pub. L. 103-322, title XXXIII, §330021(1), Sept. 13, 1994, 108 Stat. 2150, which directed the amendment of this title “by striking ‘kidnaping’ each place it appears and inserting ‘kidnapping’”, was executed by substituting “KIDNAPPING” for “KIDNAPING” in chapter heading, to reflect the probable intent of Congress.

Pub. L. 103-322, title XXXIII, §330021(1), Sept. 13, 1994, 108 Stat. 2150, substituted “kidnapping” for “kidnaping” in item 1751.

1990—Pub. L. 101-647, title XXXV, §3553, Nov. 29, 1990, 104 Stat. 4926, added item 1752.

1982—Pub. L. 97-285, §4(b), (c), Oct. 6, 1982, 96 Stat. 1220, inserted “and Presidential staff” after “Presidential” in chapter heading and in item 1751.

§ 1751. Presidential and Presidential staff assassination, kidnapping, and assault; penalties

(a) Whoever kills (1) any individual who is the President of the United States, the President-elect, the Vice President, or, if there is no Vice President, the officer next in the order of succession to the Office of the President of the United States, the Vice President-elect, or any person who is acting as President under the Constitution and laws of the United States, or (2) any person appointed under section 105(a)(2)(A) of title 3 employed in the Executive Office of the President or appointed under section 106(a)(1)(A) of title 3 employed in the Office of the Vice President, shall be punished as provided by sections 1111 and 1112 of this title.

(b) Whoever kidnaps any individual designated in subsection (a) of this section shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if death results to such individual.

(c) Whoever attempts to kill or kidnap any individual designated in subsection (a) of this section shall be punished by imprisonment for any term of years or for life.

(d) If two or more persons conspire to kill or kidnap any individual designated in subsection (a) of this section and one or more of such persons do any act to effect the object of the conspiracy, each shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if death results to such individual.

(e) Whoever assaults any person designated in subsection (a)(1) shall be fined under this title, or imprisoned not more than ten years, or both. Whoever assaults any person designated in subsection (a)(2) shall be fined under this title, or imprisoned not more than one year, or both; and if the assault involved the use of a dangerous weapon, or personal injury results, shall be fined under this title, or imprisoned not more than ten years, or both.

(f) The terms “President-elect” and “Vice-President-elect” as used in this section shall mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2.

(g) The Attorney General of the United States, in his discretion is authorized to pay an amount not to exceed \$100,000 for information and services concerning a violation of subsection (a)(1). Any officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall not be eligible for payment under this subsection.

(h) If Federal investigative or prosecutive jurisdiction is asserted for a violation of this section, such assertion shall suspend the exercise of

jurisdiction by a State or local authority, under any applicable State or local law, until Federal action is terminated.

(i) Violations of this section shall be investigated by the Federal Bureau of Investigation. Assistance may be requested from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.

(j) In a prosecution for an offense under this section the Government need not prove that the defendant knew that the victim of the offense was an official protected by this section.

(k) There is extraterritorial jurisdiction over the conduct prohibited by this section.

(Added Pub. L. 89-141, §1, Aug. 28, 1965, 79 Stat. 580; amended Pub. L. 97-285, §§3, 4(a), Oct. 6, 1982, 96 Stat. 1220; Pub. L. 103-322, title XXXII, §320101(e), title XXXIII, §§330016(1)(K), (L), 330021(1), Sept. 13, 1994, 108 Stat. 2108, 2147, 2150; Pub. L. 104-294, title VI, §604(b)(12)(D), Oct. 11, 1996, 110 Stat. 3507.)

AMENDMENTS

1996—Subsec. (e). Pub. L. 104-294, §604(b)(12)(D), repealed Pub. L. 103-322, §320101(e)(1), (2). See 1994 Amendment notes below.

1994—Pub. L. 103-322, §330021(1), substituted “kidnaping” for “kidnaping” in section catchline.

Subsec. (e). Pub. L. 103-322, §330016(1)(K), substituted “fined under this title” for “fined not more than \$5,000” after “subsection (a)(2) shall be”.

Pub. L. 103-322, §330016(1)(L), substituted “fined under this title” for “fined not more than \$10,000” after “subsection (a)(1) shall be” and after “results, shall be”.

Pub. L. 103-322, §320101(e)(3), inserted “the assault involved the use of a dangerous weapon, or” before “personal injury results”.

Pub. L. 103-322, §320101(e)(2), which provided for amendment identical to Pub. L. 103-322, §330016(1)(K), above, was repealed by Pub. L. 104-294, §604(b)(12)(D).

Pub. L. 103-322, §320101(e)(1), which provided for amendment identical to Pub. L. 103-322, §330016(1)(L), above, was repealed by Pub. L. 104-294, §604(b)(12)(D).

1982—Pub. L. 97-285, §4(a), inserted “and Presidential staff” after “Presidential” in section catchline.

Subsec. (a). Pub. L. 97-285, §3(a), inserted “(1)” after “Whoever kills” and “or (2) any person appointed under section 105(a)(2)(A) of title 3 employed in the Executive Office of the President or appointed under section 106(a)(1)(A) of title 3 employed in the Office of the Vice President,” after “laws of the United States”.

Subsec. (e). Pub. L. 97-285, §3(b), substituted “(a)(1)” for “(a)” and inserted provision that whoever assaults any person designated in subsec. (a)(2) of this section shall be fined not more than \$5,000, or imprisoned not more than one year, or both; and if personal injury results, shall be fined not more than \$10,000, or imprisoned not more than ten years, or both.

Subsec. (g). Pub. L. 97-285, §3(c), substituted “subsection (a)(1)” for “this section” after “a violation of”.

Subsecs. (j), (k). Pub. L. 97-285, §3(d), added subsecs. (j) and (k).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

§ 1752. Restricted building or grounds

(a) It shall be unlawful for any person or group of persons—

(1) willfully and knowingly to enter or remain in any posted, cordoned off, or otherwise restricted area of a building or grounds where

the President or other person protected by the Secret Service is or will be temporarily visiting;

(2) willfully and knowingly to enter or remain in any posted, cordoned off, or otherwise restricted area of a building or grounds so restricted in conjunction with an event designated as a special event of national significance;

(3) willfully, knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, to engage in disorderly or disruptive conduct in, or within such proximity to, any building or grounds described in paragraph (1) or (2) when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions;

(4) willfully and knowingly to obstruct or impede ingress or egress to or from any building, grounds, or area described in paragraph (1) or (2); or

(5) willfully and knowingly to engage in any act of physical violence against any person or property in any building, grounds, or area described in paragraph (1) or (2).

(b) Violation of this section, and attempts or conspiracies to commit such violations, shall be punishable by—

(1) a fine under this title or imprisonment for not more than 10 years, or both, if—

(A) the person, during and in relation to the offense, uses or carries a deadly or dangerous weapon or firearm; or

(B) the offense results in significant bodily injury as defined by section 2118(e)(3); and

(2) a fine under this title or imprisonment for not more than one year, or both, in any other case.

(c) Violation of this section, and attempts or conspiracies to commit such violations, shall be prosecuted by the United States attorney in the Federal district court having jurisdiction of the place where the offense occurred.

(d) None of the laws of the United States or of the several States and the District of Columbia shall be superseded by this section.

(e) As used in this section, the term “other person protected by the Secret Service” means any person whom the United States Secret Service is authorized to protect under section 3056 of this title when such person has not declined such protection.

(Added Pub. L. 91-644, title V, § 18, Jan. 2, 1971, 84 Stat. 1891; amended Pub. L. 97-308, § 1, Oct. 14, 1982, 96 Stat. 1451; Pub. L. 98-587, § 3(b), Oct. 30, 1984, 98 Stat. 3112; Pub. L. 103-322, title XXXIII, § 330016(1)(G), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 109-177, title VI, § 602(a), (b)(1), Mar. 9, 2006, 120 Stat. 252.)

AMENDMENTS

2006—Pub. L. 109-177, § 602(b)(1), substituted “Restricted building or grounds” for “Temporary residences and offices of the President and others” in section catchline.

Subsec. (a)(1). Pub. L. 109-177, § 602(a)(1)(A), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “willfully and knowingly to enter or remain in

“(i) any building or grounds designated by the Secretary of the Treasury as temporary residences of the

President or other person protected by the Secret Service or as temporary offices of the President and his staff or of any other person protected by the Secret Service, or

“(ii) any posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service is or will be temporarily visiting, in violation of the regulations governing ingress or egress thereto.”

Subsec. (a)(2). Pub. L. 109-177, § 602(a)(1)(C), added par. (2). Former par. (2) redesignated (3).

Subsec. (a)(3). Pub. L. 109-177, § 602(a)(1)(B), (D), redesignated par. (2) as (3), inserted “willfully, knowingly, and” before “with intent to impede or disrupt”, and substituted “described in paragraph (1) or (2)” for “designated in paragraph (1)”. Former par. (3) redesignated (4).

Subsec. (a)(4), (5). Pub. L. 109-177, § 602(a)(1)(B), (E), (F), redesignated pars. (3) and (4) as (4) and (5), respectively, and substituted “described in paragraph (1) or (2)” for “designated or enumerated in paragraph (1)” in each par.

Subsec. (b). Pub. L. 109-177, § 602(a)(2), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Violation of this section, and attempts or conspiracies to commit such violations, shall be punishable by a fine under this title or imprisonment not exceeding six months, or both.”

Subsecs. (d) to (f). Pub. L. 109-177, § 602(a)(3), redesignated subsecs. (e) and (f) as (d) and (e), respectively, and struck out former subsec. (d) which read as follows: “The Secretary of the Treasury is authorized—

“(1) to designate by regulations the buildings and grounds which constitute the temporary residences of the President or other person protected by the Secret Service and the temporary offices of the President and his staff or of any other person protected by the Secret Service, and

“(2) to prescribe regulations governing ingress or egress to such buildings and grounds and to posted, cordoned off, or otherwise restricted areas where the President or other person protected by the Secret Service is or will be temporarily visiting.”

1994—Subsec. (b). Pub. L. 103-322, which directed the amendment of this section by substituting “under this title” for “not more than \$500”, was executed in subsec. (b) by substituting “under this title” for “not exceeding \$500” to reflect the probable intent of Congress.

1984—Subsec. (f). Pub. L. 98-587 amended subsec. (f) generally, substituting “any person whom the United States Secret Service is authorized to protect under section 3056 of this title when such person has not declined such protection” for “any person authorized by section 3056 of this title or by Public Law 90-331, as amended, to receive the protection of the United States Secret Service when such person has not declined such protection pursuant to section 3056 of this title or pursuant to Public Law 90-331, as amended”.

1982—Pub. L. 97-308, § 1(a), substituted “Temporary residences and offices of the President and others” for “Temporary residence of the President” in section catchline.

Subsec. (a)(1)(i). Pub. L. 97-308, § 1(b), made one’s presence unlawful at designated temporary residences and temporary offices of any other person protected by the Secret Service.

Subsec. (a)(1)(ii). Pub. L. 97-308, § 1(c), inserted “or other person protected by the Secret Service” after “President”.

Subsec. (d)(1). Pub. L. 97-308, § 1(d), authorized regulations for designation of the temporary residences and the temporary offices of any other person protected by the Secret Service.

Subsec. (d)(2). Pub. L. 97-308, § 1(e), inserted “or other person protected by the Secret Service” after “President”.

Subsec. (f). Pub. L. 97-308, § 1(f), added subsec. (f).

TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, includ-

ing the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

CHAPTER 85—PRISON-MADE GOODS

| | |
|---------------|--------------------------------|
| Sec. 1761. | Transportation or importation. |
| 1762. | Marking packages. |

§ 1761. Transportation or importation

(a) Whoever knowingly transports in interstate commerce or from any foreign country into the United States any goods, wares, or merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners, except convicts or prisoners on parole, supervised release, or probation, or in any penal or reformatory institution, shall be fined under this title or imprisoned not more than two years, or both.

(b) This chapter shall not apply to agricultural commodities or parts for the repair of farm machinery, nor to commodities manufactured in a Federal, District of Columbia, or State institution for use by the Federal Government, or by the District of Columbia, or by any State or Political subdivision of a State or not-for-profit organizations.

(c) In addition to the exceptions set forth in subsection (b) of this section, this chapter shall not apply to goods, wares, or merchandise manufactured, produced, or mined by convicts or prisoners who—

(1) are participating in—one of not more than 50 non-Federal prison work pilot projects designated by the Director of the Bureau of Justice Assistance;

(2) have, in connection with such work, received wages at a rate which is not less than that paid for work of a similar nature in the locality in which the work was performed, except that such wages may be subject to deductions which shall not, in the aggregate, exceed 80 per centum of gross wages, and shall be limited as follows:

(A) taxes (Federal, State, local);

(B) reasonable charges for room and board, as determined by regulations issued by the chief State correctional officer, in the case of a State prisoner;

(C) allocations for support of family pursuant to State statute, court order, or agreement by the offender;

(D) contributions to any fund established by law to compensate the victims of crime of not more than 20 per centum but not less than 5 per centum of gross wages;

(3) have not solely by their status as offenders, been deprived of the right to participate in benefits made available by the Federal or State Government to other individuals on the basis of their employment, such as workmen's compensation. However, such convicts or prisoners shall not be qualified to receive any payments for unemployment compensation while incarcerated, notwithstanding any other provision of the law to the contrary; and

(4) have participated in such employment voluntarily and have agreed in advance to the

specific deductions made from gross wages pursuant to this section, and all other financial arrangements as a result of participation in such employment.

(d) For the purposes of this section, the term "State" means a State of the United States and any commonwealth, territory, or possession of the United States.

(June 25, 1948, ch. 645, 62 Stat. 785; Pub. L. 90-351, title I, § 819(a), formerly § 827(a), as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1215, and renumbered Pub. L. 98-473, title II, § 609B(f), Oct. 12, 1984, 98 Stat. 2093; Pub. L. 98-473, title II, §§ 223(c), 609K, Oct. 12, 1984, 98 Stat. 2028, 2102; Pub. L. 100-17, title I, § 112(b)(3), Apr. 2, 1987, 101 Stat. 149; Pub. L. 101-647, title XXIX, § 2906, Nov. 29, 1990, 104 Stat. 4914; Pub. L. 102-393, title V, § 535(a), Oct. 6, 1992, 106 Stat. 1764; Pub. L. 103-322, title XXXIII, §§ 330010(11), 330016(1)(H), Sept. 13, 1994, 108 Stat. 2144, 2147; Pub. L. 104-134, title I, § 101(b) [title I, § 136], Apr. 26, 1996, 110 Stat. 1321-77, 1321-93; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327; Pub. L. 104-294, title VI, §§ 601(a)(7), 607(h), Oct. 11, 1996, 110 Stat. 3498, 3512.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 396a, 396b (July 24, 1935, ch. 412, § 1, 49 Stat. 494; Oct. 14, 1940, ch. 872, 54 Stat. 1134; July 9, 1941, ch. 283, 55 Stat. 581).

Section consolidates sections 396a and 396b of title 18, U.S.C., 1940 ed. Each section related to the same subject matter and defined the same offense. Section 396a of title 18, U.S.C., 1940 ed., was enacted later and superseded section 396b of title 18, U.S.C., 1940 ed.

Reference to persons aiding, causing or assisting was omitted. Such persons are principals under section 2 of this title.

Reference to states, territories, specific places, etc., were omitted. This was made possible by insertion of words "interstate commerce or from any foreign country into the United States," and by definitive section 10 of this title.

Subsection (b) was rewritten to eliminate ambiguity and uncertainty by expressly making the exceptive language apply to the entire chapter and by permitting State institutions to manufacture goods for the Federal Government and the District of Columbia and vice versa. In such subsections, the words "penal and correctional" and "penal or correctional," preceding "institutions" and "institution," respectively, were omitted as surplusage.

Minor changes in phraseology were made.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-294, § 601(a)(7), substituted "fined under this title" for "fined not more than \$50,000".

Subsec. (b). Pub. L. 104-134 inserted "or not-for-profit organizations" after "of a State".

Subsec. (d). Pub. L. 104-294, § 607(h), added subsec. (d). 1994—Pub. L. 103-322, § 330016(1)(H), which directed the amendment of this section by substituting "under this title" for "not more than \$1,000", could not be executed because the phrase "not more than \$1,000" did not appear in text subsequent to amendment of subsec. (a) by Pub. L. 102-393. See 1992 Amendment note below.

Subsec. (c). Pub. L. 103-322, § 330010(11), struck out "and" at end of par. (1), substituted semicolon for period at end of par. (2)(B), and inserted "and" at end of par. (3).

1992—Subsec. (a). Pub. L. 102-393 substituted "\$50,000" for "\$1,000" and "two years" for "one year".

1990—Subsec. (c). Pub. L. 101-647, § 2906(1), (2), substituted "In addition to the exceptions set forth in sub-